

Winchester District Local Plan 2020-2040 – Regulation 19 Consultation.

Representation on behalf of Badger Farm Parish Council.

The Parish Council consider the Plan **unsound** for the reasons set out below.

The allocation of Bushfield Camp is a carry-forward of Policy WT3 of the Winchester District Local Plan Part 1: Joint Core Strategy which was adopted in 2013.

National Planning Policy, as set out within the December 2023 National Planning Policy Framework (NPPF), requires that local planning authorities should “take into account changing circumstances affecting the area, or any relevant changes in national policy” (para 33) when reviewing local plan policies. This includes the requirement to consider any relevant legislative changes.

The existing (but out-of-date) policy WT3 recognised the likely impact of development of the site on the character and setting of the nearby South Downs National Park and required that this be mitigated by means of “exemplary design and configuration so as to have an acceptable impact on the setting of Winchester, the South Downs National Park and the wider area, retain key views, and take into account its unique gateway location and the various designations that affect the site and its surroundings”.

Sub-paragraph (x) of Policy W5, to a limited extent, seeks to replicate the requirements of the previous policy. The requirement for “exemplary design and configuration so as to have an acceptable impact...” has been reduced to merely “have particular regard to the relationship with...”, weakening rather than strengthening the requirement to avoid or mitigate adverse impacts on the National Park.

In their response to Regulation 18 consultation representations on this point, including that submitted by the South Downs National Park Authority, the Council states, “It is important that the Local Plan is read as a whole and in this respect” and refers to proposed policy NE8.

Policy NE8 – South Downs National Park

In seeking to limit the scope of policy NE8 to “development in close proximity” to the South Downs National Park, it is not in accordance with the NPPF, which requires that development within the “setting” of National Parks “should be sensitively located to avoid or minimise adverse impacts”. While on first reading seemingly minor, the limiting of the consideration of potential adverse impacts to development that is in close proximity risks significant harm to the protected landscape of the National Park as this takes no account of the scale or potential intrusiveness of any proposed development.

Furthermore, while Policy NE8 makes reference to amendments to the National Parks and Access to the Countryside Act 1949 by the Environment Act 1995, it does not reference the significant change to Part 2, Section 11A introduced by the Levelling Up and Regeneration Act 2023.

Part 12, Section 245 of the Levelling Up and Regeneration Act 2023 amended the National Parks and Access to the Countryside Act 1949 to strengthen the duty of relevant authorities towards National Parks, the amended text stating:

"In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England, a relevant authority ... must seek to further the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park." (Part 2, Section 11A, National Parks and Access to the Countryside Act 1949)

While the change in the policy from the Regulation 18 draft, which sought to restrict the application of the policy to "development adjoining", to the current "in close proximity" is welcomed, Badger Farm Parish Council considers the current proposed policy **unsound** as currently drafted due to its divergence from National Planning Policy and its failure to reflect legislative change since the publication of the Regulation 18 draft plan.

The Parish Council consider that the policy can be made sound by altering the proposed text from "Development in close proximity the South Downs National Park ..." to read "Development within the setting of the South Downs National Park ...".

Policy W5 – Bushfield Camp (Adverse impact on Character and Setting of the South Downs National Park)

Bushfield Camp is not a 'brownfield site' as incorrectly described within some supporting documentation and, it is understood, by the 2013 Local Plan Inspector in his report. It is welcomed that this is acknowledged by the Council in their Regulation 18 consultation response to Cllr Laming which states *"The policy and supporting text has not stated that it is brownfield land"*.

It is also noted that, as contended by the site promoter (Lichfields on behalf of the Church Commissioners for England and others), the Council acknowledged that *"development of the scale at Bushfield Camp cannot be fully screened and may be visible in key views"*.

St. Catherine's Hill, situated to the West of the site and from which any development of Bushfield Camp will feature prominently, is a Scheduled Monument (St Catherine's Hill hillfort, List Entry 1016489), Site of Special Scientific Interest, and a prominent feature within the South Downs National Park. St Catherine's Hill is Open Access Land under the Countryside and Rights of Way Act 2000 and therefore any adverse impact on views from the St Catherine's Hill will impact on the public's enjoyment of the National Park.

The NPPF states *"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks ... which have the highest status of protection in relation to these issues"* and that *"development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas"* (para 182).

Additionally, the Council is required to “further the purposes” of the South Downs National Park, specifically in “*conserving and enhancing the natural beauty, wildlife and cultural heritage*” (Part 2, Section 5(1), National Parks and Access to the Countryside Act 1949).

In carrying forward the allocation of Bushfield Camp from the 2013 Local Plan the Council has failed to have appropriate regard of the changes to National Planning Policy as set out within the National Planning Policy. The 2012 National Planning Policy Framework, with which the 2013 Local Plan was required to be in conformity, while requiring that, “*Great weight should be given to conserving landscape and scenic beauty in National Parks*” (NPPF 2012, para 115), did not stipulate the requirement that development within their setting should avoid or minimise adverse impacts on the National Park.

Furthermore, at the time of the examination and adoption of the 2013 Local Plan, and at the drafting and Regulation 18 consultation on the current plan, the Council’s statutory requirement was to “have regard to” rather than the now “further” the purposes of the National Park.

Badger Farm Parish Council consider Policy W5 to be **unsound** as the proposed policy is contrary to National Planning Policy as set out within paragraph 182 of the National Planning Policy Framework 2023. Furthermore, that the Council in seeking to allocate the site for development is acting contrary, and therefore unlawfully, to the requirement of the National Parks and Access to the Countryside Act 1949 that it further the purposes of the National Park by conserving and enhancing its natural beauty.

The Council does not consider that Policy W5 can be made sound, and therefore that only by the deletion of the proposed policy can the proposed plan be made sound.