

**AGENDA ITEM NO. 14**

**COUNCIL**

**Date**            **8 MAY 2014**

**Title**            **FENLAND LOCAL PLAN (FORMERLY KNOWN AS FENLAND CORE STRATEGY) – VERSION FOR ADOPTION**

**1. PURPOSE/SUMMARY**

For Council to consider and adopt the attached Fenland Local Plan (and associated Policies Map) as recommended by Cabinet.

**2. KEY ISSUES**

- The Local Plan sets the planning framework for the district to 2031, including growth targets for housing and other matters, as well as other planning policies. It was formally known as the Fenland Core Strategy Local Plan, but is recommended to be renamed simply as the Fenland Local Plan.
- It will replace the current Local Plan (1993) and some other planning policies and guidance notes.
- The Local Plan has been found SOUND by an independent inspector, subject to some modifications, and therefore is now able to be adopted by the Council.
- Cabinet, at its meeting of 24 April 2014, has recommended that Council adopts the Local Plan and associated Policies Map.

**3. RECOMMENDATION(S)**

It is recommended that:

1. Council agrees to rename the Fenland Core Strategy as the Fenland Local Plan.
2. Council notes, at Appendix A, the conclusions of the independent Inspector and accepts all the recommendations she makes.
3. Council adopts the attached Local Plan (Appendix B), which incorporates (a) all the 'main modifications' (listed at Appendix C) as recommended by the Inspector and (b) all the 'additional (minor) modifications' as listed at Appendix D.
4. Council adopts the Policies Map as set out at Appendix E (available on the website and as a hard copy at the meeting only).
5. Council revokes a wide range of current planning policy as set out at section 7.1 of the Local Plan.

**Wards Affected**

All

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

# 1. BACKGROUND / INTRODUCTION

## Introduction

- 1.1 First, to ensure the Core Strategy fits with the terminology of the National Planning Policy Framework (NPPF) (2012), the National Planning Practice Guidance (2014) and the Local Planning Regulations (2012), it is proposed that the Fenland Core Strategy hereafter be known as the Fenland Local Plan. The phrase 'Core Strategy' was something government promoted prior to the publication of the above guidance and regulations, and was generally used when a council was to prepare a collection of planning policy documents. Such guidance has changed and the phrase 'Core Strategy' is no longer mentioned in national policy and is now somewhat regarded as dated. In addition, if used, it would imply to most readers (certainly those in the development industry) that a council was subsequently to also produce other 'top tier' development plan documents, such as a Site Allocations DPD. Fenland District Council has no need or intention to do so.
- 1.2 As such, to ensure the new plan fits with the latest government terminology and to avoid any confusion as to whether the Council is to prepare other plans, it is proposed that throughout the document the phrase Fenland Local Plan is used. If agreed, this message will be clearly communicated to all parties at the same time as confirming the adoption of the Local Plan, and the website and other associated material will be updated accordingly.
- 1.3 Second, we turn to the Fenland Local Plan (formerly known as the Fenland Core Strategy).
- 1.4 The preparation of the Fenland Local Plan has reached its final stage. Following considerable public consultation, commencing in early 2011, and a period of independent examination, we have now reached the stage where Council has to decide whether to adopt the Local Plan as part of its major policy framework.
- 1.5 As a reminder of the process to get to this stage, Council will recall that Cabinet agreed on 24 March 2011 a new approach to plan making which, in short, was to produce a single and concise all-embracing planning policy document, rather than producing over time a collection of separate planning policy documents. This plan, it was agreed, would contain a limited number of policies, plus complementary guiding key diagrams, against which all development proposals can be considered. It was very much proposed to be a 'strategic' rather than 'detailed' plan.
- 1.6 Following Cabinet approval on 30 June 2011, a draft of such a plan was issued for consultation in July-September 2011.
- 1.7 Following the publication of the NPPF in March 2012, Cabinet agreed on 21 June 2012 to slightly amend the draft plan to fit the NPPF and issue it for further public consultation in July-September 2012.
- 1.8 Through these consultation periods, Members have received from time to time briefings on the latest progress with preparing the document.
- 1.9 Following approval by Council on 24 January 2013 and 30 May 2013, the 'Proposed Submission' version, and the subsequent 'Proposed Submission Addendum', were consulted upon in Feb-March 2013 and June-August 2013 respectively. Comments received at these two stages were passed to an Inspector, alongside a 'Submission' version of the plan, in September 2013. The Inspector subsequently 'examined' the plan, including holding hearing sessions between 9<sup>th</sup>-13<sup>th</sup> December 2013.

- 1.10 On 9 April 2014, the Council received the Inspector's Report which sets out a series of recommendations in respect of the Local Plan (see Appendix A for the full Report).
- 1.11 In short, the Inspector finds the Local Plan 'sound' provided a number of main modifications are made, and this opens the way for the Council to adopt the Local Plan.
- 1.12 If adopted by Council, this will be a major achievement and success for the Council, and something which the Council should be very proud of. It will have in place an up-to-date planning policy framework which will steer growth, regeneration and investment in the district for many years to come. It will be the first Council in Cambridgeshire to have put in place such a plan since the shake-up of the planning system following the publication of the NPPF in March 2012.
- 1.13 If adopted, it will become part of the statutory development plan, and, as such, will be part of the Council's major policy framework. It will replace the existing Fenland Local Plan (1993) as well as other 'second-tier' policies as set out at section 7.1 of the Local Plan.

### **The Inspector's Role and the 'Inspector's Report'**

- 1.14 Government regulations stipulate that an Inspector must be appointed by the Secretary of State to undertake an 'Examination' of a proposed Local Plan, and consider all comments and objections that have been made. The Inspector normally holds a 'Hearing' session as part of the Examination process. The Inspector then subsequently issues an 'Inspector's Report' which must state, in simple terms, either:
- (i) That the Local Plan is 'unsound', and that it is impossible for changes to be made to make it 'sound' - under this scenario the Council is not permitted to adopt the Local Plan;
  - (ii) That the Local Plan is 'sound', provided (in most instances) that certain changes as recommended by the Inspector are made to the Local Plan before it is adopted.
- 1.15 We are very pleased to report that the Inspector, Claire Sherratt DIP URP MRTPI, who was appointed to examine the Fenland Local Plan, has found our plan 'sound' and, in effect, given permission to the Council to adopt the Local Plan provided her recommended changes are incorporated into the final adopted version of the Local Plan. Her full report is attached at Appendix A.
- 1.16 It is, however, worth highlighting some of the comments made by the Inspector in her report:
- Para 14 "Good working relationships have been formed with stakeholders and statutory consultees."
  - Para 15 "...it is clear that Fenland District Council has engaged constructively, actively and on an on-going basis during the preparation of the [Local Plan]"
  - Para 31 "Overall, the overarching strategy is justified, locally distinctive and appropriate for Fenland."
  - Para 98 the Local Plan "sets out a clear economic vision and strategy for the area"
  - Para 117 and 129 "...the Council's strategy for development in Wisbech is robust and justified..." and "...the overall strategy for development in March is appropriate..."
- 1.17 The list of recommendations the Inspector makes are known as 'main modifications' which the Council must accept in full if it wishes to adopt the Local Plan.

- 1.18 Separately, a Council is permitted to make as many 'additional modifications' (often known as 'minor modifications') as it sees fit, and usually consists of typos or factual updates (Note: to quote the law more precisely, a Local Plan can be adopted with "*additional modifications if the additional modifications (taken together) do not materially affect the policies...in the document...*"). A schedule of such 'additional modifications' is set out at appendix C, and is recommended for incorporation in the Local Plan to be adopted (and have been included in the version of the Local Plan as attached at appendix B).

### **Adoption of the Fenland Local Plan**

- 1.19 Cabinet considered the various documents on 24 April 2014 and recommended that Council should adopt the Fenland Local Plan. Attached at Appendix B is the version which Council is asked to adopt. This version incorporates all of the recommendations ('main modifications') made by the Inspector plus all of the 'additional modifications' as recommended by officers.
- 1.20 To be absolutely clear on this matter, Council can only support or reject the version as at Appendix B, other than not including some or all of the 'additional modifications' or decide to add any new 'additional modifications'. Further substantive changes (additions or deletions) are no longer permitted.
- 1.21 If the Council support the Local Plan as per Appendix B (subject to any changes to the 'additional modifications' incorporated), then the document is 'adopted'.
- 1.22 If the Council does not agree the Local Plan as per Appendix B, then, in accordance with the regulations, the Council is not obliged to adopt it. The Council may choose to 'withdraw' the Local Plan. Effectively, under this scenario, the Council would need to commence the preparation of a new Local Plan which would follow the same cycle of extensive consultation and examination. In the meantime, the 1993 Fenland Local Plan would remain in place and the non-adopted Local Plan would have no status whatsoever.

### **Consultation, Examination Period and Legal Challenge**

- 1.23 Extensive consultation since 2011 with the public and a wide variety of other stakeholders has taken place. The Inspector agreed that we had undertaken appropriate consultation.
- 1.24 There is no opportunity for further consultation or comment on the plan, and the Inspector's Report is not subject to any form of consultation or comment.
- 1.25 The only course of action for any party which feels aggrieved by the adoption of the plan would be through a legal challenge of the plan. Such a legal challenge must be lodged within 6 weeks of the plan being adopted. Whilst rare, such challenges do occur, though officers are not aware of any potential challenge at this stage.

### **The Policies Map**

- 1.26 Legally, the Council must have a 'Policies Map' for the entire district, set out on an OS based map. A Policies Map must "*illustrate geographically the application of the policies in the adopted development plan*" (Regulation 9 of the 2012 Local Planning Regulations). It is a separate legal document to the Local Plan, but if a Local Plan (or other development plan document) proposes land use changes, then the Council must make those changes on the Policies Map.

- 1.27 However, because the Local Plan for adoption has predominantly criteria based policies, with only large sites of 250+ being allocated (rather than also including lots of smaller development sites), then Fenland's Policies Map is somewhat simpler than many other authorities Policies Maps.
- 1.28 The Policies Map forms part of the Council papers, and is recommended that Council adopt it alongside the Local Plan. Due to their large size these maps will be displayed at the Council meeting, and is also available on the website.

## **2. EFFECT ON CORPORATE OBJECTIVES**

- 2.1 The Local Plan is central to the delivery of many of the Council's corporate objectives.

## **3. COMMUNITY IMPACT**

- 3.1 The Local Plan will have a major impact on all communities across Fenland, in terms of, for example, improving their health and wellbeing, economic prospects, meeting housing needs, the quality of the environment in which they live and what services and facilities are provided.

## **4. CONCLUSIONS**

- 4.1 Council is recommended to adopt the attached Local Plan and Policies Map.