

Winchester District Development Framework.

Local Development Scheme.

March 2020



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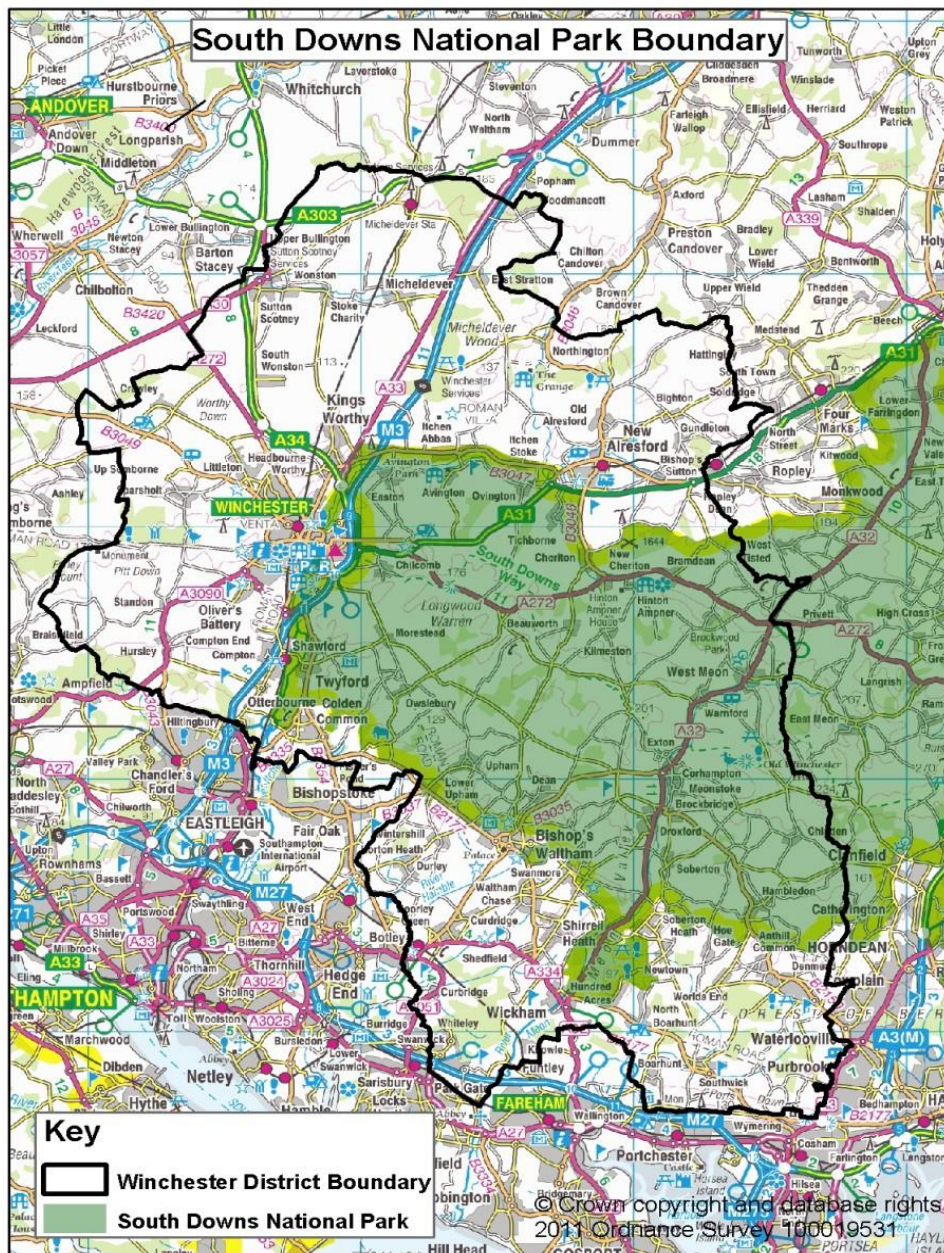
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1.0 Introduction

1.1 Winchester City Council is required to prepare, update and publish a Local Development Scheme (LDS) in accordance with the Planning and Compulsory Purchase Act 2004 (as revised by the Localism Act 2011).

1.2 This LDS covers the administrative area of Winchester that falls outside the South Downs National Park (which produces its own Local Plan) and sets out which planning policy documents the Council intends to produce, and the timetable for producing these documents over a three year period to 2023. The map below shows the boundary of Winchester City Council and the South Downs National Park.



1.3 The Act (as amended by the Localism Act 2011) states that a Local Development Scheme must specify:

- ❖ The Local Development Documents which are to be Development Plan Documents;
- ❖ The subject matter and geographical area to which each development plan document relates;
- ❖ Which Development Plan Documents, if any, are to be prepared jointly with one or more other local planning authorities;
- ❖ Any matter or area in respect of which the authority has agreed (or proposes to agree) to the constitution of a joint committee [with other Local Planning Authorities];
- ❖ The timetable for the preparation and revision of the Development Plan Documents; and
- ❖ Such other matters as are prescribed.

2.0 Background.

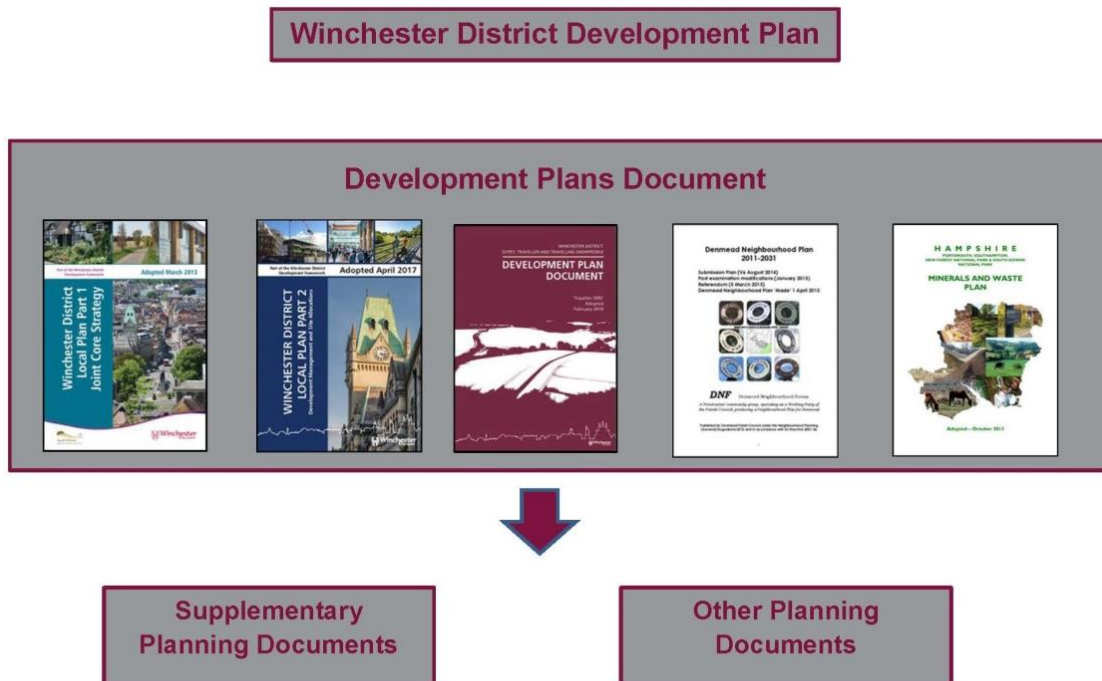
2.1 The Development Plan Documents for Winchester District comprises:

- ❖ **The Winchester District Local Plan Part 1 - Joint Core Strategy (LPP1).** The LPP1 was prepared by Winchester City Council (WCC) and the South Downs National Park Authority (SDNPA). It was adopted by WCC in March 2013. This plan covers the entire geographical area of Winchester District including the SDNP and provides the strategic policies for the area.
- ❖ **The Local Plan Part 2 - Development Management and Site Allocations (LPP2).** This local plan covers the parts of the district that lie outside the SDNP and are administered by WCC as local planning authority. It provides site allocations and detailed policies relating to development management. LPP2 was adopted in April 2017.
- ❖ **The Denmead Neighbourhood Plan;** This is the only Neighbourhood Plan in the district and was “made” on 1 April 2015. The plan covers most of the parish of Denmead. Denmead Parish Council have indicated an intention to review their plan in line with the Local Plan process.
- ❖ **The Gypsy and Traveller and Travelling Showpeople DPD (G&T DPD).** Local Authorities are required by Central Government to assess the accommodation requirements of Gypsy and Travellers and to develop a strategy that addresses any unmet need. It was adopted as a Development Plan Document in February 2019.

❖ **The Hampshire Minerals and Waste Plan.**

This plan is produced jointly by Hampshire County Council (HCC), Southampton City Council, Portsmouth City Council and South Downs and New Forest National Park Authorities. The plan covers the entire county.

The diagram below shows the Local Plan documents for Winchester District.



2.2 This LDS is effectively a three year project plan and will cover the period to the end of 2023. It also includes an assessment of identified risks and contingencies as part of ongoing programme management. There is no requirement for Supplementary Planning Documents (SPD) to be included in the LDS, however, the Council will continue to produce SPDs where appropriate. There is a list of all adopted SPDs on the Council's website <https://www.winchester.gov.uk/planning-policy/supplementary-planning-documents-spds>

3.0 Other relevant documents.

3.1 The Statement of Community Involvement (SCI) has been updated and was adopted on 3 December 2018. The SCI provides the framework within which the public will be consulted on the preparation of policy documents and planning applications and states how the local authority intends to achieve this involvement.

3.2 The Annual Monitoring Report is updated yearly and provides updates on the status of the LDS timetable and progress of the new Local Plan <https://www.winchester.gov.uk/planning-policy/annual-monitoring-report-amr> It also reports on public consultations and duty to cooperate consultations, updates on neighbourhood planning within the district and key statistics on planning topic areas such as housing, employment, population, community, health, education, environment and transport.

3.3 The Community Infrastructure Levy (CIL) is the mechanism whereby funds can be raised from development for essential infrastructure as set out in the infrastructure (Regulation 123) list. CIL is charged per square metre on the gross internal floor space of the net additional floor space of development and is applicable to all residential developments regardless of size and to other specified types of development of 100 square metres or over. The Council has set differential rates of CIL for the various uses based on the economic viability evidence in the CIL Viability Study.

3.4 The CIL charging schedule was adopted in 2014. Given that Winchester's CIL was brought into effect in April 2014, it is considered appropriate to initiate a full review to coincide with the review of the Local Plan. More information on the CIL is available on the Council's website <https://www.winchester.gov.uk/planning/cil/>

4.0 The emerging Development Plan.

4.1 The Local Plan will set the vision and framework for future development of the district (which lies outside the SDNP). When the new Winchester District Local Plan has been adopted the development plan will comprise The Winchester District Local Plan, The Hampshire Minerals and Waste Plan 2013, the Denmead Neighbourhood Plan and any other neighbourhood plans which might be “made”.

4.2 The plan will address local housing need, the economy, environmental considerations, community infrastructure as well as strategic infrastructure needs. The plan will make site specific allocations as necessary to meet identified need. It will provide detailed topic policies to guide determination of planning applications.

4.3 Local Plan period

4.4 The Government is very clear that in order to be effective plans need to be kept up-to-date. The National Planning Policy Framework states policies in Local Plans and Spatial Development Strategies, should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. Local Plans should cover a minimum of 15 years from the date of adoption. The time period that the Local Plan covers therefore needs to align itself with the above requirement.

4.5 In view of the above, the time period that the Local Plan covers has been extended from 2036 to 2038 in order to take in account the adjustments that have been made to the timetable for preparing the Local Plan that have been outlined in this report.

4.6 Stages of Local Plan preparation

4.7 The plan making process is ongoing and some preparatory work on the Local Plan began in 2018. There are several key stages in the preparation of the Local Plan and each are subject to the Strategic Environmental Assessment Directive (SEA). This information will be included in the Sustainability Appraisal (SA).

4.8 Pre – publication stage (Regulation 18)

4.9 This is the initial stage involves evidence gathering and engaging with the local community, businesses and stakeholders, including statutory consultees and neighbouring local authorities. Issues and options will be explored with these participants. This process started with the Launch of the Local Plan in 2018 and will continue with publication and consultation on the Regulation 18 Local Plan.

4.10 Publication of Pre-Submission Draft Local Plan (Regulation 19)

4.11 Following Regulation 18, the next stage the Council will consider all of

the representations and prepare and publish a revised draft version of the Local Plan and invite representations in accordance with Regulation 19. These representations will be based on whether the draft plan is legally compliant and sound when assessed against the requirements that are contained in the National Planning policy Framework (NPPF).

4.12 Submission and Examination of the Local Plan (Regulations 22&23)

4.13 Following Regulation 19, the Council will formally submit the draft Local Plan, comments received at the Regulation 19 stage and the evidence base to the Planning Inspectorate for examination on behalf of the Secretary of State. An independent Inspector will assess the Plan against the tests of soundness and will take into account any representations received.

4.14 Consultation on proposed Main Modifications

4.15 The Inspector and the Council may suggest modifications to the draft plan and if these are required, they will need to be consulted on and the representations reviewed and forwarded to the Inspector.

4.16 Inspector's Report – Final Regulation 25

4.17 The Inspector will issue a Final Report and providing that the Plan is found to be 'Sound', the Council may adopt the Plan as soon as practicable following receipt of the Inspector's report unless the Secretary of State intervenes. Once adopted the Local Plan will form the main part of the statutory development plan.

4.18 The table below shows the key stages of the Local Plan.

Winchester District Local Plan Document Details	
Role and content	The preparation of a development strategy for Winchester District. Review and update adopted core and development management policies based on updated evidence.
Geographical coverage	Winchester District (excluding that part within the South Downs National Park and any area subject to the adopted

	Neighbourhood Plan)
Timetable of Key Stages	
Community involvement in development of issues and options	September / October 2020
Draft LDD and draft Sustainability Appraisal (SA) for consultation (Reg.18)	March / April 2021
Consideration of representations and preparation of revised LDD	April – November 2021
'Publication' (Pre-Submission) LDD and final SA (Regs. 19 & 20)	December 2021 – January 2022
Consideration of representations and preparation of proposed modifications	February – April 2022
Submission of LDD and SA to the Secretary of State (Regs. 22 & 23)	May 2022
Examination of LDD and SA (Reg. 24)	September/October 2022
Consultation on proposed Main Modifications	November 2022
Inspector's Report – final (Reg. 25)	December 2022
Adoption and publication of LDD and revised Local Plan Policies Map (Reg. 26)	January 2023

5.0 Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA).

5.1 Achieving sustainable development is at the heart of the planning system and is sought by the NPPF with which Development Plan Documents must comply. This stage of the process is particularly important given that the Council has declared a Climate Emergency and tackling this issue and creating a greener district are at the heart of the Council Plan 2020 - 2025.

5.2 In preparing Local Development Documents (LDDs), attention will also be given to the expected environmental outcome of proposed plans. All LDDs will be subject to Sustainability Appraisal (SA). A European Union Directive (July 2006) requires that all plans likely to have significant effects on the environment must incorporate a Strategic Environmental Assessment (SEA).

5.3 The SA/SEA process examines the concept of sustainability through consideration of social, economic and environmental impacts, matters of health and equalities also need to be incorporated into integrated impact assessments for planning policy formulation.

5.4 The approved SA/SEA framework therefore includes a specific

section on health under the objective “to improve the health and well being of all”. The issue of equalities falls outside this remit, but it is a requirement of the Council under the ‘Equality Standard for Local Government’ to include this element in fulfilling its duties in promoting equality in service provision. All relevant existing SEA/SA documents are available to view on the Council’s website.

5.5 Local Development Documents must also comply with the requirements of the European Community’s Habitats Regulations on the conservation of natural habitats and of wild fauna and flora (Directive 92/43/EEC, May 1992). The 2017 Regulations provide for the designation and protection of ‘European sites’, the protection of ‘European protected species’, and the adaptation of planning and other controls for the protection of European sites. HRA documents are available to view on the Council’s website.

5.6 Preparation of Local Plan provides an opportunity to update the SA/SEA/HRA frameworks to ensure that the processes are compliant with any legislative changes in light of recent High Court judgements and any impacts from Brexit are reflected. It is anticipated that EU law will be translated into UK Legislation although no further details are available at this stage.

6.0 Delivery and Implementation.

6.1 Producing a new Local Plan is a corporate priority. The preparation of the Local Plan will be led by the Strategic Planning Team but will embrace the work of a number of departments from across the whole of the Council.

6.2 The development of the Local Plan will need to be underpinned by up to date evidence covering the topics in the Local Plan. The Council will work with other departments within the Council, neighbouring authorities, Hampshire County Council, local communities and expert consultants to produce the technical background work which will form the evidence base for the new Local Plan. All of this evidence base will be made available on the Council’s website and will be submitted to the Inspector that is appointed to oversee the examination of the Local Plan.

6.3 The financial resources required to produce the evidence base have been estimated and provision made in the Council’s budget.

6.4 The Council is satisfied that at the time of the preparation of the LDS appropriate resources are available to deliver the timetable set out in Appendix 1.

7.0 Monitoring and Review.

7.1 The Council’s Annual Monitoring Report (AMR) will monitor the progress of the LDS on an annual basis, reporting in December each year. The latest version is available to view on the Council’s website <https://www.winchester.gov.uk/planning-policy/annual-monitoring-report-amr> The AMR will compare progress against the key milestones set out in

the LDS (Appendix 1) and consider the need to revise and update the LDS.

8.0 Duty to Co-operate

8.1 The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

8.2 The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination. Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in the examination process.

8.3 Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters.

8.4 The various meetings that have taken place in connection with the duty to cooperate are recorded annually in the Council's AMR which is available on the Council's website.

9.0 Risk Assessment.

9.1 The production of a Local Plan requires consideration of the potential risk involved in its preparation. These vary from local matters such as changes in staffing levels or political / administrative changes to those of regional or national significance including publication of revised government guidance.

9.2 The matrix in Table 1 below identifies a range of potential risks, their impact and likelihood of occurrence together with contingency and mitigation measures.

Table 1: Winchester District Development Framework - Risk Assessment Matrix

Risk	Likelihood	Impact	Contingency	Mitigation
A team member may leave	High	High	Spread knowledge of the Local Plan and its associated documents throughout the team to minimise impact.	Re-appoint as soon as possible if budget restrictions permit. Alternatively, seek to re-deploy staff via the Council's 1Team approach.
Vacant post might not be filled	Medium	Medium	Seek to recruit in a timely manner to allow for a new member of staff to become familiar with WCC processes, prior to key stages of plan making.	Seek to recruit a temporary member of staff with the necessary experience.
New national legislation	High	Medium	The Government has, and continues to make a number of changes to the planning system, the National Planning Policy Framework and the Building Regulations. It is highly likely that other changes and guidance will be forthcoming in the 3 year LDS period.	Include flexibility in the timescales for preparation of Local Plan and associated documents. Await outcome of the various consultations and any pending changes at National level, where possible, prior to commencement of regulatory stages. Need to ensure documents are regularly updated to ensure compliance with legislation.
Legal challenge	Medium	High	Post adoption of a Local Plan, there is a six week challenge period. There is potential for newly- adopted plans to be challenged, placing a degree of uncertainty over the status of the policies and proposals.	To reduce risk of challenge, ensure the Local Plan is legally compliant, is based on robust evidence and has been subject to extensive consultation. Resist challenges made through the Courts where they are not well-founded.

Risk	Likelihood	Impact	Contingency	Mitigation
Problems arising from joint working; compliance with the duty to co-operate	Low	High	It is not possible for an examining Inspector to 'correct' a failure to meet the Duty to Cooperate at the Local Plan examination, so this could have a serious impact. Close working is needed with other authorities and Council Members to detect issues early on in the process. The new NPPF has also introduced the requirement to produce Statements of Common Ground and, by agreement, meeting neighbours unmet housing needs.	Some flexibility is included in the Local Plan timescales. Continuing discussions with neighbouring authorities. The Council is also represented on project boards / steering groups of major development sites.
Programme slippage	Medium	Medium	Contingency time is built into the LDS programmes, which includes sufficient time to deal with the large number of representations typically received at consultation stages.	Sufficient flexibility is included in the Local Plan timescales. Revise LDS where necessary. Ensure sufficient resources available to complete future stages.
Local Plan found not to be 'sound'	Low	High	Seek advice from PINS at key stages (e.g. advisory visits) and be prepared to make modifications. Develop and take account of sound evidence.	Develop sound and reliable technical evidence base. If necessary, go back to an earlier stage, revise the plan and re-submit.
Failure to secure timely provision of Infrastructure	Medium	High	Retain up to date evidence on infrastructure and liaise with infrastructure providers.	Continuing engagement with infrastructure providers to develop a Infrastructure Delivery Plan in order to ensure the timely provision of infrastructure.
Failure to secure agreement at Full Council to Local Plan	Medium	Medium	It is important to work closely with all elected Members and to raise awareness of the Local Plan, and associated documents, to secure an up to date development plan that complies with National Guidance.	Build sufficient flexibility into the strategy and timescales.

<p>Inspector's report includes recommendations that the Council finds difficult to accept</p>	<p>Medium</p>	<p>Medium</p>	<p>Although the Inspector's recommendations are no longer binding (except for any modifications proposed by the Council), the Plan may not be 'sound' unless it is modified. The Council will need to consider all recommendations if it wishes to have an up to date development plan in place as required by the NPPF.</p>	<p>Keep Council Members up to date on issues arising and likely recommendations.</p>
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Appendix 1. Winchester Local Development Scheme 2020.

WINCHESTER DISTRICT - Local Plan and Associated Documents.

	2020												2021												2022													
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
Local Plan									C						D	D								P	P						S				H	H	MM	IR
CIL Review	Review & Consultation on the Preliminary Draft Charging Schedule												Draft published for consultation												Submit				H	H	M	IR						

	2023											
	J	F	M	A	M	J	J	A	S	O	N	D
Local Plan	A											
CIL Review	A											

C	Consultation on the Local Plan Prospectus
D	Consult on the draft Reg 18 Local Plan
P	Publish the draft Local Plan for consultation (Reg 19)
S	Submission Reg 22
H	Hearing period
MM	Consultation on the proposed main modifications
IR	Inspectors Report
M	Modifications
A	Adoption