

**Fenland District Council
Fenland Local Plan Core Strategy
Examination**

Matters & Issues for Examination

The following Matters, Issues and questions will provide the focus for the hearings due to commence on Monday 9 December 2013.

All further statements should address the Matters and Issues for Examination and should be received by the Programme Officer no later than **22 November 2013**.

All contact details are available at <http://www.fenland.gov.uk/article/7659/Public-Examination>

The Programme Officer can be contacted by:

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The Council is invited to respond on all matters, issues and questions listed, referring to information in the Submission Documents & Supporting Evidence (limited to 3000 words per Matter). Other participants should only respond on topics/issues relevant to points made in their original representation(s), without raising new issues, in statements of no more than 3000 words. Participants may refer to information in earlier representations, but the Inspector only has copies of the representations made at the Proposed Submission stages of the Local Plan. Further statements are not needed unless they relate to the legal requirements or soundness of the plan, as set out in the Schedule of Matters & Issues, and are essential to understand the original representation(s). Participants can rely on their original representation, but should not extend the scope of the original points made.

Detailed agendas for the hearing sessions will be issued shortly before they commence, based on the Matters & Issues for Examination and the responses received. However, it is unlikely that the Inspector will introduce new issues or questions that do not arise from the Matters and Issues identified. Participants should let the Programme Officer know as soon as possible whether they wish to attend a particular hearing session. Although anyone can attend the public hearings, only those listed on the programme can participate in the relevant hearing session. **Normally, only those who seek some change to the plan are entitled to participate in the hearing sessions.**

The Examination will focus on the requirements of soundness set out in the National Planning Policy Framework (2012). The starting point is the assumption that the Council has submitted what it considers is a sound plan. **Participants are expected to explain which aspect of the plan is unsound, why it is unsound and specify how it should be altered, with detailed wording and clear evidence to support any changes.**

As well as complying with the legal requirements, the plan has to be positively prepared, justified, effective and consistent with national policy.

Matter 1 – Legal requirements and Procedural Matters

Q1. Has the Core Strategy been prepared in accordance with the current Local Development Scheme (LDS), including its timetable, content and timescale?

Q2. Has the Core Strategy been prepared to comply with the adopted Statement of Community Involvement, allowing for adequate and effective consultation and engagement of the community and all interested parties and meeting the minimum consultation requirements set out in the Regulations?

Q3. Has the Core Strategy been subject to Sustainability Appraisal, including a final report on the published plan; and is it clear how the Sustainability Appraisal influenced the final plan and dealt with mitigation measures?¹ Has Appropriate Assessment under the Habitats Directive/Regulations been carried out to the satisfaction of Natural England?

Q4. Does the Core Strategy have regard to national planning policy, including consistency with the National Planning Policy Framework (NPPF) and the Planning Policy for Traveller Sites (PPTS)? Is there sufficient local justification for any policies that are not consistent with national planning policy? Does the submitted plan properly reflect the presumption in favour of sustainable development in the NPPF?

Q5. Does the Core Strategy have regard to the Sustainable Community Strategy, and aligned its key spatial planning objectives with the priorities identified in this strategy?

Q6. Does the Core Strategy comply with the Local Development Regulations, including preparation, content and publishing and making available the prescribed documents?

Q7. Has the Core Strategy been prepared in accordance with the Duty to Co-operate and does it fully meet this legal requirement?

Matter 2 – Overarching Strategy & Targets

Q1. Since the publication of the Proposed Submission Core Strategy (February 2013) and the amendments as set out in the Core Strategy Proposed Submission Addendum (June 2013) the 'Objectively Assessed Need for Additional Housing – Memorandum of Co-operation between the local authorities in the Cambridge Housing Market Area (September 2013)' (CD016) has been published. This explains that the Strategic Housing Market Assessment (SHMA) forecasts a need for an additional 93,000 homes in the Cambridgeshire Sub Region of which 12,000 are identified in Fenland². The authorities that are party to the memorandum acknowledge that Peterborough has already accommodated a proportion of the housing need arising in the Cambridge HMA which could reasonably be assumed to amount to approximately 2500 homes as the respective SHMAs overlap. The various authorities, including Peterborough City Council, have therefore agreed that taking account of the 2500 dwelling element of the Cambridge SHMA already being met in Peterborough's adopted Local Plan, this leaves 90,500 dwellings to be provided in the Cambridge HMA to ensure that the full objectively assessed need for housing in the Cambridge HMA will be met in forthcoming Local Plan reviews. Of this requirement, it is agreed that 11,000 dwellings are to be provided in Fenland.

¹ In addition, see Q1 relating to development in March

² Cambridge sub-region SHMA 2012 Chapter 12, Forecasts for homes of all tenures (May 2013)

The Fenland Housing Evidence Report (CD025) refers to the 2008 ONS trend based population projections (as does the Fenland Neighbourhood Planning Vision document) whereas the SHMA (May 2013) includes assessment against the 2011 Census.

In light of the above, is the Fenland Local Plan Core Strategy Submission Version (September 2013) based on adequate, up-to-date and relevant evidence to assess and meet the objectively assessed housing needs of the area?

Q2. Is there sufficient evidence to demonstrate that the proportion of housing to be provided in Peterborough will be effective in addressing the housing requirements arising in Fenland both in terms of the quantum of housing and within appropriate timescales?

Q3. Will sufficient jobs be created commensurate with housing provision and to support the forecast increase in population over the plan period?

Policy CS2 – Facilitating Health and Wellbeing of Fenland Residents

Q4. For large developments, Policy CS2 requires that the Design & Access statement must include commentary as to how this policy has been met. Is the stated preference for this to be demonstrated through the use of a Health Impact Assessment necessary and justified by local circumstances? If so, should this be a requirement rather than a preference?

Policy CS3 - Settlement hierarchy

Q5. Is the identification of broad locations for growth an appropriate & effective strategy for delivering growth?

Q6. Is the overall scale and distribution of development in the villages sufficient to achieve thriving local communities as set out in the Vision Statement?

Q7. Policy CS3 is not specific in terms of the scale of individual developments that may be acceptable in Growth Villages and Limited Growth Villages. Does this policy provide a clear indication of how a decision maker should react to a development proposal in accordance with paragraph 154 of the NPPF?

Q8. Is the inclusion of Wisbech St Mary as a Growth Village justified having regard to the evidence and all reasonable alternatives (in particular Elm and Leverington)?

Q9. Policy CS3 is cross referenced with Policy CS12 in relation to 'Limited Growth Villages' and development 'Elsewhere' only. However Policy CS12 appears to relate to new development in all 'villages' generally without making any distinction. Is there inconsistency between these policies?

Q10. Is Policy CS3 and the supporting text, in particular paragraph 3.34, consistent with the NPPF in terms of the Council's approach to development in the countryside? The NPPF refers to local planning authorities 'recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it' rather than 'strictly controlling it'³?

³ Paragraph 17 (5th bullet point)

Q11. Policy CS3 contains a note that relates to development at Wimblington and Doddington. (a) In light of the possible constraints in relation to the capacity of the sewage network referred to, is the inclusion of these villages as 'Growth Villages' justified having regard to all reasonable alternatives? (b) By what means will the Council be satisfied that capacity is available to accommodate a development in Wimblington or Doddington?

Q12. Does the Local Plan sufficiently identify the size, type, tenure and range of housing that is required in particular locations so that it is clear how a decision maker should react to a development?

Matter 3 – Housing Growth and Meeting Housing Need

Q1. Is the distribution of housing between the various settlements justified particularly having regard to past completion rates in the towns?

Q2. Policy CS3 clarifies that development in 'Small Villages' and 'Other Villages' will normally be limited in scale to 'residential infilling'. Policy CS12 Part A (a) refers to sites being in or adjacent to the existing developed footprint. Is there any conflict of approach that would result in either policy being ineffective in its application to development in 'Small Villages' or 'Other Villages'?

Policy CS4 Housing

Q3. Is the use of approximate targets (rather than minimum dwelling numbers) a sound approach? Is the Core Strategy positively prepared in relation to the provision of housing?

Q4. Policy CS4: Part B states that large scale housing proposals away from identified specific or broad locations for sustainable growth will be refused. Is this approach consistent with the NPPF and Policy CS1?

Q5. Is the planned growth in villages (1203 dwellings) reliant on proposals that would increase the number of dwellings in the village by 10% or more and thus require evidence of strong local community support? If so, is the planned growth for 'other locations' realistic and deliverable?

Q6. Is the expected delivery of 2265 dwellings through Policy CS4 – Part B (windfall development) sites realistic and justified?

Matter 4 - Affordable housing

Q1. The Cambridge sub-region SHMA 2012 identifies a current affordable housing need 2011 to 2031 of 7927 dwellings (based on 2011/12 data). This incorporates a current need of 3,512 homes. Paragraph 3.5.8 of the Submission Local Plan refers to the SHMA: 2009 which identifies a need for 693 dwellings to be affordable per year in the district. Will Policy CP5 be effective in delivering sufficient housing to meet the identified affordable housing needs of the district? How is the backlog to be addressed?

Q2. Are the percentage requirements of affordable housing to be provided justified and based on up-to-date and robust evidence? Are they supported by the viability assessment evidence?

Q3. Is it reasonable to require a developer to pay the Council its costs in checking a viability assessment?

Matter 5 – Gypsy & Traveller accommodation and Travelling Showpeople.

Q1. Policy CS7 (q) requires a small area to be set aside for gypsy and traveller provision. Are sites in urban extensions likely to be effective in meeting the needs of the gypsy and travelling community? If the requirement is to provide the land to the Council at nil cost, will all provision made through this method be socially rented? Does this accord with the needs of the gypsy and traveller community as set out in the GTANA (Gypsy Traveller Accommodation Needs Assessment)?

Q2. Is Policy CS5, Part D consistent with the NPPF and Planning Policy for Traveller Sites (PPTS), particularly in respect of Part D (b) and the wider sustainability benefits derived from a settled base set out in paragraph 11 of PPTS?

Matter 6 – Employment, Tourism, Community Facilities & Retail (Policy CS6)

Q1. Is the jobs growth target set out in Policy CS6 together with the consequential provision of employment land derived from the most up-to-date evidence based and an objective assessment of the economic forecasts in the area?

Q2. What constitutes an appropriate marketing exercise for the purposes of Policy CS6?

Q3. Is the retention of high quality land and premises currently or last in use for employment purposes consistent with the NPPF, in particular paragraph 22?

Proposals for Places

Matter 7 – Urban Extensions (Policy CS7)

Q1. The development of urban extensions requires a comprehensive and coordinated approach. Are the anticipated timescales for delivery of these comprehensive schemes realistic?

Q2. (a) Is Policy CS7 clear in terms of the requirements that proposals would need to satisfy?
(b) Is it sufficiently flexible to ensure that sites are not subject to a scale of obligations and policy burdens that their ability to be developed viably is threatened?
(c) Does this policy provide a clear indication of how a decision maker should react to a development proposal in accordance with paragraph 154 of the NPPF?

Q3. Policy CS7 requires approval of a comprehensive scheme by the Planning Committee (if not through a SPD) prior to applications being considered favorably. Could this potentially introduce unnecessary delay in applications coming forward? Is Policy CS7 sufficiently flexible to enable a developer to submit a planning application for all or part of the site, when for example, it is accompanied by a comprehensive scheme albeit not previously approved by committee or a SPD?

Matter 8 – Wisbech (Policy CS8)

Q1. Will the LP be effective in delivering the targeted provision of 3000 dwellings in Wisbech, given that the Council identify a need for further master planning to determine more precisely the growth potential of Wisbech, as set out in Policy CS4 (Part A)?

Q2. Is it reasonable for new development to have an exceptionally strong focus on the provision of deliverable measures which would result in a modal shift to sustainable transport modes for residents and workers of existing communities in addition to those of new development? How will the Council determine where such measures may or may not be possible through a development?

Q3. Is the development of South Wisbech (broad location for growth) for predominantly business purposes likely to provide the infrastructure required?

Q4. Will the development of West Wisbech be a viable option given flood risk considerations and transport infrastructure requirements?

Matter 9 - March (Policy CS9)

Q1. (a) Is it clear how the Sustainability Appraisal influenced the final plan, particularly in relation to the changes between the Preferred Options / Proposed Submission Core Strategy (February 2013) that included the North East March allocation and the subsequent distribution of housing to the South West March (broad location for growth) and windfall development? (b) Are the locations for new urban extensions the most reasonable having regard to all the alternatives?

Q2. In order to accommodate the proposed growth, improvements are required to several Wastewater Treatment Works (WwTW) to ensure that the increased waste water flow discharged does not impact on the current quality of the receiving watercourses, their associated ecological sites and also to ensure that the watercourses can still meet with legislative requirements. The Stage 2a assessments have shown that improvements beyond conventionally applied technology are required in March WwTW (due to water quality). What implications, if any, is this likely to have on the deliverability and phasing of planned growth in March?

Matter 10 - Chatteris (Policy CS10)

Q1. Are the sites identified in Chatteris the most suitable when considered against the reasonable alternatives and deliverable?

Q2. Is sufficient land incorporated for industrial / commercial expansion?

Matter 11 – Whittlesey (Policy CS11)

Q1. In order to accommodate the proposed growth, improvements are required to several Wastewater Treatment Works (WwTW) to ensure that the increased waste water flow discharged does not impact on the current quality of the receiving watercourses, their associated ecological sites and also to ensure that the watercourses can still meet with legislative requirements. The Stage 2a assessments have shown that improvements beyond

conventionally applied technology are required in Whittlesey (due to physical constraints in the Middle Level drainage area). What implication, if any, is this likely to have on the deliverability and phasing of planned growth in Whittlesey?

Matter 12 - Rural Areas (Policy CS12)

Q1. Should Policy CS12 refer to the need to consider the impact of development on the significance of heritage assets in rural areas?

Q2. Policy CS12, Part A supports new development in villages subject to a number of criteria. A criterion (a) requires the site to be in or adjacent to the existing developed footprint.

- (a) Is the policy contradictory in terms of the location of development?
- (b) Is the definition of the footprint of a village unduly restrictive / consistent with the presumption in favour of sustainable development?
- (c) Is the wording consistent with the implementation and monitoring Framework which will measure the number of net additional dwellings in open countryside 'not adjoining an existing settlement'?

Q3. Is Policy CS12 and the supporting text, consistent with the NPPF in terms of:

- (a) the Council's approach to development in the countryside (see Part A (c))? The NPPF refers to local planning authorities 'recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it' rather than 'strictly controlling it'⁴?
- (b) Part A (g)? The NPPF refers to heritage assets (as does Policy CS6);
- (c) Part A (i) having regard to paragraph 112 of the NPPF?
- (d) Part B (b) which requires applicants to demonstrate there is no demand for the use of rural buildings for employment purposes prior to consideration of residential use?

Q4. Is the requirement to demonstrate evidence of strong local community support for schemes within or on the edge of a village which would increase the number of dwellings in the village by 10% or more or for non-dwellings exceed the specified floorspace or operational area, justified locally?

Matter 13 - Delivering Infrastructure

Q1. Will the LP be effective in delivering the infrastructure required to support the growth envisaged in Fenland?

Matter 14 - Climate Change and Flooding

Q1. Is Policy CS14 Part B requirement for sequential tests for all developments in Flood Zone 2 & 3 consistent with the NPPF?

Q2. Are the requirements set out in Policy CS14, Part A that are aimed at minimizing resource consumption above and beyond what is required by Building Regulations and / or other standard planning policies justified locally?

⁴ Paragraph 17 (5th bullet point)

Q3. Where surface water on a site can be discharged into Internal Drainage Board drainage systems there would be a conflict with Policy CS14, Part B. Would this conflict with the aims and objectives of the policy?

Matter 15 - The Historic Environment

Q1. The NPPF refers to the significance of heritage assets? Is the current wording of Policy CS18 consistent with NPPF?

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