

## Details of Representations Received to the Proposed Submission Local Plan (Reg19) January 2025

### Duty to Cooperate – Statement of Compliance

This document has been prepared to provide details of the representations received to the Proposed Submission Plan and the Council's response. It draws upon information contained within the submitted documents SD07b [Regulation 22 Statement of Consultation Part 2 \(November 2024\)](#) and SD16 [Regulation 20 representations \(November 2024\)](#). It is not considered that this document contains information which is substantially different to that set out within those submitted documents, but it has been prepared to assist in navigating and considering the representations received and Council Response.

For each plan policy or associated document, it sets out some key information from the regulation 22 statement regarding the number of representations received, representation numbers, an overall summary of responses made, and a list of the main issues raised by the representations. It then contains all of the representations recorded against that Plan policy or document, along with links to supporting documents. Finally, it sets out the Council's response to the representations made for that Plan policy or document, and any changes the Council now recommends are made to the Plan policy or document, alongside any other relevant information.

<b>Local Plan Reference or document</b>	Duty to Cooperate – Statement of Compliance
<b>Total Number of Representations received</b>	3
<p><b>Summary of Representations</b>  Representations refer to the Council not fulfilling its needs under the Duty to Cooperate in relation to housing across south Hampshire.</p> <p>There is reference to the Housing Topic Paper and appendices which deal with requests under the Duty from Havant and Portsmouth Councils for Winchester to assist in meeting their housing needs. There is reference to the Local Plan has not been prepared on the basis of testing to meet any unmet housing needs. The IIA 2022 and 2024 did not undertake any testing of reasonable alternatives in excess of 15,620 homes.</p> <p>Comments also refer to the Council not actively or constructively engaging in exploring the options for linking the proposal for a new community at Popham Airfield for 3,000 homes to a new settlement around Micheldever Station given the obvious benefits to the Basingstoke proposal if it had access to the wider infrastructure provision inherent in a larger-scale new community, including a dedicated route to improved services at the railway station.</p> <p>National Highways requests a Statement of Common Ground is prepared to cover matters in relation to proposed development and the strategic road network in particular the M3 and A34.</p>	
<p><b>Representation Numbers</b> (Statutory consultees in bold and named)</p> <p>ANON-AQTS-3299-G/19/Duty to Cooperate - Statement of Compliance</p> <p>ANON-AQTS-32TE-Q/6/Duty to Cooperate - Statement of Compliance</p> <p><b>BHLF-AQTS-32QF-N - National Highways/6/Duty to Cooperate - Statement of Compliance</b></p>	
<p><b>Main issues raised in representations received in regulation 19 consultation</b></p> <ul style="list-style-type: none"> <li>• Whether the Duty to Cooperate has been met.</li> </ul>	

## Representations

<b>Policy/Evidence base document</b>	Duty to Cooperate - Statement of Compliance
<b>Name of respondent (or client)</b>	Gleeson Land
<b>Personal reference number</b>	ANON-AQTS-3299-G
<b>Full reference number</b>	ANON-AQTS-3299-G/19/Duty to Cooperate - Statement of Compliance
<b>Legally compliant?</b>	
<b>Sound?</b>	
<b>Complies with duty to co-operate?</b>	
<b>Policy/Document comment</b>	<p>We do not consider that Winchester has fulfilled its legal duty to engage constructively, actively and on an ongoing basis to maximise the effectiveness of its local plan with the PfSH, Portsmouth or Havant councils. The unmet housing needs of the PfSH may have fluctuated over the years, but they have consistently been at or above 10,750 dwellings. We are mindful of the NPPF paragraph 35 and that the purpose of the duty to cooperate is to ensure that issues are dealt with and not deferred. Winchester (and the PfSH in their own workings) have self-evidently deferred the issue of how much unmet housing need can be accommodated in Winchester.</p> <p>Setting aside that the quantity of unmet housing need from PfSH is clearly established, both Portsmouth and Havant LPAs have specifically asked Winchester to meet its unmet housing needs. The formal response of Winchester to the requests to meet unmet housing needs from Portsmouth and Havant are found at Appendix 1 and 2 of the Housing Topic Paper. In both cases the Council states that it is unable to say how much unmet need it can take until work on the Reg 19 plan is complete and, in any event, the PfSH agreed Spatial Position Statement to meet housing shortfall in the South Hampshire area is the best approach in supporting any unmet housing need arising. This is clearly problematic.</p> <p>Firstly, Winchester’s response cannot be deemed constructive. The Housing Topic Paper states at paragraph 4.40 that Portsmouth and Havant’s unmet needs are not confirmed until they have been “independently examined to show that all options to meet needs have been rigorously assessed”. This is a plain failure to adhere to NPPF paragraph 11a) and b). Local plans with unmet housing needs have to conclude on a strategy to meet these needs on submission for examination. Winchester, by refusing to engage in meeting unmet housing needs until Portsmouth/Havant’s capacity is in turn reviewed through a plan is illogical, and a clear breach of national policy. The SoCG with Havant Council indicates “that there has been no engagement between the Regulation 18 and Regulation 19 stages from Winchester City Council in order to address the matters raised in earlier representations or the letter of 5th March 2024.”</p> <p>Secondly, the Winchester Local Plan has not been prepared having tested if it can accommodate the unmet housing needs of PfSH, Portsmouth or Havant. It has not even tested how much of those unmet needs in</p>

	<p>excess of its own housing needs it can accommodate in a sustainable manner. The IIA 2022 and 29024 did not undertake any testing of reasonable alternatives in excess of 15,620 homes. The Council has been unwilling to compromise on its spatial strategy to undertake this testing and has only incidentally met some unmet housing needs later in the local plan production process as additional capacity from a predetermined spatial strategy has come to light and a 'buffer' to accommodate an increased standard method figure is no longer needed.</p> <p>It is clear from the above the Council has failed to fulfil the duty-to-cooperate by constructively working with PfSH, Portsmouth and Havant to test its ability to meet unmet housing needs.</p>
<p><b>What modification(s) are necessary to make the policy legally compliant or sound?</b></p>	
<p><b>What is your suggested wording or text for the policy?</b></p>	
<p><b>Do you agree with how the policy will be monitored?</b></p>	
<p><b>If no, please explain</b></p>	
<p><b>Do you want to participate in hearing sessions for this policy?</b></p>	
<p><b>Have you submitted supporting information?</b>  <i>All relevant information related to the specific policy or allocation has already been included in the representation. However, the links provided may contain additional details, such as images, tables, or tracked changes, if applicable.</i></p>	<p>No</p>

<b>Policy/Evidence base document</b>	Duty to Cooperate - Statement of Compliance
<b>Name of respondent (or client)</b>	O'Flynn Group
<b>Personal reference number</b>	ANON-AQTS-32TE-Q
<b>Full reference number</b>	ANON-AQTS-32TE-Q/6/Duty to Cooperate - Statement of Compliance
<b>Legally compliant?</b>	
<b>Sound?</b>	
<b>Complies with duty to co-operate?</b>	
<b>Policy/Document comment</b>	<p>5.1 O'Flynn Group considers that the Council has failed the legal duty to cooperate and has not complied with the NPPF policy requirements at para 35 (c) in that the Local Plan is not “based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred.”</p> <p>5.2 The duty to cooperate places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan and marine plan preparation in the context of strategic cross boundary matters.</p> <p>5.3 It does not appear that the engagement of the Council with the PfSH more broadly, or individual LPAs, especially Portsmouth and Havant, has been constructive.</p> <p>5.4 The unmet housing needs position in PfSH will always change but this is the same in any housing market area with unmet housing needs across the country. There will never be complete alignment of local plans all adopted in a similar timeframe with clear, examined, conclusions on development capacity. To not plan for it in full now is a failure of a constructive duty-to cooperate process. The ‘snapshot’ of housing need versus housing supply in the PfSH area over the past eight years, despite the time period changing, has consistently shown unmet needs at or above 10,750 dwellings. The NPPF para 35 establishes that the purpose of the duty to cooperate is to ensure that issues are dealt with and not deferred, and yet the Council’s mode of operation has plainly been to do the latter.</p> <p>5.5 Whilst the quantum of unmet housing need is not the sole responsibility of Winchester, both Portsmouth and Havant LPAs have specifically asked the Council to meet its unmet housing needs. The Council’s formal responses to the requests to meet unmet housing needs from Portsmouth and Havant are found at Appendix 1 and 2 of the Housing Topic Paper. In both cases the Council states that it is unable to say how much unmet need it can take until work on the Local Plan is complete and, in any event, the PfSH agreed Spatial Position Statement to meet housing shortfall in the South Hampshire area is the best approach to support any unmet housing need.</p> <p>5.6 Firstly, there is an illogical circular argument in the Council’s approach to considering unmet housing needs. If it is not the job of the Local Plan to try and assess how much of the unmet need it can accommodate, when should it be done? If a neighbouring LPA asks for help in meeting unmet housing need, a constructive approach would be for the Council to explore its ability to do so. Instead, the Council is</p>

	<p>seemingly unwilling to accept their unmet needs until the Portsmouth and Havant plans have been examined. It is self-evident their plans need to have a strategy in place for unmet housing needs on submission for examination as per NPPF paragraphs 11 a) and b). Failing to do so is not constructive.</p> <p>5.7 Secondly, the Local Plan has not been prepared on the basis of testing to meet any unmet housing needs. Neither the IIA (2022) nor the IIA (July 2024) undertook any testing of reasonable alternatives to ascertain how much of the PfSH unmet housing need the District could accommodate. The Council has been unwilling to compromise on its spatial strategy to undertake this testing and has only incidentally met some unmet housing needs later in the local plan production process as additional capacity from a predetermined spatial strategy has come to light and a ‘buffer’ to accommodate an increased standard method figure is no longer needed.</p> <p>5.8 Further, looking north to Basingstoke, the Council has failed to actively or constructively engage in exploring the options for linking the proposal for a new community at Popham Airfield for 3,000 homes to a new settlement around Micheldever Station given the obvious benefits to the Basingstoke proposal if it had access to the wider infrastructure provision inherent in a larger-scale new community, including a dedicated route to improved services at the railway station. This would have the benefit of tackling the challenge of housing need in Winchester, Basingstoke and the PfSH area in a sustainable way. The Council did not take the opportunity to properly revisit its previous strategic choices when Basingstoke Council proposed that allocation.</p>
<p><b>What modification(s) are necessary to make the policy legally compliant or sound?</b></p>	
<p><b>What is your suggested wording or text for the policy?</b></p>	
<p><b>Do you agree with how the policy will be monitored?</b></p>	
<p><b>If no, please explain</b></p>	
<p><b>Do you want to participate in hearing sessions for this policy?</b></p>	
<p><b>Have you submitted supporting information?</b>  <i>All relevant information related to the specific policy or allocation has already been included in the representation.</i></p>	<p>Yes  <a href="#">Letter (commenting on Policies, Duty to Co-operate &amp; Evidence Base)</a></p>

*However, the links provided may contain additional details, such as images, tables, or tracked changes, if applicable.*

<b>Policy/Evidence base document</b>	Duty to Cooperate - Statement of Compliance
<b>Name of respondent (or client)</b>	Patrick Blake
<b>Personal reference number</b>	BHLF-AQTS-32QF-N
<b>Full reference number</b>	BHLF-AQTS-32QF-N - National Highways/6/Duty to Cooperate - Statement of Compliance
<b>Legally compliant?</b>	
<b>Sound?</b>	
<b>Complies with duty to co-operate?</b>	
<b>Policy/Document comment</b>	<p>Thank you for inviting National Highways to comment on the Local Plan 2040 Pre-Submission Draft (Regulation 19).</p> <p>National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN. In relation to Winchester district, the SRN comprises the M3, M27, A34 and A303.</p> <p>Overall, in accordance with national policy, we look to your Local Plan to promote strategies, policies and land allocations that will support alternatives to the car and the operation of a safe and reliable transport network. We welcome the Council's vision to provide sustainable development with a focus on reducing carbon emissions whilst promoting active travel and public transport use to limit car journeys and congestion locally, and on the wider network.</p> <p>We would be concerned if any material increase in traffic were to occur on the SRN or at its junctions because of planned growth within the district, without careful consideration of mitigation measures. It is important that the Local Plan provides the planning policy framework to ensure development cannot progress without the appropriate infrastructure being in place. When considering proposals for growth, any impacts on the SRN will need to be identified and mitigated as far as reasonably possible. We will support a local authority proposal that considers sustainable measures, which manage down demand and reduce the need to travel. Infrastructure improvements on the SRN should only be considered as a last resort. Proposed new growth will need to be considered in the context of the cumulative impact from already proposed development on the SRN.</p> <p>National Highways have reviewed the modelling work undertaken regarding the Strategic Transport Assessment (STA). To date, there is outstanding traffic modelling work being undertaken in regard to the Bushfield site allocation through the current live planning application. It is recommended that a Statement of Common Ground (SoCG) should be agreed between National Highways and Winchester City Council to</p>



	<p>determine the outcomes of any outstanding work necessary to assess the impact on the SRN. Any modelling of the M3 in Winchester district should account for all committed development on the network, particularly the M3 J9 improvement scheme which will create free-flowing slip roads between the M3 and A34.</p> <p>Our responses to Local Plan consultations are guided by relevant policy and guidance including the DfT Circular 01/2022 and National Planning Policy Framework (December 2023) (NPPF).</p> <p>Statement of Common Ground</p> <p>We are still liaising with Winchester City Council and will review the supporting transport evidence from the Bushfield modelling. It will be essential for National Highways and Winchester City Council to agree a statement of common ground following our review of the modelling, setting out any potential concerns and agreed next steps in advance of an Examination in Public. We look forward to continuing our constructive engagement with Winchester City Council, including the preparation of a Statement of Common Ground between both parties prior to the submission of the Plan.</p>
<p><b>What modification(s) are necessary to make the policy legally compliant or sound?</b></p>	
<p><b>What is your suggested wording or text for the policy?</b></p>	
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<p><b>Have you submitted supporting information?</b>  <i>All relevant information related to the specific policy or allocation has already been included in the representation. However, the links provided may contain additional details, such as images, tables, or tracked changes, if applicable</i></p>	<p>No</p>

**WCC Response:**

Comments noted. Statements of Common Ground have been signed and agreed (October 2024) with both Portsmouth and Havant Councils to set out an agreed position in terms of housing.

WCC has confirmed that the unmet need allowance of about 1,900 dwellings set within the Proposed Submission Local Plan (Regulation 19) can contribute to meeting the needs of Portsmouth City Council and Havant Borough Council. It has been agreed that an apportionment of the current unmet need allowance in the Proposed-Submission Winchester Local Plan to Portsmouth and Havant as follows:

- To Portsmouth City Council: 30% apportionment of the unmet need housing allowance in the Winchester District Local Plan.
- To Havant Borough Council: 70% apportionment of the unmet need housing allowance in the Winchester District Local Plan.

There is also an agreed and signed Statement of Common Ground (October 2024) with National Highways in relation to the Strategic Transport Assessment and the proposed allocation at Bushfield Camp (Policy W5) and the need for ongoing liaison with Hampshire County Council.

**WCC Recommended Changes arising from the representations:**

No changes recommended.