

YOUR PLACE YOUR PLAN.

Winchester District Local Plan

Local Development Scheme

July 2021



Winchester
City Council

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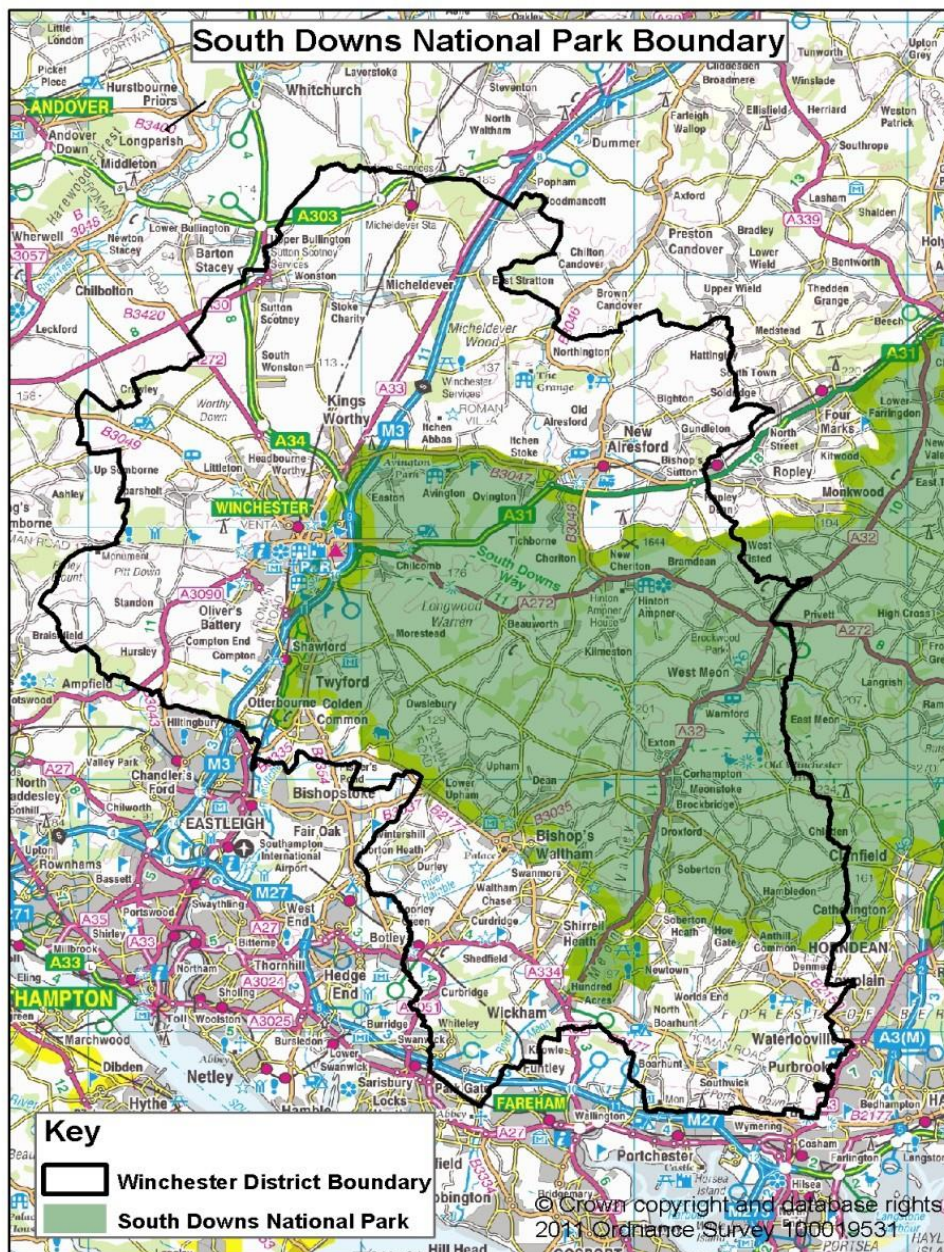
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1.0 Introduction

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 (“the Act”) (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]; and
- The timetable for the preparation and revision of the Development Plan Documents.

2.0 Background.

2.1 The Development Plan Documents for Winchester District comprise:

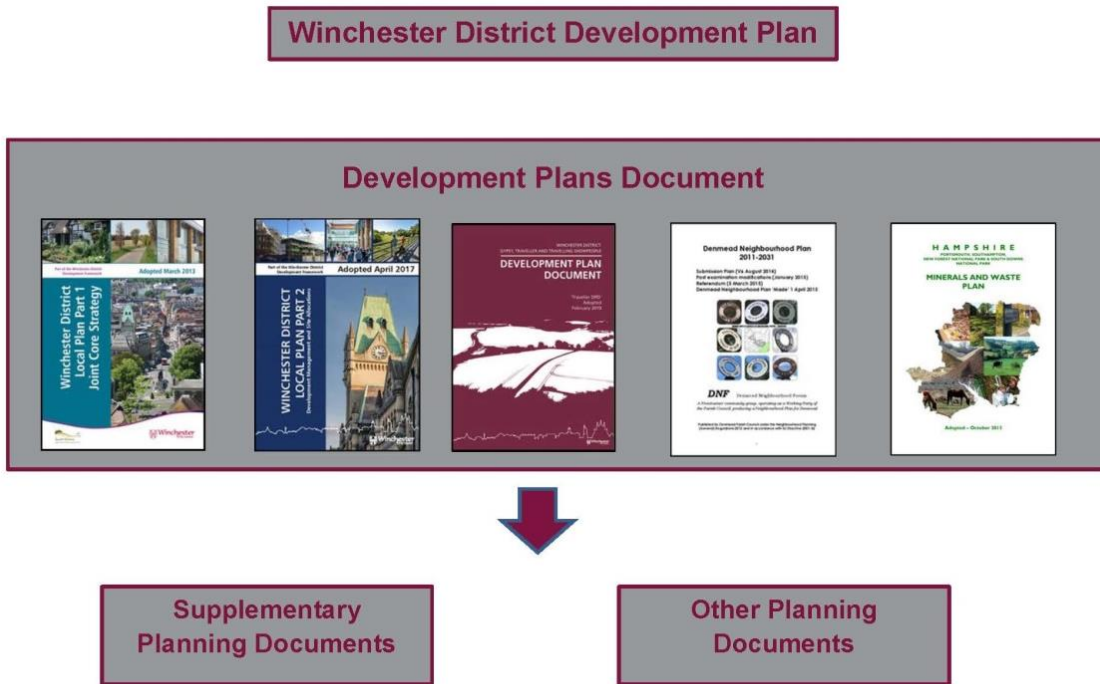
- **The Winchester District Local Plan Part 1 - Joint Core Strategy (LPP1).** The LPP1 was prepared by Winchester City Council (WCC) and the South Downs National Park Authority (SDNPA). It was adopted by WCC in March 2013. This plan covers the entire geographical area of Winchester District including 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;**
The plan covers most of the parish of Denmead. This is the only Neighbourhood Plan in the district that has been “made” (1 April 2015). Denmead Parish Council have indicated an intention to review their plan in line with the Local Plan process.

Hursley Parish Council have also started work on preparing a Neighbourhood Development Plan and this will need to be 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 timetable for preparing the new Local Plan which will cover the period to the end of 2038. 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) 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. It was updated in December 2020 with a COVID-19 statement.

3.2 The Authorities' 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 are raised from development for essential infrastructure as set out in the Infrastructure Funding Statement. CIL is charged per square metre on the gross internal floor space of the net additional floor space created by development and is applicable to all new residential developments, excluding the major development areas (MDAs) at Kings Barton (Winchester), Newlands (Waterlooville) and North Whiteley, regardless of size and to other specified types of development of 100 square metres or over. The delivery of infrastructure at the MDAs is covered by planning obligations (s106 agreements) which were put in place when permission was given for these developments. The council has set differential rates of CIL for the various uses based on the economic viability evidence in the CIL Viability Study. 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 the climate emergency, 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 based policies to guide determination of planning applications.

4.3 In September 2020, the Government undertook consultation about a White Paper and changes to the current planning system that would have significant implications for the content and the way that Local Plans would need to be prepared. The Government is currently considering all of the representations that were submitted to the consultation documents. Any changes to the planning system that may come forward could have an impact on the timetable for preparing the Local Plan. It is important to note that the Government proposed changes to the planning system have already resulted in a slight delay to the consultation on the Strategic Issues & Priorities document which has resulted in the need to revise the LDS.

4.4 Stages of Local Plan preparation.

4.5 There are a number of key stages that are involved with the preparation and the adoption of a Local Plan. Each of these stages are subject to the Strategic Environmental Assessment Directive (SEA). This information will be included under the umbrella of an Integrated Impact Assessment (IIA) which includes a Sustainability Appraisal, Habitats Regulations Assessment, Equality Impact Assessment and a Health Impact Assessment.

4.6 The Solent has recognised problems from nitrate enrichment. High levels of nitrogen from human activity and agricultural sources in the catchment have caused excessive growth of green algae (a process called eutrophication) which is having a detrimental impact upon protected habitats and bird species. Accordingly, it will be important that the IIA calculates and identifies a solution to the demands of nitrates as a result of housing growth.

4.7 Pre-Regulation 18 stage

4.8 This is the initial stage involves evidence gathering and engaging with the local community, businesses and stakeholders, including statutory consultees and neighbouring local authorities. This process started with the Launch of the Local Plan in 2018. A high level consultation on a Strategic Issues and Priorities document took place between February – April 2021 and the information gained from this is being used to inform the next stage of the plan making process as the

council develops its draft Local Plan (Regulation 18).

4.9 Regulation 18 Local Plan.

4.10 All the representations that have been received on the Strategic and Priorities consultation are now being evaluated to help us develop the new draft Local Plan ('Regulation 18' stage) which will be published on our website. At this next stage of the process we will identify and consult on the development strategy (how the development we have to plan for will be distributed across the areas of district that lie outside the South Downs National Park), identify which specific sites are proposed to be allocated for development in order to deliver the growth we need to accommodate, and propose a range of other policies that are needed to support the implementation of the new Local Plan.

4.11 Regulation 19 Local Plan.

4.12 Following consultation on the Regulation 18 Local Plan, we will consider all of the representations and prepare and publish for final consultation a revised version of the Local Plan and invite representations in accordance with Regulation 19. These representations will include comments 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).

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

4.14 Following Regulation 19, the council will formally submit the final draft Local Plan, representations that have been received at the Regulation 19 stage and the evidence base to the Planning Inspectorate for examination on behalf of the Secretary of State. A Local Plan Examination will be convened which will be overseen by an independent Inspector will assess the Plan against the tests of soundness and will take into account any representations received at the Regulation 19 stage. Whilst there is an opportunity for members of the public and organisations to attend the examination, the Inspector will determine the range of issue that they wish to discuss and who they would like to address the Inspector.

4.15 Consultation on proposed Main Modifications.

4.16 The Inspector and the council may suggest modifications to the draft plan. If they are likely to affect the plan in a significant way, they will be regarded as "Main Modifications" and, if these are required, they will need to be consulted on and the representations reviewed and forwarded to the Inspector.

4.17 Inspector's Final Report – Regulation 25.

4.18 The Inspector will issue a Final Report and providing that the Plan is found to the '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.

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

Winchester District Local Plan Document Details	
Role and content	Updated development strategy for Winchester District. This will involve reviewing all of the existing Local Plan policies, identify any policy gaps and update the Local Plan evidence base.
Geographical coverage	Winchester District (excluding that part within the South Downs National Park and any area subject to the adopted Neighbourhood Plan)
Consideration of representations that have been submitted in relation to the Strategic Issues and Priorities document, prepare a response, use the information that has been gathered from the consultation to help develop the draft Local Plan, identify a growth strategy, undertake additional engagement on any issues such as design, meet with Parish Councils, Town Forum to discuss sites, finalize the evidence base, draft policies and identify sites that will be allocated to for development that meet the growth strategy, prepare a draft Regulation 18 Local Plan. Undertake an IIA of the LP. Agree the LP for consultation.	May 2021 – June 2022
Consultation on the Regulation 18 Local Plan	August 2022 – September 2022
Consideration of representations that have submitted to the Regulation 18 Local Plan, prepare a response and make any changes to the Local Plan. Undertake an IIA of the LP. Agree the LP for consultation.	Oct 2022 – June 2023
Consultation on the Regulation 19 Local Plan	August 2023 – September 2023
Submission of the Local Plan to the Secretary of State (Regs. 22 & 23)	November 2023
Examination of LDD and SA (Reg. 24)	February/March 2024
Consultation on any proposed Main Modifications	May 2024
Inspector's Report – final (Reg. 25)	July 2024

Adoption and publication of Local Plan and revised Local Plan Policies Map	July/August 2024
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Sustainability Appraisal and Habitats
Regulations Assessment of the Local Plan



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 particularly important given that the council has declared a Climate Emergency. Tackling this issue and creating a greener district are at the heart of the Council Plan 2020 - 2025.

5.2 In preparing Local Plan and associated documents, attention will also be given to the expected environmental outcome of proposed plans and 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 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. SEA involves the assessment of the environmental impact of the plan.

5.5 The Local Plan 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.

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 that any impacts from Brexit are reflected.

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 is underpinned by an up to date evidence base. 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 Authorities' 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 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 aim to 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 and changes to the plan making system.

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.

What might go wrong?	What will happen?	Residual risk score	Current controls	Mitigation
A team member may Leave	A vacancy would be created in the team and depending on the level of seniority this would have different risk implications	Likelihood = Likely Impact = Major	Spread knowledge of the Local Plan and its associated documents throughout the team to minimize impact.	Re-appoint as soon as possible. If this is not possible, seek to re-deploy staff resources within Built Environment team. If this was not possible appoint someone as a Consultant although this would have financial implications.
Vacant post might not be filled	Unable to deliver the LP due to lack of resources	Likelihood = Unlikely Impact = Major	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/agency staff with the necessary experience. Consider use of consultants where appropriate.
New national legislation	The Government introduces changes that significantly alter the way that Local Plans needs to be prepared	Likelihood = Highly likely Impact = Major	<p>The Government has, and continues to make a number of changes to the planning system, the National Planning Policy Framework and the Building Regulations.</p> <p>It is highly likely that other changes and guidance will happen within the next 2 - 3 year period as the Government has consulted on some radical changes to the form and content of Local Plans and the way they need to be prepared. The Queen's speech (11/05/21) has announced a series of changes to the planning system that will come forward in a Planning Bill</p>	<p>Include flexibility in the timescales for preparation of the Local Plan and associated documents to allow opportunity to respond to changes</p> <p>Adapt plan making to future proof the process as far as possible and implement changes without delay that align with the direction of travel set at national level.</p> <p>Monitor closely and respond to the outcome of the various consultations promptly and any pending changes at National level, where possible, prior to commencement of regulatory stages of plan preparation process.</p> <p>Ensure documents are regularly updated to ensure compliance with legislation.</p>

Legal challenge	A legal challenge could be submitted	Likelihood = Unlikely Impact = Major	Post adoption of a Local Plan, there is a six week legal 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. The involvement of Counsel at key stages of the Local Plan process will help to minimize the risk of legal challenge. Robustly resist challenges made through the Courts unless there are clear and substantial legal reasons which mean the council is unlikely to be able to defend adoption of its Local Plan.
Problems arising from joint working; compliance with the duty to co-operate	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.	Likelihood = unlikely Impact = major	Close working is therefore needed with other authorities through Partnership for South Hampshire and other direct channels , council Members and Counsel 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 and allows for continuing discussions with neighbouring authorities to reach agreed positions. Ensuring that there is a clear document audit trail of any discussions and outcomes from those DTC meetings. The council is also represented on project boards / steering groups of major development sites and is a member of the Partnership for South Hampshire (PFSH).
Programme slippage	There could be delays to the Local	Likelihood = Likely	Contingency time is built into the LDS programmes, which includes	Sufficient flexibility is included in the Local Plan timescales. Revise LDS

	Plan timetable due to Government reforms to the planning system or a large number of representations submitted that would delay the adoption of the LP. Any slippage in the Local Plan timetable could have financial implications in terms of the evidence base needing to be updated and this would need to be managed.	Impact = moderate	sufficient time to deal with the large number of representations typically received at consultation stages.	where necessary. Ensure sufficient resources available to complete future stages (financial and staffing).
Local Plan found not to be 'sound'	If the LP is found to be unsound or there was serious shortcomings with the LP work would need to halt and the problems would need to be addressed. Inability to maintain a 5 year housing land supply	Likelihood = Unlikely Impact = Major	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	Infrastructure issues are not clearly considered as part of the LP.	Likelihood = Highly unlikely Impact = moderate	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	The LP needs to be agreed by Full Council at the Reg 19 stage and at the time that the LP is adopted.	Likelihood = Unlikely Impact = Major	It is important to work closely with all elected Members through the Local Plan Advisory Group and by other means, like Councilor 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.
Inspector's report includes recommendations that the council finds difficult to accept	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.	Likelihood = Unlikely Impact = major	The council will need to consider all recommendations made by the inspector and may decide to accept them unless it considers there are sound and substantial reasons not to whilst acknowledging this could lead to a position where an up-to date-plan is no longer in place.	Keep council Members up to date on issues arising and likely recommendations and ensure each stage of the plan making process is evidence based, taking legal advice as required, to minimize the potential for the inspector to need to recommend significant changes to the draft plan.

	2021												2022												2023											
	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																			D	D												P	P		S	

	2024											
	J	F	M	A	M	J	J	A	S	O	N	D
Local Plan		E	E		MM	IR	A					

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

