

REPORT TITLE: UPDATED LOCAL DEVELOPMENT SCHEME

3 DECEMBER 2018

REPORT OF PORTFOLIO HOLDER: BUILT ENVIRONMENT

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

PURPOSE

To update the current Local Development Scheme which was brought into effect in December 2017.

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 Local Plan and associated documents. With the adoption of Local Plan Part 2 in April 2017, and the Gypsy, Traveller and Travelling Show People Development Plan Document (DPD) progressing to adoption, this is an appropriate time to revisit the timescales for the preparation of Local Plan 2036 and other documents and update as necessary.

RECOMMENDATIONS:

1. That the revised Winchester District Local Development Scheme 2018, as set out in Appendix 1 to this report, be approved and brought into immediate effect.
2. That authority is delegated to the Head of Strategic Planning, in consultation with the Portfolio Holder for Built Environment, to undertake minor updating and drafting of any amendments required prior to publication.

IMPLICATIONS:

1. COUNCIL STRATEGY OUTCOME.

- 1.1 It is a requirement of section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) to have an up to date Local Development Scheme (LDS) to support the suite of plans under the Winchester District Development Framework, which contribute to achieving the broader outcomes expressed in the Council Strategy, including improving the quality of the District's environment. The LDS must specify (amongst other matters) the documents which, when prepared, will comprise the Local Development Plan for the area.

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 and with a particular reference to commencing preparation of Local Plan 2026.
- 2.2 The current forecast external expenditure of approximately £600,000 for the period 2018/19 to 2021/22 is within existing budget projections and supported by the Local Plan reserve. This is in addition to existing in-house employee resources.

3. LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 An up to date LDS is a fundamental element of the Local Plan process and it is a requirement to submit the LDS at submission stage of a Development Plan Document (DPD). A DPD sets out planning policy guidance for the use of land and can have a broad remit e.g local plan or be topic focussed e.g gypsies and travellers. .

4. WORKFORCE IMPLICATIONS

- 4.1 The Strategic Planning Team leads the preparation of the DPDs and associated documents detailed in the LDS, commissioning consultants and working with colleagues as necessary.

5. PROPERTY AND ASSET IMPLICATIONS

- 5.1 None.

6. CONSULTATION AND COMMUNICATION

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

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.

8. EQUALITY IMPACT ASSESSEMENT

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

9. DATA PROTECTION IMPACT ASSESSMENT

9.1 None.

10. RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property</i>	n/a	n/a
<i>Community Support</i> The risk is that there is insufficient time to allow for full community engagement and consultation as expressed in the LDS.	Allow sufficient time for consultation and assessment of responses. DPDs are required to comply with several stages of publication.	Ensure communication methods are relevant to the task to ensure those interested are kept informed of progress and provided with opportunities to participate.
<i>Timescales</i> The LDS is a project plan for the various documents that constitute the development framework for the District.	Ensure capacity to progress DPDs is sufficient and timings are realistic.	It will be necessary to update the LDS if timescales need to be adjusted.
<i>Project capacity</i> Medium Risk due to insufficient resources.	Ensure that the necessary resources are in place to progress the projects identified.	Working with colleagues, neighbouring authorities through joint commissioning of evidence studies.
<i>Financial / VfM</i> Limited Risk that there are insufficient financial resources to deliver the projects identified.	Funding for ongoing projects is within the existing budget and funding for Local Plan Review is expected to be covered by the earmarked reserve.	Joint commissioning of research with neighbouring authorities.
<i>Legal</i>	Update the LDS as	The LDS is a support

DPDs not found sound at Examination.	necessary and publish on WCC website.	document and is not subject to examination, but must be realistic and updated as required
<i>Innovation</i>	n/a	n/a
<i>Reputation</i> Risk of damage to the Council's reputation and development proposals coming forward in an ad-hoc way if we do not keep the LP process moving forward on schedule.	It is necessary to be realistic with timescales to build in some slippage to the programme to ensure DPDs continue to be prepared and adopted in a timely manner.	To regularly review the LDS to ensure timescales are up to date.
<i>Other</i>	n/a	n/a

11. SUPPORTING INFORMATION:

- 11.1 The Council is required to produce a Local Development Scheme (LDS) that provides a programme for the production of development plans and associated documents. It is a legal requirement to have an up to date LDS as this is one of the legal tests of compliance at a development plan document examination.
- 11.2 The current LDS came into effect in December 2017. Since that time there have been some changes in Government legislation and the review of Local Plans Parts 1 and 2 have commenced with a view to producing a new Local Plan. It is therefore, an appropriate time to update the LDS.
- 11.3 The new National Planning Policy Framework (NPPF) July 2018 has brought in a greater emphasis on Duty to Cooperate including the requirement to produce Statements of Common Ground with neighbouring authorities to demonstrate effective and on going joint working. Under the Duty to Cooperate the Council may also by agreement be expected to meet the unmet housing need of its neighbours.
- 11.4 Publication of the LDS no longer requires submission to the Secretary of State for approval. Therefore once approved the revised LDS can be made available on the City Council's website.
- ## 12. Update Gypsy and Traveller and Travelling Showpersons Development Plan Document
- 12.1 The Gypsy, Traveller and Travelling Showpeople 'Traveller' DPD was submitted for examination in May 2018, in accordance with the identified timescales set out in the LDS. Following appointment of the Inspector an examination into matters identified by the Inspector was held on 3 and 4 September 2018.

During the examination the Council was requested by the Inspector to consider proposing a number of modifications to the DPD to ensure that it could be found 'sound' in due course.

- 12.2 The Council subsequently prepared a schedule of Main Modifications and Additional Modifications. Those matters listed under Main Modifications relate to the 'soundness' of the DPD, whereas the Additional Modifications cover matters such as updating and clarification of text.
- 12.3 The Town and Country Planning (Local Planning) (England) Regulations 2012, requires such proposed modifications to be subject to consultation and sustainability appraisal. The consultation commenced on 8 October and closed on 23 November 2018. At this stage of DPD preparation all responses are forwarded to the Inspector via the Programme Officer who has been appointed by WCC but reports direct to the Planning Inspector and remains independent and it will be the Inspector who considers the comments made when preparing her report to the Council in due course. Prior to the close of the examination the Inspector indicated that she would be able to issue her report on the 'soundness' of the DPD early in 2019.
- 12.4 Following receipt of the Inspector's report, the Council will be able to formally adopt the DPD as part of the Winchester Development Plan, this will require a decision by Full Council.

13. Key Changes to the LDS.

- 13.1 There have been changes in Government legislation since the publication of the previous LDS in 2017. The revised National Planning Policy Framework (NPPF) was published in July 2018 and this has some significant implications for the Local Plan, which are covered in report CAB 3084 elsewhere on this agenda.
- 13.2 The 2017 LDS highlighted the need to commence production of a new Local Plan to start in 2018 particularly because the housing needs identified in LPP1 needed up-dating. This is in accordance with the Inspector's recommendations in response to the LPP2 examination. The Council consider that this is also an appropriate time to update the Community Infrastructure Levy (CIL). The review of the Local Plan has now commenced. However, a full review of CIL will commence once revised CIL Regulations are published in due course. In the meantime a refresh of the Regulation 123 List is being undertaken, following agreement by Cabinet in September (CAB3071), when changes were also agreed regarding the future funding of schemes using CIL receipts.
- 13.3 The Council's Statement of Community Involvement (SCI) was originally adopted in July 2007 and has been updated with consultation over the summer - see CAB3086(LP) on this agenda.
- 13.4 The revised LDS at Appendix 1, therefore sets out a realistic timescale for the completion and adoption of the Traveller DPD; approval of the SCI, with an indication of a timeline for the preparation and subsequent adoption of the Local

Plan 2036, given the uncertainties outlined above around changes to Government policy which could affect the local plan process and therefore the time it takes to finish a new Plan. The LDS also reflects the commitment of Denmead Parish Council to update its Neighbourhood Plan.

14. OTHER OPTIONS CONSIDERED AND REJECTED

- 14.1 It is a legal requirement to have an up to date LDS and for this to be accessible. It is able to be updated as required so this revision provides certainty for completion of the Traveller DPD, whilst highlighting a proposed timescale for the preparation and subsequent adoption process of the Local Plan 2036.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

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

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

Other Background Documents:-

LDS December 2017

APPENDICES:

Appendix 1 LDS 2018.