

LOCAL PLAN – PROPOSED SUBMISSION VERSION

Committee: Full Council

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[S145]

1.0 ISSUE

1.1 To seek approval of the Proposed Submission Local Plan, so that the Local Plan can be subject to its final round of consultation (scheduled for November – December 2017); and seek approval, post consultation, to submit the Local Plan to the Secretary of State for the purpose of independent examination.

1.2 To update more generally on the next steps with the Local Plan.

2.0 RECOMMENDATION(S)

2.1 That Council:

- (A) Approves the Proposed Submission ('Publication Draft') Local Plan as attached at Appendix 1, for the purpose of both its final consultation for six weeks (likely during November-December 2017); AND its subsequent submission to the Secretary of State for the purpose of independent examination.
- (B) Approves the Policies Map (including associated inset maps) as set out as part of the agenda papers, for the purpose of consultation alongside the Local Plan consultation AND for subsequent submission to the Secretary of State for consideration alongside the examination of the Local Plan.
- (C) Delegates to the Director - Commercial any presentational improvements or other inconsequential changes (e.g. correcting typographical errors or factual inaccuracies) to the Plan or Policies Map prior to the consultation commencing.
- (D) Delegates to the Strategic Planning Manager the ability to agree and consult upon a set of proposed modifications during the examination process (most likely at the very end of the examination process), if asked by the Inspector to do so.
- (E) Notes, subject to agreement on the above recommendations, that the Council can now declare it has a 'five year land supply' for accommodating new homes.

3.0 BACKGROUND/OPTIONS

Introduction

- 3.1 The preparation of the East Cambridgeshire Local Plan continues to make good progress, and this report is perhaps the most important stage of the process so far.
- 3.2 In short, if Full Council approves the Local Plan as attached to this report (and the associated Policies Map), it is saying to all parties that it thinks the Local Plan is both final and sound, and that, subject to the outcome of the independent examination, it is saying that it intends to adopt the Local Plan as presented today.
- 3.3 As a reminder of the recent completed key stages:
- July 2015: Full Council agreed an ambitious timetable (an 'LDS') to prepare a revised Local Plan for East Cambridgeshire, with the aim of adopting such a plan in 2018.
 - February 2016: 'Preliminary Draft' Local Plan issued for consultation
 - January 2017: 'Further Draft' Local Plan issued for consultation
- 3.4 Since January 2017, further work has been undertaken to carefully consider the representations we have received, make changes to the Local Plan as appropriate, and update our evidence base where necessary.
- 3.5 Throughout the whole process, officers have been assisted by a steer given by the Local Plan Member Working Group, which has regularly met (twelve times) over the past two years. However, as a reminder, that Working Group is a non-decision making Group, and the recommendations in this report are by the Strategic Planning Manager and not by the Members (collectively or individually) of that Group.

The Proposed Submission Local Plan

- 3.6 The Proposed Submission Local Plan (or, in legal terms, it is known as the 'Publication Draft' Local Plan) is the culmination of a lot of hard work since its inception in July 2015, including consideration of many thousands of pages of evidence and many thousands of representations from the public. Those representations have been extremely helpful in shaping the plan presented, and whilst it is accepted that not everyone will be satisfied with every wording or allocation in the plan, it is believed that there is considerable support, overall, for its content.
- 3.7 The Local Plan as presented broadly follows the thrust and intent of the previous 'Further Draft' version, and to highlight a few elements of it:
- It is a plan which welcomes growth in jobs (6,000 net new jobs), homes (10,835 new homes) and supporting infrastructure;

- Growth is focused on our main settlements, together with an element of proportionate growth across the district to boost delivery and supply;
- Measures to ensure homes are built and designed for all in our community, including affordable homes and accessible homes (for those with mobility difficulties);
- Policies to protect the special features of East Cambridgeshire, including protected nature conservation sites, Green Wedges and Local Green Spaces and heritage assets;
- Policies which intend to deliver much needed infrastructure alongside growth.

3.8 As stated, officers have carefully considered all representations received at the last consultation stage, and aimed to address as many concerns as possible. All new suggested sites have been published on the website and carefully considered. All representations received are available on the website, and if any Member wishes to clarify precisely how a particular representations has been dealt with, then officers will be happy to assist. Below illustrates some examples as to what is recommended in the attached Proposed Submission Local Plan, compared with the previous Further Draft version:

- A slight revision to the overall housing growth target to reflect the latest 'Local Housing Need' calculations made by Government in September 2017, together with some new site allocations added to meet the target.
- Most new sites are, relatively, small scale or reflect recent planning permissions. The exception is at Witchford.
- Considerable reorganisation of allocations at Witchford, with some deletions and some additional sites. The net quantity of growth for Witchford has increased.
- The basic structure of the plan remains the same, though a wide variety of policies have been refined following consultation comments at the Further Draft stage.
- A new policy on Residential Annexes has been included, reflecting the increasing demand for such development, and the need for a clear policy framework for considering such proposals.

Next Steps

3.9 If Full Council approves the recommendations, then a number of important steps will take place:

3.10 First, the Local Plan (and associated material) will be subject to public consultation for six weeks, during November and December 2017 (finishing as soon as possible before Christmas). It is important Full Council (and subsequently members of the public) understand this particular round of consultation.

3.11 In simple terms, the consultation is open to everybody (including those who have not made any representations to date), but the crucial aspect to understand is that all representations received are not subsequently considered by officers or the Council, but instead are considered by an independent Inspector. It is also important to understand that any objections at this stage must be based on one of the 'tests of soundness' as set down by legislation. Those 'tests', as set down in the National Planning Policy Framework (NPPF), are whether the plan is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

3.12 This means that it is not a completely open-ended consultation process, but rather an objector must state why the plan is 'unsound' and what needs to be done to address the matter. It is also important to emphasise that, as set down by legislation, any objections made at earlier consultation stages are not carried forward to the next stage in the process; and as such, if a representor remains unsatisfied with the Local Plan, that representor must repeat their objection at the forthcoming consultation stage, if the representor wants it to be considered.

3.13 It is fair to say that many members of the public do not, understandably, always comprehend this process at this stage, and are often surprised to find out that officers / the Council as a whole has no opportunity to amend the Local Plan as a result of the consultation. As such, we collectively need to make sure the message is as clear as possible, and explain that we are following legislative requirements.

3.14 Second, after the close of the consultation in December 2017 (or other nearby date), officers will thereafter upload all representations on to our website (the consultation portal), summarise the key issues raised, publish all evidence base material and 'submit' the Local Plan and associated material to the Secretary of State (or, in practice, to the Planning Inspectorate). This is scheduled to all happen by the end of February 2018.

3.15 Third, as soon as the Local Plan is 'submitted', the plan is taken out of the hands of the Council and its officers, and is in the hands of an Inspector appointed to 'examine' the Local Plan.

- 3.16 Fourth, that Inspector will consider all representations received, and will hold a 'Hearing' session as part of the examination, whereby those who wish to verbally raise their objections with the Inspector will get their chance to do so. Officers will sit at all days of the 'Hearing', to defend the contents of the Local Plan.
- 3.17 Fifth, ultimately, the Inspector will prepare an Inspector's Report, which will contain a list of 'main modifications'. These are binding on the Council, if it wants to adopt the Local Plan.
- 3.18 Throughout this 'examination' process, there will be times when the Inspector will indicate that he/she is considering recommending a particular modification, and will normally ask officers whether it could offer a set of suggested wording to meet the concern. As such, Council needs to delegate authority to the Strategic Planning Manager to 'negotiate' such possible modifications with the Inspector during the examination process, to enable the smooth running of the examination. These modifications are in effect 'owned' by the Council as the examination proceeds i.e. they are not formally agreed by the Inspector at this stage (though, in practice, they are informally agreed by the Inspector, as it would be pointless coming up with a modification which the Inspector clearly had fundamental objections to).
- 3.19 Such modifications are normally subject to a round of light-touch consultation, before the Inspector formally considers them (though all of this is a matter for the Inspector to decide, and is not set down in regulation). What happens next is that the Inspector normally then uses such a set of draft modifications to complete the Inspector's Report, though the final set of modifications is entirely in the hands of the Inspector. This is all a rather complex process, both technically and legally, but can be explained in more detail should this be necessary.

Policies Map

- 3.20 Whilst legislatively a bit complex, a fundamental part of the planning system in England is the 'Policies Map'. To be clear, the Policies Map is not, legally, part of the Local Plan, but rather a geographical representation of the policies found in a Local Plan. The current Policies Map is that approved in April 2015, alongside the current adopted Local Plan. At the 'submission' stage, it is a legal requirement to submit with the Local Plan those *changes* which will be made to the Policies Map, should the Local Plan be subsequently adopted. Rather than identifying the *changes*, it is common practice to simply state that the current Policies Map will be deleted, and entirely replaced by a new Policies Map. As such, as part of this agenda item, a full set of Maps as would apply if the Local Plan is adopted is set out for approval.
- 3.21 Due to the size of the Policies Maps, they are not provided in paper format but are available on-line as part of the agenda papers. A hard copy will also be available at the meeting.

<https://www.eastcambs.gov.uk/local-development-framework/policies-map-proposed-submission-local-plan>

Programme Officer

- 3.22 It is a requirement of the examination process to have a Programme Officer in place. Whilst appointed and paid for by the Council, the Officer reports to and acts on behalf of the Inspector. The role is a mix of part and full time, depending on the tasks set by the Inspector.
- 3.23 All communication with the Inspector, whether by ourselves or any objector, must go through the Programme Officer. No direct communication with the Inspector is permitted, except of course during the formal 'hearing' sessions of the examination, which is chaired by the Inspector.
- 3.24 Officers are in the process of securing a Programme Officer.

Important Implication - Five Year Land Supply

- 3.25 Full Council should be mindful of an important implication which will arise, if the recommendations attached are agreed (and provided no substantial change to the content of the Local Plan is made). From approval of the recommendations, the Council will be in a position to declare it has what is known as a 'five year land supply'. This is an important declaration, because in doing so, it means the Council is confident that the current Local Plan (2015), as proposed to be adjusted by the Proposed Submission Local Plan (November 2017), sets out a sufficient amount of land for housing to meet our short term (five year) needs.
- 3.26 As such, decision makers (officers and Planning Committee) will subsequently be in a position to more easily and robustly refuse inappropriate development outside 'development envelopes' (sometimes known as 'settlement boundaries').
- 3.27 For the avoidance of doubt, Full Council is not being asked to agree in this agenda item whether it thinks the Council does or does not have a five year land supply. That is a factual matter, and a consequence of the decision made on the Local Plan being presented in this agenda item.
- 3.28 The reason why the Council can declare such a position is because it can now start to rely on the new 'supply' which the emerging Local Plan is promoting. Until this stage of the Local Plan preparation process, it could not.

Future Full Council involvement in the Local Plan

- 3.29 Reflecting the stage we are at, if Council approves the recommendations set out, then in reality it is unlikely that Council will receive any agenda item which requires a decision relating to the Local Plan for several months, and unlikely before late summer 2018 at the earliest. Of course, Members will be kept

informed of progress throughout those months, but it is not envisaged that *decisions* will need to be made.

- 3.30 If all goes well, the next formal decision the Council will need to make will be when the Inspector's Report is received, and the final Local Plan is presented for adoption.

4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 4.1 The financial implications which arise from approval of the recommendations are mostly in two parts. First, the costs associated with the ongoing consultation and preparation of the Local Plan. These costs can be met from existing budgets. Second, by proceeding to submission and examination of the Local Plan, the Council has to commit to resourcing a Programme Officer and an Inspector. Whilst the Programme Officer is relatively low cost (a part time, experienced administrative role), the Inspector fees can be substantial. Such fees are charged on a day basis, set by legislation, and the Council must sign an agreement in advance stating it will pay such fees, whatever the outcome. Arrangements are being put in place to meet these costs.

- 4.2 Equality Impact Assessment (INRA) completed. See Appendix 2

5.0 APPENDICES

- 5.1 Appendix 1 – Proposed Submission Local Plan (circulated separately)

Appendix 2- Equality Impact Assessment

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
None	Room12A The Grange Ely	Richard Kay Strategic Planning Manager (01353) 616245 E-mail: richard.kay@eastcambs.gov.uk