

Agenda Item No:	<b>8</b>	
Committee:	<b>Cabinet</b>	
Date:	<b>13 June 2022</b>	
Report Title:	<b>Fenland Draft Local Plan</b>	

**This item comprises EXEMPT INFORMATION at Schedule 1 which is not for publication by virtue of paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) in that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**

### Cover sheet:

#### **1 Purpose / Summary**

This report is submitted to Cabinet following decision at the meeting on 12 May 2022, to defer the Fenland Local Plan report to the next meeting of Cabinet on 13 June 2022, to allow officers time to consider the implications of the Levelling Up and Regeneration Bill. (Section 2 of this report provides a summary of the Bill).

The purpose of this report is for Cabinet to approve the Draft version of the Local Plan for public consultation. The Draft Local Plan can be viewed at Appendix 1 and the accompanying Draft Policies Map (including Settlement Insets maps) at Appendix 2.

#### **2 Key issues**

- The draft Local Plan sets the requirement for 10,525 new homes and 18,000 new jobs between 2021 and 2040.
- The draft Local Plan will Remove the Broad Locations for Growth and the requirement for Broad Concept Plans and replace with specific and deliverable allocated sites and re-introduce settlement boundaries.
- The Plan will support business growth and inward investment.
- Since the adoption of the Local Plan in 2014 there has been changes to National Policy and guidance. The draft Plan includes new requirements such as Biodiversity Net Gain.
- Whilst the new Local Plan is under development, the adopted Local Plan (July 2014) will remain the starting point in decision making. However, the policies contained within the Draft Local Plan will be used alongside the adopted Local Plan in determining planning applications, especially where it contains 'new' policy not currently found in either the current Local Plan or the National Planning Policy Framework.

#### **3 Recommendations**

- That Cabinet approves the draft version of the Fenland Local Plan for public consultation starting in July 2022
- Cabinet delegates authority to officers to make minor, inconsequential amendments to the Document prior to its publication (in order to correct matters such as fact or aid clarity to the reader).

<b>Wards Affected</b>	All
<b>Forward Plan Reference</b>	
<b>Portfolio Holder(s)</b>	Cllr Dee Laws - Portfolio Holder Planning
<b>Report Originator(s)</b>	Gemma Wildman - Local Plan Team Leader Dan Horn - Acting Assistant Director
<b>Contact Officer(s)</b>	Gemma Wildman
<b>Background Paper(s)</b>	Issues and Option Consultation Document (October 2019) Key Issues Report (February 2020) Strategic Housing Economic Land Availability assessment (February 2020 and addendum September 2020) Local Green Spaces Submissions Report (February 2020) Local Development Scheme (February 2022)

## Report:

### **4 Reasons for Exemption**

- 4.1 Schedule 1 of this Report is NOT FOR PUBLICATION in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972 (as amended) in that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. The public interest test has been applied to the information contained within this exempt report and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it.

### **5 Background / Introduction**

- 5.1 In February 2019, the Council agreed to prepare a new Local Plan for the district, this is an important document as it will determine what the district will look like in the future. It will set out the emerging strategies and policies for growth and regeneration to 2040.
- 5.2 The new Local Plan will replace the adopted Fenland Local Plan (May 2014). It will not replace the recently adopted Cambridgeshire and Peterborough Minerals and Waste Plan.

### **6 Implications of Levelling Up and Regeneration Bill**

- 6.1 On 11 May 2022 central government published the Levelling Up and Regeneration Bill, which included changes to the planning system.
- 6.2 The decision was made at the Cabinet meeting on 12 May to defer the Fenland Local Plan report for a month to allow officers the opportunity to consider the implications of the Bill and whether any amendments may be required.
- 6.3 The Levelling up and Regeneration Bill incorporates some of the proposals for planning reforms originally set out in the Planning White Paper, August 2020. However, some of the reforms, such as, the proposals for all land to be placed in 'zones' and linked to automatic 'in principle' permission for development, are not being taken forward. Some of the key changes relating to planning policy are:
- Local Plans will be given more weight when making decisions on applications, so that there must be strong reasons to override the plan;
  - regulations will be updated to set clear timetables for plan production – with the expectation that they are produced within 30 months and updated at least every five years.
  - To help make the content of plans faster to produce and easier to navigate, policies on issues that apply in most areas (such as general heritage protection) will be set out nationally.
  - These will be contained in a suite of National Development Management Policies, which will have the same weight as plans so that they are taken fully into account in decisions.
  - The current system of developer contributions will be replaced with a simple, mandatory, and locally determined Infrastructure Levy. The Levy will be charged on the value of property when it is sold
- 6.4 This is only a Bill, so there could be lots of changes as this progresses through Parliament. Also, lots of detail is reserved for secondary legislation, including changes to the National Planning Policy Framework and regulations. This means there are too many unknowns at this stage with limited implications for the emerging Local Plan.

6.5 Therefore, it is proposed that the Council can carry on with the existing Local Plan timetable and adopt a Plan based on the current system. At this stage there is too much uncertainty about the new system to necessitate delays.

## **7 Issues and Options Consultation**

7.1 In October 2019, the Council consulted on the Issues and Options document. This document was structured around a questionnaire which provided background information on a range of planning issues and set out a series of questions about what could be included in the new Fenland Local Plan.

7.2 A total of 3,990 comments were received from 129 individuals or organisations. A Key Issues Report was published in February 2020 which summarised the main issues raised. The comments have helped inform the Draft Local Plan.

7.3 The Issues and Options consultation document did not identify the precise sites required to deliver the housing and jobs growth targets. As part of the consultation process the Council asked the public, developers, landowners, agents and parish councils to suggest sites for future housing and employment provision that are available and deliverable. All suggested sites are listed in the Strategic Housing Economic, Land Availability Assessment (SHELAA) (February 2020). A second call for sites exercise was carried out in summer 2020 and an addendum to the SHELAA report was published in September 2020.

7.4 All suggested sites have been assessed against the detailed site assessment criteria and the preferred sites have been identified as proposed allocation in the draft Local Plan.

7.5 At the Issues and Options stage communities were invited to nominate important green spaces for designation in the emerging local plan, known as Local Green Spaces (LGS). A total of 14 different green spaces were submitted. All sites have been assessed to determine the suitability or not for designation. The preferred LGS are shown on the Policies Map (Appendix 2).

## **8 Draft Local Plan**

8.1 In early 2020 work commenced on a draft version of the Local Plan. However, due to the COVID-19 pandemic work on preparing the Local Plan was delayed. In addition, a second call for site exercise was carried out in summer 2020 to ensure that the Council received all possible sites available to assess for inclusion in the emerging Local Plan. There have been further delays to the Local Plan evidence base which resulted in a revised timetable (Local Development Scheme) approved in February 2022 setting out that public consultation on the draft Plan would take place in June 2022. However, Cabinet's decision to defer the Fenland Local Plan report by a month, means that the public consultation is now due to commence in July 2022.

8.2 The draft version of the Local Plan can be viewed at Appendix1, and is structured as follows:

### **8.3 Part A - Vision and Objectives**

This section sets out background information about the district and also sets the overall vision and objectives for the future growth of Fenland.

### **8.4 Part B - The Spatial Strategy**

This section sets the overall growth strategy for the district and proposes a Settlement Hierarchy that ranks each settlement based on the range of existing services and facilities, to help guide the scale and location of new development.

As required by National Policy the overall level of housing growth is calculated using the government's 'Standard Method'.

- 8.5 As at April 2021 (the base date of the Local Plan) the Standard Method for Fenland indicates a need for 517 dwellings per year. However, in late March 2022, ONS published new data thereby requiring the housing need to be recalculated. From 2022 onwards, the Standard Method generates a local housing need for Fenland of 556 dwellings per annum.
- 8.6 The housing requirement for the draft Local Plan consists of 517 dwellings for the period 1 April 2021 to 31 March 2022 (1 year) then 556 dwellings per year from 1 April 2022 to 31 March 2040 (18 years), thereby providing a total requirement of **10,525 dwellings**.
- 8.7 The Council's Employment Needs Report identifies a minimum target of 18,000 jobs which equates to the need for 215ha of employment land between 2021 and 2040, to keep pace with housing growth and meet the needs of new residents, whilst addressing the current shortfall of jobs.
- 8.8 It is proposed that the draft Plan focuses the majority of new residential development in and around Fenland's four market towns of Wisbech, March, Whittlesey and Chatteris. The plan also recognises the benefits growth can bring to rural communities and the important role the rural area plays in delivering new homes, and therefore it distributes a portion of the housing requirement across Fenland's villages. The following table provides a summary of the overall growth distribution:

Settlement Hierarchy Tier		Housing (%)	Employment (%)
Market Towns	Chatteris	1,737 (17%)	51.59 ha (24%)
	March	2,746 (26%)	53.91 ha (25%)
	Wisbech	1,287 (12%)	89.72 ha (42%)
	Whittlesey	886 (8%)	9.71 ha (55%)
Large Villages		798 (8%)	0
Medium Villages		1,513 (14%)	4.78 ha (2%)
Small Villages	A	156 (1%)	0
	B	61 (1%)	0
Open Countryside		144 (1%)	15.68ha (7%)
Windfall		1,500 (14%)	0
Total		<b>10,828</b>	<b>225.39ha</b>

- 8.9 The individual sites required to meet the growth targets are set out in Part D of the Plan and are shown on the Policies Map (Part E and Appendix 2).

## 8.10 **Part C - The Policies**

This section includes detailed policies, criteria and standards that will be used in determining planning applications. The draft Local Plan will include policies relating to issues such as:

### 8.11 **Health and Wellbeing**

One of the Council's corporate objectives is to 'Promote health and wellbeing for all'. The Local Plan can play a key role helping achieve this by setting out policies that will ensure new development will support and encourage healthy lifestyles.

### 8.12 **Renewable Energy**

Household energy bills have risen significantly in recent months and are set to continue to increase. The draft Local Plan recognises that there is a need to increase renewable and low carbon energy generation to reduce the UK's reliance on imported non-renewable energy and in turn vulnerability to volatile global markets. Therefore, it is proposed that the draft Local Plan is supportive of proposals that will deliver renewable and low carbon energy. This will also help to meet the legal requirements to minimise climate change.

### 8.13 **Design and Amenity**

The proposed policy identifies the design principles that must be met by all new development, as well as the detailed requirements for new residential developments to make sure there is no unacceptable impact on the amenity of nearby properties. This is based on the design principles set out in the National Design Code.

### 8.14 **Housing**

The proposed policy ensures that new housing meeting the needs of all communities is delivered. It includes the need for a range of types and size of homes, including affordable housing.

Based on the results of the Council's Viability Study (March 2020) the policy proposes different affordable housing requirements for the north and south of the district.

### 8.15 **Employment**

It is a key priority of the Council to deliver employment growth through attracting new businesses, jobs and opportunities, whilst supporting existing businesses.

The draft Plan identifies Established Employment Areas (EEAs) these are existing business parks, industrial estates and trading estates where clusters of businesses are located providing centres of local employment. The EEAs are of great importance to Fenland's economy and are critical to how the local economy functions. Therefore, it is proposed that the draft Local Plan seeks to retain employment uses within EEAs. This will avoid economic harm from loss of employment floorspace to other uses, and provide certainty to encourage businesses to invest in those areas with confidence. The EEAs are shown on the Policies Map

### 8.16 **Town Centres**

Town centres are at the heart of communities, providing a focus for retail and other main town centre uses, including leisure, commercial, office, cultural and community facilities. It is national policy to enhance vitality and viability of town centres.

The proposed policy identifies a hierarchy of town centres and sets out a framework for how planning applications for retail and other main town centre uses will be assessed to make sure they are appropriate in scale and location.

### **8.17 Development in the Countryside**

The boundary for each settlement is identified on the Policies Map (See Appendix 2). Proposals within the settlement boundary will be supported in principle. Land outside the settlement boundaries is defined as countryside. In accordance with National Policy development in the countryside (outside of the settlement boundary) will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace, transport or utility services.

As the majority of the district is rural in character with a strong agricultural economy, the draft Plan recognises there may be occasions where development in the countryside is required to support rural economy and sets out circumstances this would be supported.

For example, the adopted Local Plan is restrictive requiring replacement dwellings in the Countryside to be of a similar size to the existing. To allow for more prestige and executive homes in the district it is proposed that this restrictive criterion is removed. The replacement of an existing house with a much more substantial new home on a one-for-one basis would be supported unless the existing building is of historic nature.

Alongside the re-introduction of settlement boundaries, it is also proposed that the new Plan will introduce a 'frontage infill' policy as a way of allowing some managed flexibility.

This new policy will include criteria that will allow for one or two dwellings on land leading out of villages (beyond the defined village boundary) that could be suitable for frontage infill development.

### **8.18 Transport and Infrastructure**

The proposed policy ensures that future growth is supported by the necessary infrastructure such as schools, roads, health and community facilities.

To support the Local Plan an Infrastructure Delivery Plan (IDP) has been prepared in consultation with key infrastructure providers.

The Draft Local Plan incorporates the strategic and local transport infrastructure projects identified by the Cambridgeshire and Peterborough Local Transport Plan (January 2020).

### **8.19 Historic Environment**

This proposed policy aims to protect, enhance and conserve the important heritage assets throughout Fenland through the special protection afforded to listed buildings and conservation areas, and other heritage assets.

### **8.20 Natural Environment**

The draft Local Plan includes requirements to protect designated international, national and local wildlife sites from development that could harm the habitat or protected species. It also includes a new requirement introduced through the recent Environment Act for Biodiversity Net Gain. This requires a 10% increase in biodiversity after development, compared to the level of biodiversity prior to development taking place.

The Plan includes policies to protect existing open spaces and sets requirements for provision within new developments. It also includes a proposed policy that identifies areas suggested by the public to be designated as Local Green Spaces (these are shown on the Policies Map).

### **8.21 Flood and Water Management**

The draft policy states that development proposals should adopt a sequential approach to flood risk management, taking into account the requirements of National Policy. It also sets the requirements to protect water environments.

The draft policy proposes the introduction of water efficiency standards of 110 litres per person per day.

## 8.22 Environmental Pollution

The draft Plan includes requirements for land affected by contamination, and air quality management

## 8.23 Part D - The Sites

Part D of the Plan identifies the sites required to deliver the Local Plan growth targets. The plan includes a policy for each settlement listing proposed new allocations and setting out site specific requirements to help delivery.

In addition to new site allocations, the draft Local Plan identifies sites which have existing planning approval for housing development. This includes sites with extant planning permission for the development of five or more homes and includes sites which have a resolution by Fenland's Planning Committee to grant planning permission. Allocating sites with existing planning approval helps provide clarity on the nature and scale of development and to secure the principle of development over the plan period.

## 8.24 Part E - The policies Map

The draft Policies Maps illustrates geographically the application of policies in the draft plan and can be viewed at Appendix 2.

## 9 Consultation

- 9.1 Subject to Cabinet approval, public consultation on the Draft Local Plan will commence in mid July 2022 for eight weeks in accordance with the requirements set out in the Council's Statement of Community Involvement (SCI). The consultation has been extended by two weeks to take into account the summer holiday period.

## 10 Next Stage

- 10.1 All comments received will be reviewed and any necessary changes will be made to the proposed submission version of the Local Plan.
- 10.2 Due to the amended consultation period, the timescales, as set out in the approved LDS for the next stages of plan preparation change.
- 10.3 Subject to Cabinet approval of the Draft Local Plan, for public consultation in July 2022, a revised LDS will be published as per the recommendation at Cabinet on 3 February 2022 to delegate to Acting Assistant Director the ability to approve any future changes to the Local Plan timetable (and LDS) in consultation with the Portfolio Holder for Planning.
- 10.4 It is estimated that the Local Plan will then go through the following subsequent stages to be confirmed in a revised LDS.
- Public consultation on the final version of the Local Plan - June 2023
  - Submission to Government - September 2023
  - Independent examination - Autumn 2023
  - Inspectors Report - March 2024
  - Adoption - estimated May 2024

## 11 Legal and Governance Implications

- 11.1 The legal and governance implications associated with the draft local plan are as set out in this report and exempt Annex 1.

## 12 Effect on corporate objectives

- 12.1 The development of a new local plan supports the "Economy" priority in the Council's approved business plan as it promotes and enable housing growth, economic growth and regeneration.



12.2 Production of a new Local Plan allows 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. The objectives identified in Part A of the draft Local Plan link to the corporate objectives.

### **13 Community impact**

13.1 Producing a new Local Plan allows full community involvement through the public consultation on a draft plan, and at the proposed submission stage and the opportunity to attend public hearings at the examination stage.

### **14 Conclusions**

14.1 The attached Draft Fenland Local Plan is recommended for approval for public consultation in July 2022.

### **15 Schedules**

Schedule 1: Exempt Advice regarding legal and governance implications of alternative options to current draft local plan.