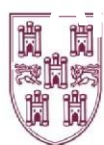


YOUR PLACE YOUR PLAN.

Winchester District Local Plan

Local Development Scheme

August 2023



Winchester
City Council

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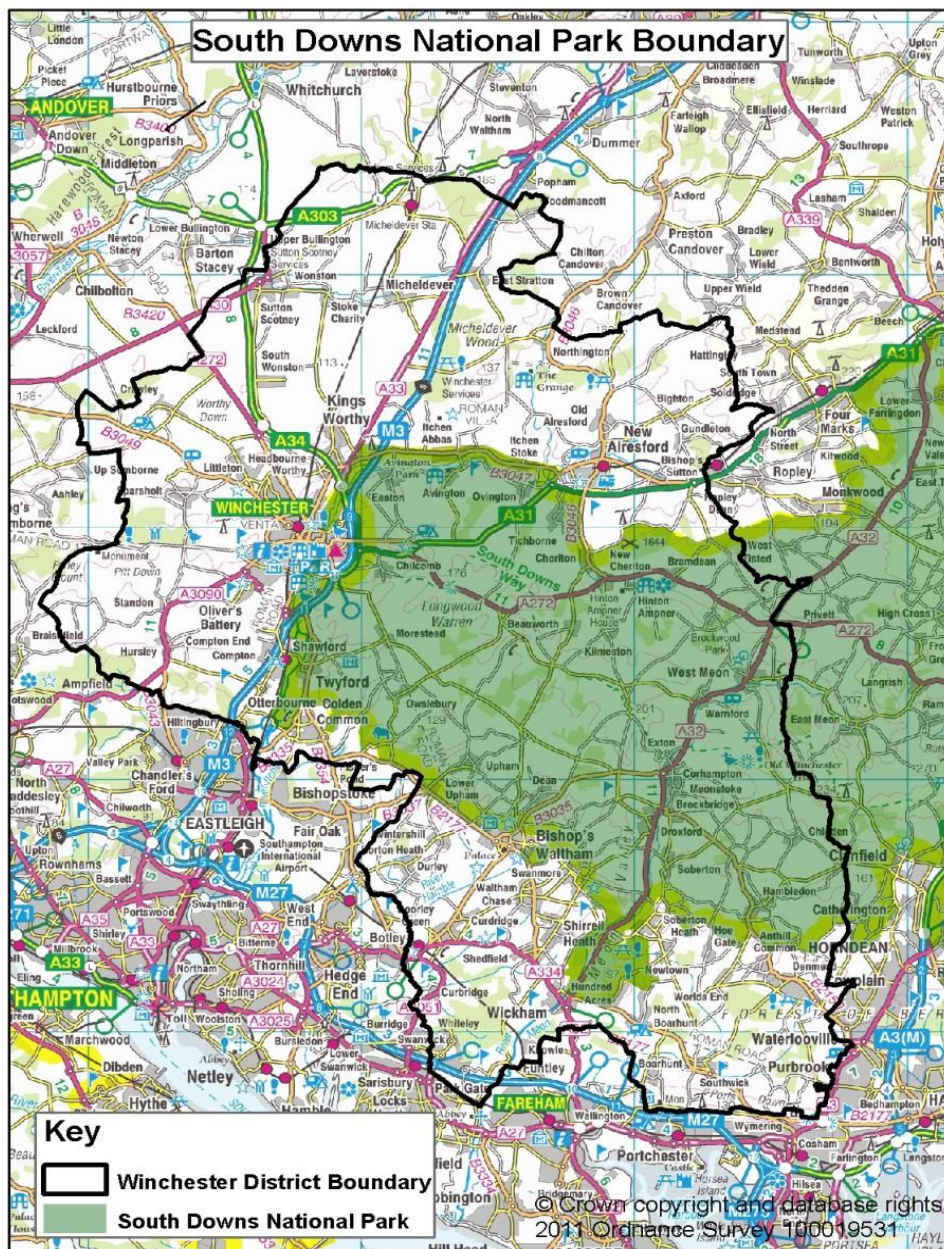
APPENDIX A - Risk Assessment

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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. The map below shows the boundary of Winchester City Council and the South Downs National Park.



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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.

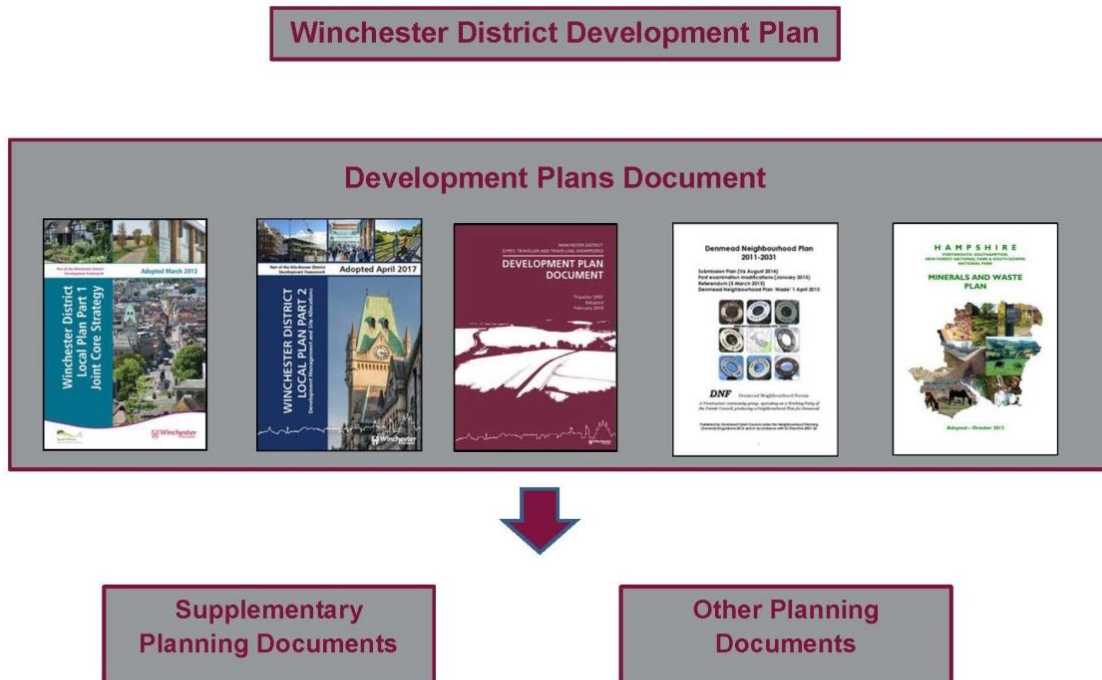
2.0 Background.

2.1 The current 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 (the SDNP section of the Local Plan has now been superseded by their National Parks adopted Local Plan) 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.
- **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 current 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 adoption of the new Local Plan. 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. There is currently a process currently underway to review the SCI to ensure that it complies with the latest best practice and reflects the methods of engagement that are being used to promote planning applications/Local Plan documents.

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. 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 Regulation 18 Local Plan has set out the vision and framework for future development of the district (which lies outside the SDNP) to 2039. 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, and any other Neighbourhood Plans which might be “made”.

4.2 The Regulation 18 Local Plan has been prepared through the climate emergency lens and has raised the bar on design issues as well as addressing local housing need, the economy, environmental considerations, community infrastructure and strategic infrastructure needs. The plan includes site specific allocations to meet identified need. The plan is structured around a number of topics which have the series of policies that will be used to guide the determination of planning applications.

4.3 **Nutrient neutrality**

4.4 The Winchester district falls within three riverine catchments in relation to nutrient neutrality. This includes the East Hampshire catchment and the Test and the Itchen catchments.

4.5 In November 2018 the European Court of Justice issued a ruling ‘Dutch N’ which introduced the concept of nutrient neutrality. In 2019 Natural England issued guidance to 32 Local Planning Authorities, including Winchester City Council, adding nutrient neutrality in relation to total nitrogen as a requirement for overnight accommodation that impacts protected sites in the Solent. The Partnership for South Hampshire (PfSH) started working on developing total nitrogen mitigation solutions which became available across the Solent in 2021.

4.6 In March 2022 Natural England issued additional guidance to a further 42 LPA’s in respect to nutrient neutrality for habitat sites. The guidance introduced phosphorus neutrality in relation to the Itchen catchment as a requirement for overnight accommodation. This means that any new overnight accommodation in the Itchen catchment is required to mitigate the impacts of phosphorus as well as total nitrogen.

4.7 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, in order to meet the requirements the Habitats Regulations Assessment it will be essential that the IIA, which is being prepared alongside and informs the content of the Local Plan, calculates and refers to a solution to the demands of nutrients (nitrogen and phosphates) as a result of housing growth that has been allocated for development in the Local Plan.

4.8 There have been numerous positive discussions taking place with Officers from PfSH in order to identify and find solutions to nutrients. Whilst there are now

a number of successful trading platforms for nitrates, dealing with phosphorous is more challenging.

4.9 Developers and site promoters have been asked as part of the Site Deliverability Statements, to identify how they intend to address nutrients for the allocated sites in the Regulation 18 Local Plan. Funding bids have been submitted by PfSH to the government to help fund potential solutions and a decision is awaited.

4.10 Town Centre and Employment Study

4.11 Both the Retail and Employment studies are currently being refreshed and updated as they were both originally completed at the outbreak of the COVID 19 pandemic. The revised LDS has factored in when the findings from these key two reports will be made available and how the findings can be incorporated in the Regulation 19 Local Plan.

4.12 Strategic Transportation Assessment.

4.13 The trading arm of Hampshire County Council have been appointed to prepare a Strategic Transport Assessment. This will assess and propose appropriate mitigation for the cumulative transport impacts of the proposed site allocations that are contained within Winchester City Council's emerging Local Plan. The commission will use the existing SYSTRA report <https://www.localplan.winchester.gov.uk/LibraryAssets/attach/42/109282-001b-SYSTRA-WCC-Local-Plan-2038-Stage-1-Transport-Assessment-Final-with-Apps-23092020-2-.pdf> as a starting position and it will involve undertaking transportation modelling and preparing an accompanying report through the Solent Sub Regional Transport Model (SRTM) and it will include sites with extant planning permission and sites that are being built out. This evidence will support the Local Plan and be a robust part of Local Plan Evidence Base that can be relied on at the Local Plan Examination. The work involves undertaking:

- A baseline transport model run (no site allocations, the baseline position in 2039);
- A do-minimum transport run (with site allocations but with no mitigation);
- A do-something transport run (with site allocations and associated mitigation); and
- engagement with the relevant Highway Authorities in order to be able to demonstrate the Duty to Cooperate.

4.14 Traffic data that is gathered from the above transport model is required to quantify likely impacts and confirm which roads within 200m of a European site will experience significant increases in traffic as a result of the Local Plan (alone or in combination). If traffic data shows an increase in traffic on roads passing European sites of 1,000 Annual average daily traffic or more, air quality assessment would then be required to inform the Appropriate Assessment.

4.15 As it is extremely important that the cumulative impact of the Local Plan site allocations is fully assessed and appropriate mitigation measures are identified and costed into the Local Plan Viability Assessment. The timetable for completion of this Strategic Transport commission has been factored into the revised LDS.

4.16 Statement of Community Involvement (SCI)

4.17 The preparation of the Local Plan must also legally comply with its own statutory Statement of Community Involvement (SCI), which the Council adopted in December 2018. As the government requires SCI's to be updated every 5 years, this document is currently being reviewed and updated by Officers. This will involve obtaining permission from Cabinet for consultation to be held on a recommended revisions to the SCI, time for Officers time to analyse any comments and enough time for Officers to make any changes as a result of the public consultation before seeking Cabinet's permission to adopted a revised SCI. In order to help to de-risk the Local Plan process all of this work has been factored into the revised LDS.

5.0 Stages of Local Plan preparation.

5.1 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.

5.2 Pre-Regulation 18 stage

5.3 This is the initial stage involving 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.

5.4 The Launch of the Local Plan was followed by a high level consultation on a Strategic Issues and Priorities document which took place between February – April 2021. Information and feedback that was gained from this public consultation was used to inform the content of the Regulation 18 Local Plan.

5.5 Regulation 18 Local Plan.

5.6 Consultation on the Regulation 18 Local Plan took place between 2nd November and 14th December 2022. The consultation involved several drop-in sessions in towns and villages across the district supported by posters, a social media, radio and news-print advertising campaign. Online briefings with experts speakers were organised along with drop in sessions at local colleges and universities. Links to the online recordings can be found [here](#). The link to the draft local plan consultation document can be found [here](#). In total, the council received 967 responses from individuals, business, organisations, and charities across the Winchester District, with a total of 3,438 written comments on the Local Plan policies and site allocations.

5.7 A summary of the recent consultation and engagement for the Regulation 18 Local Plan consultation was the subject of the Local Plan Advisory Group meeting on 8th March.

5.8 Regulation 19 Local Plan.

5.9 Any proposed changes that result from the Regulation 18 consultation will be subject to a sustainability appraisal and Local Plan Viability Assessment before being consulted on again at the Regulation 19 consultation.

5.10 A final round of public consultation will take place in the form of a Regulation 19 Local Plan in terms of whether the draft plan is legally compliant and sound when assessed against the requirements that are contained in the National Planning policy Framework (NPPF).

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

5.12 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 who 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.

5.13 Consultation on any proposed Main Modifications.

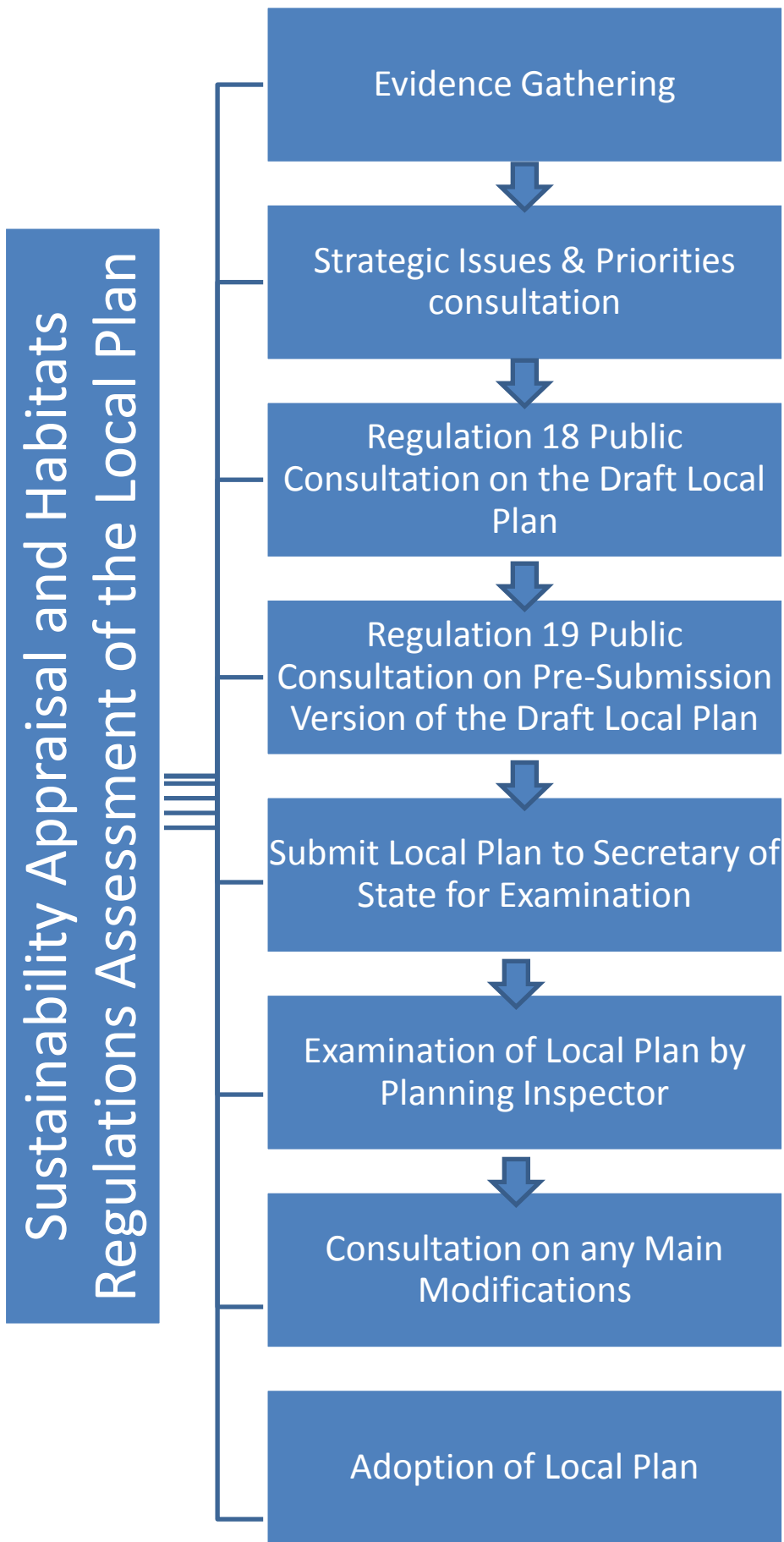
5.14 The Inspector and the council may suggest modifications to the draft plan. If they are likely to affect the plan in a significant way, they will be regarded as “Main Modifications” and, if these are required, they will need to be consulted on and the representations reviewed and forwarded to the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

5.15 Inspector’s Final Report – Regulation 25.

5.16 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.

5.17 Appendix B sets out the updated timetable for the adoption of the Local Plan. The key steps that are involved with preparing a Local Plan are outlined below.

Document Details



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

6.1 Achieving sustainable development is at the heart of the emerging new Local Plan and the planning system and is extremely 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.

6.2 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).

6.3 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.

6.4 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.

6.5 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.

7.0 Delivery and Implementation.

7.1 Producing a new Local Plan is a key 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.

7.2 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 is available on the council's dedicated Local Plan website [Home - Winchester District Local Plan](#) The evidence base will be submitted to the Inspector that is appointed to oversee the examination of the Local Plan and therefore needs to withstand close scrutiny at the Local Plan Examination.

7.3 The financial resources required to produce the evidence base have been estimated and provision made in the council's budget.

7.4 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 B.

8.0 Monitoring and Review.

8.1 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 and consider the need to revise and update the LDS.

9.0 Duty to Co-operate and Statement of Common Grounds

9.1 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.

9.2 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.

9.3 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.

9.4 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.

9.5 Prior to consultation on the Regulation 19 Local Plan a number of Statement of Common Grounds will be prepared and agreed with the statutory agencies and neighbouring Local Planning Authorities. These will be accompanied by a Duty to Co-operate Statement. This is a key piece of work as the Council will need to be able to demonstrate to an Inspector at the Local Plan Examination that the preparation of the Local Plan has complied with the legislation. A separate SoCG is being agreed with the Partnership for South Hampshire authorities (PfSH).

10.0 Risk Assessment.

10.1 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.

10.2 Appendix A identifies a range of potential risks, their impact and likelihood of occurrence together with contingency and mitigation measures.

Appendix A – Risk Assessment

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 in order 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 on a short term as a Consultant although this would have financial implications and possible reputational damage.
Vacant post might not be filled	Unable to deliver the LP due to lack of resources	Likelihood = Likely 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. In addition to this there has been a number of public consultations on a number of key issues including for example, changes to CIL in the form of a Infrastructure Levy and the Environmental Outcomes Report.</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. There will be a series of changes to the</p>	<p>Include flexibility in the timescales for preparation of the Local Plan and associated documents to allow opportunity to respond to any 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 Infrastructure Level, where possible, prior to commencement of regulatory stages</p>

			<p>planning system that will come forward in the Levelling up Bill and changes on the horizon in updates to the NPPF and National Development Management policies.</p>	<p>of plan preparation process.</p> <p>Ensure documents are regularly updated to ensure compliance with legislation.</p> <p>National changes may be subject to transitional arrangements,</p>
Legal challenge	A legal challenge could be submitted	<p>Likelihood = Unlikely</p> <p>Impact = Major</p>	<p>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.</p>	<p>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.</p> <p>A PINS Advisory meeting was held on the 15th June 2023 in order to discuss a number of key issues and help to de-risk the Local Plan process.</p> <p>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.</p>

<p>Problems arising from joint working; compliance with the duty to co-operate</p>	<p>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.</p>	<p>Likelihood = unlikely Impact = major</p>	<p>Close working is therefore needed with other authorities through Partnership for South Hampshire (PFSH) 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. A PINS Advisory meeting was arranged in order to help de-risk the LP process and discuss some of the key issues arising from the representations that have been raised in the Regulation 18 Local Plan consultation.</p>	<p>Some flexibility is included in the Local Plan timescales and allows for continuing discussions with neighbouring authorities to reach agreed positions.</p> <p>Ensuring that there is a clear document audit trail of any discussions and outcomes from those DTC meetings.</p> <p>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).</p>
<p>Programme slippage</p>	<p>There could be delays to the Local 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</p>	<p>Likelihood = Likely Impact = moderate</p>	<p>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.</p>	<p>Sufficient flexibility is included in the Local Plan timescales. Revise LDS where necessary. Ensure sufficient resources available to complete future stages (financial and staffing).</p>

	needing to be updated and this would need to be managed.			
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	Convening a PINS Advisory meeting on 15 th June 2023 has helped to de-risk the Local Plan Be prepared to make modifications to the plan at the Local Plan Examination. 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, such as 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	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	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

	proposed by the council), the Plan may not be 'sound' unless it is modified.		a position where an up-to date-plan is no longer in place.	potential for the inspector to need to recommend significant changes to the draft plan.
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Appendix B – Local Plan Programme

