

CABINET

WINCHESTER DISTRICT LOCAL PLAN REVIEW: PROPOSED MODIFICATIONS

14 DECEMBER 2005

REPORT OF THE CHIEF EXECUTIVE

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RECENT REFERENCES:

WDLP49, "WDLPR Inspectors' Report – Local Plan Chapters 1 - 5 WDLPR Committee 17 October 2005

WDLP50, "WDLPR Inspectors' Report – Local Plan Chapters 7 - 14 WDLPR Committee 27 October 2005

WDLP52, "WDLPR Inspectors' Report – Local Plan Chapter 6 and other outstanding matters WDLPR Committee 15 November 2005

WDLP54 – Winchester District Local Plan Review Inspector's Report Local Reserve Sites – WDLP Committee 9 December 2005

WDLP55 – Draft Local Plan Policies on replacement Policy H3 and Local Reserve Housing Sites – WDLP Committee 9 December 2005

WDLP56 – Policy H5 and "In Perpetuity" – WDLP Committee 9 December 2005

EXECUTIVE SUMMARY:

This report refers to the Local Plan Committee's detailed consideration of the Inquiry Inspectors' recommendations and the Proposed Modifications to the Local Plan Review, which are now put forward for Cabinet and Council approval (the document is circulated separately to all Members as Appendix 1 to this Report). It emphasises the need to avoid further modifications or a further inquiry, in order to secure adoption of the Plan by July 2006. The Proposed Modifications document follows the Plan Chapter order and the report contains an explanation of how the schedules should be read and the arrangements for public consultation at this formal stage. The report also refers to some outstanding issues that remain to be resolved in the Housing Chapter, which are the subject of separate reports.

RECOMMENDATIONS:

To Cabinet and Council:

That the “Proposed Modifications to the Local Plan Review”, as set out in Appendix 1 to this Report, and as proposed to be amended in Reports WDLP54, 55 and 56, be approved for publication as soon as possible, followed by a six week period for public comment.

CABINETWINCHESTER DISTRICT LOCAL PLAN REVIEW: PROPOSED MODIFICATIONS14 DECEMBER 2005REPORT OF THE CHIEF EXECUTIVEDETAIL:1 Introduction

- 1.1 The Public Local Inquiry into objections to the Winchester District Local Plan Review commenced in June 2004 and was formally closed in March 2005. The Inspectors then submitted a report to the Council recommending how the Council should respond to all the objections to the Plan, including recommendations for any changes to the Plan that they consider necessary. The final version of the Inspectors' Report was received and published in September and is available on the Council's web site, or to purchase in hard copy. The Inspectors have also prepared an Addendum Report, covering a small number of housing 'omission' sites in Bishop's Waltham and Colden Common, which had not been covered in the main Report.
- 1.2 The Inspectors' Report sets out the Inspectors' recommendations to the Council on all the objections made on the Local Plan. The Council must consider all of the recommendations and, where it proposes to make changes which would materially affect the content of the Plan (either because of the Inspectors' recommendations or for other reasons), must publish them as Proposed Modifications. Appropriate notice must be given and advertisements published, and there is a 6-week period for formal representations to be made.
- 1.3 The Council commenced detailed consideration of the Inspectors' recommendations, and Proposed Modifications to the Plan, at three meetings of the Local Plan Committee, on 17 October, 27 October and 15 November 2005. These Committees recommended a number of changes to the schedules of Proposed Modifications and these are set out in the minutes of those meetings. The Schedule at Appendix 1 includes the various recommendations made by the WDLP Committee. Recommendations are now made to Cabinet and Council that the content of the schedules should be approved for publication as the Proposed Modifications to the Winchester District Local Plan Review, and published for six weeks' public consultation.
- 1.4 Members are reminded that the Inspectors' Report is not a binding report (unlike those that are being produced under the new planning arrangements), but local authorities are advised that where they choose not to accept an Inspector's recommendation they 'must provide clear and cogent reasons for not doing so' (PPG12). The expectation is, therefore, that the Inspectors' recommendations should be followed and it was recommended to the Local Plan Committee, and now to Cabinet and Council, that the Inspectors' Report should be approached in this way. There is the possibility that a further public inquiry could be needed into either the Proposed Modifications, or the Council's decision not to accept any of the Inspectors' recommendations.

- 1.5 The Council needs to adopt the Local Plan by July 2006 if it is to avoid the need to undertake a Strategic Environmental Assessment of the Plan, and there is not time within this period to accommodate a further inquiry and any resulting further modifications. Members are advised that this should also be taken into account in considering whether any modifications should be proposed which do not relate to a recommendation by the Inspectors, as this could lead to pressure for a further inquiry.
- 2 Proposed Modifications to the Plan
- 2.1 The recommended schedules of Proposed Modifications have been considered in groups of Chapters by the Local Plan Committee, and have now, for ease of reading, been assembled into a single document in Plan Chapter order, in the format for the proposed published document.
- 2.2 The main introductory section sets out the purpose of the document, where related Local Plan documents may be inspected, and how representations may be made. If approved by the City Council, the publication date is expected to be in late January 2006 with the closing date for comments in early March 2006. This section also refers to the two Supplementary Planning Documents that it is planned to publish simultaneously, providing additional guidance on the proposed Local Reserve Sites (see MOD 6.11 in Chapter 6: Housing) and the replacement H.3 policy on infilling (see MOD 6.13). It clarifies the need for comments on these to be submitted separately (See Section 3 of this report for more details of how these documents relate to the Proposed Modifications to the Plan).
- 2.3 This section is followed by the schedules of Proposed Modifications, with each schedule set out in three columns. The first column lists the Modification number, which incorporates the Chapter number, followed by a dot, and then the Modification number in numerical sequence. The Proposed Modifications to Chapter 6: Housing are therefore listed as MOD 6.1, MOD 6.2, MOD 6.3, etc. Each modification number refers to a particular paragraph or Proposal (to be re-named as Policy), which may, in some circumstances, contain more than one change to the text.
- 2.4 The second column sets out the details of the Proposed Modifications from the text of the Plan. The paragraphs setting out specific text changes are set out in normal text, with changes affecting maps, a number of different areas of the Plan, or the need for future updating changes shown in brackets. Proposed Modifications to policies are shown in italic bold text.
- 2.5 Text proposed to be deleted is shown ~~struck through~~, whereas proposed new text is shown underlined. For economy reasons, the schedule is printed in black and white for Members' consideration, with only the maps shown in colour, but it is intended that the proposed changes will be shown in colour in the text of the published version, to provide greater clarity.
- 2.6 The third column sets out the reason for the change, which in most cases refers to the Inspectors' recommendation and the relevant paragraph number of the Inspectors' Report. Where the recommendation accepts a Pre-Inquiry Change or a Further Proposed Change, the relevant PIC or FPC number is included.
- 2.7 It should be noted that there is no schedule for Chapter 1 of the Plan, which primarily provides introductory information on the process being followed. The objections made on this Chapter were mainly general plan-wide issues, which are now dealt

with in the General Proposed Modifications section. The only specific recommendation made by the Inspector in relation to objections to this Chapter concerned the Southampton Airport Safeguarding Zones, which has been addressed in MODs 3.18 – 3.20 of Chapter 3: Design and Development Principles, and in MOD 15.21 of Chapter 15: Appendices, Glossary and Maps.

- 2.8 The first schedule following the introductory section of the document therefore sets out the General Proposed Modifications, and this is followed by the schedules for Chapter 2 – Chapter 14 of the Plan in Chapter order. Chapter 15, to maintain consistency with the Chapter title in the Inspectors' Report, sets out Proposed Modifications to the Appendices, Glossary and Maps, and all the proposed changes to the Proposals and Inset Maps are grouped together in this section, in alphabetical order of the settlements.
- 2.9 The Proposed Modifications set out in the schedules are as agreed by the Local Plan Committee, with one exception, where it has been brought to officers' attention that an objection has not been addressed by the Inspector, as it was inadvertently omitted from the list of objections supplied to the Inspector. This relates to the area of former railway cutting west of New Farm Road, New Alresford. Members will recall that the Inspector has recommended the deletion of the RT.1 designation from the section east of New Farm Road, which was the subject of a separate objection [Inspectors' Report paragraph 9.3.19(i)], and an appearance at the Inquiry. The Inspector's conclusions on this issue are set out in paragraph 9.3.16 of his Report, and, following consideration of this and the Inspector's recommendation, the Local Plan Committee agreed the deletion of the section east of New Farm Road under MOD 15.14 in Chapter 15. It would be consistent to extend the deletion of the RT.1 designation to include the former railway cutting west of New Farm Road, and would also avoid the risk of a further Inquiry to consider this omitted objection. MOD 15.14 and Map 10 have therefore been amended to apply to the whole of the area of the former railway cutting to the east and west of New Farm Road, New Alresford. Discussions have been held with the objector on the issue and it would appear that this would be a satisfactory approach. Cabinet is therefore requested to agree this change to MOD 15.14 and Map 10 of the Proposed Modifications.

### 3 Outstanding Issues

- 3.1 The schedules are incomplete in relation to proposed MODs 6.11 and 6.15 (concerning the proposed text for the Local Reserve Sites and the replacement H.3 infilling policy), and proposed MOD 6.39, which is the subject of further legal advice. The principle of the Local Reserve Sites and the proposed Plan text for these issues are the subject of separate reports to the Local Plan Committee and this Cabinet meeting (WDLP54, 55 and 56).
- 3.2 The District's first Annual Monitoring Report, which local authorities are required to produce each December by the new planning system, has just been prepared. It covers a range of topics and now contains the results of the housing monitoring process, therefore providing background information for the Local Reserve Site issue. The Annual Monitoring Report is the subject of a separate report to this meeting (CAB 1163). As the Local Reserve site policy is not adopted, there is no need for Cabinet to consider the release of any Local Reserve sites. In any event the Monitoring Report suggests that this would not be needed in the coming year.

#### 4 The Next Stage

- 4.1 Subject to Cabinet approval, and full Council approval on 11 January 2006, the Proposed Modifications to the Winchester District Local Plan Review, together with the list of decisions not to accept, or to accept only in part, the Inspectors' recommendations, would be formally published in late January. This would be followed by a 6-week formal consultation period, ending in early March 2006.
- 4.2 Following the consultation period, the Council must consider any representations received and decide whether any further modifications are needed, whether to hold a further inquiry or whether to announce its intention to adopt the Plan without further modifications. After notice has been given of the intention to adopt the Plan, a 6-week period must be allowed during which the Secretary of State may direct changes to the Plan. After that period the Council can adopt the Plan.

#### 5 Conclusion

- 5.1 Cabinet is requested to recommend to Council that the Proposed Modifications to the Winchester District Local Plan Review (circulated separately as Appendix 1 to this Report) be approved for publication in late January 2006, followed by a six week period of public consultation.

##### OTHER CONSIDERATIONS:

None.

##### CORPORATE STRATEGY (RELEVANCE TO):

The Local Plan Review contains policies on a range of issues which are relevant to many of the Council's key priorities, including Homes & Environment, Green Agenda and Economic Prosperity.

##### RESOURCE IMPLICATIONS:

Provision has been made for the District Plan Reserve to meet the costs of producing the Local Plan. Cabinet has recently agreed to transfer some approved budget growth for 2006/07 to the current financial year in order to cover the costs of the Local Plan Inquiry (see report CAB1128).

##### BACKGROUND DOCUMENTS:

None.

##### APPENDICES:

- 1 Proposed Modifications to the Winchester District Local Plan Review (circulated separately).