

Examination of the Winchester District Local Plan 2020-2040 (Taylor Wimpey UK Limited and Vistry Group: ANON-AQTS- 3BX4-T - Nexus Planning)

Matter 1 Procedural/legal requirements

Issue – Whether all Statutory and Regulatory requirements have been met?

Duty to cooperate

- 1. Is there clear evidence that the Council has engaged constructively, actively, and on an ongoing basis with neighbouring authorities and prescribed bodies in accordance with section 33A of the 2004 Act, in respect of strategic matters with cross-boundary impacts considered through the preparation of the Plan?*

The Duty to Cooperate Statement (SD06) identifies at paragraphs 3.1 and 3.2 the authorities/bodies that are subject to S.33A obligations. Paragraph 3.2 notes that the LPA considers only those authorities that share a boundary with Winchester to have direct 'cross-boundary' implications for plan-making. It is not clear what is meant by this statement in the context of S.33A duties, but the strategic matters referred to at Section 5, including most significantly housing delivery, are clearly relevant to all the Partnership for South Hampshire (PfSH) authorities given the functional relationship between them.

The review of the emerging Local Plan commenced in 2018 and was subject to three consultation stages under Regulation 18: the 'Launch Consultation' (September 2018), 'Issues and Priorities' (SIP) (February 2021), and 'Your Place, Your Plan' (Draft Local Plan) in November 2022. The Regulation 19 Pre-Submission consultation closed in October 2024. A six-year preparation period preceded submission of the Plan under Regulation 22, during which time the spatial development strategy has not changed markedly either in its spatial formulation, or the purpose that its individual components serve.

The spatial strategy continues the broad distribution that informed the adopted Local Plan, with development to address the Winchester LHN figure apportioned between Winchester Town, the South Hampshire Urban Area (SHUA), and the rural area (MTRA).

The prospect of significant unmet housing needs arising from within the PfSH area has been a constant factor that has existed during this period of policy formulation. Representations submitted to the R.18 consultation in December 2022 on behalf of Taylor Wimpey and Vistry advocated a clear strategy for anticipating such unmet needs, recommending that the spatial strategy be adapted to apportion committed growth in the southern parts of the district to address the strategic matter of unmet housing needs arising from the PfSH area, which would be subject to duties arising under S.33A. The suggested strategy was ignored at the time and the LPA also chose not to heed the suggestion when the December 2023 PfSH Spatial Position Statement (PSH01) was published recommending that land would need to be identified to provide for the 9,500 dwellings shortfall that the document quantified.

Consultation on the spatial strategy of the Local Plan specified four options to accommodate up to 2,700 dwellings above commitments within the adopted plan. In February 2021 the SIP document offered four options to accommodate the additional houses, building on the existing spatial strategy (set out at S.4 of the Development Strategy and Site Selection Paper: July 2024) (DSSS). This was carried forward into the R.18 Draft Local Plan in November 2022 (SP2), and into the R.19 Pre-Submission Local Plan in October 2024. The SP2 distribution developed as indicated in the table below:

Table 1.

Policy SP2 – Spatial Strategy	Regulation 18 – Draft Local Plan November 2022 – SP2	Regulation 19 – Pre-Submission Local Plan October 2024 – SP2
Winchester Town	5,670 dwellings	5,640 dwellings
South Hampshire Urban Areas	5,700 dwellings	5,650 dwellings
Market Towns and Rural Areas	4,250 dwellings	3,850 dwellings
Total:	15,620 dwellings	15,140 dwellings

As the table indicates there was only a very minor change in the quantum and distribution of development. In essence there was no material change in the SP2 spatial strategy in the two-year period between the proximate R.18 and R.19 consultations, and no significant difference compared to the strategy of the adopted Local Plan (dating from 2013).

Regarding the obligation described in Question 1, the Duty to Cooperate (DtC) Statement of Compliance (SD06) provides a summary schedule of the meetings with DtC partners. The table below outlines the timeframe and frequency and whether matters relating to housing provision were engaged with:

Table 2.

LPA	Engagement Period	Meetings	Housing Provision Raised	Statement of Common Ground
Basingstoke & Deane	10/2020 – 12/2023	7 no.	No	28/08/2024
East Hampshire	10/2023 – 01/2024	3 no.	No	27/08/2024
Eastleigh	10/2023 – 12/2023	2 no.	No	02/09/2024
Fareham	11/2023 – 01/2024	2 no.	No	NA
Havant	12/2020 – 11/2023	3 no.	Yes – Formal request	10/2024*
Portsmouth	09/2023 – 12/2023	2 no.	Yes – Formal request	10/2024
South Downs National Park	05/2020 – 11/2023	3 no.	No	21/08/2024
Test Valley	12/2020 – 11/2023	2 no.	No	30/08/2024

*Not signed

The table indicates that Winchester engaged with eight DtC LPA partners, only four of whom were consulted with before the R.18 Draft Local Plan consultation commenced and therefore could conceivably have had any impact on development of the spatial strategy via strategic matters, including housing delivery. Through the DtC process only Havant and Portsmouth have formally requested assistance in meeting unmet housing needs; engagement with

Portsmouth commenced after all R.18 consultation stages had concluded and therefore these discussions do not appear to have influenced decisions relating to the spatial strategy.

The DSSS notes at paragraph 4.4 that the November 2022 R.18 consultation received several representations advocating an increase in housing numbers to accommodate unmet needs arising from the PfSH area (Nexus made submissions to this effect). The document notes that consideration was given to this option, but it was rejected on the basis that the approach set out in the PfSH Position Statement (PSH01) is the best approach to addressing unmet housing need (presumably across the PfSH area, not just Portsmouth). The 'buffer' of 1,450 dwellings to address unmet needs/other contingencies included in the Draft Local Plan was then increased by 450 dwellings to include 1,900 dwellings above the LHN generated figure for Winchester, nominally to respond to S.33A obligations. It is notable that the 2040 Plan was still at R.18 stage when the Position Statement was published advocating a two-stage approach to addressing unmet needs. The short-term approach of exceeding local LHN in five LPA areas, including Winchester, and the stage-two 'longer-term' opportunity involving 'Broad Areas of Search' for growth to accommodate around 9,700 dwellings. The 'solutions' (which do not address the level of shortfall that will be manifest) are not mandated by the document (which has no force) and therefore do not prescribe a response. It is unclear why Winchester did not adjust the draft plan to address the scale of need that PSH01 identified at the time. The 2040 Plan was at a stage in preparation that could readily have responded to the 'evidence'. The LPA chose not to.

The DSSS alludes to the strategy set out in PSH01 and asserts that unmet needs will be addressed through a future review of the Local Plan, this being the solution proffered by PfSH. Para 4.9 admits that the spatial strategy has not changed (between R.18 and R.19 stages) and is informed by 'opportunities presented in each site and settlement', the meaning of which is somewhat opaque.

To determine how effectively (constructively and actively) the S.33A duty has been addressed it is useful to refer to the PSH01 document to discover the extent to which there has been any meaningful effort via this plan-making process to address unmet needs arising from the PfSH area. Nexus made detailed submissions to the R.18 Draft Local Plan consultation advocating a change to the spatial strategy to address unmet needs, which was ignored. The submission was updated at R.19 stage to again highlight the scale of the problem, to no avail. The contention offered by the LPA now is that the PSH01 statement offers a way forward on this matter.

Table 1 within PSH01 (preceding paragraph 6.28) identifies a shortfall across the PfSH area of 11,771 dwellings over a thirteen-year period to 2036. The first obvious point is that this is less than a minimum period for a Local Plan. The figure is therefore a significant under-estimate and cannot be relied upon. Moreover, this is based on now outdated LHN figures for the constituent authorities following revisions to the NPPF/SM.

The table below updates Table 1 and applies the new LHN targets to each LPA area, adjusting on the same basis where the PfSH boundary does not correspond with LPA boundaries. The shortfall increases dramatically, and while it is reasonable to assume that plan-making processes within all the LPA areas will likely lead to supply figures being adjusted, it is irrefutable that the shortfall across the tightly constrained authorities falling wholly within the PfSH area will increase significantly. The shortfall admitted to within PSH01 profoundly under-estimates the scale of the problem that will fall to be addressed when plan-making is coordinated across the area:

Table 3.

Local Authority	Dec 23 LHN	Plan period housing need (13 years)	Identified Supply	Supply Shortfall, surplus	Dec 24 LHN	Plan period housing need (13 years)	Adjusted Shortfall
East Hants (part 20%)	113	1,469	1,275	194	228	2,964	1,689
Eastleigh	667	8,671	6,160	2,511	922	11,986	5,826
Fareham	541	7,033	9,356	900	800	10,400	1,044

Gosport	353	4,589	2,518	2,071	442	5,746	3,228
Havant	516	6,708	4,105	2,603	892	11,596	7,491
New Forest	1,056	13,278	8,076	5,652	1,501	19,513	11,437
Portsmouth	899	11,687	11,304	383	1,021	13,273	1,969
Southampton	1,475	19,175	15,951	3,224	1,214	15,782	169
Test Valley (part 35%)	182	2,366	2,366	743	327	4,251	1,885
Winchester (35%)	235	3,055	3,055	0	405	5,265	2,210
Total	6,037	78,481	64,909	-13,572	7,752	100,776	-35,867

Noteworthy also is the paucity of the solution that the document offers: It asserts that much progress has been made with Local Plans since the Spatial Position Statement was published in 2016. However, of the ten LPAs within the PfSH area only three have up to date Local Plans in place, and the New Forest plan will cross the five-year threshold since adoption in July 2025. Except for Fareham and Winchester all the PfSH authorities are now preparing new Local Plans to accord with the December 2024 NPPF. Winchester is the only authority seeking to advance a plan under the transitional provisions and is therefore the only one that is not planning to meet new LHN obligations.

The solution that PSH01 offers, relied upon by Winchester to address unmet housing needs that are a strategic matter to be addressed by the DtC, is articulated at paragraphs 6.33-6.34 and 6.40-6.41 of PSH01. To summarise, 'Stage One' acknowledges that half of the authorities within the PfSH area will be unable to meet their housing needs in full but contends that the other half 'should be able to meet and potentially exceed NPPF 2023' LHN for their local plan areas. This is no longer a relevant consideration; compounded by the fact that the LHN figures within these authority areas have risen on average by 67% compared to the out-of-date 2023 SM derived figures.

'Stage Two' of the process involves, in the 'longer-term' the identification of new strategic development opportunities within broad areas of search that have capacity to accommodate around 9,700 dwellings. Broad principles are set out in the statement that will be examined through future local plan processes. SPS8 identifies seven locations to be examined through the Local Plan process (3 no. in Havant, 2 no. in Test Valley, 1 no. in Eastleigh, 1 no. in Winchester).

The critical point to make is that the nominal capacity falls woefully short of the scale of need that is likely to arise, and the urgency of the challenge cannot be ignored. Winchester is noteworthy in that it is advancing its Local Plan out of step with all other PfSH authorities and is relying upon an evidence base that is out of date and will be ineffective in the face of the challenges it faces.

There is an absence of clear evidence that the Council has engaged constructively, actively, and on an ongoing basis with neighbouring authorities and prescribed bodies in accordance with section 33A of the 2004 Act.

Sustainability Appraisal

- The SA tested five spatial strategy options: a development strategy based on the adopted Local Plan, focusing development on Winchester and the larger more sustainable settlements; a strategy based on a new strategic allocation/new settlement; a strategy based on dispersing development around the District largely in proportion to the size of existing settlements; and, a variation of option 1, known as option 1A, which provides for a higher total number of dwellings. It takes account of existing commitments, windfall allowance and has the effect of reducing development in the South Hampshire Urban Area and increasing it in Winchester and the Market Towns and Rural Areas. Given national policy that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas should an option with a higher growth target have been considered?***

Vistry and Taylor Wimpey submitted comprehensive representations to the Regulation 19 Pre-Submission consultation in October 2024 and to the R.18 Draft Local Plan consultation in December 2022, each setting out clear arguments why a higher housing/growth target for the district should have been included within the Local Plan. This approach was also advocated within the earlier Regulation 18 consultation responses, submitted in April 2021.

The R.18 submissions made the case for a housing requirement for the district of 20,230 dwellings (1,011 dwellings pa) over the proposed 20-year plan period, a figure remarkably like that which is generated by application of the new standard methodology. The recommended changes were not incorporated by the Council into the Regulation 19 version of the plan and the response paper forming part of the evidence base does not explain in any detail why the arguments were rejected, citing only the Housing Topic Paper as the basis on which the housing figure is justified. Circumstances have not changed materially over this period; the Council has simply ignored the case presented.

All the options considered by the Integrated Impact Assessment (IIA) merely consider a different distribution of the number of dwellings that are proposed by this Local Plan that are additional to existing commitments – namely a different configuration of between 2,676 (Option 1A) and 2,692 (Options 1,2,3,4) dwellings. The IIA does not embrace a scenario that includes a robust allowance to cater for unmet needs arising from the PfSH area.

Strategic Policy H1 makes provision for 15,115 dwellings over the twenty-year plan period (756 dwellings pa) based on a standard methodology derived figure of 13,565 dwellings (678 dwellings pa), an unmet needs allowance of 1,900 dwellings, and a reduction of 350 dwellings to account for supply within the district to be met within the South Downs National Park (SDNP) area. This should be a minimum figure.

The figure allocated as the Winchester district contribution to unmet housing needs that will arise within the Partnership for South Hampshire (PfSH) sub-region, which includes the southern portions of Winchester district is an unduly modest uplift to the baseline LHN figure. It will manifestly not address the scale of unmet needs that will arise within the PfSH area and is insufficient to address the duty to cooperate. Increased housing provision within Winchester will be required to address the level of unmet need that will arise.

PSH01 includes a figure of unmet need over the period 2023-36 arising within the PfSH area of 11,771 dwellings, which while substantial is a significant under-estimate of the scale of unmet need that will be manifest. Given that all the other PfSH authorities are producing Local Plans based on the new standard methodology (SM) the conclusions of PSH01 are now largely out of date. The likely scale of unmet need will be closer to the summary table provided at paragraph 9.23 of the R.19 representations submitted on behalf of Vistry and Taylor Wimpey, which reported a shortfall exceeding 20,000 dwellings among the four authorities who confirmed the existence of unmet needs based on the 2023 SM, a figure that is likely to have increased by more than 10,000 dwellings for just these four areas.

The 1,900-dwelling contingency/DtC uplift that is applied to the 2023 LHN figure to inform the H1 Policy of the 2040 Local Plan is significantly short of the figure that will be required in due course if effective strategic planning for housing provision is to be achieved within Winchester and across the South Hampshire sub-region.

The IIA should have tested higher growth scenarios to anticipate this DtC obligation and to address the deeper structural problems that exist within the housing market across Winchester district that have been articulated in successive sets of submissions made on behalf of Vistry and Taylor Wimpey during the formulation of this Local Plan.

5. *How has the SA informed the development of the Plan, including housing delivery and any mitigation measures? How has it informed the selection of strategic options, the development of policies and the selection of sites, all of which aim to identify sustainable development outcomes for the District?*

The IIA appears to have performed only a partial role in determining the approach taken by the Local Plan. Reference to the Contents of the IIA indicate that the scale of growth was not a matter objectively considered by the process. The methodology notes that only ‘reasonable options’ need to be considered (paragraph 2.21). The ensuing paragraphs (2.21-2.23) infer but do not explain why the approach taken by the Council was ‘reasonable’. The alternatives considered are discussed within Chapter 2, which provides an outline of the spatial options considered but does not include any examination of alternative scales of growth. The five options are rehearsed without providing any rationale

for why higher levels of growth to address the structural failings of policy making in successive Local Plans did not form part of the process.

Moreover, it is not clear from the documentation how the options chosen accord with tackling the stated '*biggest challenge*' faced by the Local Plan – that being, Climate Change (Foreword). The IIA assesses the likely sustainability effects of the five options for growth (Table 4.2 p.110), which are evaluated against the 14 objectives within the IIA. Objectives 1 and 3 – Climate Change Mitigation and Climate Change Adaptation achieve the highest scores against the options that concentrate growth at Winchester/and or within large scale strategic allocations. Furthermore, if performance across all 14 objectives is quantified (applying a consistent numerical scoring system to the methodology in place of the series of +/- and ?) the spatial option of concentrating growth at Winchester performs best.

Reference to the evaluation section acknowledges that '*the most significant source of carbon emissions and air pollution in the district is from transport*' (para.4.29). In this context the assessment notes at paragraphs 4.30-4.31 that Winchester performs most favourably of all the options considered against these metrics. However, despite these positive spatial strategy attributes, and noting that the spatial option of concentrating most development at Winchester would: '*strengthen the role of Winchester Town as the main service provider in the plan area (and) provide increased opportunities for residents to work locally or commute by train or bus*' (para. 4.42) the assessment concludes that focussing growth where there is the greatest potential to reduce reliance on the private car could have adverse impacts by creating undue pressure on services, resulting in an uncertain effect.

The assessment outcomes do not reflect the evidence and imply a likelihood of bias against a Winchester focus that is not objectively founded on the evidence.