

**Draft Winchester District Local Plan Part 2**

**Recommended Responses to Issues Raised**

**Chapter 7 Implementation and Monitoring**

1. A summary of all the representations on the draft Local Plan relating directly to the chapter on implementation and Monitoring was presented to the Cabinet (Local Plan) Committee on 30 March 2014 – report CAB2676(LP) Appendix 8. That report contains a full summary of comments by Local Plan policy/paragraph/map. Copies of all representations are available on the Council's web site: <http://documents.winchester.gov.uk/LPP2/Default.aspx>
2. Report CAB2676(LP) records the various issues raised in relation to different parts of the Plan. It responds to some of these but leaves most for further consideration. This report presents all the key issues raised in relation to the Implementation and Monitoring Chapter section of the draft Local Plan and recommends responses on all of these, including any already subject to recommendations in CAB2676(LP).
3. The proposed amendments to Chapter 7 are set out in Appendix 1 of this report.

**Review of the Local Plan**

4. One respondent proposed that WCC should commit to an early review of the Plan by no later than 2020/2021. However, The Council stated its intention to review Local Plan Part 1 (LPP1) in para 10.3 of LPP1, following recommendations in the Inspector's report. This is still the intention, although no specific date has been set. There is no need to refer to this in the Local Plan Part 2.

**Impact on the Strategic Road Network (SRN)**

5. The Highways Agency stated that they would be concerned if any material increase in traffic were to occur on the Strategic Road Network as result of development and that the Local Plan must provide the planning policy to ensure that development cannot progress without appropriate infrastructure or demand management. They request early consultation on any emerging sites and note that any sites which could have an impact on the SRN will require a full Transport Assessment. These comments are noted. The policies requested already exist in Local Plan Part 1 (policies CP10 and CP21) so there is no need for additional policies in Local Plan Part 2. Policy CP21 in LPP1 supports development which provides or contribute towards the infrastructure needed to support them and Policy CP10 in LPP1 seeks to reduce demands on the transport network

**Infrastructure Funding and CIL**

6. Oliver's Battery Parish Council welcomed the benefits associated with the CIL in providing some funding towards infrastructure needs arising from developments and stated that it is important to recognise that adjacent parishes and wards should receive appropriate contributions where specific infrastructure needs arise

from nearby developments. For example, improving road junctions in and out of Oliver's Battery in light of the changes and increases in traffic resulting from the Pitt Manor Development.

7. Contributions will be collected predominantly through the Community Infrastructure levy (CIL) system or through S106/S278 obligations related to individual developments. The Council has an adopted CIL Charging Schedule. The City Council must give 15% of the CIL receipt from a development in a parished area to the relevant parish council (subject to an upper monetary limit in any given year defined in the CIL regulations). If the parish council has an approved statutory neighbourhood plan then the percentage rises to 25% and there is no upper limit. This allocation is mandatory. The Council has also agreed to give 25% of the remaining CIL to Hampshire County Council for the delivery of infrastructure projects which are the responsibility of the County Council, from the Regulation 123 list. The remaining receipts will be put into to a programme to be developed alongside the City Council's capital or revenue expenditure programmes for the delivery of priority infrastructure projects by the City Council or other key providers. No amendment is proposed in response to these comments.

#### **Reference to the Solent Recreation Mitigation Strategy**

8. The RSPB are concerned that the reference to large developments within paragraph 7.13 is not consistent with the Interim Strategy or with Natural England's advice. The Solent Recreation Mitigation Strategy is not only designed to mitigate the effects of small developments. Natural England's advice is that, as a starting point, all residential development within 5.6km should contribute towards the Strategy, with some developments (due to their scale/proximity to the SPAs) potentially requiring additional local measures. They recommend that paragraph 7.13 is revised to reflect the wording of the Solent Recreation Mitigation Strategy (in particular paragraphs 4.12 & 4.13).
9. Winchester City Council is a member of the Solent Recreation and Mitigation Partnership. There has been much discussion in the Partnership about how large sites such as the North Whiteley proposal should be addressed through the Strategy. An agreement has been reached which should now be reflected in the wording of paragraphs 7.12 to 7.13; this would also address the concerns raised on the draft LPP2 regarding these paragraphs. Therefore an amendment to paragraphs 7.12 and 7.13 is proposed to reflect the wording within the published Interim Solent Recreation Mitigation Strategy as agreed by the Partnership for Urban South Hampshire.

**Appendix 1 Proposed Changes to Local Plan Part 2**

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**IMPLEMENTATION  
AND MONITORING**

## 7 Implementation and Monitoring

- 7.1 LPP2 will be reviewed and monitored annually through the Council's [Annual Monitoring Report](#). This is produced in December each year and whose purpose is two-fold -
- To monitoring the progress of the Local Development Documents (LDDs) set out in the Local development Scheme; and
  - To monitor the effectiveness of the LDD policies.
- 7.2 By monitoring the delivery of new housing and employment developments, the AMR helps the Council to plan and manage development in the most effective way. It can act as an early warning system that certain policies can be improved or are not effective.
- 7.3 The AMR plays an important role in monitoring the delivery of housing in the District. It shows how the authority is meeting its duty to identify and provide a five-year supply of deliverable housing sites. ~~The latest published AMR (December 2013) includes an assessment for the period between April 2014 and March 2019.~~
- 7.4 Planning policies inevitably become out of date and the Council will need to review Parts 1 and 2 of the Local Plan at some point in the future. At that time, it will be the most effective and proportionate use of resources for the Council to update both parts together, and produce a comprehensively updated and integrated local plan for the period beyond 2031.

### Implementation and Developer Contributions

- 7.5 Local Plan Part 1 (LPP1) Policy CP21 - Infrastructure and Community Benefit sets out the Council's commitment to support development proposals which provide or contribute towards the infrastructure and services needed to support them. The timely provision of infrastructure contributes to sustainable development and policies should seek to address any lack of infrastructure which is a potential barrier to investment<sup>1</sup>.
- 7.6 The key infrastructure needed to support the Local Plan is set out in the Infrastructure Delivery Plan which supported the LPP1, as updated for the CIL examination in November 2013<sup>2</sup>. For Local Plan Part 2 (LPP2), further discussions have been held with utilities and service providers on the key infrastructure necessary to support the development of the allocated sites; these requirements are set out in the relevant chapters in LPP2.

### Minerals and Waste

<sup>1</sup> National Planning Policy Framework

<sup>2</sup> Informed by the Strategic Infrastructure Statement<sup>2</sup> prepared by the County on behalf of the Hampshire Authorities [www.hants.gov.uk/strategic-planning/infrastructure](http://www.hants.gov.uk/strategic-planning/infrastructure)

- 7.7 In order to avoid the sterilisation of minerals resources, where development proposals are partially or fully underlain by minerals deposits as identified in the Policies Map, proposals must allow for the prior extraction of mineral resources in line with Policy 15: Safeguarding - Mineral Resources, of the adopted Hampshire Minerals and Waste Plan. Under this policy, Hampshire County Council must be consulted regarding the potential to extract mineral resources prior to the commencement of development.

### **Developer contributions – Community Infrastructure Levy (CIL)**

- 7.8 Since the adoption of LPP1, the Council has adopted and implemented a Community Infrastructure Levy (CIL) Charging Schedule<sup>3</sup> under the CIL Regulations 2010 (as amended).
- 7.9 CIL will provide some funding towards infrastructure needs arising from cumulative development, however individual developments will still need to ensure that they are satisfactory in their own right and meet the specific infrastructure needs they generate, such as transport improvements and on-site open space. On-site requirements and off-site transport works required to make the development acceptable in planning terms, as well as affordable housing contributions (in-line with LPP1 policy CP3) will still need to be provided and secured through a legal agreement such as a S106 or S278 agreement.
- 7.10 To clarify what types of infrastructure will no longer fall under S106, Winchester City Council has published a list of infrastructure types and projects that it intends will be, or may be, wholly or partly funded by CIL. This is known as the Regulation 123 list and is published alongside the CIL Charging Schedule. This may be updated as necessary, through a process which is separate from the Local Plan.

### **Developer contributions – Solent Recreation Mitigation Strategy**

- 7.11 The Solent is of international importance for its wildlife interest and much of the Solent coastline is protected by environmental designations including three Special Protection Areas (SPAs) designated under the Habitat Regulations. Recreational activity resulting from residential development in the vicinity of the Solent can impact upon the coastline's ecology and the Council has to take this into account when making planning decisions. This is in-line with LPP1 policy CP16 – Biodiversity, which sets the overall requirement for protecting sites of European importance from inappropriate development.
- 7.12 In order to deal with the effects of new housing a partnership of thirteen Solent local planning authorities, Natural England, Royal Society for the Protection of Birds, Hampshire and Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy have agreed to support a mitigation strategy (Interim Solent

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<sup>3</sup> The Winchester City Council Community Infrastructure Levy (CIL) Charging Schedule took effect from 7 April 2014.

Recreation Mitigation Strategy) developed to meet the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended). The mitigation sStrategy addresses the effects on the SPAs of new housing on or near to the Solent coastline. Residential development within 5.6km of protected coasts, resulting in a net increase in dwellings<sup>4</sup>, will be asked to contribute an appropriate amount towards avoidance and mitigation schemes in the Solent area. ~~These contributions will be used to implement the strategy and will enable housing proposals to meet the requirements of the Habitat Regulations.~~ Based on the research behind the Strategy and advice from Natural England, development which would result in additional dwellings within 5.6 kilometres of the Solent SPAs is likely to have a significant effect unless evidence specific to the development shows otherwise. Winchester City Council will therefore seek a contribution for every net additional dwelling within 5.6km of the SPAs unless the developer can demonstrate to the satisfaction of Winchester City Council and Natural England that it will provide alternative measures which will fully mitigate the impact of the development. The North Whiteley and Welborne developments are expected to fall into this category.

- 7.13 Some schemes may need to provide mitigation measures in addition to making the financial contribution in order to ensure effective avoidance/mitigation of impacts on the SPA(s), and may need to also address other impacts not covered by the Strategy. Winchester City Council, with advice from Natural England, will consider the mitigation requirements for such development proposals on a case-by-case basis. Developers are encouraged to hold early discussions with the local planning authority on the mitigation needed for their scheme.
- 7.14 The full approach agreed is set out in the Interim Solent Recreation Mitigation Strategy published in December 2014. The contributions collected will be used to implement the Strategy and will enable housing proposals to meet the requirements of the Habitat Regulations.
- 7.15 ~~The Strategy is intended to help smaller housing developments meet statutory requirements, as the costs of demonstrating compliance with the Habitats Regulations by other means is likely to be far higher than contributing to wider mitigation schemes. Large developments may be able to provide some mitigation on-site through the provision of suitable Green Infrastructure: if this situation arises, Winchester City Council will consider whether a funding contribution is still needed to address off-site impacts and support wider mitigation measures. If an applicant chooses not to contribute to the Interim Solent Recreation Mitigation Strategy, they will need to demonstrate under the Habitat Regulations how they would avoid or mitigate significant effects resulting from their housing proposals in combination with other plans and projects.~~

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<sup>4</sup> Town and country Planning Act, Use Class C3 and includes new dwellings created as a result of approval granted under the General Permitted Development Order 4including second homes, holiday accommodation, student accommodation and new dwellings created as a result of approval granted under the General Permitted Development Order