

REPORT TO: Planning Portfolio Holder

20 March 2018

LEAD OFFICER: Joint Director for Planning and Economic Development

**Great Abington Former Land Settlement Association Estate Neighbourhood Plan –
response to consultation on submission plan**

Purpose

1. The purpose of this report is to agree the Council's response to the public consultation on the submission version of the Great Abington Former Land Settlement Association (LSA) Estate Neighbourhood Plan. The consultation runs for 6 weeks from 5 March to 16 April 2018.
2. This is not a key decision; however it was first published in the March 2018 Forward Plan.

Recommendations

3. It is recommended that the Planning Portfolio Holder:
 - (a) agrees the Council's response (as set out in Appendix 1) to the public consultation on the submission version of the Great Abington Former LSA Estate Neighbourhood Plan that is currently subject to public consultation; and
 - (b) notes the process (with anticipated timetable) for the remainder of the preparation of the Neighbourhood Plan up to it being 'made' (adopted) (as set out in Appendix 2).

Reasons for Recommendations

4. The Great Abington Former LSA Estate Neighbourhood Plan was submitted to the Council on 22 February 2018 by Great Abington Parish Council, as the qualifying body responsible for the Neighbourhood Plan. South Cambridgeshire District Council (SCDC) now has responsibility for taking the Neighbourhood Plan through the remaining stages of plan making, as set out in Appendix 2. Officers have confirmed that the submitted version of the Neighbourhood Plan and its accompanying supporting documents comply with all the relevant statutory requirements at this stage of plan making. SCDC is therefore carrying out public consultation on the submitted Neighbourhood Plan, as required by the regulations.
5. Although the Council is carrying out the public consultation, we can submit comments. All comments received during this public consultation will be provided to the independent examiner appointed to examine the plan. This therefore is our opportunity to show our support for the Neighbourhood Plan or raise any concerns, recognising that the Neighbourhood Plan, if 'made', will become part of the statutory development plan for South Cambridgeshire and will be used when determining planning applications within the Neighbourhood Plan area. The Council's proposed response is set out in Appendix 1.

Background

6. The former LSA estate at Great Abington is defined in planning terms as being in the countryside as it is located outside of the village framework of Great Abington. Development is therefore normally restricted to: that required for the functioning of a viable rural enterprise or tied to an agricultural use; the conversion of existing buildings for either residential or employment uses subject to specific eligibility criteria; outdoor recreation; and other uses that need to be located in the countryside. However, as set out in the Neighbourhood Plan (see paragraph 4.15), the former LSA estate is different from open countryside due to its parallel private roads, its regular pattern and layout of the various buildings, and the significant number of original dwellings that have been extended and altered.
7. Great Abington Parish Council felt that there was a need for additional planning guidance for the former LSA estate, as a result of an inconsistency in the decisions made by SCDC and planning inspectors considering planning applications, appeals and enforcement cases for new dwellings and/or outbuildings within the former LSA estate. The Parish Council therefore submitted a proposal to SCDC in May 2012 asking for a special planning policy for the former LSA estate to be included in the Local Plan.
8. The proposal for the special policy area was not included in the Local Plan although a number of changes to relevant housing policies were taken forward, which would help to address local concerns by providing a more supportive general policy context. Officers also subsequently advised Great Abington Parish Council that they could consider developing a Neighbourhood Plan to provide a more locally focussed set of policies to directly address their concerns. An application to designate the former LSA estate as a Neighbourhood Area was submitted to SCDC in May 2016 and the Great Abington Former LSA Estate Neighbourhood Area was designated on 5 September 2016.
9. Great Abington Parish Council carried out consultation on a draft Neighbourhood Plan in Spring 2017. Officers provided informal comments on the draft Neighbourhood Plan, and on subsequent revisions to the plan that were shared with officers ahead of the formal pre-submission consultation process. A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening was undertaken on a draft version of the Neighbourhood Plan, and a screening determination was published in July 2017.
10. Pre-submission public consultation on the draft Neighbourhood Plan was undertaken by the Parish Council between 24 July and 18 September 2017. A health check of the pre-submission Neighbourhood Plan was undertaken by an independent examiner, and SCDC contributed £1,000 towards its cost as set out in our 'Neighbourhood Planning: Support Offer to Parish Councils' (agreed by the Planning Portfolio Holder in December 2017). Officers provided a formal response to the consultation, showing support for the intentions of the Neighbourhood Plan and providing some comments to assist the neighbourhood plan group with finalising the Neighbourhood Plan.

11. On 22 February 2018, Great Abington Parish Council submitted their Neighbourhood Plan to SCDC. Officers have confirmed, as set out in the Legal Compliance Check for the Neighbourhood Plan, that the submitted version of the Neighbourhood Plan and its accompanying supporting documents comply with all the relevant statutory requirements at this stage of plan making. Public consultation on the submitted Neighbourhood Plan is therefore being undertaken between 5 March and 16 April 2018.
12. Officers, in conjunction with Great Abington Parish Council, are in the process of selecting and appointing an independent examiner to consider this Neighbourhood Plan. All comments submitted during the public consultation on the submission version of the Neighbourhood Plan will be provided to the examiner for their consideration.

Considerations

13. The Great Abington Former LSA Estate Neighbourhood Plan has been prepared by Great Abington Parish Council to provide clear, consistent and transparent planning policies for development in the area, with the aim of providing greater clarity when determining planning applications in the area. The Neighbourhood Plan includes three planning policies that together allow extensions to and/or the rebuilding of existing dwellings and the provision of one additional new dwelling for each original plot within the former LSA estate, and seek to preserve the character of the area by resisting development proposals that will result in significant changes to the estate roads or patterns of development.
14. To successfully proceed through its examination to a referendum, a Neighbourhood Plan must meet a number of tests known as the 'Basic Conditions'. These tests are different to the tests of soundness that a Local Plan must meet. The Basic Conditions are set out in national planning guidance and are summarised as follows:
 - (a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Plan;
 - (b) the making of the Neighbourhood Plan contributes to the achievement of sustainable development;
 - (c) the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area;
 - (d) the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and
 - (e) prescribed conditions are met in relation to the Neighbourhood Plan, including that the making of the neighbourhood plan is not likely to have a significant effect on a European wildlife site or a European offshore marine site either alone or in combination with other plans or projects.

Our Neighbourhood Planning Toolkit includes Guidance Note 11 (What are the Basic Conditions and How to Meet Them), which sets out further details on each of the Basic Conditions. When a Neighbourhood Plan is submitted to the local planning authority it must be accompanied by a Basic Conditions Statement that sets out how the Parish Council considers that their Neighbourhood Plan meets the Basic Conditions.

15. When considering a Neighbourhood Plan, the examiner will assess whether or not the Neighbourhood Plan meets the Basic Conditions. When an examiner recommends that the Neighbourhood Plan should proceed to referendum (if it meets the Basic Conditions, with or without modifications), the examiner's report must also set out whether the referendum area should be extended beyond the neighbourhood area. Comments made during the current consultation on the submission version of the Neighbourhood Plan, which will be provided to the examiner for their consideration, should therefore address whether the submitted Neighbourhood Plan meets the Basic Conditions and can also address whether the referendum area should be extended beyond the neighbourhood area.
16. SCDC is fully supportive of Parish Councils bringing forward Neighbourhood Plans for their areas, including Great Abington Parish Council's decision to prepare a Neighbourhood Plan, and officers have been supporting the Parish Council in the plan's preparation. The Council's proposed response to this public consultation on the submission version of the Neighbourhood Plan (as set out in Appendix 1) reiterates and supplements comments made previously by officers, both formally during the pre-submission consultation and informally on earlier versions of the plan, where they remain relevant and appropriate.
17. The pre-submission health check undertaken by an independent examiner considered the Neighbourhood Plan against the Basic Conditions, and provided some recommendations to the neighbourhood plan group. Officers supported the conclusions of the health check in their formal response on the pre-submission Neighbourhood Plan, and recommended that the examiner's suggested amendments were given careful consideration. The submission version of the Neighbourhood Plan takes account of the findings of the pre-submission health check and also the comments made by SCDC officers.
18. The Council supports the intentions of the Great Abington Former LSA Estate Neighbourhood Plan to provide clear, consistent and transparent planning policies for the future development of the area. The Council welcomes the refinements to the Neighbourhood Plan that have been made since the pre-submission version. The Council's proposed response therefore sets out SCDC's support for the Neighbourhood Plan with specific comments on each planning policy (including suggested minor amendments to Policy 3), together with an assessment of the submission version of the Neighbourhood Plan against the Basic Conditions and comments on the referendum area.
19. SCDC supports all three policies in the Neighbourhood Plan, and considers that the submission version of the Neighbourhood Plan meets the Basic Conditions, for the reasons set out in the proposed response (see Appendix 1). If the examiner is minded to recommend that the Neighbourhood Plan should proceed to referendum, the Council does not feel that the referendum area needs to be extended beyond the Neighbourhood Area as the planning policies included in the plan would not have a substantial, direct or demonstrable impact beyond the former LSA estate.

Options

20. The Planning Portfolio Holder could decide to:
- (a) agree the Council's proposed response to the public consultation on the submission version of the Neighbourhood Plan, as set out in Appendix 1;
 - (b) revise the Council's proposed response to the public consultation on the submission version of the Neighbourhood Plan; or
 - (c) decide not to submit a response from SCDC to the public consultation on the submission version of the Neighbourhood Plan.

Implications

21. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered:

Financial

22. The costs of the examination and subsequent referendum have to be initially met by SCDC. However, the Council can claim a £20,000 government grant per Neighbourhood Plan once it has been successful through the examination and a referendum date has been set.

Legal

23. The Planning Portfolio Holder has delegated authority to make decisions on the Council's response to the submission consultation on a Neighbourhood Plan.

Staffing

24. The responsibilities associated with delivering neighbourhood planning are being undertaken within the existing resources of the Planning Policy Team and the Sustainable Communities and Partnerships Team, drawing upon the expertise of other staff as required.

Equality and Diversity

25. Equality and diversity issues have been considered in the Council's response on this Neighbourhood Plan, and an assessment of 'protected characteristics' has been carried out by the Parish Council as set out in the Basic Conditions Statement.

Consultation responses

26. None. However, officers from across the planning department and the Sustainable Communities and Partnerships Team have contributed to the comments provided to the neighbourhood plan group during the preparation of the Neighbourhood Plan.

Effect on Strategic Aims

Objective 1 – Living Well: We will support our communities to remain in good health whilst continuing to protect the natural and built environment

27. By preparing a Neighbourhood Plan local communities are being given the opportunity to create planning policies that will protect and enhance the character of their local surroundings and contribute to ensuring an outstanding quality of life. The

Great Abington Former LSA Estate Neighbourhood Plan includes aims, objectives and policies that seek to deliver living well.

Objective 2 – Homes for Our Future: Secure the delivery of a wide range of housing to meet the needs of existing and future communities

28. Local communities can within a Neighbourhood Plan consider the existing and future needs for housing in their area and positively plan to meet this need through a range of policies and / or allocations in their plan. The Great Abington Former LSA Estate Neighbourhood Plan includes aims, objectives and policies that seek to deliver homes for the future.

Objective 3 – Connected Communities: Work with partners to ensure new transport and digital infrastructure supports and strengthens communities and that our approach to growth sustains prosperity

29. Neighbourhood planning is an opportunity for the local community to shape their local area, and strengthen their communities by working together. The community have been consulted and engaged in the preparation of the Neighbourhood Plan and the plan includes aims, objectives and policies that seek to deliver connected communities.

Objective 4 – An Innovative and Dynamic Organisation: Adopt a more commercial and business-like approach to ensure we can continue to deliver the best possible services at the lowest possible cost

30. Neighbourhood planning engages local people in the planning process by giving them a tool to guide the future development, regeneration and conservation of an area. SCDC has a duty to support Parish Councils preparing Neighbourhood Plans and this is a great opportunity for the Councils to work in partnership and to develop new ways of working together. Officers have been supporting the neighbourhood plan group throughout the preparation of the Neighbourhood Plan, and have developed a good working relationship with the Parish Council and its planning consultant as a result.

Background Papers

Great Abington Former LSA Estate Neighbourhood Plan (submission version) and its supporting documents: <https://www.scambs.gov.uk/GreatAbingtonFormerLSAEstateNP>

Legal Compliance Check for submitted Great Abington Former LSA Estate Neighbourhood Plan and its supporting documents:
https://www.scambs.gov.uk/sites/default/files/great_abington_np_legal_compliance_check_for_subm_-_feb_2018.pdf

National Planning Practice Guidance – Neighbourhood Planning

- Basic Conditions: www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum
- Examination: www.gov.uk/guidance/neighbourhood-planning--2#the-independent-examination

Neighbourhood Planning Toolkit: www.scambs.gov.uk/npguidance

Planning Portfolio Holder Decision (September 2016) – Great Abington former LSA estate
Neighbourhood Area designation:

<http://scambs.moderngov.co.uk/ieDecisionDetails.aspx?Id=10122>

Planning Portfolio Holder Decision (December 2017) – Neighbourhood Planning:

<http://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=1059&MId=7135&Ver=4>

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