

COUNCIL

11 JANUARY 2006

WINCHESTER DISTRICT LOCAL PLAN REVIEW: PROPOSED MODIFICATIONS

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

CAB1162 – Winchester District Local Plan Review: Proposed Modifications, Cabinet 14 December 2005

EXECUTIVE SUMMARY:

This report summarises the changes to the Proposed Modifications document agreed by Cabinet, with the appropriate sections of the amended schedules for Chapter 6: Housing, Chapter 15: Appendices, Glossary and Maps, and the Annex (Reasons for not accepting Inspectors' Recommendations) attached at Appendices 1, 2 and 3 respectively.

The recommendations in this report supersede Cabinet Recommended Minutes 589, 590 and 591. Council is requested to endorse these changes for incorporation in the Proposed Modifications and to approve the Proposed Modifications for publication. It is anticipated that they would be published on Thursday 26 January 2006, followed by a six week period for public comment.

RECOMMENDATIONS:

- 1 That Council endorses and approves the publication of the document entitled "Winchester District Local Plan Review Proposed Modifications January 2006", as amended by Appendices 1, 2 and 3 of this report, followed by a six week period of public comment.
- 2 That delegated authority be given to the Chief Executive, in consultation with the Portfolio Holder for Planning, to make minor editorial changes to finalise the Proposed Modifications prior to publication for public comment.

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### WINCHESTER DISTRICT LOCAL PLAN REVIEW: PROPOSED MODIFICATIONS

#### REPORT OF THE CHIEF EXECUTIVE

##### DETAIL:

##### 1 Introduction

- 1.1 In October and November 2005, the Winchester District Local Plan Committee considered the recommendations of the Local Plan Inquiry Inspectors in their Report to the Council. The Committee recommended Proposed Modifications to the various Chapters of the Plan as a result of these recommendations, but subject to a number of outstanding issues that remained to be resolved in the Housing Chapter.
- 1.2 The Proposed Modifications were then combined into a single document in Plan Chapter order, for consideration of the outstanding issues by the Local Plan Committee on 9 December 2005, by Cabinet on 14 December 2005, and by Council on 11 January 2006. Members should refer to the "Winchester District Local Plan Review Proposed Modifications January 2006" document, together with report WDLP 54, **and are asked to bring both documents with them to the Council Meeting.**
- 1.3 At the Local Plan Committee meeting of 15 November 2005, Members did not accept the principle of 'Local Reserve Sites', as recommended by the Inspectors, and deferred consideration for a further report on the options available to the Council in relation to the Inspectors' recommendations and implications of different courses of action. This report (WDLP 54) was prepared and considered by the Local Plan Committee on 9 December 2005 and by Cabinet on 14 December 2005, and should be referred to by Members in considering the options regarding Local Reserve Sites. The recommendation in this report supersedes the recommendations from Cabinet as set out in Minutes 589, 590 and 591.
- 1.4 The two Appendices to this report reproduce part of the Proposed Modifications schedules for Chapter 6: Housing and Chapter 15: Appendices, Glossary and Maps, to make the further changes agreed easier to follow. The main changes are set out in MODs 6.11 – 6.28, MOD 6.49 and MOD 6.61 in Appendix 1. Members should note that additional paragraphs are to be inserted in the published version of the Chapter 6 section of the document, which has resulted in renumbering being required. Appendix 1 (MOD 6.11-6.62) therefore replaces MODs 6.11 – 6.53 of the original document.
- 1.5 The Council must now publish a statement of its decisions on the Inspectors' recommendations, and the reasons for any decisions which do not follow the Inspectors' recommendations. The Annex to the main document sets out the reasons for changes so far proposed. Appendix 3 of this report amends this list of reasons to deal with the departure from the Inspectors' recommendation on Policy H5 (MOD 6.39, now MOD 6.49). Further additions to this Appendix will be required if the proposals on Local Reserve Sites (Section 2 below) are not accepted.

## 2 Local Reserve Sites

- 2.1 The Proposed Modifications document therefore highlights in grey the main areas referring to Local Reserve Sites which would be retained if the City Council accepts the principle of Local Reserve Sites and the sites recommended by Inspectors, or deleted if it does not.
- 2.2 Following the receipt of a further report (WDLP 54), the Local Plan Committee did not accept the principle or the four sites recommended by the Inspectors as Local Reserve Sites, but Cabinet, following further consideration of the report and discussion of the issue, agreed to recommend to Council that both the principle and the four sites recommended by the Inspectors should be retained, with a proposed new policy and supporting text published as Proposed Modifications to the Plan.
- 2.3 The Council has been advised by consultants Adams Hendry on the wording of a policy and appropriate text to be included in the Local Plan. Appendix 1 is a revised section of Chapter 6 of the Proposed Modifications, and additional text has been inserted to reflect the conclusions of the consultants' work on Local Reserve Sites. The proposed policy and text, as agreed by Cabinet, may be found at MODs 6.11 – 6.16.
- 2.4 It is a fundamental requirement of Local Plans that they 'generally conform' with the relevant Structure Plan, and meeting the Structure Plan's housing requirement for the District is a key element of this. The Inspector's recommendations relating to Local Reserve sites are aimed at ensuring that the Plan can make adequate housing provision and addresses the largest combined area of objection to the Local Plan: the level and location of housing provision. Whilst there may be concern about the Local Reserve sites approach and the 4 sites recommended for identification, the converse is that the Inspector has rejected arguments for higher levels of housing provision and the many other 'omission' sites that were promoted to accommodate it.
- 2.5 Report WDLP54 concludes that the principle of Local Reserve sites is consistent with the 'Plan, Monitor and Manage' approach to housing provision. It is clear that the Inspector saw the Local Reserve sites as a way of ensuring that the District-wide housing requirement is met, and that there is no statutory basis for dividing this requirement into sub-areas of the District. The identification of the District's most sustainable sites as Local Reserve sites is, therefore, logical and need not be related to the location of any shortfall.
- 2.6 All of the Local Plan 'omission' sites have been thoroughly assessed by the Inspectors and the 4 Local Reserve sites are recommended as a result of that analysis. No new issues relating to the sites have been raised which would justify rejecting the recommended identification of any of the four local reserve sites.
- 2.7 Any further Public Inquiry into the Council's rejection of the Local Reserve sites is likely to be wide-ranging and the requirements to undertake Strategic Environmental Assessments of Plans which are not adopted by July 2006 is likely to extend the scope of any Inquiry even further. This has serious implications in terms of the costs of the Inquiry (direct and indirect) and delay to the Local Plan adoption process. Unless additional resources are made available to allow other planned areas of work to continue, there would also be major delays to the parts of the Council's LDF which are programmed over the next 2-3 years.

2.8 The overall conclusion of WDLP 54 was that there are no obvious flaws in the Inspector's approach that would warrant rejecting the recommendation on Local Reserve sites. Whilst it may be possible to re-assess housing provision to review the case for Local Reserve sites, the implications in terms of a further Public Inquiry are very serious and there is no guarantee that any further work would show that Local Reserve sites are not needed, or that a further Inquiry Inspector would come to a different conclusion to the original Inspector. It is, therefore, strongly recommended that both the principle of Local Reserve sites, and the 4 recommended sites themselves, are accepted.

2.9 As set out in 1.5 above, if the Inspectors' recommendations are not followed, clear and cogent reasons will have to be given and further wording added to Appendix 3.

### 3 Other Outstanding Housing Issues

3.1 Adams Hendry has also advised the Council on the Inspector's recommended replacement H.3 policy, to provide for limited infilling in areas outside the settlements with defined policy boundaries (subject to Policy H.2). The Local Plan Committee and Cabinet agreed the retention of the Inspector's wording for the policy and some of the explanatory text, but with additional text recommended by the consultants. This wording is set out as MODs 6.18 – 6.28 in Appendix 1.

3.2 As a result of the revised explanatory text, it was also agreed that definitions for the terms 'Infill' and 'Parish Plans' would be amended or added to the Glossary. Changes to the Glossary are included in Chapter 15 of the Proposed Modifications document, and a revised Glossary section has therefore been attached as Appendix 2 to this report, with the amended and additional definitions included in MODs 15.3 and 15.4.

3.3 Following representations made to the Local Plan Committee and Cabinet, it is recommended by Cabinet that additional wording be added to paragraph 6.74 of the Local Plan to highlight that the character of some areas may prevent the density guidance in PPG3 being achieved. The additional wording is set out at MOD 6.61.

3.4 The remaining outstanding issue concerned the use of the term 'in perpetuity' in Policy H.5, which allows a proportion of affordable housing to be sought on suitable sites. The Local Plan Committee and Cabinet have agreed that the Inspector's recommendation to delete the wording should be accepted, but that wording should be added to clarify the policy intention, and to draw attention to the statutory provisions that apply. The revised wording is set out in MOD 6.49. The reasons for not accepting the Inspectors' recommendations are set out in Appendix 3.

3.5 Adams Hendry will also be drafting Supplementary Planning Documents (SPDs) on the operation of the proposed policies referred to in paragraphs 2.3 and 3.1 of this report, to be published in draft alongside the Proposed Modifications to the Local Plan Review. They will be presented to the Local Plan Committee on 9 January 2006 and to Cabinet on 18 January 2006. Members should refer to the relevant reports and draft text, when produced, for further information.

### 4 Conclusion

4.1 Council is therefore requested to endorse and approve the Proposed Modifications, as proposed to be amended in Appendices 1, 2 and 3 of this report, for publication on Thursday 26 January 2006, to be followed by a six week period for public comment.

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: Revisions to Chapter 6: Housing.
- 2 Proposed Modifications: Revisions to Chapter 15: Appendices, Glossary and Maps.
- 3 Proposed Modifications: Revisions to Annex (reasons for not following Inspectors' recommendations).