


Agenda Item No:	<b>11</b>	
Committee:	<b>Council</b>	
Date:	<b>21 February 2019</b>	
Report Title:	<b>Fenland Local Plan Review and Update</b>	

## Cover sheet:

### **1 Purpose / Summary**

The purpose of the report is to advise Members of the need to consider a review of the Fenland Local Plan (FLP) which was adopted in May 2014. Legislation requires that local plans should be considered for review every five years. The revised National Planning Policy Framework (NPPF) of July 2018 has also introduced a number of changes which mean that the local plan should be updated. A full review and update of the local plan is therefore recommended to commence in June 2019.

### **2 Key issues**

- The Fenland Local Plan was adopted on 8th May 2014 and is approaching its fifth anniversary.
- Recent changes in the NPPF (July 2018) mean that a number of policies in the FLP such as affordable housing, allocation of smaller sites and site viability could be considered to be out of date in a number of ways.
- The older a plan becomes which is not in accordance with current and evolving government policy the less reliance can be placed on it for decision making and success at appeal.
- Recommendations from the Planning Advisory Service (PAS) report of August 2018.
- The local plan process to adoption is likely to take between 3 to 4 years meaning a timely start is required to ensure an up-to-date plan is adopted as soon as possible.
- The current plan will remain in force for planning decisions until adoption of the new Local Plan with due regard being taken of relevant Government NPPF changes and new evidence documentation from the review process, as appropriate.
- Members need to be fully involved in the process potentially through a Local Plan Steering Group.

### **3 Recommendations**

It is recommended that Council approve the following:

- That a full review of the local plan is commenced soon after the local council elections in May 2019 but with technical reports being commissioned before then.
- That the Corporate Director (Growth and Infrastructure) is delegated to appoint PCC Planning Policy team via a Service Level Agreement (SLA) to carry out the required Local Plan review and to engage the relevant specialist advice related to the evidence documents within the allocated budget.

- That the attached Local Development Scheme (Appendix 1) is the timetable for the production of the new local plan, which will include the required consideration of Cabinet and Council at appropriate stages of the review.

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	
<b>Portfolio Holder(s)</b>	Cllr Chris Seaton - Leader Cllr Dee Laws - Portfolio Holder for Neighbourhood Planning
<b>Report Originator(s)</b>	Gareth Martin - Senior Development Officer (Policy) Nick Harding - Shared Head of Planning Richard Kay - Neighbourhood Strategy Manager
<b>Contact Officer(s)</b>	Gary Garford - Corporate Director Richard Cassidy - Corporate Director Gareth Martin - Senior Development Officer (Policy) Nick Harding - Shared Head of Planning Richard Kay - Neighbourhood Strategy Manager
<b>Background Paper(s)</b>	Fenland Local Plan 2014

## **4 Background / Introduction**

- 1.1 The recently revised National Planning Policy Framework - July 2018 (NPPF) has confirmed that policies in local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. A review at least every five years is also a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).
- 4.1 Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy.
- 4.2 The Fenland Local Plan (FLP) was adopted on 8th May 2014. The fifth anniversary of its adoption therefore falls on 8th May 2019. There have been significant changes since its adoption and this report sets out why the local plan needs to be updated.
- 4.3 Whilst the new plan is under development, the current plan will remain in force until adoption of the new Local Plan for planning decisions. Due regard will be taken of relevant Government NPPF changes and new evidence documentation from the review process as appropriate.

## **5 Considerations**

### **Changes to the NPPF**

- 5.2 The revised NPPF has introduced a number of changes which differ from policies in the FLP, with a much greater emphasis on housing delivery.
- 5.3 For affordable housing, S106 contributions can no longer be sought on sites which are not major developments (fewer than 10 dwellings) and the definition of what constitutes an affordable dwelling has been considerably widened. For major housing developments planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.
- 5.4 The way an authorities' housing need is calculated has been altered. Rather than relying on an Objectively Assessed Need (OAN) figure derived from a variety of independent evidence-based sources the government has introduced a new Local Housing Need which incorporates a standard methodology for each local authorities' housing need. Early draft indications show the Fenland requirement will reduce from 550pa to around 500pa using the standard methodology. Establishing the correct local housing need figure is the basis for developing policies in any local plan to ensure that the plan is sound and robust for its lifetime.
- 5.5 The viability of sites and S106 contributions expected from development should now be considered at the local plan making stage rather than at the application stage. Paragraph 57 of the NPPF explains that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. Viability assessments should include standardised inputs and be made publicly available.
- 5.6 Other NPPF changes include updated objectives for promoting sustainable transport (with an emphasis on walking, cycling and public transport provision) and that the planning system should actively manage patterns of growth in support of these objectives. There is a greater emphasis on good design and the need to involve design panels in planning application assessments. Policies should also take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure (including the designation of Local Green Spaces) and plan for the enhancement of natural capital (open space) at a catchment or landscape scale across local authority boundaries.

## **Planning Advisory Service (PAS)**

- 5.7 The Planning Advisory Service (PAS) report of August 2018 into the Planning Service made a number of recommendations relating to planning policy.
- 5.8 One of the key recommendations was to undertake a review of the local plan as soon as possible. This was to ensure alignment with new government guidance, the Council's vision and to meet the ambition of the Combined Authority including the emerging non-statutory spatial plan. PAS advised: "The current approach of the Fenland Local Plan 2014 was intended to be as flexible as possible to encourage growth and development. To achieve this there is a deliberate lack of designated allocated sites and 'red lines' for development defined in the Plan. This approach, as agreed by the Planning Inspector, was suitable in 2014. However in light of changes in government guidance on deliverability, current market conditions and economic context, it is beneficial that the Plan will be reviewed."
- 5.9 PAS explained that a review could "provide an opportunity to help remove any ambiguity for developers/ applicants which exists under the current 'flexible' approach together with the associated potential for comments regarding inconsistency", for instance in decision making.

## **Ageing Plan**

- 5.10 The older a local plan becomes the greater the chance that it will not accord with new government guidance as this continually evolves. As a result decision making becomes more complex and the chances of the Council succeeding at appeal are lessened. Planning therefore becomes more reactive rather than proactive. A timely review of the Fenland Local Plan will ensure that the Council's planning policies are brought into line with government policies and provide a robust basis for decision making and delivery.

## **Links to other (Emerging) Plans**

- 5.11 The review and update of the FLP will also link in a timely way to the emergence of other plans currently being formulated which include the Non-Statutory Strategic Framework (NSSF) for the Cambridgeshire & Peterborough Combined Authority (CPCA), the Local Industrial Strategy, Local Transport Plan and Neighbourhood Plans. It will also allow a more formal policy based approach to be considered for the Wisbech Garden Town proposal.

## **CIL / Planning Gain**

- 5.12 The update will also allow a review of the Community Infrastructure Levy (CIL) and whether any change in economic circumstances means that this will now be possible in Fenland. A fresh study will be commissioned and will inform the development of policies in the new Local Plan.

## **Public Consultation**

- 5.13 The review and update will incorporate at least two rounds of public consultation to include statutory consultees, town and parish councils, the Fenland Developers' Forum and the wider community.

## **Timetable, Costs and Member Involvement**

- 5.14 A new local plan normally takes between 3 and 4 years to produce. Its production is legally required to accord with a publicly available timetable known as a Local Development Scheme (LDS). It is not lawful to commence preparing a local plan without first agreeing an LDS. Appendix 1 provides a draft LDS which includes a chart of key dates to which the Council will seek to adhere. This sets out that the review of the

Fenland Local Plan will formally commence after the local council elections in May 2019 with a date for adoption scheduled for early 2022.

- 5.15 Members are asked to approve this LDS as the basis for the new local plan production. Please note that the timetable set out in the LDS is intentionally 'optimistic', identifying that the Plan will take 2years 9 months to prepare and adopt, from June 2019. It is important to be optimistic in an LDS, because legally a plan cannot proceed quicker than what an LDS timetable states, but can proceed slower. It would therefore make no sense to have an LDS with a pessimistic timetable, because that would result in no scope for speeding up the process. Officers will work hard to proceed in line with the optimistic timetable, but Members should note that some slippage, by a few months, might occur.
- 5.16 The cost of producing the new local plan is estimated to be in the region of £600K which works out at approximately £200k per year (but the profile of the spend will not necessarily be the same each year). It is envisaged that staff from Peterborough City Council will be involved in the process, along with existing Council staff, in accordance with the terms of the Council's existing Service Level Agreement which is likely to require 3FTE staff members.
- 5.17 A number of evidence documents will need to be updated such as a new retail study, strategic flood risk assessment, CIL and water cycle study. There will also be costs for the examination and public consultation events. Costs may vary depending on such factors as the need to provide a variety of evidence documents, changes in government guidance or political changes through the process and therefore may be higher or lower than first estimated.
- 5.18 Members will be kept fully informed throughout the process. It is suggested that a member working group be established to assist in the development of the new local plan and to aid greater understanding of the key issues which the local plan must consider and the reasonable options that exist to address those issues. It is suggested that eight members should sit on the working group together with officer representation as appropriate, which will meet approximately four times a year on an 'as required' basis. Membership of the Working Group should be established at the first meeting of Full Council following the local council elections in May 2019, and should ideally have its first meeting in June and its second in July.

### **Type of new Local Plan**

- 5.19 It will be for Members to consider after the May elections on the type of local plan that they would like to see within given parameters. These may include a flexible criteria-based plan (as now) or a more traditional plan with clear development boundaries and allocated sites, or some other form of plan. It is possible that a hybrid plan incorporating a mixture of approaches might be appropriate. The first round of public consultation can also test which direction should be taken.

## **6 Effect on corporate objectives**

- 6.1 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.

## **7 Community impact**

- 7.1 Producing the new local plan will allow full community involvement with at least two stages of public consultation in the process (the LDS is suggesting three, as is normal practice) and opportunities to attend public hearings at the examination stage.

## **8 Conclusions**

- 8.1 The Fenland Local Plan is approaching its fifth anniversary and due to changes in national policy needs to be updated to provide a sound basis for decision making and delivery. The Local Development Scheme attached to this report indicates that full production will commence following the local council elections in May with adoption of a new local plan scheduled for early 2022. The local plan update will, subject to Full Council agreement in May, include a Members' Working Group to be involved in addressing key issues identified.

# **Appendix 1**

## **Fenland Local Development Scheme 2019 onwards**

### **February 2019**

This Fenland Local Development Scheme (LDS) was approved by Full Council at a meeting on 21<sup>st</sup> February 2019 and came into effect immediately. It replaces the previous LDS, dated March 2013.

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## Preface

This Fenland Local Development Scheme (LDS) was approved by Fenland District Council on 21<sup>st</sup> February 2019 and came into effect immediately, replacing the previous LDS, dated March 2013.

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

A 'live' update is published on our website at regular intervals. 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 the 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 January 2019, they comprise:
    - **The Fenland Local Plan –**  
Adopted on 8<sup>th</sup> 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 19<sup>th</sup> July 2011 and the Site Specific Proposals Plan adopted on 22<sup>nd</sup> February 2012. Together these set out the framework and specific proposals for all minerals and waste developments until 2026.
  - **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 few more 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 21<sup>st</sup> February 2019.
- 2.2 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 conflicts and 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.

**Table 1: Timetable for Production of Development Plan Document**

	2019							2020												2021						2022								
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	
<b>Fenland Local Plan</b>					1							1												2		3	4						5	6

No.	Stage	Description	Dates stage will/ is proposed to take place
1	Public Participation (Regulation 18)	Opportunities for interested parties and statutory consultees to consider the options for the plan before the final document is produced. This stage can involve one or more public consultation rounds. We intend two rounds for the Fenland Local Plan.	Oct 2019 & May 2020
2	Pre-submission Publication (Regulation 19)	The Council publishes the Local Plan which is followed with a 6 week period when formal representations can be made on the Local Plan.	Feb 2021
3	Submission (Regulation 22)	The Council submits the Local Plan to the Secretary of State together with the representations received at Regulation 19 stage.	May 2021
4	Independent Examination	Held by a Planning Inspector into objections raised at Regulation 19 stage on the Local Plan	From the day it is 'submitted'
5	Inspector's Report Issued	This will report whether if the Plan is 'Sound' or 'Not Sound'. The Inspector may make recommendations to make the plan 'sound'	Jan 2022 (estimate – could be earlier or later, and subject to the examination)
6	Adoption of DPD (Local Plan)	Final stage, the Council will formally need to adopt the Local Plan and it will then be used in making planning decisions.	Feb 2022 (estimate - could be earlier or later, and subject to the examination)