

**EAST CAMBRIDGESHIRE LOCAL PLAN – VERSION FOR ADOPTION**

Committee: Full Council

Date: 21 April 2015

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1.0 **ISSUE**

1.1 The adoption of the East Cambridgeshire Local Plan April 2015 to provide a planning framework for the district up to 2031.

2.0 **RECOMMENDATION(S)**

2.1 That:

- I. Council notes at Appendix 1, the conclusions of the independent Inspector and accepts all the recommendations he makes.
- II. Council adopts as a development plan document the Local Plan (Appendix 2) which incorporates all the ‘main modifications’ (listed within Appendix 1) as recommended by the Inspector and all the ‘additional (minor) modifications’ (listed at Appendix 3) and, further, delegates to officers prior to the publication of the Local Plan the correction of any further spelling or grammatical errors together with any improvements from a presentational perspective.
- III. Council delegates to officers the publication of an updated Policies Map, with such a Map (including the use of Inset Maps) illustrating geographically the application of the policies in the adopted development plan, ensuring that all recommendations made by the Inspector which relate to the Policies Map are incorporated in the published version.
- IV. Council acknowledges that in adopting the Local Plan, it automatically revokes the East Cambridgeshire Core Strategy (adopted October 2009) and remaining saved policies from the East Cambridgeshire District Local Plan (2000).

3.0 **BACKGROUND/OPTIONS**

3.1 The preparation of the East Cambridgeshire Local Plan has now reached its final stage. Following considerable public consultation, between mid-2011 and early 2013, the draft Local Plan was submitted to the Secretary of State on 29 August 2013. Subsequently, an independent Planning Inspector appointed by the Secretary of State has carried out a public examination into the document. Following receipt of the Inspector’s Report, the Local Plan is now at the stage where Council has to decide whether, or not, to adopt the document.

- 3.2 As Council will be aware, the statutory Development Plan for the District currently comprises the Core Strategy (2009) plus remaining 'saved policies' from the District Local Plan (2000). This is supported by other policy documents, such as Supplementary Planning Documents (SPDs).
- 3.3 The new Local Plan proposed for adoption is a single document which includes a vision for growth, strategic policies, and identifies sites for development and infrastructure provision. A key objective of the Local Plan from its early stages was to produce a village/town vision for each of the key settlements setting out a strategy for each settlement, identify potential development sites and look at infrastructure and service requirements in partnership with each community. The Local Plan is therefore split into two key parts: Part 1 - Spatial Strategy and Policies; and, Part 2 – Village and Town Visions.
- 3.4 The Local Plan, if adopted, will replace all policies contained in the Core Strategy (2009) and all of the saved policies from the District Local Plan (2000).

#### **Previous stages of Local Plan preparation**

- 3.5 Various Member and public consultations took place from 2011, culminating in Council on 11 July 2013 agreeing that the pre-submission draft Local Plan (dated February 2013 and as published for public consultation in Feb – March 2013) be submitted to Government as soon as feasible for independent examination. It was duly submitted on 29<sup>th</sup> August 2013, and an inspector (Michael J. Hetherington) was appointed to examine the plan.
- 3.6 The Inspector held a series of Hearings in February 2014, followed by further sessions on 23<sup>rd</sup> June and 11<sup>th</sup> November. The Inspector published his Interim Conclusions on 19<sup>th</sup> July 2014, which focussed upon the need to address a shortfall in the five year housing land supply. A series of Proposed Modifications to the Local Plan were approved by Development and Transport Committee on 14<sup>th</sup> April 2014, and published for consultation. Council will then recall that at a Special meeting on 4<sup>th</sup> September 2014 a report was received setting out the response to the interim conclusions of the inspector. A 'Schedule of Further Proposed Modifications' and a revised Sustainability Appraisal were approved for a further statutory consultation held between 10<sup>th</sup> September and 22<sup>nd</sup> October 2014. The final composite set of Modifications were issued by the Council on 12<sup>th</sup> December 2014.

#### **The Inspector's Role and the Inspector's Report**

- 3.7 Government regulations stipulate that an Inspector must be appointed by the Secretary of State to undertake an 'Examination' of a proposed Local Plan, and consider all comments and objections that have been made. The Inspector normally holds 'Hearing' sessions as part of the examination

process. The Inspector then subsequently issues an 'Inspector's Report' which must state, in simple terms, either:

- (i) That the Local Plan is 'unsound' and that it is impossible for changes to be made to make it 'sound', and/or that certain legal procedural requirements have not been met (such as the Duty to Cooperate) – under this scenario the Council is not permitted to adopt the Local Plan;
- (ii) That the Local Plan is 'sound', provided (in most instances) that certain changes (Modifications) as recommended by the Inspector are made to the Local Plan before it is adopted.

3.8 We are very pleased to report that, following a very thorough examination, the Inspector has found our plan 'sound' and, in effect, given permission to the Council to adopt the Local Plan provided his recommended Modifications are incorporated into the final adopted version of the Local Plan.

3.9 The full Inspector's Report is at Appendix 1, which includes the full list of Modifications which he requires to be incorporated within the Plan before adoption.

#### **Adoption of the Local Plan**

3.10 As all the recommendations within the Inspectors report are 'binding' on the Council the options available are to either adopt the plan in accordance with the Inspector's recommendations, or, to reject the recommendations and not adopt the plan. There is no option available to accept some of the Inspector recommendations and not others.

3.11 Council is asked, therefore, to decide whether to adopt the East Cambridgeshire Local Plan. The version of the Local Plan for adoption, incorporating all the Inspector recommended modifications, is at Appendix 2. This version also incorporates minor amendments ('additional modifications') which, by law (Localism Act s112), can only be modifications which if "*taken together do not materially affect the policies that would be set out in the document if it was adopted with the main modifications but no other modifications.*" These additional minor modifications are left to the Council's discretion whether to include in the Local Plan. These additional modifications are listed at Appendix 3. To be clear, Council does have discretion to include all, some or none of these additional modifications (or, indeed, add some new ones) in the adopted Local Plan. It is recommended that all of them listed at Appendix 3 are accepted, and the version of the Local Plan recommended for adoption (Appendix 2) incorporates them all.

3.12 Should Members agree to adopt the Local Plan, then as a consequence it will be necessary (and recommendation 3 seeks approval) for officers to also update the District's 'Policies Map'. The Policies Map (which was previously known as a Proposals Map under old planning legislation) is a separate legal document to the Local Plan, and, according to national regulations, must

illustrate geographically the application of the policies in the adopted development plan (the Local Plan being a 'development plan' in legal terminology). There are two important points to note in respect of the Policies Map.

- First, that it contains a series of 'Inset Maps', with each such inset map covering a settlement (or similar) in more detail than could be shown on the main Policies Map. These Inset Maps were, at draft Local Plan stages, included within the Local Plan itself, but as the Policies Map is a separate legal entity to the Local Plan, they will instead, on final publication, be grouped together in a separate folder.
- Second, that as only one Policies Map can lawfully exist in a district, it must by law also include the policies of any other development plans in force at the point of publication. For East Cambridgeshire, this includes (in addition to the Local Plan recommended for adoption) two development plans adopted by Cambridgeshire County Council in respect of Minerals and Waste planning policies. These policies were not shown on the draft Policies Maps at the draft East Cambridgeshire Local Plan stages (for the simple reason that the policies in those two minerals and waste plans were not out for consultation), but at this formal update of the Policies Map stage, it is a legal requirement that they are now included.

Members should note that a version of the updated Policies Map will be available to view in hard copy format by way of a presentational board at the full Council meeting. This update Policies Map will, of course, include all modifications as required by the Inspector.

- 3.13 If Council supports the Local Plan as per Appendix 2, then the document is 'adopted' and will come into effect immediately (Note: any further minor 'additional' modifications are also permitted prior to adoption – see paragraph 3.11).
- 3.14 If, other than minor modifications, the Council does not agree the Local Plan as per Appendix 2, then, in accordance with the regulations, the Council is not obliged to adopt it. The Council may choose to 'withdraw' the Local Plan. Effectively, under this scenario, the Council would need to commence the preparation of a new local plan which would follow the same cycle of extensive consultation and examination. In the meantime, the East Cambridgeshire Core Strategy (and saved policies from the District Local Plan (2000)) would remain in place and the non-adopted Local Plan would have no status whatsoever.

### **Consultation, Examination Period and Legal Challenge**

- 3.15 Extensive consultation since 2011 with the public and a wide variety of other stakeholders has taken place. The Inspector agreed that the consultation undertaken was appropriate. There is no further opportunity for consultation or comment on the plan, and the Inspector's Report is not subject to any form of consultation or comment.

3.16 The only course of action for any party which feels aggrieved by the adoption of the plan would be through a legal challenge of the plan. Such a legal challenge must be lodged within 6 weeks of the plan being adopted. Whilst rare, such challenges do occur, though officers are not aware of any potential challenge at this stage.

#### 4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

4.1 There are no direct financial implications for adopting the Local Plan, other than various printing and other administrative costs covered by existing budgets. To not adopt the Plan, and commence a new Local Plan instead, would have a cost implication which, if this option is chosen, would be set out in a separate report to Council in due course.

4.2 Equality Impact Assessment (INRA) completed at an earlier stage of plan preparation, and available on our website:  
([http://www.eastcambs.gov.uk/sites/default/files/SD15%20Equalities%20Impact%20Assessment%202012\\_1.pdf](http://www.eastcambs.gov.uk/sites/default/files/SD15%20Equalities%20Impact%20Assessment%202012_1.pdf))

#### 5.0 APPENDICES

- 5.1
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| 1. Inspectors Report (including Main Modifications) | )                       |
| 2. Local Plan incorporating all modifications       | ) Circulated separately |
| 3. Schedule of Additional Modifications             | )                       |

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**Background Documents**

None

**Location**

Room 12A  
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