

WINCHESTER DISTRICT LOCAL PLAN REVIEW COMMITTEE

9 DECEMBER 2005

CABINET

14 DECEMBER 2005

LOCAL PLAN INSPECTORS' REPORT – 'LOCAL RESERVE' SITES

REPORT OF 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

EXECUTIVE SUMMARY:

At the last meeting of the Winchester District Local Plan Committee, Members were unwilling to agree to the principle of 'Local Reserve' sites and the Committee deferred consideration for a further report on the options and implications. This report sets out the options available to the Council in relation to the Inspectors' recommendations and the implications of different courses of action.

It concludes that the Local Reserve site approach is consistent with Government advice and is put forward as a means of ensuring the District-wide housing target set in the Structure Plan is met. Those issues raised in objection to the four sites recommended by the Inspector were considered at the original Inquiry, other than in relation to open space provision at Denmead. The need for open space provision in Denmead is not new, although the Parish Council's suggestion of using the recommended Local Reserve site is a new issue. It is, however, one which could and should have been raised earlier in the Local Plan process.

Although work could be done to assess whether there is justification to reduce the level of Local Reserve provision (or remove it completely) any change would be likely to require a further Local Plan Inquiry. This would enable development interests to re-open

consideration of housing requirements and the numerous 'omission' sites that could be considered as alternative/additional Local Reserve sites or straightforward allocations. This is likely to require an extensive Public Inquiry with serious implications in terms of cost and delays to the Local Plan adoption process. There is also no guarantee that the outcome would be any more acceptable to the Council.

Accordingly, it is recommended that the principle of Local Reserve sites, and the recommended sites themselves, be accepted.

RECOMMENDATIONS:

That it be recommended to Cabinet and Council:

That the principle of Local Reserve sites, and the 4 sites recommended by the Local Plan Inspector, be accepted.

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DETAIL:

1 Introduction

- 1.1 The last meeting of the Committee considered the Inspectors' recommendations in relation to Chapter 6 (Housing) of the Local Plan. These included the recommendation that four 'Local Reserve' sites be allocated for housing development, so as to be available if needed to cater for a shortfall in District-level housing provision. Members had reservations about the concept of 'Local Reserve' sites, as well as concerns about some of the sites themselves, and deferred the matter for further consideration and for a report on the options available to the Council. This report considers the various options and sets out the implications arising from them.
- 1.2 The report considers firstly the principle/concept of Local Reserve sites and the concerns about this raised by Members at the last meeting. It then considers the four sites. To some extent, the principle of Local Reserve sites is linked to the four sites identified and to the triggering mechanism, so there is inevitably some overlap between the sections of this report and the separate report on the proposed Local Reserve sites policy. Finally, the report considers the implications of the various options, particularly of not accepting the Inspector's recommendations.
- 1.3 Members also received an oral report from Adams Hendry, the consultants appointed to draft a 'Local Reserve' sites policy and Supplementary Planning Document, on the issues surrounding the 'triggering' mechanism for Local Reserve sites. Should the Council agree to identify Local Reserve sites, a suggested policy for inclusion in the Local Plan has been produced and is the subject of a separate report.

2 The Principle of Local Reserve Provision

- 2.1 Members expressed concerns at the last meeting of the Committee that the Local Reserve designation was a new concept and about whether it was a logical response to the potential housing shortfalls that the Inspector identified. Members questioned whether the Inspector had identified a need for about 400 dwellings and sought sites to provide that number, or whether he had identified four sites which they thought should be released, which totalled 400 dwellings, or a mix of the two approaches. This section seeks to clarify some of these issues.
- 2.2 PPG3 promotes the 'Plan, Monitor, Manage' approach to planning rather than the previous 'predict and provide' method of allocating housing:

PPG3, Paragraph 33.

“..... Local authorities should manage the release of sites over the plan period in order to control the pattern and speed of urban growth, ensure that the new infrastructure is co-ordinated with new housing development and deliver the local authority's recycling target. It is for each local planning authority to determine the form of such phasing policies but good practice guidance will be issued. One possible approach to managing the release of land for housing is to divide the plan into three phases, allocating sites for development in accordance with the presumption in paragraph 32”. (*Paragraph 32 sets out the 'brownfield first/greenfield last' approach*)

- 2.3 In Winchester's case, the housing provision during the Plan period is heavily reliant on a large number of unallocated urban capacity/windfall sites and a single large allocation at West of Waterlooville. All the other allocations at the Deposit Plan stage were carried forward from earlier Plans, and most had planning permission and were in the process of being developed. This made it unrealistic to apply the 'phased' approach promoted by PPG3. Therefore, other than the strategic reserve provision at West of Waterlooville and Winchester City North, there was very little scope for the Council to 'manage' housing provision, a point made by objectors to the Plan.
- 2.4 In view of the considerable pressure from development interests to identify and allocate additional sites, Members considered a report in April 2004 (WDLP47) recommending that the Council may wish to provide guidance to the Inspectors on the location of any allocations they may recommend to provide for alleged shortfalls in provision. The Council did not feel this would be appropriate, other than to refer to the work that had been carried out on settlement categorisation. Therefore, it was argued at the Local Plan Inquiry that sufficient housing was provided and that there was no need for any additional sites or to 'manage' provision.
- 2.5 Whilst the Inspector largely accepted the Council's case, he was concerned that there was not sufficient certainty that adequate housing provision would come forward and that there was no mechanism for the Council to manage supply if a shortfall in provision was anticipated. There are various references in the report to the Inspector's reasoning behind the Local Reserve sites, but it is set out most comprehensively in section 6.5 (pages 90-97). It can be seen from this that he did not feel a precise target for the number of dwellings to be identified through Local Reserve sites was appropriate (paragraph 6.5.13):

“.....I see little merit in compensating for the potential shortfall by identifying a precise target calculated on an arithmetic basis derived from a subjective appraisal of the many estimates of supply. Any such figure would, by definition, be arbitrary.”

- 2.6 It is also clear that the scale of development (and therefore the specific sites) that the Inspector recommended releasing were linked to his conclusions about the general scale of Local Reserve provision needed (paragraph 6.0.10):

“.....In respect of all the omission sites, the extent to which I consider that additional land needs to be identified for housing in the Plan is central to weighing the balance between the advantages and disadvantages of residential development in any particular case. With my conclusion that there is only a need for a baseline Local Reserve provision of approximately 400 dwellings, I reject the objectors' submissions in respect of the scale of housing need and also agree with the Council that comparing the sites to the Reserve MDA is inappropriate.”

It is, therefore, concluded that the need to identify a Local Reserve provision of about 400 dwellings (although not a 'precise target') was the primary factor leading to the identification of the 4 sites that are recommended (see also paragraphs 6.0.6 and 6.5.17). It appears that, if the Inspector had identified a lesser or greater need he would have identified correspondingly fewer or more sites.

- 2.7 Therefore, it would be possible to reassess the figures presented to the Inquiry to see whether the likelihood of a shortfall had increased or decreased since the basedate of the evidence provided (April 2003). If it appeared that the sources of housing supply had increased or become more certain this could justify reducing the scale of the Local Reserve provision (or not having any Reserve provision at all), whereas if the uncertainty had grown a larger Local Reserve (or firm allocations rather than Reserve sites) may be needed.
- 2.8 In general, completions over the two years since the April 2003 base date have been high, substantially reducing the remaining Structure Plan requirement (see report CAB1163, Annual Monitoring Report). The 'housing trajectory' included in the Annual Monitoring Report suggests that, even with pessimistic assumptions about delivery at West of Waterlooville, the Structure Plan housing requirement will be exceeded. Having said this, the assumptions made about the contribution of urban capacity sites at the time of the Inquiry (166 dwellings per annum) were only achieved in 1 of the last 5 years and the contribution of West of Waterlooville is likely at best to be at the lower end of the range suggested at the Local Plan Inquiry. Conversely, the number of completions on windfall sites and allocated sites has been high.
- 2.9 Whilst it would be possible to produce updated evidence, which may or may not indicate a reduced need for Local Reserve sites, it is likely that any new evidence would be challenged and that there would be considerable pressure for a further Public Inquiry into it. Even if the Council's evidence suggested a reduced need for Local Reserve sites, objectors would have the opportunity to argue for a higher provision, or for firm allocations instead of reserve provision. This would mean that site-specific issues would inevitably need to be considered, either in terms of which of the four Local Reserve sites the Council considered would not be needed, or in respect of additional sites which objectors argued would be needed. The implications of a further Inquiry, in terms of cost and delays, are substantial and are considered in Section 4 of this report.
- 2.10 The Local Plan Committee also asked whether the 'Local Reserve' sites were a new concept. As indicated above, the approach recommended by the Inspector is consistent with the 'Plan, Monitor, and Manage' approach. Many emerging local plans include some sort of prioritisation of housing allocations, to indicate the order in which sites would be released, taking account of monitoring (e.g. Basingstoke and Deane Borough Plan). Therefore, these Plans do not necessarily identify a 'reserve' provision, although some plans do (e.g. Wokingham District local Plan). Regardless of whether the sites are called Local Reserve sites or not, the approach of prioritising the release of sites taking account of the results of monitoring is becoming well established and follows Government advice on the 'Plan, Monitor, and Manage' approach.
- 2.11 The other main concern about the principle of the Local Reserve sites which was raised at the previous meeting of the Committee related to whether they should/would be used to make good potential shortfalls at West of Waterlooville. Although the Inspector's covering letter refers to the potential for shortfalls at West of Waterlooville as part of the justification for a Local Reserve provision, it is notable that section 6.5 of the main Report makes much less reference to Waterlooville. Indeed, at paragraph

6.5.10 of the Report, the Inspectors identify the two main factors that have led them to conclude that a Local Reserve provision is needed, which do not include potential shortfalls at Waterlooville:

- i) “the reliance on a large number of fairly or very small sites over which the Council has little or no control or influence as to whether and when they actually come forward for development”
- ii) “the environmental constraints on achieving the PPG3 range of densities on which the Council largely relies to meet its targets.”

Having considered these two issues in paragraphs 6.5.11 and 6.5.12, the Inspector goes on to reach the following conclusion in paragraph 6.5.13:

“Taking these points into account, I consider that although there is no conclusive evidence that the sites will not come forward in the predicted numbers and assumed densities, equally there are some credible arguments as to whether they actually will at or near the Council’s minimum estimates in Table 1. The strategy should therefore include an element of both diversity and flexibility if it is to be fully fit for purpose and accordingly I consider that it would be improved by the inclusion of a relatively modest element of provision in the form of urban extensions on sites suggested by the objectors (i.e. omission sites). I consider that these should take the form of a ‘Local Reserve’ (as opposed to the strategic reserve of the Reserve MDAs) and that the decision whether to release all or some of the sites should fall to the Winchester District Council itself rather than the strategic authorities....”

- 2.12 Thus, whilst the possibility of under-provision at Waterlooville was a concern to the Inspector, it was not one of his two main reasons for recommending a Local Reserve policy. The mention of the MDAs in paragraph 6.5.14 is merely in the context of pointing out that it would not be appropriate to release a strategic reserve site to deal with a ‘relatively modest’ shortfall. In this paragraph also the Inspector goes on to refer to the Local Reserve sites being released in response to urban capacity sites failing to deliver, not the Waterlooville MDA:

“Logically however the majority of this alternative provision must have only a reserve status, to be released only if and when the Urban Capacity sites do not deliver in sufficient numbers, as their unrestrained release could result in an over supply compared with the requirement.”

- 2.13 It is, therefore, clear that the Inspector saw the Local Reserve provision as a means of addressing any potential shortfall in the delivery of the District-wide housing requirement, not just to address potential shortfalls at Waterlooville. While the Waterlooville MDA is clearly a substantial element of the District-wide figure, the requirement imposed by Government advice and the Structure Plan is for the baseline figure to be met, regardless of whether or not the MDA contributes to this. If there is a shortfall because the MDA does not deliver adequate housing in the Plan period, this will inevitably have to be made up elsewhere – there is clearly no scope to allocate a replacement MDA in the same general location as West of Waterlooville. There is, therefore, some logic in the Inspector’s approach of identifying the next most sustainable option, in terms of the sequential approach, namely acceptable urban extensions to the District’s more sustainable settlements.

- 2.14 Indeed, it should be noted that there is no basis in any current statutory plans for subdividing the District into sub-areas. While the Structure Plan may do this for the

County in relation to strategic reserve sites, it does not suggest any sub-division for the baseline requirement, other than on a District-wide basis. There would, therefore, be no basis for seeking to relate the Local Reserve provision to sub-areas of the District, and to do so would introduce a new and untested concept at a late stage in the Local Plan process.

2.15 Although the emerging South East Plan includes sub-regional strategies, which have the effect of dividing Hampshire into sub-areas, this Plan is at an early stage in the adoption process. Its provisions will need to be implemented through the City Council's Local Development Framework, not the current Local Plan, which is required to be in general conformity with the adopted County Structure Plan.

2.16 Accordingly, it appears that the discussion at the last Committee meeting was overly influenced by the prospect of under-delivery at Waterlooville and consideration of housing requirements at a sub-District level, when in fact the Inspectors were much more concerned with potential shortfalls in urban capacity and the need to provide a means of allowing flexibility in relation to housing densities on infill schemes. **In relation to the principle of the Local Reserve sites, it is concluded that:**

- The Inspector has considered the requirement to provide for the District-level baseline housing requirement (as required by the Structure Plan and Government advice), taking account of the main sources of supply. There is no statutory basis for attempting to break the housing requirement down to sub-area level, as the strategic requirement relates to the whole District;
- The Local Reserve approach promoted by the Inspector follows the 'plan, monitor and manage' and 'sequential' approaches promoted in PPG3, by identifying the most acceptable sites within the most sustainable group of settlements, to be released if other more sustainable options do not deliver adequate housing;
- It would be possible to update the assessment of housing provision submitted to the Inquiry to an April 2005 basedate, to assess whether the need for Local Reserve provision is more or less than identified by the Inspector, but any decision based on a reassessment would almost inevitably be challenged. This would give an opportunity for objectors to seek a new Public Inquiry into the housing requirements and the best means (sites) for providing them;
- Such an examination could not be restricted only to the consideration of housing numbers because the conclusions on housing numbers will have site-specific implications for the number/location of housing allocations (and whether they are 'reserve' or 'normal' allocations).
- A further Inquiry would result in serious delay to the adoption of the Plan and be very costly (see Section 4 below), with no guarantee that the outcome would be viewed as any more favourable.

3 The Proposed Local Reserve Sites

3.1 The Inspectors recommended that 4 Local Reserve sites be identified (see Maps 1-4 at Appendix 1 of WDLP52, 15 November 2005):

- Pitt Manor, Winchester
- Francis Gardens, Winchester
- Little Frenchies Field, Denmead
- Spring Gardens, New Alresford

These sites would provide a total of about 400 dwellings, this being the scale of provision which the Inspectors concluded should be made.

- 3.2 There have been various comments made about the sites, with some groups or individuals indicating opposition to the allocation of particular sites or suggesting alternatives, such as the allocation of more sites to give a greater choice if/when it came to releasing a site. Some of the comments that have been made seem to assume that the Inspector ranked the 4 sites in terms of which they found to be preferable, or imply that there is a longer list of sites that could be drawn upon to enable a choice to be made from a larger number of Local Reserve sites. However, neither is the case and the Inspectors do not indicate anywhere in their Report a ranking of the 4 identified sites, nor of the many other 'omission' sites that the Inspectors have not recommend as 'Local Reserve' sites.
- 3.3 The only indication of any ranking is that the Inspectors found the 4 sites that they recommend to be the most suitable of the many sites that were promoted by objectors to the Plan. This follows thorough examination of the sites and the evidence for and against their inclusion in the Local Plan that was submitted through the original objections to the Local Plan and evidence to the Inquiry. Many of the 'omission' sites were the subject of appearances at the Inquiry, especially larger sites in the larger settlements, many of which are 'Category A' settlements. As indicated below, the Council opposed the allocation of any of these sites at the Inquiry and put forward evidence to highlight what it thought were the objections to development of the sites. In most cases the Inspector agreed and declined to recommend development of the sites, but in the case of the 4 recommended sites the Inspector clearly considered that they could potentially be developed, if this was needed to meet the housing requirement for the District.
- 3.4 The only form of 'ranking' that there is, relates to the Inspectors' clear indication that they expected any Local Reserve sites to be within the 'Category A' settlements (see paragraphs 6.0.6 and 6.5.15). However, as indicated at the last meeting of the Committee, there were approximately 40 omission sites promoted within the Category A settlements. Therefore, limiting the choice of potential sites to Category A settlements does not in any way help to produce a ranking as such, and considerable work would be needed to devise a ranking of the sites, and potentially to identify any 'non-omission' sites that should also be considered. Clearly, any further work and evidence relating to the ranking of sites (either the 4 chosen by the Inspectors, or any additional/alternative sites) would be likely to be subject to objection and there would be an expectation that such work should be examined through a further Inquiry.
- 3.5 In the absence of any ranking of the sites, or any further work on which to base a ranking, the only means of prioritising their release is through the work currently being undertaken by Adams Hendry on the Local Reserve policy and Supplementary Planning Document. Adams Hendry outlined at the last meeting their initial thoughts on the factors which may contribute to prioritising the release of sites and the agenda for this meeting includes a report on this issue which provides further detail.
- 3.6 With regard to the merits of the various sites, whilst there is clearly opposition to the identification of some of them as Local Reserve sites, this is not in itself a basis for rejecting the Inspectors recommendations. The Council would need to show 'clear and cogent' reasons for rejecting the Inspector's recommendations (PPG12), especially on such a fundamental issue as housing provision. The paragraphs below set out the key issues considered at the Inquiry in relation to each of the sites, and address any subsequent comments/issues raised in relation to them.

Pitt Manor, Winchester

- 3.7 The main issues identified by the Inspector in relation to this site are sustainability, landscape, highways and the benefits of park and ride. The City Council called three witnesses at the Inquiry who presented evidence on planning, landscape and highways respectively. The evidence also covered other issues of concern identified by officers, including ecology and archaeology, although these were found to be capable of resolution by the Inspector.
- 3.8 Those who oppose the Inspector's recommendation to include this site as a Local Reserve have not raised any new issues. Their main concerns relate to landscape impact, but this issue was very thoroughly examined at the Inquiry. The Council called a landscape witness who argued the points now being made by objectors (visual intrusion, impact on previously-defined Area of Special Landscape Quality, etc.). However, the site is very well contained on its western edges by an established treed boundary and the Inspector has clearly had regard to all the evidence and concluded that any landscape/visual impact would be limited. The Inspector also makes the point that any urban extension would, by definition, involve a loss of countryside and some visual impact. Given the detail in which this issue has been examined, it is accepted that the Inspector's conclusions are reasonable and it is worth noting, in addition, that there is no requirement in Government or Structure Plan policy for development sites to have no visual impact.
- 3.9 The ecological concerns raised at the Inquiry by the Council related to the north-western part of the objection site, which had been identified as potentially of sufficient quality to be identified as a Site of Importance for Nature Conservation, following survey work. This concern was addressed by the proposal that the sensitive part of the site be retained in open use, hence the apparently low estimate of 200 dwellings from a site of nearly 13 hectares. Part of the site (about 1 hectare) is proposed for park and ride, if needed. If this part of the site were developed for housing instead the capacity would rise accordingly, to about 230-250 dwellings.

Francis Gardens, Winchester

- 3.10 The main issues covered in the Inspector's Report relate to sustainability, landscape, local gap, highways and impact on existing residents. The City Council called three witnesses at the Inquiry who presented evidence on planning, landscape and highways respectively. The evidence also covered other issues of concern identified by officers, including the need for additional housing, but the Inspector clearly identified a need to identify Local Reserve sites in case provision was inadequate.
- 3.11 Like the Pitt Manor site, the Inspector felt that part of the site should remain undeveloped, in this case due to the landscape impact of development at its eastern end. Therefore only the western part of the site is proposed as a Local Reserve site, hence the estimate of 80 dwellings on a site totalling 4.5 hectares.

Little Frenchies Field, Denmead

- 3.12 The main issues covered in the Inspector's Report relate to sustainability, landscape/setting of Denmead, previous Inspectors' conclusions, agricultural land quality and flooding. The City Council called a planning witness at the Inquiry, whose evidence also covered other issues of concern, including the need for additional

housing, but the Inspector clearly identified a need to identify Local Reserve sites in case provision was inadequate.

- 3.13 Since the publication of the Inspector's Report a letter signed by over 200 people has been received opposing development of the site and querying the process by which the site was identified. A letter has also been received from Denmead Parish Council (circulated to Members in advance of the last meeting of the Committee), which suggests the greater need is for recreational use of this site. Letters have also been received from one local resident and from the Campaign to Protect Rural England (CPRE) Mid Hampshire Branch, mainly raising concerns about infrastructure constraints in Denmead, taking account of recent and permitted growth.
- 3.14 The potential need for recreational provision on this site is the only new issue that has been raised which was not considered at the Inquiry. The Parish Council refers to a 7 hectare shortfall of open space in the Parish, which it is understood is derived from the latest Open Space Strategy (2005-2006), which identifies a need for 2.7 hectares of land for children's play and 4.0 hectares for sports (total 6.7 hectares).
- 3.15 The Open Space Strategy puts forward proposals for addressing the shortfalls, which have been the subject of discussion and consultation with the Parish Council. In responding to consultation on the draft 2004/05 Open Space Strategy, the Parish Council produced and submitted a 'Sports and Open Space Initial Assessment' (January 2004). Neither this Assessment, nor the Parish Council's response to consultation on the draft 2005/06 Open Space Strategy make any mention of Little Frenchies Field as a potential recreational site. Accordingly, the Open Space Strategy includes the following proposals to improve provision within Denmead:
- Children's Play – need for new areas of land to serve the more distant parts of the village, with land at Anthill Common allocated for open space use in the Local Plan (3.7 hectares, see also below). New children's play provision is expected during 2005 on development sites at Hatchmore and Mill Close.
 - Sports – Strong demand for additional football pitches which should ideally be in the Goodman Field area. Possible scope for new pitches at Anthill Common (3.7 hectares allocated in the Local Plan). The replacement of the pavilion at King George V Field was expected to provide more pitch space (junior pitch).
- 3.16 Therefore, when produced recently in consultation with the Parish Council, the Open Space Strategy put forward proposals to address the shortfalls of provision in Denmead. None of the suggestions by the Parish Council included Little Frenchies Field, despite a recent assessment of open space needs. In relation to sports provision, the Goodman Fields area (on the other side of the village) is mentioned in the Open Space Strategy as the ideal location.
- 3.17 In view of this recent analysis of the situation, it is concluded that it would not be possible to put forward a robust justification for the allocation of Little Frenchies Field for public open space. Given the objections from the landowner that could be expected, a further Public Inquiry into such an allocation would seem inevitable and any acquisition would be unlikely to be by agreement, suggesting a need for compulsory purchase procedures (which would require an even higher level of need to be demonstrated).

Spring Gardens, Alresford

- 3.18 The main issues covered in the Inspector's Report relate to sustainability, landscape, and the previous Local Plan Inspector's conclusions. The City Council called a planning witness at the Inquiry, whose evidence also covered other issues of concern, including the need for additional housing, but the Inspector clearly identified a need to identify Local Reserve sites in case provision was inadequate.
- 3.19 The Inspector recommends identifying the whole site as a Local Reserve site. The site measures about 1.24 hectares and the Inspector anticipates it could accommodate about 35 dwellings, of which about 13 may be affordable units. Following the publication of the Inspector's Report, Alresford Town Council has written in support of the identification of the site, stating that some members thought it would be particularly suitable for starter homes/social housing primarily for local residents.
- 3.20 **In relation to the merits of the recommended Local Reserve sites, it is concluded that:**
- The concerns that have been raised about the 4 identified sites have not raised any issues that were not covered either generally or specifically at the Inquiry, other than in relation to the shortfall of open space in Denmead;
 - In relation to the issue of open space provision in Denmead, there has been a shortfall for several years. The Local Plan allocates land to help rectify the situation and the Open Space Strategy identifies various opportunities, none of which include Little Frenchies Field. There has, therefore, been ample opportunity for the Parish Council or others to promote the allocation of Little Frenchies Field through the Local Plan process. Given the other proposals for improving open space in the Parish, and the difficulties in justifying and implementing an open space allocation for Little Frenchies Field, it would not be appropriate to allocate the site for open space;
 - There are not sufficiently sound or robust reasons to challenge the Inspector's recommended sites. The rejection of any one of the sites is likely to result in a need to rank the sites (which the Inspector did not do) and would be likely to require examination of this work and result in pressure to reopen consideration of all omission sites adjacent to Category A settlements (and possibly beyond).
 - Any decision to reject a Local Reserve site would need to be accompanied either by a recommended replacement site (raising the issue of the ranking of other omission sites or the identification of non-omission sites), or by a reasoned argument as to why the reserve housing provision involved is not needed (giving rise to the issues raised in paragraph 2.16).

4 Implications of Rejecting the Inspector's Recommendation

- 4.1 The previous sections touch on the implications of rejecting the Inspector's recommendations, either by rejecting the principle of local reserve sites or by deciding against allocating one or more of them. In view of the severity of the implications, the Council needs to be fully aware of them before making any decisions on this issue.
- 4.2 The matter of housing provision, of which the Local Reserve sites issue is one aspect, is a fundamental component of the Plan, as noted by the Inspectors and evidenced by the level of objection. Any case which the Council may be able to put against either the need for Local Reserve sites or the specific sites themselves would result in

changes that would clearly be subject to strong objection by development interests, especially those with an interest in any of the 4 identified sites. Because of the fundamental importance of the issues, objectors would argue that any evidence put forward by the Council to justify its decision would need to be examined at a further Public Inquiry and such an argument may be difficult to resist.

- 4.3 The linkages between the wider housing numbers issues and the specific sites recommended by the Inspector are such that any further Inquiry could be very wide-ranging. For example, if the Council challenged the need for Local Reserve sites in principle, or in such numbers, objectors would have the opportunity to re-open the housing numbers debate in the light of any new evidence produced by the Council. This may give an opportunity for the promoters of the 4 sites to argue for them to be 'proper' allocations, rather than Local Reserves, and the promoters of others sites may be able to press for the inclusion of their sites as well as, or instead of, the Inspector's recommended Local Reserves.
- 4.4 The Inspectors did not rank either the Reserve Sites or the other omission sites which they rejected. Therefore, it is not possible to simply move the 'cut off point' at which sites are identified, either to increase or decrease the number of Reserve Sites. The Council would need to develop a clear argument and set of criteria for judging the omission sites and then reassess them all if it wished to include fewer or more sites. Such an exercise is likely to be the subject of objection and pressure for a further Inquiry.
- 4.5 If it were possible to limit any re-examination of sites to those within the 'Category A' settlements, this could limit the exercise to about 40 omission sites, plus any others the Council chose to include in its analysis. However, even if any further Inquiry could be limited in this way (as there may be pressure to include omission sites in other H.2 settlements), it would be a very major Inquiry. On the basis that each site would probably take at least one Inquiry sitting day to deal with, and quite possibly 2 days, any inquiry of 40-80 sitting days could be expected. This compares to 65 sitting days for the whole of the original Local Plan Inquiry.
- 4.6 The original Public Inquiry was very expensive and the Local Plan Reserve, which was built up over several years to pay for it, is now largely depleted. For example, the Inspectors fees amounted to about £250,000, with further major costs for Counsel's fees, accommodation for the Inquiry and the appointment of the Programme Officer. No budget provision or staff time has been allocated for a further Inquiry. Therefore, any decision which may result in such a major further Public Inquiry should be made in the knowledge that budget provision of up to approximately £500,000 would need to be made for the coming financial year.
- 4.7 In addition, officer time would need to be re-directed to preparation for, and attendance at, the Inquiry. This would require a major reappraisal of the Strategic Planning Division's workload and changes to the Council's Local Development Scheme (LDS). The LDS, which requires approval by the Government Office for the South East (GOSE), currently indicates that the Local Plan Review will be adopted by summer 2006, at which point work will begin on the 'Core Strategy' for the Local Development Framework (LDF). Work is also underway on the Statement of Community Involvement (SCI), which is due to be published for consultation in February/March 2006. Most non-Local Plan work would have to be abandoned to allow a new Public Inquiry to take place (unless additional resources were provided) and it is not clear whether GOSE would agree to a revised LDS which proposed this, given the Government's desire for planning authorities to move quickly towards the new planning policy system and to start work on their Local Development

Frameworks. Indeed, GOSE may be able to effectively veto such work and this is being investigated further.

- 4.8 It is also likely that any further Inquiry would lead to a major delay in adopting the Local Plan Review. Such an Inquiry would be unlikely to start before late 2006 and an Inspector's report may be received in about mid-2007. The adoption process would, therefore have been delayed by about 2 years, along with the programme for producing other LDF documents. Adoption could be expected in mid-2008, by which time the Local Plan would have less than 3 years to run before its end-date of 2011. Because other LDF documents would have been delayed, it would not be possible to ensure that new planning policy documents would be in place to provide guidance post-2011.
- 4.9 The importance of seeking to adopt the Local Plan Review by July 2006 has been noted in other reports to the Local Plan Committee. Failure to do this may mean that the Council has to undertake a Strategic Environmental Assessment of the Local Plan, which would itself lead to substantial cost and delay. The programme that is set out for adoption of the Local Plan by July 2006 does not provide scope for either further modifications or a further inquiry.
- 4.10 Any decision by the Council which is likely to lead to another Inquiry would, therefore, inevitably result in the Council failing to adopt the Plan by the July 2006 deadline. The detailed implications of this in terms of cost and delay have not been fully assessed, as it had not been planned that they would be encountered and it is not an area in which officers currently have much experience. However, a very broad estimate is that the carrying out of a Strategic Environmental Assessment (SEA) could take about 6-9 months, taking account of the need to 'scope' the exercise and the various requirements to consult with statutory consultees and the public. It is also likely to require some specialist consultancy input, as well as considerable input of staff time, both from within the Strategic Planning Division and from other areas of expertise within the Council. Like a further Local Plan Inquiry, this would divert staff from working on the components the Local Development Framework which are currently planned.
- 4.11 In fact, the need for a further Public Inquiry to consider the Local Reserve sites issue and the need to carry out an SEA are likely to combine to require reconsideration of many of the omission sites, given the requirement that SEAs should consider alternative strategies. The SEA requirements could, therefore, result in the scope of the further Public Inquiry being broadened, and also a need for much more preparatory work and consultation than would otherwise be involved in a further Local Plan Inquiry. In practice, therefore, it would be likely that the Plan's whole housing provision strategy would need to be revisited through the process of undertaking an SEA, following which a further Local Plan Inquiry would be needed into the results. Under this scenario, the delays and costs mentioned at paragraphs 4.6-4.8 above are likely to be significantly underestimated.
- 4.12 **In relation to the implications of not accepting the Inspector's recommendations on Local Reserve sites, it is concluded that:**
- Housing provision is a fundamental aspect of the Plan which was subject to many objections. Any decision not to accept the Inspector's recommendation will be closely scrutinised and is likely to result in strong pressure for a further Public Inquiry;
 - The scope of any further Public Inquiry is difficult to limit because of the links between the scale of any Local Reserve provision and the sites identified, and the

fact that the Inspectors have not identified any ranking of either the 4 Local Reserve sites or other omission sites which they rejected;

- Even if any Inquiry were limited to the 40 or so omission sites in 'Category A' settlements, its cost and length could be similar to the whole of the main Local Plan Inquiry. No provision has been made for such an Inquiry, either in financial terms or in terms of staff work programmes;
- The delay caused by a further Inquiry is likely to result in the need for a Strategic Environmental Assessment of the Local Plan, which could itself further widen the scope of any subsequent Inquiry and the associated costs and delays;
- Unless additional resources were made available, the components of the Council's Local Development Framework which are programmed during the next 2-3 years in the Council's Local Development Scheme (LDS) would have to be postponed or abandoned so that the work on the SEA and a further Inquiry could be undertaken;
- Further investigation is needed into whether the Government Office for the South East could 'veto' further work on the Local Plan by refusing to accept the Council's revised LDS.

5 Conclusion

- 5.1 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.
- 5.2 It is concluded 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.
- 5.3 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 by the Committee or the representations received on the Inspector's Report, other than in relation to open space provision at Denmead. This issue appears to have been raised in response to the Inspector's recommendation and should have been raised earlier in the Local Plan process. There is not sufficient justification to allocate the site for recreational use at this stage, given other proposals that are made for open space provision in Denmead.
- 5.4 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.

- 5.5 Officers' overall conclusion is that there are 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.

OTHER CONSIDERATIONS:

Account has been taken of the views expressed at the last meeting of this Committee, and of representations received regarding Local Reserve sites, as indicated in body of the report.

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 to the current programme. 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). As noted in the body of this report, a further Inquiry could require budget provision of approximately £500,000 in 2006/07 and would require staff resources to be redirected from other planning policy work to prepare for and undertake an Inquiry. The requirement to undertake Strategic Environmental Assessment of plans adopted after July 2006 would be likely to increase these costs/delays.

BACKGROUND DOCUMENTS:

None.

APPENDICES:

None