

REPORT TITLE: LOCAL PLAN ACTION PLAN

16 DECEMBER 2020

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

Contact Officer: Adrian Fox Strategic Planning Manager Tel No: 01962 848278  
Email AFox@Winchester.gov.uk

WARD(S): ALL

PURPOSE

The Government has recently consulted on a number of proposed changes to the planning system. Whilst it is not known at this stage whether these proposed changes will be taken forward into primary and secondary legislation or when any such reforms will come into effect, as the preparation of the Local Plan is a corporate priority, the purpose of this report is to agree a Local Plan Action Plan (LPAP). The LPAP identifies what work can be undertaken on the Local Plan to enable work to be able to pivot between a new style Local Plan or for a Local Plan to be prepared under the existing regulations. Importantly it will demonstrate that progress can still be made on preparing the Local Plan.

This report is also recommending that Member's agree to the principle of undertaking a high level Strategic Issues and Priorities consultation on the Local Plan in early in 2021.

RECOMMENDATIONS:

That cabinet:

1. Approves the Local Plan Action Plan and that officers undertake the work programme as set out at Appendix A of the Local Plan Action Plan which will be published on the council's website as soon as practicable.
2. Agree that officers continue work on the Local Plan and that a further report

be brought to cabinet in early 2021 for approval to undertake consultation on Strategic Issues & Priorities in spring of 2021.

3. Notes that central government have yet to confirm the housing supply numbers relevant to the council.
4. Notes the additional funding will be required to implement the Local Plan Action Plan and that such implementation is a council Priority

## IMPLICATIONS:

### 1 COUNCIL PLAN OUTCOME

- 1.1 The Local Plan Action Plan (LALP) has been prepared to identify what work can be undertaken on the preparation of a Local Plan and assist with management of the current uncertainties that are a direct result of the Government consultations on the proposed changes to the planning system. Given the uncertainties that this City Council and many other local planning authorities are facing, undertaking a strategic consultation on the Local Plan in February/March 2021 allows the City Council to be able to pivot between either preparing a Local Plan under the current system or being able to move to a new style Local Plan and is a pragmatic way forward.

### 2 FINANCIAL IMPLICATIONS

- 2.1 The resources for the preparation of the various elements of the District Development Framework have been approved as part of the budget process.
- 2.2 The Local Plan had an earmarked reserve at the start of 2019/20 of £382,000. The current forecast external expenditure of approximately £602,000 for the period of 2019/20 to 2024/25 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. One of these posts, an additional Principal Planner, has now been filled.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). This must specify (amongst other matters) the development plan documents which, when prepared, will comprise part of the development plan for the local area. The Local Development Scheme must be kept up to date and published on the Council website.
- 3.2 Consultation is a key statutory requirement under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Local Plan Action Plan is an informative part of the development of a consultation evidence base to inform the Local Plan and fulfil the consultation requirements. .

### 4 WORKFORCE IMPLICATIONS

- 4.1 The Strategic Planning Team leads the preparation of Local Plan, commissioning consultants and working with colleagues across the whole of the Council and neighbouring Local Planning Authorities under the current requirements of the Duty to Co-operate. The proposals that are contained within the White Paper will require changes to the Council's planning service

(Development Management and Strategic Planning) and have workforce implications for number of services within the Council such as the GIS team, heritage landscape and Community Infrastructure Levy.

## 5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 Once the Local Plan has been adopted it will be the statutory Development Plan which means that any applications that come forward that are in Council ownership will need to be assessed against the policies and proposals in the Local Plan. There are, however, no implications at this stage on Property and Assets as the LPAP is a work programme for delivery the Plan.

## 6 CONSULTATION AND COMMUNICATION

- 6.1 The purpose of the LPAP is identify a work programme for the Local Plan and to ensure that the Council is 'White Paper ready'. Discussions have taken place with the Portfolio Holder regarding the content of the Action Plan and the proposals to undertake consultation on a Strategic Issues & Priorities consultation. Discussions have also take place with Local Plan Policy Advisory Group on 23<sup>rd</sup> November that has been established to oversee the work on the Local Plan and their input has been taken into consideration as part of the development of this report.

## 7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 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 set 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 subject to any constraints imposed by Government policy.

## 8 EQUALITY IMPACT ASSESSEMENT

- 9 Undertaking an Equality Impact Assessment (EqIA) is a key part of preparing a 'sound' Local Plan. The Local Plan process needs to ensure that the issues and options that are considered during the process do not lead to unlawful discrimination (direct and indirect), and that they should advance equality of opportunity and foster good relations between those with a 'protected characteristic' (race, age, sex, disability, sexual orientation, gender reassignment, religion or belief and pregnancy or maternity) and all others.
- 9.1 The same Consultants have been appointed by the Council to undertake an EqIA and Health Impact Assessment alongside the Sustainability Appraisal and the Habitats Regulations Assessment under the umbrella of the Integrated Impact Assessment (IIA). An EqIA has not been undertaken of the LPAP as this is a work programme for the Local Plan.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 None.

11 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<i>Property</i>	n/a	n/a
<p><i>Community Support</i> There is currently a great deal uncertainly around the Government's proposed changes to the planning system and there is a real risk under the proposals that there would be insufficient time to allow for full community engagement and consultation on the Local Plan.</p>	Undertake an early consultation on the Local Plan in order to establish the Vision, objectives of the Local Plan and the options to accommodate more growth. This would allow the City Council to be able to pivot between preparing a new style Local Plan or to prepare a Local Plan under the existing regulations.	Ensure communication methods are relevant to the task in order to ensure those interested are kept informed of progress and provided with opportunities to participate.
<p><i>Timescales</i> The Action Plan is a project management tool that has identified the work priorities for preparing a Local Plan taking into account the changes that may be on the horizon.</p>	Ensure that there is sufficient capacity to progress and the timings are realistic based on the knowledge and information that is currently available.	It will be necessary to update the LDS to align it with the Local Plan Action Plan and to keep the LDS under review as and when further information is known on the changes to the planning system.
<p><i>Project capacity</i> Medium Risk due to uncertainties surrounding the changes and insufficient resources to be able to accommodate the Government's proposed changes to the planning system.</p>	Ensure that the necessary resources are in place and where necessary re-allocated to be able to progress with the work that has been identified in the Local Plan Action Plan	Work with colleagues, neighbouring authorities in order to establish the most effective way forward given the uncertainties that exist around the proposed changes to the planning system.
<p><i>IT resources</i> Must be of a high standard, be available and easily accessible to all potential viewers, especially during a period of lockdown.</p>	Ensure that the necessary resources are in place and where necessary re-allocated to be able to progress with the work that has been identified in the Local Plan Action Plan	Work with colleagues, neighbouring authorities in order to establish the most effective way forward to make this digital transition given the uncertainties that exist around the proposed changes to the planning system.

<p><i>Financial / VfM</i> Owing to the fact there are proposed significant changes on the horizon a key risk is that there are insufficient financial resources to deliver the new style Local Plan within the timeframes that have been currently specified by the Government.</p>	<p>Funding for ongoing studies are within the existing budget but at this stage further clarification is required from Government on what evidence base would be needed to support a new style local plan. Resourcing will therefore be kept under review especially in relation to the move towards more digital technology</p>	<p>Working with neighbouring authorities and putting the Council forward as a pilot authority for a new style Local Plan.</p>
<p><i>Legal</i> Local Plan not found sound at the Examination.</p>	<p>Update the Local Plan Action Plan/LDS as necessary and publish on WCC website.</p>	<p>The Action Plan is a project management tool that is designed to ensure the most effective use of resources and ensure that it is sufficiently flexible to be able to be to accommodate change.</p>

## 12 SUPPORTING INFORMATION:

### 12.1 Background

12.2 Cabinet agreed a Local Development Scheme (LDS) in March 2020 which sets out the timetable for preparing the Local Plan. This timetable was prepared prior to the outbreak of the COVID-19 and the Government published the 'Proposed changes to the current planning system' and White Paper 'Planning for Future'. Representations were submitted by the City Council to both of these Government consultation documents (CAB3261 and CAB3262).

12.3 Prior to the publication of the Government consultation documents, work had progressed to the stage of preparing a draft Strategic Issues & Options (SIO) document and this was due to be discussed at Cabinet in August 2020. Work was 'paused' on reaching agreement with Cabinet to consult on the SIO document due to uncertainty around the housing requirements for the district which had increased by nearly 50% under the revised methodology in the Government's consultation and to allow Officers to fully assess the implications of the proposals. Accommodating the larger housing figure would have not been feasible under the development strategy options which were to be the subject of the SIO consultation.

12.4 Officers have now attended a number of useful webinars and spent a considerable amount of time drafting responses to the Government

consultation documents for Cabinet which have now been agreed and have been submitted to the Ministry of Housing and Local Government. The Chief Planning Officer has now written to all Local Planning Authorities strongly encouraging local planning authorities to continue with work on preparing their Local Plans. The Local Authority has offered a briefing on the White Paper and the changes to the current planning system to local MP's, which has, unfortunately, been declined.

- 12.5 The SIO document was focused around eight key topics and under these topics Officers had identified a number of local policies on which the City Council would have been seeking views. However, one of the government's proposals in the White Paper is that there would be a suite of national policies in national guidance which would apply to all local authority areas. Local policies could only be included in Local Plans in 'exceptional circumstances'. No further details are available on what these exceptional circumstances would be and one of the City Council's responses to the White Paper was to seek clarification on this matter.
- 12.6 In addition to the above, as a direct result of to COVID-19, local elections that were scheduled to take place in May 2020, did not proceed as planned and have now been moved to May 2021. This would have had implications for the Local Plan timetable that was agreed in the LDS and it would have meant that the Local Plan would not be adopted until at the earliest September 2023 (as opposed to January) in order to be able to accommodate the change in the date of the local elections in terms of when a decision could have been made on the draft local plan. The LDS was prepared on the basis of proceeding with a consultation on the Strategic Issues & Options document in September/October 2020 which did not take place as a result of the government publishing the White Paper.
- 12.7 Proposals contained in the White Paper
- 12.8 A key change in the White Paper is the need to speed up the Local Plan-making progress. The White Paper has included proposals that there would be a set time limit of 30 months to have a Local Plan in place from the date of the legislation coming into effect, or 42 months where a plan had recently been adopted or submitted for examination (not the case in Winchester). Therefore, Stage 1 above would have to commence immediately legislation came into effect. There would be a requirement for plans to be reviewed every 5 years and the government could intervene if the timescales were not met. The intention is that once an area has been 'zoned' as either Growth, Renewal or Protection, it will be very easy for a local planning authority to update a Local Plan.
- 12.9 This would mean that even if work had progressed on the Local Plan to the current timeline in the LDS, it appears possible that we would not have an adopted plan in place before the government reforms take effect (assuming the legislative process would be complete in 2022-2023). In such a case we would need to commence work on a new style local plan in 2022-2023. The

proposals allow 30 months for preparation of a new plan, so a new style local plan would be ready for adoption in 2025-2026 (depending on when the legislation took effect).

- 12.10 Whilst making progress on the Local Plan is a key corporate priority, there is a considerable amount of uncertainty surrounding the proposed changes to the planning system, when they will happen and the actual quantum of housing development that the City Council would need to plan for which ranges from just under 700 dwellings to 1,025 dwellings per annum. This means that until the quantum of development that the City Council needs to plan for is known it is very difficult to make any substantial progress on the Local Plan towards adoption as this is often one of the key matters that shapes the development strategy, is the most controversial matter and raises the most significant amount of representations. The City Council awaits the outcome of the government's consultation on standardised methodology.
- 12.11 Local Plan Action Plan
- 12.12 Officers consider that it is right time for Members to reassess what work can be undertaken on the Local Plan. In order to put the Council in the best possible position and to inform this decision on the next steps a Local Plan Action Plan has been prepared.
- 12.13 The LPAP that is set out in Appendix 1 is a response to the White Paper and it has gone through all of the proposals that are included in the White Paper and identified a number of key actions and a timeline for when they need to be completed. It is important to note that a number of the actions cross over a range of departments. The 'road map' that is included in the Action Plan is intended to place the City Council in the best possible position to be 'White Paper ready'.
- 12.14 As part of the City Council's response to the White Paper the City Council has put itself in principle forward to the Ministry of Housing and Local Government as a pilot authority for the new style Local Plan and if this offer is taken up, the LPAP would be a useful tool to assist with these discussions.
- 12.15 Strategic Issues & Priorities consultation
- 12.16 A key decision for Members is establish if there is agreement to the principle of progressing with work by officers on the consultation document, being the Strategic Issues & Priorities to be brought to cabinet for a decision early 2021 to begin consultation in early Spring 2021. This consultation document could for example, seek views on:
- a) the key objectives for the new Local Plan, the Vision for the new Local Plan and the process of preparing a new style Local Plan, possible development strategy and issues such as the need for a Green Belt and:



- b) a range of matters such as the process for preparing Design Codes, the way that we could go about identifying land under the different designations (Growth, Renewal and Protection) and how climate change issues can be woven into the heart of the new style Local Plan.

12.17 Whilst there is considerable uncertainty over the quantum of housing development and proposals in the White Paper would make the housing figures in Local Plans 'binding', it would need to be made clear that the exact distribution of housing requirements was not within the scope of this consultation document. However, the consultation document could be used to establish general views on the options to accommodate more growth in terms of whether there should be an urban or rural focus (expanding settlements, new settlements, densification of Winchester and market towns). If the government changes do not transpire as planned later on next year, it will be important that the consultation document is framed in a way that it could equally be used to inform a Local Plan under the current system as it is likely that by the date of the Cabinet meeting we may not know the outcome of the consultation documents.

#### 12.18 Engaging with people

12.19 In recognition that the White Paper is centred around allowing people to access material online, Studio Republic (consultants appointed to assist with communications relating to the development of the local plan) are now pressing ahead with preparing the branding ideas for the Local Plan and a stand-alone Local Plan website that is centred around GIS and giving the ability for people to search planning information via their postcode. This new website would go live in February. This aligns closely with the digital approach to plan making that is outlined in the White Paper.

12.20 One of the points that has been identified in the Action Plan is to establish if there were any Parish Councils that were willing to work with the Strategic Planning team to develop a local Design Code.

#### 12.21 Strategic Housing and Economic Land Availability Assessment (SHELAA)

12.22 Alongside the consultation there would be another 'Call for sites' for new SHELAA sites for housing and employment uses. There would also be a specific call for 'Green sites' (i.e. sites that might be suitable for green infrastructure, biodiversity enhancement/net gain, nitrate mitigation or renewable energy) and call for Gypsy and Traveller sites and brownfield sites.

### 13 OTHER OPTIONS CONSIDERED AND REJECTED

13.1 The key question is whether the City Council progresses forward under the current regulations or the new style local plan. The LPAP has identified a range of actions that City Council can undertake in order to be able to pivot between the new style Local Plan or if it becomes clear that the Government is not making progress with implementing the new system, to be able to continue with preparing a Local Plan under the current regulations. It enables

therefore the Council to progress its Local Plan notwithstanding the form it ultimately has to take.

- 13.2 Officers consider that there is considerable merit in consulting on a Strategic Issues & Priorities document in spring 2021. The information that would be gathered from this consultation could be helpful for either preparing a new style Local Plan or for preparing a Local Plan under the current system. An alternative option would be for the Council to wait until there is more clarity from the Government on the proposed changes to the planning and the quantum of housing development that the City Council would need to plan for. This option is not recommended as there is considerable merit in engaging early with the local community and demonstrating that progress can be made to shape and develop the scope of new Local Plan especially as it unclear when there will be a response to the Government consultation documents. Furthermore the Government's Chief Planning Officer has advised that plan making should continue.

#### BACKGROUND DOCUMENTS:-

None.

#### Previous Committee Reports:-

Response to the government's proposed amendments to the aspects of the existing planning system

<https://democracy.winchester.gov.uk/documents/g2551/Public%20reports%20pack%2029th-Sep-2020%2009.30%20Cabinet.pdf?T=10>

Planning for the Future' White Paper

<https://democracy.winchester.gov.uk/documents/g2390/Public%20reports%20pack%2021st-Oct-2020%2009.30%20Cabinet.pdf?T=10>

#### Other Background Documents:-

None.

#### APPENDICES:

Appendix A – Local Plan Action Plan