

REPORT TITLE: LOCAL PLAN 2036 CONSULTATION AND ENGAGEMENT PROCESS

11 SEPTEMBER 2019 - WINCHESTER TOWN FORUM

18 SEPTEMBER 2019 - CABINET

REPORT OF CABINET MEMBER: Built Environment and Well Being

Contact Officer: Jenny Nell Tel No: 01962 848278 Email jnell@winchester.gov.uk

WARD(S): ALL

PURPOSE

This report sets out a programme for moving forward with Local Plan 2036, with a focus on how we will engage with communities and stakeholders across the District. This includes a refresh of the Vision for Winchester building on the earlier 2012 document. It is intended that consultation on the key matters to be included in Local Plan 2036 will take place during 2020.

RECOMMENDATIONS:

That the Winchester Town Forum consider the paper and provide any comments for the Cabinet Member in particular respect of

- Support the proposal to refresh the 'Vision for Winchester' building on the concept of the 2012 Vision document
- Agree that a supplementary budget estimate of up to £25,000 is allocated from Winchester Town Forum earmarked reserve to fund specific city related research and engagement to support this work

That Cabinet :-

1. Consider the views of Winchester Town Forum in respect of development of a Vision for Winchester and its subsequent role in informing policies to achieve appropriate development in the Forum area
2. Agree the engagement model for the emerging local plan as set out in the report
3. Agree that £50,000 is allocated from existing General Fund Local Plan budget to assist the Town Forum to prepare an update of the Vision for Winchester.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

- 1.1 The preparation of the district wide Local Plan 2036 provides an opportunity to reflect and reinforce in planning policies the positive outcomes for our communities which are at the core of the Council Strategy, thereby supporting its vision and objectives. The Local Plan is a key mechanism by which to deliver those elements of the Council Strategy and other strategies prepared by the Council, that are reliant on the use of land, the protection of the environment and the provision of infrastructure. The Local Plan will include policies to promote economic development and diversity reflecting the emerging Economic Strategy; allocate land for housing purposes and include policies to address specific housing needs across the District. Given the Council's declaration of a Climate Emergency it will include appropriate planning measures relating to climate change, in so far as national planning policy will allow. It will also provide controls on inappropriate or poor quality development across the District.
- 1.2 The Local Plan is required by national planning policy to promote sustainable development and will incorporate a range of policies to enhance the character and strengthen the communities of our towns and villages and to protect our countryside and natural resources. Provision of open space and green infrastructure are key planning requirements when considering new development and contribute to the health and well being of our communities.

2 FINANCIAL IMPLICATIONS

- 2.1 Resources needed to undertake preparation of Local Plan 2036 including procurement of the evidence base and community/stakeholder engagement have been approved as part of the budget process. Specific commissioning of the necessary reports and studies has commenced following approval via PHD868.
- 2.2 The current forecast external expenditure of approximately £560,000 for the period 2019/20 to 2021/22 is within existing budget projections and supported by the Local Plan reserve (opening 2019/20 balance of £454,000) as well as baseline revenue budget projections. This budget is also required to fund the update of the Councils' Community Infrastructure Levy (CIL) charging schedule, including its evidence base, preparation, consultation and examination processes.
- 2.3 The report (para 11) includes reference to the requirement to update the 'Vision For Winchester' last updated in 2012 (Winchester Town Forum report WTF 173 refers (12 June 2012)). Depending on the level of updating required including the need for stakeholder/community engagement and consultation, additional resources will be required to be allocated to this element of work. At present there is no capacity within the Strategic Planning Team to assist with this process and therefore additional resources will need to be secured

through a secondment or short term contract opportunity. This report proposes that a budget of £50,000 is identified from the existing General Fund Local Plan budget (reflecting that this work impacts on a wider area than just the city boundaries) and £25,000 from the Town Forum earmarked reserve to secure this resource. The Town contribution would significantly deplete the remaining uncommitted reserve balance and the replenishment of the reserve would need to be considered in the town budget setting process.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 It is a statutory requirement for the Council to have a district wide Local Plan in place and ensure it is relevant. The statutory provisions under which a Local Plan is made are within the Planning and Compulsory Purchase Act 2004 (as amended) and regulations made under the Town and Country Planning (Local Planning) (England) Regulations 2012 and The Environmental Assessment of Plans and Programme Regulations 2004. To not prepare a sound and up to date Local Plan runs the risk that the Secretary of State will 'step in' and prepare a Local Plan for the Council.
- 3.2 The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) contains guidance that must be met to enable a Council to approve a Local Plan, including the 'tests of soundness' that Local Plans are assessed against. A Local Plan must be justified, effective, positively prepared and consistent with national policy
- 3.3 The Local Plan Regulations, in particular Regulations 18 and 19 require very specific steps to be undertaken in respect of consultation to ensure that both statutory consultees and the wider communities' responses are taken into consideration during the plan making process. The steps outlined below reflect these statutory requirements, the risk of legal challenge will be avoided if the Local Plan meets the objectively assessed needs of the Council and the evidence is consistent with and has regard to the statutory framework and the requirements of the National Planning Policy Framework.
- 3.4 Procurement of the evidence base reports will be conducted in accordance with Contract Procedure Rules and/or the Public Contracts Regulations 2015 (PCR 2015), as necessary.

4 WORKFORCE IMPLICATIONS

- 4.1 Preparation of Local Plan 2036 is a key corporate district wide project (excluding the area within SDNP) which will be led by the Strategic Planning Team. Given the strategic nature of the plan, contributions from a number of teams across the Council, will be required, in particular housing, landscape/ecology, transport, finance, communications and legal.

- 4.2 The Strategic Planning Manager has secured another role with a neighbouring authority and it will be necessary to recruit to this post as soon as possible. It is anticipated that the Town Forum may wish to appoint an external resource to support development of the Vision for Winchester using the budget available, but this will still require some input from within the Strategic Planning team to manage the overall process.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 There is opportunity to consider the impact of local plan policies on the Council's estate during the development of the plan.

6 CONSULTATION AND COMMUNICATION

- 6.1 National Planning Guidance and statutory requirements including the Local Plan Regulations 2012 require the preparation of Local Plans to demonstrate community and stakeholder engagement throughout the plan making process. The Council would always want such an important policy document to be the subject of wide and effective community engagement and it will follow the requirements of the Statement of Community Involvement which was updated in last year.
- 6.2 The Winchester Town Forum will consider this paper in advance of Cabinet and have opportunity to provide their views

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 The purpose of a local plan is to plan for sustainable development in accordance with national planning policy and guidance which has been recently revised. This is to ensure a balance of growth and change with protection and conservation being embedded in the local plan process. Furthermore, once a local plan is drafted it will be assessed against sustainability criteria which will also encompass strategic environmental assessment; habitat regulations assessment, equalities and health impact assessments.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:
- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
 - (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

- 8.2 The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all residents in respect of socio-economics and health determinants.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 The Council is required to engage with a range of organisations set out in legislation throughout the plan making process. Whilst a formal DPIA will not be required, it is worthwhile noting that the Local Plan process involves consultation with many individuals and organisations and the collection of large amounts of personal information. Meeting the requirements of the General Data Protection Regulation for the data gathered and held will be a significant additional responsibility.
- 9.2 All responses to consultations are 'redacted' of personal information as necessary prior to their publication on the Council's website.

10 RISK MANAGEMENT

- 10.1 The Local Development Scheme was updated in December 2018 (CAB3087(LP)) and this includes a high level risk assessment, which forms the basis of the identified risks below:

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	
<p data-bbox="185 394 579 434"><i>Community Support</i></p> <p data-bbox="185 468 579 723">Preparation of a local plan requires extensive community and stakeholder engagement and consultation. This is documented at all stages and published.</p> <p data-bbox="185 757 579 1160">If the Vision for Winchester is updated in parallel with preparation of the Local Plan, there is a risk of confusion of the remit of each document – the Vision having a more aspirational and broader remit than a land use document such as the local plan.</p> <p data-bbox="185 1193 579 1641">A further consideration is that the larger settlements (Bishops Waltham/New Alresford etc) may also request a similar focus given their position in the existing settlement hierarchy and wish to develop their own visions through preparing/updating parish plans.</p> <p data-bbox="185 1675 579 1899">Denmead Parish has its own neighbourhood plan and has indicated that it wishes to update this in parallel with the LP2036 process.</p> <p data-bbox="185 1933 579 2045">Officers are also aware of additional communities (Kings Worthy) that are</p>	<p data-bbox="603 394 989 685">Given the level of interest in planning matters across the District, it is necessary to ensure sufficient time and staff resources are allocated to allow for comprehensive engagement.</p> <p data-bbox="603 1193 989 1485">The Council will work with these communities to ensure they are properly engaged in the Plan making process as was the case with the development of previous Local Plans.</p> <p data-bbox="603 1675 989 1899">The Council will work with the parish council to ensure there is alignment between the Neighbourhood and Local Plans.</p> <p data-bbox="603 1933 989 2045">The Council will work with these communities to ensure they are properly</p>	<p data-bbox="1013 394 1406 640">Methods of community engagement are set out in the Council's Statement of Community Involvement (SCI) which was revised and published in December 2018.</p> <p data-bbox="1013 685 1406 943">The Council sees the benefit of working collaboratively with local communities and opportunities to continue with this approach will be explored.</p> <p data-bbox="1013 976 1406 1200">It will be necessary to be clear with the remit of the local plan and any documentation linked with Winchester Town Forum and the larger parishes.</p>

exploring the opportunity for preparing their own neighbourhood plan.	engaged in the Plan making process as was the case with the development of previous Local Plans.	
<p><i>Timescales</i></p> <p>Preparation of the local plan is established in the Local Development Scheme which identifies key milestones.</p> <p>A number of evidence studies have been recently commissioned and the results of these are anticipated by end of November 2019. These are crucial to inform the emerging options to be explored.</p>	<p>Timescales expressed in the revised LDS allow for a number of processes to be undertaken in parallel particularly community engagement and commissioning of evidence studies.</p>	<p>The LDS anticipates that a draft plan (including draft policies and proposals) will be available for consultation during late 2019. This is no longer the case so at some point it will be necessary to update the LDS. At this time the intention is that a 'Local Plan Prospectus', will be published and consultation undertaken to explore current issues arising from the evidence base and potential options for resolution.</p> <p>It will however, be necessary to ensure that any updating of the Vision for Winchester, work with parish councils and associated evidence and engagement remains synchronised with local plan preparation.</p>
<p><i>Project capacity</i></p> <p>Preparation of the Local Plan and updating the Vision for Winchester and engagement with parishes, will involve both in-house resources consisting of officers of the Strategic Planning team and others within the Council, plus appointment of specialist consultants to prepare technical reports for the evidence base.</p>	<p>It will be necessary to ensure that adequate resources are in place to prepare both the Local Plan, update the Vision for Winchester and engage with parishes.</p> <p>Every effort should be made to fill staff vacancies rapidly with appropriately qualified and experienced staff.</p>	<p>Opportunities for joint evidence and engagement will be maximised</p>

<i>Financial / VfM</i>		
<i>Legal If legal processes are not followed correctly the plan could be found unsound or vulnerable challenged.</i>	<p>Statutory process and consultation requirements are clearly defined through both legislation and central government guidance and policy. It is important to ensure that these are followed.</p> <p>It is necessary to ensure that adequate resources are in place to work with the Local Plan team during the consultation and preparation of both the Local Plan, update the Vision for Winchester and engagement with stakeholders including the Parishes.</p>	
<i>Innovation</i>		
<i>Reputation Incorrect statutory procedures or consultation may lead to a reputational risk</i>	Ensure that the plan making process, including public engagement, accords with statutory requirements.	
<i>Other</i>		

11 SUPPORTING INFORMATION:

- 11.1 This report builds on the content of CAB 3158 reported to Cabinet in June 2019, which summarised current progress with Local Plan preparation through the workshops with parishes and commissioning of the evidence base.
- 11.2 Technical evidence recently commissioned includes the following, this data will be available by the end of November 2019 to inform the formulation of local plan policy expression:-
- a) Housing needs and population projections
 - b) Employment needs
 - c) Retail, Town Centre and Leisure Use needs

- d) Strategic Housing Market Assessment
 - e) Gypsy and Traveller Accommodation Assessment
 - f) Transport assessment (Stage 1)
- 11.3 These reports will present detailed data on the state of the District and future trends for growth and change summarised as 'objectively assessed needs'. This is required by National Planning Policy/Guidance, and addressing these needs through land use planning is what is required to be reflected in LP2036, whether this be expressed through allocations for new development or policies to promote/control certain types of development.
- 11.4 Preparation of a local plan/neighbourhood plan is a regulated process focussing on spatial planning and must be subject to independent examination prior to final adoption. However non planning documents such as parish plans/visions are simply reflective of local communities' aspirations for the locality and can cover a wider range of matters and be more general in their expression.
- 11.5 It is important that full and proper engagement is undertaken in line with the national requirements. In development of the previous Local Plan a successful approach was taken called Blueprint and we can draw upon this experience when moving forward with the new Plan. The key principles and timeline for the engagement process is set out at para 11.17.
- 11.6 A key issue is engagement with the Parish Councils. Opportunity has already been taken to brief the Parish and Town Councils on the emerging timetable for the Local Plan in sessions held in autumn 2018 and this was followed up by workshops held at the start of the year which were designed to help the Council prepare for the next steps in the plan making process.
- 11.7 The Winchester Town Forum, as the representatives of the non parished city areas agreed at their meeting of 12 June 2019 (Report WTF272 refers) that:

"The Forum considered the report which set out the draft work programme for the new Municipal Year, 2019/20 and asked Members to consider appointments to a number of Informal Groups. Following discussion, the Forum agreed for the following items and indicative terms of reference to be included in the Work programme for 2019/20:

1. Winchester Town Forum - future governance. *"to form a task and finish group of the Town Forum to consider options and to make recommendations to Cabinet"*

2. Planning for the future in Winchester. *"Proposals have come forward to the Town Forum - including an urban design framework and a neighbourhood plan. A task and finish group would consider the options and make early recommendations to Cabinet on preparation of*

a plan for Winchester Town to be adopted as an SPD under the LP refresh (2036)."

- 11.8 In accordance with item 2 the task and finish group has met and discussed options for consideration. A key requirement is to understand the broader aspirations for the Town area, an appropriate mechanism for this would be to update the Vision for Winchester which was last updated in 2012. This document sets out eight themes :-
- Encourage people to create economic prosperity
 - Care for our history, heritage and setting
 - Be a natural destination for visitors and shoppers
 - Provide new and affordable housing
 - Improve transport, infrastructure and air quality
 - Be a regional centre for creativity and culture
 - Create a green and environmentally friendly city
 - Be a town that supports safe and stable communities
- 11.9 It would be beneficial to assess each of these and determine if they are still relevant and what actions have taken place during the intervening period in terms of implementing projects and proposals that would contribute.
- 11.10 Numerous projects have been initiated – including the major projects of Station Approach, Central Winchester Regeneration and the new leisure centre, which would support a number of the themes, both individually and collectively.
- 11.11 Recent concerns highlighted by the Town Forum appear to focus on public realm and design aspects of how the City is growing and evolving with the impact new development is having on the character of certain areas of the town. An opportunity exists to update the Vision for Winchester to set out clearly future aspirations for the city along with future guidance which could provide the means to identify areas that are changing and how potential effects could be appropriately managed. A key challenge would therefore be how to accommodate new development and redevelopment proposals needed to support the sustainable growth of Winchester without compromising valued attributes of established neighbourhoods across the city (see 11.15 below).
- 11.12 The role of the Local Plan is to set out the land use requirements for the whole district outside SDNP for the period up to 2036, local plans have to comply with national planning policy/guidance and contribute to the achievement of sustainable development, the NPPF summarises this as *'meeting the needs of the present without compromising the ability of future generations to meet their own needs'*. The policy goes on to elaborate that achieving sustainable development means that *the planning system has three overarching objectives (economic, social and environmental), which are interdependent*

and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objective)

- 11.13 The NPPF requires plans to '*positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change*' and at the heart of the framework lies a presumption in favour of sustainable development.
- 11.14 It is envisaged that Local Plan 2036 will include general design policies (as currently expressed in existing policies CP13, CP14, DM15- DM18), but it is not the right forum to be overly prescriptive as this would be contrary to the aims of the NPPF. The Local Plan will have to express the strategic priorities for Winchester looking ahead to 2036 and this will include reference to meeting housing, retail and employment needs. It is anticipated that policies will be required to identify new sites for development.
- 11.15 In relation to Winchester a suggested way forward is for the Town Forum is to adopt a two stage process:-
- Stage 1. To produce a new 'Vision for Winchester' through which to identify and articulate the key issues for the town area (which may be across a broad range of policy areas) so as to ensure that these can be properly reflected in the policies of the Local Plan as a whole and to guide and prioritise other projects and opportunities;
 - Stage 2. Once the policies of the Local Plan have begun to take shape, to undertake additional evidence gathering and produce more detailed guidance on which will shape the nature and form of development in the town area, for example through character assessments to inform design guidance, through better local infrastructure planning such as provision for pedestrian and cycling infrastructure or through specific projects to improve specific areas and for these to be expressed in formal documents in due course.
- 11.16 In terms of timings the immediate focus should be to ensure that the major issues and considerations for the town area are brought together in a new Vision for Winchester which can inform the emerging local plan.
- 11.17 Next Steps

It is therefore proposed that the following steps are instigated for the local plan and associated documents:-

11.18 Stage 1 – Preparation of a 'LP 2036 Prospectus'

Having gathered a range of evidence and reflecting its priorities in responding to the challenges of growth and change across the District, the City Council prepares and consults upon the principles and features of a development strategy. This would include explaining and identifying how it proposes to choose areas/sites for growth, achieve excellence in development proposals

of all types and to address the issues of climate change and low carbon. This document would endeavour to bring together the ambitions set out in other Council strategies, such as the Movement Strategy, to demonstrate how the next Local Plan could help to achieve these. This document will then be issued for consultation, probably in the early part of the 2020.;

11.19 Stage 2 – Engagement and Consultation on ‘Prospectus for LP 2036’

This stage consists of the Council inviting responses to that document and in particular:

- for the Town forum to produce a new ‘Vision for Winchester’ to identify those matters with a Winchester focus that require either a planning policy response in LP2036 or other Council strategy/action plan;
- for parish councils to be given the opportunity to identify any locally specific matters that require either a planning policy response in LP2036 or other Council strategy/action plan;
- options for resolution – meeting development needs, issues arising from evidence studies, growth around Winchester, locally derived development requirements elsewhere;
- Following the requirements of the Local Plan Regulations 2012, it is necessary to formally consult on the available documentation, this would be for a minimum of 6 weeks and made available through the website, Citizen Space online questionnaire and in libraries across the District.
- At this stage the Prospectus would be available to view, along with the evidence studies and any other local data for communities/parishes to assist them in commenting on the options presented for consideration.
- It is envisaged that this engagement/consultation would encourage local debate with workshops/forums to discuss the data presented and options identified. It is anticipated that this would be concluded by spring 2020.

11.20 Stage 3 – Feedback from Engagement and Consultation and production of a draft Local Plan

- it may be necessary to commission additional evidence, or explore points made with technical advisors depending on the level of comments made.
- Any feedback and emerging commentary would be reported for consideration, along with suggested actions/way forward;
- At this stage it will be necessary to translate the Prospectus into a draft Local Plan with chapters on settlements/spatial areas of the District (as per Local Plan Parts 1/2) and to include policies and allocations for new development.

- Further consultation on a draft local plan would be required following the requirements of the Statement of Community Involvement and the emerging local plan would be amended accordingly and published for formal consultation in late 2020.

11.21 Stage 4 – Pre- Submission Consultation

- By this stage the Local Plan strategy and policies would be established, however it is necessary under the Local Plan Regulations to hold a further consultation on the ‘soundness’ of the plan prior to submission of the document to the Planning Inspectorate for examination.
- Formal minimum 6 week consultation is required under Regulation 19 Town and Country Planning (Local Plan)(England) Regulations 2012. The current published Local Development Scheme, anticipates that the Pre-Submission consultation would take place at the end of 2020. This consultation is purely based around the tests of ‘soundness’ as set out in the NPPF 2019, rather than detailed content and proposals:-
- Positively prepared – meets the areas objectively assessment needs, including unmet needs of neighbours under the Duty to Cooperate
- Justified – an appropriate strategy based on evidence
- Effect – is deliverable
- Consistent with National Policy – enables the delivery of sustainable development

11.22 Stage 5 – Submission for Examination and Examination

- All documentation is submitted for independent examination against the tests of soundness (see above). The current LDS (Local Development Scheme) envisages submission in March 2021, however, it may be necessary to revise this, depending on the results of the previous stages.
- The examination consists of hearings where participants are invited by the planning inspector to contribute to the debate of matters identified for discussion.

11.23 Stage 6 – Modifications

- It is likely that through the examination process, modifications will be identified that not only resolve objections raised but also clarify the intention of policy expression.
- It is necessary for any proposed modifications to be subject to SA/SEA/HRA etc and consultation for a minimum of 6 weeks. Any

responses are then considered directly by the appointed planning inspector.

11.24 Stage 7 – Inspector’s Report and Adoption

- Following consultation on the proposed modifications, the inspector will prepare a report to the Local Planning Authority recommending if the Local Plan is sound or not. At this stage Main Modifications may well be recommended to make the plan sound.
- The Council’s procedures will then be applied to formally adopt the Local Plan as part of the development plan for the District. The current LDS (Local Development Scheme) envisages adoption in December 2021, but this will be highly dependent on the previous stages and results of the examination and inspector’s Report.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- It is a statutory requirement to have an up to date local plan and failure to do so creates uncertainty for businesses and investment and for local communities having to deal with speculative planning applications.
- Government advice also emphasises the importance of having an up to date local plan, and of reviewing it as necessary every 5 years. Delay or failure to progress the local plan is not, therefore, a realistic option and would risk the existing Local Plan becoming out of date and planning decisions being made on the basis of national planning policy or by appeal.

13 BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

Other Background Documents:-

None

APPENDICES:

None