

AGENDA

CABINET

TUESDAY, 28 JULY 2020

3.00 PM

**A VIRTUAL MEETING VIA ZOOM VIDEO
CONFERENCING SYSTEM**

Committee Officer: Linda Albon
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Due to the COVID-19 outbreak and the restrictions by the Government on gatherings of people, this meeting will be conducted remotely using the Zoom video conferencing system. There will be no access to this meeting at the Council offices but you can view the meeting on YouTube, apart from any items marked confidential.

Today's meeting can be viewed on YouTube URL: <https://youtu.be/9u53XP9-5tY>

- 1 To receive apologies for absence
- 2 Previous Minutes (Pages 3 - 6)
To confirm and sign the minutes of 29 June 2020.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive members' declaration of any interests under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting
- 5 Draft Local Development Scheme (Pages 7 - 14)

To update Cabinet on the revised timetable for the emerging Fenland Local Plan.

6 Draft 6 Month Cabinet Forward Plan (Pages 15 - 16)

For information purposes.

7 Items which the Chairman has under item 3 deemed urgent

Monday, 20 July 2020

Members: Councillor C Boden (Chairman), Councillor Mrs J French (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor Miss S Hoy, Councillor Mrs D Laws, Councillor P Murphy, Councillor C Seaton, Councillor S Tierney and Councillor S Wallwork

CABINET



MONDAY, 29 JUNE 2020 - 4.00 PM

PRESENT: Councillor C Boden (Chairman), Councillor Mrs J French (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor Miss S Hoy, Councillor Mrs D Laws, Councillor P Murphy, Councillor C Seaton, Councillor S Tierney and Councillor S Wallwork

OFFICERS IN ATTENDANCE: Amy Brown (Chief Solicitor and Deputy Monitoring Officer), Peter Catchpole (Corporate Director and Chief Finance Officer), Paul Medd (Chief Executive) and Carol Pilson (Corporate Director and Monitoring Officer)

Councillor Boden welcomed members of the public and press watching the livestream of the Cabinet meeting via YouTube due to Government guidance on social distancing. The meeting was held in accordance with the provision set out in the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and with Fenland District Council's Virtual Meeting Protocol.

CAB1/20 PREVIOUS MINUTES

The minutes of the previous meeting held 9 June 2020 were agreed.

CAB2/20 FENLAND FUTURE LIMITED

Members considered the Fenland Future Limited report presented by Councillor Boden

Councillor Boden stated that approval has already been given for the company to be set up and it has been successfully incorporated using model Articles of Association. He added that the report outlines the changes to the model Articles of Association to ensure that they are specifically appropriate for the requirements of the Council.

Cabinet AGREED to approve the Articles of Association to include the Reserved Matters at Appendix 1 of the Report for adoption by Fenland Future Limited and delegates authority to the Leader in consultation with the Monitoring Officer to give shareholder consent to these documents on behalf of the Council and to sign and complete any resolutions and/or other documentation required to bring them into effect.

CAB3/20 DRAFT 6 MONTH CABINET FORWARD PLAN

Councillor Boden presented the draft Cabinet Forward Plan for information.

Councillor Mrs Laws stated that the Coates Conservation Area Appraisal public consultation has not been able to take place due to the COVID-19 pandemic and it is likely that it will now be carried out electronically. Therefore this item will be presented at the September meeting and not earlier as hoped.

Councillor Boden asked officers to clarify whether Appointment to Outside Bodies should be an item on the Forward Plan. The Monitoring Officer confirmed that this does fall under the jurisdiction

of Cabinet responsibility and therefore should be added to the Forward Plan for the next meeting in August.

CAB4/20 FREEDOM LEISURE CONTRACT

Councillor Boden asked members to determine whether Appendix 2 of the report, which contains information considered exempt under Schedule 3 of Paragraph 12a of the Local Government Act 1972, should be exempt thereby excluding the press and public from the meeting should it be discussed, or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption. The confidential motion was agreed

Councillor Boden then moved onto the report concerning the Freedom Leisure Contract presented by Councillor Clark.

Councillor Clark explained that it is a complex task and both parties are committed to getting the leisure facilities operating again, earning income but as efficiently as possible. She added that a phased approach is to be taken initially based on both limited facilities and opening hours, with more facilities opening week on week. If customer numbers rise, then opening hours will become longer to accommodate them. She added that these proposals are dependent on any announcement made by central Government and it is hoped that this will be later July or early August.

Councillor Boden outlined the financial impact as detailed in the report.

Councillor Wallwork said that there is a moral obligation for public services to be protected and supported.

Cabinet AGREED to recommend that:

- 3.1 Fenland District Council (“FDC”) notes Freedom’s intention to resume service provision on a phased basis at the earliest opportunity the government will allow, possibly late July or early August 2020 and provides the financial relief set out in these recommendations contingent upon its compliance with Government guidance and Covid secure risk assessments being completed and appropriately reviewed.**
- 3.2 FDC defers the monthly management fee of £37,560 per month for July-September 2020, at a cost to the Council of £112,680 repayable in accordance with the terms set out at paragraph 3.5 of these recommendations.**
- 3.3 FDC continues to support Freedom Leisure on an open book basis by providing them with an interest free loan payable monthly up to the amounts set out below and repayable in accordance with the terms set out at paragraph 3.5 and varied according to paragraph 3.4 of these recommendations:**

July	£32,235	(closed cost)
August	£63,825	(1st opening month)
September	£59,021	(2nd opening month)
Total cash support:	£155,081	

With an actual opening date uncertain, it should be noted that these costs are unlikely to fall into specific months, but may be spread across the period pro-

rata, depending on opening dates.


and AGREED that:

- 3.4 Cabinet authorises the Leader of the Council, in discussion with the Portfolio Holder for Leisure and the Section 151 Officer, to supplement the interest free loan described at paragraph 3.3 up to a maximum total value of £200,000 in the event that predicted income fails to meet the committed outgoings for the period. Such additional payments to be assessed on a monthly basis with any requests for additional relief having been made by no later than the 3rd Monday of each month and repayable in accordance with the terms set out at paragraph 3.5 of these recommendations.**
- 3.5 Repayment of the £267,761 described in paragraphs 3.2 to 3.3 of these recommendations together with any supplementary amount in accordance with paragraph 3.4 shall become payable through an annual deduction of 75% of any profit generated in excess of the levels predicted in the LOBTA. This is a change from the current 50/50 profit share, and will be subject to the performance of the business over the contract period.**
- 3.6 The Monitoring Officer and s.151 Officer are authorised to put in place all of the necessary arrangements to give effect to the agreed recommendations to include entry into the necessary legal arrangements and expenditure of the amounts described from existing budget provisions.**

4.18 pm

Chairman

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Agenda Item No:	5	
Committee:	Cabinet	
Date:	28 July 2020	
Report Title:	Fenland Local Plan updated timetable	

1 Purpose / Summary

The purpose of this report is to update Cabinet on the revised timetable for the emerging Fenland Local Plan.

2 Key issues

- Since the first round of consultation and call for sites process on the Local Plan, there have been changes in the economic environment.
- Firstly, due to the COVID 19 pandemic there is a need to consider the potential future economic impact in Fenland on land availability.
- Secondly, the Council has published its Viability report produced by HDH Consultants which provides evidence of a reduction in the affordable housing and section 106 monies that development can generally provide.
- Due to the above reasons, Members are keen to undertake a second call for sites process to ensure the Council has received all possible sites available to assess for inclusion in the next Local Plan.
- Due to Covid 19 delaying work on aspects of the Local Plan and the additional call for sites process, the Local Plan timetable has been delayed by approximately 8 months from the original timetable set in February 2019.
- Appendix 1 sets out the revised timetable

3 Recommendations

- That Cabinet approves the attached Local Development Scheme (LDS) (Appendix 1) which sets out the revised timetable for production of the Fenland Local Plan.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Cllr Dee Laws, Portfolio Holder for Planning
Report Originator(s)	Gemma Wildman - Local Plan Manager Carol Pilson - Corporate Director
Contact Officer(s)	Gemma Wildman - Local Plan Manager Carol Pilson - Corporate Director
Background Paper(s)	Fenland LDS February 2019 Fenland Viability Report (March 2020)

1 Background / introduction

- 1.1 The purpose of a Local Development Scheme (LDS) is to inform the public and stakeholders of the Council's timetable to produce Local Plans that form part of the statutory development plan for the area.
- 1.2 The LDS provides information for the local community about the planning documents that apply in Fenland at any one time i.e. it explains what the current documents are which collectively form the development plan for the area. The LDS is also a programme or timetable for the preparation of Development Plan Documents over the next three years.
- 1.3 To be clear, the LDS is a statutorily required 'programme management' document and does not contain any Council policy.
- 1.4 In February 2019 Full Council approved an LDS, which confirmed commencement of a new Local Plan for Fenland.
- 1.5 Cabinet will be aware that the Issues and Options Consultation took place in October and November 2019 in accordance with the approved LDS. The Key Issues Report summarised the main issues raised during the consultation. At the same time a call for sites exercise was carried out which asked local landowners, agents and developers to suggest suitable sites for housing and employment for inclusion in the emerging Local Plan. The Strategic Housing Economic Land Availability Report was published in February 2020 which listed all suggested sites to the Council.
- 1.6 In early 2020 work commenced on a Draft version of the Local Plan for public consultation in summer 2020. However, due to the COVID-19 pandemic, work on preparing the Local Plan was delayed. Therefore, there is a need to update the LDS to show the revised timetable and dates for the Draft Local Plan consultation.
- 1.7 As set out in National Policy¹ Local Plans must identify a supply of specific and deliverable sites, particularly during the first five years of the plan. This means² that the site must be available now with a realistic prospect that housing will be delivered on the site within five years. Therefore, the availability and deliverability of sites forms an important part of the site assessment process.
- 1.8 In March 2020 the Council published a Viability Report which shows that across the district development is marginal in financial terms. All Local Plan policies, sites and requirements will be assessed to ensure that the emerging Local Plan will not undermine the deliverability of the Plan and that all sites identified are deliverable. The Viability report will be updated as the plan progresses.
- 1.9 Therefore, the outcomes of the viability report could result in policies in the emerging Local Plan that mean that more sites might be available than originally thought, based upon historic requests for developer contributions and affordable housing. The Council is therefore proposing to carry out a second call for sites exercise in August and September 2020. This will add 4 months to the Local Plan timetable and is reflected in Appendix 1.
- 1.10 In addition, given the current economic uncertainty resulting from the COVID 19 pandemic we are also asking any promoters of sites submitted in October 2019 to tell us if the sites are no longer available for development. This also provides an opportunity to provide any additional information to support the site in terms of viability. To be clear

¹ National Planning Policy Framework (NPPF) (2019) paragraph 67a

² As defined by Annex 2 of the NPPF

there is no requirement to resubmit sites, all sites previously suggested will still be included in the assessment process unless the promoter specifically tell us otherwise.

- 1.11 Therefore, there is a need update the LDS to take into account the second call for sites process.
- 1.12 The revised LDS is attached at Appendix 1. Table 1 shows the proposed updated timetable to take into account the above. The estimated adoption date for the Local Plan is now November 2022

2 Considerations

- 2.1 The delay to the Local Plan timetable will have minimal financial implications.

3 Effect on corporate objectives

- 3.1 Production of a new Local Plan will allow planning policies to be brought fully up to date with corporate objectives which amongst other things embrace growth for the area to improve the health, well-being and opportunity of Fenland residents

4 Community impact

- 4.1 The revised LDS will allow full community involvement with the Local Plan consultation process and opportunities to attend public hearings at the examination stage.

5 Conclusions

- 5.1 The Local Plan process has been delayed due to the impacts of Covid 19. The revised LDS (See Appendix 1) sets out the revised timetable. It is estimated that the new Local Plan will be adopted by November 2022



Fenland Local Development Scheme 2020 update

July 2020

The Fenland Local Development Scheme (LDS) was approved by Full Council at a meeting on 21 February 2019. This update was approved on **XX July 2020** and replaces the February 2019 version with immediate effect.

Preface

This Fenland Local Development Scheme (LDS) was approved by Fenland District Council on **XX July 2020** and came into effect immediately, replacing the previous LDS, dated 21 February 2019.

If you require any further information regarding the Scheme, please contact a member of the Neighbourhood Strategy (Planning Policy) Team at localplan@fenland.gov.uk

A 'live' update is published on our website (www.fenland.gov.uk/newlocalplan) each month. This sets out the current and next stages of preparation, with dates, of each of the documents included in this LDS.

This LDS is produced under section 15 of the Planning and Compulsory Purchase Act 2004, as amended.

Fenland Local Development Scheme 2019 to 2022

1. Introduction

- 1.1 The Local Development Scheme (LDS) is a timetable which sets out the Development Plan Documents (DPDs) that a local planning authority intends to produce over the next few years. Such DPDs are also known as the Local Plans for an area.
- 1.2 This Fenland LDS sets out the timetable for any DPDs to be prepared in the period 2019 to 2022. It explains when Fenland District Council intends to reach key stages in the preparation of a new Local Plan.

The Local Plan and Supporting Documents

- 1.3 In summary, the framework of strategic planning in Fenland is:
 - **Development Plan Documents (DPDs):** These are documents (often referred to as 'Local Plans') that form part of the statutory development plan for the area and are subject to independent examination by a planning inspector appointed by the Secretary of State. For Fenland, as at October 2020, they comprise:
 - **The Fenland Local Plan** – Adopted on 8th May 2014, it provides land use planning policies, allocates sites for development and identifies other areas designated for protection that will shape the growth and regeneration of the Fenland area over the next 15 years and beyond.
 - **Minerals and Waste Local Plans** – Cambridgeshire and Peterborough Minerals and Waste Plan. The Core Strategy was adopted on 19th July 2011 and the Site Specific Proposals Plan adopted on 22nd February 2012. Together these set out the framework and specific proposals for all minerals and waste developments until 2026. A new Minerals and Waste Plan is currently being prepared for Cambridgeshire and Peterborough and was submitted for examination on 24 March 2020. A separate [LDS](#) has been prepared for the Minerals and Waste Plan.
 - **Neighbourhood Plans:** Local communities, including Parish and Town Councils, can prepare Neighbourhood Plans (NPs) putting in place policies to guide the future development of the area. Any NP must be in general conformity with 'strategic policies' in DPDs (Local Plans) and with national policy. NPs are not able to propose lower levels of development than those set out in up to date Local Plans but could propose higher levels, or offer other detailed policy proposals. It is up to local communities to decide if they want to produce a Neighbourhood Plan and so it is not appropriate for this LDS to specify when or where they will be produced. Any NP that has been made (brought into legal force) becomes part of the statutory development plan. One Neighbourhood Plan has been made across Fenland, and a second is due to be made in August 2020. A few more Neighbourhood Plans are under preparation.
 - **Policies Map:** This is a map on an Ordnance Survey base for the whole of a local planning authority's area which shows where policies in DPDs apply. The Fenland Policies Map includes inset maps for some areas to show information at a larger scale. The Policies Map is updated each time that a DPD or Neighbourhood Plan is adopted/made.
 - **Supplementary Planning Documents (SPDs):** These can cover a wide range of

issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in its DPDs (Local Plan). They do not form part of the statutory development plan and are not subject to independent examination. There is no requirement for this LDS to set out a timetable for the production of any SPDs, but for completeness and clarity they will be listed on the Fenland web site.

- **Statement of Community Involvement (SCI):** This is a document that explains how the local planning authority will engage the community in the preparation, alteration and review of planning documents, and in development control decisions. It is required to specify how and at what stages people will have the opportunity to be involved in planning for their area. The latest Fenland SCI was adopted in July 2018.
- **Authority's Monitoring Report (AMR):** This is a report which must be produced by the local planning authority (on an annual basis) to explain how the local development scheme is being implemented and the extent to which policies in the Local Plan are being achieved.

Joint Working Arrangements and Joint Local Plans

- 1.4 No formal joint working arrangement or Joint Local Plans are currently being prepared, but long established informal joint working across Cambridge and Peterborough HMAs (including the Combined Authority) continues to proceed successfully.

2. Local Plan Timetable

- 2.1 Through monitoring of the Local Plan and as a result of changes to National Planning Policy, Fenland District Council decided to review the Fenland Local Plan at its meeting on 21st February 2019. An LDS was approved that set the timetable to 2022.
- 2.2 The Issues and Options Consultation was carried out in October 2019 in accordance with the LDS, which included a call for sites exercise.
- 2.3 However, in early 2020 due to the COVID- 19 Pandemic the production of the Local Plan was delayed, in addition, given the current economic uncertainty a second call for sites will be carried out in summer 2020, this is to ensure that all sites previously submitted are still available and deliverable and also to offer the opportunity for additional land to be submitted and considered for inclusion in the Draft Local Plan (this additional call for sites does not form part of the statutory process and is not shown on the LDS timetable at Table 1).
- 2.4 An updated LDS was published in July 2020 which shows a revised timetable for the production of the Fenland Local Plan to the end of 2022.
- 2.5 There are a number of stages involved in the preparation of a DPD (Local Plan). This process allows for opportunities for the public to be involved, early resolution of objections, and an Independent Examination. The stages in producing a Local Plan, and the intended timescales of those stages for the review of the Fenland Local Plan, are set out in Table 1.

**DRAFT 6 MONTH CABINET FORWARD PLAN –
Updated 14 July 2020**



(For any queries, please refer to the published forward plan)

CABINET

CABINET DATE	ITEMS	LEAD PORTFOLIO HOLDER
6 August 2020	<ol style="list-style-type: none"> 1. Annual Report 2019/20 2. Treasury Management Annual Report 2019/20 3. Financial Outturn Report 2019/20 4. Budget Update 5. Outside Bodies 6. Disposal of Land (confidential item) 7. Cabinet Draft Forward Plan 	Cllr Boden Cllr Boden Cllr Boden Cllr Boden Cllr Boden Cllr Benney Cllr Boden
8 Sept 2020	<ol style="list-style-type: none"> 1. Coates Conservation Area Appraisal 2. Cabinet Draft Forward Plan 	Cllr Seaton Cllr Boden
21 Oct 2020	<ol style="list-style-type: none"> 1. Cabinet Draft Forward Plan 	Cllr Boden
17 Nov 2020	- Reserve meeting date -	
14 Dec 2020	<ol style="list-style-type: none"> 1. Treasury Management Strategy Statement & Annual Investment Strategy Mid Year Review 2020/21 2. Draft Business Plan 3. Draft Budget 2021/22 & Mid Term Financial Strategy 4. Local Council Tax Reduction Scheme Review 2020/21 5. Fees & Charges 6. Cabinet Draft Forward Plan 	Cllr Boden Cllr Boden Cllr Boden Cllr Boden Cllr Boden
12 Jan 2021	<ol style="list-style-type: none"> 1. Cabinet Draft Forward Plan 	Cllr Boden
TBC Late Jan 2021	<ol style="list-style-type: none"> 1. Draft Local Plan 2. Cabinet Draft Forward Plan 	Cllr Laws Cllr Boden
23 Feb 2021	<ol style="list-style-type: none"> 1. Business Plan 2021/22 2. Corporate Budget 2021/22 & Mid-Term Financial Strategy 3. Cabinet Draft Forward Plan 	Cllr Boden Cllr Boden Cllr Boden

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