



PORTFOLIO HOLDER DECISION NOTICE

INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR THE BUILT ENVIRONMENT

CONSULTATION RESPONSE TO THE SOUTH DOWNS NATIONAL PARK LOCAL PLAN: PREFERRED OPTIONS

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Chief Operating Officer, the Chief Executive and the Chief Finance Officer are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

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SUMMARY

The South Downs was established as a National Park authority in 2010 and became the local planning authority for its area in 2011. Since then it has made progress in preparing its own set of policies in line with its Partnership Management Plan (PMP) which was adopted in 2013. This establishes a framework for the management of the Park. The local plan builds on this with a raft of policies to support the purposes and duty of a designated national park.

The South Downs National Park Authority (SDNPA) consulted on the 'options' version of its local plan in early 2013 and Winchester City Council responded with informal officer comments on 23 April 2013. On 2 September 2015, the Park commenced consultation on the 'preferred options' version of its local plan for 6 weeks (closing on 28 October 2015).

DECISION

That authority be delegated to the Head of Strategic Planning in consultation with the Portfolio Holder for the Built Environment, to agree the detail wording of the response to the South Downs National Park Local Plan Preferred Options consultation, having regard to the following matters:

- Complexity of the document – not particularly user friendly
- Lack of a complete evidence base
- Lack of site allocations
- Lack of a policies map
- Interpretation and assessment of concepts such as dark skies and tranquillity
- Lack of consistency – references to small scale and modest but no explanation as to what this means in development terms

REASON FOR THE DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The following section examines these concerns and observations in more detail and it will be necessary to complete a comment form for each, to be submitted to the Park Authority in accordance with its consultation timescale .

Key issues arising from the consultation

General observations

The Local Plan sets out for the first time a comprehensive set of planning policies - both strategic and detailed development management, covering the whole of the SDNP area. The Local Plan (LP) is landscape led and follows the themes established in the PMP focusing on living landscapes, people and places and ensuring a sustainable future within environmental limits.

The Plan period covers a time frame from 2014 – 2032 and adoption is anticipated in 2017. Once adopted the local plan will become the statutory development plan for the whole National Park. Pending adoption it will be necessary for the Winchester District Local Plan Part 1 (Joint Core Strategy) and the saved policies of the Winchester District Local Plan Review 2006 to be retained for decision making purposes for that part of the District that lies within the NP.

Being landscape led, the LP places great weight to conserving landscape and scenic beauty for which the National Park was designated. The landscapes of the South Downs provide many services (i.e farming, timber, water, recreation, tranquillity), these are combined to form the basis for the local plan referred to as 'ecosystem services'. This approach values the direct and indirect contributions the individual elements make to the environment and this rationale is embedded into all the local plan policies.

The LP covers a vast area, with over 12 local authorities and three County Councils, and it is the first time that a comprehensive set of planning policies have been formulated for the whole of the national park area, for which the Park Authority is to be congratulated.

However, the [whole plan](#) covers some 400 pages, it is laid out in a complex manner that does not allow for easy interpretation and application of policy. For example the whole national park is sub-divided into five broad landscape areas, each has a subtly different approach to development, in some cases there is reference to 'limited' growth and in others it is 'moderate' scale growth, yet there is no indication as how this is to be interpreted or what is intended by 'limited' and 'moderate'. The concept of 'ecosystem services' is a constant theme throughout the document, but this is a complex topic to understand and apply consistently during decision making processes.

For a local plan to be found 'sound' at examination it must be justified and effective. The Plan contains many references to evidence documents which are still in the process of preparation and may not be finalised for some time. Similarly, there is no policies map to accompany the written statement, which is part of the legal compliance test. These are serious issues as it is not possible to assess whether the 'preferred' approach being presented is the best when considered against reasonable alternatives, a further test that is required to be undertaken as part of the sustainability appraisal.

Specific Matters

Settlement hierarchy, housing matters and settlement boundaries

Policy SD23 sets out an overall housing requirement for 4,596 net additional dwellings between 2014 and 2032 which includes 1,840 affordable homes across the Park. This figure is lower than the 'objectively assessed housing' need identified in the Strategic Housing Market Assessment (SHMA) of 8,320. The SHMA however, states that given the national park status, para 14 of the NPPF applies : *"Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*⁹

The footnote states: *For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.*

The Local Plan anticipates that the Winchester part of the national park will contribute about 250 new homes over the plan period consisting of 78 allocations (listed below), 68 on sites that have planning permission and 104 through windfall, which equates to an annual provision of some 14 units.

During the preparation of the Joint Core Strategy (LPP1) the Council undertook its housing needs assessment, which included that part of the National Park within the Winchester District. The resultant housing requirement is established in the Joint Core strategy (12, 500 dwellings) and is planned for through the development strategy which directs development to the most sustainable locations. Given the presence of the national park, the LPP1 specifically avoided any allocations within the park and meets the whole housing requirement in locations in the non-National Park parts of the District. Further discussions with national park officers have confirmed that, in view of this approach, the allocations under Policy SD23 should be regarded as over and above the WCC housing requirement identified through LPP1, which are already being planned for through LPP1 and LPP2. Thus, while the National Park Local Plan may not be meeting the full 'objectively assessed need' for the Park as a whole, which may require the National Park Authority to ask some authorities to make additional provision to help address this, the situation in Winchester is that the housing provision in the National Park Plan will be over and above Winchester District's assessed needs. The City Council would not, therefore, expect the National Park Authority to ask it to assist further in meeting its objectively assessed needs, although such a situation may arise for other authorities within or around the Park.

There is however, a lack of explanation as to how the housing requirements for each settlement have been determined. The LP allocates a housing requirement to a number of the smaller settlements within the Winchester District, in many cases the sites are not identified:-

Cheriton 6*
Corhampton and Meonstoke 11*
Droxford 11*
Hambledon 6*
Itchen Abbas 8
Twyford 20*
West Meon 16

** Sufficient capacity has yet to be identified in these settlements for all the new homes identified.*

Settlement boundaries have been reviewed across the NP and in most cases the revised boundaries are tighter, excluding dwellings in large plots, groups with long back gardens and edge of settlement clusters. This will limit the potential to identify sites or for small scale redevelopment schemes which may be appropriate to come forward, and for infilling. As one of the purposes of this document is to allocate sites for development, it would be expected that this process would have included draft allocation sites. Omission of this element in a site allocations document would render the plan undeliverable and consequently unsound so it will be necessary for the Park

Authority to resolve this prior to the next stage of the plan. This will be the publication version, where consultation is more limited and focuses on the tests of 'soundness', prior to submission for examination.

Policy SD22 specifically refers to '*the principle of development within the settlement policy boundaries as defined on the Policies Map will be supported provided that it complies with the other relevant policies, is of a scale and nature appropriate to the character and function of the settlement and is in compliance with the policy for the Broad Area.*' With the contraction of settlement boundaries as proposed and lack of identification of sites for development as required by Policy SD23, whilst this policy may present a positive message in relation to sustainable communities the actual opportunities for change are very limited.

At this stage of plan preparation it is considered that this matter should have been resolved to give greater clarity and certainty, without this there is potential for the consultation process to raise issues that may require reconsideration of the strategy. As with any local plan, it is necessary to identify sites that are available and deliverable and without this the plan could potentially be found unsound.

Housing for specific sectors of the population

Policy SD24 proposes that 40% of all net residential units should be provided as affordable homes in perpetuity to meet local needs. The City Council has a target of 40% of all gross residential dwellings. There is no explanation why the NPA uses net, which will reduce the ability of the NPA to meet its affordable housing need. Replacements/ conversions could provide financial contributions to spend on additional AH within the NPA. The target is also written as 'at least 40%', it would be helpful to understand what the interpretation of this would be and it is noted that the first part of the policy acknowledges the need for flexibility to take account of viability and changing market conditions.

The NPA proposes a split in tenure of 66% rent, 33% intermediate, based on local needs evidence. It is important to have flexibility over this as many Registered Providers, following the recent announcement which requires rents to effectively reduce for four years, are renegotiating affordable housing offers on sites, including tenure mixes.

There is a note that SD24 will be updated in the publication version of the Local Plan. It is assumed that this will be to remove/ amend paragraphs 7.50 – 7.52, relating to the recent changes to NPPG, but it is not possible to provide comments at this stage as it is not known exactly what this will say.

The NPA is not the housing authority and tenure mix will be negotiated in liaison with the City Council on a site by site basis. The City Council would undertake negotiations if the desired overall percentage and split cannot be met. It could be that local need dictates a lower overall % to include a higher % of rented accommodation. It would be helpful to understand the NPA's view on the balance

between overall percentage and tenure mix, as this is not evident in the background papers.

The Council operates a 'cascade' approach to local needs and WCC is part of Hampshire Home Choice, a choice based lettings system. An applicant's local connection by village/ Parish is recorded. The Parish would be consulted to ascertain which surrounding parishes to include in the immediate cascade, to ensure that other parishes which are closely connected to the host parish are prioritised. Hampshire Home Choice can only advertise to applicants who have a local connection to one of the Hampshire Authorities that are part of the system. For the NPA this includes East Hampshire. Therefore, through the Hampshire Home Choice system, the cascade can include all of these areas. This following was recently agreed for a recently signed s106 agreement with the SDNPA: "*any rural village within the administrative district of Winchester or rural village in the Hampshire Area of the South Downs National Park.*"

A cascade approach is proposed for affordable housing provision, starting with on-site provision. The parameters of this approach need to be clear for the Council. The NPA has talked about the importance of mixed and balanced communities but this is not mentioned in the policy. The Policy also does not stress priority need.

Policy SD25 on Rural Exception Sites, requires provision of 100% affordable housing. There is the risk that by not allowing flexibility to bring the 'best' site forward through provision of an alternative tenure to achieve viability could result in few or indeed no sites being brought forward, therefore reducing the SDNPA's ability to meet affordable housing need for local people. Para 7.73 of the LP acknowledges that the NPPF allows for a small number of market homes on exceptions sites to enable the delivery of such sites, it appears the SDNPA does not wish to follow this route and believes that the delivery of affordable homes is best met by a policy requiring 100% affordable housing.

The LP includes a section on provision for Gypsies and Travellers which refers to the various gypsy and traveller accommodation assessments undertaken across the Park. Policy SD26 sets out a criteria-based approach to considering applications for gypsies, travellers and travelling showpeople and there is reference in the supporting text to existing sites being shown on the policies map – which has yet to be published. The supporting text also includes a table which summaries the need for this type of accommodation, but it is unclear if the figures referred to are evidence based need or a requirement, and in any event with the recent changes to the definition of gypsies introduced by the government it may be necessary for this section of the plan to be updated.

Environmental issues

Given that the plan is landscape led, based on an ecosystem services approach there are numerous references to natural beauty and biodiversity and the LP introduces the concept of 'dark skies' and 'tranquility' throughout the document.

Policies SD7, SD8 and SD9 cover safeguarding views, relative tranquility and dark night skies. These all refer to various evidence studies which are in the process of being completed.

Policy SD7 safeguarding views specifically refers to development proposals that conserve and enhance views being permitted where they take account of listed view types and patterns identified in the Viewshed Characterisation Study. The policy goes on to list:

- Landmark views to and from viewpoints and tourism and recreation destinations
- Views from publically accessible areas which are within, to and from settlements which contribute to the viewers enjoyment of the national park

There is also reference to sequential; cumulative views and impacts within views needing to be appropriately addressed and mitigated where necessary. The policy concludes with 'development proposals that would have an adverse impact on this special quality of the NP will be refused'. Firstly, there is concern that the Viewshed Characterisation Study has yet to be finalised and published, it is understood that this is anticipated in the new year. However, it is not possible to assess the potential implications of this policy as part of the current consultation without knowing which views/landmarks have been singled out for special treatment. It has been clarified to officers that views are those to/from and across the NP. Secondly, this policy may have implications for development proposals within the Winchester District but on the edge of the Park – for example in and around Winchester Town and within the larger settlements where sites have been allocated for development through Local Plan Part 2.

A further matter is the terminology used in the policy and how the judgements will be made as to potential impact when officers are considering planning applications. This needs to be resolved through publication of the study.

Policy SD8 covers relative tranquility, which relates to both the visual and aural environment, again it is difficult to assess how this policy will be applied and how a judgement of harm will be made. The NP are currently preparing an evidence document that will establish the baseline for relative tranquility, so until this is published it is difficult to determine the implications of this policy. Similarly, with Policy SD9 which covers dark night skies, a dark sky core boundary is referred to in policy yet this is not available as the policies map has yet to be published. Furthermore, there is reference to the measured and observed sky quality in the surrounding area not being reduced, it is unclear as to how this will be assessed.

Heritage matters are covered by Policies SD11 Historic Environment and Policies SD38 Energy Performance and Historic Buildings; SD39 Conservation Areas; SD40 Enabling Development and SD41 Archaeology. Given, the number and range of historic buildings and features within the National Park it is surprising that these policies are not more comprehensive and provide more guidance as to what is required of development proposals. There is also no reference to historic parks and

gardens and battlefields, given that cultural heritage values are one of the elements of ecosystem services, it is considered this oversight should be addressed in the next version of the local plan.

Rural Economy and tourism

Whilst it is recognised that retaining the valuable landscape is the primary objective of the National Park, the duty on the National Park to maintain and enhance the local economy is not apparent within the document. Therefore, greater emphasis should be given to creating sustainable communities, recognising the need for rural economies to evolve in order to thrive, and in turn make a contribution to maintenance of the natural landscape.

The policies in relation to tourism and the rural economy are required to be considered in conjunction with other relevant policies and in particular the development strategy and the need to deliver multiple benefits through ecosystem services. For example, for proposals that fall within the landscape area of 'The Dip Slope' there is reference to provisioning services such as viticulture and regulating services such as water management, within the 'Western Downs' the reference is to provisioning services such as aquaculture and cultural services such as tranquility. The terminology used does not aid clarity of interpretation and application of the policies and, whilst the spirit of the policies may seem straightforward, the detail could potentially cause issues with determining applications.

Policy SD 28 specifies the amount of employment land to be provided during the plan period, however, it appears that the data referred to is in fact sites that already have planning permission, therefore there is no need to refer to these in policy as this gives the impression that more land is required to be allocated when in fact the sites already exist. It is suggested that this policy is amended to refer to general guidance with the emphasis on retaining existing sites, rather allocating additional land.

Transport

Policy SD19 identifies a number of walking, cycling and equestrian routes and specifically identifies the Wickham – Alton disused railway line and the New Alresford – Kings Worthy disused railway as routes to be safeguarded for future use as non-motorised corridors. Whilst this concept is supported, there is a question over the deliverability of these proposals.

The South Downs National Park Authority commenced consultation on its preferred options version of its local plan on 2 September 2015, for six weeks concluding on 28 October. Winchester City Council is a statutory consultee being a neighbouring local authority. As with all local plan representations, a comment form has been prepared and it will be necessary to complete this for each of the matters Winchester City Council wishes to raise.

The Council's response will stress that the preferred options version of the local plan has a number of issues that require clarification and justification and that these will need to be resolved prior to the next stage of plan preparation if the Plan is to be found 'sound' at examination.

The National Park Authority is also consulting on its Community Infrastructure Levy (CIL) Charging Schedule alongside its Local Plan. The City Council has tended not to comment on other authorities' CIL charges as these are justified mainly by technical evidence on viability, and it is therefore proposed that no comment be made on the National Park's Charging Schedule.

RESOURCE IMPLICATIONS:

Once adopted the SDNP Local Plan will become the statutory development plan for that part of Winchester District that lies within the Park. The City Council will not need to include this area in its future statutory plans, although this is already taken into account in budgeting for the Local Development Framework. It may be necessary to spend some officer time commenting on future stages of the Plan and representing the City Council's interests at a future examination, but this is part of the normal role of the Strategic Planning Team.

CONSULTATION UNDERTAKEN ON THE DECISION

Consultation with the Portfolio Holder for Built Environment and discussion with specialist officers within WCC

FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

n/a

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

none.

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

None.

Approved by: (signature)

Date of Decision: 04.11.15

Councillor Mike Read – Portfolio Holder for Built Environment