

**Local Plan Part 2 – Recommended Response to Further Representations**

<b>Representation</b>	<b>Summary of Issues Raised</b>	<b>Recommended Response</b>
<p>John Hayter</p>	<p>LPP2 para 1.7 refers to the development requirements set by LPP1 and states that LPP2 does not seek to review or update these. LPP2 is fundamentally dependent on the 12,500 housing requirement in LPP1 DS1 to 2031.</p> <p>However, there is up to 5,900 shortfall in the housing requirement. The housing, retail &amp; employment evidence base dates from 2010-2012 when market conditions were different, whereas the September 2015 SHLAA (para 3.51) notes "indications are that the Winchester District housing market is relatively strong".</p> <p>The housing requirement also includes needs &amp; supply for South Downs National Park which is not part of this plan.</p> <p>The Net Housing supply tables are only updated to 1.4.2013 despite CAB2721-LP at 1.5 claiming they have been updated "as at 31 March 2015".</p> <p>LPP1 Inspector's Report para 149 refers to a commitment to review the plan around 2020/2021. But LPP2 fails to consider the changes in the economy and does not meet the requirements at para 182 NPPF</p>	<p>The LPP2 is required to be in compliance with both the National Planning Policy Framework and the Local Plan Part 1 – Joint Core Strategy (adopted March 2013), LPP1 being one of the first plans to be found sound post NPPF. Given that LPP1 set the housing requirement for the District it has never been the intention for this to be re-examined as part of the preparation of LPP2. This is normal practice for 'site allocation' plans and has been accepted by Inspectors (e.g. Fareham Borough Local Plan Part 2) and the Courts (Gladman Development Ltd v Wokingham Borough Council).</p> <p>The housing requirement of 12,500 established in LPP1 covers the whole of the District including that part that falls within the South Downs National Park, although the development strategy does not include a requirement for houses within the Park area. It is based on expected changes to the economy, as well as demographic projections, and was increased by the Inspector who examined LPP1. The strategic allocations at West of Waterlooville and North Whiteley were made to meet the projected needs, including those of</p>

	<p>which requires local plans to be prepared on a strategy which seeks to meet objectively assessed development requirements. In any event the LPP1 housing &amp; other needs are not consistent with the evidence base which is based on the ONS trend based needs of the 2011 population. These, by definition, do not consider the PUSH growth areas at Waterlooville &amp; Whiteley whose supply has been included (para 2.5) but needs have not been increased. The needs are a combination of the WCC, Jan 2014 S Hants SHMA &amp; Solent LEP needs that in any event have changed &amp; substantial commitments been made since 2012. Waterlooville (2,400) &amp; Whiteley (3,500) together account for 5,900 &amp; thus about 47% of the 12,500 total supply. This substantial part of the housing supply &amp; need has not been analysed to determine whether it is sufficiently proportionate evidence to meet NPPF 182. (CAB2721-LP at 2.4)</p>	<p>PUSH. The Plan notes the need to monitor the development of the South Hampshire Strategy Update to assess whether and when a Local Plan review will be needed (paragraphs 1.14 and 5.5).</p> <p>The net housing requirement for each of the named settlements within the District has been updated and CAB2721(LP) para 1.5 states “<i>The housing supply data is updated to take account of the completions and permissions as at 31 March 2015 and the latest position regarding the deliverability of other available sites within the settlement boundaries</i>”. In some cases the labels within the housing requirement tables had inadvertently been left as reading 1.4.2013, although the data has been updated to 1.4.2015.</p> <p>The purpose of LPP2 is to identify and allocate sites for development in accordance with the development strategy and strategic policies in LPP1.</p> <p>The NPPF requires the evidence to be proportionate and, whilst matters such as housing needs are constantly changing, the government does not expect LPAs to undertake a full review of its ‘objectively assessed need’ for housing for each of its local plan documents, particularly when additional development plan documents have to be in compliance with overall development strategy already established in the adopted Local Plan Part 1.</p>
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Phil Gagg	<p>Very concerned that the inspector will find LPP2 unsound if the plan and its supporting SA, are submitted in their current form. This would force Winchester into a presumption in favour of giving planning permission to all proposed developments and could expose Winchester Town Centre to a level of traffic produced by the 17,000 new Winchester housing units indicated in the most recent SHLAA list.</p> <p>At the time LPP1 was approved, the inspector had not seen LPP2 (it had not been written). So the inspector of LPP2 will have to revisit LPP1 and consider how its meaning has changed in the light of the detail in LPP2. This would not be a further judgement on LPP1, but a judgement on whether LPP2 is an adequate complement to LPP1 or whether changes need to be made to LPP2 to ensure that LPP1 has not been undermined.</p> <p>A number of planning policies had been 'saved' at the time of LPP1's approval, including W6 which said that <b>the only new car parks in Winchester Town would be park-and-ride car parks, and that for each new park-and-ride parking space there would be a compensatory reduction elsewhere.</b> The retention of these may well have been a significant element in the inspector's approval of LPP1.</p>	<p>LPP2 explicitly follows on from Local Plan Part 1 (LPP1) which was found sound following its examination during late 2012 and consequently adopted in March 2013. LPP1 also allocates larger strategic sites for development (such as that at Barton Farm) and these allocation policies in LPP1 are comprehensive, setting out all the development requirements, including any transport mitigation measures required, that may have been highlighted as necessary through the site allocation and SA processes for that Plan.</p> <p>Part of the requirement for local plan preparation is to assess all 'reasonable alternatives', as required by para 182 of the NPPF. The NPPF also refers to the Sustainability Appraisal and states it is an integral part of the plan making process and should consider all the likely significant effects on the environment, economic and social factors (para 165). One of the tests of 'soundness' as set out in the NPPF is for a plan to be 'justified' and this requires the plan to be the most appropriate strategy, when considered against all reasonable alternatives, based on proportionate evidence.</p> <p>Sites assessed during LPP2 preparation were those being promoted by the development industry</p>

	<p>LPP2 proposes abolishing all these planning policies, so the inspector will have to consider whether there is a need to replace ‘saved’ policies, or at least W6, with similar new policies. In 2006 the council thought it necessary to “reduce traffic flows in the town centre”, and the inspector will no doubt ask why you consider this is no longer necessary, especially once 4,200 extra housing units have been built in the area. Policy W6 will now be even more necessary than it was in 2006. There is nothing remotely like W6 in LPP2, and without such a replacement an inspector is quite likely to reject LPP2 on the basis that without strong planning policies to limit traffic volumes in central Winchester, CO<sub>2</sub>, particulates, and oxides of nitrogen will all increase, and congestion will discourage walking, cycling, and other forms of more sustainable transport, and be a threat to health and business.</p> <p>The sustainability appraisal of LPP2 must appraise what is proposed in LPP2, and only what is proposed in LPP2. Its conclusions cannot possibly be valid if it appraises something else or mixes it up with something else. Faced with an appraisal based on a majority of sites that are not in LPP2 an inspector must conclude, that the sustainability appraisal is ‘unsound’ in that it has based its conclusions on the wrong data.</p> <p>It is clear from the scale of the transport sustainability problems that LPP2 needs clear planning policies that:</p> <ul style="list-style-type: none"> <li>· Reduce or remove parking capacity in central Winchester to discourage car trips</li> <li>· Improve sustainable transport systems with</li> </ul>	<p>and those submitted through the Strategic Housing Land Availability (SHLAA). Due to the number of sites around Winchester, the SA process sought to group these and hence the SA report refers to sites in North East Winchester, South East Winchester, etc. However, in each of the SA reports there are references to SHLAA site reference numbers which allows each individual site to be identified and any significant effects identified for each of the sites is set out in the SA, as required by SA procedures. The purpose of the SA is to systematically assess the sites against the agreed SA objectives, this process rightly identifies both positive and negative effects that are predicted, if the site were to be selected for development. These likely significant effects are all reported in the SA, which considered the sites on an individual and cumulative basis. The SA also makes recommendations for each settlement after identifying positive/negative impacts – these are set out as ‘Mitigation, Recommendations and Residual Effects for Plan-making’ and reports to the Council’s Cabinet (Local Plan) Committees on 16 September and 6 October include a section in response to the matters raised through the SA process.</p> <p>Therefore, the SA identifies negative transport impacts for the amount of development referred to by this representation of about 17000 new homes in and around Winchester. However, this information is to inform the development of the</p>
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	<p>better walking routes, cycling routes and public transport facilities.</p>	<p>Local Plan and neither LPP1 or LPP2 proposes this amount of development. LPP1 sets a District housing requirement of 12,500 new homes of which 4000 should be in Winchester.</p> <p>The SA information on all alternative sites was taken into account, along with other evidence, in developing the draft Local Plan and the recommended Publication version of the Plan. The policies and proposals in the Plan were then subject to Sustainability Appraisal. The respondent is, therefore, correct to say that the SA must appraise what is proposed in the Plan – the SA does this and includes specific sections in relation to the Publication (Pre-Submission) Plan.</p> <p>LPP1 includes policy CP10, which establishes strategic transport principles. The Council is actively delivering a range of transport related projects through the Winchester Access Plan and the District Transport Statement and progress in delivering these are reported on a regular basis to Winchester Town Forum. In addition, since adoption of LPP1, the Council has approved its car parking strategy, cycling strategy and endorsed the walking strategy – all of which will provide detailed guidance to prospective developers when preparing planning applications for development. There is no intention to retain policy W6 of the 2006 Local Plan as this policy was developed against a different evidence and policy background which has been replaced by the various strategies</p>
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		<p>and measures referred to.</p> <p><b>Recommended Change:</b> no further changes are required to the plan or the sustainability appraisal report in response to this representation.</p>
<p>Wickham Society</p> <p>Wickham Residents Association</p>	<p>In principle we do not oppose new development in Wickham, and welcome the Council's intention to pause such plans until a strategy is in place to resolve the village's drainage problems such that development will not worsen flood risk. Also welcome development of the collaborative flood strategy, led by Hampshire County Council, and which involves our organisations.</p> <p>Policy WK1 needs greater clarity to state unequivocally that any drainage improvements, shown to be necessary by the impending investigations and formulation of a Drainage Area Plan, should be in place <i>before</i> new development proceeds. The statement in Policy WK1 refers to “prior to, or <u>in conjunction with</u>, further development” this lacks clarity and seems to indicate that development could begin before the flood risk problems have been resolved.</p> <p>Also of concern is the unwillingness of potential developers to contribute to the resolution of this matter that they see as the responsibility of Southern Water.</p> <p>Both Policies WK2 and WK3 refer to under ‘other infrastructure’, that planning permission will be granted if there is provision of “a connection to the nearest point of adequate capacity in the sewerage network”.</p>	<p>This matter was considered in detail in CAB2711(LP) appendix G on 16 September 2015.</p> <p>Concerns about flooding and drainage issues featured in many of the representations on the draft Local Plan in relation to Wickham. These issues were well-known when developing the draft Local Plan and policy WK1 was included to ensure that future development took proper account of them.</p> <p>The Environment Agency supports policy WK1. Southern Water did not comment directly on the policy, but sought changes to policies WK2 and WK3 to repeat or modify the requirements of WK1. Both organisations, along with the City Council, have worked with Hampshire County Council, the Parish Council and other groups on the Wickham flood investigation study, which has recently been completed. It is clear from the Wickham Flood Investigation Report that there is not a single area that is affected by flooding, nor a single cause or solution.</p> <p>CAB 2711(LP) acknowledged that Policy WK1 would need to be updated in light of the reports</p>

	<p>The statement is open to interpretation, lacks clarity and requires further explanation and to some extent it is contradictory in the context of other policy statements that refer to development in relation to drainage and flood risk.</p> <p>Concern that the emerging policy approach could be seen by developers as loopholes through which premature planning applications could be successfully pursued. The Local Plan Policy statements as they are currently expressed leave the way open for planning applications to be approved under conditions which ultimately will be difficult to sustain or enforce, such as permission for building to proceed provided that there will be no occupancy until drainage solutions have been realised.</p> <p>Request that the policy statements in LPP2 in relation to Wickham require greater clarity to facilitate the understanding of both residents and developers, and require further reinforcement to instil greater confidence that flood risk will be effectively addressed by the planning authority before planning is finally approved.</p>	<p>findings and consequently, changes were proposed to Policy WK1. These would restrict future development until a multi-agency drainage and flooding strategy has been able to identify the exact causes of flooding incidents and can establish what the solutions are. The Wickham Drainage Area Plan is expected to provide such a strategy and to clarify what improvements may be needed and what (if anything) the development should contribute to providing or assisting these measures. The Cabinet (Local Plan) Committee wanted the revised policy WK1 to be strengthened to ensure that development could not take place until the necessary drainage improvements had been put in place. The version of the policy presented to Council includes changes to achieve this.</p> <p>The respondents express concern about the inclusion of reference to the improvements being undertaken 'in conjunction with' development (WK1 [i]). This is to allow for the necessary drainage measures to be implemented alongside development, which is a reasonable approach given that development may be required to provide or contribute to the improvements. However, the policy clearly aims to avoid development happening before a strategy is developed and put into place and provides a basis for planning conditions to be applied to prevent development being occupied before particular works are carried out. Given that the exact nature of improvements</p>
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		<p>required is not currently known, this is considered the most secure approach.</p> <p>The wording in policies WK2 and WK3 about connection 'to the nearest point of adequate capacity' is standard wording recommended by Southern Water and applied to all sites that are expected to require foul drainage infrastructure improvements. These sites are also subject to policy WK1, which requires the nature of the improvements to be established and provision made for them to be implemented prior to, or in conjunction with, development.</p> <p>It is considered that the amendments to Policy WK1 and consequential changes to WK2 and WK3 are sufficient to ensure that this matter is dealt with as comprehensively as possible through the planning system.</p> <p><b>Recommended Change:</b> no further changes are required to the plan in response to this representation. .</p>
<p>Richard Cutler Bloombridge Development Partners</p>	<p>Object to numerous substantive and procedural anomalies and failings in the approach the City Council has taken to Local Plan Part 2 ("LPP2") in relation to the allocation of sites for housing in Colden Common. There has been unreasonable disregard for due process, evidence, and checks and balances. The allocation of the Sandyfields site for 165 units is flawed and other sites, including Church Lane, could be</p>	<p>Given the nature of this representation and the pending claim for maladministration, this is not an appropriate forum to respond in detail to the matters raised. The Chief Executive will provide a response to the concerns highlighted in accordance with the Council's Complaints Procedure.</p>



	<p>allocated to deliver at least some of the village's housing requirement or left to be decided as windfall. The matter will be pursued with the Local Government Ombudsman (LGO) if the Council will not reconsider this matter.</p> <p>These anomalies won't be challenged through the plan making process because the Local Plan Inspector will take it on trust that the plan preparation has been professional. If LGO concludes that there has been maladministration LPP2 will be found unsound but it would be better to avoid this situation.</p> <p>Consider that there are five serious anomalies in relation to the approach in the draft LPP2 to Colden Common, and in particular to the allocation of the site at Sandyfields Nurseries under policy CC1 for about 165 new dwellings, in addition to omissions in relation to consideration of impact on the South Downs National Park:- these cover matters such as village character ; testing reasonable alternatives at each key stage; site density; archaeology and deliverability of community benefits.</p> <p>This representation further presents a case for maladministration on the following grounds :-          Inappropriate Delegation of its Statutory Plan Making Duties as Local Planning Authority;          Failure to Ensure Due Process;          Conflict of Interest &amp; Bias;          Failure to Test the Evidence;          Putting Undue Weight on Third Party Opinions;</p>	<p>Substantial evidence work has been undertaken during the preparation of LPP2 with detailed technical assessments, full community engagement, and ongoing sustainability appraisal. While the complaint and claims of maladministration will be dealt with through the appropriate channels, the issues raised relate primarily to the plan making process including planning evidence, assessments and conclusions reached. The planning issues raised have been considered during the preparation of the draft Local Plan Part 2 and in responding to representations on it, including from this respondent, although he contends that the issues raised were not dealt with adequately and did not overcome his concerns about the whole process relating to housing allocations in the village. All documentation can viewed at <a href="http://www.winchester.gov.uk/planning-policy/local-plan-part-2/">http://www.winchester.gov.uk/planning-policy/local-plan-part-2/</a></p>
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	<p>Shaping the Evidence to Fit the Decision Made on 3 October 2013; Breach of Plan Making Regulations; No Meaningful Engagement; Failure in its Public Duty to Act in the Interests of All Stakeholders; Localism &amp; 'Soundness' are not Defences to Maladministration.</p> <p>This representation concludes by suggesting the following courses of action :- either a maladministration claim proceeding in the next few weeks seeking a review of the LPP2 policies proposed for Colden Common, or an urgent review by the City Council of the evidence and development strategy for Colden Common. Even if the majority of housing is allocated to Sandyfields, (policy CC1) there is still scope for c45 units elsewhere; and this presents a far more defensible outcome because it is only a small change to the current Development Strategy, but with far more flexibility to respond to the complex site constraints affecting Sandyfields.</p>	
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