

REPORT TITLE: REVISED LOCAL DEVELOPMENT SCHEME

21 JULY 2021

REPORT OF CABINET MEMBER: CLLR RUSSELL GORDON-SMITH CABINET MEMBER FOR THE BUILT ENVIRONMENT:

Contact Officer: Adrian Fox Tel No: 01962 848278 Email  
[AFox@Winchester.gov.uk](mailto:AFox@Winchester.gov.uk)

WARD(S): ALL WARDS OUTSIDE THE SOUTH DOWNS NATIONAL PARK

PURPOSE

To up-date the current Local Development Scheme which was brought into effect in March 2020.

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 new Local Plan which will cover the period 2018 – 2038.

RECOMMENDATIONS:

1. Approve the revised Local Development Scheme July 2021, as set out in Appendix 1 to this Report; and
2. Delegate authority to the Strategic Planning Manager, in consultation with the Portfolio Holder for Built Environment & Well Being, to undertake minor updating and drafting of any amendments required prior to publication.

## IMPLICATIONS:

### 1 COUNCIL PLAN OUTCOME

- 1.1 It is a requirement of Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) for the council to have an up to date Local Development Scheme (LDS) which contributes 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 on making its new plan which helps keep residents and key stakeholders informed of the latest position.
- 1.2 This LDS will supersede the council's previous LDS that was published and brought into effect in March 2020.
- 1.3 Tackling the Climate Emergency and Creating a Greener District
- 1.4 The Local Plan has a key role to play in moving the council towards carbon neutrality and creating a greener district. The government has indicated in its consultation document on the White Paper that there will move towards national policies and local policies will only be allowed in 'exceptional circumstances' and there will be changes to the Building Regulations. This creates a real challenge as there is a great deal of uncertainty when these changes might come into effect. However, as the council's target for carbon neutrality is sooner than the government's target the recent consultation on the Strategic Issues & Priorities document identified a number of local plan policies options that could be used to address this pressing issue. The climate emergency is central to the development of the new Local Plan.
- 1.5 Homes for All
- 1.6 The Local Plan has a key role in determining where and how much housing development should be located in district outside the South Downs National Park in line with national policy requirements. The Local Plan will provide for a broad range of housing to meet local need including affordable housing and Gypsy and Traveller accommodation. The role of the LDS is to identify a timetable for the Local Plan which is important so that everyone can understand the process and has the opportunity to get involved in the preparation of the Local Plan. This will include the chance to make comments on where new housing is being proposed.
- 1.7 Vibrant Local Economy
- 1.8 The Local Plan is being informed by a range of evidence which includes an Employment Land Study, Retail, Leisure and Town Centre Study. Development of a Green Economic Development Strategy is currently underway. The Local Plan will need to assess any of the employment land allocations that have not come forward for development in the existing Local Plan, assess whether they are still required, deliverable and need be rolled

forward to the new Local Plan and identify any land required to meet the future needs of the District until 2038. This shall be undertaken taking into consideration the likely longer term effects of the COVID-19 pandemic all of which have been taken into account as part of this revised LDS.

#### 1.9 Living Well

1.10 An important function of the new Local Plan will be that it fully considers and addresses the needs of all of our residents across all age ranges and abilities. The Local Plan has a key role to play in meeting this objective as it will be used to increase active travel, physical activity and create attractive and connected green infrastructure whilst protecting and seeking to enhance important areas of open space.

#### 1.11 Your Services, Your Voice

1.12 A key part of the preparing the Local Plan is to ensure that everyone has the ability to be involved in its content and shape. The LDS sets out a timetable for when this engagement will take place. The Local Plan making process must engage with the widest possible audience and ensure that the document is not only accessible but also visually interesting and appealing so that it stimulates and encourages people to read and comment on it. The council must also comply with its own statutory Statement of Community Involvement, which was adopted in December 2018, and the updated COVID-19 Statement.

1.13 This work is already well underway in terms of a new Local Plan website [www.localplan.winchester.gov.uk](http://www.localplan.winchester.gov.uk) This website allows people to search planning information via their postcode. This aligns closely with the digital approach to plan making that is outlined in the White Paper consulted on in 2020. Making the timetable for the Local Plan available on the website is a key way of communicating to people when and how they can become involved in the Local Plan.

## 2 FINANCIAL IMPLICATIONS

2.1 The resources for the preparation of the various elements of the Local Plan have been approved as part of the budget process.

2.2 The Local Plan had an earmarked reserve at the start of 2020/21 of £382k, plus an annual baseline budget of £36.7k. The current forecast external expenditure of approximately £633k for the period of 2020/21 to 2024/25 is currently showing a forecast overspend of £66k. This can be addressed through the budget setting process. Additionally, there is in-house resource 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 appointed.

## 3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 As confirmed above, the Local Plan must be prepared in line with the process set out in national legislation under Planning and Compulsory Purchase Act 2004 (as amended) and can only be adopted by the council if it is found to be legally compliant and sound by a Planning Inspector that is appointed by the Secretary of State to oversee a Local Plan examination.
- 3.2 An up to date LDS is a fundamental element of the Local Plan process and there 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, therefore, essential that it is kept under review and updated accordingly.
- 3.3 There are no direct procurement implications as a result of this report.

#### 4 WORKFORCE IMPLICATIONS

- 4.1 The Strategic Planning Team leads the preparation of the Local Plan, and associated documents that are included in the LDS, which involves; commissioning consultants and working with colleagues across the whole of the council, neighbouring Local Planning Authorities under the Duty to Co-operate, statutory agencies (Natural England, Historic England, Highways England and the Environment Agency etc...) and the Partnership for South Hampshire (PfSH).

#### 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 from the council, or affect land which is within its ownership, will need to be assessed against the policies and proposals in the Local Plan.

#### 6 CONSULTATION AND COMMUNICATION

- 6.1 The whole purpose of preparing an LDS is to ensure that there is a transparent process that clearly identifies when various stages of the Local Plan will be consulted upon. This is extremely important as a key part of preparing a Local Plan is ensure that everyone has the opportunity to be involved in shaping it's the direction and content.
- 6.2 Discussions have taken place with the Cabinet Member for the Built Environment regarding the up-dated LDS. The updated LDS was considered at a Local Plan Advisory Group (LPAG) meeting on the 1<sup>st</sup> July 2021. The main points raised by the Group are summarised below:
- To ensure the proposals in the White Paper are taken into account.
  - Design issues need to be dealt with in a more comprehensive manner in the new local plan and this applies to the rural areas and market

towns and not only the city itself. This aligns with proposed Government reforms.

- To continue with our Duty to Cooperate.
- To be kept informed of PfSH work.
- August and September are not the best months for undertaking consultations (Regulation 18/19 stages) and will result in negative comments. Engagement needs to be as wide and comprehensive as possible with sufficient time and opportunity for people to respond.
- What interaction will there be between the new Local Plan and the South Downs National Park Plan?
- What is happening about Gypsy and Traveller sites and how will this be addressed in the new Local Plan?
- Can the Green Economic Strategy and PfSH reports be considered by LPAG?
- A number of detailed policy areas need to be reviewed which arise at Planning Committee including sustainability of housing schemes, which involve the demolition of existing serviceable buildings, green energy generation, biodiversity provision and integrated layouts of residential developments.

6.3 In response it was agreed that these points would be considered as the new local plan is developed and LPAG would be kept informed of progress regarding these matters. So far as they relate to the LDS, which is the subject of this report, the timing/duration of consultation on the Regulation 18 and 19 stages of the plan would be considered further in due course.

## 7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 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 policies within the new plan will support moving the district towards carbon neutrality by 2030.
- 7.2 The council has appointed consultants (Land Use Consultants) to undertake a Sustainability Appraisal and Habitats Regulations Assessment which will be prepared alongside, and feed into, key stages of the plan making process. These assessments will be made available for people to comment on and will

be critical in supporting the decisions that are made in relation to content of the Local Plan.

## 8 EQUALITY IMPACT ASSESSEMENT

- 8.1 Undertaking an Equality Impact Assessment (EqIA) is a key part of preparing a 'sound' Local Plan. The process needs to ensure that the Local Plan does not lead to unlawful discrimination (direct and indirect), and that it 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.
- 8.2 LUC have also 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).

## 9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 Any comments that are submitted to the Local Plan will be taken into account, but must include people's name and contact details. The council will publish names and associated representations on its website but it will not publish personal information such as telephone numbers, addresses or email addresses.
- 9.2 In accordance with the General Data Protection Regulations (GDPR) information will only be kept for the necessary period of time required. The council has an updated privacy policy which can be viewed on the website.

## 10 RISK MANAGEMENT

- 10.1 The LDS that is attached at appendix 1 includes a detailed Risk Assessment

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
Financial Exposure	<p>Funding for ongoing projects are within the existing budget and any additional funding that is required will be considered as part of the budget making process.</p> <p>The new planning system does include a much greater emphasis on the</p>	<p>Joint commissioning research and potentially GIS accessible software with neighbouring authorities.</p> <p>Start work now to align the new plan with the national direction of travel such as the development of a new dedicated LP</p>

	<p>use of GIS and the ability for people to access data at a postcode level. This will require corporate investment in new technology but timing for implementation of national planning reforms are not yet known but will need to be considered as part of the budget setting process.</p>	<p>website with interactive GIS.</p>
<p>Exposure to challenge</p> <p>Local Plan not found sound at the Local Plan Examination as it fails the public consultation tests in Regulations 18 and 19 of the Act.</p>	<p>The revised LDS will need to be kept under review and ensure the Plan making process follows national regulations. The appointment and the involvement of Counsel at key stages of the Local Plan making process will reduce the risk of legal challenge.</p>	<p>There is great opportunity through the Local Plan making process to engage with a wide range of people on the future of the district reducing the risk that people feel that they have not been properly engaged in the plan making process.</p>
<p>Innovation</p> <p>Presentation of the Local Plan fails to engender interest in the plan making process.</p>	<p>Ensuring that the council engages with as many people as possible, including hard reach groups, is a key part of the Local Plan process. Publicity and the methods of Local Plan engagement will be a key component of this. A review will be undertaken to assess what methods of engagement were most effective in relation to f the recent consultation on the Strategic Issues &amp; Priorities document.</p>	<p>There is a great opportunity to make the Local Plan look appealing and interesting to a range of audiences. The dedicated Local Plan website has been created, along with new branding, and it will be important to build on the momentum that has been generated by this work.</p>
<p>Reputation</p>	<p>Local Plan not being found sound, or undue delay in the adoption process, would damage public confidence in council's ability to plan for, and manage, development in the district.</p>	<p>It will be necessary to keep the revised LDS under review in order to ensure that the council communicates when it will be consulting on the Local Plan.</p>

Achievement of outcome	It is important to work closely with all elected Members through the Local Plan Advisory Group and by other means, like Councillor briefings, and to maintain awareness of the plan, and associated documents at each key stage of the process.	Build sufficient flexibility into the strategy and timescales.
Property	The LDS is a project management tool and as such it does not have any property implications.	Ensure that the council's property department are aware of the updated LP timetable so that they can input into the process.
Community Support  The risk is that there is insufficient time to allow for full community engagement	The revised LDS has been developed with a programme that allows sufficient time for consultation and assessment of responses.  A dedicated Local Plan website has been created and a range of engagement methods were used as part of the recent consultation on the Strategic Issues & Priorities document that reached out and engaged with a range of people and stakeholders/community groups.	Ensure communication methods are relevant to the task to ensure those interested are kept informed of progress and provided with opportunities to participate building on recent work undertaken by the council such as the Vision for Winchester and successful consultation on the Strategic Issues & Priorities document.
Timescales  The revised LDS is a project plan for the various stages in the production of the Local Plan and any slippage may cause issues if this results in delay in the plan being adopted.	Ensure that there is sufficient capacity in the Strategic Planning team to be able to progress Local Plan and timings in the revised LDS are realistic. Keep the LDS under with sufficient flexibility review to respond to any national changes in the planning system.	It will be necessary to keep the LDS under review and adjust the timescales as and when required.
Project capacity  Insufficient resources	Ensure that the necessary resources are in place to progress the projects	Working with colleagues and neighbouring authorities



could delay progress of the Local Plan.	identified through the budget setting process.	through joint commissioning of evidence and other studies such as the work being undertaken currently by PfSH.
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## 11 SUPPORTING INFORMATION:

### 11.1 Background:

11.2 The LDS is effectively a project plan that sets out the timetable for the production of new or revised Development Plan Documents which together will form the council's Local Plan for the period up to 2038 and will replace the current adopted Local Plan. The LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The LDS must specify (among other matters) the documents which, when prepared and adopted, will comprise the Local Plan. The Local Plan will be used to shape future development of the district (outside the South Downs National Park) and against which all applications for development will be assessed. 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 Authorities' Monitoring Report.

11.3 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 bring forward to form its Local Plan and the timescale for their preparation, consultation and adoption.

11.4 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.

11.5 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 provides context for the review of planning documents once they have been prepared.

11.6 The proposed timetable for the Local Plan has been adjusted for this year in order to reflect the revised timing of the high level consultation which took place on the Strategic Issues & Priorities document between February and April this year. Consultation on the document was unavoidably delayed as a result of the Government consulting in late summer/autumn last year on a number of substantial changes to the way that local planning authorities need to prepare a Local Plan and amendments to the standardised housing methodology which determines the number of new homes the council is

expected to deliver through its plan. This would have seen the council's housing number increase from around 692 dwellings to 1,024 dwellings a year. This significant increase in the number of dwellings that the council would need to plan for each year, would have affected fundamental factors which form the basis of a consultation on the Local Plan, like the potential development strategy options for accommodating the level of growth required.

- 11.7 Having reviewed comments that had been submitted to the consultation document on changing the algorithm that was used to calculate the number of dwellings local authorities would need to plan for, the Government confirmed at the end of 2020 that the housing number for the district would revert to the previous figure (692 dwellings per annum). This enabled consultation to take place in early 2021 on the Strategic Issues & Priorities document. The Government's Chief Planning Officer has now written to all Local Planning Authorities informing them that they need to press on with preparing their local plans under the current planning system even though the Queen's speech delivered on 11<sup>th</sup> May confirmed the Government's intention to proceed with changes to the planning system including how local plans are made.
- 11.8 It is important to note that taking into account the most recent housing affordability data (published in March 2021), the district is now required to plan for a minimum of 665 dwellings per annum. This figure has changed as a result of population projections and an adjustment to take into account affordability. The Strategic Issues & Options document was based on planning to meet 700 dwellings per annum to provide a degree of flexibility. As this figure can increase as well as go down (due to population projections and an adjustment for affordability) Officers still consider that this is the best available figure to plan for.
- 11.9 Next steps:
- 11.10 All of the feedback that has been received from the Strategic Issues & Priorities consultation document is now being used to help inform and develop a new draft Local Plan (Regulation 18). At this stage in the process a preferred growth strategy will be identified and consulted on (how in effect the development will be distributed across the district outside of the South Downs National Park). The Reg 18 plan will also identify which specific sites are proposed to be allocated for development, in order to meet the development strategy, and a range of other policies required to support delivery of the new Local Plan.
- 11.11 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. The timing of national changes to the planning system regarding the way new plans are developed could also impact on this. It is not possible at this point in time to know how this will affect the plan process, so the intention is to proceed under the current statutory regime, whilst incorporating

as much flexibility as is feasible and appropriate, so we can respond to any reforms as they are brought forward.

- 11.12 An updated programme addressing the changes to the programme has been set out in the revised LDS. Once agreed by Cabinet, a copy of the LDS will be placed on the council's website.

## 12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 It is a legal requirement to have an up to date LDS and for it to be publically 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 other stakeholders about the preparation and subsequent adoption process of the Local Plan documents. Alternative timetables for the production of the LDS have been considered but the timetable set out is considered the best option to achieve adoption of a new plan in the most timely fashion.

### BACKGROUND DOCUMENTS:-

#### Previous Committee Reports:-

CAB3226 (Local Plan) Revised Local Development Scheme 2020 – 11 March 2020

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:-

### APPENDICES:

Appendix 1 – Revised LDS 2021