

REPORT TITLE: REVISED LOCAL DEVELOPMENT SCHEME

11 MARCH 2020

REPORT OF CABINET MEMBER: CLLR PORTER – CABINET MEMBER FOR
BUILT ENVIRONMENT & WELLBEING

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WARD(S): (OUTSIDE OF SOUTH DOWNS NATIONAL PARK)

PURPOSE

To revise the current Local Development Scheme which was brought into effect in December 2018. The Council is legally required to produce and keep up to date a Local Development Scheme (LDS) that provides a programme for the production of the Winchester District Development Framework.

RECOMMENDATIONS:

1. That the revised Winchester District Local Development Scheme 2020, as set out in Appendix 1 to this Report, be approved and brought into immediate effect; and
3. That authority is delegated to the Strategic Planning Manager, in consultation with the Portfolio Holder for Built Environment, to undertake minor updating and drafting of any amendments required to the revised Winchester District Local Development Scheme 2020 prior to publication and to publish the revised Winchester District Local Development Scheme 2020.

IMPLICATIONS:1 COUNCIL PLAN OUTCOME

It is a requirement of Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) for the Council to have an up to date Local Development Scheme (LDS) to support the suite of plans under the Winchester District Development Framework, which contribute to achieving the broader outcomes expressed in the Council Plan (2020 – 2025). The LDS must specify (amongst other matters) the documents which will comprise the Local Development Plan for the area. In addition to being a legal requirement, it is important that it is kept up-to-date to reflect the Council's progress and keep residents and key stakeholders informed.

This LDS will supersede the Council's previous LDS that was published and brought into effect in December 2018.

2 FINANCIAL IMPLICATIONS

The resources for the preparation of the various elements of the District Development Framework have been approved as part of the budget process.

The Local Plan had an earmarked reserve at the start of 2019/20 of £454,000. The current forecast external expenditure of approximately £590,000 for the period 2019/20 to 2022/23 is within existing budget projections and supported by the Local Plan budget. This is in addition to in-house resources to operate the Local Plan team and a further £160,000 that has been approved to create 2 fixed terms posts for 2 years to assist with the preparation of the Local Plan.

3 LEGAL AND PROCUREMENT IMPLICATIONS

An up to date LDS is a fundamental element of the Local Plan process and it is a requirement to submit the LDS at submission stage of a Development Plan Document (DPD) to the Planning Inspectorate. Maintaining an up to date LDS is one of the first tests of soundness at the Local Plan examination and it is essential that it is kept under review and updated accordingly. The four tests of soundness are set out in paragraph 182 of the National Planning Policy Framework (NPPF).

- Positively prepared –based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- Justified –the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective –deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy –enable the delivery of sustainable development in accordance with the policies in the Framework.

4 WORKFORCE IMPLICATIONS

The Strategic Planning Team leads the preparation of the DPDs and associated documents detailed in the LDS, commissioning consultants and working with colleagues across the whole of the Council and neighbouring Local Planning Authorities under the Duty to Co-operate.

5 PROPERTY AND ASSET IMPLICATIONS

None.

6 CONSULTATION AND COMMUNICATION

There is no requirement to consult on the LDS, however, the Council is required to make it publicly available and keep it up to date.

The Local Plan advisory group will take a role in reviewing evidence and providing advice to the Cabinet member as part of this local plan process.

7 ENVIRONMENTAL CONSIDERATIONS

The LDS sets out the Local Plan documents to be prepared by the Council over the next three years. All documents must comply with the requirements of planning legislation and the need to deliver sustainable development which encompasses all considerations in relation to the built and natural environment. Allied to this the Council has declared a climate emergency and the Council intends that the Local Plan will clearly sets out how it will contribute towards dramatically cutting the district's carbon footprint and assist the Council to become carbon neutral by 2024 and achieve the same position for the district by 2030.

8 EQUALITY IMPACT ASSESSEMENT

This document does not introduce new policy; the individual documents identified within it will be subject to and required to publish equality impact assessments in order to ensure that the policies and proposals are consistent with the Council's Equality Policy.

9 DATA PROTECTION IMPACT ASSESSMENT

None.

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property</i>	n/a	n/a
<i>Community Support</i> The risk is that there is insufficient time to allow for full community engagement and consultation as expressed in the LDS.	Allow sufficient time for consultation and assessment of responses. DPDs are required to comply with several stages of publication.	Ensure communication methods are relevant to the task to ensure those interested are kept informed of progress and provided with opportunities to participate.
<i>Timescales</i> The LDS is a project plan for the various documents that constitute the development framework for the District.	Ensure capacity to progress DPDs is sufficient and timings are realistic.	It will be necessary to update the LDS if timescales need to be adjusted.
<i>Project capacity</i> Medium Risk due to insufficient resources.	Ensure that the necessary resources are in place to progress the projects identified.	Working with colleagues, neighbouring authorities through joint commissioning of evidence studies.
<i>Financial / VfM</i> Limited Risk that there are insufficient financial resources to deliver the projects identified.	Funding for ongoing projects is within the existing budget and funding for Local Plan Review is expected to be covered by the earmarked reserve.	Joint commissioning of research with neighbouring authorities.
<i>Legal</i> DPDs not found sound at Examination and rejected.	Update the LDS as necessary and publish on WCC website.	The LDS is a support document and one of the first tests of soundness at the start of the Local Plan examination.

11 SUPPORTING INFORMATION:

The LDS is effectively a project plan that sets out the timetable for the production of new or revised DPDs which will form the Council's Local Plan. The LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must

specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made publicly available on the Council's website and be kept up-to-date to enable local communities and interested parties to keep track of progress. It is reviewed annually through the Council's Authority Monitoring Report.

The LDS is important in the context of communication and transparency. The local community, businesses and others with an interest in the future planning of the District must be properly informed of the planning documents that the Council intends to produce and the timescale for their preparation, consultation and adoption.

Although consultations on the Local Plan will continue to be advertised and interested parties notified in accordance with the Council's Adopted Statement of Community Involvement, the LDS provides information about when consultations are likely to happen.

The LDS is also a useful tool for establishing and reflecting the Council's priorities and enables work programmes to be set for the preparation of planning documents. It also provides a context for the review of planning documents once they have been prepared.

Timetable

The proposed timetable for the District Local Plan has been adjusted in order to allow time to complete the evidence base that underpins the document and to incorporate the work which has recently been commissioned on developing a 'Vision for Winchester'. It will also allow for time for Officers to assess the suitability of a number of sites that have been put forward under the 'call for sites' and to complete all of the other and related evidence base in particular, how the Local Plan can assist the Council with meeting the Council's Climate Change agenda.

The timetable for the Local Plan now identifies that public consultation on the Regulation 18 Local Plan, the consultation required by Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012, will take place in March/April 2021. Whilst every effort will be made to progress the Local Plan, the timetable beyond Regulation 18 is, in part, dependent on how many representations are received and a number of external factors such as any changes to national policy and availability of the Planning Inspectorate to convene the Local Plan Examination.

An updated programme addressing the changes that have been set out in the revised LDS. Once agreed by Cabinet, a copy of the LDS will be placed on the Council's website.

Local Plan period

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.

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.

Local Plan Advisory Group

It has been agreed at a Cabinet meeting on the 12th February that a Local Plan Advisory Group will be established. The purpose of this cross party Advisory Group will be to consider all evidence that forms part of our emerging plan and overview the engagement process for development of the Local Plan before the formal decision making process at Cabinet and Council.

Neighbourhood Plans

At the moment Denmead Parish Council have indicated that they are intending to update their Neighbourhood Development Plan. If other Parish Council's come forward with the intention to produce a Neighbourhood Plan, this will need to be taken into account in terms of the Local Plan work programme.

Duty to Co-operate

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.

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 the DPDs. If a local planning authority cannot demonstrate that it has complied with the duty then a DPD will not be able to proceed further in the examination process.

Given this, it will be necessary to ensure that this Council and the neighbouring Council's continue to meet on a regular basis to discuss any cross boundary issues.

OTHER OPTIONS CONSIDERED AND REJECTED

- 12 It is a legal requirement to have an up to date LDS and for the LDS to be accessible. The LDS is a project management tool and is able to be updated

as required to ensure that provides certainty to the local community and stakeholders about the preparation and subsequent adoption process of DPDs. Alternative timetables for the production of the LDS have been considered.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

CAB3087(Local Plan) Revised Local Development Scheme 2018 – 3 December 2018.

CAB2994 (Local Plan) Revised Local Development Scheme 2017 – 4 December

2017.

CAB2836 (Local Plan) Revised Local Development Scheme 2016 – 5 October 2016.

Other Background Documents:-

LDS December 2018

APPENDICES:

Appendix 1 - LDS 2020