

CABINET (LOCAL PLAN) COMMITTEE

5 October 2016

WINCHESTER DISTRICT LOCAL PLAN PART 2: DEVELOPMENT MANAGEMENT
& SITE ALLOCATIONS – UPDATE FOLLOWING EXAMINATION HEARINGS

REPORT OF HEAD OF STRATEGIC PLANNING

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RECENT REFERENCES

CAB2429(LDF) Local Plan Part 2 Launch and Next Steps – Cabinet (LDF) Committee 17 December 2012

CAB2530(LDF) Local Plan Part 2 Update Report – Cabinet (Local Plan) Committee 27 Nov 2013

CAB2615 Draft Winchester District Local Plan Part 2: Development Management and Site Allocations, publication and consultation - 22 September 2014

CAB2656(LP) Draft Winchester District Local Plan Part 2: Development Management and Site Allocations, update following consultation - 9 February 2015

CAB2670(LP) Draft Winchester District Local Plan Part 2: Development Management and Site Allocations, feedback on consultation responses - 12 March 2015

CAB2676(LP) Draft Winchester District Local Plan Part 2: Development Management and Site Allocations, feedback on consultation responses - 30 March 2015

CAB2711(LP) Winchester District Local Plan Part 2: Development Management and Site Allocations, approval of Plan for Publication - 16 September 2015

CAB2721(LP) Winchester District Local Plan Part 2: Development Management and Site Allocations, approval of Plan for Publication – 6 October 2015

CL115 Winchester District Local Plan Part 2 - Development Management and Site Allocations – Council 21 October 2015

CAB2782(LP) Winchester District Local Plan Part 2: Development Management & Site Allocations – Update Following Publication Consultation – 29 February 2016

EXECUTIVE SUMMARY

The Local Plan Part 2 - Development Management and Site Allocations (LPP2) complements the LPP1 by allocating sites for development and providing detailed development management policies to replace the remaining policies saved from the Local Plan Review 2006. The LPP2 will form part of the 'Development Plan' for the District outside of the South Downs National Park.

This report provides an update following 'Submission' of the Plan to be examined in March 2016, and the Inspector's examination hearings into the Plan which took place in July 2016. The appointed Local Plan Inspector (Mr N Payne) produced his 'Initial Findings' in a letter to the Council dated 28 July, setting out his broad conclusions and listing several matters which he considers need to be addressed through modifications to the Plan before he could find it 'sound'. Officers have responded to the Initial Findings letter and put forward proposed modifications for the Inspector's consideration. The Inspector has indicated that, provided suitable modifications can be made, he anticipates being able to find the Plan sound. A schedule of Main Modifications will shortly be published for formal consultation and the Inspector will consider comments on these before finalising his report to the Council.

All of the above actions, including the submission of the Local Plan to be examined, presenting the Council's case at the examination hearings, and development of the Proposed Modifications have been progressed under the authority delegated to the Head of Strategic Planning, in consultation with the Built Environment Portfolio Holder, by Council on 21 October 2015. Therefore, this report does not seek approval of the Modifications at this stage, as it will be the recommendations in the Inspector's final report which the Council will need to consider formally. These are likely to include various modifications to the Plan which the Council would need to accept if it wishes to proceed to adopt the Local Plan.

RECOMMENDATIONS

- 1 That the work on progressing the Local Plan Part 2, initial outcomes of the examination hearings, and future stages be noted.

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DETAIL

1. Background

- 1.1 This report provides an update on the work undertaken to progress the Local Plan Part 2 (LPP2) since the last update report in February 2016 (CAB2782(LP)). The Local Plan Part 2 - Development Management and Site Allocations (LPP2) complements the LPP1 by allocating sites for development and providing detailed development management policies to replace the remaining 'saved' policies from the Local Plan Review 2006. The LPP2 will form part of the 'Development Plan' for the District outside of the South Downs National Park, replacing the 'saved' policies from the Local Plan Review 2006 (although these will remain in force for the National Park part of the District until the National Park Authority adopts its own local plan).
- 1.3 Following the publication of the Pre-Submission version of the Local Plan in November 2015, and taking account of the representations made on it, the Plan was 'Submitted' to the Secretary of State on 23 March 2016. No changes were made to the content of the Pre-Submission Plan, as it was considered that the representations on it did not raise 'soundness' issues. An independent planning Inspector (Mr Nigel Payne BSc (Hons), Dip TP, MRTPI, MCMI) was then appointed to examine the Plan's 'soundness', and a series of 'public hearings' were held during July 2016.
- 1.4 During the examination hearings the Inspector indicated that he would produce a note of his 'Initial Findings' setting out matters on which he felt modifications would be needed to the Plan to address 'soundness' concerns. A letter containing the [Inspector's Initial Findings](#) was received on 28 July, inviting the Council to respond by 12 August. Officers responded to these matters, proposing a draft [Schedule of Modifications](#) under the delegated authority granted by Council on 21 October 2015. Following a further minor change to reflect comments by the Inspector, and the inclusion of traveller pitch targets (see below and report CAB2837(LP)), a set of Proposed Modifications will shortly be published for a formal 6-week consultation period. It is anticipated that these would enable the Inspector to find the Plan sound.
- 1.5 The Proposed Modifications fall into two types – 'Main Modifications' (MMs) which the Inspector feels are needed to address 'soundness' matters, and 'Additional Modifications' (AMs) which are proposed by the Council in order to address particular objections (particularly from statutory consultees) or to update the Plan. Public comments on the Main Modifications will be

considered by the Inspector, who will take them into account in producing the Inspector's Report. This will formally recommend those Main Modifications which the Inspector considers the Council needs to make before the Plan can be adopted. The Inspector could decide that the comments on the Modifications require him to re-open the examination hearings or to make further changes before being able to complete his report.

- 1.6 After receiving the Inspector's Report, and assuming it makes recommendations for Main Modifications to the Plan in order to make it sound, the Council can adopt the Local Plan provided it makes the Main Modifications recommended by the Inspector. Depending on the timing of the Inspector's Report, it is expected that the Council will be able to adopt the Plan in early 2017. Following the formal adoption of the Local Plan there is a period of time (6 weeks) during which the legal challenges to the Plan may be made on procedural grounds.

2 The Inspector's 'Initial Findings' and Proposed Modifications

- 2.1 The [Inspector's 'Initial Findings'](#) letter was received on 28th July 2016 and indicated that he anticipated being able to find the Local Plan 'sound', subject to the Council producing Main Modifications to address several points. Of particular note are the Inspector's initial conclusions that:

- the Plan is 'legally compliant' (i.e. it meets the requirements for consultation and the Duty to Cooperate);
- it is not necessary for the Plan to revise or reassess the 'objectively assessed needs' for housing or employment (as set in Local Plan Part 1);
- the Council had demonstrated that a 5-year supply of housing land is available;
- there is consequently no need to allocate additional or reserve housing sites in the Plan.

- 2.2 The Inspector does, however, indicate that a review of the Local Plan should be commenced no later than 2018, with a view to adopting the new plan no later than 2021. He suggests that, whilst the Winchester settlement boundary does not currently need to be amended, the future review of the Local Plan should include a full and comprehensive review of the Winchester Town settlement boundary.

- 2.3 Many of the specific modifications that the Inspector suggests are needed are detailed matters arising from discussion during the examination hearings. Most of these were accepted by officers during the hearings, but some are more significant, for example:

- Policy WK1 – the Inspector considers that policy WK1, on flooding issues in Wickham, goes beyond government guidance and is insufficiently justified. Modifications to revise the wording of the policy and explanatory text will be proposed to address this;
- Policy DM2 – the Inspector considers that policy DM2, seeking to limit the size of 2 and 3-bed dwellings, does not accord with government guidance

and would be difficult to implement, so a Modification will be proposed to delete this part of the policy;

- Traveller provision – the Inspector concludes that the Plan should set out a target for the number of traveller pitches/plots required, by re-introducing a policy from the draft Local Plan. The evidence for the pitch requirement figures will be derived from a Traveller Accommodation Needs Assessment which had already been jointly commissioned by a group of Hampshire authorities and is nearing completion. Any site allocations needed would be considered through a separate traveller Development Plan Document (see report CAB2837(LP) on this agenda).
- 2.4 The Council was asked to respond to the Inspector's Initial Findings within 2 weeks, which officers did by sending a '[WCC Response](#)' document covering each point raised by the Inspector, along with a detailed [Schedule of Modifications](#) proposed (and a covering letter). These documents accepted all the Inspector's Initial Findings and proposed 'Main Modifications' (MMs) to address these, sometimes suggesting a slightly different approach or wording. These documents were produced by the Head of Strategic Planning, in consultation with the Deputy Leader and Portfolio Holder for the Built Environment, in accordance with the delegated authority granted by Council on 21 October 2015 (report CL115 refers).
- 2.3 The Inspector responded to the documents submitted by indicating that he was content for the Proposed Modifications to be made subject to SA/SEA and formal public consultation, subject to a small change to the Proposed Modification to policy NA3. The Inspector indicated that separate schedules of 'Main' and 'Additional' Modifications should be published, without distinguishing between those originally proposed by the Council and those responding to his Initial Findings. The draft Schedule of Modifications has been subject to Sustainability Appraisal / Strategic Environmental Assessment and Habitats Regulations Assessment. The Proposed Modifications cannot be published until a figure for traveller pitch requirements has been produced through the updated Traveller Accommodation Needs Assessment. The consultant's report on this is nearing completion and officers will be able to give feedback at the Committee meeting on its progress. The Proposed Modifications will then be published, with a 6-week consultation period which is likely to end in late November/early December.
- 2.4 Public comments on the Main Modifications will be considered by the Inspector, who will then produce his Report recommending Modifications which are needed to make the Plan 'sound'. Any comments on the Additional Modifications are considered by the Council. It is proposed that a report would be brought to this Committee once the Inspector's Report is received recommending (to Cabinet and Council) adoption of the Plan subject to the Modifications recommended by the Inspector and the Additional Modifications (subject to any changes as a result of consultation). It is anticipated that this would be in early 2017, enabling likely adoption of the Plan in March/April 2017.

3 Conclusion

- 3.1 The Local Plan Part 2 is currently at the 'examination' stage and the examination hearings have been held. The Inspector has produced his 'Initial Findings' following the hearings and invited the Council to put forward Main Modifications to address several points of soundness. The Inspector anticipates that he will be able to find the Plan 'sound', subject to various Main Modifications, in his final Report which is expected at the end of 2016. Schedules of Main and Additional Modifications will shortly be published for a 6-week consultation period. The Inspector will consider comments on the 'Main Modifications' before producing his Report, while the Council will consider comments on the Additional Modifications.
- 3.2 Following the close of consultation on the Modifications, the Inspector's Report will be sent to the Council and published (expected December 2016). The Inspector has indicated that he anticipates being able to find the Plan 'sound', subject to Main Modifications. In this situation the Council must accept the Inspector's recommendations for Modifications if it wishes to adopt the Plan and it is expected that the Inspector's Report and results of consultation on the Additional Modifications would be reported to this Committee in early 2017. This would enable the Committee to recommend that the Council adopts the Plan in March/April 2017.
- 3.3 Once the Council has adopted the Local Plan there is a 6-week period where legal challenges may be made (on the basis that the necessary procedures have not been met). On adoption of the Plan all the remaining 'saved' policies of the Winchester District Local Plan Review (2006) would be superseded in that part of the District outside the South Downs National Park. At this point, the majority of the Council's 'Local Plan' would be in place (Local Plan Parts 1 and 2), but a separate development plan document (DPD) is needed to deal with the allocation of sites for gypsies and travellers. The programme for this is included in the updated Local Development Scheme (see report CAB2836(LP) also on this agenda) and report CAB2837(LP) provides further detail in relation to gypsies and traveller matters. In summary, the accommodation needs assessment is nearing completion and will inform the pitch requirements in the Proposed Modifications, and the [Gypsy and Traveller Site Assessment Study](#) has been completed and published.
- 3.4 The weight that can be given to the emerging LPP2 depends on the stage of preparation reached, the extent to which there are unresolved objections to relevant policies, and the degree of consistency with policies in the National Planning Policy Framework. The LPP2 is now at a very advanced stage of the adoption process, with the Council having resolved that it wishes to adopt the Plan subject to the outcome of the examination, and the examination Inspector indicating that he anticipates being able to find the Plan 'sound' subject to various Modifications. The Plan (as proposed to be modified) should, therefore, be accorded substantial weight in planning decisions, as any soundness issues raised by objections have now been considered by the Inspector, as has NPPF consistency. Officers can advise Members where necessary as to the weight to be given to LPP2 policies in relation to particular planning applications.

OTHER CONSIDERATIONS

5. COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO)

- 5.1 The Local Plan is a key corporate priority and will contribute to achieving the Community Strategy and implementing several aspects of Portfolio Plans. That the Plan has had regard to the Community Strategy is a requirement for legal compliance.

6. RESOURCE IMPLICATIONS

- 6.1 The key resources for undertaking work on LPP2 have been approved as part of the budget process, consisting primarily of an annual sum of £36,700 and an earmarked reserve which stood at £145,759 at 1 April 2016. This budget and earmarked reserve are used for ongoing consultancy requirements and ensuring resources are available to deal with major expenditure at key stages, e.g. examination which is estimated at up to £155,000 to include the Planning Inspectorate's fees and the appointment of the Programme Officer. This funding is adequate to progress with LPP2 and the Gypsy & Traveller DPD, subject to any changes in government requirements and the need to review plans.

7. RISK MANAGEMENT ISSUES

- 7.1 The steps undertaken in preparing the Plan have all been done with consideration for minimising the risk that the Plan may not successfully pass the examination process or could be delayed in its adoption. This is necessary to ensure that the Development Plan is up to date, that a five year supply of housing sites can be demonstrated and to avoid putting the Council at risk of development being determined through the appeal process. The Inspector's Initial Findings anticipate that Modifications can be promoted which will address any soundness issues, so it is important that the Council progresses these Modifications. The Local Development Scheme sets out a more detailed risk assessment of the Local Plan Part 2.
- 7.2 The Government recently announced its intention to require that local plans are put in place quickly, so it remains important to progress LPP2 to adoption. The timetable for the LPP2, which envisages adoption of the Plan in March/April 2017 (see updated Local Development Scheme, report CAB2836(LP)), will avoid the risk of government intervention. The LPP1 was adopted after the National Planning Policy Framework came into force, so the Development Plan will be largely complete and up to date once LPP2 is adopted.

8. BACKGROUND DOCUMENTS

- 8.1 None. The various documents referred to in this report can be viewed at: <http://www.winchester.gov.uk/planning-policy/local-plan-part-2/lpp2-examination/>

9. APPENDICES - None.