

AGENDA ITEM NO. 4

COUNCIL

Date **30 May 2013**

Title **Fenland Core Strategy – Motion Submitted to Council**

1. PURPOSE/SUMMARY

A motion has been put to Council which seeks to rescind part of the Fenland Core Strategy as agreed by Council on 24 January 2013.

Council needs to consider the Motion and determine whether the Motion succeeds or fails. This report sets out some officer comments to assist Members in their deliberations.

2. KEY ISSUES

- The Core Strategy was agreed by Council on 24 January 2013 to be consulted upon for the final time before being 'submitted' to the Secretary of State so that a period of independent Examination can be undertaken on it.
- The consultation has duly taken place (ending on 10 April 2013).
- The motion to be put to Council reads as set out on the following page, and a hard copy of the Motion has been signed by the following Members:

Proposed by: Alan Melton

Seconded by: Chris Seaton

Supporters (10): Peter Tunley, Jan French, Rob Skoulding, Mike Cornwell, Fred Yeulett, Trevor Quince, Peter Murphy, Mac Cotterell, Paul Jolley and Ralph Butcher.

3. RECOMMENDATION(S)

It is recommended that Council considers the Motion and determine whether it succeeds or fails.

Wards Affected

All

Forward Plan Reference No. (if applicable)	
Portfolio Holder(s)	Cllr Alan Melton – Leader Cllr Chris Seaton – Deputy Leader Cllr Peter Murphy – Growth and Environment
Report Originator	Richard Kay – Neighbourhood Strategy Manager Gary Garford – Corporate Director
Contact Officer(s)	Richard Kay – 01354 622347 Gary Garford – 01354 622373
Background Paper(s)	Cabinet Agenda Papers of 24 March 2011, 30 June 2011, 10 May 2012, 21 June 2012 and 24 January 2013.

Written Motion

We the undersigned move the following resolution:

This motion refers to the decision of the Council on the 24th January 2013 reference 53/12 Fenland Core Strategy - Proposed Submission Version.

Subsequent to local community concerns related to the March North East housing allocation; that the previous decision in respect of that allocation be rescinded, and that the allocation be removed from the Core Strategy.

As such, if this Motion succeeds, the following matters will take place:

- a) allocation removed from the Policies Map;
- b) allocation removed from the March Key Diagram (page 47 of the Core Strategy);
- c) policy wording together with the notional allocation of 450 homes be removed from Policy CS9 (page 44-45 of the Core Strategy);
- d) the provision of locally enhanced open space, leisure and recreational facilities related to the allocation be removed;
- e) the contribution towards delivery of local transport and infrastructure be removed;
- f) the windfall allowance (i.e. housing coming forward on unallocated sites) be increased for the rest of March by 250 homes, from 350 to 600;
- g) the notional target for the number of homes coming forward at the broad location for growth at south-west March be increased from 300 to 500;
- h) any other consequential changes to the Core Strategy and supporting documentation be made; and
- i) the overall district housing target (11,000 new homes), and the overall housing target for March (4,200 new homes) be retained.

A map identifying the allocation to be deleted is set out at Appendix A.

Further, this Motion requires the Council to consult on the above changes made to the Core Strategy (as an addendum to the previously agreed Core Strategy). Once such consultation has taken place, the Core Strategy with addendum shall be submitted to government for independent examination.

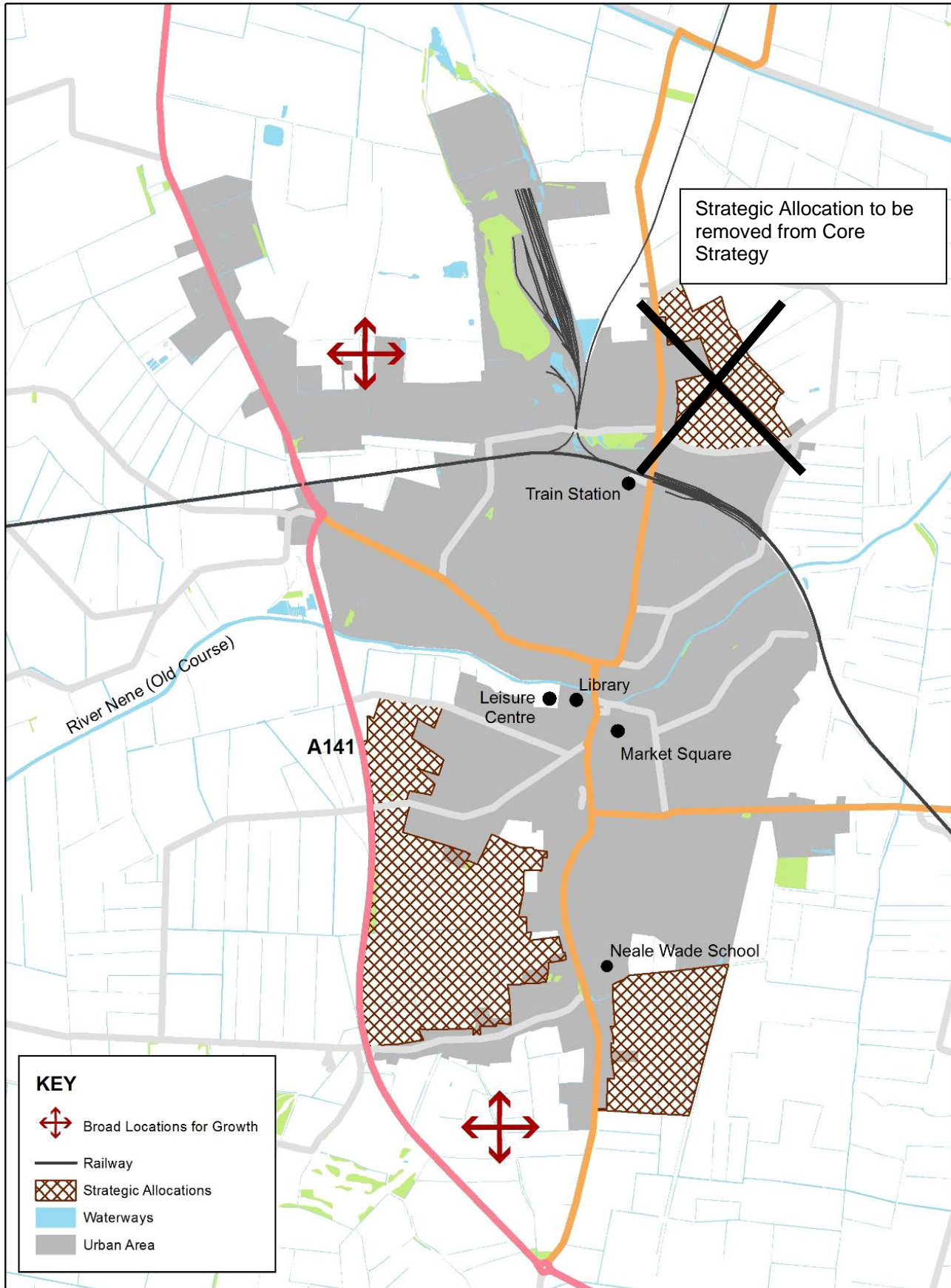
It is acknowledged that if the motion is defeated at Council the existing allocation remains unaltered and the resolution made on 24th January 2013 will stand.

Proposed:






Seconded:

Supported by (a total of 10 members must sign the motion):

Motion Appendix A – Map identifying allocation to be deleted



KEY

-  Broad Locations for Growth
-  Railway
-  Strategic Allocations
-  Waterways
-  Urban Area

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Key Diagram for March

Not To Scale



1. BACKGROUND / INTRODUCTION

- 1.1 Cabinet agreed on 24 March 2011 a new approach to plan making which, in short, was to produce a single and concise all embracing 'Core Strategy' planning policy document.
- 1.2 Following Cabinet approval on 30 June 2011, a draft of such a Core Strategy was issued for consultation in July-September 2011. Cabinet agreed on 21 June 2012 to slightly amend the draft Core Strategy to fit the Governments newly released NPPF and issue it for further public consultation in July-September 2012.
- 1.3 On 24 January 2013, Cabinet and then Council considered a revised Core Strategy (known as the 'Proposed-Submission' version), and agreed that it be issued for public consultation and, following such consultation, be 'submitted' to government for inspection. It was also noted that all consultation comments received were also to be submitted to government. There was no intention, at either of those meetings on 24 January, for the Core Strategy to be reconsidered by Cabinet or Council prior to it being submitted.
- 1.4 However, at the Cabinet meeting of 21 March 2013, the Leader issued a statement which stated that he would, prior to submission to government, be bringing back the Core Strategy to Cabinet and Council in order for Cabinet and Council to reconsider the proposed allocation at N E March (Estover Road). Procedurally, this reconsideration is possible within the framework of plan-making Acts and Regulations as set by government. To enable the Leader's request to meet the constitution of the Council, a duly completed motion was issued on 14 May 2013. This motion needs to be considered by Council today.
- 1.5 Prior to the Council meeting today, Cabinet will have met to consider the Motion. A verbal update on Cabinet's views on the Motion will be given to Council.

Background - The Core Strategy 'headlines'

- 1.6 As a reminder, the headline proposals of the Core Strategy are:
 - A pro growth strategy, focussed on promoting the health and wellbeing of our residents, housing growth and jobs growth
 - Target of 11,000 new homes and 7,200 jobs
 - A flexible, criteria based document, to guide development (rather than being prescriptive about where and when growth should occur)
 - Major growth focussed on our four market towns, with large scale urban extensions at each
 - Policies to ensure proposals are sustainable, and address issues such as design quality, flooding, infrastructure and transport

Background - Outcome of the Recent Consultation (Feb – April 2013)

- 1.7 In accordance with Council approval, the Core Strategy was consulted upon for six weeks from 28 February to 10 April 2013. Full details of what was consulted upon, and how, was set out in the Cabinet agenda report of 24 January and on the Council's website.
- 1.8 The representations which were submitted during the consultation period have now been collated. Other than the matter of the N E March allocation, this agenda item does not report on other comments raised (though see later as to what is recommended to happen to those representations)

1.9 With respect to the N E March allocation, during the recent consultation we received about 80 individual responses and a petition signed by 645 residents objecting to its inclusion in the Core Strategy. (Members will recall that the Council also received a substantial amount of representations in the previous 2012 consultation period). A separate petition from this consultation (comprising 115 signatures and predominantly from north-east March residents) also objects to the amount of housing growth proposed in March generally. In the terms of the specific N E March allocation the representations make the following key points:

- Loss of established public open space and playing fields
- Inadequate infrastructure – roads, sewage, doctors, schools etc
- Increased waiting times at Station Road level crossing
- Traffic congestion increased in town centre
- Loss of high grade agricultural land
- Impact on open countryside
- Distance to Neale Wade Academy
- Should be reallocated to west and south of the town
- Loss of wildlife
- Increased risk of flooding

The Motion

1.10 As can be seen, the motion express a single proposition which can be voted on with a simple 'agree' / 'not agree' vote.

1.11 **If the Motion is Defeated** then the Core Strategy as approved by Council on 24 January 2013 (and subsequently consulted upon) would remain the proposed recommended Core Strategy of this Council and be submitted to government for independent examination within the next two weeks or so.

1.12 It would, therefore, mean the N E March allocation remains allocated subject to consideration by an independent Inspector. By implication, it means the Council 'supports' the allocation, alongside all other allocations and policies, and the Council would defend such an allocation at a public 'Hearing' session later in the year. Objectors (and indeed supporters) would get their chance to persuade the Inspector one way or the other as to whether the allocation remains in the plan.

1.13 There is obviously no certainty as to the outcome of the independent examination, though Members should note that if the issues are finely balanced (i.e. the Inspector can see good arguments to either leave in or take out the site), the Inspector is duty bound to lean on the side of the Council's wishes, which in this case would be to retain the allocation.

1.14 **If the motion succeeds** then a number of actions will take place.

1.15 First, the N E March allocation and associated policy wording will be deleted from the Core Strategy and, of course, taken off the Policies Map. It means the Council no longer supports development in this area (and accepts that the consequential open space improvements which directly arise from that development would not take place via the linked development but, if improvements were to take place, would have to come via a different funding source).

1.16 Second, some adjustments to the housing allocations in March would be amended in the Core Strategy, namely that the broad location for growth in south-west March would increase its notional housing target from 300 to 500 new homes, whilst the notional allowance for 'windfall' development in March (i.e. homes that come forward in March between 2011-31 on

sites not specifically allocated for housing on the Policies Map) would increase from 350 to 600. The effect of these two changes would mean the overall housing target for both March and Fenland as a whole would remain constant despite the deletion of the N E March allocation.

- 1.17 A full set of changes are included at Appendix 1 to this report.
- 1.18 Third, consequential updates to the evidence base will be undertaken. Most importantly, the Sustainability Appraisal (SA) report will be updated and republished to reflect the change in the policies in plan. See further details on the SA below.
- 1.19 Fourth, commencing sometime in June, a six week consultation would take place on the changes made (and any updated evidence base), with these changes being described as an addendum to the Core Strategy. It would not be a full consultation on the whole Core Strategy. What this means is that the representations received in the original Feb-April 2013 consultation will remain valid, but will be supplemented by any additional comments received as part of the consultation on the addendum (N E March area) to the Core Strategy. Advice sought from the Planning Inspectorate and government's Planning Advisory Service confirms that this is an acceptable approach and one which other councils in a similar position have taken. Officers do not recommend any alternative approach, such as abandoning the last consultation round (and comments received) and re-running consultation again on the whole plan.
- 1.20 Fifth, at the close of the consultation, the Core Strategy (including addendum) would be submitted to government and examined by an Inspector. Of course, those whom 'object' to the site being deleted from the Core Strategy will try to persuade the Inspector to put it back in again. If the Inspector agrees it should be put back into the Core Strategy, a recommendation to the Council to that effect will be made by the Inspector and the Council would be duty bound to either accept such a recommendation or, if it refused the Inspector's recommendation, abandon the whole Core Strategy and start again from scratch.

Advice on the merits of the Motion

- 1.21 Members will be aware that, in preparing a Core Strategy, a Council must ensure its proposals are properly evidence based, justified, reasonable and compatible with national policy. In short, the proposals must be 'sound'.
- 1.22 At the point of approving the Core Strategy in January 2013, officers were confident the proposals (including the allocation of the site at N E March) were 'sound'.
- 1.23 However, plan making is not an exact science, and alternative proposals in the Core Strategy could also be considered 'sound'. With specific reference to the N E March allocation, Members will need to be confident that the deletion of the allocation, combined with other amendments to the Core Strategy, is a sound proposition. A number of points in this regard are made:
- 1.24 First, the Sustainability Appraisal (February 2013) concluded, at the high level for March, that "from a sustainability appraisal perspective, growth should be identified in the southern segment first, if possible. Next opportunities could be explored in all three other segments" (page 15, Part 2 of the Sustainability Appraisal report, February 2013). In this regard, therefore, deletion of the N E March allocation and a further concentration of growth to the south could be considered compatible with the high level Sustainability Appraisal.

- 1.25 Second, the Sustainability Appraisal then looked at more detailed site options for March (page 56-95, Part 2). This concluded that N E March was a suitable site to take forward. However, it is worth noting that, of all the sustainability criteria used to assess various candidate sites, the N E March site scored poorly (i.e. 'red' or 'orange') on 11.5 criteria, which was worse than two other allocated sites of S E March (5.5) and W March (6.5). It scored the same as the allocated S W March, though it is fair to say that some of the negative issues with S W March would likely be overcome due to the scale of growth, and subsequent provision of local services etc, in the broad southern segment of March; and more so than what is likely to be overcome for N E March due to the relatively small scale of growth proposed there.
- 1.26 It is therefore not unreasonable, when considering the four main locations currently identified for growth in a March, one may conclude that the N E March site is the least sustainable. However, it must be stressed that Sustainability Appraisal is not an exact science, and counting positive and negative scores from an appraisal should not blindly lead the reader to picking one location over another. Nevertheless, it does give an indication that whilst N E March site may be a reasonable location for growth, it is perhaps not the most sustainable compared with other choices, and therefore, if a choice can be made, it would not be unreasonable to discount the N E March site in favour of alternatives, from a sustainability perspective.
- 1.27 As such, the Sustainability Appraisal reports will, if the site is deleted, only require minimal updating, broadly along the lines that, in sustainability terms, whilst the N E March site scores reasonably well and could come forward for development, alternative and better or equally suitable options exist for delivering the growth required at March, and thus the site at N E March is not required.
- 1.28 Third, it needs to be assessed whether it is reasonable for the 450 homes 'lost' through the deletion of the site can be made up through adding 200 homes to the S W March allocation and 250 to the windfall allocation.
- 1.29 Adding 200 homes to S W March appears entirely reasonable. The initial allowance of 300 homes in this area was always conservative based on the potential land available. Subject to detailed masterplanning, it appears entirely reasonable 500 could come forward on the site. The element of doubt is probably more to do with deliverability, and whether the site can come forward and deliver 500 (or more) in the plan period to 2031. This is always difficult to predict, but, provided good momentum is made on other sites in southern March, there is a reasonable prospect of doing so. Nevertheless, it will need careful monitoring over the years to ensure it remains on track.
- 1.30 Adding 250 homes to the windfall allowance for March, from 350 to 600, is difficult to assess. It amounts to an average of 30 homes per year coming forward on unallocated sites, anywhere from a 1 dwelling infill to a large site of 250 or more, and could be within the town or on the edge of the town (such as to the east, which scored well in the Sustainability Appraisal but was not taken forward as an allocation as, to date, there has been no significant developer interest). Whilst a 350 (or 17 per year) allowance was considered a conservative estimate, 600 is considered optimistic. Nevertheless, it is not considered unrealistic and could be achievable. Again, careful monitoring will be required to ensure this target remains on track.
- 1.31 Fourth, and linked to the above issues, by removing a site from being allocated and redistributing the numbers 'lost' to existing allocations (i.e. rather than allocating a new site somewhere else) means that whilst the overall growth is still achieved less land is used to do

so. This has considerable sustainability benefits of making efficient use of land and reducing the loss of agricultural land, which in the case of N E March is predominantly Grade 2 ('very good'). It is also useful to note, as pointed out in the published Sustainability Appraisal report, the south and east of March (where other allocations are located) are a mixture of Grade 2 and 3, therefore land quality is still good but not quite as good as N E March.

- 1.32 Fifth, one element of risk with the allocation of the N E March site always was the issue of the playing fields (and the potential loss of them). Whilst the Core Strategy as currently written strives to enhance such facilities, Members may feel that, on balance, the risk of loss (part or whole) of such facilities can not be completely mitigated through policy and therefore, on balance, would prefer to not allocate the site and not risk the loss of the important facility. Of course, the flip side to this point is that by not allocating the site will mean that development in that locality would not take place and thus enhancements to the facilities will also not come forward (unless other funding means are secured outside of the planning system).
- 1.33 Sixth, aside from sustainability issues and deliverability issues as described above, it is worth noting that a Council, when faced with several reasonable alternative sites, can choose one site over another. It does not have to allocate all available land if does not need to. In this regard, it is not unreasonable for the Council to decide that, on balance, the merits of allocating the N E March site are not seen as favourable as other sites, and therefore can decide not to allocate it.

Wider Implications

- 1.34 Members should be mindful that, if the Motion is successful, there will be other wider implications to be aware of, especially:
- Delay to the Core Strategy: The delay will probably be around 4 months, to allow for the extra six week consultation, the preparation of new documents and communications and the necessary revisions to the evidence base documents. This means adoption of the Core Strategy will slip from December 2013 to April 2014 at the earliest.
 - Delay to other policy preparation: Members will be aware that, alongside the Core Strategy, more detailed technical planning policy was being prepared or refreshed, such as an update to the Wind Turbines policy. Unfortunately, the timing for these will also slip because they are designed to support an adopted Core Strategy.
 - Financial: any further consultation on the Core Strategy will, of course, have some financial implications such as printing, advertisements in the press and postage costs.

2. CONCLUSIONS

- 2.1 Council should consider the Motion, together with the advice of Officers in this report, and determine whether the Motion should succeed or fail.

Appendix 1 – full list of changes

Please note that these amendments relate to policy areas and key parts of the document. Further minor amendments will be required to the supporting text.

Amendment (1): Policy CS9 – March (Page 44 of the February 2013 version)

Policy CS9 – March

March, alongside Wisbech, is a focus for housing, employment and retail growth. All development should contribute to maintaining and improving March as a strong, safe and community focussed market town, preserving, enhancing and making appropriate use of its heritage assets to benefit its regeneration and sense of place.

There is a strong desire to provide a new multi-functional country park in March as a town and district-wide facility. The Council will explore options to assess the deliverability of a country park, with the chosen site to be determined on financial and deliverability grounds in addition to its potential for achieving a successful country park.

New urban extensions to March will be supported in the following locations:

~~**North-east March (open space, play and enabling development – strategic allocation):** This area, as identified on the Policies Map, currently serves, in part, as an important community area for open space, leisure and recreation. The remaining area is predominantly under agricultural use. The Council's vision for this area is for enhanced open space, leisure and recreational facilities, both in terms of size and quality of such facilities.~~

~~In order to deliver such enhancements, and to help contribute to the wider growth requirements of this Core Strategy, new housing-led development will also be permitted in this overall allocated area, in accordance with Policy CS7.~~

~~For the avoidance of doubt, no new development will be permitted if there is no net gain in open space, leisure and recreational facilities within the allocation area.~~

~~A Transport Assessment will be required as part of a comprehensive delivery scheme and planning application for this site. Such an assessment may find that for this allocation site to proceed it will require the delivery of, or a contribution towards the delivery of, a northern link road as identified in the March Market Town Transport Strategy.~~

~~The comprehensive delivery scheme prepared in accordance with Policy CS7 for this allocation will determine, amongst other matters:~~

- ~~• the precise quantity, quality and location of open space, play and recreation facilities in this locality (which may, in whole or part, not necessarily be located in the area currently serving this function, but would be located within the allocation area);~~
- ~~• the quantity of housing growth (and any other uses), though it is envisaged that around 450 new dwellings will be forthcoming in this area;~~
- ~~• key on and off site infrastructure needs (such as access and transport arrangements, including good cycle and pedestrian links provided towards the town centre and railway station), including an appropriate timetable linked to development phasing;~~
- ~~• the demarcation/safeguarding of the Fens Causeway; and~~
- ~~• the provision of suitable landscaping along the north and eastern boundary of the area.~~

South-east March (strategic allocation):

[no change to policy for this site]

South-west March (broad location for growth): this area is located to the east of the A141, south of Knights End Road and west of the B1101. It is expected the area will be predominantly residential (around ~~300~~ 500 dwellings), but also include some business development, probably in the southern part on the west side of the B1101. The most important archaeological features should be retained

and used for informal open space or other uses which preserve their integrity. The setting and character of Barn Owl Lodge should be retained. Noise and landscape mitigation measures should be provided along the A141 as appropriate. The design of the development at the southern end of the area will be particularly important as a key gateway entrance to the town.

West March (strategic allocation):

[no change to policy for this site]

March Trading Estate (broad location for growth):

[no change to policy for this site]

[no change to remaining parts of the Policy].

Amendment (2): Remove the N E March allocation from the Policies Map

Amendment (3): Amend March Key Diagram (page 47 of the February 2013 Core Strategy) to as follows:

