

CAB2091(LDF)  
FOR DECISION  
WARD(S): ALL

CABINET (LOCAL DEVELOPMENT FRAMEWORK) COMMITTEE

6 December 2010

LOCAL DEVELOPMENT FRAMEWORK UPDATE

REPORT OF HEAD OF STRATEGIC PLANNING

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RECENT REFERENCES:

[CAB2060\(LDF\)](#) - Winchester District Development Framework – Core Strategy Consultation – 6 October 2010

[CAB2040\(LDF\)](#) - Winchester District Development Framework – Local Development Framework Update – 22 July 2010

[CAB 1983](#) - Winchester District Development Framework – Core Strategy Preferred Option – Feedback on Consultation (Chapters 7-16) – 12 March 2010

[CAB 1944](#) - Winchester District Development Framework – Core Strategy Preferred Option – Feedback on Consultation (Chapters 4-6) – 15 December 2009

[CAB 1908](#) - Winchester District Development Framework – Core Strategy Preferred Option – Feedback on Consultation (Chapters 1-3) - 20 October 2009

[CAB 1823](#) – Winchester District Development Framework – Recommended Core Strategy Preferred Option Document (Cabinet (Local Development Framework Committee) – 25 March 2009

## EXECUTIVE SUMMARY:

The new Coalition Government announced its intention to revoke Regional Strategies in May 2010 and formally undertook this revocation in July 2010. The City Council resolved to review its housing requirements in the light of these announcements and this review is well underway with the 'Blueprint' consultation nearing completion.

The Secretary of State's revocation of Regional Strategies was subsequently challenged by Cala Homes through the High Court and on 10 November the judgement was published, which concluded that the Secretary of State had acted unlawfully. Regional Strategies were immediately reinstated as part of the 'development plan' and are now expected to remain in place until legislation formally removes them.

The forthcoming Decentralisation and Localism Bill will change the primary legislation but this will take time to be enacted. The Government's Chief Planning Officer issued a letter to all planning authorities on 10 November reaffirming the Government's intention to abolish Regional Strategies in the Localism Bill and expecting them to have regard to this as a material consideration in planning decisions.

The Council issued a press release and updated its website in relation to both the LDF/Core Strategy and Blueprint, to confirm its intention to review local housing and development needs and the importance of Blueprint in helping to achieve this. This report provides an update to report CAB2077 which set out information in response to a Council Notice of Motion regarding the abolition of regional targets and also seeks confirmation of the development of updated housing targets for the District. When Cabinet considered CAB2077, it resolved that in view of the timing issues, a report back be made directly to Council, without the requirement to be considered by Cabinet again.

The report also provides a brief update on planning policy issues for the South Downs National Park. It is becoming clearer that the National Park area is likely to be retained within Winchester's Core Strategy, which would then need to be progressed jointly with the National Park Authority.

### RECOMMENDATIONS:

1. That the content of Section 3 of this report in relation to the recent judgement in respect of the revocation of Regional Strategies, the immediate impact this has on what constitutes the 'development plan', and the need for this to be taken into consideration by the Council in determining planning applications, be noted.
2. That the information in Section 4 of this report in relation to the South Downs National Park be noted and that, as and when further details on how the NPA intends to proceed with its Core Strategy and the implications for the Winchester Core Strategy, a further report be made to this Committee.

### To Council:

3. That Council notes the updated information in Section 3 of this report and continues to support the development of updated housing targets as soon as possible through work on the LDF Core Strategy, having regard to the results of the Blueprint exercise, ongoing technical studies and other evidence work.
4. That the approximate programme set out in paragraph 4.4 of [report CAB2077](#) be endorsed, subject to the need to take account of any proposals in the 'Decentralisation and Localism Bill' and having regard to the progress of legislation to abolish Regional Strategies.

## CABINET (LOCAL DEVELOPMENT FRAMEWORK) COMMITTEE

6 DECEMBER 2010

### LOCAL DEVELOPMENT FRAMEWORK UPDATE

#### DETAIL:

#### 1 Introduction

- 1.1 The purpose of this report is to provide an update on a number of key matters relating to the Winchester Local Development Framework. This report includes an update on 'Blueprint', the Council's new consultation tool devised to get local people thinking about their communities and how they function and the type of place in which they want to live in the future. It also refers to the results of the legal challenge made by Cala Homes in relation to the revocation of Regional Spatial Strategies in July this year, and how the new South Downs National Park Authority intends to deal with LDFs as of April 2011.

#### 2 Blueprint

- 2.1 Previous reports to this Committee ([CAB2040\(LDF\)](#) - 22 July 2010 and [CAB2060\(LDF\)](#) - 6 October 2010 refer) set out the concept and details of the Council's new consultation programme branded 'Blueprint'. This is based on the need to determine more local aspirations and targets for development across the District in light of emerging government advice which promotes localism.
- 2.2 CAB 2060 made clear that this provided an opportunity for a fresh look at communities and the people who live and work in them, whether this is a neighbourhood in a larger town or a small rural village. This approach is based on the concept of 'place shaping' – *working with people, to create places where people can thrive*.
- 2.3 That report and the literature published supporting Blueprint stress that the importance of this consultation must not be overlooked, as it provides the opportunity to take a serious and open minded look at the future of our towns and villages to ensure that they remain sustainable and serve the people who live and work there. Not doing so could result in ineffective policies which have the effect of damaging the long term viability of some communities or of the social and economic health of the District. The Blueprint process stresses that blaming the Government, or indeed the City Council, is no longer an option given the emphasis on localism.
- 2.4 Since the launch of Blueprint on 4 October 2010, there has been steady demand for packs and over 500 have been issued to a range of community groups, individuals and organisations. All Council Members and Parish

Councils were sent a pack and requests have been received for packs from resident associations (44); community groups (71); schools/further education (42); businesses (15); action groups and many individuals.

- 2.5 At least 25 events that have been organised by local communities and other stakeholders using Blueprint as a tool to determine their local views and needs for the future.
- 2.6 The designated Blueprint web site [www.community-blueprint.co.uk](http://www.community-blueprint.co.uk) has also been a success, the following table indicates the number of hits :-

	Monthly Hits	Monthly Unique Visitors
September	749	35
October	8,792	2,116
November up to 18/11	4449	1177

9 mentions of the process were made to 900 followers on Twitter this month, which generated 25 hits to the Blueprint website.

- 2.7 A number of larger events have been held by key groups such as the one in Winchester on 6 November, jointly organised and run by City of Winchester Trust, WACA, and Winchester Action on Climate Change, which attracted over 100 people. In the smaller parishes across the District, many Parish Councils have taken the lead on organising and running Blueprint events, whilst others have held public meetings or created questionnaires for local residents to complete.
- 2.8 The deadline for submission of comments is 10 December 2010 with the intention that these will be reported back to this Committee during early 2011. Although there is scope for a little flexibility in this date, Parish Councils have been asked to let the Council know if they are planning to submit a late representation, otherwise it may be assumed they are not commenting.

### 3 Reinstatement of Regional Strategies

- 3.1 The Coalition Government, in May this year, made an immediate commitment to remove the layer of top down planning guidance known as Regional Strategies which set out specific district housing targets. Until 1 April 2010 Regional Strategies were known as Regional Spatial Strategies but the change of name has no effect on their content. Winchester District is covered by the South East Plan which gave a District-wide housing target of 12,240 new dwellings to be provided between 2006 and 2026, with 6,740 being provided within the PUSH part of the District and 5,500 in the remainder.
- 3.2 On 27 May 2010 the Secretary of State for Communities and Local Government wrote to all Planning Authorities confirming the intention to remove Regional Strategies and that planning authorities should regard this as a material planning consideration and may make planning decisions

'without the framework of regional numbers and plans'. That advice was taken into account by the Council in considering the Barton Farm proposal on 14 June 2010. On 6 July the Secretary of State announced the revocation of Regional Strategies with immediate effect, leaving adopted local plans as the basis for local decision-making. In view of these changes and announcements, this Committee resolved [on 22 July](#) "to undertake research and consultation to determine the local housing needs and requirements for the 'Winchester Town' and 'Market Towns and Rural Area' parts of the District (including that part within PUSH)".

- 3.3 The Secretary of State's revocation of Regional Strategies on 6 July was subsequently challenged by Cala Homes through the High Court via a Judicial Review which was heard on 22 October. Cala claimed primarily that the Secretary of State had acted beyond his powers. On 10 November [the judgement](#) was announced which concluded that the Secretary of State had acted unlawfully.
- 3.4 The effect of this decision is to re-establish Regional Strategies as part of the 'development plan' immediately. The policies and targets within the South East Plan will need to be taken into account until legislation formally removes Regional Strategies. It is the Government's stated intention that the forthcoming Decentralisation and Localism Bill will set out this process although, as with all legislative procedures, this is subject to Parliamentary approval and will take time to become law (anticipated November 2011).
- 3.5 Following receipt of the judgement, the Government's Chief Planning Officer issued a letter (10 November 2010) to all planning authorities stating :-
- "The effect of this decision is to re-establish Regional Strategies as part of the development plan. However the Secretary of State wrote to Local Planning Authorities and to the Planning Inspectorate on 27 May 2010 informing them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in planning decisions....Local Planning Authorities and the Planning Inspectorate should still have regard to the letter of the 27 May 2010 in any decisions they are currently taking."*
- 3.6 This letter is set out in full at Appendix A. Following this advice, the Council issued a press release and updated pages on the website in relation to both the LDF/Core Strategy and Blueprint. This reaffirmed the intention to review local housing and development needs and the importance of Blueprint in helping to achieve this. It urged local communities and others to take part in Blueprint to help develop an understanding of the local needs and aspirations of the many communities which make up the Winchester District, which it is intended will be translated into spatial planning policy through the Core Strategy.
- 3.7 As a result of the High Court's decision reversing the revocation of Regional Strategies, the 'development plan' for the District now reverts to comprising the South East Plan and the adopted Local Plan Review (saved policies).

These must be taken into account in assessing and determining planning applications, up until a time when Regional Strategies are formally and correctly revoked. Decisions on applications must be made in accordance with the Development Plan (including the South East Plan) unless material considerations indicate otherwise. The Government's intention to abolish Regional Strategies is a material consideration and the weight it should carry is a matter for the Council to decide in individual cases.

- 3.8 A further legal challenge has since been made by Cala Homes on the basis that the Secretary of State cannot 'create' a material consideration out of a political aspiration. No date for the hearing of this challenge has yet been set.
- 3.9 At the time when the Council is ready to submit the Core Strategy for independent examination it will need to address the requirement for the Core Strategy to be "*in general conformity*" with the South East Plan unless it has already been revoked by then.
- 3.10 The implications of the revocation of the South East Plan were the subject of a Notice of Motion to Council in September and report [CAB2077](#) provided information to Cabinet to enable it to respond, prior to the consideration of the Notice by Council in January 2011. During consideration of CAB2077 Cabinet received news of the High Court judgement and as a result requested an update report to be prepared in advance of Council. This report provides this update and should be taken into account by Members in considering the Notice of Motion on 12 January 2011.
- 3.11 Report CAB2077 recommended (in summary) that the basis for the Blueprint consultation be noted and that updated housing targets be developed as soon as possible, through the LDF. Given the success of the Blueprint consultation (which closes on 10 December 2010) and the Government's reaffirmation of its intention to abolish Regional Strategies, it is concluded that recommendation 2 of CAB2077 should be generally maintained, despite the reinstatement of Regional Strategies for the time being. It is reasonable for the Council to proceed on the basis that the Government will be able to achieve its clearly stated policy intention, although as noted above, this will depend on Parliamentary approval of the relevant legislation.
- 3.12 Recommendations 3 and 4 of this report suggest revised wording to separate out reference to the LDF programme. This acknowledges that the timing for revocation of Regional Strategies will need to be taken into account and may influence the nature and timing of future stages of the Core Strategy.

#### 4 South Downs National Park

- 4.1 [CAB2040\(LDF\)](#) highlighted a number of issues in relation to the South National Park Authority becoming the local planning authority for the National Park area in April 2011. Further discussions have been held with National Park Authority officers, which are suggesting a preference to leave that part of the District covered by the National Park within the Winchester Core Strategy

for the time being. This approach is favoured by both parties, as it ensures a degree of policy continuity.

- 4.2 This will allow the Council to proceed with the Core Strategy and to include a general National Park policy/ies which will be superseded at some point when the National Park Authority prepares its own Core Strategy. This approach will require the Core Strategy to be a joint plan and, therefore, be agreed by the relevant committees of the National Park Authority, as well as the City Council, at the appropriate times.
- 4.3 National Park officers have welcomed the Blueprint process and will be attending one of the community events. They have requested to see those responses in relation to the settlements within the Park.

## 5 Next Steps

- 5.1 Given the above, the intention is to proceed with Blueprint as part of the work needed to establish a locally-derived housing requirement for the District. While the South East Plan has been reinstated, this is expected to be on a relatively short-term basis and the Government clearly sees no role for statutory Regional Strategies in the planning system going forward. Following completion of this consultation, the Council will consider all the comments and suggestions received and, along with any new/revised technical evidence necessary, will prepare a revised LDF Core Strategy for consultation during 2011.
- 5.2 The impact of the Decentralisation and Localism Bill as far as it relates to LDF work will be reported to a separate meeting of this Committee. The implications for the LDF and other Council work will be drawn to Members' attention as necessary. Also, Members will be kept informed of emerging processes in relation to the South Downs National Park and LDF preparation.

## OTHER CONSIDERATIONS:

### 6 SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

- 6.1 As part of progressing effective spatial planning of the District, the Core Strategy is one of the key implementation mechanisms for the Council's Sustainable Community Strategy. To this extent the Core Strategy reflects the outcomes of the Sustainable Community Strategy and the emerging strategic planning policies will be expressed to cover these matters where there is a land use planning requirement for their delivery. It is envisaged even through the revised planning regime and the emphasis now on localism that this element will continue to be a core requirement of any replacement LDF.

### 7 RESOURCE IMPLICATIONS:

- 7.1 The key resources for undertaking work on the LDF have been approved as part of the budget process. All materials and resources for Blueprint have



been serviced through existing budgets and staff skills. The nature and scale of the LDF will continue to require shared resources in terms of utilising skills and expertise from other Divisions within the Council. This is now even more critical given the emphasis on localism.

- 7.2 The precise implications of the reinstatement of Regional Strategies are unknown at this stage, but any financial implications are expected to be limited given the impending abolition of Regional Strategies. PPS3 still requires the Council to demonstrate a 5 year supply of available housing land against a housing target which is for the time being set by the South East Plan (12,240 new homes between 2006 – 2026) is again a relevant consideration. Further delays in progressing the Core Strategy and allocating key strategic sites to address any assessed housing need could result in developers submitting speculative planning applications and appeals, which could create an unplanned need for resources.

## 8 RISK MANAGEMENT ISSUES

- 8.1 The Council's Local Development Scheme was approved by Government Office for the South East in late 2009 and 'brought into effect' at Cabinet on 3 February 2010 (CAB1969 refers). There remains some uncertainty about how the LDF system will continue in the longer term, pending the publication of the Decentralisation and Localism Bill expected during November 2010. The milestones in the LDS will need to be reviewed, and as necessary a revision of the LDS will be required. This will be the subject of a further report to this Committee together with the Decentralisation and Localism Bill.
- 9 A particular risk to the Council in the short term is the issue of an ageing Local Plan and challenges regarding the supply of housing land, as set out in paragraph 7.2 above.

### BACKGROUND DOCUMENTS:

Letter to Chief Planning Officers 10 November 2010

### APPENDICES:

Appendix A : Letter to Chief Planning Officers 10 November 2010

The Chief Planning Officer  
Local Planning Authorities in England

10 November 2010

**Chief Planning Officer Letter:**

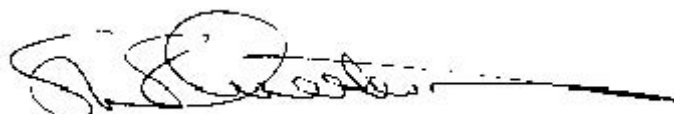
**ABOLITION OF REGIONAL STRATEGIES**

I am writing to you today following the judgement in the case brought by Cala Homes in the High Court, which considered that the powers set out in section 79 [6] of the Local Democracy, Economic Development and Construction Act 2009 could not be used to revoke all Regional Strategies in their entirety.

The effect of this decision is to re-establish Regional Strategies as part of the development plan. However the Secretary of State wrote to Local Planning Authorities and to the Planning Inspectorate on 27 May 2010 informing them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in planning decisions.

I am attaching the proposed clause of the Localism Bill that will enact that commitment. The Bill is expected to begin its passage through Parliament before Christmas, and will return decision-making powers in housing and planning to local authorities. Local Planning Authorities and the Planning Inspectorate should still have regard to the letter of the 27 May 2010 in any decisions they are currently taking.

I should also draw to your attention that Ministers have signalled they are moving ahead with the New Homes Bonus, which will reward councils for building homes and working with their local communities. A consultation paper on the detail will be published very shortly with the new scheme coming into effect next April, and new homes delivered now will be rewarded under the scheme.



**STEVE QUARTERMAIN**  
*Chief Planner*

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**1 Abolition of regional strategies**

- (1) Part 5 of the Local Democracy, Economic Development and Construction Act 2009 (regional strategy) is repealed.
- (2) The regional strategies under Part 5 of that Act are revoked.