

Statement of Common Ground
Between
Winchester City Council and National Highways

October 2024



CONTENTS

1. Introduction
2. Legislation
3. Statement of Common Grounds

1. Introduction

A Statement of Common Ground (to be referred to throughout as SoCG), of which concerns strategic cross-boundary matters, is a written record of the progress made by strategic plan-making authorities (and other prescribed bodies¹) during the process of (non-exhaustive) producing or reviewing a local plan. It documents the effective co-operation between the parties and outlines matters that are common ground (agreed) and areas of disagreement. Introduced by the 2018 National Planning Policy Framework, strategic policy making authorities are required to produce, maintain, and keep up to date a SoCG to highlight the agreements on cross-boundary strategic issues.

The SoCG (and associated Duty to Cooperate Statement of Compliance) is used to demonstrate at examination that respective authorities (and relevant bodies) have cooperated on cross-boundary matters; and that the plan has been prepared in a positive and effective manner, therefore meeting the soundness test². The document assists in presenting evidence that plans are deliverable over the plan period and based on effective joint working across local authority boundaries. Furthermore, it is also part of the evidence required for local planning authorities to demonstrate that they have complied with the legal compliance of the Duty to Cooperate.

This SoCG documents the outcomes of co-operation to date in preparing the local plan in order to inform and shape a positively prepared and justified strategy. In doing so it addresses, has been produced in accordance with, and takes account of the requirements set out in the National Planning Policy Framework³ (NPPF), Planning Practice Guidance⁴ (PPG), relevant planning acts, and any other applicable information.

The document sets out the following:

- Outlines the strategic geography of the district including a brief description of the area with regards to biodiversity and the natural environment.
- Sets out the Regulation 18 representations received from Southern Water which forms the background to the SoCG.
- The cross-boundary matters which needs to be considered by this SoCG and where agreements have been reached on issues.

¹ [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk) para 35

³ [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

⁴ [Plan-making - GOV.UK \(www.gov.uk\)](https://www.gov.uk) Maintaining Effective Cooperation

2. Legislation

The “Duty to Cooperate” was introduced by Section 33A of the Planning and Compulsory Purchase Act (2004)⁵ from Section 110 of the Localism Act (2011)⁶ as a strategic planning mechanism to replace regional spatial strategies. It places a legal duty on Local Planning Authorities, County Councils and prescribed public bodies 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.

Strategic matters regarding plan-making refers to: *“sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas.”* (Section 33A, (4)(a))

Additionally, paragraph 20 of the NPPF outlines the strategic policies that a local plan should address, resolve, and where necessary, make provision for, these being:

- a) *“Housing (including affordable housing), employment, retail, leisure and other commercial development;*
- b) *The provision of infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- c) *Community facilities (such as health, education and cultural infrastructure); and*
- d) *Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”*

Paragraphs 24 – 27 of the National Planning Policy Framework (NPPF) recognises this duty and considers effective, joint working between relevant bodies as integral to a positive and well-prepared strategy. Paragraph 26 also identifies joint working as helping to determine additional infrastructure, and whether development needs that cannot be wholly met within a particular plan area could be met elsewhere. PPG paragraphs 029 – 033, and 075 provide further information on meeting the Duty to Cooperate, explains the differences between the Duty to Cooperate and a SoCG, illustrates how the Duty to Cooperate is considered during examination, and how the Duty to Cooperate should be addressed during plan review.

Further to this, two of the four “tests of soundness” of Local Plans (NPPF Paragraph 35) directly relate to the Duty to Cooperate, specifically:

- a) *“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*

⁵ [Planning and Compulsory Purchase Act 2004 \(legislation.gov.uk\)](http://legislation.gov.uk)

⁶ [Localism Act 2011 \(legislation.gov.uk\)](http://legislation.gov.uk)

areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- 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”*

In regard to the production of a SoCG, paragraph 27 of the NPPF specifically states:

“In order to demonstrate effective and on-going joint working, strategic policy making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency.”

The Plan Making chapter of the PPG and in particular the *Maintaining Effective Cooperation* section (paragraphs 009 – 028) provides additional information and guidance on how authorities should (non-exhaustive): produce a SoCG, what cross-boundary matters should be included, carrying out effective cooperation, activities documented, functional geographical area, and preparation and publication.

The Government consulted upon reforms to national planning policy during December 2022 as part of the Levelling Up and Regeneration Bill (LURB), stating that the Levelling Up and Regeneration Act (LURA) will remove the Duty to Co-operate, but that the duty will remain in place until those provisions come into effect. To secure appropriate engagement between authorities where strategic planning considerations concern cross-boundary matters, the Government intends to introduce an alignment policy as part of a future revised Framework. Further consultation on what should constitute the alignment policy is anticipated to be undertaken.

The LURA was enacted during November 2023, and now includes provisions to remove the legislative that imposes the Duty to Co-operate. However, these provisions have not yet been enacted and will ‘come into force on such day as the Secretary of State may by regulations appoint’. Transitional arrangements mean that the Duty to Cooperate will remain for plans submitted for examination before June 2025 and adopted by December 2026.

3. Statements of Common Ground

This section comprises Statement of Common Ground that Winchester City Council and National Highways have entered into in support of the Winchester City Council Proposed Submission Local Plan. This statement demonstrates the current understanding of points of common and uncommon ground for relevant strategic cross-boundary matters.

1. List of Parties involved:
Winchester City Council and National Highways
2. Strategic Geography & Background
<p>This Statement of Common Ground focuses on the Winchester Plan Area, which covers parts of the Winchester District outside of the South Downs National Park. Winchester City Council is the Local Planning Authority, responsible for planning to meet the housing and other needs of the Plan Area.</p> <p>In relation to highways, the city council has worked closely with Hampshire County Council Highways (trading arm), Hampshire County Council Highways (statutory arm) and National Highways to agree the Strategic Highway Assessment that was prepared to support and underpin the work on the Regulation 19 Local Plan https://www.localplan.winchester.gov.uk/LibraryAssets/attach/430/Winchester-Local-Plan-2020-2040-Strategic-Transport-Assessment-August-2024.pdf</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. National Highways will therefore be concerned with any proposals that have the potential to impact the safe and efficient operation of the Strategic Road Network (SRN). In relation to Winchester district, the SRN comprises the M3, M27, A34 and A303.</p> <p>Overall, in accordance with national policy, National Highways require the 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.</p> <p>If any material increase in traffic were to occur on the SRN or at its junctions because of planned growth within the district, this will need careful consideration in terms 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.</p>

National Highways 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.

3. Regulation 19 Representations

National Highways have reviewed the modelling work undertaken regarding the Strategic Transport Assessment. To date, there is outstanding traffic modelling work being undertaken in regard to the Bushfield Camp site allocation through the current live planning application.

In view of the above, it is recommended that a SoCG should be agreed between National Highways and Winchester City Council to 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.

National Highways 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).

National Highways have reviewed the available information, the comments on the Winchester City Council Proposed Submission Local Plan are set out below:

Strategic Policy T1 (Sustainable and Active Transport and Travel)

National Highways welcomes the aim of this policy which is to ensure that new developments are positively designed for sustainable modes of travel, promoting the modal hierarchy in the recently updated Highway Code. The promotion of development in locations where travel can be minimised and sustainable modes catered for is in line with DfT Circular 01/22. National Highways welcome the explicit requirement of the policy for new development to continue the safe and efficient operation of the strategic and local road networks (T1,vi). This policy also contains the requirement for proposed developments to include a Transport Assessment and Travel Plan, which are essential to enable us to determine the impact of development proposals on our network. National Highways would add that where a development is likely to place a significant number of trips through any SRN junction, early engagement with National Highways at the scoping stage is recommended.

Strategic Policy T2 (Parking for New Developments)

Policy T2 adjusts the approach to parking for new developments away from one with strict adherence to parking standards to a more flexible approach where the number of car parking spaces must be justified after active travel has been catered for. National Highways supports this approach as it can help lead to lower car parking levels and therefore trip generation at suitable sites. This policy also requires that all new development is supported for a Design & Access Statement, Transport Assessment

and Travel Plan which demonstrates that the needs of sustainable transport modes have been prioritised in the design process and provides a justification for the level of car parking on the site.

Housing Allocations

National Highways have reviewed the various housing policies H1-H18 as well as the subsequent housing allocation policies and note that there are none which are directly adjacent to the SRN. However, should unallocated development come forwards which could directly or indirectly impact the SRN National Highways strongly recommends early engagement.

Employment Allocations

Having reviewed policies E1-E11 and the subsequent employment allocation policies, we note that there are no 'new' employment sites that will likely directly impact the SRN. The Winnall allocation is adjacent to both M3 J9 and the A34, however this is an existing site and the policy is for it to remain. Notwithstanding this, we need to carefully consider the traffic impact that may arise from the employment allocations proposed and this will feed into the Strategic Transport Assessment.

Any application for significant amounts of new employment floorspace or residential dwellings, whether on new sites or expansions to existing sites, will need to include a comprehensive assessment of the impact of the proposals on the road network and where close to a SRN junction, includes full turning movements. Junction capacity assessments may be required for proposals which place a large number of development trips through SRN junctions.

Transport Evidence Base

When identifying the preferred strategy for the spatial options, consideration will need to be given to assessing the cumulative impact of new sites that might be taken forward together with already planned growth on the SRN. When considering proposals for growth, any impacts on the SRN will need to be identified and mitigated as far as reasonably practicable. National Highways will support proposals that consider sustainable measures which manage down demand and reduces 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.

Infrastructure Delivery Plan

To ensure that the Local Plan is deliverable, the transport evidence base should demonstrate the Local Plan impact on the SRN and as necessary identify suitable mitigation. This work forms a key piece of evidence to demonstrate the Local Plan is sound, therefore it is important that any identified mitigation that the plan and its allocations are reliant upon has a reasonable prospect of delivery within the timescales of when the identified growth is planned. As noted above, significant work has been undertaken to date on the Strategic Transport Assessment.

4. Areas of Agreement

National Highways and Winchester City Council as the Local Planning Authority have reached common ground and agree:

- What has been assessed in terms of the Strategic Transport Assessment aligns with the live planning application but it is fully accepted that this is a different quantum and mix of development that has been allocated in the Winchester City Council Proposed Submission site allocation for Bushfield Camp (Policy W5);
- To continue to liaise and work collaboratively with National Highways, Hampshire County Council Highways and the Bushfield Camp transport consultants in regard to the traffic modelling presented as part of the Plan evidence base. It is agreed by both parties that there is still some uncertainty regarding the proposed mitigation package to support the Bushfield Camp planning live application. Once the impacts are fully understood and agreed through the ongoing dialogue for the live planning application, National Highways we will be able to confirm the appropriate mitigation package to support Bushfield Camp site allocation in combination with the wider local plan growth; and
- To continue to liaise and work collaboratively with National Highways, Hampshire County Council Highways and the Bushfield Camp transport consultants to address any outstanding queries relating to the highway modelling for the live planning application which can then be incorporated into any further updates to the city council's Infrastructure Delivery Plan (IDP). The IDP document relies on the M3 J9 upgrade being completed. Whilst this is committed and construction is underway, there is not currently a fixed date for completion. Completion is expected to be within the third road period (2025-2030). As set out above, the agreed mitigation package for Bushfield Camp site may necessitate future updates to the IDP.

5. Timetable for Review and ongoing cooperation

Winchester City Council will continue to work collaboratively with National Highways to address strategic matters that, in addition to the above, arise through the plan-making process or require a resolution where there is yet to be an agreed matter. This will occur on an ongoing basis and relate to the timings of the relevant regulatory stages that the respective authorities are at during the plan-making process. The aim is to resolve any outstanding matters through regular joint meetings with National Highways, Winchester City Council and Hampshire County Council Highways where cross-boundary strategic matters will be addressed.

6. Signatories

Both parties agree that this statement is an accurate representation of matters discussed and issues agreed upon, or where there are areas of disagreement, this statement documents the issue, and that both parties confirm their respective position.

It is agreed that these discussions will inform the Winchester City Council Local Plan 2020 – 2040. Both parties will continue to work collaboratively to meet the Duty to Cooperate obligations and will both continue to work proactively on the key strategic cross boundary issues identified in this document.

For Winchester City Council the Statement of Common Ground is signed by Julie Pinnock, Corporate Head of Planning and Regulatory Services.

For National Highways this Statement of Common Ground is signed by Patrick Blake, Area 3 Spatial Planner.

Signed:



Signed:



Name: Julie Pinnock

Name: Patrick Blake

Position: Corporate Head of Planning and
Regulatory Services

Position: Area 3 Spatial Planner

Winchester City Council

National Highways