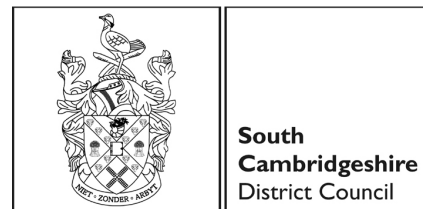


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1 July 2015

To: Councillor Robert Turner, Portfolio Holder

Henry Batchelor
Kevin Cuffley

Aidan Van de Weyer

Opposition Spokesman
Scrutiny and Overview Committee
Monitor
Opposition Spokesman

Dear Sir / Madam

You are invited to attend the next meeting of **PLANNING PORTFOLIO HOLDER'S MEETING**, which will be held in **MONKFIELD ROOM, FIRST FLOOR** at South Cambridgeshire Hall on **THURSDAY, 9 JULY 2015 at 10.00 a.m.**

Yours faithfully
JEAN HUNTER
Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

AGENDA		PAGES
PROCEDURAL ITEMS		
1.	Declarations of Interest	
2.	Minutes of Previous Meeting The Planning Portfolio Holder is asked to sign the Minutes of the meeting held on 10 March 2015 as a correct record.	1 - 4
SUBSTANTIVE ITEMS		
3.	South Cambridgeshire Local Plan - Response to Inspectors' Letter	5 - 18
4.	Consultation on Cambridgeshire Flood and Water Supplementary Planning Document Appendix 1 has been circulated as a separate printed document to the Planning Portfolio Holder, the Scrutiny and Overview Committee Monitor, Opposition Spokesmen, and lead Officers.	19 - 30
STANDING ITEMS		
5.	Work Programme	31 - 34
6.	Date of Next Meeting Monday 10 August 2015 at 2.00pm	

OUR LONG-TERM VISION

South Cambridgeshire will continue to be the best place to live, work and study in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Working Together
- Integrity
- Dynamism
- Innovation

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

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Agenda Item 2

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of the Planning Portfolio Holder's Meeting held on
Tuesday, 10 March 2015 at 10.00 a.m.

Portfolio Holder: Robert Turner

Councillors in attendance:

Scrutiny and Overview Committee monitors: Kevin Cuffley

Also in attendance:

Officers:

Jonathan Dixon	Principal Planning Policy Officer (Transport)
Jo Mills	Planning and New Communities Director
Jennifer Nuttycombe	Senior Planning Policy Officer
Ian Senior	Democratic Services Officer
Alison Talkington	Senior Planning Policy Officer

1. APOLOGIES FOR ABSENCE

Councillors Henry Batchelor and Aidan Van de Weyer were unable to attend the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING

The Planning Portfolio Holder signed, as a correct record, the Minutes of the meeting held on 3 February 2015.

4. SECTION 106 PLANNING OBLIGATIONS - SPEEDING UP NEGOTIATIONS: STUDENT ACCOMMODATION AND AFFORDABLE HOUSING CONTRIBUTIONS CONSULTATION

The Planning Portfolio Holder considered a report seeking his views on government proposals relating to:

- speeding up the negotiation and completion of section 106 planning obligations
- whether the requirement to provide affordable housing contributions acts as a barrier to development providing dedicated student accommodation.

The Planning Portfolio Holder

1. **approved** the draft response set out in Appendix B to the report from the Planning and New Communities Director; and
2. gave the Planning and New Communities Director **delegated powers** to
 - (i) make minor changes; and
 - (ii) provide supplemental information to support the response

5. SOUTH CAMBRIDGESHIRE LOCAL PLAN - RESPONDING TO THE LOCAL GREEN SPACE LANDOWNER CONSULTATION

The Planning Portfolio Holder considered a report containing the responses received by the Council following a consultation carried out with the owners of land proposed as Local Green Space in the draft South Cambridgeshire Local Plan.

The Portfolio Holder commented that the measures were intended to be long-term, and noted that they would be handled in such a way as to avoid double protection.

The Planning Portfolio Holder:

- i) **noted** the representations received during the consultation with landowners of Local Green Space proposed in the draft Local Plan as set out in Appendix C and to forward these late representations to the Inspector examining the South Cambridgeshire Local Plan
- ii) **agreed** the proposed Council response to the representations received, to be provided to the Local Plan Examination Inspector as set out in Appendix D.
- iii) **agreed** to present to the Local Plan examination Inspector the following proposed modifications to the Submission South Cambridgeshire Local Plan, that would be considered at the appropriate part of the examination and be subject to public consultation alongside any other modifications at an appropriate time:
 - a. To include a new appendix to the Submission Local Plan to provide a numbered list of the Local Green Space sites included within the plan as set out in Appendix B of this report.
 - b. To amend the Policies Map in respect of seven Local Green Space sites as set out in paragraph 20 to 34 and shown on maps included in Appendix E.

6. RESPONSE TO BUILDING MORE HOMES ON BROWNFIELD LAND GOVERNMENT CONSULTATION

The Planning Portfolio Holder considered a report setting out a proposed response to the Government's consultation on Building more homes on brownfield land.

Councillor Anna Bradnam was concerned about the proposal's possible negative impact on providing land for employment purposes. The Portfolio Holder observed that a number of other Local Authorities shared the views being expressed by South Cambridgeshire District Council.

The Planning Portfolio Holder **agreed** the response to questions 1 to 12 of the Government's consultation on Building more homes on brownfield land provided in paragraphs 7 to 35 of the report from the Planning and New Communities Director.

7. LOCAL DEVELOPMENT FRAMEWORK ANNUAL MONITORING REPORT 2013-14 - PART 2

The Planning Portfolio Holder considered a report on the Local Development Framework Annual Monitoring Report 2013-2014 (Part 2) for publication on the Council's website.

Councillor Anna Bradnam prompted a discussion focussing on the implications of the recent Appeal decision in Waterbeach and South Cambridgeshire District Council's shortfall in its five-year housing land supply. The Planning and New Communities Director said that the ongoing Local Plan Examination would be considering a Memorandum of Understanding aimed at addressing the five-year housing land supply shortfall facing both the District Council and Cambridge City Council.

The Planning Portfolio Holder:

- (a) **approved** the contents of the Annual Monitoring Report 2013-2014 (Part 2) (included as Appendix 1) for publication; and
- (b) **delegated** any further minor editing changes to the Annual Monitoring Report to the Director of Planning and New Communities where they are technical matters.

8. WORK PROGRAMME

The Planning Portfolio Holder **received and noted** the Work Programme attached to the agenda.

The Portfolio Holder requested that a report be presented to the meeting in June 2015 reviewing performance of the Consultancy Team.

9. DATE OF NEXT MEETING

The next Planning Portfolio Holder meeting had been scheduled for Tuesday 9 June 2015, starting at 10.00am.

The Meeting ended at 10.40 a.m.

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Agenda Item 3



South
Cambridgeshire
District Council

Report To: Planning Portfolio Holder
Lead Officer: Director of Planning and New Communities

9 July 2015

South Cambridgeshire Local Plan – Response to Inspectors’ Letter

Purpose

1. To present the response to the Inspectors’ letter asking for further work on the Local Plan to be undertaken that was submitted on 30 June, further to the resolution of the Extraordinary Council meeting of 4 June 2015 and other related matters.

Recommendations

2. It is recommended that the Portfolio Holder:
 - (i) notes the letter responding to the Inspectors’ preliminary conclusions and considers the plan for the additional work;
 - (ii) notes the independent advice that has been received and commissioned on managing planning applications whilst the Council cannot demonstrate a five-year housing land supply;
 - (iii) notes and considers the advice provided on bringing forward the CIL;
 - (iv) notes and considers the proposed review of the Gypsy and Travellers Accommodation Needs Assessment.

Reasons for Recommendations

3. Council agreed to present the plan and timetable for the additional work to a meeting of the Portfolio Holder.

Background

4. The Council submitted the South Cambridgeshire Local Plan for examination on 28 March 2014, alongside the Cambridge Local Plan. The Plans were prepared in parallel given the relationship between the two areas and alongside the Transport Strategy for Cambridge and South Cambridgeshire. The Plans identify the development and transport infrastructure needs of the area to 2031. Joint hearings for both plans started in November 2014 and continued until April 2015 covering the main strategic issues such as development strategy, housing needs, Green Belt, transport and housing delivery.
5. The Councils expected further hearings to be programmed to cover the rest of the Local Plans. The Inspectors had been clear that if they identified any particular concerns that affected the ‘soundness’ of the plans they would let the Councils know as soon as possible once the main strategic hearings had been held. On 20 May 2015 the Councils received a letter from the Inspectors raising a number of concerns that need to be addressed at an early stage. The concerns relate to:
 - evidence on housing numbers

- development strategy
 - conformity with revisions to National Planning Policy
6. The Inspectors asked the Councils to say how they wish to progress, together with a timetable for the further work identified and including any periods of consultation. They advise that the best course of action would be for the examinations to be suspended while the Councils carry out the work identified.
 7. Such letters are not unusual in Local Plan examinations at the moment, although it was hoped that it would not be needed for our two plans.
 8. An Extraordinary Meeting of Council was held on 4 June 2015. Council agreed the following resolution:

“That this Council notes the letter from the Inspectors regarding the suspension of the Local Plan examination and their call for more work on the evidence supporting the Plan. It welcomes the opportunity to address the Inspectors’ preliminary concerns at this stage and looks forward to the officers presenting their plan and timetable for the additional work to the Planning Portfolio Holder and, subsequently, to present their findings, their evidence and any new or additional recommendations to Full Council at the earliest opportunity. The Council requests officers to provide a timetable for this process by the end of June, and anticipates that all this work will be completed and the plan will be ready for resubmission to the Inspector not later than 31 December 2015. The Council agrees to satisfy all reasonable requests for the resources necessary to adhere to this timescale.”
 9. The meeting also agreed a second resolution in relation to the potential for there to be a longer period during which the Council cannot demonstrate a five-year housing land supply:

“That we also call on this Council to commission immediate independent advice on how we can best manage the speculative planning applications which we are undoubtedly going to have to deal with in significant numbers over an unspecified period.”

Additional work requested by the Inspectors

10. The Councils have developed a joint work programme to undertake the work required by the Inspectors. This has been done with independent oversight from the Planning Officers Society, input from the Joint Strategic Planning Unit and detailed advice from the Queen’s Counsel who is providing advice throughout the Local Plan processes. In order to progress matters efficiently a response was sent to the Inspectors on 30 June and is appended to this report (Appendix 1).
11. An outline work plan is also appended (Appendix 2) showing that the evidence should be collated and considered ready for public consultation to run from November to December. In the New Year, the consultation feedback will be considered and Members will be asked to agree any modifications to the Local Plan prior to submission of the further work.
12. The Planning Inspectorate’s Guidance on local plan examinations says that a suspension to undertake further work would usually be six months, whilst recognising that comprehensive plans may need a tailored examination timetable. Our timetable

is approximately six months, however wider modifications could flow from the additional work.

Five-year housing land supply

13. Appeal decisions in June 2014 relating to land in the Bannold Road area of Waterbeach were allowed by the Inspector on the basis that he concluded that the Council was unable to demonstrate a five-year supply of housing land, as required by the National Planning Policy Framework. Under such circumstances the housing supply policies contained in the adopted Local Development Framework are considered out of date and policies such as village frameworks cannot be given weight in determining planning applications. Applications must be considered on their merits against other policies of the LDF, including Green Belt, and must still comprise sustainable development. However, it does make the Council vulnerable to speculative housing applications until such time as the Council can demonstrate a five-year housing land supply.
14. Following the Waterbeach appeal decisions, on 1 September 2014 the Council entered into an agreement with Cambridge City Council that the housing trajectories for the two areas should be considered jointly, including for the purposes of calculating five-year housing land supply. This agreement was made under the Duty to Cooperate and recognised the close relationship between the two areas and that the delivery of the joint development strategy meant that housing in major sites on the edge of Cambridge was being delivered in Cambridge first and would then move across the administrative boundary into South Cambridgeshire later. The joint trajectory has significant implications for South Cambridgeshire, as under the joint trajectory, the Councils' position is that they can show a five-year supply across the Greater Cambridge area against all ways of calculating five-year supply against the housing target included in the Local Plan.
15. The merits of the joint trajectory were considered at the Housing Land Supply and Delivery hearing in March 2015. The Councils recognised that modifications would need to be made to the Local Plans to give effect to the joint trajectory and put forward modifications to achieve this at the hearing. They also recognised that consultation would need to be carried out before the Inspectors report was published in order that the Inspectors could have regard to any objections raised to the proposed modifications. The Inspectors have indicated previously that they intend that there be one round of modifications consultation after the hearings have all been concluded.
16. A particular imperative for the Council is to resolve the current issue with its five-year supply as soon as possible. This is causing significant concern across the district and the delay to the Local Plan affects development management decisions. It would extend the period that the Council is vulnerable to speculative development. As set out at paragraph 9, the Extraordinary meeting of Council on 4 June resolved to commission immediate independent advice on how the Council can best manage speculative planning applications.
17. Officers have sought independent advice from the Planning Advisory Service and Planning Officers Society as well as Queen's Counsel representing the Council at the Local Plan examination, Mr Douglas Edwards.
18. The Planning Officers Society has been commissioned to undertake a review of recent applications made under the lack of five-year supply, including the planning reports to Committee, for advice on any policy or other issues that could be

addressed when considering applications or clarified further for members when taking decisions. Actions that officers have already taken to manage the five-year supply issue, and that will be reviewed through this process are to:

- Review the potential infrastructure impacts of such applications and work even more closely with the County Council and other providers
- Subject to owner confidentiality, keep under review all enquiries for development where the undersupply of housing land may be an issue
- Continue to work with and support villages and parishes considering starting or already advanced in the process of Neighbourhood Plans
- Set out a 'Planning Obligation Justification' template for use by officers in making recommendations to members, to clarify those obligations only for inclusion in a S106 agreement, which are absolutely essential to make a scheme acceptable.

19. In particular, officers have consulted Counsel on asking the Inspectors to provide early clarification on their position on the joint trajectory given that the Inspectors have not identified any serious concerns with the proposed joint trajectory in their preliminary conclusions. Counsel confirms that it is entirely reasonable to make that request, especially in the context of the Council's five-year supply situation and the delay caused by the Inspectors' letter.
20. Counsel confirms that it is appropriate for the Councils to suggest to the Inspectors that one way in which clarity could be achieved is by the Inspectors issuing a single issue report dealing with the principle of the joint trajectory. Counsel also confirms that the Councils should also make clear that they are willing to carry out early consultation on the relevant modifications to enable that to happen.
21. If the Inspectors issue a report on the joint trajectory, Counsel's advice is that this would have sufficient weight to give confidence in relying on the joint trajectory to demonstrate a five-year supply, including in determining planning applications. This is a separate issue from the method for how five-year housing land supply is calculated but would help the Council promote sustainable development. This would be the most effective means by which the Council could address the current shortfall in five-year housing land supply. The Councils have written to the Inspector in a separate letter raising this issue (see Appendix 3).

Gypsy and Travellers Accommodation Needs

22. The Council is aware that some other authorities in the housing market area wish to undertake a review of the Gypsy and Travellers Accommodation Needs Assessment 2011 in the near future. The Council is also mindful of Local Plan objections to the Assessment and of some individual appeal decisions. In view of the proposed suspension of the Local Plan examinations, the Council's intention is to carry out a new Assessment, taking account of current guidance, which could be prepared in parallel with the work identified in the Inspectors' letter. It is expected that this would follow a separate timetable from that work, with the new Assessment completed and that any modifications arising from it submitted as soon as practicable in 2016. As such, the examination process is not expected to be disrupted. The Council has asked the Inspectors' view on this issue in the second letter (see Appendix 3), as part of wishing to minimise overall delay to the Local Plan examination.

Community Infrastructure Levy

23. The Council prepared a Community Infrastructure Levy (CIL) in parallel with the Local Plan process and it was submitted for examination on 6 October 2014. The Local Plan Inspector, Laura Graham, has also been appointed as the CIL examiner. It is expected that the examination will take place once the Local Plan examination is complete.
24. Restrictions on pooling of Section 106 contributions were introduced by Government in April 2015 and the delay there will now be with the Local Plan examination is of concern to the Council. Counsel's advice has been sought to explore whether there were any realistic options for advancing a CIL examination in advance of the Local Plan examination being completed.
25. Counsel recognised that the Council wished to explore all possible options for bringing forward CIL in the context of the challenges that the restrictions on pooling of Section 106 contributions is having, particularly for smaller applications in villages. Typically in the past a number of contributions would have been pooled to deliver necessary infrastructure in a way that is not now possible until a CIL is set. However, Counsel's very clear advice was that he could not identify any opportunity to bring forward the examination of the CIL schedule until such time as the examination of the Local Plan was completed and its soundness had been confirmed or at the very least that it was significantly more advanced than it is at present.

Options

26. There are no reasonable options available to the Council beyond pursuing the course of action set out above to move the Local Plan forward to adoption, to address the current lack of five-year housing land supply and/or to advance the examination into the CIL charging schedule.

Implications

27. 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

28. This is an additional stage in the Local Plan process that has not included in the main Planning Policy Local Plan budget. There is no contingency for this additional work. The Council's share of the joint work involved with Cambridge City Council is estimated to be in the order of £150,000.

Legal

29. None.

Staffing

30. It is anticipated that the joint work required is likely to be able to be undertaken within existing staff resources of both Councils, having regard to the joint working with the County Council and Joint Strategic Planning Unit and proposed use of expert consultants. If this situation changes, additional resources would be secured.

Risk Management

31. The adoption of the Local Plan is required as soon as possible in order to provide an up to date planning policy basis for determining planning applications and resolving a

current shortfall in five-year housing land supply. The CIL examination will follow the Local Plan examination and therefore completion of the latter as soon as possible is an imperative for the Council.

Equality and Diversity

32. An Equalities Impact Assessment was undertaken for the submitted Local Plan.

Climate Change

33. The Local Plan proposes a sustainable development strategy that best meet the development needs of the district in a way most compatible with climate change and completion of the local plan as soon as possible is therefore important.

Consultation responses (including from the Youth Council)

34. None appropriate at this stage. There will be consultation with Members through the member processes to agree the work before public consultation and consideration of responses before responding to the Inspectors.

Effect on Strategic Aims

Aim 1 - We will engage with residents, parishes and businesses to ensure we deliver first class services and value for money

35. There will be public consultation on the outcome of the further work and any proposed modifications before the Council decides on its response to the Inspectors.

Aim 2 - We will work with partners to create opportunities for employment, enterprise, education and world-leading innovation

36. The Local Plan will provide for the future growth in the local economy and enable continued success of the area and completion of the plan as soon as possible is important to achieve this.

Aim 3 - We will ensure that South Cambridgeshire continues to offer an outstanding quality of life for our residents

37. The Local Plan will provide for the development needs of the area in a way compatible with the special characteristics of the district. Resolving the lack of five-year housing land supply as soon as possible is important to this end.

Appendices

Appendix 1 – Joint response to Inspectors’ letter (30 June 2015)

Appendix 2 – Work Plan to Respond to the Inspectors’ Preliminary Conclusions

Appendix 3 – Joint letter to Inspectors in relation to further issues (30 June 2015)

Background Papers

Inspectors’ letter of 20 May 2015:

<https://www.scambs.gov.uk/sites/www.scambs.gov.uk/files/documents/Letter%20from%20Inspectors%20to%20Councils%20-%20Preliminary%20Conclusions%200515.pdf>

Report Author: Caroline Hunt – Planning Policy Manager
Telephone: (01954) 713196

Appendix 1

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Laura Graham BSc MA MRTPI
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c/o Gloria Alexander
Programme Officer
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30 June 2015

Dear Miss Graham and Mr Wood

Cambridge Local Plan and South Cambridgeshire Local Plan: Inspectors' Preliminary Conclusions

Thank you for your letter dated 20 May 2015 (RD/GEN/170) setting out your preliminary conclusions in relation to the Cambridge Local Plan and South Cambridgeshire Local Plan.

The Councils have carefully considered your preliminary conclusions and the clear steer provided in order to continue to progress the Plans to adoption as soon as possible. As you know, the Greater Cambridge area continues to be a national focus for growth, and the Councils are committed to delivering the jobs, homes and infrastructure necessary to support growth as demonstrated by the signing of a City Deal with Government. To this end, the Councils agree that the most appropriate course of action would be for the examinations to be suspended while the work identified is carried out, unless you consider that there are any specific matters that could helpfully be heard alongside the further work.

The issues raised in your letter are set out below along with an outline of the work the Councils propose to undertake in order to address them.

Overall Development Strategy

The Councils note your comments in relation to the overall development strategy including the Sustainable Strategy Development Review and consider that the main issues relate to the following areas.

Your letter notes the high degree of protection afforded in national policy to Green Belt. However, you comment on the clarity of the Inner Green Belt Boundary Review methodology. The Councils would like to take this opportunity to review, to clarify and, as appropriate, to update the approach undertaken within the Inner Green Belt Boundary Review. We intend to seek independent input as part of this overall process.

In response to your letter, the Councils accept that it would have been helpful to set out more comprehensively how the range of relevant considerations, including the need to promote sustainable patterns of development, were assessed and balanced so as to inform and arrive at the development strategy. As such, the Councils propose that an addendum to the Sustainability Appraisal will be produced which addresses these matters, including an appraisal of all reasonable alternatives, including sites on the urban edge, on a comparable basis. As part of this, the Councils intend to undertake additional transport modelling of the edge of Cambridge sites to provide an appropriate further level of information so as to facilitate comparative assessment with the proposed new settlements.

The Councils note the concerns raised about the infrastructure requirements and sustainable transport options needed to deliver sustainable new settlements. The Councils intend to review the existing evidence base, particularly in relation to the funding and feasibility of new settlements. Following that review, we intend to prepare, as necessary, an addendum to the Infrastructure Delivery Study which will set out further relevant information, including in respect of funding and feasibility of identified necessary infrastructure. In the case of the A428 segregated bus link identified as an example in your letter, the City Deal Executive Board recently agreed options for consultation to be undertaken in September 2015¹ which is supported by a technical document². We provide these documents as enclosures to this letter. We would welcome your advice on whether the level of detail contained in those documents is sufficient to address the identified shortcomings in the evidence base. We do not expect you to express any conclusive view on the substance of that information at this stage but rather, if possible, to provide an indication as to whether the level of detail contained within those documents is reasonable and sufficient, or whether a greater or lesser level of detail is required.

Objectively Assessed Need for new Housing

The Councils note your comments in relation to objectively assessed need for new housing and the requirement in the National Planning Practice Guidance (PPG) regarding market signals. We propose

¹ <http://scambsmoderngov.co.uk/ie/ListDocuments.aspx?CId=1074&MId=6533&Ver=4>

² <http://www.gccitydeal.co.uk/citydeal/info/2/transport/1/transport/5>

to commission specialist consultants to undertake further work relating to market signals and in particular to address your comments in relation to affordability of market housing and the advice in the PPG, as well as the implications and likely outcomes of an upward revision in housing numbers on the provision of affordable housing. We will also, as part of the same process, consider whether the 2012-based household projections suggest a different level of need.

Conformity with Revisions to National Planning Policy

The Councils note your comments in relation to the recent Written Ministerial Statements dated 28 November 2014 and 25 March 2015 and had expected to address these matters through the examination process. As you suggest, the Councils will undertake a thorough audit of the policies in both plans and will propose appropriate modifications in order to ensure compliance with both Written Ministerial Statements.

Other

It is possible that wider modifications could flow from the work to be undertaken. We are keen to proceed as quickly as possible and intend to do any consequential work as part of this process unless you have any concerns to the Councils so doing.

Next Steps

In terms of next steps and moving forward, the Councils proposed the following broad timetable for your consideration. The Councils recognise the importance in striking a balance between moving forward efficiently and ensuring that the work is robust and fit for purpose. Our aim is to assist the moving forward of the overall examination programme forward towards adoption of the Local Plans. We would also welcome an indication of your current views as to how the examination process will progress, including in particular a general timetable, once the process set out in this letter has been completed and the Councils' full response to the letter of 20 May 2015 has been submitted.

There are a number of different and inter-related workstreams necessary to address your concerns. Given the nature of the work to be undertaken, it is considered prudent to monitor progress at key stages. The Councils will provide regular updates on progress via the Programme Officer, which will also be published on the Councils' websites. Any response to these updates from you would be of assistance.

Stage	Date
Scope and undertake further work, identify proposed modifications and democratic process to agree public consultation	June – October 2015
Public consultation	November – December 2015
Consider results of public consultation and democratic process to agree response to Inspectors	January – February 2016
Submission of main modifications and supporting documents	February 2016

We look forward to hearing whether you consider that the further work outlined above will address in principle the concerns raised or whether there is anything else that is required. Given the importance of putting plans in place to deliver growth in the Greater Cambridge area as soon as possible, the Councils hope that the suspension of the examinations, if confirmed, can be completed as soon as possible and the remainder of the Local Plan and CIL examinations move forward as quickly as possible.

We look forward to hearing from you in due course.

Yours sincerely,



Sara Saunders
Planning Policy Manager
Cambridge City Council



Caroline Hunt
Planning Policy Manager
South Cambridgeshire District Council

Appendix 2

Cambridge Local Plan and South Cambridgeshire Local Plan Examinations

Work Plan to Respond to the Inspectors' Preliminary Conclusions

The Inspectors wrote to the Councils on 20 May 2015 (RD/GEN/170) setting out some additional work that they consider needs to be carried out to the Cambridge Local Plan and South Cambridgeshire Local Plan before they could be found 'sound' and able to be adopted.

The joint letter from the Councils to the Inspectors dated 30 June 2015 (RD/GEN/170) set out an outline of the work the Councils propose to undertake in order to address the issues raised in the Inspectors' letter.

The work plan to undertake the work is set out below:

Overall Development Strategy

Issues raised by Inspectors:

- How alternative options for the development strategy had been approached (in particular edge of Cambridge versus new settlements)
- Level of evidence available that the necessary infrastructure provision for new settlements can be delivered
- The methodology used for the Green Belt work.

Approach to work:

- Refresh Sustainability Appraisals and how different options assessed
- Update Infrastructure evidence, including updating transport modelling
- Review, clarify and, as appropriate, update approach to Green Belt work.

Objectively Assessed Need for new Housing

Issues raised by Inspectors:

- Whether the provision in the plans for 33,000 new homes is appropriate – 14,000 in Cambridge and 19,000 in South Cambridgeshire
- Provision is at the likely lower end, with objectors' assessments higher
- Inspectors have not indicated a view on the precise figure
- Asked for further work to take account of 'market signals', in particular affordability, and to consider whether an upwards adjustment is appropriate
- Also asks for a view of the Government's (DCLG) 2012 household projections.

Approach to work:

- Appoint specialist consultants to advise on market signals and affordability of housing and undertake sensitivity testing.

Conformity with Revisions to National Planning Policy

Issues raised by Inspectors:

Appendix 2

- Various Written Ministerial Statements have been published since Local Plans submitted in March 2014
- Relate to matters including provision of affordable housing, space standards and car parking provision
- Inspectors have asked for policies to be reviewed in light of the Written Ministerial Statements.

Approach to work:

- Officers to review relevant policies and suggest appropriate amendments as necessary.

Consequential work streams

Issue:

- It is possible that wider modifications could flow from the work to be undertaken.

Approach to work:

- Any consequential work to be identified and carried out as part of this process.

Appendix 3

Contact: Cambridge City Council
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t: 01223 457186
or South Cambridgeshire District Council
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Laura Graham BSc MA MRTPI
Alan Wood MSc FRICS
c/o Gloria Alexander
Programme Officer
Public Examination Office
The Guildhall
Market Square
Cambridge
CB2 3QJ

30 June 2015

Dear Miss Graham and Mr Wood

Cambridge Local Plan and South Cambridgeshire Local Plan: Joint Housing Trajectory and Gypsy and Travellers Needs Assessment

Thank you for your letter dated 20 May 2015 (RD/GEN/170) setting out your preliminary conclusions in relation to the Cambridge Local Plan and South Cambridgeshire Local Plan. The Councils have responded to your letter today. There are two further matters that the Councils wish to raise with you at this stage, having regard to the intended suspension of the Local Plan examinations.

Joint Housing Trajectory

The Councils note that your letter does not identify any serious concerns with the proposed joint trajectory, in the context of having heard the housing supply and delivery hearing. A particular imperative for South Cambridgeshire District Council is to resolve the current issue with its five-year supply as soon as possible. This is causing significant concern across the district and the delay to the South Cambridgeshire Local Plan affects development management decisions. If you have already

reached a view on the soundness in principle of the joint trajectory approach, the Councils suggest that one way in which clarity could be achieved is by issuing a single issue report dealing with the principle of the joint trajectory. If necessary and appropriate, the Councils are willing to carry out early consultation on the relevant modifications for this significant issue to enable this key issue to be resolved as soon as possible. The joint trajectory is also directly relevant to housing land supply.

Gypsy and Traveller Accommodation Needs Assessment

The Councils would welcome your view on another issue as part of wishing to minimise overall delay to the Local Plan examinations. We are aware that some other authorities in the housing market area wish to undertake a review of the Gypsy and Travellers Accommodation Needs Assessment 2011 in the near future. We also are mindful of Local Plan objections to the Assessment. In view of the proposed suspension of the Local Plan examinations, the Councils' intention is to carry out a new Assessment, taking account of current guidance, which could be prepared in parallel with the work identified in the Inspectors' letter. It is expected that this would follow a separate timetable from that work, with the new Assessment completed and that any modifications arising from it submitted as soon as practicable in 2016. As such, the examination process is not expected to be disrupted.

We look forward to hearing from you in due course.

Yours sincerely,



Sara Saunders
Planning Policy Manager
Cambridge City Council



Caroline Hunt
Planning Policy Manager
South Cambridgeshire District Council

Agenda Item 4



South
Cambridgeshire
District Council

Report To: Planning Portfolio Holder
Lead Officer: Director of Planning & New Communities

9 July 2015

Consultation on Cambridgeshire Flood and Water Supplementary Planning Document

Purpose

1. The purpose of this report is to seek agreement for the draft Cambridgeshire Flood and Water Supplementary Planning Document (SPD) to be published for consultation.
2. This is not a key decision because the SPD does not create new policy, but provides further guidance on implementing existing planning policies in the Council's adopted Local Development Framework.

Recommendations

3. It is recommended that the Planning Portfolio Holder:
 - (a) agrees that the draft Cambridgeshire Flood and Water SPD (Appendix 1) be issued for consultation;
 - (b) agrees the draft Adoption and Maintenance of Sustainable Drainage Systems in South Cambridgeshire document be issued for consultation (Appendix 2);
 - (c) agrees an addendum to the South Cambridgeshire Local Development Scheme setting out the timetable for the preparation of this SPD (Appendix 3); and
 - (d) delegates any further minor editing of the SPD and approval of the supporting and technical documents to the Director of Planning and New Communities.

Reasons for Recommendations

4. The draft Cambridgeshire Flood and Water SPD has been produced by Cambridgeshire County Council (as the Lead Local Flood Authority) in conjunction with the five other local planning authorities in Cambridgeshire. The SPD will support the implementation of flooding and water related policies in each local planning authority's respective adopted or emerging Local Development Framework (LDF) or Local Plan. National regulations relating to the preparation of an SPD state that there must be an opportunity for representations to be made on the content of the SPD.
5. If agreed by the Portfolio Holder, and the relevant Member(s) at each of the local planning authorities in Cambridgeshire, the draft SPD will be subject to six weeks of public consultation in September – October 2015. It is likely that even if one or more local planning authorities do not agree the draft SPD that it will continue to be prepared by the other local planning authorities within Cambridgeshire and that public consultation will still be undertaken.

Background

6. The draft Cambridgeshire Flood and Water SPD has been produced by Cambridgeshire County Council (as the Lead Local Flood Authority) in conjunction with South Cambridgeshire District Council, Cambridge City Council, East Cambridgeshire District Council, Fenland District Council, Huntingdonshire District Council, the Environment Agency, and the Internal Drainage Boards. A county wide SPD has been produced to ensure that Cambridgeshire has a consistent, locally appropriate approach to flood risk and water management. The draft SPD has been developed to support the implementation of flooding and water related policies in each local planning authority's respective adopted or emerging LDF or Local Plan. Once adopted, the SPD will be a material consideration when considering planning applications.
7. For South Cambridgeshire, the SPD will initially support policies in the adopted Development Control Policies Development Plan Document (DPD). Once the Local Plan is adopted, the SPD will need to be reviewed through an appropriate process in conjunction with the other five local planning authorities in Cambridgeshire, and then re-adopted to support the Local Plan.
8. A significant amount of new development will occur in Cambridgeshire over the next 20 years and beyond. In order to reduce the impact of these developments on the water environment, national planning policy and guidance, and local planning policies included in the Development Control Policies DPD require that new development must be appropriately located, well designed, and managed to take account of climate change and flood risk.
9. The SPD provides detailed supplementary guidance for applicants on developing proposals that:
 - are not at risk of flooding and that do not increase the risk of flooding elsewhere, including providing guidance on the sequential and exception tests, how to produce a site specific Flood Risk Assessment, and measures that can be taken to manage flood risk;
 - include the use of sustainable drainage systems (SuDS) that effectively manage water, are aesthetically pleasing, conserve, accommodate and enhance biodiversity, and provide amenity for local residents; and
 - either enhance the quality of the water environment and / or do not have an adverse impact on the quality of water bodies including rivers, lakes and groundwater.
10. The draft SPD also includes checklists to be completed and submitted by applicants at different stages in the planning application process (see Appendix 5 of the draft SPD), and also checklists to ensure that any Flood Risk Assessment includes all the necessary information (see Appendix 3 of the draft SPD). On adoption of the SPD, it is recommended that the submission of these checklists is included on the Council's local list, which sets out the information that needs to be submitted to the Council with a planning application for it to be validated and considered.

Considerations

11. National regulations relating to the preparation of an SPD state that there must be an opportunity for representations to be made on the content of the SPD. If agreed by the Portfolio Holder, and the relevant Member(s) at each of the six local planning authorities in Cambridgeshire, the SPD (see Appendix 1) and its accompanying documents will be subject to six weeks of public consultation. It is anticipated that consultation will start on 4 September and run until 16 October 2015. The public consultation undertaken will be carried out in accordance with national regulations and each local planning authority's Statement of Community Involvement.
12. A series of supporting and technical documents are being produced to accompany the draft SPD and will be made available during the public consultation. The final versions of these documents are not yet available, however a summary of the content and conclusions from each document is provided:
 - Sustainability Appraisal and Habitat Regulations Assessment Screening Report: local authorities are not required to produce Sustainability Appraisals of SPDs as they do not contain new policies, instead SPDs provide more detailed guidance relating to policies that have already been subject to Sustainability Appraisal. Occasionally an SPD can give rise to significant environmental effects and therefore local authorities need to screen their SPDs to ensure that the legal requirements for Sustainability Appraisal and Habitat Regulations are met. The screening report prepared by Cambridgeshire County Council demonstrates that the draft SPD does not give rise to significant environmental effects.
 - Equality Impact Assessment: local authorities have a legal responsibility to ensure that their policies do not adversely affect the different sections of their communities. Cambridgeshire County Council has completed an Equality Impact Assessment of the draft SPD which shows that the SPD will have a neutral and / or positive impact on equality and diversity.
 - Statement of Consultation: local planning authorities are required to prepare a statement setting out who has been consulted while preparing the SPD; a summary of the main issues raised; and how these issues have been addressed in the SPD. Cambridgeshire County Council has prepared a statement that records the consultation undertaken already.
13. Chapter 6 of the draft SPD (section 6.9) sets out guidance on the adoption and maintenance of sustainable drainage systems (SuDS) and recommends that a statutory organisation, such as a local authority, Anglian Water or an Internal Drainage Board, takes on the role of adopting and maintaining SuDS. Some local authorities, such as Cambridge City Council, will adopt and maintain SuDS provided that they meet specific design and adoption standards. South Cambridgeshire District Council will not generally adopt or maintain SuDS, and therefore the Council has produced a document (see Appendix 2) setting out what needs to be provided by an applicant as part of any planning application that includes SuDS to demonstrate that suitable adoption and maintenance arrangements are in place. This document will be subject to public consultation alongside the draft SPD.
14. After carrying out public consultation, Cambridgeshire County Council in conjunction with the five other local planning authorities within Cambridgeshire will consider the representations received on the draft SPD and whether any changes should be made

to the SPD. A report will then be made to the Planning Portfolio Holder summarising the representations received and any changes proposed, and seeking agreement to adopt the SPD.

15. The timetable for the preparation of the Cambridgeshire Flood and Water SPD is not included in the Council's Local Development Scheme that was approved in February 2014. An addendum to the Local Development Scheme has therefore been produced setting out the timetable for the remainder of the preparation of the SPD (see Appendix 3).

Options

16. The Planning Portfolio Holder has the following options:
 - (a) agrees that the draft Cambridgeshire Flood and Water SPD (Appendix 1) be issued for consultation as set out in the recommendations in paragraph 3;
 - (b) decides not to agree the draft SPD for consultation and to wait for the Local Plan to be adopted before subjecting the SPD to public consultation – it is likely that the public consultation will still be undertaken by the other local planning authorities within Cambridgeshire; or
 - (c) decides that the draft SPD needs significant amendments and that public consultation should be delayed to allow further work to be undertaken.

Implications

17. 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:

Legal

18. The draft SPD and supporting documents have been produced by Cambridgeshire County Council in conjunction with the five other local planning authorities within Cambridgeshire, the Environment Agency, and the Internal Drainage Boards. National regulations require that an SPD must be subject to public consultation for at least 4 weeks.

Equality and Diversity

19. The draft SPD has been subject to an Equality Impact Assessment which shows that the SPD will have a neutral and / or positive impact on equality and diversity.

Climate Change

20. The SPD supports the delivery of sustainable developments and will ensure that developments are located, designed, and managed to take account of climate change.

Consultation responses (including from the Youth Council)

21. The draft Cambridgeshire Flood and Water SPD has been prepared by Cambridgeshire County Council in conjunction with the five other local planning authorities within Cambridgeshire, the Environment Agency, and the Internal Drainage Boards. A steering group was set up with representatives from each of

these organisations and meetings were held between June 2014 and April 2015. The steering group provided comments on behalf of their organisations on the SPD as it was drafted, taking account of comments from others within their organisations. The draft SPD was also considered and agreed for public consultation by Chief Planning Officers at their meeting on 5 June 2015. The Youth Council will be notified of the public consultation on the draft SPD.

Effect on Strategic Aims

Aim 1: We will engage with residents, parishes and businesses to ensure we deliver first class services and value for money.

22. Consultation has already taken place with key stakeholders on the key issues for the SPD, and the discussions have influenced the content of the SPD. Further, wider, consultation on the SPD will enable the Council to receive comments on the document's contents from residents, Parish Councils, developers, other interested parties and the general public.

Aim 3: We will ensure that South Cambridgeshire continues to offer an outstanding quality of life for our residents.

23. The SPD supports the delivery of sustainable developments and will ensure that developments are located, designed, and managed to take account of climate change and flood risk. This will ensure that developments are safe for their lifetime and the inclusion of SuDS will help to make new developments aesthetically pleasing and provide amenity for local residents.

Background Papers

South Cambridgeshire Local Development Framework:

<https://www.scambs.gov.uk/content/local-development-framework>

South Cambridgeshire Local Plan (submitted in March 2014):

<https://www.scambs.gov.uk/localplan>

Appendices

Appendix 1 – Draft Cambridgeshire Flood and Water SPD

Appendix 2 – Draft Adoption and Maintenance of Sustainable Drainage Systems in South Cambridgeshire document

Appendix 3 – Addendum to the South Cambridgeshire Local Development Scheme

Report Authors: Jenny Nuttycombe – Senior Planning Policy Officer
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Appendix 2

Adoption and Maintenance of Sustainable Drainage Systems in South Cambridgeshire

Sustainable Drainage Systems (SuDS) are approved as part of a planning permission for development; therefore as part of the planning application process the local planning authority needs to ensure that suitable arrangements for adoption and maintenance of the SuDS are in place.

The draft Cambridgeshire Flood and Water Supplementary Planning Document (SPD) recommends that a statutory organisation, such as a local authority, Anglian Water or an Internal Drainage Board, takes on the role of adopting and maintaining SuDS.

South Cambridgeshire District Council will not generally adopt and / or maintain SuDS. Instead the Council expects as part of any planning application that includes SuDS, an applicant to provide information to demonstrate that suitable adoption and maintenance arrangements are in place.

As an alternative to the Council, the following options are available for applicants to secure the adoption and maintenance of SuDS:

- Anglian Water to adopt and maintain the SuDS within the development – assurances should be sought by the applicant that their SuDS design will be acceptable to Anglian Water and this confirmation should be provided to the local planning authority. Detailed guidance on Anglian Water's requirements is set out in their [Sustainable Drainage Systems Adoption Manual](#).
- A management company to adopt and maintain the SuDS within the development – assurances need to be made that this is a suitable option and evidence should be provided to the local planning authority by the applicant on the suitability and experience of the management company.
- Other organisation (such as a Parish Council) – assurances need to be made that this is a suitable option and evidence should be provided to the local planning authority by the applicant.

The draft Cambridgeshire Flood and Water SPD (see Appendix 5) includes a series of checklists to be completed and submitted by applicants at different stages in the planning application process to ensure that the local planning authority has all the necessary information to enable them to determine the planning application. In addition to this, the Council will require the following information to be provided relating to the adoption and maintenance of SuDS:

- Written confirmation from Anglian Water that they will adopt the SuDs in the proposed scheme (having gone through their adoption process) – this only applies to the SuDs are to be located in the public open space of a development. A copy of the Management Plan that Anglian Water approved must also be submitted to the Council with the planning application.
- A SuDs Management Plan outlining how all drainage within private areas of a development (and public space where Anglian Water are not adopting this element of a scheme) will be maintained. The Management Plan shall include the following information:
 - A written overview of the proposed SuDS scheme – this will need to state that the landowner will be responsible for the ongoing maintenance of the

drainage system on the site or give details of a 'management company' – who this would involve and at what point they assume responsibility and confirm that they are responsible for the management and maintenance of the entire scheme in perpetuity. If a Parish Council is to assume management responsibilities then confirmation that they would be responsible for the management and maintenance of the entire scheme in perpetuity would also be required.

- A written statement of the aims of the Management Plan – how the SuDS will perform, how the system will develop over time and how the maintenance needs will change as a result.
- Specification of how the works to create the system are to be undertaken (excavation etc) and the materials to be used to construct the system.
- A schedule which describes the nature of the maintenance works to undertaken and when the works are to occur – detailing the frequency and performance requirements that will be used as the rationale for the proposed schedule.
- A scaled site plan showing the maintenance areas, control points and outtakes to be installed as part of the development.
- Heads of Terms where the SuDS Management Plan is to be included in a section 106 legal agreement.

The Council will generally use the following 'standard' condition on planning permissions where confirmation from Anglian Water that they will adopt the SuDS in the proposed scheme has been submitted with a planning application at the validation stage:

'The development hereby approved shall be carried out in accordance with the details submitted in the SuDS Management Plan (Author and Date) approved by Anglian Water, submitted with the planning application. The development shall be maintained in accordance with the Management Plan thereafter.

(Reason: To ensure that the measures to mitigate flood risk on the site once the development has been completed are fully implemented and maintained, in accordance with policies NE/9 and NE/11 of the adopted South Cambridgeshire Local Development Framework Development Control Policies DPD and the NPPF.)'

The Council will use a similar condition where the applicant has supplied a Management Plan as part of the application which has not been approved by Anglian Water. For these applications, the Council will consult its Drainage Manager, Cambridgeshire County Council as the Lead Local Flood Authority, and Anglian Water.

Compliance with the submitted Management Plan would be included in a section 106 legal agreement where this involves works outside of the application site (e.g. where it may affect the adopted highway).

A SuDS Management Plan (whether approved by Anglian Water or not) will be a validation requirement and must be submitted with all applications within flood zones 2 and 3 and for all applications for major development (applications on sites of 1 hectare or greater in size, proposals for 1,000 sqm floorspace or more, or schemes of 10 dwellings or more), regardless of their location.

For smaller scale schemes, drainage will still need to be considered. A 'standard' condition currently exists with regard to surface water drainage and this will be modified to include details of SuDS and the associated Management Plan:

'Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- A site plan showing the connection to be installed from the development to the mains drainage network and/or the location of soakaways or other systems to drain surface water from the site.

Where a connection to the mains drainage network is not proposed, the following shall be submitted:

- A specification of the type of drainage to be installed, including the capacity of the system;
- A Management Plan detailing how the proposed drainage system shall be maintained and detailing the parties responsible for this;

The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development and shall be retained as such thereafter.

(Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)'

(NOTE: the reasons for each of the above conditions will refer to the SPD once this has been adopted and is a material consideration in determining planning applications).

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Local Development Scheme Addendum July 2015

This addendum was approved by the Planning Portfolio Holder on 9 July 2015. The addendum is brought into effect on 20 July 2015.

South Cambridgeshire Local Development Scheme Addendum – July 2015

This addendum sets out a work programme for the production of a new Supplementary Planning Document.

Supplementary Planning Documents

Supplementary Planning Documents (SPDs) are intended to expand upon policy or provide further detail to policies in adopted Development Plan Documents (DPDs). Once adopted, a SPD will be a material consideration when considering planning applications but it will not form part of the development plan for South Cambridgeshire.

The Council will keep a 'live' work programme for its SPDs on our website:
<https://www.scambs.gov.uk/content/local-development-scheme>.

Cambridgeshire Flood and Water SPD

This SPD will provide guidance on managing flood risk and implementing Sustainable Drainage Systems (SuDS), and is being produced by Cambridgeshire County Council in conjunction with all the local planning authorities in Cambridgeshire.

Timetable

Evidence gathering	Completed
Public consultation on Draft SPD	September – October 2015
Adoption	December 2015 / January 2016

Planning Portfolio Holder – Work Programme 2015-16

Date of meeting Democratic Services deadline	Title of Report	Key or Non-Key?	Reason Key Specify no(s) listed below	Purpose of Report, ie For Recommendation / Decision / Monitoring	Lead Officer / Report Author	Date added to Corporate Forward Plan (contact: Maggie Jennings)
10 August 2015 DS Deadline 5pm – Fri 31 July	Design Review Panel – Annual Review			Decision	Jane Green / Bonnie Kwok	
10 August 2015 DS Deadline 5pm – Fri 31 July	Service Plan					
10 August 2015 DS Deadline 5pm – Fri 31 July	Towards a Paperless Planning Service				Tony Pierce	
10 August 2015 DS Deadline 5pm – Fri 31 July	Review of Planning Delegations				Tony Pierce	

10 August 2015 DS Deadline 5pm – Fri 31 July	Planning Performance				Tony Pierce	
10 August 2015 DS Deadline 5pm – Fri 31 July	Gypsy and Traveller update				Steven Hills / Jo Mills	13 November 2014
10 August 2015 DS Deadline 5pm – Fri 31 July	Landbeach – Tythe Barn (Planning aspect)				Tony Pierce / Jo Mills	
10 August 2015 DS Deadline 5pm – Fri 31 July	Sawston – Drying Shed (Planning aspect)				Tony Pierce / Jo Mills	
10 August 2015 DS Deadline 5pm – Fri 31 July	Neighbourhood Plan – Waterbeach				Alison Talkington	

8 September 2015 DS Deadline 5pm – <u>Thur 27 Aug</u> because of the Bank Holiday	Affordable Housing Supplementary Planning Document – Consultation– Timing will depend on examination	Key		Decision	Jo Mills / David Roberts	10 September 2014
8 September 2015 DS Deadline 5pm – <u>Thur 27 Aug</u> because of the Bank Holiday	Local Plan update ?					
October tbc	Provisional month to agree Local Plan work for consultation					
10 November 2015 DS Deadline 5pm – Fri 30 Oct	Pre-application Advice Service – Review	Key		Monitoring / Decision	Jane Green / John Koch	
10 November 2015 DS Deadline 5pm – Fri 30 Oct	Pre-application Advice Service Review					

<p>10 November 2015</p> <p>DS Deadline 5pm – Fri 30 Oct</p>	<p>Affordable Housing SPD</p>					
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Key Decisions

1. it is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decision relates, or
2. it is likely to be significant in terms of its effects on communities living or working in an area of the District comprising two or more wards.
In determining the meaning of ‘significant’ for the purposes of the above, the Council must have regard to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the 2000 Act (guidance)).