



**DRAFT PORTFOLIO HOLDER DECISION NOTICE**

**PROPOSED INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR BUILT ENVIRONMENT**

**TOPIC - CONSULTATION ON SOUTH DOWNS NATIONAL PARK LOCAL PLAN – PRESUBMISSION VERSION**

**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 Head of Legal and Democratic Services, the Chief Executive and the Head of Finance 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.

**If you wish to make representation on this proposed Decision please contact the relevant Portfolio Holder and the following Democratic Services Officer by 5.00pm on Thursday 23 November 2017.**

**Contact Officers:**

**Case Officer:** Steve Opacic

**Democratic Services Officer:** Nancy Graham, 01962 848 235, ngraham@winchester.gov.uk

**SUMMARY**

The South Downs National Park Authority published the 'Pre-Submission' version of its Local in September for a 6-week consultation period ending on 21 November 2017. The Plan covers land within Winchester District and will replace the planning policies currently applying in the National Park part of the District (Local Plan Part 1 and the 'saved policies' of the Winchester District Local Plan Review).

This stage of the Plan preparation process is concerned with comments regarding the 'soundness' of the Local Plan, as it will subsequently be submitted for examination by a Planning Inspector. Officers have reviewed the Plan and found few matters that they consider go to the soundness of the Plan, but there are some matters which they would suggest the Plan could be improved. Therefore the

comments recommended at Appendix 1 fall into two types: soundness issues and suggested improvements.

The Plan is an extensive document, reflecting the wide area covered by the National Park. It is a 'landscape led' Plan, with policies grouped by landscape area as well as topic. While this can make the document difficult to follow, the Authority believes this emphasises the purposes of the National Park and the fact that the Plan is led by landscape capacity rather than development targets.

This report assesses the almost 100 policies in the Plan, focussing on those on which it is recommended the Council comments, and recommends that the City Council makes the responses set out in Appendix 1.

### **PROPOSED DECISION**

1. That the recommended comments on the South Downs National Park Local Plan Pre-Submission version set out at Appendix 1 be approved and submitted as the City Council's representations on the Plan.

### **REASON FOR THE PROPOSED DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

The Plan covers some 40% of Winchester District and will replace the City Council's planning policies that currently apply in that area. It is, therefore, important that the City Council seeks to influence the National Park Local Plan to ensure it provides suitable future planning policies. Various officers from the City Council have been involved in assessing the Plan's policies to ensure the recommended response covers the necessary range of issues.

The comments which it is recommended the City Council makes on the Pre-Submission Local Plan are set out at Appendix 1. The purpose of this stage of the Local Plan process is to highlight 'soundness' issues, rather than to make general comments. Hence the Appendix sets out a number of 'soundness' issues and a number of other recommended comments suggesting key improvements. Account has been taken of the comments made by the City Council at the Preferred Options stage (October 2015) in drafting the points in Appendix 1. It is intended that the suggested comments are self-explanatory, so they are not explained or discussed further in this report.

### **RESOURCE IMPLICATIONS:**

No implications

### **CONSULTATION UNDERTAKEN ON THE PROPOSED DECISION**

The National Park Local Plan has been published for consultation so any people or bodies with an interest can comment on it directly to the National Park Authority.

The recommended comments at Appendix 1 take account of discussions and consultation with the Portfolio Holder for Built Environment.

**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**

Not applicable

**Approved by: (signature)**

**Date of Decision**

**Councillor Caroline Brook – Portfolio Holder for Built Environment**

**APPENDICES:**

Appendix 1 - Recommended Winchester City Council comments on the South Downs National Park Local Plan Pre-Submission version

Appendix 1

Recommended Winchester City Council comments on the South Downs  
National Park Local Plan Pre-Submission version

Soundness Issues

**Policy SD4** – This policy is supported and considered to be sound.

**Policy SD5** – This policy is supported and considered to be sound, but should refer to ‘*visual amenity*’ for consistency with the Landscape and *Visual Amenity* Checklist.

**Policy SD6** – This policy is supported and considered to be sound.

**Policy SD7** – This policy is supported and considered to be sound.

**Policy SD9** – It is not realistic to expect all developments to achieve a net gain in biodiversity – the NPPF requires this only ‘*where possible*’. It is also suggested that the connectivity of woodland should be promoted and fragmentation be resisted.

**Policy SD20** – This policy is supported and considered to be sound.

**Policy SD25** – The footnote to Policy SD25 refers to part of the Arundel settlement boundary being shown on the Policies Map. The same approach should be taken in the cases of Bishops Waltham, Swanmore and Wickham, where the respective settlement boundaries extend slightly into the National Park Local Plan area. In order to be given statutory status and be clear where development may or may not be permitted, these boundaries should be shown on the National Park Local Plan Policies Map.

**Policy SD26** – The City Council supports the Plan’s attempt to meet objectively assessed housing needs so far as capacity within the National Park allows. It agrees with the Duty to Cooperate Statement that any provision in the National Park part of Winchester District is over and above the provision already made for objectively assessed need by the Winchester District Local Plan Part 1 (to 2031). The City Council supports the fact that no request is made under the Duty to Cooperate for the City Council to meet other unmet needs in the National Park. The situation may be affected by the proposed national standard methodology for determining housing needs, in which case the City Council will expect the National Park to provide its share of any need, subject to environmental constraints and capacity.

**Policy SD27** – The City Council objects to the footnote which allows 1 bed affordable housing units to be substituted with 2 bed. The introduction by Government of the Social Sector Size Criteria (‘bedroom tax’) and Single Room Allowance means that the need for smaller affordable homes is very high and some of those in need are only eligible for 1 bed units or single rooms in shared housing.

In addition, the policy should refer to dwelling sizes and accessibility, by adopting the Nationally Described Space Standards and requiring Building Regulations Part M4 Category 2, particularly for all affordable units (and Part M4 Category 3 where a need is demonstrated). While Figure 7.4 refers to modest annual figures for specialist housing for older people, these schemes require a critical mass of development to be viable and the Plan's policies need to provide the opportunity for sites (close to larger settlements) that are large enough to achieve this. In paragraph 7.37, 'homes' should be changed to 'houses' as flats are unpopular with families who have children and are often not taken up by those in priority need in this group when homes are let.

**Policy SD28** – The City Council objects to criterion 4 which appears to exclude local housing authorities and registered providers from involvement in occupancy conditions and local connections criteria. Through the Hampshire Community Housing Partnership the City Council is supporting the development of CLTs, however Councils and registered providers are likely to remain the main providers of rural affordable housing and local housing authorities are responsible for housing strategies, enabling, delivery and the housing register. The policy should refer to housing associations, councils, other registered providers and HARAH as well as the role of local housing authorities.

**Policy SD29** – The City Council objects to criterion 3 for the same reasons as in policy SD28 - the policy should refer to housing associations, councils, other registered providers, HARAH and the Hampshire Community Housing Partnership, as well as the role of local housing authorities. Where sites/settlements are near the edge of the National Park, local connections criteria should include adjoining parishes outside the Park. Paragraph 7.79 refers to some market housing being permitted where justified by viability, which is a key issue that should be addressed in the policy itself. In paragraph 7.81 reference should be made to local housing authorities/councils, their enabling role and valuable link to district councillors and community planning groups.

**Policy SD33** – The pitch/plot requirements for Winchester District are based on out of date evidence. A more recent GTAA has been produced which provides information for the Winchester part of the National Park but, following discussions under the Duty to Cooperate it is understood that the National Park Authority is satisfied that the need for additional pitches has changed and can now be met without additional provision. The City Council supports this conclusion.

**Policy SD34** – While the City Council supports the development of rural business, this policy has no limits on the scale of business uses that may be permitted and appears to make no distinction between land inside or outside settlement boundaries. This is exacerbated by the lack of requirements in relation design, scale and visual / landscape impact and the fact that development is required only to meet one of the policy's criteria.

**Policy SD42** – This policy is supported and considered to be sound.

**Policy SD45** – This policy is supported and considered to be sound.

**Comments (non-soundness)**

**General** – A number of policies (e.g. SD30-SD32, SD40-SD41, SD43) make no reference to the need for appropriate design, materials, character, form or style, all of which can have an adverse effect on visual amenity and local character if not appropriately addressed. It is assumed that this is to avoid repetition with other policies, but it is important that the need to meet all policy requirements is stressed.

**Policy SD2** – This policy appears very onerous in its requirements (e.g. by requiring all applications to improve various aspects which may be beyond their control), especially as it applies to all development including small scale/replacement developments. It is also difficult for applicants and decision makers to interpret.

**Policy SD8** – This policy is very complex and will be difficult for applicants and decision makers to interpret. The Sky Quality Measurement Map referred to in the policy must be available and detailed enough to determine which Zone any given application site falls into.

**Policy SD11** – This policy (or explanatory text) should clarify how the 15m ‘buffer zone’ will be measured – from the edge of the canopy, the tree trunk, the woodland edge, etc? Hedges which are ‘important’ under the Hedgerow Regulations should be subject to criterion 3.

**Policies SD12 – SD14** – The terminology used in these policies needs careful consideration as it refers to development ‘conserving and enhancing’ or ‘preserving and enhancing’ the historic environment generally (SD12), listed buildings (SD13), and historic buildings (SD14). This seems to go beyond the requirements of legislation and Government policy which refers to the desirability of ‘preserving’ listed buildings (not all the historic environment or historic buildings) and ‘preserving or enhancing’ a conservation area (correctly quoted in SD15).

**Policy SD23** – This policy does not include any criteria for/limitations on the size of visitor attractions, accommodation, etc. It should also refer to the impact on visual amenity and tranquillity.

**Policy SD35** – This policy implies that additional employment land needs to be allocated (totalling over 10 hectares) whereas Figure 7.7 suggests that sites that are already permitted or allocated will meet this need. The policy should be clearer to avoid ambiguity.

**Policy SD46** – The fact that Figure 7.8 reflects the City Council’s open space standards is welcomed, although it doesn’t refer to Natural Greenspace or Allotments. Perhaps the view is taken that there is adequate Natural Greenspace in the National Park which will be protected by other policies?

**Site Allocations** – The City Council notes the various allocations within its administrative area and that the level of detail included the site allocation policies is variable (the City Council would normally include detail for sites that have consent as new applications may be submitted). Other than highlighting that some of these sites are close to sensitive designated areas, the City Council makes no comment on the individual allocations.

**Appendix 2** – The Appendix omits policy RT2 from the Winchester District Local Plan Review (2006).