



The Planning Inspectorate

---

# Report to Fenland District Council

by **Claire Sherratt DipURP**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 9<sup>th</sup> April 2014

---

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO  
FENLAND DISTRICT COUNCIL CORE STRATEGY  
LOCAL PLAN**

Document submitted for examination on 4 September 2013

Examination hearings held between 9 December and 13 December 2013

File Ref: PINS/D0515/429/4

## Abbreviations Used in this Report

AA	Appropriate Assessment
AHVA	Affordable Housing Viability Assessment
CCC	Cambridgeshire County Council
CSLP	Core Strategy Local Plan
DAB	Development Area Boundary
DPD	Development Plan Document
EEFM	East of England Forecasting Model
GTANA	Gypsy & Traveller Accommodation Needs Assessment
HMA	Housing Market Area
LDS	Local Development Scheme
LEFM	Local Economy Forecasting Model
MM	Main Modification
NPPF	National Planning Policy Framework
ONS	Office of National Statistics
PPTS	Planning policy for traveller sites
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
RSS	Regional Spatial Strategy

## **Non-Technical Summary**

This report concludes that the Fenland District Council Core Strategy Local Plan is sound and provides an appropriate basis for the planning of the District to 2031 providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan.

All of the modifications to address this were proposed by the Council. With the exception of three suggested modifications and one in part, which I consider to be unnecessary, I have recommended their inclusion after considering the representations from other parties on these issues.

The modifications can be summarised as follows:

- Requirement for Health Impact Assessments to accompany major applications to reflect the particular circumstances relating to health and wellbeing in Fenland;
- Modifications to ensure consistency between Policy CS3 and other policies concerning the location of development and to reflect that development on the edge of identified settlements is generally supported through urban and Growth Village extensions;
- Deletion of references to any need to carry out master planning of strategic sites in Wisbech to reflect the up-to-date position that removes any uncertainty in respect of delivery in Wisbech;
- Modifications to update the latest SHMA information in relation to affordable housing;
- A requirement for a broad concept plan to be provided for proposals for urban extensions rather than a detailed comprehensive delivery scheme, to be considered either prior to or alongside a planning application at the discretion of the developer;
- Provision to demonstrate that any requirement set out in Policy CS7 for Urban Extensions is not viable to ensure deliverability is not prejudiced;
- Various modifications to ensure heritage assets are satisfactorily considered;
- Various modifications to reflect the views of the Environment Agency to ensure flood risk matters are fully considered and confirmation that a Supplementary Planning Document will be produced;
- Increase the threshold of housing permitted in Growth Villages (without a requirement to demonstrate local support) to 15% to reflect the settlement hierarchy;
- Modifications to ensure consistency between the CSLP and the Infrastructure Delivery Plan;
- Modifications to clarify what information should accompany applications where landfill gas and land contamination are likely to arise or is suspected;

- Update of Housing Trajectory and supporting text to reflect latest Monitoring Report.

## Introduction

1. This report contains my assessment of the Fenland District Council Core Strategy Local Plan (CSLP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the CSLP's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the CSLP is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Fenland Local Plan Core Strategy Submission Version (September 2013) which is the same as the document published for consultation (February 2013) incorporating the amendments as set out in the Proposed Submission Addendum (June 2013).
3. My report deals with the main modifications that are needed to make the CSLP sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the CSLP unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix. I have adopted the same numbering as the schedule produced by the Council which uses a prefix that relates to the relevant chapter number within the CSLP followed by the modification number.
4. The main modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and this schedule has been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report. I have concluded one part of main modification MM3/13 and main modifications MM3/06 and MM3/07 relating to Policy CS4, MM5/03 in relation to Policy CS14 are not necessary to make the CSLP sound and so these are deleted from the attached Appendix. The participatory processes and sustainability appraisal that has been undertaken is not undermined as a consequence.
5. Planning Practice Guidance (practice guidance), a new suite of guidance on development management and a range of other topics, was published by the Government on 6 March 2014. Also on 6 March 2014 the previous planning practice guidance documents that are replaced by the new guidance were cancelled. The new guidance applies to all local or neighbourhood plans which have been submitted for examination as well as those which are in preparation at the date of publication of the guidance. There are no transitional provisions. The new practice guidance does not change policy and it is not considered necessary to refer back to the Council or other interested parties.

## Assessment of Duty to Co-operate

6. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the CSLP's preparation.
7. The Cambridgeshire Districts and County Council have a long track record of co-operation. This co-operation is formalised through the issue of the Joint Statement on the Development Strategy for Cambridgeshire and the Cambridgeshire and Peterborough Joint Strategic Planning Unit.
8. The Cambridgeshire and Peterborough Memorandum of Co-operation (CD0017) has been produced jointly by Cambridge City Council, South Cambridgeshire District Council, East Cambridgeshire District Council, Cambridgeshire County Council, Huntingdonshire District Council, Fenland District Council and Peterborough City Council. The overarching aim of the Memorandum is to provide additional evidence that the Duty to Co-operate has been addressed. It does this by demonstrating that the emerging district-level development strategies contribute to an area-wide strategic vision, objectives and spatial strategy, and by addressing strategic spatial planning issues across the area. It takes account of several different functional geographies which overlap the Cambridgeshire and Peterborough area. These include the Greater Cambridge Greater Peterborough Local Enterprise Partnership area, the respective Housing Market Areas (HMAs) for Cambridge and Peterborough, as well as the business planning areas covered by utilities providers and other stakeholders.
9. The key objective of the strategy is to secure sustainable development by locating new homes in and close to Cambridge and Peterborough and to other main centres of employment, while avoiding dispersed development which increases unsustainable travel and restricts access to key services and facilities. The Memorandum incorporates at Appendix 1, the joint statement on 'Objectively Assessed Need for Additional Housing' relating to the Cambridge HMA (CD0016). It addresses housing apportionment within the HMA. The Cambridge Sub Region HMA comprises all five Cambridgeshire districts plus the west Suffolk districts of Forest Heath and St Edmundsbury. Due to its historic and functional ties with Cambridgeshire, plus its own HMA overlapping with the Cambridge HMA, Peterborough City Council has and continues to collaborate with these local authorities.
10. The output of the collaboration between these authorities, including Peterborough is a new chapter of the Strategic Housing Market Assessment (SHMA), which identifies the scale and mix of housing needed across the area by 2031 (and extending to 2036 for Huntingdonshire). Integral to this is a separate Technical Report 'Population, Housing and Employment Forecasts' (CD046), which provides an overview of the national, sub-national and local data drawn upon to inform the levels of housing need set out in the SHMA.
11. Since 2007 partnership working arrangements have been in place between Fenland District Council, the Highways Agency and Cambridgeshire County Council to identify and assess the transport impacts of the Fenland Local Plan.

12. To the east of northern Fenland, the administration boundary between Fenland in Cambridgeshire and the Borough of King's Lynn and West Norfolk, in Norfolk, includes a section which runs very close to and partially inside, the urban boundary of Wisbech. The close working between the two areas was formalised in 2010 through an agreed note signed by lead Portfolio Holder Members (CD0037). Since this agreement, discussions have focused on (a) transport implications of growth in Fenland (primarily Wisbech); (b) taking forward growth east of Wisbech, straddling the administrative boundary; and (c) expansion of Wisbech Port to the north, into King's Lynn and West Norfolk Borough. There is agreement between the authorities that development east of Wisbech and expansion of the port to the north should come forward as single comprehensive schemes to be agreed by both Councils. This joint working will provide clarity on the exact transport infrastructure that will be required and its deliverability. A Wisbech Area Transport Study was commissioned in 2008 which has informed the Wisbech Transport Mitigation Strategy. A close working relationship with the Highways Agency has resulted in a Statement of Common Ground focusing on transport implications of growth in and around Wisbech.
13. I have carefully considered concerns expressed during the Hearing sessions suggesting that Fenland District Council has failed to satisfy the Duty to Co-operate in respect of matters specifically relating to the market town of Wisbech and flooding implications when considering the allocation of sites. It is recognised that the Strategic Flood Risk Assessment demonstrates, in broad terms, that land to the east is in Flood Zone 1 and land to the West is predominantly Flood Zone 2 and 3. The land in Flood Zone 1 tends to be adjacent to and in the neighbouring authority area of King's Lynn and West Norfolk. In assessing where sites should be allocated in Wisbech, Fenland District Council has, as a starting point, sought to meet the proportion of housing to be directed to Wisbech in its own administrative area. The sequential approach was therefore applied within the District only. As some land identified in Wisbech (within Fenland district) is in areas designated as Flood Zones 2 and 3 it was necessary for the Exceptions Test to be applied and satisfied before sites were allocated. Having done so, subject to the allocations and broad locations for growth being justified and deliverable, the Council is able to meet its housing requirement for Wisbech without seeking assistance from King's Lynn and West Norfolk Council. It has not failed in its duty to co-operate. The Council has clearly demonstrated that it has engaged with King's Lynn and West Norfolk Borough Council as set out above. I shall consider whether the Council's strategy for development in Wisbech is justified separately.
14. Good working relationships have been formed with stakeholders and statutory consultees.
15. To conclude, it is clear that Fenland District Council has engaged constructively, actively and on an on-going basis during the preparation of the CSLP to ensure the strategic sustainable vision for the wider area is met. The Council has clearly had regard to the activities of others in preparing the CSLP. The CSLP has been prepared in accordance with the Duty to Cooperate set out in s33A of the Act.

## Assessment of Soundness

### Preamble

16. The CSLP establishes the strategic planning framework for Fenland for the period up to 2031, identifying its key issues, vision and objectives within the context of the wider strategy for the sub-region. It identifies broad locations for growth and identifies site-specific strategic allocations, including housing and employment land. It is accompanied by an extensive evidence base including background papers, technical reports and studies, strategies and sustainability appraisals.
17. Preparation of the CSLP began in July 2011, with consultation on a Draft Core Strategy. Consultation on a Further Draft Core Strategy commenced in July 2012, leading to the publication of the Proposed Submission Core Strategy for consultation in February 2013. A Proposed Submission Addendum Core Strategy was subsequently published for consultation in June 2013.
18. Although originally prepared within the strategic context provided by the former Regional Spatial Strategy (RSS) for the East of England (2008), now revoked, the CSLP is supported by its own evidence base, setting out a strategy to address local issues. It is nevertheless couched within a wider development strategy to which the Cambridgeshire local authorities have re-stated their commitment.

### Main Issues

19. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 9 main issues upon which the soundness of the Plan depends. I have addressed these under the relevant section headings contained within the CSLP for ease of reference.

### Overarching Strategy & Targets

Issue 1 - Is the overarching strategy justified, locally distinctive and appropriate for Fenland?

20. The overarching aim of the CSLP is to achieve a stronger, better and more sustainable Fenland. It seeks to guide development without stifling it by being flexible as to precisely where, how and when growth will occur. The settlements are not defined by boundaries. In the past rigid Development Area Boundaries (DABs) have proven to be unhelpful and overly restrictive in enabling development that may otherwise have been acceptable to come forward. A number of specific strategic allocations and broad locations for growth are identified. A criteria based approach is intended to guide the location of other windfall development outside these areas. The key priorities identified that the CSLP addresses for Fenland are health and wellbeing issues and setting out the headline targets for the number of homes and jobs required.

#### *Facilitating Health and Wellbeing of Fenland Residents*

21. The Council is committed to improving the health and wellbeing of its residents. The Cambridgeshire Health and Wellbeing Strategy 2012 - 2017



(adopted 2012) recognises the important and influential link between the local economy and environment and establishing successful local communities which facilitates healthy 'lifestyles'. In accordance with national policy an amendment to Policy CS2 is required, as suggested by the Council, to ensure housing is planned to reflect the changes that occur over a lifetime so that people are not excluded by design as they get older and frailer or as their circumstances change **(MM3/01)**.

22. The CSLP acknowledges the pressing need to tackle this issue in Fenland because, as identified in the latest Joint Strategic Needs Assessment for Cambridge (JSNA) and the NHS's Health Profile Fenland 2012, Fenland has high levels of obesity, low levels of exercise and healthy eating, high rates of road injuries and deaths, high levels of smoking and low male life expectancy compared to Cambridgeshire, the East of England and national averages. A modification suggested to Policy CS2 requiring a Health Impact Assessment to be submitted to support major development is therefore wholly justified locally and necessary to ensure the CSLP is effective **(MM3/02)**.

#### *Spatial Strategy and Settlement Hierarchy*

23. Growth is to be focused on the basis of a settlement hierarchy, underpinned by the Fenland Settlement Hierarchy Study (January 2013) (CD032). The focus for the majority of growth is in and around the four market towns. Beyond the towns, a hierarchy of Growth Villages, Limited Growth Villages, Small Villages, Other Villages and development 'elsewhere' are identified where development commensurate with the location, facilities and services available will be supported.
24. The criteria used to assign the various settlements into a category within the hierarchy relates to size of the settlement (expressed by population), services, facilities, opportunities for employment and accessibility. On a strict interpretation of the criteria only three villages fall within the Growth Village category all of which are towards the south of the District. Other candidates were explored in the north, namely Elm, Leverington and Wisbech St Mary to help promote the Council's pro-sustainable development approach. It is accepted that a case could be made for any of these three villages but Wisbech St Mary Parish Council had specifically expressed a wish for the village to be considered as a Growth Village. There can be some confidence therefore that growth of a scale anticipated in Growth Villages will be supported locally. It only failed to be categorised as a Growth Village due to the absence of a doctor's surgery.
25. Elm and Leverington, although comparable in size and service provision to Wisbech St Mary, are nevertheless classified as Limited Growth Villages where only a small amount of development and new service provision will be permitted. As part of its assessment the Council considered the spatial impact of new developments for the district as a whole. Both Elm and Leverington are close to the outskirts of the market town of Wisbech and there is a potential risk of coalescence of these settlements through future growth if not carefully planned. The Council wishes to retain the identity of Elm and Leverington as villages rather than part of the Wisbech conurbation. Further, one of the criteria for establishing whether a settlement should be a Growth Village is that it should act as a service centre for its rural hinterland. Given the close

proximity of Elm and Leverington to Wisbech, they serve a lesser role as rural service centres than Wisbech St Mary.

26. Policy CS12 seeks to limit housing development in all the villages to no greater than a 10% increase in dwellings, unless there is local support for a greater amount of development. Whilst the scale of individual developments within the various villages may differ, this uniform percentage increase means that the potential cumulative growth in Wisbech St Mary, Elm and Leverington would not be dissimilar despite their differing categorisation. Modifications are suggested to increase the percentage increase in dwellings in Growth Villages set out in Policy CS12 to 15% to better reflect the settlement hierarchy, a point to which I shall return.
27. Wimblington and Doddington are both identified as Growth Villages. The Council is aware of potential constraints of the sewage network and at the Waste Water Treatment works (WWTWs) at Doddington. Anglian Water Services has advised that it will assess the capacity of the sewage network to find a solution when developments come forward. A developer may requisition the identified upgrades, if any, via the relevant sections of the Water Industry Act 1991. Anglian Water has a statutory duty to provide, improve and extend any public sewage system and to ensure that the public sewage system continues to "effectually" drain the area for which it is responsible. Anglian Water confirms its commitment to complying with that duty. On that basis, it should not be a barrier to development coming forward and the inclusion of Wimblington and Doddington as Growth Villages is justified.
28. It must be acknowledged however, that the Doddington WWTW discharges into the river system operated by the Middle Level Commissioners. There is some uncertainty in respect of a sewage undertaker's rights to discharge the waste water and surface water which is collected through the public sewage system. As the river system relies on pump drainage regular maintenance is required, which incurs costs. A current legal dispute is ongoing between these undertakers which has wider implications for Fenland than just these villages.
29. A modification is required to resolve inconsistencies between the wording in Policy CS3 and other policies relating specifically to the various settlements and the location of development. Policy CS3 refers to development taking place 'in these settlements' which if interpreted strictly would conflict with some of the identified allocations, broad locations for growth and detailed policies that clearly allow development in and around some of the settlements. No DABs are defined in the CSLP to facilitate this. This modification **(MM3/03)** is required to ensure the CSLP is consistent throughout and therefore effective.
30. To ensure the CSLP is positively prepared and sufficiently flexible the scale and mix of housing should be 'informed by' the SHMA, rather than as 'set out in' the SHMA **(MM3/04)**. To reflect the wording of the Framework and be consistent with it, the countryside should be 'recognised for its intrinsic character and beauty' and isolated homes avoided **(MM3/05)**.
31. Overall, the overarching strategy is justified, locally distinctive and appropriate for Fenland.

Issue 2 – Is the Core Strategy Local Plan based on adequate, up-to-date and relevant evidence to assess and meet the objectively assessed housing needs of the area?

*Housing Growth and Meeting Housing Need*

32. The National Planning Policy Framework (NPPF) is clear that local planning authorities should positively seek opportunities to meet the development needs of their area. In relation to delivering homes, it requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the HMA.
33. The Memorandum of Co-operation between the local authorities in the Cambridge HMA 'Objectively Assessed Need for Additional Housing' and Peterborough City Council (September 2013) (CD016) confirms 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 Fenland.
34. The sources considered in the Technical Report 'Population, Housing and Employment Forecasts' (CD046) (the Technical Report), prepared by Cambridgeshire County Council Research Group are:
  - DCLG annual dwelling stock estimates and housing statistics;
  - Office for National Statistics (ONS) annual population estimates and projections and annual 'business register and employment survey' statistics;
  - Cambridge County Council (CCC) Research and Monitoring Team annual monitoring data;
  - CCC Research and Performance Team annual population and dwelling stock estimates and annual population and dwelling stock forecasts and economic forecasts national data;
  - East of England Forecasting Model, Spring 2012 economic forecasts (EEFM); and
  - Local Economy Forecasting Model, Spring 2012 economic forecasts (LEFM).
35. The various population outputs have been compared to identify both the outliers and also the broad convergence of the other available forecasts. A comprehensive approach has been taken to assess demographic change including population implications resulting from job creation, migration and changes in all age groups. On this basis, an indicative population figure is determined for Cambridgeshire and Peterborough and each individual district in 2031, which reflects the broad convergence of the economic and demographic projections. The indicative population figure is therefore a trend-based population forecast that has had regard to evidence on both demographic change and forecasted additional jobs.
36. A summary of the indicative change in population, jobs and dwelling numbers from 2011 to 2031 across the Cambridge HMA is set out in Table 1 of the

Technical Report. This indicates a population increase of 176,000 across the HMA together with an increase of 81,000 jobs. For Fenland the indicative increase in population is 22,000 with 5,000 jobs.

37. The indicative population figures provide the basis for determining the indicative housing growth across the market area, identified using the EEFM with the population outputs adjusted to the indicative population figures. The EEFM assumes in common with the national perspective that with an upturn in house building, occupancy ratios will fall in the future, but that the fall will not be as strong as the fall suggested by the 2008-based projections. The DCLG post-census (2011-based) projections also follow this assumption. This demonstrates an increase of 12,000 dwellings between 2011 and 2031 in Fenland and 93,000 in the sub-region.
38. By way of a benchmark the dwelling forecasts have been compared to the outcome using the recently produced 'How Many Homes' tool-kit. One of the main sources used for this tool is ONS 2008-based data. For the Cambridge HMA it produces a lower requirement of 87,700 homes (a reduction of 5,300 households) with a lower requirement for all but two of the districts. One of those with a higher requirement is Fenland with a figure of 13,400 extra households, a difference of 1,400 households to that identified in the SHMA.
39. The objectively assessed need identified in the SHMA relates to the HMA as a whole. The assessment is based on the most up-to-date 2011 Census information. The 2008-based projections were particularly problematic for Cambridge as a result of assumptions about international immigration resulting in a reduction in population estimates of some 20,000 which was not borne out by the 2011 Census information.
40. Paragraph 159 of the Framework requires local planning authorities to prepare a SHMA to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. This is precisely what Fenland has done. The CSLP is based on joint working and co-operation to address larger than local issues. Overall, I am satisfied that the growth projections for Fenland are appropriate and based on robust evidence, in the context of the wider HMA.
41. The Council aspires to continued growth in Fenland in the long term beyond 2031 as set out in paragraph 3.5.2 of the submission CSLP. It is committed to undertaking a review of the CSLP if necessary, for example if the housing and jobs market is strong and delivery has been high and in sustainable locations in the early part of the plan period, with such a review potentially enabling further growth to come forward. This is a positive statement. The trigger for commencement of a partial review, if necessary, is reflected in the Implementation and Monitoring Section with a trigger being a residual annual target of above 820 dwellings which was the annual delivery rate sustained by Fenland during the 'market peak' period of 2005 to 2008. The Council suggest modifications to reaffirm this commitment in Policy CS4 (MM3/06 & MM3/07), with a modification to the trigger point being if Fenland experiences sustained delivery of 820 or more dwellings per annum. This is a more appropriate measure of the strength of the market and ensures the plan is effective in monitoring sustained growth **[MM7/03]**. Housing land capacity is not a constraint to supply in Fenland as confirmed in paragraph 4.27 of Housing

Evidence Report (CD025 (a)). Whilst this is a pragmatic approach to be supported and welcomed, the modifications to Policy CS4 and the supporting text (MM3/06 & MM3/07) are not necessary to make the plan sound and so can be left for the Council to determine if the amendments are to be included in the adopted CSLP.

42. The HMAs of Cambridgeshire and Peterborough overlap. In the interests of achieving a more sustainable pattern of development, the authorities have agreed that some of the need arising in Cambridge HMA should be met in Peterborough to reflect that this overlap exists. An evidence report (CD040) has been produced by Peterborough City Council, in consultation with Cambridgeshire Districts to explain why it is appropriate for 2,500 homes 'needed' in the Cambridge HMA to be met in Peterborough.
43. The explanation as to how Peterborough City Council has already incorporated 2,500 dwellings arising from Cambridge HMA into the Peterborough Core Strategy Development Plan Document (DPD) derives from the process of arriving at a Peterborough dwelling figure in the Regional Spatial Strategy (the East of England Plan). Although the Regional Spatial Strategy (RSS) has been revoked, it is relevant because the Peterborough Core Strategy DPD was prepared, examined and adopted in general conformity with it, in accordance with the provisions in the Planning and Compulsory Purchase Act 2004 that were in place at the time of its adoption (in 2011). Following the process of public examination, panel recommendations and, ultimately, the Secretary of State's modifications, the dwelling numbers were increased in general terms in response to a variety of up to date forecasts of need; and there was a policy decision to focus the additional dwellings to certain locations to deliver a more sustainable pattern of development and strengthen the role of certain locations.
44. As a result, the final approved RSS made provision for an increase of 9,000 dwellings overall for Cambridgeshire and Peterborough. However the distribution was not divided between the various local authorities on the same ratio as the original distribution. Instead, the Secretary of State focussed the additional growth on the two main urban areas of Cambridge and Peterborough whilst the figures for the other districts remained unchanged other than a slight increase in Fenland. The Peterborough figure increased by 3,800 dwellings (from 21,200 to 25,000). For Peterborough, the purpose of directing growth to the city was to further strengthen its regional role. Indeed, it is worth noting the opening line of the only Peterborough specific policy in the adopted RSS (policy PB1) stated that "The strategy is for growth and regeneration to strengthen Peterborough's role as a major regional centre..."
45. At that time, Peterborough City Council was fully supportive of accepting a higher level of housing growth in the then emerging RSS, as part of its ambition of becoming a 'bigger and better Peterborough'. The City Council, through its subsequent and now adopted set of development plans, has made no attempt to reduce these regional figures. It continues to strive to strengthen its regional role. As a matter of principle, it is clear that Peterborough has been given, welcomed and planned for additional growth beyond its own 'need'. In its adopted Core Strategy DPD, Peterborough City Council has made plans for the level of dwelling growth required by the final Policy H1 of the RSS. Indeed the requirement in the Peterborough Core

Strategy DPD of 25,000 dwellings (1,420 pa) far exceeds the figure forecast for Peterborough of 17,639 new households (882pa) using the 'How Many Homes' tool.

46. The question, therefore, becomes to what extent, in quantitative terms, has this provision been addressed for the plan period 2011-2031? The RSS, or evidence behind it, does not give a definitive answer to this question, though calculations can be made to make reasonable estimations. First, returning to the Secretary of State's decision, the final Policy H1 of the published RSS acknowledged the dwellings that had already been built between April 2001 and March 2006, and established the minimum still to be built between April 2006 and March 2021. As the extra 3,800 dwellings were added to the Peterborough figure following the public examination and prior to publication of the final Plan, it is clear that they were expected to be provided over the 2006 to 2021 period. In effect, an extra 3,800 dwellings from Cambridgeshire and Peterborough as a whole were expected to be provided in Peterborough over a fifteen year period (2006 to 2021), at an average rate of 253 per year.
47. The Memorandum of Co-Operation concerns the distribution of dwellings over a time period that starts in 2011, and therefore five years worth of these dwellings (from 2006 to 2011) are not relevant. Five years of dwellings at an average of 253 per year equals 1,265 dwellings. If these are discounted from the additional 3,800 dwellings, that leaves a figure of 2,535 additional dwellings which Peterborough is required to accommodate in order to strengthen its regional role, from 2011 to 2021. A figure of 2,500 is therefore a reasonable assumption to make as to the extent that provision in Peterborough is meeting the growth identified in the Cambridge HMA and in recognition that there is an overlap. Peterborough City Council adopted a Site Allocations DPD in 2012 which allocates residential sites to meet the dwelling requirement for Peterborough Core Strategy. Accordingly, the remaining objectively assessed need to be met in Cambridgeshire HMA is for 90,500 dwellings.
48. The 2,500 dwelling reduction is made to the overall figures for Fenland and East Cambridgeshire, with a reduction of 1,000 homes to be provided in Fenland. Of the various districts within the HMA, Fenland was considered to be one of the most rural in nature and therefore, one of the least sustainable areas to direct housing development. This is an approach supported by Fenland District Council and justified by the evidence underpinning the strategy of the Cambridgeshire authorities and Peterborough to secure sustainable development by locating new homes in and close to Cambridge and Peterborough and to other main centres of employment. Accordingly the CSLP facilitates the provision of 11,000 homes to be provided during the plan period in Fenland.
49. Overall, the CSLP is based on adequate, up-to-date and relevant evidence to assess and meet the objectively assessed housing needs of the HMA, over the plan period, consistent with national policy.

#### *Housing Land Supply*

50. Local authorities are required to identify and maintain a five year rolling land supply for housing development that is suitable, available and achievable, in

line with paragraph 47 of the Framework. The latest Monitoring Report 2012-2013 (December 2013) states that '*Fenland Council does not believe it has a shortfall in land supply for the foreseeable future and is putting in place robust measures to ensure significantly more supply will be available shortly (through adoption of the Core Strategy)*'.

51. Fenland District Council has delivered housing at a rate above the RSS target for the years 2001/2 to 2009/10. Notwithstanding the last few years of under delivery, the rolling average is almost in line with the RSS target. It is therefore appropriate that Fenland provides an additional buffer of 5% to ensure choice and competition in the market for land in accordance with the NPPF.
52. The annual average requirement in the Core Strategy is 550 dwellings per year (or 2,750 over a five year period) together with a 5% buffer (3,054 in total). The annual requirement has not been achieved for the first two years of the plan and is unlikely to be met in the year 2013/14.
53. In its calculations of five year housing land supply, the Council relies upon the shortfall in provision over the first two years of the plan period being redistributed over the remaining 18 years (the residual method) rather than making good the deficiency as soon as possible within the five year period. There is no indication within the NPPF that one method is preferable over the other. The recently published practice guidance indicates that local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. It is acknowledged that it was published after the Council had completed its plan preparation process, submitted the CSLP for examination and the associated Hearings had taken place. The Council did not therefore have regard to the practice guidance whilst preparing the CSLP or, as the practice guidance suggests, consider this issue on a cross-boundary basis; it was not a requirement during the plan preparation stage. Nevertheless, it is now applicable and I have considered whether the Council's approach is justified locally, in light of the practice guidance.
54. A number of strategic allocations are proposed that are expected to deliver some 5,150 dwellings. Two sites already have outline planning permission. However, there are likely to be some initial delays in sites coming forward due to necessary infrastructure requirements. In particular, significant improvements are required to the sewage network in all four market towns to increase capacity. The location of the WWTWs relative to sites means that detailed consideration of improvements to the network will be required to enable acceptable development to take place. Due to water quality output issues at the WWTW in March, development may need to be restricted to a minimal annual completion rate to be agreed with Anglian Water Services and the Environment Agency until a new solution is in place, likely to be post 2015. In Whittlesey, development would be reliant on the Whittlesey WWTW to the south of the town where there are known capacity constraints at present. Due to physical constraints in the Middle Level System, the WWTW is unable to treat any additional flows until upgrades are in place.
55. The delivery of additional sewerage infrastructure and capacity will depend upon appropriate arrangements being in force to ensure that the necessary capacity exists or can be provided within the receiving watercourse systems

and a resolution of the uncertainty in respect of a sewage undertaker's rights to discharge the waste water and surface water which is collected through the public sewage system. Until solutions can be agreed and implemented, the rate of growth that can be accommodated in the earlier years of the plan period will be limited to that commensurate with existing capacity.

56. Wisbech is further constrained by the capacity of the highway network. The strategic allocation, East Wisbech, will require a coordinated approach to the development of both the area in Fenland and the adjoining proposed allocation in the neighbouring authority. A significant upgrade of the A47 junction with Broad End Road (within the neighbouring authority area) will be required.
57. In calculating the supply of sites the Council has had regard to dwellings under construction, dwellings with planning permission and windfalls. A conservative estimate that 100 dwellings will come forward each year as windfalls (Policy CS4 – Part B Sites), which is about 35% of the historic average, is included in the Council's calculation of supply. On this basis, it is estimated that a total of 2,819 dwellings can be delivered over the five year period, April 2014 to March 2019, which is just short of the CSLP target of 3,054 dwellings (4.6 years).
58. Notwithstanding these figures, there are a number of other considerations that suggest that the up-to-date position is more optimistic. The developer of the East Whittlesey site confirmed that they intend to open a 'second outlet' at the site, pushing delivery rates from 40 to 80 dwellings per year from 2014/15 with an expectation by the developer that the 460 dwelling development that has planning permission will be complete between 2020 and 2026. Adding an additional 200 dwellings over the five year period will, the Council calculate, increase the identified supply over 5 years to 3,019 dwellings (99%).
59. In addition, the Council notes that the housing market appears to be showing signs of improvement across Cambridgeshire generally. Indeed some of those who made representations anticipate the pace of completions will be greater than the previous peaks identified in the Housing Evidence Report (December 2012) as a result of suppressed demand, a more positive economic outlook and initiatives to assist house purchase particularly amongst first time buyers.
60. I share the view expressed by the Council that the estimate made for windfalls is a conservative one. Monitoring data demonstrates that the proportion of sites coming through as windfalls has increased from 37% to 70% between 2001 to 2012. Whilst this is perhaps not unexpected given the Local Plan currently in place was adopted sometime ago in 1993, the CSLP is flexible in its approach, only identifying residential strategic sites that can accommodate 250 dwellings or more and broad locations for growth. DABs that previously curtailed windfall development are no longer applicable. Large scale windfalls (up to 249 dwellings) can therefore come forward in and around the towns. This is a very different approach to that contained in the historic Local Plan and so past trends in relation to windfalls must be treated with some caution. Indeed, an application had been submitted for 249 dwellings at the time of the hearings and a number of sites, not included in the CSLP, have been referred to in representations which may support such windfall development.
61. Furthermore, the increased threshold for development in Growth Villages to 15%, (before local support is required), adds further flexibility and will



increase the number of dwellings that can be permitted in these villages before the threshold is reached by an additional 152 dwellings over the plan period. This is not intended to be a ceiling on development in the villages; rather, in accordance with the thrust of national policy and the Government's Localism agenda it enables local communities to determine the level of growth required beyond these thresholds.

62. Overall, for the reasons set out, it appears that the Council's housing trajectory estimates for the early part of the plan and the windfall allowance are conservative. There is a reasonable degree of certainty that the Council will have a supply of ready to develop housing sites sufficient for five years after adoption of the Plan, based on this residual method of calculation. Whilst there is less certainty that a supply of sites sufficient to make good any deficiency over a five year period could be demonstrated or indeed achieved, the Council's approach to calculating land supply over the longer term is justified in this case due to known infrastructure constraints in the short term.
63. Furthermore, with only a very outdated Local Plan currently in place (adopted 1983), it is critical for Fenland to adopt an up-to-date Local Plan without delay to identify those sites and locations where development is to be directed to give developers confidence and to bring sites forward as soon as possible, thus boosting the supply of housing.
64. Nevertheless, careful monitoring of the available supply of deliverable sites, to ensure at least five years housing land supply with an additional buffer can be identified at any point in time, will be necessary to ensure the housing policies in the CSLP can be regarded as up to date. If the supply of housing sites is significantly below 5 years worth of land supply or a sustained high level of applications are approved that are contrary to policy, then the Implementation and Monitoring section of the CSLP confirms this would trigger various types of action including, if appropriate, commencement of a partial review.
65. Modifications are required to update the Housing Trajectory text and graph to reflect the latest Monitoring Report in the Implementation and Monitoring section of the CSLP (**MM7/06**). This does not incorporate the increased delivery anticipated at the East Whittlesey site.

#### *Housing distribution*

66. A large proportion of the 11,000 homes are to be provided in the Primary Market Towns of Wisbech (3,000 dwellings) and March (4,200) with a smaller proportion in the towns of Chatteris (1,600) and Whittlesey (1,000) and the remainder (1,200) in other locations.
67. The basis of the housing distribution is to establish a pattern of growth which meets sustainable development principles, with the focus on the urban areas of the four market towns where there is good quality infrastructure or the ability to provide upgrades to existing infrastructure. Some 10% of all homes are directed to the rural areas in the CSLP. Past completions tell a rather different story with almost 40% of completions occurring outside the market towns. However the currently adopted Local Plan was adopted in 1983 and so a large proportion of completions between 2001 and 2013 were on unallocated sites. This is a trend that if continued would see unsustainable patterns of

- growth in the rural areas, contrary to the aim of the CSLP and national policy.
68. There is a clear emphasis to secure a greater proportion of housing in the two larger market towns of March and Wisbech with a bias towards March due to the lesser constraints to development in the town and in recognition of the greater access available to sustainable transport. The two remaining smaller market towns are allocated a lower, but still significant, level of growth whilst recognising the constraints arising in Whittlesey due to flood risk issues and the proximity to the Nene Washes which have International protection (through the Ramsar Convention) as well as European protection.
69. During the CSLP preparation, there has remained some uncertainty about the feasibility of mitigation measures to overcome transport issues in Wisbech. Further discussions between Cambridgeshire County Council and the Highways Agency now demonstrate that there is a far greater degree of certainty that the provision of 3,000 dwellings in Wisbech can be achieved subject to mitigation measures that are considered feasible as confirmed in a Statement of Common Ground (CD013). Accordingly the Council suggests a modification to delete the need for further master planning to determine the growth potential of Wisbech from Policy CS4 (**MM3/08**). This is necessary to remove any uncertainty about the development potential in Wisbech to deliver 3,000 homes.
70. Some growth will take place in villages commensurate with the settlement hierarchy ranging from 'small village extensions' in Growth Villages to 'single dwelling infill sites situated within an otherwise built-up frontage' in 'Other Villages'. Whilst it is acknowledged that Policy CS3 does not specify, in quantitative terms, the specific dwelling numbers that might be considered to be an appropriate scale of development in each settlement type, this approach accords with the flexibility of the CSLP overall and enables a consideration to be made in accordance with the size of the village in each case. Furthermore, Policy CS12 contains percentage thresholds for housing development in the various villages.
71. Policy CS12 requires local support to be demonstrated if development will exceed the 15% threshold in Growth Villages (as modified) and 10 % elsewhere. These thresholds are not intended to be a ceiling on development but rather an acknowledgement that local support should be engaged to justify development beyond the thresholds indicated. Given the increase to 15% in Growth Villages some 1,050 dwellings could come forward from development in identified villages alone, even if no local support were forthcoming. This is only marginally short of the planned provision of 1,200 dwellings in 'other locations' outside the towns. The remaining provision required equates to less than 9 dwellings per year over the plan period. This would seem achievable even in open countryside, despite the generally restrictive policy permitting such development; some 20 dwellings were built in open countryside in 2011/12 and a substantially higher figure the following year although it is considered some of those may have been edge of village locations rather than 'open countryside away from settlements'. As previously stated, Wisbech St Mary made representation requesting status as a Growth Village. The requirement to demonstrate local support by the Parish Council, as a minimum, is therefore justified.

72. The proposed distribution of housing is a justified response to the opportunities available for achieving sustainable development in the District.

#### *Affordable Housing*

73. Paragraph 3.5.8 of the submission CSLP requires updating to reflect the figures set out in the latest SHMA update. The SHMA 2012 identifies a need for 3,527 dwellings to be affordable in the plan period, if the backlog and newly arising need is to be met (**MM3/09**). This arises from an identified affordable housing need between 2011 and 2031 of 7,927 dwellings for Fenland made up of current need (3,512) and newly arising need ( $221 \times 20 = 4,420$ ). Supply (excluding new build) is calculated as 4,400. Newly arising need therefore almost exactly matches supply (excluding new build). Thus the real adjusted need for Fenland is around 3,500. Of this over 1,100 can be attributed to people falling within 'low priority' Band D. Whilst on the register in practical terms those in this Band can not demonstrate any real need to justify them being considered for opportunities, over and above those in higher bands on the register. This would reduce the need to 2,400 or 120 per annum over the plan period.
74. Housing affordability is an acute issue in many parts of the HMA. It therefore remains an important objective for authorities to maximise affordable housing provision to support the social and economic well-being of the area and of local communities. The CSLP requires on sites of 5-9 dwellings, 20% of dwellings to be affordable housing and on sites of 10 or more dwellings, 25% of the dwellings as affordable houses.
75. The targets and thresholds in the policy have been informed by local market conditions, levels of need and viability / feasibility testing, as set out in the Affordable Housing Economic Viability Assessment document (CD014) ('the Viability Assessment'). Some have expressed concern that the requirements for affordable housing set out in the CSLP are too high and unrealistic. The Viability Assessment suggested a target of 35% for greenfield sites (most likely from strategic allocations), 30% target for all other sites of 10 or more dwellings and 20% target for sites of 5 to 9 dwellings. The requirements set out in the CSLP are no greater. Indeed, with the exception of sites accommodating 5-9 dwellings, the requirements are lower than those considered to be achievable in the Viability Assessment. Furthermore and importantly, Policy CS5 is clear that the local planning authority will negotiate with developers if a viability assessment indicates that these targets can not be met in full. Viability considerations are likely to fluctuate over the plan period and so provision for negotiation should a scheme not be viable due to the amount of affordable housing required is reasonable and necessary. In addition, circumstances are likely to differ from site to site.
76. Policy CS5 as currently drafted requires a viability assessment to be submitted to support any proposals that provide a reduced percentage of affordable housing. Concern was expressed about the additional requirement for the developer to pay for any reasonable expert advice the Council requires to evaluate the assessments. It was agreed that this is unreasonable and could not form the basis against which an application could reasonably succeed or fail for development control purposes; such a failure would not be relevant to the planning merits of any proposal. A modification is proposed to delete this

requirement from the policy. For clarification, a further modification to ensure the viability assessment is accurate and undertaken using a recognised assessment model is necessary **(MM3/10)**.

77. The starting point for any development should be to incorporate the requirements for affordable housing set out in Policy CS5. To ensure the CSLP is effective the words 'through negotiation' should be deleted from the first sentence of the Policy **(MM3/11)**. Subsequent policy text refers to the Council's willingness to negotiate where a viability assessment indicates the specified targets can not be met. Repetition is unnecessary.
78. Part B of Policy CS5 addresses a situation where a development for less than 5 dwellings has been permitted, without any affordable housing provision but subsequent permissions are sought on adjacent land which is clearly 'linked'. In such circumstances the affordable housing provision should be provided on the basis of the combined total of dwellings. As currently drafted the combined requirement would only apply to applications that are submitted within 5 years of the completion of the original scheme. This would allow a number of applications for less than 5 dwellings to be submitted during a period where those permissions remain extant, but development has not yet commenced or been completed. This was not the intention of the Policy. To ensure affordable housing requirements can not be avoided by the incremental development of linked sites a modification is required to Part B of Policy CS5 to ensure the requirement to consider the combined number of dwellings equally applies to all sites with extant permission for less than 5 dwellings **(MM3/12)**. This is necessary to ensure the CSLP is effective.

#### Gypsies and Travellers and Travelling Showpeople

79. Fenland District Council has produced the Fenland Gypsy and Traveller Accommodation Needs Assessment (GTANA) Update 2013 (Final Report November 2013) (CD043) which assesses the need for new pitches between 2013 and 2031. The study updates the Cambridge Sub-Region GTANA 2011 for the Fenland District. The methodology is retained but new figures are used for existing caravans following an up-to-date survey of pitches in the district. Crucially, consultation was carried out with the gypsy and traveller community during the preparation of the document using the services of the Gypsy Media Company. Consultation included focus groups, two of which were held at local gypsy sites and included participation from family members living in bricks and mortar accommodation and individual interviews. Consultation with the gypsy and traveller community accords with advice in the Planning policy for traveller sites (PPTS).
80. The GTANA update concludes that there will be a need for 139 pitches in Fenland between 2013 and 2031. It is estimated that 121 existing pitches will become vacant over the same time through natural turnover based on a 4% turnover of pitches, leaving an assessed need for 18 pitches up to 2026. The Council has identified 14 pitches at Oakdale Place, an authorised site, that are not being occupied by gypsies and travellers in accordance with the various planning permissions. The Council are currently pursuing enforcement action to ensure the 14 pitches will be made available for gypsies and travellers in accordance with the planning permissions on the site. In addition, planning permissions on two sites, each accommodating 2 pitches, have been secured.

The Council identify a fourth site for one pitch, initially benefiting from only a temporary permission, but now secured as a permanent pitch. In total therefore 19 pitches have been identified that have a reasonable prospect of being available in the short term, subject to a successful outcome of enforcement action.

81. The Council can therefore demonstrate a five year supply of sites and that the currently assessed accommodation needs of gypsies and travellers can realistically be met during the plan period. However, in doing so, an assumption is made that the caravan counts demonstrate a disproportionately high number of caravans compared to other times of the year. The number of unauthorised and not tolerated caravans is therefore decreased by 20%. However, the GTANA confirms that the Council will undertake a monthly count on the same day for twelve months to confirm this assumption is correct. The results will be considered as part of an annual review.
82. No requirements are identified for pitches for travelling showpeople. Policy CS5 (Part D) sets out a number of criteria that applications for sites for gypsies and travellers or travelling showpersons should meet. A number of modifications are required to reflect national policy set out in PPTS; in particular, that sites can promote peaceful and integrated co-existence between site occupiers and the settled community, ensure a suitable environment to protect the health and well-being of occupiers of the site, in addition to those of neighbouring occupiers, and not result in undue pressure on local infrastructure and services (**MM3/13**). Modification MM3/13 also includes an amendment to criterion (b) requiring local services and facilities within a nearby settlement to include a doctor's surgery. Although preferable, this is not in itself considered necessary to ensure access to appropriate health services which is actually facilitated by the provision of a settled base thereby enabling occupiers to be registered with the relevant health authorities. A requirement for nearby settlements to include a doctor's surgery is inconsistent with the settlement hierarchy, not all of which include a doctor's surgery, and may be unduly restrictive and thus render the policy in-effective in delivering sites and the CSLP unsound. The modification is not therefore included in the attached Appendix. In doing so, I am mindful that no representations were made about the lack of a reference to a doctor's surgery.
83. Policy CS7 requires provision to be made for up to 5 pitches in the Urban Extensions where an identified need exists, which will facilitate provision of any future shortfalls identified through monitoring or further need assessments over the plan period. Overall, the assessment of need for additional accommodation for gypsies and travellers and travelling showpeople is based on an adequate and up-to-date assessment of need.

### *Conclusion*

84. Overall, the CSLP is based on adequate, up-to-date and relevant evidence to assess and meet the objectively assessed housing needs of the area, in sustainable locations to reflect the vision and strategy for the area.

## Economic considerations

Issue 3 - Does the plan set out a clear economic vision and strategy for the area and is the employment land requirement based on adequate, relevant and up-to-date evidence to address the economic needs of the area?

### *Employment*

85. A key aspiration of Fenland District Council is to support and encourage economic growth and job creation in the district. Growth in employment in Fenland has not matched workforce expansion and out-commuting is increasing. To achieve growth in employment land and increased business opportunities, infrastructure needs to be improved to retain and attract employers. A review of existing commitments suggests that with the exception of Worm Farm site in Chatteris, there is only a limited supply of employment sites with planning permission in each of the market towns. The CSLP sets a jobs growth target for 7,200 jobs over the plan period, equating to a need for 85ha of employment land.
86. In reaching this target and land requirement a number of forecasts and assumptions were considered. Data has been drawn from a number of sources including Cambridgeshire Research and Monitoring Business data 2011 – 2012, the EEFM, LEFM, Cambridgeshire Local Economic Assessment and the Fenland Neighbourhood Vision Study. The evidence base considers employment growth forecast, past take up rates of employment land and labour supply based on future demographic projections and housing growth. All apply consistent ratio and floorspace assumptions.
87. The Technical Report referred to earlier sets out the detail for the latest forecasting data (CD046). Scenario 1 is based on employment growth forecasts. The two forecast models used (EEFM & LEFM) suggest that Fenland should plan for a total of 5,000 to 8,000 jobs or 30 ha to 50 ha of additional land. Both models forecast local economic growth based on observed past trends, albeit with potentially different growth assumptions for the different industry sectors. The indicative population figures are used to identify forecast jobs and reflect anticipated growth in the economy.
88. Scenario 2 calculates employment land projections based upon past take-up rates. The implied economic growth is around 11,750 jobs over the plan period or 109.26 ha of land. This scenario reflects a continuation of the buoyant pre-2007 economy continuing over the 20 year plan period. It is unlikely that this level of growth would be achieved in a post-recession context.
89. The third scenario is based on labour supply forecasts of employment. Demographic trend based projections suggest there would be a decline of around 13,490 in the working age population by 2031 as a direct result of the current trend of an ageing population in Fenland being projected forward. When compared to the increased population arising from the housing growth of 11,000 dwellings, and through applying assumptions about employment rate and those living and working in the district, this scenario indicates only 823 net jobs growth will be achieved across the district with a land requirement of just over 5ha. This limited jobs growth would suggest a potential shortage in local labour supply in Fenland, which could potentially

constrain the development of available employment sites.

90. The findings from labour demand, and labour supply forecasts, suggest that there will be an overall undersupply of labour in the district as a direct result of a trend of an ageing population. Current data contradicts this with a current job density of 0.66 in Fenland compared to a regional average of 0.76, and unemployment rates suggest that there is an undersupply of jobs. The current position in Fenland is therefore one of insufficient employment opportunities to support the resident workforce, and although the number of economically active people in the District may be predicted to decrease, in order to increase the overall number of jobs available, additional employment opportunities are still required. If the existing working age population was to remain static, or a 'gross' figure, then a labour supply of about 7,200 is derived when applying assumptions on employment rate and commuting to housing growth, equating to a land requirement of approximately 46ha of land.
91. There are a number of other factors affecting employment land requirements in Fenland that have been considered including the loss of employment land to other uses, the uncertainty of the future economic situation, economic growth and regeneration strategies, including efforts to improve education skills in the district, which have potential to create spin-off effects in attracting new employment development, fluctuations in the historic take up of land and the need to provide sufficient choice to attract new firms to help diversify and improve the economy. Furthermore it is reasonable to assume that the trend of an ageing population may be reversed as a result of increased opportunities.
92. The labour demand and labour supply models appear to represent the most reasonable approaches to set an employment land target when considered against the alternatives. They point to a land requirement in the range of between 70 and 91ha which would meet the predicted sector led growth and take into account the jobs required to match Fenland's potential future labour supply.
93. Overall, an employment land requirement of 85 ha for Fenland is considered to be justified and is based on adequate, relevant and up-to-date evidence to address the economic needs of the area. It would allow for planned yet relatively unconstrained growth and balances the need for the provision of sufficient land to meet sector growth and labour supply, whilst retaining some flexibility. The CSLP directs employment development to the strategic sites and broad locations for growth and provides a set of criteria against which applications for development outside those areas will be considered against, primarily on the edge of market towns. The approximate employment land targets for each of the market towns are set out in Policy CS6 with 30 ha each in March and Wisbech, 20 ha in Chatteris and 5 ha in Whittlesey. This is in addition to any potential allowance coming forward through the Regional Freight Interchange which is to be regarded as 'regional' rather than local provision of employment space. Criteria contained in Policy CS12 facilitate economic development in the rural areas of a scale commensurate with the settlement hierarchy.
94. Policy CS6 requires marketing exercises to be carried out in some circumstances. To reflect discussions at the hearing it was considered

paragraph 3.6.25 of the CSLP was too specific in requiring advertisement in appropriate *trade* publications which may be open to interpretation. The use of appropriate publications would suffice and ensure the plan is positively prepared **(MM3/14)**.

95. To reflect national policy (paragraph 22 of the Framework) a modification is required to Policy CS6 to ensure the test to be applied when considering an application for the loss of high quality land and premises currently or last in use for employment purposes is whether there is 'no reasonable prospect for the site being used for these purposes'. **(MM3/15)**
96. The section within Policy CS6 'Retaining community facilities' support proposals that would lead to the loss of community facilities if it can be demonstrated that the facility is no longer viable or there is a lack of community need. To strengthen the support for the retention of community facilities in accordance with NPPF, a modification is suggested to require both viability and lack of need to be demonstrated **(MM3/16)**.

#### *Retail*

97. Policy CS6 sets out the retail hierarchy in Fenland identifying Wisbech and March as town centres, Chatteris and Whittlesey as District Centres and all other locations to follow the settlement hierarchy. The Council's retail strategy seeks to enhance the high street offer of both Wisbech and March as the principal comparison goods centres within the district. To avoid further decline of the town centres, retail uses are directed first to the primary shopping frontage, then to the primary shopping area and finally to within the town centre boundary all of which are defined on the Policies Map. Retail proposals outside the town centre will be assessed against the sequential approach set out in the NPPF. The scale of provision of retail, outside Wisbech and March is to be proportionate with the scale and role of the settlement within the settlement hierarchy.

#### *Conclusion*

98. To conclude on this issue, the CSLP sets out a clear economic vision and strategy for the area.

### **Proposals for Places**

Issue 4 – Is the strategy for development within each of the market towns justified when considered against all reasonable alternatives?

99. In this section of the CSLP, policies set out the Council's approach to development in the four market towns together with Policy CS12 which relates to 'other locations'. A detailed policy for each market town identifies strategic allocations, which have fixed boundaries, and broad locations for growth which are indicative locations for growth. Policy CS7 is an overarching policy to ensure there is a clear and consistent approach to development of these urban extensions when applied in conjunction with the area specific policy. In addition to housing and employment, provision is to be made for retail, leisure, social, cultural, community and health facilities to meet local needs within the urban extensions. The CSLP is not prescriptive in terms of the scale of such development but it requires that such provision should not have an



unacceptable impact on the vitality and viability of existing centres.

100. In general terms the Environment Agency commend the Council for avoiding areas at risk when allocating sites for residential development through application of the sequential test and allocating in Flood Zone 1 wherever possible.

*The Market Towns and Urban Extensions*

101. Some expressed concern that Policy CS7 was inconsistent with the flexible approach of previous policies and in turn, the fundamental strategy of the CSLP. A number of main modifications to Policy CS7 are suggested by the Council, many in response to discussions at the Hearing, to ensure the CSLP is positively prepared and a degree of flexibility is retained. Policy CS7 suggests that schemes will be refused that come forward without an agreed comprehensive scheme being produced first. A comprehensive scheme suggests that a detailed scheme is required whereas the decision maker only needs to be satisfied that any scheme will not prejudice development of the remainder of the site and accordingly fits within an agreed broad concept plan. The Council agreed that a requirement to produce a comprehensive scheme was unduly onerous. Modifications are suggested to amend the terms 'comprehensive delivery scheme' and 'comprehensive scheme' with 'broad concept plan' both in Policy CS7 and elsewhere in the CSLP to ensure the CSLP is both effective and positively prepared **(MM4/O1)**.

102. Policy CS7 enables scheme proponents to request that the broad concept plan (previously a comprehensive scheme) is approved via a Supplementary Planning Document (SPD). The 2012 Local Planning Regulations restrict the content and function of SPDs. The CSLP can not devolve matters to a SPD that should be contained in a LP, for example an SPD should not make statements on the development and use of land, allocate sites for a particular type of development or use, contain development management and site allocation policies for an area defined as being one of significant change or special conservation. Rather SPDs should only contain environmental, social, design and economic objectives which are relevant to the attainment of the development or use of land already specified in a LP.

103. Certainly for the broad locations for growth any SPD is likely to go beyond the remit of an SPD in that it would need to specify the precise boundaries of the area and the allocation and uses of land within those areas. Accordingly modifications are proposed to delete references to SPD in association with the Broad Locations for Growth **(MM4/O2)**. However, within the Strategic Allocations the boundaries are already defined. A SPD could specify design, environmental, social and economic objectives for a particular site and how these might be applied to a particular strategic allocation, should the developer consider that to be beneficial. It is not mandatory.

104. The requirement to approve a broad concept plan before an application is submitted could potentially delay development. A modification is proposed that allows a developer to submit a broad concept plan for approval alongside consideration of the first planning application should this be the preferred approach. This ensures a degree of flexibility whilst maintaining measures to ensure schemes come forward as part of a wider broad concept and do not

prejudice the development of the site as a whole **(MM4/02)**. The approved broad concept plan would provide the template for future proposals within the site. This modification is necessary to ensure the CSLP is effective.

105. To ensure delivery of development on the sites as a whole, if phasing is to be agreed, then the Council will need to be satisfied that the key aspects of the overall plan will be delivered. It was accepted that a legal agreement may not be the only mechanism to achieve this and so may be too restrictive. A modification is therefore necessary that ensures that the onus will remain on the applicant to demonstrate that appropriate safeguards are in place which may well take the form of a legal agreement but also enables other solutions to be considered, thus ensuring the plan is effective **(MM4/03)**.

106. In terms of the criteria that proposals need to satisfy, the Council has suggested a modification that allows a prospective developer to demonstrate why it may not be appropriate or viable to meet any of the criteria, to reflect the differing circumstances that may be applicable to each individual site **(MM4/04)**. This ensures that the plan is positively prepared and that schemes will be viable and deliverable.

107. A number of modifications are suggested to the detailed wording of criteria (f), (k) and (m) to ensure continuity with other policies relating to individual settlements and provide clarity **(MM4/05, 06 & 07)**. They are necessary to ensure the CSLP is effective. Criterion (q) relates to the provision of up to 5 gypsy and traveller pitches within the urban extensions where a need for pitches exists (as identified in a local assessment of need). If it is not appropriate to do so (for example in a wholly employment related urban extension) then a financial contribution towards off site provision can be made. A modification is proposed to clarify that should the Council subsequently sell land provided to it at a nil cost or sell any land it acquired through the payment of a financial contribution, then the payments received will be ring fenced for the future needs of gypsies and travellers or travelling showpeople **(MM4/08)**. Without this modification the CSLP would not be effective.

#### *Wisbech (Policy CS8)*

108. Wisbech is intended to provide a main focus for housing, employment and retail growth. Any uncertainty about the ability to deliver 3,000 homes has been resolved through discussions between Cambridgeshire County Council and the Highways Agency which demonstrate that mitigation measures are feasible to address highway issues and accordingly that there can be a reasonable degree of certainty that the provision of 3,000 dwellings in Wisbech can be delivered (CD013).

109. One strategic allocation and three broad locations for growth are identified. For each location, there are references to the key planning requirements that are necessary to enable development to proceed. At an early stage in the plan preparation process, the Fenland Neighbourhood Planning Vision (FNPV) identified the east of Wisbech as the least constrained for future development given its location in Flood Zone 1. To the east, part of the town of Wisbech is situated within the neighbouring authority area of King's Lynn and West Norfolk District Council. Their Core Strategy includes provision for 550 homes

adjacent to the boundary, which has implications both in terms of urban form, but also social and strategic infrastructure planning.

110. The north and western sections of the town have flooding issues being within Flood Zone 3, although there are regeneration benefits associated with development to the west which is better located to the town centre, the historic port and existing employment areas. Development to the west will also help to redress the unbalanced urban morphology to the east of the town. Issues of access, severance and coalescence constrain future development to the north and only limited opportunities exist to the south.
111. Due regard has been had to the sequential approach in assessing sites within the District and the Exceptions Test has been satisfied in relation to the West Wisbech broad location for growth. In particular, the risk associated with the River Nene floodplain is mitigated as a result of off-site flood defence enhancements, the first phase of which was completed in 2010. Two further phases are planned for 2025 and 2045. There is a need to add a requirement to ensure flood plain compensation is addressed for future development at West Wisbech (broad location for growth) to ensure flooding considerations are satisfactorily addressed on the site and the CSLP is effective **(MM4/09)**.
112. In the specific case of the West Wisbech broad location for growth, a link road connecting the A1101 in the north to the B198 Cromwell Road in the south is highly likely to be required. Notwithstanding representations relating to the viability of the development on the basis of an indicative number of 750 dwellings, Policy CS8 recognises the cost implications likely to be associated with the infrastructure requirements for development of this area which will be predominantly open space and residential led. The policy specifically makes reference to the Council's willingness to negotiate the appropriate levels of other infrastructure, such as affordable housing, to ensure an urban extension in this location would remain viable and its delivery would not be threatened.
113. It is likely that the West Wisbech broad location for growth will be able to accommodate a greater number of dwellings than the 750 indicated, notwithstanding flooding considerations, although the Council maintained that this figure is appropriate for the duration of the plan. The figure is approximate and in recognition that the capacity of the site may well be greater, a modification is suggested to clarify that the indicative figure of 750 relates to the plan period and that subject to agreement through a broad concept plan significantly more dwellings and employment may be appropriate in this broad location **(MM4/10)**. This ensures the Plan is positively prepared and will not stifle future development. A number of sites were submitted within this area throughout the plan preparation process and some interest has been indicated by agents / landowners.
114. South Wisbech broad location for growth is identified as being for predominantly business purposes with only a small amount of residential where land is in Flood Zone 1. The area is relatively far from the town centre but is close to a secondary shopping area in Elm High Road, primary and secondary schools and a main employment area. Good potential sustainable transport links already exist and could be developed further within the area.
115. The development of the Nene Waterfront and Port broad location for growth is

key to the regeneration of the town and will provide a mix of residential, leisure and retail, business and marine and port related uses along the river frontage. Planning permission has been granted subject to a legal agreement although the development has not come forward due to the downturn in the market. There has nevertheless been a considerable amount of investment of public funds in infrastructure in the area in preparation of an up-lift in market conditions. A major benefit of the area is its proximity to the town centre and whilst its character comprises mainly industrial and business uses, opportunities exist to create a high quality living environment with a river side setting. Development in this area has the potential to be a major catalyst for the regeneration of the town.

116. East Wisbech strategic allocation is identified to accommodate around 900 dwellings in addition to approximately 550 dwellings in the adjacent authority area of King's Lynn and West Norfolk Borough Council. The area is relatively far from the town centre but good sustainable transport links already exist and could be developed further. There is significant developer interest in the area and so there is confidence that it can be delivered in the earlier years of the plan period.
117. Overall, subject to the recommended modifications, the Council's strategy for development in Wisbech is robust and justified when considered against all the reasonable alternatives.

#### *March (Policy CS9)*

118. A number of sites were considered in the Sustainability Appraisal (SA) for March, of which the CSLP now contains four allocations, the South-east March (strategic allocation), South-west March (broad location for growth), West March (strategic allocation) and March Trading Estate (broad location for growth).
119. Promotion of a strategic allocation known as North-east March appeared in the initial Submission draft version of the CSLP (February 2013), but was subsequently removed following significant local opposition raised at that stage. This site was expected to accommodate around 450 new dwellings. Of those, some 200 have been added to the initial number anticipated to come forward in the South-west broad location for growth and the remainder (250) are expected to come forward as windfalls.
120. The starting point is to consider whether the plan as submitted for examination is sound in respect of the strategy for development in March; in particular whether the sites proposed in March are justified when considered against all the reasonable alternatives. All sites that were considered in the SA are greenfield and involve the loss of high and medium grade agricultural land. In all cases detailed consideration will be needed in relation to the upgrade of the sewer network and possible improvements to the WWTWs.
121. South-east March comprises land that is predominantly identified as Flood Zone 1. There would be no adverse impact on the town's morphology. Although some distance from the town centre, it is in a relatively direct line to it, and is close to Neale Wade Academy and local services. It is relatively well served by sustainable transport modes, and new road accesses should be

relatively easy to provide. There is known developer interest in the area and parts of the site have been the subject of Screening Opinions related to residential development. In relation to the South-east March strategic allocation, the wording requires some modification for clarification to ensure any development includes provision for new sports pitches for Neale Wade Academy, if required **(MM4/O11)**. This is necessary to ensure the CSLP is effective.

122. South-west March broad location for growth is also some distance from the town centre but in direct line to it and close to Neale Wade Academy and local services. It is relatively well served by sustainable transport modes, and new road accesses should be relatively easy to provide. There are relatively few constraints to overcome. There has been some interest indicated from agents and landowners although it is anticipated development of the site would be later in the plan period.
123. A modification is necessary in relation to South-west March so that development is required to preserve views of St Wendreda's Church, which is Grade I Listed, to ensure appropriate consideration is given to this heritage asset consistent with national policy **(MM4/12)**. Similarly, to allow greater flexibility it is not necessary to specify that views of the church should be preserved 'at intervals from the south and west' in relation to the West March allocation. All views should be preserved **(MM4/O13)**. This will ensure the CSLP is effective.
124. West March strategic allocation is relatively close to the town centre as well as Neale Wade Academy and a local primary school. The area is also relatively well served by sustainable transport modes. New road accesses are likely from the A141 and these will necessitate detailed consideration as to the wider transport impact on the town. There is significant developer interest in the area and parts of the site have been subject to a series of master plans. Discussions have taken place with the Council and other statutory bodies and utility companies. There can be a reasonable degree of certainty this site will be developed during the earlier periods of the plan.
125. Also, in relation to West March, wording requiring retention of the most significant archaeological assets needs some amendment for greater accuracy to include the setting of Wendreda's Church to be consistent with national policy **(MM4/O14)**.
126. March Trading Estate is identified as providing a good opportunity for the expansion of a well-established employment area and would allow for sufficient land to come forward to meet the Council's employment land targets. Enquiries indicate developer interest in sites within and adjacent to the employment area for a variety of purposes.
127. These sites included in the CSLP perform better overall when compared to other sites considered in the SA, including March North-east. Of the 4,200 dwellings to be provided in March the allocated sites and growth areas are expected to accommodate around 3,100 dwellings. This includes the transfer of 200 dwellings from the March North-east allocation. Whilst the earlier submission draft was also supportive of March North-east which compared favourably to the remaining omission sites considered as part of the SA, it is

relatively far from the town centre, albeit close to the railway station. Local representation identified significant concerns about traffic congestion at the railway crossing points, particularly during peak traffic times which would be exacerbated by significant developments to the north.

128. The deletion of March North-east has increased the number of dwellings anticipated to come forward through unplanned windfall development in March by a further 250 dwellings. Such ad-hoc windfalls may come forward in the northern area of March in any event. It should be acknowledged that windfall development is unlikely to result in the same level of infrastructure benefits that were required through the development of the March North-east site as a strategic allocation, such as improved recreational facilities. Nevertheless, given the lack of DABs, the scale of windfall developments that are likely to come forward, the flexible nature of the plan, the estimated land capacity and opportunities that exist around March it is reasonable to conclude that the target of 4,200 dwellings will be achieved. It is not therefore considered that the CSLP is unsound without the North-east March site being identified as a strategic allocation. A number of sites referred to by representors may be suitable for windfall developments of less than 250 dwellings. Nevertheless, careful monitoring will be required.
129. In conclusion, subject to the modifications recommended above, the overall strategy for development in March is appropriate when considered against all the reasonable alternatives.

*Chatteris (Policy CS10)*

130. Early assessment work through the FNPV noted that flood risk is the key determinant in terms of distribution of growth in Chatteris. Two strategic allocations are proposed in Chatteris and one broad location for growth. In all cases detailed consideration will be needed in respect of sewer network upgrades although it is anticipated that the WWTW has capacity to cater for the anticipated growth in Chatteris.
131. Outline planning permission has been secured for up to a 1000 dwellings, local centre and business uses on land that incorporates the South Chatteris strategic allocation. This is over and above the estimated capacity of the site to accommodate 850 dwellings. It is clearly a deliverable site. A modification is necessary to ensure the setting and character and archaeology of Tithe Farm Barn is safeguarded and interpreted for public benefit as part of any redevelopment scheme, to ensure heritage assets are satisfactorily safeguarded in accordance with national policy **(MM4/16)**.
132. East Chatteris strategic allocation is expected to accommodate a mix of open space and a high quality, relatively low density residential area of around 300 dwellings. It is in Flood Zone 1. It would accord well with the town's morphology and is well located for the remainder of the town and key services. There are significant known heritage assets in the area which will need to be considered, retained and managed, consistent with national policy. A modification is necessary to this effect **(MM4/15)**. There is developer interest in the area, confirmed at the hearing.
133. North Chatteris broad location for growth is identified for a mix of uses but

with predominantly residential (around 100 dwellings) in the lower flood risk zone area (Flood Zone 1) in the southern part of the site. Other uses would need to be compatible with the Flood Zone 3 status elsewhere or satisfy the exceptions test. Development in this area would accord well with the town's morphology with a potential opportunity to expand the existing Furrowfields area of public open space northwards. A modification is required to clarify that opportunities to do so should be taken while seeking to continue the long-term preservation of medieval cultivation earthworks in this location consistent with national policy (**MM4/17**). The broad location is in close proximity to the town centre and key services with relatively few constraints to overcome. Whilst developer interest would suggest the site may not be developed until later in the plan period, there is no reason why it could not come forward at an earlier stage. It is nevertheless identified as a broad location for growth.

134. Other sites considered in the SA were found to be unacceptable as allocations in comparison, due to their impact on the town's morphology, severance from the town centre, locations in Flood Zone 3 or uncertainties about deliverability. In conclusion, subject to the above modifications, the overall strategy for development in Chatteris is appropriate when considered against all the reasonable alternatives.

### *Whittlesey*

135. Whittlesey is a broadly linear settlement running east – west, situated close to the Nene Washes SAC, SPA and Ramsar site. This International as well as European biodiversity designation was recognised, during the early plan preparation stages, to be likely to be particularly sensitive to development to the north of the settlement. The town is within the Peterborough Water Resource Zone with no forecast deficit at peak demand. Similarly there is capacity within the supply network with no new trunk mains or upgrades likely to be associated with new growth.

136. Flood risk is a major constraint for sites around Whittlesey. To reflect this, a modification is proposed to Policy CS11 that development proposals, especially to the north of the town, should have particular regard to all forms of flood risk which exist at Whittlesey (**MM4/18**).

137. Only one strategic allocation is identified on land North and South of Eastrea Road (East Whittlesey), despite a number of sites being assessed through the SA. This allocation is in Flood Zone 1 and would allow substantial housing in the area in accordance with the sequential approach. Whilst there would be expansion of the town to the east, there would not be any unacceptable adverse impact on its morphology. It is relatively well located to the town centre, railway station and Sir Harry Smith Community College and Alderman Jacobs Primary School. Sustainable connections to the remainder of the town are also possible and new access(es) should be relatively straight forward to provide from the A605 and Drybread Road. There is an extant planning permission to the north of the A605 for 460 houses and the developer has indicated a likelihood that the site will be built out faster than the Council had anticipated in its housing trajectories. To ensure sufficient clarity that flood risk issues will be addressed, consistent with national policy, the developer will be required to demonstrate how flood warning and emergency planning are to be addressed as part of the flood risk issues to be considered (**MM4/19**).

138. Other sites considered in the SA are problematic due to locations in Flood Zone 3 or the need for an Appropriate Assessment under the Habitats Regulations, impact on the morphology of the town and distances from the town. Accordingly, subject to these main modifications, the overall strategy for development in Whittlesey is appropriate when considered against all the reasonable alternatives and likely to deliver the amount of dwellings, employment and other facilities anticipated.

## Rural Areas

Issue 5 –Is the Council's strategy for development in the rural areas justified when considered against all reasonable alternatives?

139. Policy CS3 sets out the settlement hierarchy including the type and amount of development that will be allowed in each settlement. Policy CS12, Part A, sets out the criteria against which proposals outside the market towns will be considered within the overall context of Policy CS3. Unlike the previous Local Plan, no fixed DABs are identified. This approach ensures that the CSLP is flexible and positively prepared, whilst still seeking to respect the character and identity of the settlements and the surrounding countryside through a criteria based approach.

140. A number of the suggested modifications to Policy CS12, Part A are required to ensure consistency between Policy CS3 and CS12 as previously discussed in paragraph 29 **(MM4/20 & 22)**. Criterion (g) of Part A makes specific reference to archaeological features rather than heritage features. To accord with national policy a modification is required to broaden the scope of the features that must be retained and respected in accordance with the specific criteria **(MM4/23)**.

141. Policy CS12 permits an increase of 10% of dwellings across all villages within the settlement hierarchy. However, this would not necessarily equate to a greater proportion of housing being built in the Growth Villages as intended. As such, the Council considers it appropriate to increase the percentage increase permitted in Growth Villages to 15% to ensure that these villages do actually see a physical level of growth greater than other villages commensurate with their hierarchy. A modification is therefore necessary to ensure the CSLP effectively meets the sustainable development objectives for rural growth and is flexible **(MM4/22)**.

142. Policy CS12 requires 'strong' local support to be demonstrated for proposals that would, in combination with other developments, increase the number of dwellings in a village by greater than the specified 10% or 15%. Often support for a particular scheme is not voiced to the extent that opposition will be. It is considered 'clear' local support would be a more appropriate measure. Furthermore, in circumstances where support or objection for a proposal can not be clearly demonstrated or determined, the Council suggest a modification which requires support from the applicable Town or Parish Council only, thus ensuring the plan is effective **(MM4/24)**. It is important to note that the thresholds are not a ceiling to development, but recognition that individual communities are best placed to determine the level of growth required beyond these thresholds. A modification is required to clarify that it is the settlement hierarchy with which proposals should comply rather than the percentage



thresholds to ensure the CSLP is effective **(MM4/21)**. Neighbourhood plans would be an effective mechanism to guide the preferred location and levels of growth within the villages.

143. The remaining sections of Policy CS12 relate to other developments away from these settlements that may be acceptable subject to a number of criteria. Where a proposal involves the re-use and conversion of a rural building Part B requires, amongst other considerations, evidence to be provided to demonstrate why it can no longer continue in its existing use and that there is no demand for its use for employment purposes. To ensure Part B is consistent with policies elsewhere that distinguish employment from tourism, community facilities and retail, the term 'business' would be more appropriate to ensure the policy is effective in the protection of those uses in accordance with Policy CS6 **(MM4/25)**.
144. Part E confirms that applications for mobile homes will be determined in accordance with policies relating to permanent dwellings. A modification is necessary that will specifically refer to the inclusion of flood risk considerations, given the vulnerability of caravans to flooding, consistent with national policy **(MM4/26)**.
145. No provision is made for rural exception sites. This is because there are no DABs that would determine when a site should be considered as an exception. It does not prevent the local planning authority being able to support a scheme that may not accord with the development plan if material considerations exist that indicate otherwise.
146. Like Policy CS3, one of the measures for determining whether the policy is effective is monitoring development that is permitted away from settlements. As there are no DABs, the trigger for action can not simply relate to the number of dwellings permitted in the countryside. Instead, the measurement should be the number of net additional dwellings in the countryside 'which are removed from and not adjoining an existing settlement'. Accordingly a modification is necessary to ensure the CSLP is effective **(MM7/04)**.

Issue 6 – will the CSLP be effective in delivering the infrastructure required to support the planned growth in Fenland?

147. Policy CS13 is clear that all new developments will be required to be supported by and have good access to infrastructure. The strategic, overarching policy is fundamental to ensuring that growth is supported by the necessary infrastructure provision. The Policy is supported by an adopted Infrastructure Development Plan (IDP) (CD030) which is a 'living document' that outlines the key infrastructure requirements needed or desired to support growth in Fenland. It will help to coordinate infrastructure provision and ensure that funding and delivery timescales are closely aligned to that of the Core Strategy.
148. The Council is considering the production of a Community Infrastructure Levy (CIL). However, in the absence of a CIL at this time, it is essential that Policy CS13 is robust and effective. It must be clearly linked to the IDP as this is the document that clearly sets out the infrastructure requirements necessary to facilitate the proposed growth in Fenland facilitated through the CSLP

**(MM5/02)**. In addition the key elements of the IDP listed on page 58 of the CSLP should be consistent with those listed in the IDP so that the types of infrastructure to be delivered through the CSLP are clear. This will ensure the Policy is sufficiently robust to effectively deliver the necessary infrastructure requirements that will be necessary **(MM5/01)**.

149. Appendix B of the CSLP sets out a comprehensive set of standards for provision of open space alongside new development. Having reviewed the standards the Council considers that a number of amendments are necessary to ensure the Core Strategy is effective at delivering the right amounts of open space, in the right places; a view with which I concur **(MMAPXB/01)**.

150. The Viability Commentary Evidence Report (September 2013) (CD038) appraises each policy individually to establish whether the policy overall could be regarded as having an impact on the viability of development proposals, and if so to what degree. The analysis concludes that the great majority of policies either have no impact on development viability or impose requirements that are fully justified in order to achieve sustainable development, and whose costs are not unreasonable or unusual. Importantly none of the policies demand absolute compliance without the possibility of negotiation.

151. To conclude, the CSLP does not impose burdens on a developer that are excessive or so onerous that the implementation of the plan is at serious risk. The CSLP will be effective in delivering the infrastructure required to support the planned growth in Fenland.

### **Climate Change & Flooding**

Issue 7 - Does the CSLP adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations?

152. The low lying nature of the Fen landscape is at significant risk to climate change and associated flood consequences, whether fluvial or tidal. Furthermore, Fenland is the most fuel poor area of the sub-region. Fenland and East Anglia in general suffer from drought in Summer and flooding in Winter. It is therefore fully justified that the CSLP should require efforts to be made beyond 'national standards' to minimise resource consumption in order to mitigate against the worst effects of climate change.

153. The physical attributes of Fenland are ideal for harnessing renewable energy. It is well placed to benefit from the nationally recognised Peterborough eco-cluster to help drive forward the renewable energy sector which in turn will bolster the local economy. Indeed the Fenland Economic Development Strategy identifies the enviro-sector as a key opportunity for the area.

154. Policy CS14 can't insist that all developments must reach a certain standard to minimise resource consumption. Instead, Policy CS14 expects all developments to 'demonstrate what reasonable contribution the development will make towards minimising resource consumption above and beyond normal building regulations and / or other standard planning policies'.

155. To assist developers, the Council has prepared a SPD on 'Resource Use' which,

at this stage, has only been approved at a Cabinet meeting for the purposes of public consultation. This includes a section which sets out how a developer could meet the 'reasonable contribution requirement'. The options are wide ranging, with greater points being awarded for higher impact options. To achieve the required 10 points only small scale and low cost measures are required. For example a raised fruit / vegetable bed, a water butt and a bike store would achieve 10 points and be considered a reasonable contribution. Whilst the final form of any adopted SPD is as yet unknown, in principle such guidance on reasonable contributions would appear to be consistent with the terms of the 2012 Regulations in that it will demonstrate how environmental objectives can be achieved by developers. To reflect the latest position, a modification is necessary to direct future developers to the SPD for assistance on the types of measures that may be considered and clarify it is a matter for negotiation **(MM5/04)**.

156. Policy CS14 refers to a possible Wind Turbine SPD. However, it is now intended that advice on the consideration of applications for wind farms is incorporated in the 'Resource Use' SPD referred to above. Although suggested by the Council, a modification to clarify this name change is not necessary to make the CSLP sound [MM5/03] and can be addressed as an additional modification by the Council. Policy CS14 does not commit the Council to producing such a SPD using the words 'if produced as anticipated'. The Resource Use SPD is in draft form and so it remains uncertain what form it will take or what it will include should it proceed to adoption. However, in drafting and adopting a SPD the Council must take account of the status of SPDs as material considerations only that do not form part of the development plan and the limitations on the scope of SPDs that are implied by the 2012 Regulations. An SPD can not for instance contain development management policies which are intended to guide the determination of applications for planning permission.
157. The terms of any future Community Energy Fund will be determined by legislation. It is not necessary for Policy CS14 to suggest options that may be available which introduces uncertainty and may undermine the effectiveness of any such Fund **(MM5/05)**.
158. The NPPF requires the sequential approach and test to be applied in areas known to be at risk from flooding. It does not simply specify that it should be applied in Flood Zones 2 and 3. The Council therefore suggest a modification to Policy CS14 to ensure compliance with National Policy requiring all developments known to be at risk of flooding to complete a risk-based Sequential Test and demonstrate appropriate flood risk safety measures as well as flood risk management measures, without reliance on emergency services **(MM5/06)**.
159. The CSLP is positively prepared in relation to the use of SuDS, links to blue / green infrastructure and the contribution required to improve water quality in accordance with the Water Framework Directive (WFD). Policy CS14 requires proposals to include a drainage strategy to ensure that surface water is managed in a sustainable way to reduce the risk of flooding both in the immediate vicinity, elsewhere in the area, and in the receiving water course. Essentially, future developments should manage surface water in a more controlled way than occurs at present. It is not intended that all rainwater

should drain naturally within the site but rather that the overall drainage process is slowed down to reduce the risks of flooding. Some modification is required to clarify this point in Part B of the Policy CS14 which could be interpreted incorrectly **(MM5/07)**. This is necessary to ensure the CSLP is effective.

160. The Environment Agency and Fenland District Council have reached an agreed position to ensure that the CSLP provides a sufficiently robust and helpful policy basis for sustainable growth, whilst enabling an efficient, predictable development management process. The Council intends to produce a SPD covering both flooding and water management issues, to assist developers, decision makers and water management partners to understand how to design and deliver development in a sustainable way. A SPD will illustrate how proposals can have regard to the Anglian River Basin Management Plan, provide guidance on the interpretation of policy, illustrate how enhancements can be achieved and set out what types of information a developer is expected to submit as a minimum **(MM5/08 & MM6/07)**.

Issue 8 – Does the CSLP set out a positive strategy for the conservation and enjoyment of the historic environment?

161. Section 12 of the NPPF refers to the significance and setting of all heritage assets not just buildings. Accordingly, some modifications are required to Policy CS18 and the accompanying text to ensure the policy relates to all assets and not just buildings **(MM6/08, 09, 10 & 11)**, together with an additional trigger point for action in the Monitoring and Implementation section **(MM7/05)**. Subject to this modification, the CSLP will be effective in protecting the historic environment.

### **Pollution, land contamination and groundwater.**

Issue 9 - Does the CSLP provide a sufficiently robust policy basis for protecting the environment?

162. The CSLP does not explicitly seek to ensure groundwater is protected from development risks. Instead Policy CS16 (I) requires a proposed development to mitigate against any existing or proposed sources of noise, emissions, pollution and contamination. The Council accepts that that in addition there should be a reference to risk avoidance and management through a suitable assessment and remediation framework. Layout, phasing, ground preparation and monitoring can then be planned appropriately. To ensure land contamination risks are adequately addressed and considered, consistent with national policy, additional text is proposed to encourage developers, where pollution issues and risks from landfill gas are likely to arise, to seek pre-application advice with the local planning authority, the relevant pollution control authority and others with a legitimate interest. A preliminary risk assessment should be undertaken as the first stage in assessing these risks **(MM6/01)**.

163. In addition, some modifications are suggested to Policy CS16 to expand criterion (c) to require development to retain and incorporate water body features on sites to ensure rivers, lakes, ponds and groundwater are considered **(MM6/02)**; and criterion (I) to require proposals to identify and

manage, as well as mitigate, against risks from various sources of pollution which should include odour and dust, vibration, landfill gas and protection from water body deterioration all of which are currently omitted **(MM6/03)**. An additional criterion is suggested to ensure the site is suitable for the proposed use with layout and drainage taking account of ground conditions, contamination and gas risks arising from previous uses and any proposals for land remediation, with no significant impacts on future users, groundwater or surface waters **(MM6/04)**. These modifications are necessary to ensure ground water is satisfactorily protected from development risks, in accordance with national policy.

164. Further enhancement of the environment can be achieved by new development focussing on and enhancing the navigation value of waterways within Fenland, the ecological value of riverside settings and renaturalisation potential **(MM6/05)**. This is necessary to ensure the CSLP is effective. In response to concerns that new development permitted alongside business uses may result in unreasonable constraints subsequently being imposed, an additional criterion was suggested to ensure new development does not result in any unreasonable constraints or threaten the operation and viability of existing nearby or adjoining businesses or employment sites by introducing 'sensitive' developments. This is necessary to ensure existing business development is adequately protected in accordance with national policy **(MM6/06)**.

#### Implementation and Monitoring

165. Some consequential modifications are required to the Implementation and Monitoring section of the CSLP as a result of other modifications already referred to for consistency within the document itself. In addition to those already referred to in previous text, section 7.1 'Saved policies and other planning policy documents' needs updating **(MM7/01)**.

166. One of the measures for determining whether Policies CS3 and CS12 are effective in minimising the number of dwellings permitted away from the settlements is monitoring the number of dwellings permitted in such locations. As there are no DABs, the trigger for action can not simply relate to the number of dwellings permitted in the countryside. Instead, the measurement should be the number of net additional dwellings in the countryside 'which are removed from and not adjoining an existing settlement' **(MM7/02 & 04)**.

## Assessment of Legal Compliance

167. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all, subject to the necessary modifications to ensure compliance with national policy.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS (March 2013) which sets out an expected adoption date of December 2013. The expected submission date of May 2013 was delayed by

	approximately 3 months due to a further consultation period of the Core Strategy Proposed Submission (Addendum). The Core Strategy's content and timing are nevertheless broadly compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in June 2013 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (September 2013) sets out why AA is not necessary.
National Policy	The Core Strategy complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Core Strategy complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

**168. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**

**169. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Fenland Core Strategy Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Claire Sherratt*

Inspector

**This report is accompanied by the Appendix containing the Main Modifications**