

Agenda Item No:	10	
Committee:	Council	
Date:	15 December 2025	
Report Title:	Local Plan Update	

1 Purpose / Summary

- 1.1 In February 2019, Fenland District Council agreed to prepare a new Local Plan. Progress has been slower than expected since publication of the Draft Local Plan due to the uncertainty created by ongoing national planning reforms, Covid 19, updated flood-risk data, resourcing and procurement challenges, and the potential for Local Government Reorganisation (LGR). It is now necessary to rethink our approach to ensure Fenland continues to have a strong voice after LGR.
- 1.2 This report therefore recommends formally withdrawing the Draft Fenland Local Plan (2019–2040) and beginning work on a new Local Plan under the new plan making system introduced by the Levelling-up and Regeneration Act 2023. Much of the work done to date can be updated and carried forward into this new process.
- 1.3 The new Plan will provide a more streamlined, responsive, and forward-looking framework that reflects local priorities and clearly articulates the district's ambitions. It will place people and place at its core—ensuring future development supports quality homes, good jobs, town centres, services, and resilient communities. It will also have a facilitative and inward investment focus which is increasingly important given the sluggish national economic context.

2 Key Issues

- 2.1 Local planning authorities have a statutory duty under Section 15 of the Planning and Compulsory Purchase Act 2004 to prepare and maintain an up-to-date Local Plan. The current Local Plan was adopted in 2014 and some policies in the Plan are becoming increasingly more outdated which is why Council resolved to prepare a new Local Plan in February 2019.
- 2.2 Work on the emerging Local Plan had paused to enable the Council to review and best respond to the multiple changes at the national and local level including new and proposed changes to national policies and plan making guidance. It is recommended that the current emerging Local Plan be withdrawn and replaced with a new style Local Plan developed under new plan making regulations due to be published in the coming months.
- 2.3 The new style Local Plan will consider the plan period 2025-2050, proactively addressing current and emerging place issues including the proposed Fens Reservoir, overconcentration of Houses in Multiple Occupation and the need to bring forward more supporting infrastructure like health, community and education centres, addressing those issues considered important to Members.

- 2.4 The legal, financial, and equality implications are set out in detail later in this report. In summary, the updated spend profiling confirms that the new Local Plan can be submitted for Examination by March 2028.

Recommendations

- 2.5 For Council to:
- a) Withdraw the emerging Fenland Local Plan 2021-2040.
 - b) Commence the production of a new Local Plan under the new system to be completed by March 2028 that will cover the period 2025 to 2050 once the new plan making regulations are published.
 - c) Delegate authority to the Head of Planning in consultation with the relevant Portfolio Holder to publish and keep up to date a new Local Development Scheme.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Cllr Dee Laws – Portfolio Holder for Building Control, Flooding, IDBs & Planning
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Background Papers	<ul style="list-style-type: none">• February 2019 – Cabinet Report - Local Plan Review and Update

1 BACKGROUND AND INTENDED OUTCOMES

- 1.1 A Local Plan is the statutory development plan prepared by a local planning authority to guide decisions on the use and development of land in its area. It sets out the vision, spatial strategy, and policies to deliver housing, economic growth, infrastructure, and environmental protection over a defined plan period. Local Plans form the basis for determining planning applications and are central to shaping how places grow and change in line with community needs and aspirations.
- 1.2 The legal requirement to prepare and maintain an up-to-date Local Plan is set out in Section 15 of the Planning and Compulsory Purchase Act 2004, which requires local planning authorities to produce a Local Development Scheme (LDS) (the timetable for the Plan's production) and keep their development plans under regular review. Local Plans must be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.
- 1.3 Regulation 10A of the 2012 Regulations (inserted in 2017) requires that Local Plans be reviewed at least once every five years from the date of adoption, to assess whether they remain effective and up to date. Paragraph 33 of the National Planning Policy Framework (NPPF, December 2024) reinforces this duty, stating that plans should be reviewed to take account of changing circumstances and national policy. Where a review concludes that the plan is no longer effective, a full or partial update must be undertaken.
- 1.4 In Fenland, the currently adopted Local Plan dates from 2014. In February 2019, the Council resolved to begin preparing a new Local Plan for the district to replace the existing plan and respond to updated evidence, national policy changes, and emerging local priorities. Since then, two rounds of public consultation under Regulation 18 have been completed, and a wide range of supporting evidence has been commissioned.
- 1.5 However, progress has been slower than originally anticipated - challenges that have fundamentally slowed the plan-making process, include: the impact of the COVID-19 pandemic; growing uncertainty surrounding changes to national planning policy and the plan-making process; and internal resourcing challenges following Peterborough City Council's decision in April 2023 to terminate its Service Level Agreement with Fenland District Council, which had previously supported the Council's plan-making efforts.
- 1.6 The Government have also published a host of changes to national planning policy and guidance. This, combined with other developments—such as changes to local place priorities, new technical data for things like flood risk data, proposed reforms to local government, procurement difficulties, and capacity constraints have prompted a reconsideration of the Council's approach.
- 1.7 This report recommends formally withdrawing the current emerging Local Plan (2019–2040) and commencing the preparation of a new Local Plan which would cover the period 2025 to 2050 and be prepared in accordance with the forthcoming new plan making system.

2 REASONS FOR RECOMMENDATIONS

- 2.1 The recommendation to withdraw the emerging Fenland Local Plan (2019–2040) and begin a new plan reflects the scale of recent national reforms and shifting local priorities. Extensive work has already informed the current draft, but changes in legislation, policy, and guidance mean that the methods used to prepare it are no longer completely aligned with how Local Plans must now be produced under the new system.
- 2.2 The Levelling-up and Regeneration Act introduces a new plan-making system expected to take effect this year, and Government has set a hard deadline of 31 December 2026 for submitting plans under the current system. Any plan not submitted by then must restart under the new regime. These national decisions leave the Council with limited room to manoeuvre, making it necessary to begin a new-style Local Plan now to ensure Fenland retains a clear and influential voice through and beyond local government reform.
- 2.3 Local circumstances have also evolved. Issues such as the nationally significant Fens Reservoir proposal, pressures from HMOs in Wisbech, new opportunities in advanced manufacturing and clean tech, updated flood-risk modelling, and wider governance uncertainty all require a fresh strategic response. Added to this, the emerging Local Growth Plan identifies Fenland as a key area of investment and opportunity, reinforcing the need for a planning framework that can support and shape this long-term economic potential.
- 2.4 Preparing a new Local Plan will allow the Council to respond proactively to these challenges and opportunities, influence regional planning and investment, and ensure local policies remain legally sound, locally grounded, and nationally compliant. Although some previously completed work will need to be updated, much of it can still inform the new plan, and the district's strong five-year housing land supply provides the space to make this transition responsibly.
- 2.5 The benefits of moving early to the new system outweigh the risks. Acting now avoids duplicated effort, prevents further resource waste as national deadlines approach, and places Fenland in the strongest position to deliver a modern, place-based plan aligned with national reforms and local economic ambitions—ensuring the district can fully capitalise on the investment opportunities set out in the Local Growth Plan and support sustainable growth to 2050 whilst Fenland District Council continues to exist.

3 CONSULTATION

- 3.1 There is no statutory requirement to undertake public consultation before or after withdrawing an emerging Local Plan. However, should Full Council resolve to withdraw the emerging Local Plan 2019–2040, the Council will follow good practice by publishing a public statement on its website and notifying statutory consultees as well as stakeholders who have previously submitted formal representations, as well as MHCLG.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There are no viable alternative options. The technical work underpinning the existing draft would need to be substantially revisited to meet new national

planning guidance, leaving insufficient time to submit a compliant plan under the current system. Continuing with the existing plan is therefore not feasible, and choosing not to prepare a plan is not permitted under national policy. Starting a new Local Plan, whilst retaining much of the information already completed, is the only practical and responsible way to ensure Fenland maintains control over future development and retains a strong voice within the reformed planning system.

5 IMPLICATIONS

5.1 Legal Implications

- 5.2 Fenland District Council has a statutory duty to maintain an up-to-date Local Plan under Section 15 of the Planning and Compulsory Purchase Act 2004. Regulation 10A requires plans to be reviewed at least every five years, and paragraph 33 of the NPPF (2024) confirms that plans must be updated where they are no longer effective.
- 5.3 Failure to do so can trigger intervention by the Secretary of State under Section 27, including directing the preparation of a plan, appointing another body to carry out the work, or applying financial sanctions. Withdrawal of the emerging plan may therefore attract scrutiny in terms of whether the Council continues to meet its legal plan-making duties.
- 5.4 However, Fenland currently has a robust five-year housing land supply (around 6.6 years) and strong housing delivery performance. This reduces the risk of speculative development and provides the flexibility needed to transition to a new Local Plan.
- 5.5 Preparing a new plan under the reformed national system will also allow updated policies to reflect current circumstances, including major infrastructure proposals such as the Fens Reservoir, emerging local issues around water resources, flood risk and housing mix, and the need for a long-term strategy for sustainable growth to 2050.
- 5.6 In summary, while withdrawal carries legal risks if the Council is perceived not to be maintaining an up-to-date plan, Fenland's strong supply position and delivery record demonstrate that current requirements are being met. This provides the necessary capacity to prepare a new Local Plan under the reformed system while remaining compliant with statutory and national policy obligations.
- 5.7 *Legal Power to Withdraw the Emerging Local Plan*
- 5.8 The Council has clear legal authority under Section 22 of the 2004 Act to withdraw its emerging Local Plan at any point before adoption. As the current plan has not yet reached submission (Regulation 22), it can be withdrawn by resolution of the Council. While formal notification to the Secretary of State is not required, the Council must update its Local Development Scheme (LDS) and ensure that stakeholders are informed of the change.
- 5.9 *Transition to the Reformed Planning System*
- 5.10 The Levelling-up and Regeneration Act 2023 introduces a new legal framework for how Local Plans must be prepared. Under this new system, plans will follow a stricter, "digital-first" process with set stages and a fixed 30-month timetable. The Government has confirmed that any Local Plan still

being prepared under the current system must be submitted for examination by 31 December 2026. Plans that miss this deadline cannot continue; they must start again under the new rules.

- 5.11 For Fenland, this creates a key legal and practical risk. If the current Local Plan cannot realistically be submitted in time, continuing with it may lead to wasted work, additional cost, and the possibility of having to restart the entire process later. There is also a risk that work carried out now may not meet the stronger evidence and procedural requirements expected under the updated national guidance.
- 5.12 Withdrawing the current plan at this stage would avoid these risks. It would allow the Council to begin preparing a new Local Plan that is fully aligned with the new system from the start. This provides greater certainty, reduces the chance of legal challenge around process or compliance, and ensures that time and resources are focused on producing a plan that meets future national requirements rather than those being phased out.

5.13 Financial Implications

- 5.14 Withdrawing the emerging Local Plan and preparing a new plan under the reformed national system will have financial implications, but continuing under the current system would be significantly more costly. Much of the technical evidence supporting the existing draft needs to be updated due to national policy changes, updated demographic and flood-risk data, and new information on nationally significant projects such as the Fens Reservoir. This evidence would need to be updated regardless of the route taken.
- 5.15 The cost of preparing a new Local Plan under the forthcoming system is estimated at £659,500–£783,000 (excluding salaries). The Council currently holds £386,702.17 in a dedicated planning reserve, built up from Government planning policy grants, and anticipated income from the team's work on Nationally Significant Infrastructure Projects is expected to further support delivery. The Council was also awarded £220,000 from government to develop the Local Plan and there has been more recent announcements about more funding potentially being available. Together, these funding streams mean the new plan-making process is likely to remain cost neutral (when planned MTFS/budget provision is included).
- 5.16 Budget provision will be included in the MTFS for 2026/27 onwards as part of the normal budget setting process.

5.17 Equality Implications

- 5.18 In considering withdrawal of the emerging Local Plan, the Council has assessed its duties under the Equality Act 2010 and the Public Sector Equality Duty. As the emerging plan has not been adopted, it currently carries limited weight, though supporting evidence—such as the Gypsy and Traveller Accommodation Needs Assessment—remains valid and can continue to inform decisions.
- 5.19 The draft plan included policies aimed at meeting the needs of groups with protected characteristics, but these are not yet in use. The adopted Local Plan still provides a stable framework that supports mixed, inclusive communities.

- 5.20 Preparing a new Local Plan under the Levelling-up and Regeneration Act will allow these equality-focused policies to be reviewed and strengthened. The new system encourages early, inclusive engagement and improved digital accessibility, and Equality Impact Assessments will be undertaken at key stages to identify and mitigate impacts.
- 5.21 In summary, withdrawing the emerging plan does not conflict with the Council's equality duties, and the new plan-making process provides an opportunity to enhance equality outcomes.

5.22 Any Other Relevant Implications

5.23 *Crime and Community Safety*

- 5.24 The Local Plan plays a role in shaping safe and inclusive environments through policies on layout, design, lighting, public spaces, and community facilities. Withdrawal of the emerging plan may temporarily delay the introduction of updated policies that help reduce opportunities for crime and promote safer places. The Council will need to ensure that community safety remains a core principle within the new plan and that engagement with Cambridgeshire Constabulary's Designing Out Crime Officer is maintained during policy and site allocation development.

5.25 *Environmental and Climate Impacts*

- 5.26 The current Local Plan process includes updated policies relating to sustainability, flood risk management, biodiversity net gain, and resource efficiency. Withdrawing the plan may result in a delay to the adoption of these strengthened environmental policies, which could in turn affect the delivery of more sustainable and resilient development across the district.
- 5.27 However, preparing a new Local Plan under the forthcoming system may offer opportunities to take a more ambitious and evidence-led approach to environmental policy. This could include enhanced protections for nature recovery, better integration of water resource planning, and more effective responses to environmental risks and pressures in line with updated national expectations.

5.28 *Economic Growth and Infrastructure Delivery*

- 5.29 A Local Plan is a critical tool in coordinating infrastructure, supporting inward investment, and providing certainty to developers and landowners. Withdrawal may temporarily create uncertainty, particularly for strategic infrastructure providers (e.g. utilities, education, health), housing associations, and the business community. This risk should be managed through clear communication and close coordination with partners.

6 SCHEDULES

N/A