

**COMMUNITY LED DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT  
– FOR ADOPTION**

Committee: Full Council

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[Q202]

1.0 **ISSUE**

- 1.1 To consider and adopt the Community-Led Development Supplementary Planning Document (SPD), taking account of public consultation late last year on the draft version of the SPD.

2.0 **RECOMMENDATION(S)**

- 2.1 That:

- (A) Council adopts the “*Community-Led Development Supplementary Planning Document*”, as attached at Appendix 2.

3.0 **BACKGROUND/OPTIONS**

**Introduction**

- 3.1 On 22<sup>nd</sup> October 2015, Council approved, for the purpose of public consultation, a draft Community-Led Development SPD. As set out in detail in a report to that 22<sup>nd</sup> October 2015 meeting, the SPD has been prepared in order to update its current ‘*Interim Policy Guidance on Community-led Development*’ (2013)<sup>1</sup> as well as bring our policies on this important subject matter up to date and in line with the adopted Local Plan (2015) and wider corporate objectives (such as the Corporate Plan 2015-19).

**Supplementary Planning Document on Community-Led Development**

- 3.2 As a reminder, Members will be aware that the Local Plan (Adopted April 2015) contains a policy on Community-Led Development (GROWTH 6). In accordance with the law, this policy must form the starting point for considering all community-led planning proposals. However, such Local Plan policies can be ‘supplemented’ by further detail in the form of an SPD.
- 3.3 By way of background, the National Planning Policy Framework (NPPF) defines SPDs as:

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<sup>1</sup> See:

<http://www.eastcambs.gov.uk/sites/default/files/SPD19%20Interim%20policy%20guidance%20on%20community%20led%20dev%20Dec13.pdf>

*“Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.” (NPPF, 2012)*

- 3.4 What this means is that whilst the Local Plan is always the more important document when it comes to making decisions on planning applications, an SPD can help explain in more detail what is expected for a particular issue. It can expand and clarify in more detail what is meant by a policy in the Local Plan and, provided the SPD doesn't attempt to conflict or override a Local Plan policy, it can set detailed additional policy or planning application expectations.
- 3.5 This SPD is produced on the topic of community-led development, to expand on the detail in policy GROWTH 6. The SPD has, therefore, been carefully structured by taking the Local Plan policy (GROWTH 6), and line-by-line explaining in more detail what is meant by the words in that policy.
- 3.6 The benefits of this approach are two-fold:
- First, it helps community groups understand more clearly what is required and expected of them through the planning process. In turn, this prevents the community doing unnecessary work, but equally makes it clear from the start what work the group will need to do (and thus avoid future surprises);
  - Second, it helps decision makers (planning officers, planning committee, planning inspectors, etc) make clear and consistent decisions on community-led development schemes, something which might not happen if just the single strategic GROWTH 6 policy is available.

#### **Consultation on the draft SPD**

- 3.7 Following Full Council approval on 22<sup>nd</sup> October 2015, the draft SPD was consulted upon between 3<sup>rd</sup> November and 22<sup>nd</sup> December 2015, in accordance with national planning regulations. This included having a copy of all material on our website, notification by letter and email to all people and organisations that we felt may be interested in the document, as well as sending a hard copy to each parish council.
- 3.8 We received a total of 13 representations from 10 different organisations or individuals. All the comments were carefully considered, though most of the comments were either supportive or gave generic comments not directly relevant to the SPD. A summary of the comments received, and the proposed response, is attached at Appendix 1. As can be seen, based on comments received, only a very limited number of changes are proposed to be made to the document, compared with the draft SPD. The final recommended version of the SPD, as attached at Appendix 2, contains these changes together with other minor editing changes.

#### **Next steps**

- 3.9 If the SPD is adopted by full Council, all relevant material will be made available on our website, with hard copies available to view on request (with a small fee to cover

our costs, if someone wants to own a hard copy). The SPD immediately becomes a material consideration when making decisions on community-led development.

- 3.10 There is an opportunity for any person with sufficient interest in the adoption of the SPD to apply for judicial review of the decision to the High Court. Any such applications will have to be made within three months of the adoption date. We are not anticipating such a challenge.

### **Future Local Plan Policy**

- 3.11 As Members are aware, the Council has started to review the Local Plan 2015. This provides an opportunity to reconsider the wording of Policy GROWTH 6 (for example, to make it more positively worded, and offer greater facilitation of community-led development schemes through the planning system). However, for now (until probably early 2018), we must use GROWTH 6 as written, and therefore the SPD must conform and 'supplement' GROWTH 6 policy.
- 3.12 The new Local Plan also provides the opportunity to further facilitate the bringing forward of community-led development through, potentially, allocation of land for such purposes, and/or facilitate land being made available, at an affordable price, to communities. Members will continue to consider these ideas as the Local Plan review progresses, including through the Local Plan Member Working Group.
- 3.13 When the Local Plan review is finally adopted (due 2018), the intention will be to revise and update this SPD once more, to ensure it aligns with the updated Local Plan.

## **4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT**

- 4.1 There are no financial implications associated with this report, other than printing costs which can be met from existing budgets and the possibility of a loss of a small amount of pre-application fee budget (due to the commitment in the SPD that such a charge will be waived for community-led development schemes).
- 4.2 Equality Impact Assessment (INRA) completed – Appendix 3

## **5.0 APPENDICES**

- 5.1 Appendix 1 – *Summary of responses received*  
Appendix 2 – *Community-led development Supplementary Planning Document: Final Version for adoption*  
Appendix 3 – *Equality Impact Assessment*

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### **Background Documents**

None

### **Location**

Room12A  
The Grange  
Ely

### **Contact Officer**

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### Appendix 1 Summary of responses received

Rep	Organisation / Individual	Summary of Comments Made	Council's Response	Changes to SPD
Rep 1	Anglian Water Services Limited	Anglian Water has no comments relating to the content of the Draft SPD.	Comments noted.	No change
Rep 2	The Marine Management Organisation	Generic advice about the role of the MMO and its policies. No specific comments on the SPD.	Comments noted.	No change
Rep 3	Daniel Scharf	A lengthy representation which largely quoted national policy, but did make a specific recommendation that: <i>"The paper should have referred to the role of SPD that could be very important in bringing forward community –led proposals for local food production, processing and distribution."</i>	The SPD does not prevent a community-led scheme coming forward, in part or whole, for a food related scheme. It would be inappropriate for the SPD to specifically single out this form of development.	No change
Rep 4	The City of Ely Council	The City of Ely Council felt there should be an indication of where the financial benefits flow, as this was not recognised in this document. Who is benefiting? A large proportion should flow back to the community.	Comments noted. The draft SPD is essentially a planning document to help community-led development to navigate through the planning system to obtain planning permission. More information on the benefits (including financial) of community-led development is provided in the 'Guidebook', published separately and sent to the City of Ely Council.	No change
Rep 5	Adrian Wright	Developments in East Cambs are having an effect on the road transport infrastructure to an alarming rate, namely the A10 Ely to Cambridge and beyond. A10 needs improving	Comments not relevant to this consultation.	No change
Rep 6	Historic England	In paragraphs 2.3.9 and 2.3.10, it would be helpful if reference could be made to heritage assets as part of the 'character or setting of the settlement and the surrounding countryside'.	Comments noted and accepted. It is important to protect heritage assets as well as the 'character or setting of the settlement and the surrounding countryside'.	<b>Change</b> – refer to 'heritage assets' in paragraph 2.3.9.

Rep 7	Norfolk County Council	Norfolk County Council supports the overall purpose and scope of the document.	Comments welcomed	No change
Rep 8	Norfolk County Council	Under the section on development outside development envelopes (page 4 and 5), the SPD ought to refer in the supporting text to adjacent local authority areas and consideration of cross boundary issues	These would be unnecessary additions to the text. Current text does not stipulate just East Cambs issues need considering; and therefore by default includes consideration of wider areas.	No change
Rep 9	Norfolk County Council	The SPD needs to make it clear that where the relevant Parish Council is leading on a project the Parish or Town Council will need to demonstrate it has the General Power of Competence (GPoC) under the Localism Act (ss 1 – 8).	Comments noted. These are not relevant land use planning matters, and therefore not appropriate for inclusion in the SPD.	No change
Rep	Wood-ditton Parish Council	As a Parish Council we have recently suggested that we have particular housing needs to meet requirements of the local population (that of extra care housing) and we have suggested that new developments presented for consideration by the District council bears this in mind before granting planning permission. This paper for consultation may have helped to inform this but the paper itself required a reasonable knowledge and understanding so that it may have local meaning for lay people who may wish to adopt its proposal. A visual chart of process may have attracted a wider audience and promoted greater consultation and hence engagement.	Comments noted. The SPD has to be prepared under the planning regulations and this limits its content. However, the Council has also produced a separate guidebook for communities, sent to all parish councils. This less formal document does contain diagrams, photos, case studies and a step-by-step guide for setting up Community Land Trust.	No change
Rep	Wood-ditton Parish Council	It is noted that recently the Woodditton community opposed a local business development (The Three Blackbirds) which was overturned by the District Council despite local opposition. This alongside the complexity of the paper, time intense requirements and the need for detailed knowledge suggests that	Comments noted. The SPD has to be prepared under the planning regulations and this limits its content. However, the Council has also produced a separate guidebook for communities, sent to all parish councils. This less formal document does contain diagrams,	No change

		the number of hoops that are required to jump through will be difficult to achieve through true local involvement. It would have also been useful to have a clear stated expectation of what could be expected from the District Council.	photos, case studies and a step-by-step guide for setting up Community Land Trust.	
Rep	Natural England	We have no substantive comments to make on the details of the draft SPD. However, we welcome that proposals will need to ensure that no significant harm would be caused to the character or setting of the settlement and the surrounding countryside and that schemes will be required to accord with all other relevant policies of the Local Plan.	Comment noted	No change
Rep	New-market Town Council	Generally support this document. What would concern most residents would be the location and facilities provided in association with development.	Comments noted. All the issues raised by the Town Council can be considered at a planning application stage.	No change