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25 June 2021

To: The Leader – Councillor Bridget Smith  
Deputy Leader (Statutory) – Councillor Neil Gough  
Members of the Cabinet – Councillors John Batchelor, Bill Handley,  
Dr. Tumi Hawkins, Peter McDonald, Brian Milnes and John Williams  
Quorum: Not less than three (including the Leader or Deputy Leader)

Dear Councillor

You are invited to attend the next meeting of **Cabinet**, which will be held in the **Council Chamber - South Cambs Hall** at South Cambridgeshire Hall on **Monday, 5 July 2021** at **10.00 a.m.**

Yours faithfully

**Liz Watts**

Chief Executive

**The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.**

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## Agenda

	Pages
1. <b>Announcements</b>	
2. <b>Apologies for Absence</b> To receive Apologies for Absence from Cabinet members.	
3. <b>Declarations of Interest</b>	
4. <b>Minutes of Previous Meeting</b> To authorise the Leader to sign the Minutes of the meeting held on Monday, 24 May 2021 as a correct record.	1 - 6
5. <b>Public Questions</b> The deadline for receipt of public questions is noon on Monday, 28 June. The Council's scheme for public speaking at committee meetings may be inspected here: <a href="#">Public Questions at Committee Meetings</a>	
6. <b>Issues arising from the Scrutiny and Overview Committee</b>	7 - 10

7.	<b>Actions Taken under the Chief Executive's Delegated Powers</b>	<b>11 - 14</b>
8.	<b>2020-2021 Quarter Four Performance Report</b>	<b>15 - 44</b>
9.	<b>Private Sector Housing Policy (Environmental Health: Enforcement and Licensing) (Key)</b>	<b>45 - 116</b>
10.	<b>Officer Delegations for Infrastructure Projects</b>	<b>117 - 124</b>
11.	<b>Conservation Area Review Programme including approach to Longstanton Conservation Area Review (Key)</b>	<b>125 - 134</b>
12.	<b>Biodiversity Supplementary Planning Document (Key)</b>	<b>135 - 236</b>
13.	<b>Review of the Design Review Service</b>	<b>237 - 314</b>

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**Guidance Notes For Visitors to South Cambridgeshire Hall**  
**Notes to help those people visiting the South Cambridgeshire District Council offices**

Members of the public wishing to view the meeting will be able to watch the livestream via the link which will be publicised before this meeting.

Members of the public wishing to attend the meeting in person, please contact Democratic Services at [democratic.services@scambs.gov.uk](mailto:democratic.services@scambs.gov.uk)

# Agenda Item 4

## South Cambridgeshire District Council

Minutes of a meeting of the Cabinet held on  
Monday, 24 May 2021 at 10.00 a.m.

Present: Councillor Bridget Smith (Leader of Council)

Councillors:	John Batchelor	Lead Cabinet Member for Housing
	Bill Handley	Lead Cabinet Member for Community Resilience
	Dr. Tumi Hawkins	Lead Cabinet Member for Planning Policy and Delivery
	Brian Milnes	Lead Cabinet Member for Environmental Services and Licensing
	John Williams	Lead Cabinet Member for Finance

Officers in attendance in the Council Chamber for all or part of the meeting:

Gareth Bell	Communications and Sustainable Community Manager
Aaron Clarke	Democratic Services Officer
Rebecca Dobson	Democratic Services Manager
Rory McKenna	Monitoring Officer
Tom Smith	Democratic Services Assistant
Liz Watts	Chief Executive

Officers in attendance remotely for all or part of the meeting:

Peter Campbell	Head of Housing
Chris Carter	Delivery Manager - Strategic Sites
Jonathan Dixon	Planning Policy Manager
Stephen Kelly	Joint Director of Planning and Economic Development
Peter Maddock	Head of Finance
Jonathan Malton	Cabinet Support Officer

Councillors Anna Bradnam, Heather Williams and Geoff Harvey were in attendance in the Council Chamber.

Geoff Harvey, Neil Gough (Deputy Leader and Lead Cabinet Member for Strategic Planning and Transport and Lead Cabinet Member for Transformation and Projects), Dr. Aidan Van de Weyer, Bunty Waters, Dr. Richard Williams and Nick Wright were in were in attendance remotely.

### 1. **Announcements**

Councillor Bridget Smith, Leader of the Council introduced the meeting, noting this was the first hybrid meeting organised by the Council. Councillor Bill Handley, Lead Cabinet Member for Community Resilience, Health and Wellbeing, was appointed Vice-Chair of the meeting.

### 2. **Apologies for Absence**

Councillor Peter McDonald, Lead Cabinet Member for Business Recovery and Skills, sent apology for absence.

### **3. Declarations of Interest**

Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning Policy and Development declared a non-pecuniary interest in item 8, East West Rail Bedford to Cambridge route alignment and stations location consultation response, as the preferred route would pass through Caldecote Highfields, and a Member of the local action group.

### **4. Minutes of Previous Meeting**

Cabinet **authorised** the Leader to sign, as a correct record, the public version of the Minutes of the meeting held on Monday, 19 April 2021.

### **5. Public Questions**

There were no public questions received ahead of this meeting.

### **6. Liaison Meeting Update**

Cabinet received the Liaison Meeting Update. Councillor Bill Handley, Lead Cabinet Member for Community Resilience, Health and Wellbeing, introduced the report, noting the importance of listening to villages where more growth has been taking place, and the introduction of liaison meetings in Sawston, Barrington, Hardwick, Swavesey and Caldecote.

Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning Policy and Delivery, noted the support within Cottenham, and the continued collaboration with the developers. Councillor Brian Milnes, Lead Cabinet Member for Environmental Health and Licencing, believed they had been successful for all parties involved, with Councillor John Williams, Lead Cabinet Member for Finance, said the community involvement led to an improved project once completed.

The Chair of the Council asked if the Community Forum would continue during the development of the Waterbeach new Town. Communications and Sustainable Communities Service Manager responded by saying the liaison meeting report covered the villages where more homes were being build. The larger Community Forum for growth sites take place at locations such as the new town north of Waterbeach. The Community Forums are equally vital for local engagement and will continue.

Councillor Heather Williams requested clarification of the review of the scheme. Councillor Bill Handley responded that the review would not reduce the number of meetings, and it may be that more wards would be included.

Councillor Bridget Smith, thanked Officers for their work on the project, and Cabinet:



**Noted** the progress of the liaison meetings

## 7. **Pioneer Park Licence Agreement**

Cabinet received the Pioneer Park Licence Agreement. Councillor Bill Handley, Lead Cabinet Member for Community Resilience, Health and Wellbeing, introduced the report, an update to the licence agreement due to the topography originally defined during installation of the gym equipment, with the Council therefore agreeing a new location with the landowner at that time, with the licence amendment confirming that agreement. It was also mentioned the importance of the project for the residents of Northstowe, noted the projects deferral from April 2020, during the beginning of the first lockdown.

Councillor Bridget Smith, Leader of the Council mentioned the written representation from local residents ahead of the meeting, and noted their concerns that had been noted ahead of the final decision being made.

Councillor Heather Williams requested the letter from the resident, along with the final cost of the project to be shared with the Group Leaders. Councillor Bill Handley agreed to share the letter with the Group Leaders, and the final cost once the project had been finalised.

Councillor Bridget Smith thanked Officers for their work on the project, and Cabinet:

- a) **Agreed** to accept the Deed of Variation proposed by L&Q, which regularises the licenced area described in the agreement with the actual location of the outdoor gym equipment.

## 8. **East West Rail Bedford to Cambridge route alignments and station locations consultation response**

Cabinet received the East West Rail Bedford to Cambridge route alignment and station location consultation response. Councillor Neil Gough, Deputy Leader, introduced the report, highlighting the Council's response to the public consultation on the East West Rail project, proposing a railway line between Oxford, Milton Keynes, Bedford and Cambridge.

Councillor John Williams, Lead Cabinet Member for Finance, was pleased with the Council's response, but noted the impact on the upgraded railway line in Fulbourn.

Councillor Brian Milnes, Lead Cabinet Member for Environmental Services and Licencing, mentioned the change the project would bring to the villages to the district, but was pleased with the response.

Councillor Anna Bradnam, Chair of the Council referred to Section 2 of response refers to southern access and requested the following amendments to the consultation document 'any deviation from the preferred route might impact other

Heritage and Landscape sites and we request that if variations are considered, EWR evaluate the potential for other important sites to be impacted’.

Councillor Dr. Aidan Van de Weyer mentioned the impact the preferred route would have on the district, and lack of information that the Council had received from East West Rail. There was also concerns of the high embankments that would be required with the current route. The Director of the Shared Planning Service agreed there would be impacts for the District, and this had been reflected in the published response.

Councillor Dr. Richard Williams, referred to the tone of the response, and was against the potential severance of local communities through the proposed route. The Director of the Shared Planning Service noted this recommendation and mentioned minor amendments to the tone would be discussed with the deputy leader.

Councillor Nick Wright raised concerns of the route allocation, the station proposed in the north of Cambourne and the development impact of the project, including the potential increase of houses. The Deputy Leader responded that the Council was listening to the residents’ concerns and this was reflected within the response and mentioned the increase in houses was part of a previous consultation of the route.

Councillor Heather Williams expressed concern for the wider Oxford-Cambridge Arc, requesting further information from the administration regarding this project, and requested the Leader to commit to a route from the previously discussed options. The Leader of the Council responded that she would not be committing to a preferred route, but further information from the Oxford-Cambridge Arc would be shared when required.

Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning Policy and Delivery, was pleased with the Council’s response, but also noted the effects the preferred route would have on Highfields Caldecote, the Bourn Airfield development, impacting mixed-use properties, and severing Highfields from Caldecote, and was disappointed with the lack of communications with East West Rail, including the announcement of the station in Cambourne.

Councillor Bridget Smith, noted she was pleased with the current response, and ensured the Members that their comments would be reflected in the response.

The debate was closed, and Cabinet:

- a) **Approved** the Council’s response to the East West Rail consultation as set out in Appendix A of the report.
- b) **Delegated** authority to the Joint Director of Planning and Economic Development to make further technical comments in consultation with the Lead Cabinet Member for Strategic Planning of South Cambridgeshire District Council.

## 9. Exclusion of the Press and Public

Cabinet **agreed** by affirmation that the press and public be excluded from the meeting during consideration of item 10 in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 (as amended) (exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act). Paragraph 3 refers to information relating to the financial or business affairs of any particular person (including the authority holding that information).

**10. Minutes from the Previous Meeting - Confidential**

Cabinet **authorised** the Leader to sign, as a correct record, the exempt version of Minute 9 (Potential Property Investment Decision) of the minutes of the meeting held on 19 April 2021, following minor amendments.

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**The Meeting ended at  
11.10 a.m.**

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# Agenda Item 6



**Report to:** Cabinet 5 July 2021

**Lead Members:** Councillors Neil Gough, Dr. Tumi Hawkins and Brian Milnes

**From:** Councillor Grenville Chamberlain, Chair, Scrutiny and Overview Committee  
Councillor Judith Rippeth, Vice Chair, Scrutiny and Overview Committee

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## Update from Scrutiny and Overview Committee

### Purpose

1. This report is to inform Cabinet about the discussion among members of the Scrutiny and Overview Committee at its meetings on 20 April 2021 and 22 June 2021.

### Extensions of Time (Planning) update

2. At its meeting on 20 April 2021, the Committee considered a report on the outcome of an Internal Audit review of the Extension of Time process followed by the Greater Cambridge Planning Service.
3. Committee members made the following comments:
  - Continued performance improvement might be easier to demonstrate by adopting a Customer Relationship Management (CRM) system
  - The Ministry of Housing, Communities and Local Government (MHCLG) should be urged to clarify against which standard performance should be measured to ensure consistency and comparison of like with like
  - Extensions of Time should be agreed as soon as possible
  - The Internal Audit report should be considered in the context of the circumstances (Covid-19 pandemic) in which the review period fell – circumstances that were very challenging and with which officers coped well
  - The use of Extensions of Time to ensure quality of applications should be taken as evidence of officers being as thorough as possible
  - Extensions of time were sometimes beneficial to the overall process, allowing for a thorough and worked through outcome

- It should be recognised that sometimes Extensions of Time were needed to make applications submitted by developers or their agents acceptable to the Local Planning Authority
- Collaboration between those involved in the planning process invariably led to a more satisfactory outcome
- Officers had continued to process applications effectively despite the severe challenges and restrictions imposed by the Covid-19 Pandemic.

4. Members also considered two rhetorical questions

- Should Extensions of Time agreed before the statutory deadline for the determination of planning applications and those agreed after it be considered differently or as a single matter?
- Are Extensions of Time agreed by applicants and agents as a means of securing planning permission?

## **Private Sector Housing Policy**

5. At its meeting on 22 June 2021, the Committee considered a report on a Private Sector Housing Policy. Members observed as follows:

- Care was needed to ensure a reasonable balance given that tenants could sometimes be the cause of a property's poor state of repair.
- Given the potential workload, it would be important for staffing levels and expertise, though sufficient now, to be reviewed from time to time.
- An effective dialogue with landlords would be essential to emphasise the escalation measures that could be taken in the event of persistent breaches of the policy.
- The policy needs to be proofread to ensure consistency throughout, and compliance with the Council's style guide.
- Enforcement of the policy should be proportionate, properly prioritised and, above all, reasonable.
- The policy, and language used, must be clear and precise.
- The policy should cover those properties managed by Ermine Street Housing because Ermine Street was an arms-length Company of the Council but not part of it.
- There might be merit in exploring an award scheme for good landlords.
- It would be useful to seek integration between this policy and the Empty Homes Strategy.
- Information about landlords had to be kept up to date so that they could be contacted as soon as possible after a problem was identified.
- Whenever possible, the term 'rogue landlord' should be avoided.

## **Quarter 4 Performance**

6. At its meeting on 22 June 2021, the Committee considered a report on Quarter 4 Performance. Members observed as follows:

- The Contact Centre remained a concern, but it was encouraging to hear that new telephony equipment would allow a 'call back' option to be introduced. Other innovations were also of interest, such as the potential of Artificial Intelligence and possible use of online chat agents.
- Less intimidating ways of collecting feedback from tenants would result in more meaningful feedback and assessment of tenant satisfaction.
- Although the backlog of complaints about the Greater Cambridge Planning Service was being addressed successfully, progress must be monitored. Where appropriate, statistics must be placed in context. For example, the proportion of planning applications determined within target should include details of when Extensions of Time had been agreed.

**Report Author:**

Ian Senior – Democratic Services Officer

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# Agenda Item 7



**REPORT TO:** Cabinet

5 July 2021

**LEAD OFFICER:** Liz Watts, Chief Executive

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## **Actions taken under Chief Executive's delegated powers**

### **Executive Summary**

1. As required by the Council's Constitution, this report informs Cabinet of actions taken under the Chief Executive's delegated powers.

### **Key Decision**

2. No

### **Recommendations**

3. To note the actions taken under the Chief Executive's delegation (delegation 4.4, Table 7, Part 3 of the Constitution). Details of these actions are set out in appendix A.

### **Reasons for Recommendations**

4. To advise the Cabinet of the decisions taken under the Chief Executive's emergency delegated powers as required by Delegation No 4.4, Table 7, Part 3 of the Constitution.

### **Report Author:**

Jonathan Malton – Cabinet Support Officer  
Telephone: 07716 959184

Date of Decision	Subject	Background
Tuesday, 18 May 2021	Protocol for attendance at physical meetings held before 21 June 2021	<p>The Government “roadmap” to coming out of COVID-19 restrictions indicates a possible date of 21 June 2021 for easing all restrictions. Meetings of the Council, its Committees and the Cabinet will be held in person, in compliance with legislation and the Council’s Constitution. The risks associated with COVID-19 mean the Chief Executive is obliged to require attendees at meetings to comply with safety measures. The safety measures which have been put in place are based on risk assessment of the venue in which meetings will be held, and with regard to government guidance.</p> <p>The Chief Executive has consulted with the Chair and Leader of the Council in order to ensure that access to meetings continues to be fully upheld, whilst protecting those whose presence is necessary.</p>
Tuesday, 15 June 2021	Protocol for attendance at physical meetings held during COVID-19 continued restrictions	<p>The Government “roadmap” to coming out of COVID-19 restrictions indicated a possible date of 21 June 2021 for easing all restrictions. A delay of a month has been announced, and current restrictions on gatherings will continue. The provisions of this protocol will therefore continue to apply until the restrictions are lifted. Meetings of the Council, its Committees and the Cabinet will be held in person, in compliance with legislation and the Council’s Constitution. The risks associated with COVID-19 mean the Chief Executive is obliged to require attendees at meetings to comply with safety measures. The safety measures which have been put in place are based on risk assessment of the venue in which meetings will be held, and with regard to government guidance.</p> <p>The Chief Executive has consulted with the Chair and Leader of the Council in order to ensure that access to meetings continues to be fully upheld, whilst protecting those whose presence is necessary.</p>



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# Agenda Item 8



<b>Report to:</b>	Cabinet	05 July 2021
<b>Lead Cabinet Member:</b>	Cllr Neil Gough	
<b>Lead Officer:</b>	Jeff Membery (Head of Transformation)	

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## 2020-21 Quarter Four Performance Report

### Executive Summary

1. This report presents Cabinet with the Council's Quarter Four (Q4) position regarding its Key Performance Indicators (KPIs) and 2020-25 Business Plan actions, for consideration, comment and onward submission to Cabinet.
2. These performance reporting arrangements allow performance monitoring and management to take place by providing opportunity to examine quality of service provision and progress against Business Plan actions and timescales, to identify any areas of concern and decide on the appropriate action.
3. This is not a key decision.

### Key Decision

1. No

### Recommendations

4. Cabinet is invited to:
  - a) Review the KPI results and comments at **Appendix A** and progress against Business Plan actions at **Appendix B**, recommending, where appropriate, any actions required to address issues identified for consideration by Cabinet.

### Reasons for Recommendations

5. These recommendations are required to enable senior management and members to understand the organisation's performance. The information included within performance reports contributes to the evidence base for the

ongoing review of priorities and enables, where appropriate, redirection of resources to reflect emerging priorities and address areas of concern.

## Details

### Key Performance Indicator (KPI) report (Appendix A)

6. This appendix presents Key Performance Indicator (KPI) results that are aligned to high-level, business-as-usual activities that underpin the successful delivery of the Council's services.
7. The data in **Appendix A** shows actual performance against target and intervention levels and accompanying comments, as provided by performance indicator owners. The Council uses a 'traffic light' system to denote performance, whereby:
  - **Green** signifies performance targets which have been met or surpassed;
  - **Amber** denotes performance below target but above intervention level. It is the responsibility of service managers to monitor such performance closely, putting in place remedial actions to raise standards as required.
  - **Red** denotes performance below the intervention level. This represents underperformance of concern and should prompt interventions and may involve the reallocation of resources or proposals to redesign how services are provided.

### Business Plan Action Update Report

8. **Appendix B** provides updates in relation to the 2020-25 Business Plan actions and timescales.
9. A 'traffic light' system is now also applied to this element of the performance report whereby:
  - **Green** signifies delivered or expected to be delivered by target timescale;
  - **Amber** signifies delayed, but on track for revised delivery date
  - **Red** signifies not going to be delivered or delivery plan needed

## Implications

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

There are no significant implications beyond those raised within the comments section of the Key Performance Indicator report at **Appendix A** and the Business Plan Update Report at **Appendix B**.

### **Consultation responses**

10. All performance indicator results, and commentaries are provided by or at the instruction of performance indicator owners. Business Plan updates have been provided by Heads of Service or key members of staff for the delivery of these actions and have been subject to discussion at Corporate Management Team.

### **Alignment with Council Priority Areas**

11. The KPI report (**Appendix A**) allows business-as-usual performance to be monitored and managed across the Council's range of activities, whilst the Business Plan Update report (**Appendix B**) provides a view of progress towards each of the actions and timelines outlined within the within the 2020-25 Business Plan priority areas, as detailed below:

- Growing local businesses and economies
- Housing that is truly affordable for everyone to live in
- Being green to our core
- A modern and caring Council

### **Background Papers**

South Cambridgeshire District Council Business Plan 2020-25

### **Appendices**

Appendix A: Key Performance Indicator Report

Appendix B: Business Plan Update Report

### **Report Author:**

Kevin Ledger – Senior Policy and Performance Officer

Telephone: (01954) 713018

Phil Bird – Corporate Programme Manager

Telephone – (01954) 713309

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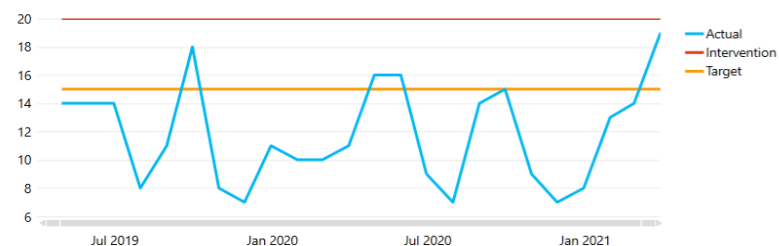


Key Performance Indicator and Owner, organised by Directorate and Service Area	Actual	Target	Intervention	Comments
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**Benefits**

**FS112 Average number of days to process new HB/CTS claims**

Dawn Graham



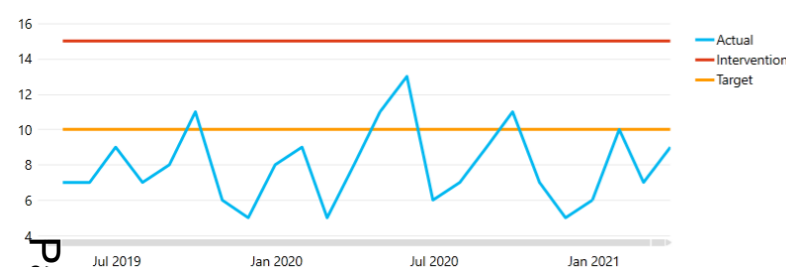
Jan	13	15	20
Feb	14	15	20
Mar	19	15	20

New claim processing days were higher than target for March for several reasons, including system downtime during year end processes; IT downtime affecting two members of staff within the team; focus on processing of Discretionary Housing Payments (DHP) to ensure budget was used by end of March; large number of change of circumstances; staff leave over the Easter period; three members of staff seconded to support Covid-19 work - most hours covered but not all due to availability of Revenues and Benefits trained staff;

Despite the increase in March, performance across the year was 13 days, which is better than target.

**FS113 Average number of days to process HB/CTS change events**

Dawn Graham

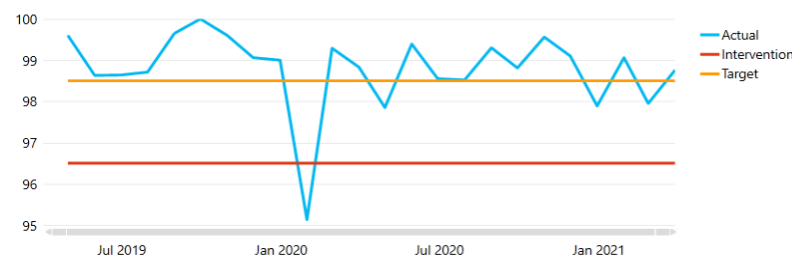


Jan	10	10	15
Feb	7	10	15
Mar	9	10	15

Page 10  
Finance

**FS109 % undisputed invoices paid in 30 days**

Peter Maddock



Jan	99.06	98.5	96.5
Feb	97.95	98.5	96.5
Mar	98.76	98.5	96.5

**Revenues**

**FS102 % Housing Rent collected**

Katie Kelly

Line chart not included for this PI as scale means that actual is indistinguishable from target.

Jan	97.06	97.3	95.35
Feb	97.27	97.9	95.94
Mar	97.81	98.0	96.00

Despite recovery action being placed on hold for a large proportion of the year, and the implementation of a new Housing system, rents performance has remained strong, albeit falling just short of target.

**FS104 % NNDR collected (year to date)**

Katie Kelly

Line chart not included for this PI as scale means that actual is indistinguishable from target.

Jan	93.70	95.5	93.59
Feb	96.20	98.4	96.43
Mar	98.17	98.4	96.43

In-year NNDR collection at the end of the year fell 0.93% off target. However, 2019/20 saw an in-year collection rate of 99.4%, so this represents a reduction of 1.2% on the previous year, or around £950k. Work continues to collect any unpaid balances alongside the NNDR due for the new financial year.

**FS105 % Council Tax collected (year to date)**

Katie Kelly

Line chart not included for this PI as scale means that actual is indistinguishable from target.

Jan	97.20	97.8	95.84
Feb	98.50	98.6	96.63
Mar	99.05	99.1	97.10

In-year Council Tax collection at the end of the year fell 0.05% off target. However, 2019/20 saw an in-year collection rate of 99.26%, so this represents a reduction of 0.2% on the previous year, or around £250k. Work continues to collect any unpaid balances alongside the Council Tax due for the new financial year.

Report continues on the following page.

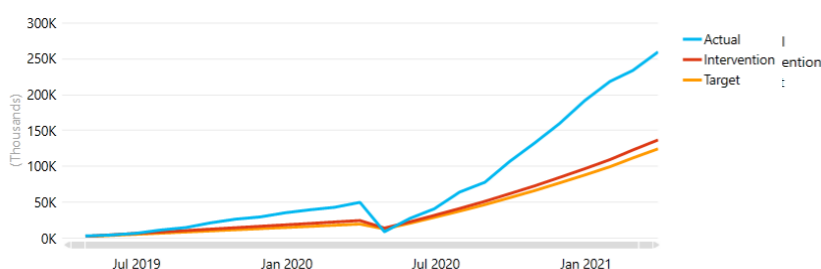
Note: Whilst some KPIs are reported monthly, others are reported quarterly. For quarterly KPIs the results are labelled based on the month at the end of the quarter (e.g. Q1 = Jun, Q2 = Sep)

Key Performance Indicator and Owner, organised by Directorate and Service Area	Actual	Target	Intervention	Comments
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**Housing Advice**

**AH212 £s spent on Bed and Breakfast accommodation (year to date)**

Sue Carter



Jan	217965	99031	108934
Feb	233316	111243	122367
Mar	259262	124066	136473

High B&B costs are indicative of the need to house rough sleepers throughout the Covid-19 pandemic. The Council has fulfilled these duties and this is the main factor in its increased B&B expenditure. Some of the additional Covid related expenditure has been offset from central government funding.

The majority of those in B&B are single people either with complex needs or who would normally be able to stay short term with friends and family, but this is not available due to Covid related restrictions.

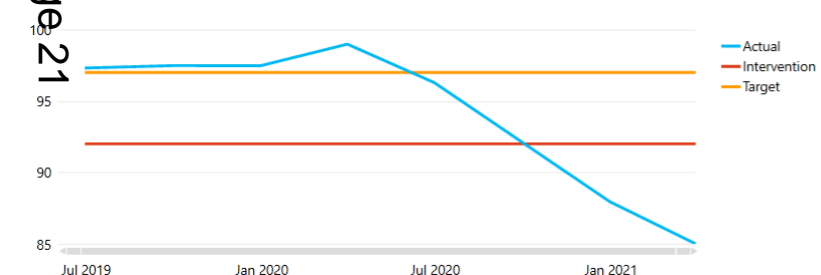
Property allocations through the housing register are now increasing as housing providers return to business as usual. The supply of accommodation for single people has continued to grow via the HMO pilot managed by Shire Homes. Without this option the number accommodated in B&B would be higher.

B&B numbers will continue to be dependent on external factors, particularly regarding future lockdown scenarios, and it is not possible to guarantee when a reduction will occur. Housing Advice and Options continue to explore options to increase the accommodation and support available to rough sleepers, including the submission of funding bids to MHCHLG where appropriate.

**Housing and Property Services**

**AH204 % tenants satisfied with responsive repairs**

Geoff Clark



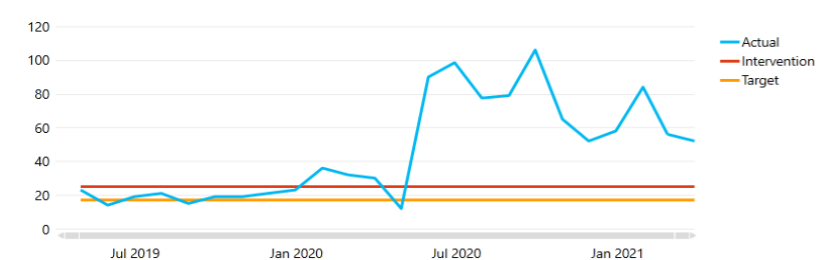
Dec	87.95	97	92
Mar	85.00	97	92

During March there were 216 satisfied responses out of 254 received (a 21% response rate). Survey questions are sent via text messages due to Covid. Previous surveys were undertaken using handheld devices on doorsteps and it is thought that the change in survey method has influenced the decrease in satisfaction rates since this took place.

However, discussions are taking place with the Council's Repairs and Maintenance and Heating Contractors, who are taking action to address and fill roles that became vacant earlier in the year. Performance is being closely monitored to ascertain whether this has led to improved results.

**AH211 Average days to re-let all housing stock**

Geoff Clark



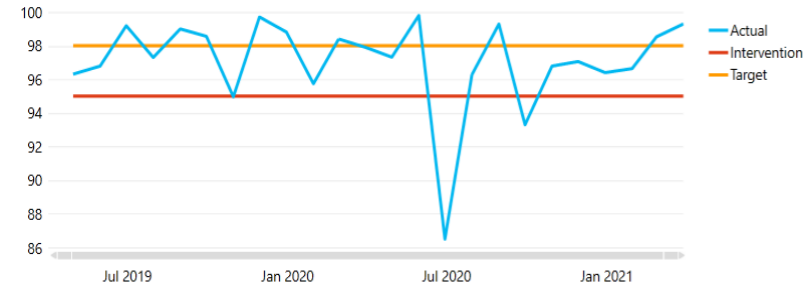
Jan	84	17	25
Feb	56	17	25
Mar	52	17	25

As detailed in relation to AH204 above, the Council's Repairs and Maintenance and Heating Contractors, are taking action to address and fill roles that became vacant earlier in the year. These vacancies have limited the reduction that has taken place in the time taken to re-let housing stock, following the increase that took place as a result of Covid and subsequent safety measures. Performance is being closely monitored and managed to ensure that this action has the desired effect in terms of reducing timescales and improving performance over coming months.

Note: Whilst some KPIs are reported monthly, others are reported quarterly. For quarterly KPIs the results are labelled based on the month at the end of the quarter (e.g. Q1 = Jun, Q2 = Sep)

**SH332 % emergency repairs in 24 hours**

Geoff Clark



Jan	96.64	98	95
Feb	98.53	98	95
Mar	99.30	98	95

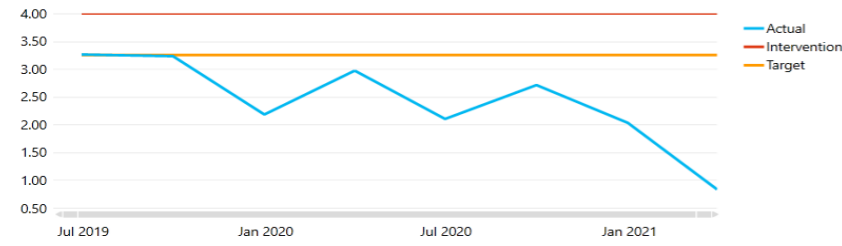
Report continues on the following page.

Key Performance Indicator and Owner, organised by Directorate and Service Area	Actual	Target	Intervention	Comments
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HR

**FS117 Staff turnover (non-cumulative)**

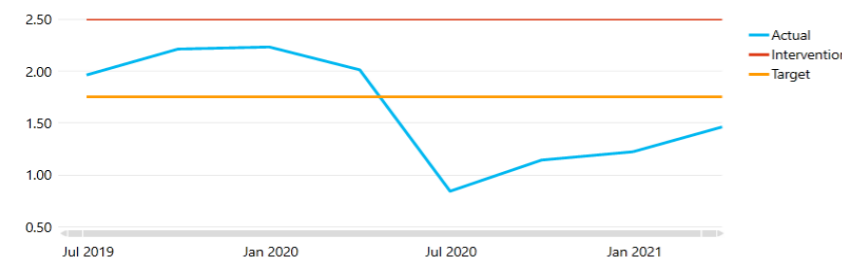
Susan Gardner Craig



Dec	2.03	3.25	4
Mar	0.83	3.25	4

**FS125 Staff sickness days per FTE excluding SSWS (non-cumulative)**

Susan Gardner Craig



Dec	1.22	1.75	2.5
Mar	1.46	1.75	2.5

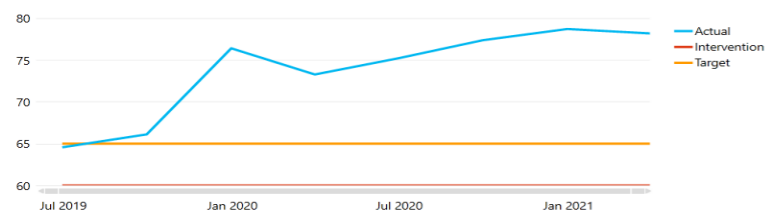
Report continues on the following page.

Key Performance Indicator and Owner, organised by Directorate and Service Area	Actual	Target	Intervention	Comments
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**Dev. Management**

**PN510 % of major applications determined within 13 weeks or agreed timeline (designation period cumulative)**

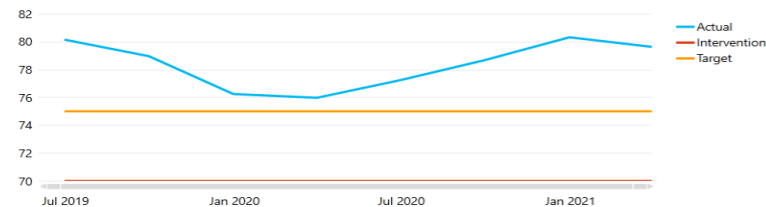
Sharon Brown



Dec	78.71	65	60
Mar	78.18	65	60

**PN511 % of non-major applications determined within 8 weeks or agreed timeline (desig. period cumulative)**

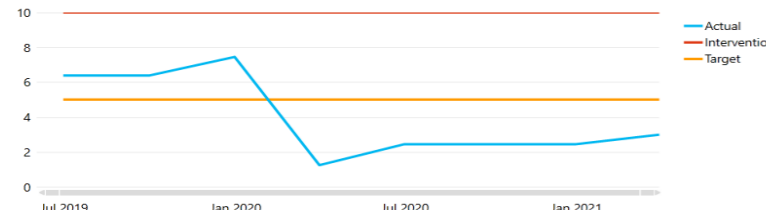
Sharon Brown



Dec	80.32	75	70
Mar	79.63	75	70

**PN512 % of appeals against major planning permissions refusal allowed (designation period cumulative)**

Sharon Brown

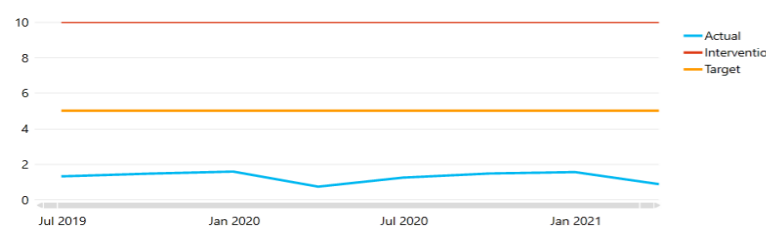


Dec	2.44	5	10
Mar	2.99	5	10

March's result marks the beginning of the Apr 2019 - Dec 2021 designation assessment period, in line with MHCLG performance monitoring arrangements.

**PN513 % of appeals against non-major planning permission refusal allowed (designation period cumulative)**

Sharon Brown



Dec	1.54	5	10
Mar	0.86	5	10

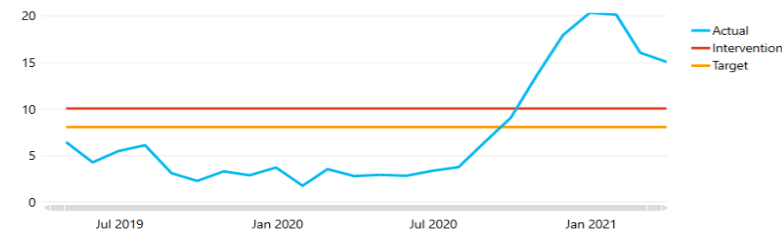
March's result marks the beginning of the Apr 2019 - Dec 2021 designation assessment period, in line with MHCLG performance monitoring arrangements.

Note: Whilst some KPIs are reported monthly, others are reported quarterly. For quarterly KPIs the results are labelled based on the month at the end of the quarter (e.g. Q1 = Jun, Q2 = Sep)

Land Charges

SX025 Average Land Charges search response days

Charlene Harper



Jan	20	8	10
Feb	16	8	10
Mar	15	8	10

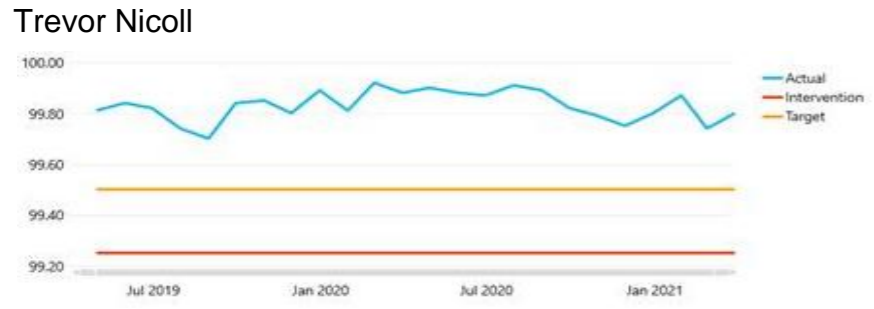
High numbers of search requests have continued to be received, driven by the temporary change in stamp duty rules. In Dec additional resources were allocated to the team. The backlog of personal searches has since reduced and Feb and Mar results have also decreased, albeit remaining above intervention level.

Report continues on the following page.

**Key Performance Indicator and Owner, organised by Directorate and Service Area**    **Actual**    **Target**    **Intervention**    **Comments**

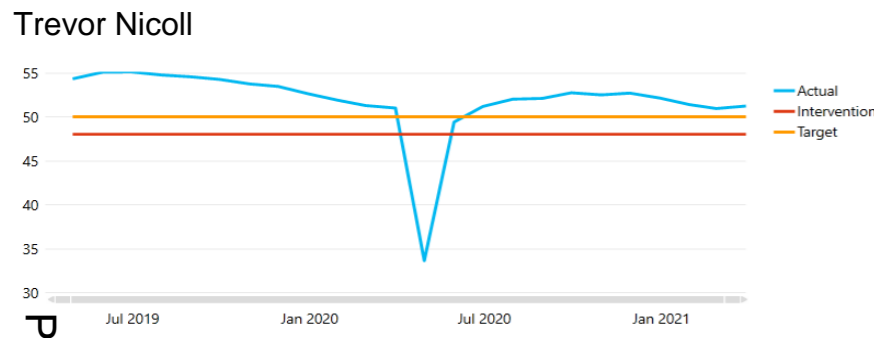
**Shared Waste Service**

**ES408 % of bins collected on schedule (SSWS)**



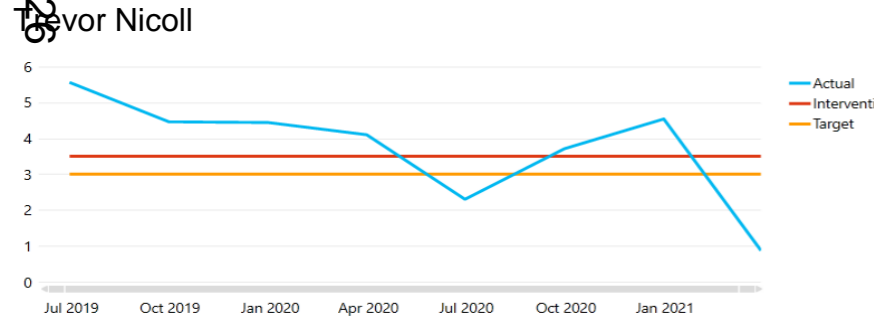
Trevor Nicoll	Jan	99.87	99.5	99.25
	Feb	99.74	99.5	99.25
	Mar	99.80	99.5	99.25

**ES418 % of household waste sent for reuse, recycling and composting (cumulative)**



Trevor Nicoll	Jan	51.38	50	48
	Feb	50.93	50	48
	Mar	51.22	50	48

**SP786a Staff sickness days per FTE - SSWS**



Trevor Nicoll	Dec	4.54	3	3.5
	Mar	0.87	3	3.5

Report continues on the following page.

Note: Whilst some KPIs are reported monthly, others are reported quarterly. For quarterly KPIs the results are labelled based on the month at the end of the quarter (e.g. Q1 = Jun, Q2 = Sep)

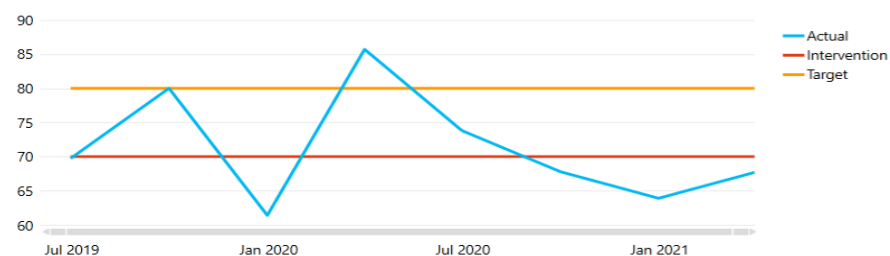


Key Performance Indicator and Owner, organised by Directorate and Service Area	Actual	Target	Intervention	Comments
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**Complaints**

**CC305 % of formal complaints resolved within timescale (all SCDC)**

Jeff Membery



Dec	63.9	80	70
Mar	67.7	80	70

44 of the 65 complaints responses sent in Q4 were within target timescale (10 working days for stage 1 and 20 working days for stage 2 complaints).

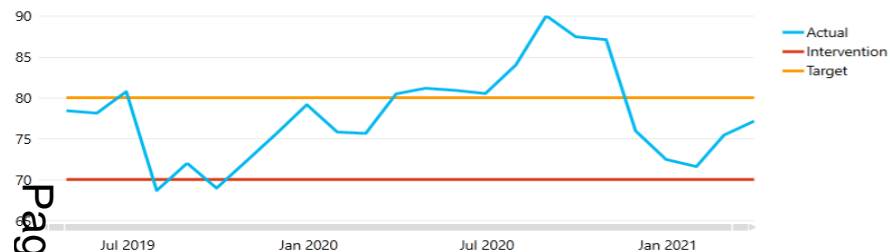
10 of 10 (100%) responses were sent within timescale in Corporate Services and Finance, 18 of 22 (81.8%) in Housing, 13 of 19 (68.4%) within Shared Waste and Environment, and 3 of 14 (21.4%) in the Greater Cambridge Planning Service.

An action plan for the improvement of complaints handling performance has been created in Q4 and is now being implemented. This has led to an immediate reduction in the backlog of Planning complaints and is expected to lead to an increase in overall performance levels from Q1 onwards.

**Contact Centre**

**CC302 % calls to the Contact Centre resolved first time**

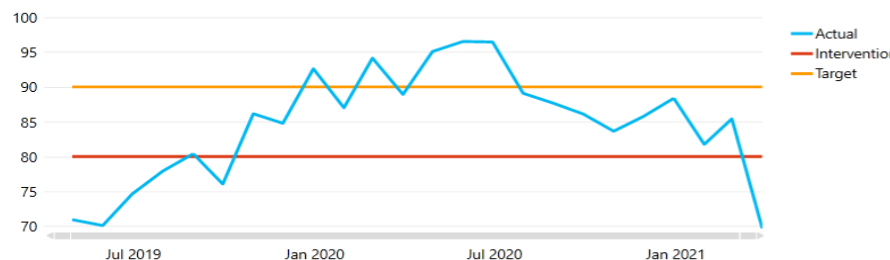
Jeff Membery



Jan	71.58	80	70
Feb	75.42	80	70
Mar	77.15	80	70

**CC303 % of calls to the Contact Centre that are handled (answered)**

Jeff Membery



Jan	81.75	90	80
Feb	85.42	90	80
Mar	69.65	90	80

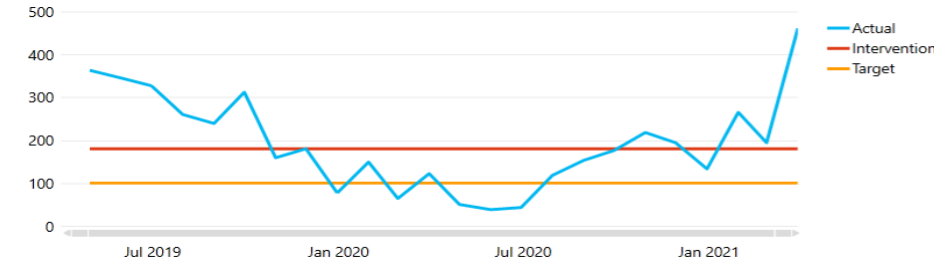
March and April are always demanding times for our contact team as well as call volumes being high – over 1000 calls a day received on a number of occasions in March and April – many of the enquiries we received have been complex, with officers needing to give detailed advice.

SCDC are committed to providing a great service to our residents and businesses, and we have now recruited 5 people to our contact centre and are looking to introduce other options for people to contact us. This will include introducing a new telephone system for our contact centre, increasing self-service options on the website and introducing webchat. We have also started to investigate how we can use artificial intelligence to provide a service where people need to contact us outside of normal office hours.

Note: Whilst some KPIs are reported monthly, others are reported quarterly. For quarterly KPIs the results are labelled based on the month at the end of the quarter (e.g. Q1 = Jun, Q2 = Sep)

CC307 Average call answer time (seconds)

Jeff Membro



Jan	265	100	180
Feb	194	100	180
Mar	461	100	180

Please see previous comment.

Note: Whilst some KPIs are reported monthly, others are reported quarterly. For quarterly KPIs the results are labelled based on the month at the end of the quarter (e.g. Q1 = Jun, Q2 = Sep)



**Notes:**

Measures include a completion date by quarter of the financial year (Quarter 1 – April to June; Quarter 2 – July to September; Quarter 3 – October to December; Quarter 4 – January to March).

**\* RAG Ratings are applied on the following basis:**

Green = Delivered or expected to be delivered by target timescale; Amber = Delayed but on track for revised delivery date; Red = Not going to be delivered or delivery plan needed

**Summary:**

29 (60.4%) Green actions  
 19 (39.6%) Amber actions  
 0 (0%) Red actions

## A) Growing local businesses and economies

4 Green actions, 4 Amber actions, 0 Red actions

Action	Measure	Position at end of Quarter 4	RAG Rating*
A1) Create a business team with a single point of contact for business enquiries when they involve more than one team	<ul style="list-style-type: none"> <li>Establish of a Business Team (quarter 2)</li> </ul>	<ul style="list-style-type: none"> <li>The team of 4 is now fully in place and acting as a central conduit for all business-related queries.</li> <li>This action will evolve in the 2021-22 revision of the Business Plan Action Plan to focus on helping businesses to survive, adapt and grow as the national and local situation develops.</li> </ul>	

<p>A2) Help start-ups and home-based businesses to find workspace</p>	<ul style="list-style-type: none"> <li>• Complete a feasibility study looking at how South Cambs Hall can be used to provide workspace for businesses, including start-ups (quarter 2)</li> </ul>	<ul style="list-style-type: none"> <li>• Feasibility study is underway, however there are delays due to Covid-19 related issues. Significant building works are commencing in relation to Greening South Cambs Hall project (see action C3) which will also affect the assessment.</li> <li>• This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan</li> </ul>	
<p>A2) Help start-ups and home-based businesses to find workspace</p>	<ul style="list-style-type: none"> <li>• Provide a new space for up to 5 growing small business (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>• Feasibility study is underway, however there are delays due to Covid-19 related issues. Significant building works are commencing in relation to Greening South Cambs Hall project (see action C3) which will also affect the assessment.</li> <li>• This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan</li> </ul>	
<p>A3) Deliver support to start-ups and small businesses that is not available elsewhere to help them grow, create new local jobs and deal with the impacts of Brexit</p>	<ul style="list-style-type: none"> <li>• Hold 8 business support workshops (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>• 7 business webinars have been held covering a range of subjects, and another 7 are planned for the upcoming months.</li> <li>• This measure will continue to feature alongside a new measure, to develop an innovations and start-ups fund within the 2021-22 revision of the Business Plan Action Plan</li> </ul>	



<p>A3) Deliver support to start-ups and small businesses that is not available elsewhere to help them grow, create new local jobs and deal with the impacts of Brexit</p>	<ul style="list-style-type: none"> <li>• Provide business support advice to 100 businesses (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>• Target exceeded, with contact and advice provided to well over 2,000 businesses throughout the Covid-19 pandemic.</li> <li>• Over £30million of government grants distributed to support businesses through the Pandemic.</li> <li>• This measure will continue to feature alongside a new measure, to develop an innovations and start-ups fund within the 2021-22 revision of the Business Plan Action Plan</li> </ul>	
<p>A4) Promote the area and Enterprise Zones to retain businesses and attract new ones which will protect and create local jobs</p>	<ul style="list-style-type: none"> <li>• Complete strategy and begin actively promoting Enterprise Zones to secure new businesses locating there (quarter 3)</li> </ul>	<ul style="list-style-type: none"> <li>• The new business support team will assist with marketing requirements and business engagement relating to Cambourne and Northstowe Enterprise Zones in particular.</li> <li>• The completion of a strategy for and promotion of Northstowe Enterprise Zone will be carried forward into the 2021-22 revision of the Business Plan Action Plan.</li> </ul>	
<p>A4) Promote the area and Enterprise Zones to retain businesses and attract new ones which will protect and create local jobs</p>	<ul style="list-style-type: none"> <li>• 500 additional jobs created on Enterprise Zones by end of 2024/25 financial year</li> </ul>	<ul style="list-style-type: none"> <li>• Longer term target that will continue to feature in the 2021-22 revision of the Business Plan Action Plan</li> </ul>	
<p>A5) Identify gaps in the land and premises available for</p>	<ul style="list-style-type: none"> <li>• Complete employment land and premises study (quarter 2)</li> </ul>	<ul style="list-style-type: none"> <li>• Report and stakeholder sessions have been completed as an input to the Housing and Employment Land Availability Assessment</li> </ul>	

businesses as an input to our new Local Plan		(HELAA) part of the emerging Greater Cambridge Local Plan. <ul style="list-style-type: none"> <li>The measure relating to this action in the 2021-22 revision of the Business Plan Action Plan will focus on the development of the HELAA as part of the emerging Greater Cambridge Local Plan.</li> </ul>	
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## B) Housing that is truly affordable for everyone to live in

8 Green actions, 4 Amber actions, 0 Red actions

Action	Measure	Position at end of Quarter 4	RAG Rating*
B1) Increase the number of Council homes built each year to support people on lower incomes. These will include high energy standards and renewable energy.	<ul style="list-style-type: none"> <li>Complete 50 new Council homes in 2020-21 (quarter 4) as part of doubling the number being built by 2024</li> </ul>	<ul style="list-style-type: none"> <li>Target exceeded - 71 new Council homes (10 at Great Abington, 9 at Foxton, 4 at West Wickham, 5 at Teversham, 11 at Toft and 32 at Hardwick), remaining on track to double the number of homes we will build each year by 2024.</li> <li>Target will increase to 60 New Homes Completed within the 2021-22 revision of the Business Plan Action Plan</li> </ul>	

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<p>B2) Work with local people to set out where and how new homes and communities will be built across the Greater Cambridge area</p>	<ul style="list-style-type: none"> <li>Produce a report assessing feedback provided by local people from the first Local Plan consultation. This will inform the next steps in the Local Plan process (quarter 1)</li> </ul>	<ul style="list-style-type: none"> <li>Completed.</li> <li>Action retained in 2021-22 revision of the Business Plan Action Plan reflects ongoing Local Planning processes.</li> </ul>	
<p>B2) Work with local people to set out where and how new homes and communities will be built across the Greater Cambridge area</p>	<ul style="list-style-type: none"> <li>Complete and publish a North East Cambridge draft Area Action Plan for consultation (quarter 2)</li> </ul>	<ul style="list-style-type: none"> <li>Completed.</li> <li>Action retained in 2021-22 revision of the Business Plan Action Plan reflects ongoing Local Planning processes.</li> </ul>	
<p>B3) Create and continue to run liaison meetings and forums where significant new developments are being planned to minimise disruption and help new residents settle in</p>	<ul style="list-style-type: none"> <li>Establish liaison meetings in Sawston and Duxford/Hinxton (and other locations if required) in 2020/21</li> </ul>	<ul style="list-style-type: none"> <li>Completed</li> <li>Provision of support for liaison meetings continues to be reflected in the 2021-22 revision of the Business Plan Action Plan.</li> </ul>	
<p>B3) Create and continue to run liaison meetings and forums where significant new developments are being planned to minimise disruption and help new residents settle in</p>	<ul style="list-style-type: none"> <li>Continue to carry out liaison meetings in Cottenham</li> </ul>	<ul style="list-style-type: none"> <li>Completed</li> <li>Provision of support for liaison meetings continues to be reflected in the 2021-22 revision of the Business Plan Action Plan.</li> </ul>	

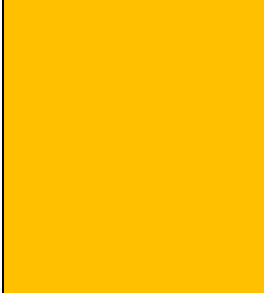
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<p>B3) Create and continue to run liaison meetings and forums where significant new developments are being planned to minimise disruption and help new residents settle in</p>	<ul style="list-style-type: none"> <li>Continue to carryout community forums in Northstowe, Waterbeach, North-West Cambridge, and Cambridge East.</li> </ul>	<ul style="list-style-type: none"> <li>Completed</li> <li>Provision of support for liaison meetings continues to be reflected in the 2021-22 revision of the Business Plan Action Plan.</li> </ul>	
<p>B3) Create and continue to run liaison meetings and forums where significant new developments are being planned to minimise disruption and help new residents settle in</p>	<ul style="list-style-type: none"> <li>Establish new community forums covering Bourn and Cambourne West, and North-East Cambridge in 2020/21</li> </ul>	<ul style="list-style-type: none"> <li>Completed</li> <li>Provision of support for liaison meetings continues to be reflected in the 2021-22 revision of the Business Plan Action Plan.</li> </ul>	
<p>B4) Improve the energy efficiency of existing Council housing to reduce carbon impact and running costs</p>	<ul style="list-style-type: none"> <li>Carry out an audit of energy efficiency of existing housing stock relative to zero carbon target (quarter 1)</li> </ul>	<ul style="list-style-type: none"> <li>Energy audit completed specifying a number of works to be taken forward to increase energy efficiency.</li> <li>A pilot 'Net-zero' project is taking place in collaboration with partners to identify and monitor the impact of measures installed by the Council, as well as those to be installed by other landlords.</li> <li>This measure will be updated in the 2021-22 revision of the Business Plan Action Plan to focus on a Stock Condition Survey.</li> </ul>	




<p>B4) Improve the energy efficiency of existing Council housing to reduce carbon impact and running costs</p>	<ul style="list-style-type: none"> <li>• Approve a work programme for insulation measures over the next four years to narrow the gap on the zero-carbon target (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>• An Asset Management Plan will shortly be published setting out how we will improve the efficiency of our poorest-performing properties. This will focus on insulation.</li> <li>• A pilot ‘Net-zero’ project is taking place and will inform further suitable energy efficiency measures to take forward over the next four years.</li> <li>• This measure will be updated in the 2021-22 revision of the Business Plan Action Plan to focus on approval of an insulation work programme over the next four year, and the completion of the Asset Management Plan.</li> </ul>	
<p>B5) Deliver a new sports pavilion, community centre and civic hub (containing health, library and community facilities) at Northstowe</p>	<ul style="list-style-type: none"> <li>• Submit planning permission for the new sports pavilion (quarter 3)</li> </ul>	<ul style="list-style-type: none"> <li>• Sports pavilion site investigation completed, pre-application submitted, and comments received. Presentation made to the Northstowe Community Forum and application to be submitted by end of 2021-22 Q1</li> <li>• This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan</li> </ul>	
<p>B5) Deliver a new sports pavilion, community centre and civic hub (containing health, library and community facilities) at Northstowe</p>	<ul style="list-style-type: none"> <li>• Complete local engagement to understand what the community wants in the new community centre (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>• To appoint Client Advisor (covering community engagement and design) by end of Q2</li> <li>• This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan</li> </ul>	

<p>B5) Deliver a new sports pavilion, community centre and civic hub (containing health, library and community facilities) at Northstowe</p>	<ul style="list-style-type: none"> <li>Award design contract for a new Civic Hub (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>Delay to award of design contract for Civic Hub due to Covid-19 and requirement of County Public Health and CCG/NHS input.</li> <li>This measure will progress to focus on the submission of planning permission for the new Civic Hub in the 2021-22 revision of the Business Plan Action Plan</li> </ul>	
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## C) Being green to our core

9 Green actions, 9 Amber actions, 0 Red actions

Action	Measure	Position at end of Quarter 4	RAG Rating*
<p>C1) In response to the global climate crisis we will continue to work towards a zero-carbon future by 2050</p>	<ul style="list-style-type: none"> <li>Complete a zero-carbon strategy for the district to inform an action plan (quarter 3)</li> </ul>	<ul style="list-style-type: none"> <li>Zero Carbon Strategy was adopted by Council in May and an action plan has been developed.</li> <li>2021-22 measures will focus on delivery of several actions in line with the Zero Carbon Strategy, including taking opportunities to reduce our own carbon emissions, the development of low carbon planning policies for adoption in the Local Plan, EV charging point provision and green energy investment opportunities.</li> </ul>	

## Appendix B – Business Plan Actions Update Report



<p>C1) In response to the global climate crisis we will continue to work towards a zero-carbon future by 2050</p>	<ul style="list-style-type: none"> <li>• Agree action plan to reduce the Council's emissions for all our buildings and operations (quarter 1)</li> </ul>	<ul style="list-style-type: none"> <li>• Completed.</li> <li>• 2021-22 measures will focus on the delivery of a number of actions in line with the Zero Carbon Strategy, including taking opportunities to reduce our own carbon emissions.</li> </ul>	
<p>C2) Work with partners to protect and enhance the environment with the aim of doubling nature</p>	<ul style="list-style-type: none"> <li>• Hold a local Climate Summit (quarter 3)</li> </ul>	<ul style="list-style-type: none"> <li>• A season of online Climate &amp; Environment events in February and March, attracting almost 1,900 views across 6 events (as of 22/04/21).</li> <li>• Doubling Nature Strategy produced and approved</li> <li>• 2021-22 measures will focus on the delivery of several actions in line with the Doubling Nature Strategy, including taking opportunities to enhance nature on our own estate, the development of planning policies that contribute towards the doubling of nature for adoption in the Local Plan, a survey of all trees on Council-owned land and delivery of '6 Free Trees' initiative.</li> </ul>	
<p>C3) Retrofit our Cambourne office with renewable energy generation and energy efficiency measures</p>	<ul style="list-style-type: none"> <li>• Complete retrofit of Cambourne office (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>• Project start was delayed. A new programme has been approved and work is now underway to deliver in 2021-22.</li> <li>• This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan, and supplemented with a measure to</li> </ul>	

		undertake energy and generation audits of other Council-owned commercial properties.	
C3) Retrofit our Cambourne office with renewable energy generation and energy efficiency measures	<ul style="list-style-type: none"> <li>Reduce mains gas and electricity demands from our Cambourne office by over 50% per year (from March 2021 onwards compared to baseline in 2019).</li> </ul>	<ul style="list-style-type: none"> <li>Project start was delayed. A new programme has been approved and work is now underway to deliver electricity and gas savings.</li> <li>This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan</li> </ul>	
C3) Retrofit our Cambourne office with renewable energy generation and energy efficiency measures	<ul style="list-style-type: none"> <li>Reduce carbon emissions from our Cambourne office by 49% per year (from March 2021 onwards compared to baseline in 2019).</li> </ul>	<ul style="list-style-type: none"> <li>Project start was delayed. A new programme has been approved and work is now underway to deliver emissions savings.</li> <li>This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan</li> </ul>	
C4) Trial electric recycling and waste vehicles, including the investigation of on-site solar panel energy generation	<ul style="list-style-type: none"> <li>One electric bin lorry and two small vans operating to assess feasibility (quarter 3)</li> </ul>	<ul style="list-style-type: none"> <li>The service took delivery of first electric vehicle in Q3. Performance of the vehicles is being monitored.</li> <li>This measure will progress to the next phase of work to convert fleet to electric, including preparation work for electric refuse collection fleet.</li> </ul>	
C4) Trial electric recycling and waste vehicles, including the investigation of on-site solar panel energy generation	<ul style="list-style-type: none"> <li>Prepare a business case on further investment in alternative fuel bin lorries and power generation for 2021-22 budget setting</li> </ul>	<ul style="list-style-type: none"> <li>The service took delivery of first electric vehicle in Q3. Performance of the vehicles is being monitored.</li> <li>Plans made to procure 5 electric refuse collection vehicles to replace diesel versions</li> </ul>	

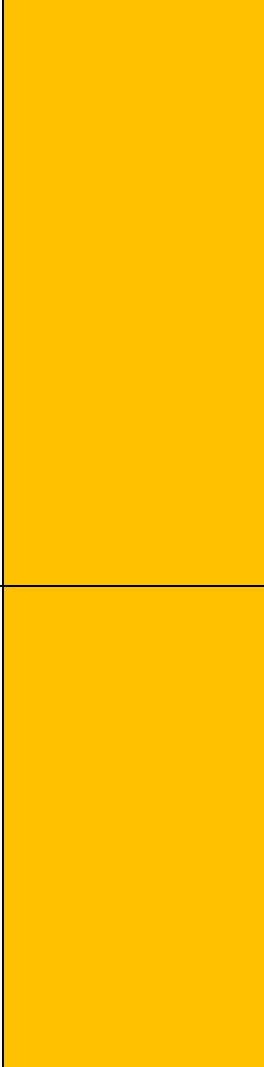
## Appendix B – Business Plan Actions Update Report



		<ul style="list-style-type: none"> <li>This measure will progress to the next phase of transition to electric recycling and waste vehicles.</li> </ul>	
C5) Support Parish Council and community group projects to reduce reliance on fossil fuels and move toward the zero-carbon target	<ul style="list-style-type: none"> <li>Provide £100,000 to community and voluntary groups through the Zero Carbon Communities grant and support programme.</li> </ul>	<ul style="list-style-type: none"> <li>17 awards are processed using £97,300 of the funding available.</li> <li>This measure will continue with a third round of grant funding, and offer support through network offering workshops, web-based resources and e-bulletins and nature recovery initiatives.</li> </ul>	
C6) Upgrade our stock of 1,800 streetlights to LED, which will reduce energy consumption and save Parish Councils money	<ul style="list-style-type: none"> <li>Completion of lighting upgrade to LED (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>Planned completion for all non-ornamental lights due March 2021.</li> <li>This measure will be carried forward into 2021-22 revision of the Business Plan Action Plan</li> </ul>	
C6) Upgrade our stock of 1,800 streetlights to LED, which will reduce energy consumption and save Parish Councils money	<ul style="list-style-type: none"> <li>Achieve 60% reduction in energy consumption of streetlighting for Parish Councils (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>Completed.</li> </ul>	
C7) Agree and deliver our strategy and actions needed to protect and improve the air quality of our district	<ul style="list-style-type: none"> <li>Strategy and action plan revised (quarter 1)</li> </ul>	<ul style="list-style-type: none"> <li>Revised strategy and action plan have been delayed as a result of Covid-19 impacts on resources and time.</li> <li>This measure will be carried forward into 2021-22 revision of the Business Plan Action Plan</li> </ul>	



<p>C7) Agree and deliver our strategy and actions needed to protect and improve the air quality of our district</p>	<ul style="list-style-type: none"> <li>• Air quality monitor in place to gather data at one new location (quarter 1)</li> </ul>	<ul style="list-style-type: none"> <li>• Completed - a new air quality monitor has been installed at Harston.</li> <li>• This measure will be carried forward into 2021-22 revision of the Business Plan Action Plan</li> </ul>	
<p>C7) Agree and deliver our strategy and actions needed to protect and improve the air quality of our district</p>	<ul style="list-style-type: none"> <li>• Complete a review of how and where we monitor air quality (quarter 2)</li> </ul>	<ul style="list-style-type: none"> <li>• Revised strategy and action plan have been delayed as a result of Covid-19 impacts on resources and time.</li> <li>• This measure will be carried forward into 2021-22 revision of the Business Plan Action Plan</li> </ul>	
<p>C8) Improve recycling and reduce waste at community events</p>	<ul style="list-style-type: none"> <li>• Publish a resource toolkit for community groups and parish councils (quarter 1)</li> </ul>	<ul style="list-style-type: none"> <li>• We have worked to produce the resource for community groups and parish councils, but the release date needs to be reviewed and rescheduled for post-Covid-19 to ensure greatest impact.</li> <li>• This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan</li> </ul>	
<p>C8) Improve recycling and reduce waste at community events</p>	<ul style="list-style-type: none"> <li>• Equipment and information kit to minimise and separate recycling at community events available (quarter 1)</li> </ul>	<ul style="list-style-type: none"> <li>• We have worked to produce the resource for community groups and parish councils, but the release date needs to be reviewed and rescheduled for post-Covid-19 to ensure greatest impact.</li> <li>• This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan</li> </ul>	

<p>C9) Run an information campaign to help reduce the amount of food waste in the black bin</p>	<ul style="list-style-type: none"> <li>• Cut the amount of food waste in the black bin by 200 tonnes per month (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>• A communications programme has been undertaken to help residents reduce their food waste. This has reinforced the national ‘love food hate waste’ campaign and National Food waste action week in March.</li> <li>• A waste analysis will be undertaken in autumn to determine if the 200 tonnes per month reduction has been. In the meantime, round specific tonnages are being analysed to quantify the impacts of new food waste collections at a local level.</li> <li>• Actions within the 2021-22 Business Plan will include an extension of weekly food waste collection trial, and feasibility plan development for wider role out of this.</li> </ul>	
<p>C10) Deter fly-tipping at locations where it happens frequently</p>	<ul style="list-style-type: none"> <li>• Agree fly-tipping hotspots and action plans to address this at each one (quarter 2)</li> </ul>	<ul style="list-style-type: none"> <li>• Street scene and enforcement officers have worked closely to identify locations and develop an operational plan.</li> <li>• A review of the service and has been implemented and a new Streets Operations Team Leader post has been filled (due to start June 2021). The service has also recruited a Streetscene Enforcement Officer who will now work together in further developing our approach to fly-tipping hot spots.</li> <li>• A waste prevention and reduction campaign is due to take place in 2021-22</li> </ul>	



## D) A modern and caring Council

8 Green actions, 2 Amber actions, 0 Red actions

Action	Measure	Position at end of Quarter 4	RAG Rating*
D1) Make sure that the Council is structured and appropriately resourced to deliver the ambitions of our communities	<ul style="list-style-type: none"> <li>Review all service areas (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>Transformation Team in place to carry out service reviews and Revenues and Benefits and Planning service reviews are in progress.</li> <li>Reviews to be thorough rather than light touch.</li> <li>In addition to the service reviews, 21-22 measures will include the review of employment policies relating to recruitment and retention</li> </ul>	Amber
D2) Review recruitment processes to attract and retain the best talent and ensure that we are an employer of choice for people with disabilities	<ul style="list-style-type: none"> <li>Complete and analyse an annual staff satisfaction survey and review our benefits package (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>Annual staff satisfaction survey completed in Oct/Nov 2020. Results have been analysed and are being considered by Leadership Team.</li> <li>21-22 measures are more broadly focused on all under-represented groups, in addition to disabled persons.</li> </ul>	Green
D2) Review recruitment processes to attract and retain the best talent and ensure that we are an employer of choice for people with disabilities	<ul style="list-style-type: none"> <li>Successfully fill at least 70% of jobs advertised through first round of recruitment</li> </ul>	<ul style="list-style-type: none"> <li>New employee benefits portal and employee assistance helpline launched in April 2020.</li> <li>Target of 70% recruitment has been achieved</li> <li>21-22 measures will include a review of the Apprenticeship Strategy for existing staff and new staff to include under-represented groups and care leavers.</li> </ul>	Green



## Appendix B – Business Plan Actions Update Report



D2) Review recruitment processes to attract and retain the best talent and ensure that we are an employer of choice for people with disabilities	<ul style="list-style-type: none"> <li>Increase the number of job applications from people disabilities from 2019-20 levels</li> </ul>	<ul style="list-style-type: none"> <li>Disability Confident Level 2 accreditation has been achieved.</li> <li>Application levels to be reviewed once data is available through new HR system.</li> <li>21-22 measures will be extended to increase the number of job applications from people from under represented groups from 19-20 level.</li> </ul>	
D3) Generate income through delivering the Council's investment strategy	<ul style="list-style-type: none"> <li>25% of our income is generated from investments and other commercial activities by end of 2023-24 financial year</li> </ul>	<ul style="list-style-type: none"> <li>It is expected that this target will be met earlier than target, in 2021-22.</li> <li>This measure will be carried forward into the 2021-22 revision of the Business Plan Action Plan</li> </ul>	
D4) Make it easier for customers to access and carry out transactions online	<ul style="list-style-type: none"> <li>Double number of households registered for a OneVu account – 9% registered at December 2019 (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>Achieved. 22,764 accounts have been registered compared with 68,510 households equating to 33% of South Cambs households with OneVu accounts.</li> <li>Measures for 21-22 will make an additional 10 services available for self-service, and a portal for businesses to access online services.</li> </ul>	
D4) Make it easier for customers to access and carry out transactions online	<ul style="list-style-type: none"> <li>Reduce the number of calls per household by 5% - compared to 2019-20 levels (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>Achieved. 142,173 calls were received in 2020-21 compared with 169,740 in 2019-20, equating to a 27,567 or a 16% reduction.</li> </ul>	
D5) Council and committee meetings will be run paper-free wherever possible	<ul style="list-style-type: none"> <li>Paper free cabinet meetings to be held (quarter 2)</li> </ul>	<ul style="list-style-type: none"> <li>Complete</li> </ul>	



<p>D5) Council and committee meetings will be run paper-free wherever possible</p>	<ul style="list-style-type: none"> <li>Members to be provided with an option for paper-free Council and committee meetings (quarter 4)</li> </ul>	<ul style="list-style-type: none"> <li>Electronic agenda packs in place of paper agenda packs have been trialled for Cabinet in Q3 for all Cabinet Members.</li> <li>This measure will focus on providing Councillors the option for paper-free meetings in the 2021-22 revision of the Business Plan Action Plan</li> </ul>	
<p>D6) Increase the number of villages covered by mobile warden schemes to help people to live in their homes for longer</p>	<ul style="list-style-type: none"> <li>At least 3 new mobile warden schemes set up (quarter 3)</li> </ul>	<ul style="list-style-type: none"> <li>Target exceeded, with 7 new schemes up and running, increasing coverage to a further 20 villages.</li> <li>Investigating options to broaden the reach of existing schemes.</li> <li>This action will be broadened out in the 2021-22 revision of the Business Plan Action Plan to include tackle a broader range of issues that are affecting our local communities. Measures will include a council support package to help communities identify and address issues; agreement of flood plans with our 13 of the most impacted communities; support for 150 new clients through housing departments visiting support service; additional lifeline service for 100 users and £500,000 disabled facilities grant to allow people to live independently.</li> </ul>	



<b>REPORT TO:</b>	Cabinet	05 July 2021
<b>LEAD CABINET MEMBER:</b>	Cllr Brian Milnes, Lead Cabinet Member for Environmental Services and Licencing	
<b>LEAD OFFICER:</b>	John Hall, Environment Service Manager (Commercial & Licencing)	

## Private Sector Housing Policy (Environmental Health: Enforcement and Licencing)

### Executive Summary

1. The Private Sector Housing policy brings together the actions that will be taken by Environmental Health Practitioners to ensure that housing within the Private Sector Housing sector reaches the required standards as set out in Housing and other Acts that we can use. The policy is a new policy and formalises the approach already taken by the EHPs in Waste and Environment. The Minister of Housing, Communities and Local Government has published the following document 'Rogue Landlord Enforcement: Guidance for Local Authorities'. This document covers the expectation that Local Authorities will use the powers that we have been given to tackle substandard conditions in the private rented sector and it is landlords that manage properties that do not meet this requirement that enforcement action will be targeted towards. It also states that we should have clear policies and procedures on how we are going to do this. This policy will ensure that we are following best practice.

The document will enable landlords and letting agents to understand how the council may use the powers we have.

The powers that we use can be used on all tenure types, so in certain circumstances they can be used with homes that are owner occupied or have social landlords.

This policy deals with the practical application of enforcement procedures that will be used to achieve housing and environmental standards. The main objective of any enforcement action is to ensure that noncompliance in the housing market is addressed in the most effective way to ensure that compliance is achieved for the benefit of all. The three key principles we apply to any enforcement are: Consistency; proportionality and openness, and by following this policy we will ensure that these principles are adhered to.

Housing have been consulted on the policy as South Cambridgeshire District Council are responsible for our own housing stock.

## **Key Decision**

2. Yes

The policy 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.

## **Recommendations**

3. It is recommended that Cabinet:
- a) Approve the Private Sector Housing Policy, to ensure the Council follows guidance from the Ministry for Housing, Communities and Local Government, to tackle substandard conditions in the private rented sector.
  - b) Delegate authority to the Head of Shared Waste and Environment to make minor amendments, in consultation with the Lead Cabinet Member for Environmental Services and Licensing.

## **Reasons for Recommendations**

4. The policy is needed to ensure that the Council can deal with private sector housing issue in a fair and consistent manner and incorporating guidance from Government departments.

## **Details**

5. These policies cover, how the council will deal with substandard conditions in the private rented sector and how we undertake houses in multiple occupation (HMO) licensing; and how we will determine the level of civil penalty that can be imposed on a landlord or letting agent as an alternative to prosecution for specific offences under the Housing Act 2004.

Private Sector Enforcement Policy (Environmental Health: Enforcement and Licensing)

This policy covers:

How we will carry out enforcement. This will be done in a consistent, proportionate and open way.

We will work in partnership with other agencies and, when necessary, we will share data with these agencies.

If there appears to be a safeguarding issue this will be reported to the relevant agency.

We will use a wide range of enforcement methods, from written warnings to banning orders.

We will always take a proportionate approach to enforcement and the options available are detailed in the policy.

The policy also covers the process involved for HMOs and covers stages from licence application to determining the licence and what is expected of licence holders through the term of the licence.

Civil Penalties Procedures and Guidance.

The methodology in this document is based on the model developed by Nottingham City Council. The methodology has been tried and tested and gives a consistent approach on how we will determine the level of any civil penalty.

## **Implications**

6. This policy ensures that we are not open to challenge on how we deal with complaints about the private rented sector and helps to protect tenants by ensuring that they live in properties that reach the relevant standards for habitation. It makes it clear to landlords and tenants how we will process complaints and any action that we may take. These actions are in line with the Housing Acts and ministerial guidance.

## **Financial**

7. The service was recently restructured, this means that we now have the appropriate officer numbers to fulfil the duties within this policy. Due to the restructure there are no financial implications.

## **Legal**

8. This policy ensures that we comply with our statutory requirements.

## **Alignment with Council Priority Areas**

### **A modern and caring Council**

9. Implementing this policy will ensure that we provide customers with high quality service, it will also build on what we are good at and generate our own income. The policy also ensures that decisions are made in a transparent, open and inclusive way. This policy also ensures that we protect our residents by dealing with complaints and taking appropriate action to ensure that their rented property reaches the required standards.

## **Background Papers**

### **Appendices**

Appendix A: Private Sector Housing Policy (Environmental Health: Enforcement and Licencing)

Appendix B: Civil Penalties Procedure and Guidance

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Telephone: (01954) 713134



**South  
Cambridgeshire  
District Council**

# Civil Penalties Procedure & Guidance Housing and Planning Act 2016

## Shared Waste & Environment (May 2021)

This approach to calculating civil penalties is based on the model developed by Nottingham City Council.

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## Section 1: Introduction and Overview

### 1.1 Purpose

This document sets out the procedure for determining the amounts for civil penalties that can be imposed on a landlord or letting agent as an alternative to prosecution for specific offences under the Housing Act 2004 within the South Cambridgeshire District.

This document is intended to work in accordance with the ‘South Cambridgeshire District Council Private Sector Housing Enforcement Policy 2021, as published by the South Cambridgeshire District Council.

Section 2 was created in accordance with Section 3.5 of the ‘Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities’ (“the DCLG Guidance”), published by the Department for Communities and Local Government.

In this document, the term “landlord” is used to refer to the “owner”, “person having control”, “person managing” or “licence holder”, as defined under the Housing Act 2004 (“the 2004 Act”). The term “Landlord” will also be used to refer to tenants of houses in multiple occupation who have committed offences under section 234 of the Housing

Act 2004. The term “the Council” is used to refer to South Cambridgeshire District Council in its capacity as the Local Housing Authority.

## **1.2 What is a civil penalty?**

A civil penalty is a financial penalty of up to £30,000 which can be imposed on a landlord as an alternative to prosecution for specific offences under the 2004 Act. The amount of penalty is determined by the Council having regard to the individual circumstances in each case; section 2 sets out how the Council will determine the appropriate level of civil penalty.

The Council considers that the most likely recipients of civil penalty notices will be those persons who are involved in the owning or managing private rented properties. However, the Council does have the power to impose them on tenants of Houses in Multiple Occupation, for offences under section 234 of the Housing Act 2004 and will consider doing so where it is deemed appropriate.

## **1.3 What offences can civil penalties be imposed for?**

A civil penalty can be considered as an alternative to prosecution for any of the following offences under the 2004 Act:

- Failure to comply with an Improvement Notice (section 30).
- Offences in relation to licensing of HMOs (section 72).
- Offences in relation to licensing of houses under Part 3 of the Act (section 95).
- Contravention of an overcrowding notice (section 139).
- Failure to comply with management regulations in respect of HMOs (section 234).
- Failure to comply with the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

## **1.4 What is the legal basis for imposing a civil penalty?**

Section 126 and Schedule 9 of the Housing and Planning Act 2016 (“the 2016 Act”) enables the Council to impose a civil penalty as an alternative to prosecution for specific offences under the 2004 Act.

## 1.5 What is the burden of proof for a civil penalty?

The same criminal standard of proof is required for a civil penalty as for a criminal prosecution. This means that before a civil penalty can be imposed, the Council must be satisfied beyond reasonable doubt that the landlord committed the offence(s) and that if the matter were to be prosecuted in the magistrates' court, there would be a realistic prospect of conviction.

In determining whether there is enough evidence to secure a conviction, the Council will have regard to the Crown Prosecution Service Code for Crown Prosecutors, published by the Director of Public Prosecutions. The finding that there is a realistic prospect of conviction is based on an objective assessment of the evidence, including whether the evidence is admissible, reliable and credible and the impact of any defence.

*See appendix III for an excerpt from the Crown Prosecution Service Code for Crown Prosecutors on the Evidential Stage of the Full Code Test for criminal prosecutions.*

## 1.6 What must be done before a Civil Penalty can be considered?

The Council must be satisfied that there is enough evidence to provide a realistic prospect of conviction against the landlord and that the public interest will be properly served by imposing a civil penalty. The following questions should be considered:

- Does the Council have enough evidence to prove beyond reasonable doubt that the offence was committed by the landlord in question?
- Is the public interest properly served by imposing a Civil Penalty on the landlord in respect of the offence?
- Has the evidence been reviewed by the appropriate senior colleague at the Council?
- Has the evidence been reviewed by the Council's legal services?
- Are there any reasons why a prosecution may be more appropriate than a civil penalty? I.e. the offence is particularly serious, and the landlord has committed similar offences in the past and/or a banning order should be considered.

*See appendix II for an excerpt from the Crown Prosecution Service Code for Crown Prosecutors on the Public Interest Stage of the Full Code Test for criminal prosecutions.*

## 1.7 The Totality Principle

Where several offences have been committed and a civil penalty could be imposed for each one, consideration will be given to whether it is just and proportionate to

impose a penalty for each offence.

When calculating the penalty amounts for multiple offences there will inevitably be a cumulative effect and consideration will be given to ensure that the total amount of the civil penalties being imposed is proportionate to the offences involved.

Decisions as to whether to impose civil penalties for each offence, and if not, which offences should be subject to penalties will be taken in discussion with the Council's Service Manager (People, Protection and Planning). Where a single more serious offence can be considered to encompass several less serious offences, this offence will normally be considered as the basis for the civil penalty.

## Section 2: Determining the Civil Penalty Amount

### 2.1 Overview

The Council has the power to impose a civil penalty of up to £30,000. This section sets out how the Council will determine the appropriate level of civil penalty in each case. The actual amount levied in each case should reflect the severity of the offence and take into account the landlord's income and track record.

The civil penalty will be made up of two distinct components.

The first is the penalty calculation; this is where the severity of the offence, the landlord's track record and the landlord's income are considered.

The second considers the amount of financial benefit, if any, that the landlord obtained from committing the offence.

These two components are added together to determine the final penalty amount that will be imposed on the landlord.

This process is broken down into four main stages:

- **Stage 1** determines the penalty band for the offence. Each penalty band has a starting amount and a maximum amount.
- **Stage 2** determines how much will be added to the penalty amount as a result of the landlord's income and track record.
- **Stage 3** is where the figures from stage 2 are added to the penalty band from stage 1. The total amount at this stage cannot go above the maximum amount for the particular penalty band.
- **Stage 4** considers any financial benefit that the landlord may have obtained from committing the offence. This amount will be added to the figure from stage 3.

## Stage 1: Determining the Penalty Band

### 2.2 Stage 1 Overview

This stage considers the landlord's culpability for the offence and the seriousness of harm risked to the tenants or visitors to the property.

A higher penalty will be appropriate where the landlord has a history of failing to comply with their obligations and/or their actions were deliberate. Landlords are running a business and are expected to be aware of their legal obligations. There are four steps to this process and each step is set out below.

### 2.3 Step 1: Culpability

Table 1 sets out the four levels of culpability that will be considered: each level has accompanying examples of the behaviours that could constitute that particular level. The behaviour of the landlord should be compared to this table to determine the appropriate level of culpability. This exercise will be repeated for each offence that is being considered as the landlord's culpability may vary between offences.

**Table 1 - Levels of Culpability**

Very high	<ul style="list-style-type: none"><li>• Deliberate breach of or flagrant disregard for the law</li></ul>
High	<ul style="list-style-type: none"><li>• Offender fell far short of their legal duties, for example, by:<ul style="list-style-type: none"><li>- failing to put in place measures that are recognised legal requirements or regulations;</li><li>- ignoring warnings raised by the local Council, tenants or others;</li><li>- failing to make appropriate changes after being made aware of risks, breaches or offences;</li><li>- allowing risks, breaches or offences to continue over a long period of time.</li></ul></li><li>• Serious and/or systemic failure by the person or organisation to comply with legal duties.</li></ul>
Medium	<ul style="list-style-type: none"><li>• Offender fell short of their legal duties in a manner that falls between descriptions in 'high' and 'low' culpability categories.</li><li>• Systems were in place to manage risk or comply with legal duties, but these were not sufficiently adhered to or implemented.</li></ul>
Low	<ul style="list-style-type: none"><li>• Offender did not fall far short of their legal duties, for example, because:<ul style="list-style-type: none"><li>- significant efforts were made to address the risk, breaches or offences, although they were inadequate on this occasion.</li><li>- they have offered a reasonable defence for why they</li></ul></li></ul>

were unaware of the risk, breach or offence.

- Failings were minor and occurred as an isolated incident

## 2.4 Assessing a landlord's culpability

When assessing culpability, consider all the evidence gathered as part of the investigation into the offence and identify any aggravating or mitigating factors which may be relevant to the assessment of culpability.

Aggravating factors could include:

- Previous convictions for similar offence/s, having regard to the time elapsed since the conviction
- Motivated by financial gain
- Public figure or member of recognised landlord or letting agency association or accreditation scheme who should have been aware of their actions
- Experienced landlord or letting agent with a portfolio of properties failing to comply with their obligations
- Failure to deal with obvious threats to health, e.g. failure to maintain fire alarm systems
- Obstruction of the investigation
- Deliberate concealment of the activity/evidence
- Number of items of non-compliance – greater the number the greater the potential aggravating factor
- Record of letting substandard accommodation i.e. record of having to take enforcement action previously whether complied with or not
- Record of poor management/ inadequate management provision
- Lack of a tenancy agreement/rent paid in cash
- Evidence of threatening behaviour/harassment of the tenant.

Section 2.12 below provides further guidance regarding when it is appropriate to consider past enforcement action taken against the landlord.

Mitigating factors could include:

- First offence where there are no aggravating factors, e.g. public figure or member of recognised good practice body
- Cooperation with the investigation e.g. turns up for the Police and Criminal Evidence Act 1984 (PACE) interview
- Voluntary steps taken to address issues e.g. submits a prompt licence application
- Willingness to undertake training
- Level of tenant culpability
- Willingness to join recognised landlord accreditation scheme
- Evidence of health reasons preventing reasonable compliance – mental

- health, unforeseen health issues, emergency health concerns
- Vulnerable individual(s) (owners not tenants) where their vulnerability is linked to the commission of the offence
- Good character i.e. no previous convictions and/or exemplary conduct

Using these factors, consider each category of culpability in the table 1 and identify the one that the landlord's behaviour falls within; where a landlord's behaviour could meet more than one of the categories, choose the highest one of those met.

## 2.5 Step 2: Seriousness of Harm Risked

Table 2 separates the seriousness of harm risked into three levels and each one has an accompanying description to illustrate what would constitute that level of harm risked.

The harm risked by the offence should be compared to the table to determine the appropriate level. This exercise will be repeated for each offence that is being considered as the seriousness of harm risked can vary between offences.

When using the table to determine the appropriate level, consideration should be given to the worst possible harm outcomes that could reasonably occur as a result of the landlord committing the offence. This means that even if some harm has already come to tenants or visitors to the property, consideration should still be given to whether there was the potential for even greater harm to have occurred.

**Table 2 - Seriousness of Harm Risked**

Level A	The sum of the seriousness of harm risked that would meet the guidance for Class I and Class II harm outcomes in the Housing Health and Safety Rating System <sup>1</sup> is 5% or more and there are relevant matters that increase the likelihood of harm occurring
Level B	The seriousness of harm risked would meet the guidance for Class III and Class IV harm outcomes and the sum of the spread of harm outcomes for Class I and Class II in the 'Housing Health and Safety Rating System' is less than 5%.
Level C	All other cases not falling within Level A or Level B (e.g. where an offence occurred but the level of harm to the tenants or visitors does not meet the descriptions for Level A or Level B).

Further information about the classes of harm and relevant matters for each hazard under the Housing Health and Safety Rating System can be found in appendix I.

<sup>1</sup> Office of the Deputy Prime Minister: London (2006), *Housing Health and Safety Rating System Operating Guidance*, page 47



## 2.6 Step 3: Penalty Levels

Using the already determined level of culpability and the seriousness of harm risked, find the appropriate penalty level (1 – 5+) in Table 3.

**Table 3 - Penalty Levels**

Seriousness of Harm Risked	Culpability-Very high	Culpability-High	Culpability-Medium	Culpability-Low
Level A	5+	5	4	3
Level B	5	4	3	2
Level C	4	3	2	1

## 2.7 Step 4: Penalty Bands

Compare the penalty level from Step 3 to table 4 and this will give the penalty band for the offence. This penalty band determines both the starting amount and the upper limit for the penalty calculation.

**Table 4 – Penalty Bands**

Penalty Level	Penalty Band
1	£600 - £1200
2	£1200 - £3000
3	£3000 - £6000
4	£6000 - £15,000
5 / 5+	£15,000 - £30,000

## Stage 2: Considering the landlord's income and track record

### 2.8 Stage 2 Overview

There are two elements to consider in stage 2: the landlord's income and the landlord's track record. Each of these will affect the penalty calculation and further details are set out below.

### 2.9 The landlord's Finances

The Council is permitted to consider all a landlord's income and assets when calculating a civil penalty.

The council may use its legal powers to require landlords to provide details of their finances.

**Any failure to provide financial information when requested may mean that the council imposes the maximum financial penalty based on the severity of the offence.**

The council also reserves the right to use investigation services such as the National Anti-Fraud Network to investigate landlords' finances.

For penalties that fall within bands 5 and 5+, a financial investigation of the landlord will be usually carried out and all sources of income received by the landlord can be considered as 'relevant income' for the purpose calculating the civil penalty. Specifically, the average weekly income of the landlord for the 12 months preceding the date of the offence will be used.

For penalties that fall within bands 1 to 4, the landlord's income will still be considered but the 'relevant income' will normally be limited to the income that the landlord received in relation to the property where the offence occurred.

For property owners, this will be the weekly rental income, as declared on the tenancy agreements, for the property where offence occurred and at the time the offence occurred.

For property agents, the relevant income will be any fees they received for the management of the property, as stated on the management contract between the agent and the other parties to the contract. Where the fees include VAT or any other charges, the gross amount of the fees will be used.

**IMPORTANT:** although the Council will not normally consider carrying out a full financial investigation where the offence falls within penalty bands 1 to 4, the Council does reserve the right to do so where it considers it reasonable and proportionate to the

circumstances.

## 2.10 How is the increase as a result of the landlord's income calculated?

This is a two-step process with step 1 determining what counts as relevant weekly income and step 2 determining what percentage of this relevant weekly income should be added to the penalty amount. These steps are set out in more detail below.

Step 1 - take the penalty band, as determined in Stage 1, and compare it to Table 5: this will state what can be considered as relevant weekly income for the offence.

**Table 5 - Defining relevant weekly income**

Penalty Level	Relevant Weekly Income
1	Gross rental income or management fees for the property where the offence occurred
2	Gross rental income or management fees for the property where the offence occurred
3	Gross rental income or management fees for the property where the offence occurred
4	Gross rental income or management fees for the property where the offence occurred
5 / 5+	All income for the offender (carry out a financial assessment)

Step 2 - take the penalty band, as determined in Stage 1, and compare it to Table 6. This will give the percentage of the landlord's relevant weekly income to be added to the civil penalty.

**Table 6 - % of relevant weekly income**

Penalty Level	% of Relevant Weekly Income
1	50% of relevant weekly income
2	100% of relevant weekly income
3	150% of relevant weekly income
4	250% of relevant weekly income
5	400% of relevant weekly income
5+	600% of relevant weekly income

## 2.11 What if tenancy agreements or management contracts are not available?

Tenancy agreements and property management contracts can be requested using the Council's existing powers and this should be done where copies are not already available.

In cases where the landlord is not forthcoming with this information or documentation, the council may levy the maximum penalty level and it will be for the landlord to make representations against this estimated figure if they deem it to be too high.

Representations against estimated incomes will only be accepted where enough evidence of the landlord's income is provided to support these claims. Estimates of average weekly income will be calculated on a case by case basis, but they will generally, be based on an assessment of similar sized rental properties in the same area as the property to which the offence relates.

**IMPORTANT** – the Council will not normally consider a landlord's assets but does reserve the right to consider assets in any cases where the Council considers it reasonable and proportionate to do so. Each of these cases will be dealt with on a case by case basis.

## 2.12 The Landlord's track record

A higher penalty will be appropriate where the landlord has a history of failing to comply with their obligations; as such, the track record of the landlord will be an important factor in determining the final amount of the civil penalty that is imposed. Below are questions that must be asked for each landlord that will receive a civil penalty.

- 1) Has the landlord had any relevant<sup>1</sup> notices, under Part 1 of the Housing Act 2004, served on them in the last 2 years? If so, how many times have they been subject to such enforcement action in that timeframe?
- 2) Has the landlord had any civil penalties imposed on them in the last 2 years? If so, how many civil penalties have been imposed on them in that timeframe?
- 3) Has the landlord accepted any cautions for relevant<sup>1</sup> offences in the last 2 years? If so, how many cautions for relevant offences<sup>1</sup> have they accepted in that timeframe?
- 4) Has the landlord owned or managed a property where the term of an existing licence for the property, under the Housing Act 2004, was reduced due to enforcement action or significant concerns, in the last 2 years?

- 5) Has the landlord breached any relevant<sup>2</sup> notices, which resulted in works in default being carried out, in the last 2 years? If so, how many times have works in default been carried out under such circumstances in that timeframe?
- 6) Has the landlord owned or managed a property where a licence for the property, under the Housing Act 2004, was revoked due to enforcement action or significant concerns, in the last 2 years?
- 7) Has the landlord been prosecuted for any relevant<sup>3</sup> offences in the last 2 years? If so, how many times have such prosecutions taken place in that timeframe?
- 8) Has the landlord owned or managed a property which was subject to an interim or final management order under the Housing Act 2004 in the last 2 years?
- 9) Has the Landlord been the subject of a banning order under the Housing and Planning Act 2016 in the last 2 years?

1 any action under Part 1 other than a 'hazard awareness' notice or a 'clearance area'.

2 any notices served under any legislation relating to housing, public health or environmental health.

3 any unspent convictions relating to any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against the offender.

**IMPORTANT** – question 1 refers to all relevant notices served during the two years: this means that where the offence is failure to comply with an improvement notice, that notice should also be included in the answer to the question.

## 2.13 How is the increase as a result of the Landlord's track record calculated?

**Table 7 – Weightings**

Category	Weighting
Category 1 ( <i>Least serious</i> )	1
Category 2 ( <i>Moderately Serious</i> )	5
Category 3 ( <i>Very Serious</i> )	10
Category 4 ( <i>Most serious</i> )	20

Each of the questions will be placed into one of four categories, based on the seriousness of the offence or enforcement action to which the question refers. Each category of question is given a weighting that increases with the seriousness of the category. Table 7 shows the four categories and the weighting which is applied to each one.

Any questions where the answer is 'no' will have a weighting of zero but 'yes' answers will accrue the weighting for that particular question. E.g. the weighting for a question is 10 and the answer to that question is 'yes' so the score for that particular question will be 10.

For those questions where the number of occasions is relevant, the total weighting for a 'yes' answer will be the weighting for that question multiplied by the number of occasions. E.g. if a question has a weighting of 5 and the landlord has committed the offence 3 times, this will give a total score of 15 for the question. Table 8 shows the category which each of the questions falls within and the subsequent weighting that is applied as a result.

**Table 8 - Questions & Weightings**

Questions	Weighting for a 'Yes' answer	Multiplied by the number of occasions?
Has the landlord had any relevant <sup>1</sup> notices, under Part 1 of the Housing Act 2004, served on them in the last 2 years?	1	Yes
Has the landlord had any civil penalties imposed on them in the last 2 years?	5	Yes
Has the landlord accepted any cautions for relevant <sup>1</sup> offences in the last 2 years?	10	Yes
Has the landlord owned or managed a property where the term of an existing licence for the property, under the Housing Act 2004, was reduced due to enforcement action or significant concerns, in the last 2 years?	5	No
Has the landlord breached any relevant <sup>2</sup> notices, which resulted in works in default being carried out, in the last 2 years?	10	Yes
Has the landlord owned or managed a property where a licence for the property, under the Housing Act 2004, was revoked due to enforcement action or significant concerns, in the last 2 years?	10	No
Has the landlord been prosecuted for any relevant <sup>3</sup> offences in the last 2 years?	20	Yes
Has the landlord owned or managed a property which was subject to an interim or final management order under the Housing Act 2004 in the last 2 years?	20	No
Has the landlord been the subject of a banning order under the Housing and Planning Act 2016 in the last 2 years?	20	No

<sup>1</sup> any action under Part 1 other than a 'hazard awareness' notice or a 'clearance area'.

<sup>2</sup> any notices served under any legislation relating to housing, public health or environmental health.

<sup>3</sup> any unspent convictions relating to any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against the offender.

**Table 9 - % Increase**

Score	%
0	0%
01-Feb	5%
03-Apr	10%
05-Jun	15%
07-Aug	20%
09-Oct	25%
11-Dec	30%
13-14	35%
15-16	40%
17-18	45%
19-20	50%
21-22	55%
23-24	60%
25-26	65%
27-28	70%
29-30	75%
31-32	80%
33-34	85%
35-36	90%
37-38	95%
39+	100%

Once all the questions have been answered, the weighting for each is totaled and compared to Table 9: this gives the percentage increase that will be applied to the penalty amount. The increase will be a percentage of the starting amount for the penalty band that the offence falls within. E.g. the total score for the questions is 23 and so the corresponding percentage increase in Table 9 will be 60%.

**IMPORTANT** - the penalty calculation will never be increased past the upper limit of the Penalty Band determined in Step 4 of this procedure (set out in Table 4 on page 7 of this procedure). However, where the landlord has a history of non-compliance, it is appropriate to factor this into your assessment of their overall culpability. This could affect your initial assessment of the appropriate penalty level and lead to a higher penalty band being used as the starting point.

## Stage 3: Adding Income and Track Records Amounts to the Penalty Band

### 2.14 Stage 3 Overview

Stage 1 gives the penalty band for the offence and this determines the starting amount and the upper limit for the penalty calculation. Stage 2 gives the amount that should be added as a result of the landlord's income and the amount that should be added as a result of the landlord's track record.

### 2.15 How are the figures from stage 1 and stage 2 combined?

To get the amount of the penalty calculation, the two figures from Stage 2 should be added to the starting amount for the penalty band. E.g. if the increase for income is £500 and the increase due to the landlord's track record is £1000, these two figures are added to the starting amount for the penalty to get the penalty calculation amount.

If the amount calculated, by adding the figures for the landlord's income and track record, is less than the upper limit for the penalty band, then this is the amount that will be used. However, if the amount calculated is greater than the upper limit for the penalty band, then the upper limit will be used instead.

## Stage 4: Financial Benefit Obtained from Committing the Offence

### 2.16 Stage 4 Overview

A guiding principle of civil penalties is that they should remove any financial benefit that the landlord may have obtained as a result of committing the offence. This means that the amount of the civil penalty imposed should never be less than it would have reasonably cost the landlord to comply in the first place.

### 2.17 How is the financial benefit determined?

Calculating the amount of financial benefit obtained will need to be done on a case by case basis but the table below gives some examples of potential financial benefit for each of the offences.

Offence	Examples of potential financial benefit
Failure to comply with an Improvement Notice (section 30)	The cost of any works that were required to comply with the improvement notice but which have not been removed by works in default.
Offences in relation to licensing of HMOs (section 72)	Rental income whilst the HMO was operating unlicensed or where it was occupied by more than the number of persons authorised by the licence; the cost of complying with any works conditions on the licence; the cost of the licence application fee.



Offences in relation to licensing of houses under Part 3 of the Act (section 95)	Rental income whilst the property was operating unlicensed or where it was occupied by more than the number of persons authorised by the licence; the cost of complying with any works conditions on the licence; the cost of the licence application fee.
Offence of contravention of an overcrowding notice (section 139)	Rental income whilst the property is being occupied in contravention of the overcrowding notice.
Failure to comply with management regulations in respect of HMOs (section 234)	The cost of any works that are required to avoid breaching the regulations.

When calculating the cost of any works this may be based on the retail cost of suitable materials available locally that meet the council's specifications unless more detailed quotations for the works concerned at the property in question are available. The council may also include the cost of labour.

## 2.18 How is financial benefit added to the penalty amount?

The Council will need to be able to prove that financial benefit was obtained before it can be included in the civil penalty calculation. However, where it can be proven, the amount obtained should be added to the penalty calculation amount from Stage 3 and this will give the final civil penalty amount that will be imposed on the landlord.

**IMPORTANT** – where the landlord has obtained financial benefit in the form of rental income and this full amount has been added to the total penalty, it will be appropriate to take this into consideration when deciding whether or not to pursue a Rent Repayment Order. For more information on Rent Repayment Orders, see the Council's Enforcement Policy.

## Section 3: Imposing a Civil Penalty

### 3.1 Where is the process for civil penalties set out?

[Schedule 9 of the Housing and Planning Act 2016](#) sets out the process which must be followed when imposing a civil penalty. 3.2 Notice of Intent

Before imposing a civil penalty on a landlord, the Council must serve a 'notice of intent' on the landlord in question. This notice must be served within 6 months of the last day on which the Council has evidence of the offence occurring. This notice must contain the following information:

- The amount of the proposed civil penalty.
- The reasons for proposing to impose a civil penalty, and.
- Information about the Landlord's right to make representations to the Council.

### 3.3 Representations

Any landlord who is in receipt of a notice of intent has the right to make representations against that notice within 28 days of the date on which the notice was given. Representations can be against any part of the proposed course of action. All representations from landlords will be considered by an appropriate senior colleague.

Where a landlord challenges the amount of the civil penalty, it will be for the landlord to provide documentary evidence (e.g. tenancy agreements etc.) to show that the calculation of the penalty amount is incorrect. Where no such supporting evidence is provided, the representation against the amount will not be accepted.

Written responses will be provided to all representations made by the recipients of a notice of intent. No other parties have an automatic right to make representations but if any are received, they will be considered on a case by case basis and responded to where the Council considers it necessary.

### 3.4 Final Notice

Once the representation period has ended, the Council must decide, taking into consideration any representations that were made, whether to impose a civil penalty and the final amount of the civil penalty. The final amount of a civil penalty can be a lower amount than was proposed in the notice of intent, but it cannot be a greater amount.

The imposing of a civil penalty involves serving a final notice and this notice must contain the following information:

- The amount of the financial penalty.
- The reasons for imposing the penalty.
- Information about how to pay the penalty.
- The period for payment of the penalty.
- Information about rights of appeal, and.
- The consequences of failure to comply with the notice.

The period of payment for the civil penalty must be 28 days beginning with the day after that on which the notice was given.

### 3.5 Withdrawing or amending Notices

At any time, the Council may withdraw a notice of intent or a final notice or reduce the amount of a civil penalty. This is done by giving notice in writing to the person on whom the notice was served.

Where a civil penalty has been withdrawn, and there is a public interest in doing so, the Council can still pursue a prosecution against the landlord for the conduct for which the penalty was originally imposed. Each case will be considered on a case by case

basis.

### **3.6 Appeals to the Tribunal**

If a civil penalty is imposed on a landlord, that Landlord can appeal to the First-tier Tribunal (“the Tribunal”) against the decision to impose a penalty or the amount of the penalty. The Tribunal has the power to confirm, vary (increase or reduce) the size of the civil penalty imposed by the Council, or to cancel the civil penalty. Where an appeal has been made, this suspends the civil penalty until the appeal is determined or withdrawn.

### **3.7 Payment of a Civil Penalty**

A civil penalty must be paid within 28 days, beginning with the day after that on which the final notice was given (“the 28-day payment period”), unless that notice is suspended due to an appeal. Details of how to pay the penalty will be provided on the final notice.

### **3.8 Other consequences of having a Civil Penalty imposed**

Where a civil penalty has been imposed on a landlord, this will form a part of our consideration when reviewing licence applications for properties in which they have some involvement. This includes licences under Part 2 or Part 3 of the Housing Act 2004.

Whilst a civil penalty will not automatically preclude us from granting a licence where such persons are involved, the reasons for imposing the penalty and the extent of the person’s involvement in the property will be considered.

Where a landlord has two civil penalties imposed on them in a 12-month period, each for a banning order offence, the Council will include their details on the Database of Rogue Landlords and Property Agents.

“Banning order offence” means an offence of a description specified in regulations made by the Secretary of State under Section 14(3) of the Housing and Planning Act 2016.

### **3.9 Recovering an unpaid Civil Penalty**

It is the policy of the Council to consider all legal options available for the collection of unpaid civil penalties and to pursue unpaid penalties in all cases through the county courts. Some of the orders available to the Council through the county courts are as follows:

- A Warrant of Control for amounts up to £5,000.
- A Third-Party Debt Order;

- A Charging Order, and.
- Bankruptcy or insolvency.

A certificate, signed by the Chief Finance Officer for the Council and stating that the amount due has not been received by the date of the certificate, will be accepted by the courts as conclusive evidence of the payment due.

Where a Charging Order has been made, and the amount of the order is over £1,000, the Council can consider applying for an Order for Sale against the property or asset in question. When considering which properties to apply for a Charging Order against, the Council can consider all properties owned by the landlord and not just the property to which the offence relates.

Where the civil penalty was appealed and the Council has a tribunal decision, confirming or varying the penalty, the decision will be automatically registered on the Register of Judgments, Orders and Fines, once accepted by the county court. Inclusion on this Register may make it more difficult for the Landlord to get financial credit.

### 3.10 Income from Civil Penalties

Any income from Civil Penalties is retained by the Local Housing Authority (in this case the Council) which imposed the penalty. The Council must spend any income from Civil Penalties on its enforcement functions in relation to the private rented sector. Further details can be found in Statutory Instrument 367 (2017).

## Section 4: worked example

### 4.1 Worked Example 1

Landlord A owns and operates an unlicensed HMO. Landlord A has been made aware of the need to apply for an HMO licence but has failed to do so and has continued to operate unlicensed for the past 6 months. The rental income received by Landlord A during this 6-month period is £7500. This is not the first time that Landlord A has been the subject of enforcement action, having previously been cautioned for operating another unlicensed HMO a year ago and being served improvement notices on two separate occasions in the last 12 months. Both notices were complied with.

**Offence:** Operating an unlicensed HMO

**Culpability:** 'Very High' (*Deliberate breach of or flagrant disregard for the law*)

**Justification:** Landlord A is aware of requirement to licence the property and the consequences of not doing so but has chosen not to comply anyway.

**Seriousness of harm risked: 'Level C'**

*(All other cases not falling within Level A or Level B)*

Justification: the specific offence of operating an unlicensed HMO does not implicitly mean that there are any defects or deficiencies in the property. As such, the seriousness of harm risked would not meet the descriptions of 'Level A' or 'Level B'.

**Penalty band: 4 - £6,000 to £15,000 ('Very High' culpability and 'Level C' harm)**

**Increase due to the landlord's track record: £1,800**

*(30% of the starting point for the penalty)*

Justification: in the last two years, Landlord A has accepted 1 caution for a relevant offence and has been served 2 relevant notices, under Part 1 of the Housing Act 2004. This gives us a score of 12 and an increase of 30% of the penalty amount. This is an increase of £1,800.

**Increase due to the landlord's income: £721.15**

*(250% of weekly rental income from the property where the offence occurred)*

Justification: the penalty band is 4 and Landlord A is the owner of the property where the offence occurred. As such, the relevant income for consideration is the weekly rental income for the property and 250% of this will be added to the penalty amount. In this case, the relevant weekly income is £288.46 and so £721.15 will be added.

**Penalty calculation amount: £8521.15 (£6000 + £1800 + £721.15 = £8521.15).**

**Financial benefit obtained from committing the offence: £7,500**

Justification: Landlord A has received £7,500 in rental income from the property during the time that it has been unlicensed and so this can be considered the financial benefit received from committing the offence.

**Final amount of the civil penalty: £16,021.15 (£8521.15 + £7500 = £16021.15).**

This is capped to £15,000 as the top of the band.

## 4.2 Worked Example 2

Landlord B owns and manages a single-family dwelling. During an inspection, a category 1 hazard (falls on stairs) and multiple category 2 hazards were identified at the property. The stairs were in an extremely dangerous condition but could be made safe easily. An improvement notice was served on Landlord B and some of the works to reduce the category 2 hazards were carried out but the remainder of the works on the notice were not. Works in default were carried out at the property with a total cost of £2,000. Landlord B was also prosecuted 18 months ago for failing to comply with an improvement notice. A financial investigation into Landlord B found that they have received an annual income of £50,000.

**Offence:** Failing to comply with an improvement notice.

**Culpability:** 'Very High' (*Deliberate breach of or flagrant disregard for the law*)

Justification: Landlord B was aware of the need to comply with the Improvement Notice as some of the works were completed. Landlord B is also aware of the consequences of failing to comply with the notice as previous enforcement action has been taken against them for this reason.

**Seriousness of harm risked:** 'Level A'

Justification: The condition of the staircase creates a Category 1 hazard and if someone were to trip or fall on the stairs, there is an 8.6% risk that they will end up with harm outcomes that meet the descriptions of Class 1 and Class 2 harm outcomes under the Housing Health & Safety Rating System. This means that the seriousness of harm risked meets the description of 'Level A'.

**Penalty band:** 5+ - £15,000 to £30,000 (*'Very High' culpability and 'Level A' harm*)

**Increase due to the landlord's track record:** £12,000

(*80% of the starting point for the penalty*)

Justification: in the last two years, Landlord B has been prosecuted for a relevant offence, has been served 1 relevant notice under Part 1 of the Housing Act 2004, and has been subject to works in default. This gives us a score of 31 for his track record and an increase of 80% of the penalty amount. This is an increase of £12,000.

**Increase due to the landlord's income:** £5,769.23

(*600% of the Landlord's average weekly income*)

Justification: the penalty band is 5+ and so a financial investigation was carried out to identify all of Landlord B's income. The investigation found they received a total annual income of £50,000 and 600% of their average weekly income will be added to the penalty amount. In this case, the average weekly income is £961.54 and so £5769.23 will be added.

**Penalty calculation amount:** £30,000 ( $£15000 + £12000 + £5769.23 = £32,769.23$ )

Financial benefit obtained from committing the offence: **None**

Justification: works in default were carried out at the property and the cost of these works, plus an administration fee, were charged to Landlord B. As such, it cannot be said that Landlord B obtained financial benefit from committing the offence.

Final amount of the civil penalty: **£30,000**

( $£15000 + £12000 + £5769.23 = £32,769.23$  - *civil penalties are capped at £30,000*).

### 4.3 Worked Example 3

Landlord C is the appointed manager of a three-bedroom licensed HMO. The company is

paid £90 per month to manage the property on behalf of the owner. During a compliance inspection, it was found that they had neglected to display any of the manager's details anywhere in the property. They were warned about this one year ago and stated that they were aware of the requirement but an oversight meant that they missed this property when displaying details. They have not been the subject of any formal enforcement action in the last 2 years and the property was otherwise in a satisfactory condition.

**Offence:** Failure to comply with management regulations in respect of Houses in Multiple Occupation.

**Culpability:** 'Low' (*Failings were minor and occurred as an isolated incident*)

Justification: the company does not have a history of non-compliance and the breach was fairly minor and easily rectified.

**Seriousness of harm risked:** 'Level C'  
(*All other cases not falling within Level A or Level B*)

Justification: The seriousness of harm risked to the tenants was low and so it would not meet the descriptions of harm found in 'Level A' or 'Level B'.

**Penalty band:** 1 - £600 to £1,200 (*'Low' culpability and 'Level C' harm*)

Increase due to the landlord's track record: **None**

Justification: in the last two years, Landlord C has not been the subject of any formal enforcement action and so there is no increase in the penalty amount due to their track record.

**Increase due to the landlord's income:** £10.39 (*50% of weekly rental income from the property where the offence occurred*)

Justification: the penalty band is 1 and Landlord C is the manager of the property where the offence occurred. As such, the relevant income for consideration is the weekly management fees received for the property and 50% of this will be added to the penalty amount. In this case, the relevant weekly income is £20.77 and so £10.39 will be added.

**Initial penalty calculation amount:** £610.39 ( $£600 + £10.39 = £610.39$ )

Financial benefit obtained from committing the offence: **None**

Justification: the cost of displaying Landlord C's management details would be negligible and so it would not be reasonable to claim that financial benefit was obtained from committing the offence.

**Final amount of the civil penalty:** £610.39 ( $£600.00 + £10.39 = £610.39$ ).



## Appendix I – Classes of Harm (HHSRS)

When determining the seriousness of harm risked at Step 2 of this procedure regard will be had to the Housing Health and Safety Rating System Operating Guidance that sets out the health (harm) outcomes and relevant matters for each of the 29 hazards identified.

The seriousness of harm risked will be assessed based on the most relevant hazard. For example, the seriousness of harm arising from a breach of a HMO Management Regulation requiring the maintenance of fire precautions would take into account the class I and II health outcomes identified in the Fire hazard described in the HHSRS Operating Guidance.

Where several hazards arise from the same offence or offences which are the subject of a civil penalty, the most serious health outcome will be used to determine the seriousness of harm risked at Step 2 of this procedure.

When determining that the level of harm is “Level A” for the purposes of calculating a Civil Penalty under this procedure regard should also be had to the “relevant matters” for each hazard as set out in the HHSRS Operating Guidance. Where relevant matters were present in the subject property that would increase the likelihood of harm in addition to the total class I and II harm outcomes being more than 5% this will confirm the assessment of “Level A” as being the appropriate level of harm. In the absence of any of the relevant matters being identified that would increase the likelihood of harm the appropriate level of harm may be assessed as “Level B” for the purposes of this procedure.

The following is an extract from the Housing Health and Safety Rating System Operating Guidance (page 47 - 48), published by the Office of the Deputy Prime Minister (2006).

### “Examples for the Four HHSRS Classes of Harm

The Classes of Harm used for the HHSRS are based on the top four Classes of Harm as identified in A Risk Assessment Procedure for Health and Safety in Buildings (2000) BRE. While this work identified seven Classes of Harm, only the top four are used for the purposes of the HHSRS as these are harms of sufficient severity that they will either prove fatal or require medical attention and, therefore, are likely to be recorded in hospital admissions or GP records.

Work on developing and refining the Statistical Evidence supporting the Rating System involved classifying a more comprehensive list of harm outcomes.

The examples given below are intended for guidance only. It should be noted that some of the harm outcomes may appear in more than one Class depending on the severity of the condition. For example, respiratory disease will be in Class II or III depending on the severity and duration.

### Class I



This Class covers the most extreme harm outcomes including: Death from any cause; Lung cancer; Mesothelioma and other malignant lung tumours; Permanent paralysis below the neck; Regular severe pneumonia; Permanent loss of consciousness; 80% burn injuries.

### **Class II**

This Class covers severe harm outcomes, including: Cardio-respiratory disease; Asthma; Non-malignant respiratory diseases; Lead poisoning; Anaphylactic shock; Cryptosporidiosis; Legionnaires disease; Myocardial infarction; Mild stroke; Chronic confusion; Regular severe fever; Loss of a hand or foot; Serious fractures; Serious burns; Loss of consciousness for days.

### **Class III**

This Class covers serious harm outcomes, including: Eye disorders; Rhinitis; Hypertension; Sleep disturbance; Neuro-psychological impairment; Sick building syndrome; Regular and persistent dermatitis, including contact dermatitis; Allergy; Gastro-enteritis; Diarrhea; Vomiting; Chronic severe stress; Mild heart attack; Malignant but treatable skin cancer; Loss of a finger; Fractured skull and severe concussion; Serious puncture wounds to head or body; Severe burns to hands; Serious strain or sprain injuries; Regular and severe migraine.

### **Class IV**

This Class includes moderate harm outcomes which are still significant enough to warrant medical attention. Examples are: I Pleural plaques; Occasional severe discomfort; Benign tumours; Occasional mild pneumonia; Broken finger; Slight concussion; Moderate cuts to face or body; Severe bruising to body; Regular serious coughs or colds.”

## **Appendix II – Public Interest Stage of the Full Code Test**

The following is an extract from pages 8-11 of The Code for Crown Prosecutors (October 2018, 8th Edition) issued by the Director of Public Prosecutions (DPP) under section 10 of the Prosecution of Offences Act 1985.

### **The Public Interest Stage**

4.9. In every case where there is enough evidence to justify a prosecution or to offer an out-of-court disposal, prosecutors must go on to consider whether a prosecution is required in the public interest.

4.10. It has never been the rule that a prosecution will automatically take place once the evidential stage is met. A prosecution will usually take place unless the prosecutor is satisfied that there are public interest factors tending against prosecution which outweigh those tending in favour. In some cases, the prosecutor may be satisfied that the public interest can be properly served by offering the offender the opportunity to have the matter dealt with by an out-of-court disposal rather than

bringing a prosecution.

4.11. When deciding the public interest, prosecutors should consider each of the questions set out below in paragraphs 4.14 a) to g) so as to identify and determine the relevant public interest factors tending for and against prosecution. These factors, together with any public interest factors set out in relevant guidance or policy issued by the DPP, should enable prosecutors to form an overall assessment of the public interest.

4.12. The explanatory text below each question in paragraphs 4.14 a) to g) provides guidance to prosecutors when addressing each particular question and determining whether it identifies public interest factors for or against prosecution. The questions identified are not exhaustive, and not all the questions may be relevant in every case. The weight to be attached to each of the questions, and the factors identified, will also vary according to the facts and merits of each case.

4.13. It is quite possible that one public interest factor alone may outweigh a number of other factors which tend in the opposite direction. Although there may be public interest factors tending against prosecution in a particular case, prosecutors should consider whether nonetheless a prosecution should go ahead, and those factors put to the court for consideration when sentence is passed.

4.14. Prosecutors should consider each of the following questions:

a) How serious is the offence committed?

- The more serious the offence, the more likely it is that a prosecution is required.
- When assessing the seriousness of an offence, prosecutors should include in their consideration the suspect's culpability and the harm caused, by asking themselves the questions at b) and c).

b) What is the level of culpability of the suspect?

- The greater the suspect's level of culpability, the more likely it is that a prosecution is required.

• Culpability is likely to be determined by:

i. the suspect's level of involvement;

ii. the extent to which the offending was premeditated and/or planned;

iii. the extent to which the suspect has benefitted from criminal conduct;

iv. whether the suspect has previous criminal convictions and/or out-of-court disposals and any offending whilst on bail or whilst subject to a court order;

v. whether the offending was or is likely to be continued, repeated or escalated;

vi. the suspect's age and maturity (see paragraph d below).

- A suspect is likely to have a much lower level of culpability if the suspect has been compelled, coerced or exploited, particularly if they are the victim of a crime that is linked to their offending.

- Prosecutors should also have regard to whether the suspect is, or was at the time of the offence, affected by any significant mental or physical ill health or disability, as in some circumstances this may mean that it is less likely that a prosecution is required. However, prosecutors will also need to consider how serious the offence was, whether the suspect is likely to re-offend and the need to safeguard the public or those providing care to such persons.

c) What are the circumstances of and the harm caused to the victim?

- The circumstances of the victim are highly relevant. The more vulnerable the victim's situation, or the greater the perceived vulnerability of the victim, the more likely it is that a prosecution is required.

- This includes where a position of trust or authority exists between the suspect and victim.

- A prosecution is also more likely if the offence has been committed against a victim who was at the time a person serving the public.

- It is more likely that prosecution is required if the offence was motivated by any form of prejudice against the victim's actual or presumed ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or if the suspect targeted or exploited the victim, or demonstrated hostility towards the victim, based on any of those characteristics.

- Prosecutors also need to consider if a prosecution is likely to have an adverse effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence, the availability of special measures and the possibility of a prosecution without the participation of the victim.

- Prosecutors should take into account the views expressed by the victim about the impact that the offence has had. In appropriate cases, this may also include the views of the victim's family.

- However, the CPS does not act for victims or their families in the same way as solicitors act for their clients, and prosecutors must form an overall view of the public interest.

d) What was the suspect's age and maturity at the time of the offence?

- The criminal justice system treats children and young people differently from adults and significant weight must be attached to the age of the suspect if they are a child or young person under 18.

- The best interests and welfare of the child or young person must be considered, including whether a prosecution is likely to have an adverse impact on their future

prospects that is disproportionate to the seriousness of the offending.

- Prosecutors must have regard to the principal aim of the youth justice system, which is to prevent offending by children and young people. Prosecutors must also have regard to the obligations arising under the United Nations 1989 Convention on the Rights of the Child.

- Prosecutors should consider the suspect's maturity, as well as their chronological age, as young adults will continue to mature into their mid-twenties.

- As a starting point, the younger the suspect, the less likely it is that a prosecution is required.

- However, there may be circumstances which mean that, notwithstanding the fact that the suspect is under 18 or lacks maturity, a prosecution is in the public interest. These include where:

- i. the offence committed is serious;

- ii. the suspect's past record suggests that there are no suitable alternatives to prosecution; and

- iii. the absence of an admission means that out-of-court disposals that might have addressed the offending behaviour are not available.

e) What is the impact on the community?

- The greater the impact of the offending on the community, the more likely it is that a prosecution is required.

- The prevalence of an offence in a community may cause particular harm to that community, increasing the seriousness of the offending.

- Community is not restricted to communities defined by location and may relate to a group of people who share certain characteristics, experiences or backgrounds, including an occupational group.

- Evidence of impact on a community may be obtained by way of a Community Impact Statement.

f) Is prosecution a proportionate response?

- In considering whether prosecution is proportionate to the likely outcome, the following may be relevant:

- i. The cost to the CPS and the wider criminal justice system, especially where it could be regarded as excessive when weighed against any likely penalty. Prosecutors should not decide the public interest on the basis of this factor alone. It is essential that regard is also given to the public interest factors identified when considering the other questions in paragraphs 4.14 a) to g), but cost can be a relevant factor when making an overall assessment of the public interest.

ii. Cases should be prosecuted in accordance with principles of effective case management. For example, in a case involving multiple suspects, prosecution might be reserved for the main participants in order to avoid excessively long and complex proceedings.

g) Do sources of information require protecting?

- In cases where public interest immunity does not apply, special care should be taken when proceeding with a prosecution where details may need to be made public that could harm sources of information, ongoing investigations, international relations or national security. It is essential that such cases are kept under continuing review.

## Appendix III – The Evidential Stage of the Full Code Test

The following is an extract from pages 7-8 of The Code for Crown Prosecutors (October 2018, 8th Edition) issued by the Director of Public Prosecutions (DPP) under section 10 of the Prosecution of Offences Act 1985.

### The Evidential Stage

4.6. Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge\*. They must consider what the defence case may be, and how it is likely to affect the prospects of conviction. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.

4.7. The finding that there is a realistic prospect of conviction is based on the prosecutor's objective assessment of the evidence, including the impact of any defence and any other information that the suspect has put forward or on which they might rely. It means that an objective, impartial and reasonable jury or bench of magistrates or judge hearing a case alone, properly directed and acting in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a different test from the one that the criminal courts themselves must apply. A court may only convict if it is sure that the defendant is guilty.

4.8. When deciding whether there is sufficient evidence to prosecute, prosecutors should ask themselves the following:

\* For the purposes of the Code for Crown Prosecutors, "conviction" includes a finding that "the person did the act or made the omission" in circumstances where the person is likely to be found not guilty on the grounds of insanity.

Can the evidence be used in court?

Prosecutors should consider whether there is any question over the admissibility of certain evidence. In doing so, prosecutors should assess:

- the likelihood of that evidence being held as inadmissible by the court; and
- the importance of that evidence in relation to the evidence as a whole.

Is the evidence reliable?

Prosecutors should consider whether there are any reasons to question the reliability of the evidence, including its accuracy or integrity.

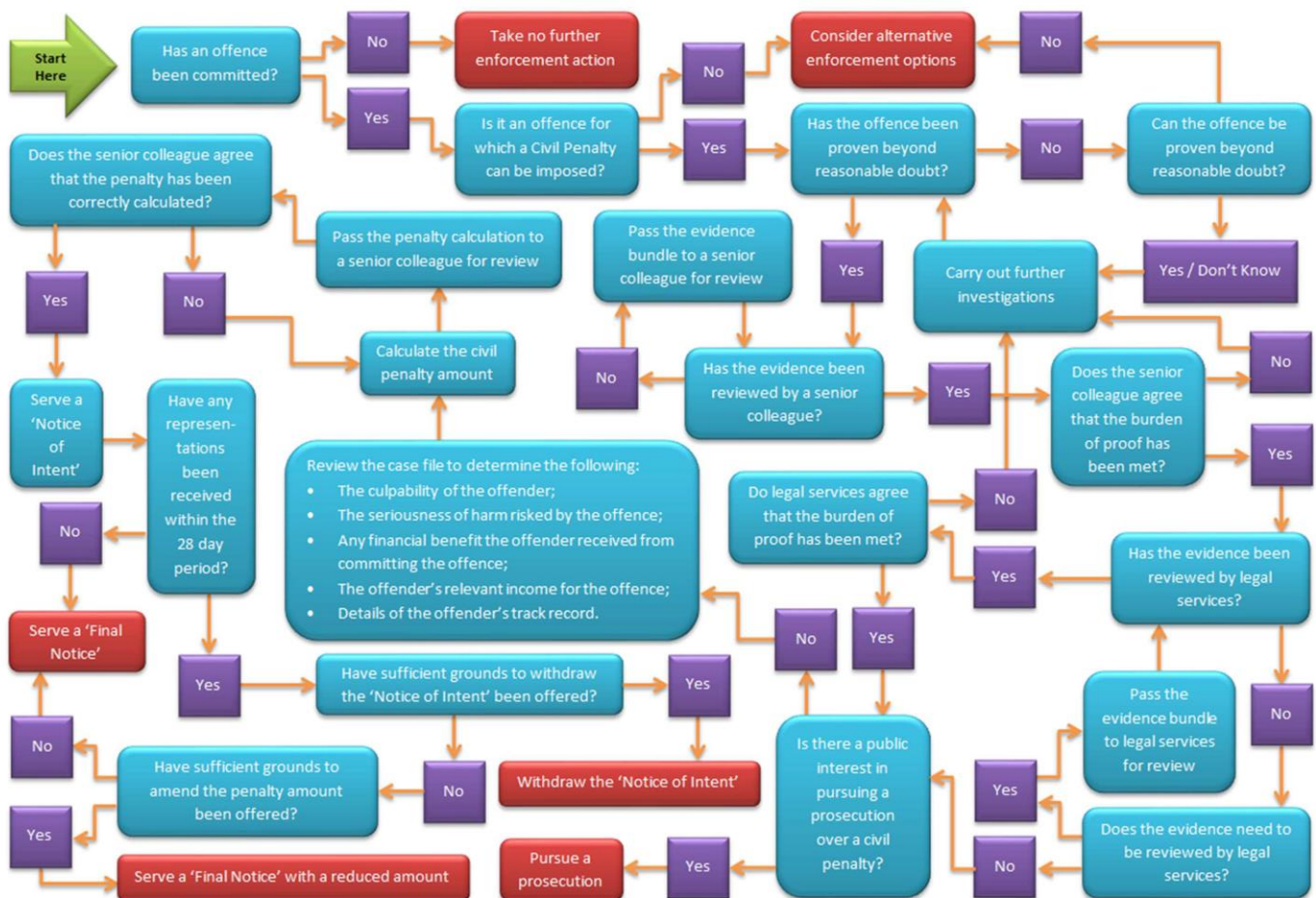
Is the evidence credible?

Prosecutors should consider whether there are any reasons to doubt the credibility of the evidence.

Is there any other material that might affect the sufficiency of evidence?

Prosecutors must consider at this stage and throughout the case whether there is any material that may affect the assessment of the sufficiency of evidence, including examined and unexamined material in the possession of the police, and material that may be obtained through further reasonable lines of inquiry.

## Appendix IV – Process flow chart



**South Cambridgeshire District Council**  
Civil Penalties Enforcement Policy & Guidance  
Version 4

With acknowledgement to:  
Nottingham City Council, Community Protection, NG2 3NG

(July 2021)





**South  
Cambridgeshire  
District Council**

# Civil Penalties Procedure & Guidance Housing and Planning Act 2016

## Shared Waste & Environment (May 2021)

This approach to calculating civil penalties is based on the model developed by Nottingham City Council.

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## Section 1: Introduction and Overview

### 1.1 Purpose

This document sets out the procedure for determining the amounts for civil penalties that can be imposed on a landlord or letting agent as an alternative to prosecution for specific offences under the Housing Act 2004 within the South Cambridgeshire District.

This document is intended to work in accordance with the ‘South Cambridgeshire District Council Private Sector Housing Enforcement Policy 2021, as published by the South Cambridgeshire District Council.

Section 2 was created in accordance with Section 3.5 of the ‘Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Authorities’ (“the DCLG Guidance”), published by the Department for Communities and Local Government.

In this document, the term “landlord” is used to refer to the “owner”, “person having control”, “person managing” or “licence holder”, as defined under the Housing Act 2004 (“the 2004 Act”). The term “Landlord” will also be used to refer to tenants of houses in multiple occupation who have committed offences under section 234 of the Housing

Act 2004. The term “the Council” is used to refer to South Cambridgeshire District Council in its capacity as the Local Housing Authority.

## **1.2 What is a civil penalty?**

A civil penalty is a financial penalty of up to £30,000 which can be imposed on a landlord as an alternative to prosecution for specific offences under the 2004 Act. The amount of penalty is determined by the Council having regard to the individual circumstances in each case; section 2 sets out how the Council will determine the appropriate level of civil penalty.

The Council considers that the most likely recipients of civil penalty notices will be those persons who are involved in the owning or managing private rented properties. However, the Council does have the power to impose them on tenants of Houses in Multiple Occupation, for offences under section 234 of the Housing Act 2004 and will consider doing so where it is deemed appropriate.

## **1.3 What offences can civil penalties be imposed for?**

A civil penalty can be considered as an alternative to prosecution for any of the following offences under the 2004 Act:

- Failure to comply with an Improvement Notice (section 30).
- Offences in relation to licensing of HMOs (section 72).
- Offences in relation to licensing of houses under Part 3 of the Act (section 95).
- Contravention of an overcrowding notice (section 139).
- Failure to comply with management regulations in respect of HMOs (section 234).
- Failure to comply with the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

## **1.4 What is the legal basis for imposing a civil penalty?**

Section 126 and Schedule 9 of the Housing and Planning Act 2016 (“the 2016 Act”) enables the Council to impose a civil penalty as an alternative to prosecution for specific offences under the 2004 Act.

## 1.5 What is the burden of proof for a civil penalty?

The same criminal standard of proof is required for a civil penalty as for a criminal prosecution. This means that before a civil penalty can be imposed, the Council must be satisfied beyond reasonable doubt that the landlord committed the offence(s) and that if the matter were to be prosecuted in the magistrates' court, there would be a realistic prospect of conviction.

In determining whether there is enough evidence to secure a conviction, the Council will have regard to the Crown Prosecution Service Code for Crown Prosecutors, published by the Director of Public Prosecutions. The finding that there is a realistic prospect of conviction is based on an objective assessment of the evidence, including whether the evidence is admissible, reliable and credible and the impact of any defence.

*See appendix III for an excerpt from the Crown Prosecution Service Code for Crown Prosecutors on the Evidential Stage of the Full Code Test for criminal prosecutions.*

## 1.6 What must be done before a Civil Penalty can be considered?

The Council must be satisfied that there is enough evidence to provide a realistic prospect of conviction against the landlord and that the public interest will be properly served by imposing a civil penalty. The following questions should be considered:

- Does the Council have enough evidence to prove beyond reasonable doubt that the offence was committed by the landlord in question?
- Is the public interest properly served by imposing a Civil Penalty on the landlord in respect of the offence?
- Has the evidence been reviewed by the appropriate senior colleague at the Council?
- Has the evidence been reviewed by the Council's legal services?
- Are there any reasons why a prosecution may be more appropriate than a civil penalty? I.e. the offence is particularly serious, and the landlord has committed similar offences in the past and/or a banning order should be considered.

*See appendix II for an excerpt from the Crown Prosecution Service Code for Crown Prosecutors on the Public Interest Stage of the Full Code Test for criminal prosecutions.*

## 1.7 The Totality Principle

Where several offences have been committed and a civil penalty could be imposed for each one, consideration will be given to whether it is just and proportionate to

impose a penalty for each offence.

When calculating the penalty amounts for multiple offences there will inevitably be a cumulative effect and consideration will be given to ensure that the total amount of the civil penalties being imposed is proportionate to the offences involved.

Decisions as to whether to impose civil penalties for each offence, and if not, which offences should be subject to penalties will be taken in discussion with the Council's Service Manager (People, Protection and Planning). Where a single more serious offence can be considered to encompass several less serious offences, this offence will normally be considered as the basis for the civil penalty.

## Section 2: Determining the Civil Penalty Amount

### 2.1 Overview

The Council has the power to impose a civil penalty of up to £30,000. This section sets out how the Council will determine the appropriate level of civil penalty in each case. The actual amount levied in each case should reflect the severity of the offence and take into account the landlord's income and track record.

The civil penalty will be made up of two distinct components.

The first is the penalty calculation; this is where the severity of the offence, the landlord's track record and the landlord's income are considered.

The second considers the amount of financial benefit, if any, that the landlord obtained from committing the offence.

These two components are added together to determine the final penalty amount that will be imposed on the landlord.

This process is broken down into four main stages:

- **Stage 1** determines the penalty band for the offence. Each penalty band has a starting amount and a maximum amount.
- **Stage 2** determines how much will be added to the penalty amount as a result of the landlord's income and track record.
- **Stage 3** is where the figures from stage 2 are added to the penalty band from stage 1. The total amount at this stage cannot go above the maximum amount for the particular penalty band.
- **Stage 4** considers any financial benefit that the landlord may have obtained from committing the offence. This amount will be added to the figure from stage 3.

## Stage 1: Determining the Penalty Band

### 2.2 Stage 1 Overview

This stage considers the landlord's culpability for the offence and the seriousness of harm risked to the tenants or visitors to the property.

A higher penalty will be appropriate where the landlord has a history of failing to comply with their obligations and/or their actions were deliberate. Landlords are running a business and are expected to be aware of their legal obligations. There are four steps to this process and each step is set out below.

### 2.3 Step 1: Culpability

Table 1 sets out the four levels of culpability that will be considered: each level has accompanying examples of the behaviours that could constitute that particular level. The behaviour of the landlord should be compared to this table to determine the appropriate level of culpability. This exercise will be repeated for each offence that is being considered as the landlord's culpability may vary between offences.

**Table 1 - Levels of Culpability**

Very high	<ul style="list-style-type: none"><li>• Deliberate breach of or flagrant disregard for the law</li></ul>
High	<ul style="list-style-type: none"><li>• Offender fell far short of their legal duties, for example, by:<ul style="list-style-type: none"><li>- failing to put in place measures that are recognised legal requirements or regulations;</li><li>- ignoring warnings raised by the local Council, tenants or others;</li><li>- failing to make appropriate changes after being made aware of risks, breaches or offences;</li><li>- allowing risks, breaches or offences to continue over a long period of time.</li></ul></li><li>• Serious and/or systemic failure by the person or organisation to comply with legal duties.</li></ul>
Medium	<ul style="list-style-type: none"><li>• Offender fell short of their legal duties in a manner that falls between descriptions in 'high' and 'low' culpability categories.</li><li>• Systems were in place to manage risk or comply with legal duties, but these were not sufficiently adhered to or implemented.</li></ul>
Low	<ul style="list-style-type: none"><li>• Offender did not fall far short of their legal duties, for example, because:<ul style="list-style-type: none"><li>- significant efforts were made to address the risk, breaches or offences, although they were inadequate on this occasion.</li><li>- they have offered a reasonable defence for why they</li></ul></li></ul>



were unaware of the risk, breach or offence.

- Failings were minor and occurred as an isolated incident

## 2.4 Assessing a landlord's culpability

When assessing culpability, consider all the evidence gathered as part of the investigation into the offence and identify any aggravating or mitigating factors which may be relevant to the assessment of culpability.

Aggravating factors could include:

- Previous convictions for similar offence/s, having regard to the time elapsed since the conviction
- Motivated by financial gain
- Public figure or member of recognised landlord or letting agency association or accreditation scheme who should have been aware of their actions
- Experienced landlord or letting agent with a portfolio of properties failing to comply with their obligations
- Failure to deal with obvious threats to health, e.g. failure to maintain fire alarm systems
- Obstruction of the investigation
- Deliberate concealment of the activity/evidence
- Number of items of non-compliance – greater the number the greater the potential aggravating factor
- Record of letting substandard accommodation i.e. record of having to take enforcement action previously whether complied with or not
- Record of poor management/ inadequate management provision
- Lack of a tenancy agreement/rent paid in cash
- Evidence of threatening behaviour/harassment of the tenant.

Section 2.12 below provides further guidance regarding when it is appropriate to consider past enforcement action taken against the landlord.

Mitigating factors could include:

- First offence where there are no aggravating factors, e.g. public figure or member of recognised good practice body
- Cooperation with the investigation e.g. turns up for the Police and Criminal Evidence Act 1984 (PACE) interview
- Voluntary steps taken to address issues e.g. submits a prompt licence application
- Willingness to undertake training
- Level of tenant culpability
- Willingness to join recognised landlord accreditation scheme
- Evidence of health reasons preventing reasonable compliance – mental

- health, unforeseen health issues, emergency health concerns
- Vulnerable individual(s) (owners not tenants) where their vulnerability is linked to the commission of the offence
- Good character i.e. no previous convictions and/or exemplary conduct

Using these factors, consider each category of culpability in the table 1 and identify the one that the landlord's behaviour falls within; where a landlord's behaviour could meet more than one of the categories, choose the highest one of those met.

## 2.5 Step 2: Seriousness of Harm Risked

Table 2 separates the seriousness of harm risked into three levels and each one has an accompanying description to illustrate what would constitute that level of harm risked.

The harm risked by the offence should be compared to the table to determine the appropriate level. This exercise will be repeated for each offence that is being considered as the seriousness of harm risked can vary between offences.

When using the table to determine the appropriate level, consideration should be given to the worst possible harm outcomes that could reasonably occur as a result of the landlord committing the offence. This means that even if some harm has already come to tenants or visitors to the property, consideration should still be given to whether there was the potential for even greater harm to have occurred.

**Table 2 - Seriousness of Harm Risked**

Level A	The sum of the seriousness of harm risked that would meet the guidance for Class I and Class II harm outcomes in the Housing Health and Safety Rating System <sup>1</sup> is 5% or more and there are relevant matters that increase the likelihood of harm occurring
Level B	The seriousness of harm risked would meet the guidance for Class III and Class IV harm outcomes and the sum of the spread of harm outcomes for Class I and Class II in the 'Housing Health and Safety Rating System' is less than 5%.
Level C	All other cases not falling within Level A or Level B (e.g. where an offence occurred but the level of harm to the tenants or visitors does not meet the descriptions for Level A or Level B).

Further information about the classes of harm and relevant matters for each hazard under the Housing Health and Safety Rating System can be found in appendix I.

<sup>1</sup> Office of the Deputy Prime Minister: London (2006), *Housing Health and Safety Rating System Operating Guidance*, page 47

## 2.6 Step 3: Penalty Levels

Using the already determined level of culpability and the seriousness of harm risked, find the appropriate penalty level (1 – 5+) in Table 3.

**Table 3 - Penalty Levels**

Seriousness of Harm Risked	Culpability-Very high	Culpability-High	Culpability-Medium	Culpability-Low
Level A	5+	5	4	3
Level B	5	4	3	2
Level C	4	3	2	1

## 2.7 Step 4: Penalty Bands

Compare the penalty level from Step 3 to table 4 and this will give the penalty band for the offence. This penalty band determines both the starting amount and the upper limit for the penalty calculation.

**Table 4 – Penalty Bands**

Penalty Level	Penalty Band
1	£600 - £1200
2	£1200 - £3000
3	£3000 - £6000
4	£6000 - £15,000
5 / 5+	£15,000 - £30,000

## Stage 2: Considering the landlord's income and track record

### 2.8 Stage 2 Overview

There are two elements to consider in stage 2: the landlord's income and the landlord's track record. Each of these will affect the penalty calculation and further details are set out below.

### 2.9 The landlord's Finances

The Council is permitted to consider all a landlord's income and assets when calculating a civil penalty.

The council may use its legal powers to require landlords to provide details of their finances.

**Any failure to provide financial information when requested may mean that the council imposes the maximum financial penalty based on the severity of the offence.**

The council also reserves the right to use investigation services such as the National Anti-Fraud Network to investigate landlords' finances.

For penalties that fall within bands 5 and 5+, a financial investigation of the landlord will be usually carried out and all sources of income received by the landlord can be considered as 'relevant income' for the purpose calculating the civil penalty. Specifically, the average weekly income of the landlord for the 12 months preceding the date of the offence will be used.

For penalties that fall within bands 1 to 4, the landlord's income will still be considered but the 'relevant income' will normally be limited to the income that the landlord received in relation to the property where the offence occurred.

For property owners, this will be the weekly rental income, as declared on the tenancy agreements, for the property where offence occurred and at the time the offence occurred.

For property agents, the relevant income will be any fees they received for the management of the property, as stated on the management contract between the agent and the other parties to the contract. Where the fees include VAT or any other charges, the gross amount of the fees will be used.

**IMPORTANT:** although the Council will not normally consider carrying out a full financial investigation where the offence falls within penalty bands 1 to 4, the Council does reserve the right to do so where it considers it reasonable and proportionate to the

circumstances.

## 2.10 How is the increase as a result of the landlord's income calculated?

This is a two-step process with step 1 determining what counts as relevant weekly income and step 2 determining what percentage of this relevant weekly income should be added to the penalty amount. These steps are set out in more detail below.

Step 1 - take the penalty band, as determined in Stage 1, and compare it to Table 5: this will state what can be considered as relevant weekly income for the offence.

**Table 5 - Defining relevant weekly income**

Penalty Level	Relevant Weekly Income
1	Gross rental income or management fees for the property where the offence occurred
2	Gross rental income or management fees for the property where the offence occurred
3	Gross rental income or management fees for the property where the offence occurred
4	Gross rental income or management fees for the property where the offence occurred
5 / 5+	All income for the offender (carry out a financial assessment)

Step 2 - take the penalty band, as determined in Stage 1, and compare it to Table 6. This will give the percentage of the landlord's relevant weekly income to be added to the civil penalty.

**Table 6 - % of relevant weekly income**

Penalty Level	% of Relevant Weekly Income
1	50% of relevant weekly income
2	100% of relevant weekly income
3	150% of relevant weekly income
4	250% of relevant weekly income
5	400% of relevant weekly income
5+	600% of relevant weekly income

## 2.11 What if tenancy agreements or management contracts are not available?

Tenancy agreements and property management contracts can be requested using the Council's existing powers and this should be done where copies are not already available.

In cases where the landlord is not forthcoming with this information or documentation, the council may levy the maximum penalty level and it will be for the landlord to make representations against this estimated figure if they deem it to be too high.

Representations against estimated incomes will only be accepted where enough evidence of the landlord's income is provided to support these claims. Estimates of average weekly income will be calculated on a case by case basis, but they will generally, be based on an assessment of similar sized rental properties in the same area as the property to which the offence relates.

**IMPORTANT** – the Council will not normally consider a landlord's assets but does reserve the right to consider assets in any cases where the Council considers it reasonable and proportionate to do so. Each of these cases will be dealt with on a case by case basis.

## 2.12 The Landlord's track record

A higher penalty will be appropriate where the landlord has a history of failing to comply with their obligations; as such, the track record of the landlord will be an important factor in determining the final amount of the civil penalty that is imposed. Below are questions that must be asked for each landlord that will receive a civil penalty.

- 1) Has the landlord had any relevant<sup>1</sup> notices, under Part 1 of the Housing Act 2004, served on them in the last 2 years? If so, how many times have they been subject to such enforcement action in that timeframe?
- 2) Has the landlord had any civil penalties imposed on them in the last 2 years? If so, how many civil penalties have been imposed on them in that timeframe?
- 3) Has the landlord accepted any cautions for relevant<sup>1</sup> offences in the last 2 years? If so, how many cautions for relevant offences<sup>1</sup> have they accepted in that timeframe?
- 4) Has the landlord owned or managed a property where the term of an existing licence for the property, under the Housing Act 2004, was reduced due to enforcement action or significant concerns, in the last 2 years?

- 5) Has the landlord breached any relevant<sup>2</sup> notices, which resulted in works in default being carried out, in the last 2 years? If so, how many times have works in default been carried out under such circumstances in that timeframe?
- 6) Has the landlord owned or managed a property where a licence for the property, under the Housing Act 2004, was revoked due to enforcement action or significant concerns, in the last 2 years?
- 7) Has the landlord been prosecuted for any relevant<sup>3</sup> offences in the last 2 years? If so, how many times have such prosecutions taken place in that timeframe?
- 8) Has the landlord owned or managed a property which was subject to an interim or final management order under the Housing Act 2004 in the last 2 years?
- 9) Has the Landlord been the subject of a banning order under the Housing and Planning Act 2016 in the last 2 years?

1 any action under Part 1 other than a 'hazard awareness' notice or a 'clearance area'.

2 any notices served under any legislation relating to housing, public health or environmental health.

3 any unspent convictions relating to any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against the offender.

**IMPORTANT** – question 1 refers to all relevant notices served during the two years: this means that where the offence is failure to comply with an improvement notice, that notice should also be included in the answer to the question.

## 2.13 How is the increase as a result of the Landlord's track record calculated?

**Table 7 – Weightings**

Category	Weighting
Category 1 ( <i>Least serious</i> )	1
Category 2 ( <i>Moderately Serious</i> )	5
Category 3 ( <i>Very Serious</i> )	10
Category 4 ( <i>Most serious</i> )	20

Each of the questions will be placed into one of four categories, based on the seriousness of the offence or enforcement action to which the question refers. Each category of question is given a weighting that increases with the seriousness of the category. Table 7 shows the four categories and the weighting which is applied to each one.

Any questions where the answer is 'no' will have a weighting of zero but 'yes' answers will accrue the weighting for that particular question. E.g. the weighting for a question is 10 and the answer to that question is 'yes' so the score for that particular question will be 10.

For those questions where the number of occasions is relevant, the total weighting for a 'yes' answer will be the weighting for that question multiplied by the number of occasions. E.g. if a question has a weighting of 5 and the landlord has committed the offence 3 times, this will give a total score of 15 for the question. Table 8 shows the category which each of the questions falls within and the subsequent weighting that is applied as a result.

**Table 8 - Questions & Weightings**

Questions	Weighting for a 'Yes' answer	Multiplied by the number of occasions?
Has the landlord had any relevant <sup>1</sup> notices, under Part 1 of the Housing Act 2004, served on them in the last 2 years?	1	Yes
Has the landlord had any civil penalties imposed on them in the last 2 years?	5	Yes
Has the landlord accepted any cautions for relevant <sup>1</sup> offences in the last 2 years?	10	Yes
Has the landlord owned or managed a property where the term of an existing licence for the property, under the Housing Act 2004, was reduced due to enforcement action or significant concerns, in the last 2 years?	5	No
Has the landlord breached any relevant <sup>2</sup> notices, which resulted in works in default being carried out, in the last 2 years?	10	Yes
Has the landlord owned or managed a property where a licence for the property, under the Housing Act 2004, was revoked due to enforcement action or significant concerns, in the last 2 years?	10	No
Has the landlord been prosecuted for any relevant <sup>3</sup> offences in the last 2 years?	20	Yes
Has the landlord owned or managed a property which was subject to an interim or final management order under the Housing Act 2004 in the last 2 years?	20	No
Has the landlord been the subject of a banning order under the Housing and Planning Act 2016 in the last 2 years?	20	No

<sup>1</sup> any action under Part 1 other than a 'hazard awareness' notice or a 'clearance area'.



<sup>2</sup> any notices served under any legislation relating to housing, public health or environmental health.

<sup>3</sup> any unspent convictions relating to any provision of any enactment relating to housing, public health, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement being made against the offender.

**Table 9 - % Increase**

Score	%
0	0%
01-Feb	5%
03-Apr	10%
05-Jun	15%
07-Aug	20%
09-Oct	25%
11-Dec	30%
13-14	35%
15-16	40%
17-18	45%
19-20	50%
21-22	55%
23-24	60%
25-26	65%
27-28	70%
29-30	75%
31-32	80%
33-34	85%
35-36	90%
37-38	95%
39+	100%

Once all the questions have been answered, the weighting for each is totaled and compared to Table 9: this gives the percentage increase that will be applied to the penalty amount. The increase will be a percentage of the starting amount for the penalty band that the offence falls within. E.g. the total score for the questions is 23 and so the corresponding percentage increase in Table 9 will be 60%.

**IMPORTANT** - the penalty calculation will never be increased past the upper limit of the Penalty Band determined in Step 4 of this procedure (set out in Table 4 on page 7 of this procedure). However, where the landlord has a history of non-compliance, it is appropriate to factor this into your assessment of their overall culpability. This could affect your initial assessment of the appropriate penalty level and lead to a higher penalty band being used as the starting point.

## Stage 3: Adding Income and Track Records Amounts to the Penalty Band

### 2.14 Stage 3 Overview

Stage 1 gives the penalty band for the offence and this determines the starting amount and the upper limit for the penalty calculation. Stage 2 gives the amount that should be added as a result of the landlord's income and the amount that should be added as a result of the landlord's track record.

### 2.15 How are the figures from stage 1 and stage 2 combined?

To get the amount of the penalty calculation, the two figures from Stage 2 should be added to the starting amount for the penalty band. E.g. if the increase for income is £500 and the increase due to the landlord's track record is £1000, these two figures are added to the starting amount for the penalty to get the penalty calculation amount.

If the amount calculated, by adding the figures for the landlord's income and track record, is less than the upper limit for the penalty band, then this is the amount that will be used. However, if the amount calculated is greater than the upper limit for the penalty band, then the upper limit will be used instead.

## Stage 4: Financial Benefit Obtained from Committing the Offence

### 2.16 Stage 4 Overview

A guiding principle of civil penalties is that they should remove any financial benefit that the landlord may have obtained as a result of committing the offence. This means that the amount of the civil penalty imposed should never be less than it would have reasonably cost the landlord to comply in the first place.

### 2.17 How is the financial benefit determined?

Calculating the amount of financial benefit obtained will need to be done on a case by case basis but the table below gives some examples of potential financial benefit for each of the offences.

Offence	Examples of potential financial benefit
Failure to comply with an Improvement Notice (section 30)	The cost of any works that were required to comply with the improvement notice but which have not been removed by works in default.
Offences in relation to licensing of HMOs (section 72)	Rental income whilst the HMO was operating unlicensed or where it was occupied by more than the number of persons authorised by the licence; the cost of complying with any works conditions on the licence; the cost of the licence application fee.

Offences in relation to licensing of houses under Part 3 of the Act (section 95)	Rental income whilst the property was operating unlicensed or where it was occupied by more than the number of persons authorised by the licence; the cost of complying with any works conditions on the licence; the cost of the licence application fee.
Offence of contravention of an overcrowding notice (section 139)	Rental income whilst the property is being occupied in contravention of the overcrowding notice.
Failure to comply with management regulations in respect of HMOs (section 234)	The cost of any works that are required to avoid breaching the regulations.

When calculating the cost of any works this may be based on the retail cost of suitable materials available locally that meet the council's specifications unless more detailed quotations for the works concerned at the property in question are available. The council may also include the cost of labour.

## 2.18 How is financial benefit added to the penalty amount?

The Council will need to be able to prove that financial benefit was obtained before it can be included in the civil penalty calculation. However, where it can be proven, the amount obtained should be added to the penalty calculation amount from Stage 3 and this will give the final civil penalty amount that will be imposed on the landlord.

**IMPORTANT** – where the landlord has obtained financial benefit in the form of rental income and this full amount has been added to the total penalty, it will be appropriate to take this into consideration when deciding whether or not to pursue a Rent Repayment Order. For more information on Rent Repayment Orders, see the Council's Enforcement Policy.

## Section 3: Imposing a Civil Penalty

### 3.1 Where is the process for civil penalties set out?

[Schedule 9 of the Housing and Planning Act 2016](#) sets out the process which must be followed when imposing a civil penalty. 3.2 Notice of Intent

Before imposing a civil penalty on a landlord, the Council must serve a 'notice of intent' on the landlord in question. This notice must be served within 6 months of the last day on which the Council has evidence of the offence occurring. This notice must contain the following information:

- The amount of the proposed civil penalty.
- The reasons for proposing to impose a civil penalty, and.
- Information about the Landlord's right to make representations to the Council.

### 3.3 Representations

Any landlord who is in receipt of a notice of intent has the right to make representations against that notice within 28 days of the date on which the notice was given. Representations can be against any part of the proposed course of action. All representations from landlords will be considered by an appropriate senior colleague.

Where a landlord challenges the amount of the civil penalty, it will be for the landlord to provide documentary evidence (e.g. tenancy agreements etc.) to show that the calculation of the penalty amount is incorrect. Where no such supporting evidence is provided, the representation against the amount will not be accepted.

Written responses will be provided to all representations made by the recipients of a notice of intent. No other parties have an automatic right to make representations but if any are received, they will be considered on a case by case basis and responded to where the Council considers it necessary.

### 3.4 Final Notice

Once the representation period has ended, the Council must decide, taking into consideration any representations that were made, whether to impose a civil penalty and the final amount of the civil penalty. The final amount of a civil penalty can be a lower amount than was proposed in the notice of intent, but it cannot be a greater amount.

The imposing of a civil penalty involves serving a final notice and this notice must contain the following information:

- The amount of the financial penalty.
- The reasons for imposing the penalty.
- Information about how to pay the penalty.
- The period for payment of the penalty.
- Information about rights of appeal, and.
- The consequences of failure to comply with the notice.

The period of payment for the civil penalty must be 28 days beginning with the day after that on which the notice was given.

### 3.5 Withdrawing or amending Notices

At any time, the Council may withdraw a notice of intent or a final notice or reduce the amount of a civil penalty. This is done by giving notice in writing to the person on whom the notice was served.

Where a civil penalty has been withdrawn, and there is a public interest in doing so, the Council can still pursue a prosecution against the landlord for the conduct for which the penalty was originally imposed. Each case will be considered on a case by case

basis.

### **3.6 Appeals to the Tribunal**

If a civil penalty is imposed on a landlord, that Landlord can appeal to the First-tier Tribunal (“the Tribunal”) against the decision to impose a penalty or the amount of the penalty. The Tribunal has the power to confirm, vary (increase or reduce) the size of the civil penalty imposed by the Council, or to cancel the civil penalty. Where an appeal has been made, this suspends the civil penalty until the appeal is determined or withdrawn.

### **3.7 Payment of a Civil Penalty**

A civil penalty must be paid within 28 days, beginning with the day after that on which the final notice was given (“the 28-day payment period”), unless that notice is suspended due to an appeal. Details of how to pay the penalty will be provided on the final notice.

### **3.8 Other consequences of having a Civil Penalty imposed**

Where a civil penalty has been imposed on a landlord, this will form a part of our consideration when reviewing licence applications for properties in which they have some involvement. This includes licences under Part 2 or Part 3 of the Housing Act 2004.

Whilst a civil penalty will not automatically preclude us from granting a licence where such persons are involved, the reasons for imposing the penalty and the extent of the person’s involvement in the property will be considered.

Where a landlord has two civil penalties imposed on them in a 12-month period, each for a banning order offence, the Council will include their details on the Database of Rogue Landlords and Property Agents.

“Banning order offence” means an offence of a description specified in regulations made by the Secretary of State under Section 14(3) of the Housing and Planning Act 2016.

### **3.9 Recovering an unpaid Civil Penalty**

It is the policy of the Council to consider all legal options available for the collection of unpaid civil penalties and to pursue unpaid penalties in all cases through the county courts. Some of the orders available to the Council through the county courts are as follows:

- A Warrant of Control for amounts up to £5,000.
- A Third-Party Debt Order;

- A Charging Order, and.
- Bankruptcy or insolvency.

A certificate, signed by the Chief Finance Officer for the Council and stating that the amount due has not been received by the date of the certificate, will be accepted by the courts as conclusive evidence of the payment due.

Where a Charging Order has been made, and the amount of the order is over £1,000, the Council can consider applying for an Order for Sale against the property or asset in question. When considering which properties to apply for a Charging Order against, the Council can consider all properties owned by the landlord and not just the property to which the offence relates.

Where the civil penalty was appealed and the Council has a tribunal decision, confirming or varying the penalty, the decision will be automatically registered on the Register of Judgments, Orders and Fines, once accepted by the county court. Inclusion on this Register may make it more difficult for the Landlord to get financial credit.

### 3.10 Income from Civil Penalties

Any income from Civil Penalties is retained by the Local Housing Authority (in this case the Council) which imposed the penalty. The Council must spend any income from Civil Penalties on its enforcement functions in relation to the private rented sector. Further details can be found in Statutory Instrument 367 (2017).

## Section 4: worked example

### 4.1 Worked Example 1

Landlord A owns and operates an unlicensed HMO. Landlord A has been made aware of the need to apply for an HMO licence but has failed to do so and has continued to operate unlicensed for the past 6 months. The rental income received by Landlord A during this 6-month period is £7500. This is not the first time that Landlord A has been the subject of enforcement action, having previously been cautioned for operating another unlicensed HMO a year ago and being served improvement notices on two separate occasions in the last 12 months. Both notices were complied with.

**Offence:** Operating an unlicensed HMO

**Culpability:** 'Very High' (*Deliberate breach of or flagrant disregard for the law*)

**Justification:** Landlord A is aware of requirement to licence the property and the consequences of not doing so but has chosen not to comply anyway.

**Seriousness of harm risked: 'Level C'**

*(All other cases not falling within Level A or Level B)*

Justification: the specific offence of operating an unlicensed HMO does not implicitly mean that there are any defects or deficiencies in the property. As such, the seriousness of harm risked would not meet the descriptions of 'Level A' or 'Level B'.

**Penalty band: 4 - £6,000 to £15,000 ('Very High' culpability and 'Level C' harm)**

**Increase due to the landlord's track record: £1,800**

*(30% of the starting point for the penalty)*

Justification: in the last two years, Landlord A has accepted 1 caution for a relevant offence and has been served 2 relevant notices, under Part 1 of the Housing Act 2004. This gives us a score of 12 and an increase of 30% of the penalty amount. This is an increase of £1,800.

**Increase due to the landlord's income: £721.15**

*(250% of weekly rental income from the property where the offence occurred)*

Justification: the penalty band is 4 and Landlord A is the owner of the property where the offence occurred. As such, the relevant income for consideration is the weekly rental income for the property and 250% of this will be added to the penalty amount. In this case, the relevant weekly income is £288.46 and so £721.15 will be added.

**Penalty calculation amount: £8521.15 (£6000 + £1800 + £721.15 = £8521.15).**

**Financial benefit obtained from committing the offence: £7,500**

Justification: Landlord A has received £7,500 in rental income from the property during the time that it has been unlicensed and so this can be considered the financial benefit received from committing the offence.

**Final amount of the civil penalty: £16,021.15 (£8521.15 + £7500 = £16021.15).**

This is capped to £15,000 as the top of the band.

## 4.2 Worked Example 2

Landlord B owns and manages a single-family dwelling. During an inspection, a category 1 hazard (falls on stairs) and multiple category 2 hazards were identified at the property. The stairs were in an extremely dangerous condition but could be made safe easily. An improvement notice was served on Landlord B and some of the works to reduce the category 2 hazards were carried out but the remainder of the works on the notice were not. Works in default were carried out at the property with a total cost of £2,000. Landlord B was also prosecuted 18 months ago for failing to comply with an improvement notice. A financial investigation into Landlord B found that they have received an annual income of £50,000.

**Offence:** Failing to comply with an improvement notice.



**Culpability:** 'Very High' (*Deliberate breach of or flagrant disregard for the law*)

Justification: Landlord B was aware of the need to comply with the Improvement Notice as some of the works were completed. Landlord B is also aware of the consequences of failing to comply with the notice as previous enforcement action has been taken against them for this reason.

**Seriousness of harm risked:** 'Level A'

Justification: The condition of the staircase creates a Category 1 hazard and if someone were to trip or fall on the stairs, there is an 8.6% risk that they will end up with harm outcomes that meet the descriptions of Class 1 and Class 2 harm outcomes under the Housing Health & Safety Rating System. This means that the seriousness of harm risked meets the description of 'Level A'.

**Penalty band:** 5+ - £15,000 to £30,000 (*'Very High' culpability and 'Level A' harm*)

**Increase due to the landlord's track record:** £12,000

*(80% of the starting point for the penalty)*

Justification: in the last two years, Landlord B has been prosecuted for a relevant offence, has been served 1 relevant notice under Part 1 of the Housing Act 2004, and has been subject to works in default. This gives us a score of 31 for his track record and an increase of 80% of the penalty amount. This is an increase of £12,000.

**Increase due to the landlord's income:** £5,769.23

*(600% of the Landlord's average weekly income)*

Justification: the penalty band is 5+ and so a financial investigation was carried out to identify all of Landlord B's income. The investigation found they received a total annual income of £50,000 and 600% of their average weekly income will be added to the penalty amount. In this case, the average weekly income is £961.54 and so £5769.23 will be added.

**Penalty calculation amount:** £30,000 ( $£15000 + £12000 + £5769.23 = £32,769.23$ )

Financial benefit obtained from committing the offence: **None**

Justification: works in default were carried out at the property and the cost of these works, plus an administration fee, were charged to Landlord B. As such, it cannot be said that Landlord B obtained financial benefit from committing the offence.

Final amount of the civil penalty: **£30,000**

*(£15000 + £12000 + £5769.23 = £32,769.23 - civil penalties are capped at £30,000).*

### 4.3 Worked Example 3

Landlord C is the appointed manager of a three-bedroom licensed HMO. The company is



paid £90 per month to manage the property on behalf of the owner. During a compliance inspection, it was found that they had neglected to display any of the manager's details anywhere in the property. They were warned about this one year ago and stated that they were aware of the requirement but an oversight meant that they missed this property when displaying details. They have not been the subject of any formal enforcement action in the last 2 years and the property was otherwise in a satisfactory condition.

**Offence:** Failure to comply with management regulations in respect of Houses in Multiple Occupation.

**Culpability:** 'Low' (*Failings were minor and occurred as an isolated incident*)

Justification: the company does not have a history of non-compliance and the breach was fairly minor and easily rectified.

**Seriousness of harm risked:** 'Level C'  
(*All other cases not falling within Level A or Level B*)

Justification: The seriousness of harm risked to the tenants was low and so it would not meet the descriptions of harm found in 'Level A' or 'Level B'.

**Penalty band:** 1 - £600 to £1,200 (*'Low' culpability and 'Level C' harm*)

Increase due to the landlord's track record: **None**

Justification: in the last two years, Landlord C has not been the subject of any formal enforcement action and so there is no increase in the penalty amount due to their track record.

**Increase due to the landlord's income:** £10.39 (*50% of weekly rental income from the property where the offence occurred*)

Justification: the penalty band is 1 and Landlord C is the manager of the property where the offence occurred. As such, the relevant income for consideration is the weekly management fees received for the property and 50% of this will be added to the penalty amount. In this case, the relevant weekly income is £20.77 and so £10.39 will be added.

**Initial penalty calculation amount:** £610.39 ( $£600 + £10.39 = £610.39$ )

Financial benefit obtained from committing the offence: **None**

Justification: the cost of displaying Landlord C's management details would be negligible and so it would not be reasonable to claim that financial benefit was obtained from committing the offence.

**Final amount of the civil penalty:** £610.39 ( $£600.00 + £10.39 = £610.39$ ).

## Appendix I – Classes of Harm (HHSRS)

When determining the seriousness of harm risked at Step 2 of this procedure regard will be had to the Housing Health and Safety Rating System Operating Guidance that sets out the health (harm) outcomes and relevant matters for each of the 29 hazards identified.

The seriousness of harm risked will be assessed based on the most relevant hazard. For example, the seriousness of harm arising from a breach of a HMO Management Regulation requiring the maintenance of fire precautions would take into account the class I and II health outcomes identified in the Fire hazard described in the HHSRS Operating Guidance.

Where several hazards arise from the same offence or offences which are the subject of a civil penalty, the most serious health outcome will be used to determine the seriousness of harm risked at Step 2 of this procedure.

When determining that the level of harm is “Level A” for the purposes of calculating a Civil Penalty under this procedure regard should also be had to the “relevant matters” for each hazard as set out in the HHSRS Operating Guidance. Where relevant matters were present in the subject property that would increase the likelihood of harm in addition to the total class I and II harm outcomes being more than 5% this will confirm the assessment of “Level A” as being the appropriate level of harm. In the absence of any of the relevant matters being identified that would increase the likelihood of harm the appropriate level of harm may be assessed as “Level B” for the purposes of this procedure.

The following is an extract from the Housing Health and Safety Rating System Operating Guidance (page 47 - 48), published by the Office of the Deputy Prime Minister (2006).

### “Examples for the Four HHSRS Classes of Harm

The Classes of Harm used for the HHSRS are based on the top four Classes of Harm as identified in A Risk Assessment Procedure for Health and Safety in Buildings (2000) BRE. While this work identified seven Classes of Harm, only the top four are used for the purposes of the HHSRS as these are harms of sufficient severity that they will either prove fatal or require medical attention and, therefore, are likely to be recorded in hospital admissions or GP records.

Work on developing and refining the Statistical Evidence supporting the Rating System involved classifying a more comprehensive list of harm outcomes.

The examples given below are intended for guidance only. It should be noted that some of the harm outcomes may appear in more than one Class depending on the severity of the condition. For example, respiratory disease will be in Class II or III depending on the severity and duration.

### **Class I**

This Class covers the most extreme harm outcomes including: Death from any cause; Lung cancer; Mesothelioma and other malignant lung tumours; Permanent paralysis below the neck; Regular severe pneumonia; Permanent loss of consciousness; 80% burn injuries.

### **Class II**

This Class covers severe harm outcomes, including: Cardio-respiratory disease; Asthma; Non-malignant respiratory diseases; Lead poisoning; Anaphylactic shock; Cryptosporidiosis; Legionnaires disease; Myocardial infarction; Mild stroke; Chronic confusion; Regular severe fever; Loss of a hand or foot; Serious fractures; Serious burns; Loss of consciousness for days.

### **Class III**

This Class covers serious harm outcomes, including: Eye disorders; Rhinitis; Hypertension; Sleep disturbance; Neuro-psychological impairment; Sick building syndrome; Regular and persistent dermatitis, including contact dermatitis; Allergy; Gastro-enteritis; Diarrhea; Vomiting; Chronic severe stress; Mild heart attack; Malignant but treatable skin cancer; Loss of a finger; Fractured skull and severe concussion; Serious puncture wounds to head or body; Severe burns to hands; Serious strain or sprain injuries; Regular and severe migraine.

### **Class IV**

This Class includes moderate harm outcomes which are still significant enough to warrant medical attention. Examples are: I Pleural plaques; Occasional severe discomfort; Benign tumours; Occasional mild pneumonia; Broken finger; Slight concussion; Moderate cuts to face or body; Severe bruising to body; Regular serious coughs or colds.”

## **Appendix II – Public Interest Stage of the Full Code Test**

The following is an extract from pages 8-11 of The Code for Crown Prosecutors (October 2018, 8th Edition) issued by the Director of Public Prosecutions (DPP) under section 10 of the Prosecution of Offences Act 1985.

### **The Public Interest Stage**

4.9. In every case where there is enough evidence to justify a prosecution or to offer an out-of-court disposal, prosecutors must go on to consider whether a prosecution is required in the public interest.

4.10. It has never been the rule that a prosecution will automatically take place once the evidential stage is met. A prosecution will usually take place unless the prosecutor is satisfied that there are public interest factors tending against prosecution which outweigh those tending in favour. In some cases, the prosecutor may be satisfied that the public interest can be properly served by offering the offender the opportunity to have the matter dealt with by an out-of-court disposal rather than

bringing a prosecution.

4.11. When deciding the public interest, prosecutors should consider each of the questions set out below in paragraphs 4.14 a) to g) so as to identify and determine the relevant public interest factors tending for and against prosecution. These factors, together with any public interest factors set out in relevant guidance or policy issued by the DPP, should enable prosecutors to form an overall assessment of the public interest.

4.12. The explanatory text below each question in paragraphs 4.14 a) to g) provides guidance to prosecutors when addressing each particular question and determining whether it identifies public interest factors for or against prosecution. The questions identified are not exhaustive, and not all the questions may be relevant in every case. The weight to be attached to each of the questions, and the factors identified, will also vary according to the facts and merits of each case.

4.13. It is quite possible that one public interest factor alone may outweigh a number of other factors which tend in the opposite direction. Although there may be public interest factors tending against prosecution in a particular case, prosecutors should consider whether nonetheless a prosecution should go ahead, and those factors put to the court for consideration when sentence is passed.

4.14. Prosecutors should consider each of the following questions:

a) How serious is the offence committed?

- The more serious the offence, the more likely it is that a prosecution is required.
- When assessing the seriousness of an offence, prosecutors should include in their consideration the suspect's culpability and the harm caused, by asking themselves the questions at b) and c).

b) What is the level of culpability of the suspect?

- The greater the suspect's level of culpability, the more likely it is that a prosecution is required.

- Culpability is likely to be determined by:

i. the suspect's level of involvement;

ii. the extent to which the offending was premeditated and/or planned;

iii. the extent to which the suspect has benefitted from criminal conduct;

iv. whether the suspect has previous criminal convictions and/or out-of-court disposals and any offending whilst on bail or whilst subject to a court order;

v. whether the offending was or is likely to be continued, repeated or escalated;

vi. the suspect's age and maturity (see paragraph d below).

- A suspect is likely to have a much lower level of culpability if the suspect has been compelled, coerced or exploited, particularly if they are the victim of a crime that is linked to their offending.

- Prosecutors should also have regard to whether the suspect is, or was at the time of the offence, affected by any significant mental or physical ill health or disability, as in some circumstances this may mean that it is less likely that a prosecution is required. However, prosecutors will also need to consider how serious the offence was, whether the suspect is likely to re-offend and the need to safeguard the public or those providing care to such persons.

c) What are the circumstances of and the harm caused to the victim?

- The circumstances of the victim are highly relevant. The more vulnerable the victim's situation, or the greater the perceived vulnerability of the victim, the more likely it is that a prosecution is required.

- This includes where a position of trust or authority exists between the suspect and victim.

- A prosecution is also more likely if the offence has been committed against a victim who was at the time a person serving the public.

- It is more likely that prosecution is required if the offence was motivated by any form of prejudice against the victim's actual or presumed ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or if the suspect targeted or exploited the victim, or demonstrated hostility towards the victim, based on any of those characteristics.

- Prosecutors also need to consider if a prosecution is likely to have an adverse effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence, the availability of special measures and the possibility of a prosecution without the participation of the victim.

- Prosecutors should take into account the views expressed by the victim about the impact that the offence has had. In appropriate cases, this may also include the views of the victim's family.

- However, the CPS does not act for victims or their families in the same way as solicitors act for their clients, and prosecutors must form an overall view of the public interest.

d) What was the suspect's age and maturity at the time of the offence?

- The criminal justice system treats children and young people differently from adults and significant weight must be attached to the age of the suspect if they are a child or young person under 18.

- The best interests and welfare of the child or young person must be considered, including whether a prosecution is likely to have an adverse impact on their future

prospects that is disproportionate to the seriousness of the offending.

- Prosecutors must have regard to the principal aim of the youth justice system, which is to prevent offending by children and young people. Prosecutors must also have regard to the obligations arising under the United Nations 1989 Convention on the Rights of the Child.

- Prosecutors should consider the suspect's maturity, as well as their chronological age, as young adults will continue to mature into their mid-twenties.

- As a starting point, the younger the suspect, the less likely it is that a prosecution is required.

- However, there may be circumstances which mean that, notwithstanding the fact that the suspect is under 18 or lacks maturity, a prosecution is in the public interest. These include where:

- i. the offence committed is serious;

- ii. the suspect's past record suggests that there are no suitable alternatives to prosecution; and

- iii. the absence of an admission means that out-of-court disposals that might have addressed the offending behaviour are not available.

e) What is the impact on the community?

- The greater the impact of the offending on the community, the more likely it is that a prosecution is required.

- The prevalence of an offence in a community may cause particular harm to that community, increasing the seriousness of the offending.

- Community is not restricted to communities defined by location and may relate to a group of people who share certain characteristics, experiences or backgrounds, including an occupational group.

- Evidence of impact on a community may be obtained by way of a Community Impact Statement.

f) Is prosecution a proportionate response?

- In considering whether prosecution is proportionate to the likely outcome, the following may be relevant:

- i. The cost to the CPS and the wider criminal justice system, especially where it could be regarded as excessive when weighed against any likely penalty. Prosecutors should not decide the public interest on the basis of this factor alone. It is essential that regard is also given to the public interest factors identified when considering the other questions in paragraphs 4.14 a) to g), but cost can be a relevant factor when making an overall assessment of the public interest.

ii. Cases should be prosecuted in accordance with principles of effective case management. For example, in a case involving multiple suspects, prosecution might be reserved for the main participants in order to avoid excessively long and complex proceedings.

g) Do sources of information require protecting?

- In cases where public interest immunity does not apply, special care should be taken when proceeding with a prosecution where details may need to be made public that could harm sources of information, ongoing investigations, international relations or national security. It is essential that such cases are kept under continuing review.

## Appendix III – The Evidential Stage of the Full Code Test

The following is an extract from pages 7-8 of The Code for Crown Prosecutors (October 2018, 8th Edition) issued by the Director of Public Prosecutions (DPP) under section 10 of the Prosecution of Offences Act 1985.

### The Evidential Stage

4.6. Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge\*. They must consider what the defence case may be, and how it is likely to affect the prospects of conviction. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.

4.7. The finding that there is a realistic prospect of conviction is based on the prosecutor's objective assessment of the evidence, including the impact of any defence and any other information that the suspect has put forward or on which they might rely. It means that an objective, impartial and reasonable jury or bench of magistrates or judge hearing a case alone, properly directed and acting in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a different test from the one that the criminal courts themselves must apply. A court may only convict if it is sure that the defendant is guilty.

4.8. When deciding whether there is sufficient evidence to prosecute, prosecutors should ask themselves the following:

\* For the purposes of the Code for Crown Prosecutors, "conviction" includes a finding that "the person did the act or made the omission" in circumstances where the person is likely to be found not guilty on the grounds of insanity.

Can the evidence be used in court?

Prosecutors should consider whether there is any question over the admissibility of certain evidence. In doing so, prosecutors should assess:

- the likelihood of that evidence being held as inadmissible by the court; and
- the importance of that evidence in relation to the evidence as a whole.

Is the evidence reliable?

Prosecutors should consider whether there are any reasons to question the reliability of the evidence, including its accuracy or integrity.

Is the evidence credible?

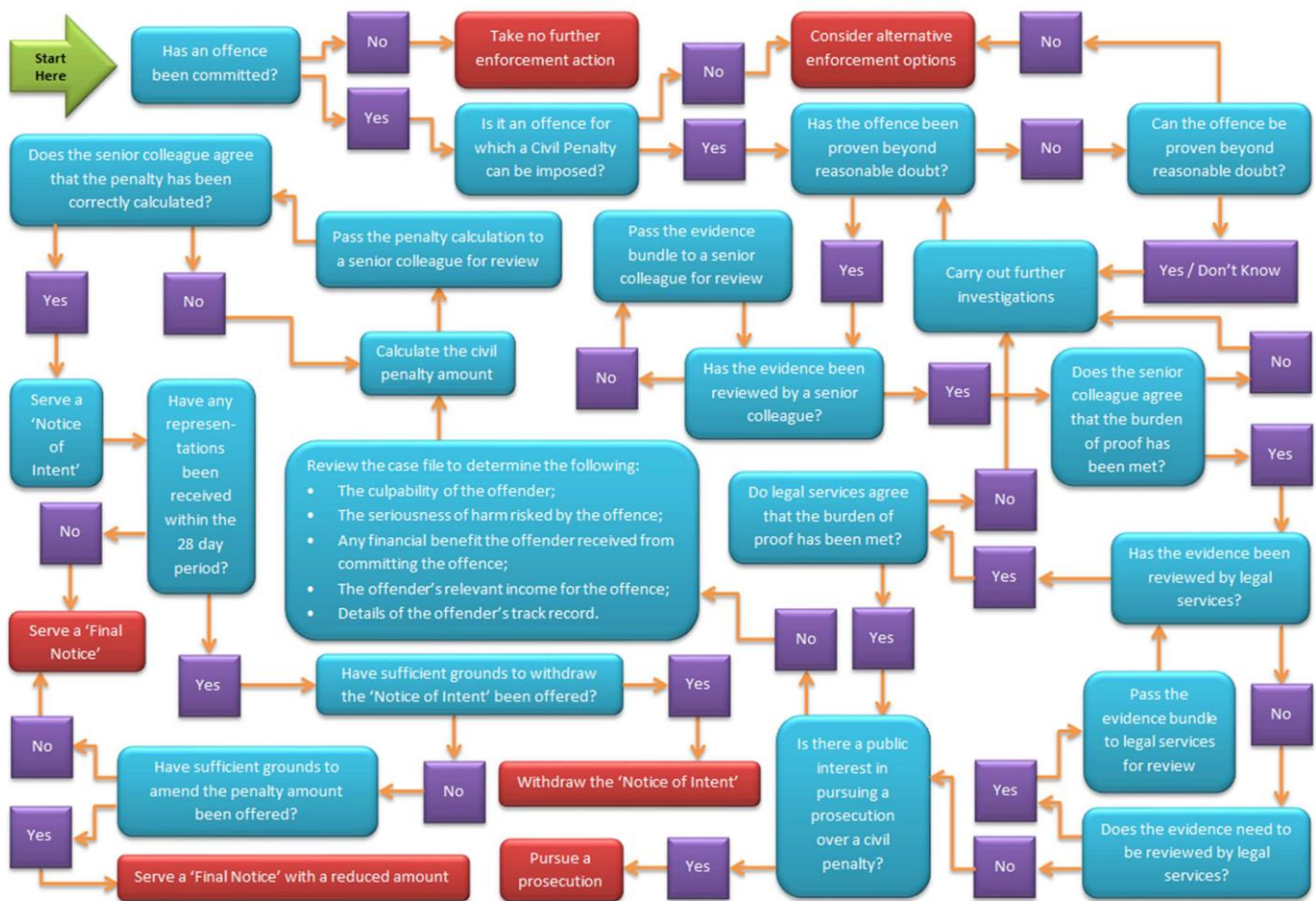


Prosecutors should consider whether there are any reasons to doubt the credibility of the evidence.

Is there any other material that might affect the sufficiency of evidence?

Prosecutors must consider at this stage and throughout the case whether there is any material that may affect the assessment of the sufficiency of evidence, including examined and unexamined material in the possession of the police, and material that may be obtained through further reasonable lines of inquiry.

## Appendix IV – Process flow chart



**South Cambridgeshire District Council**  
Civil Penalties Enforcement Policy & Guidance  
Version 4

With acknowledgement to:  
Nottingham City Council, Community Protection, NG2 3NG

(July 2021)

# Agenda Item 10



South  
Cambridgeshire  
District Council

<b>Report to:</b>	Cabinet	05 July 2021
<b>Lead Cabinet Member:</b>	Cllr Dr Tumi Hawkins, Lead Cabinet Member for Planning Policy and Delivery	
<b>Lead Officer:</b>	Stephen Kelly Joint Director of Planning and Economic Development	

## Officer Delegations for Infrastructure Projects

### 1. Executive Summary

1.1 The Greater Cambridge area is the focus of a number of significant new national and regional infrastructure projects. These include:

- Cambridge Water Treatment Works relocation
- A428 St Neots to Caxton Gibbet
- East -West Railway and stations
- Cambourne to Cambridge (C2C) public transport corridor
- Cambridge South East (CSET) public transport corridor
- Cambridge Eastern Access
- Waterbeach to Cambridge public transport corridor
- Cambridge South Station.

1.2 Whilst the Council is not responsible for consenting these works, it is a participant in the consent processes and will be asked for its formal views at specific stages of the process on *administrative and procedural matters* as well as commenting on *technical elements* and providing a view on the impacts/merits. Officers will also be expected to represent the Council at the examination stage – likely to be through a public inquiry.

1.3 The consent processes followed are distinct from those associated with conventional planning applications and such proposals are not explicitly covered within the Leader's allocation of functions and responsibilities. Accordingly matters which the Leader has not specifically reserved for exercise by another decision taker are delegated to Chief Officers and Heads of Service as operational management.

1.4 The Council's decisions in respect of such proposals therefore currently rest with the Joint Director of Planning and Economic Development

although they can of course refer upwards to a Lead Cabinet Member if they feel the decision contains any sensitive or controversial issues.

1.5 This report therefore seeks to confirm those matters/stages in the process where the Joint Director of Planning and Economic development will continue to utilise the executive delegated powers of operational management provided in the Constitution for specific elements of the statutory process.

### **Key Decision**

No

## **2. Recommendations**

2.1 It is recommended that Cabinet:

Note that the Joint Director of Planning and Economic Development has the authority for providing responses on behalf of South Cambridgeshire District Council relating to **specific stages** of the statutory process for infrastructure proposals being promoted through the Nationally Significant Infrastructure Projects scheme and Transport and Works Act processes as outlined in para 3.11 and 3.12 below.

2.2 Reasons for Recommendation

The Greater Cambridge area is the focus of a number of significant new national and regional infrastructure projects. These projects will have a range of impacts on the communities in South Cambridgeshire and as the Local Authority, it is important that the Council's views are duly represented within the statutory timeframes.

## **3. Details**

### **Development Consent Order – Nationally Significant Infrastructure Projects (NSIP)**

3.1 The NSIP process is administered by the Planning Inspectorate. The grant or consent of the development through the NSIP process can include both development permission and the Compulsory Acquisition Orders required to deliver the development. Consent under the process may also be subject to conditions – the discharge and enforcement of which rests with the Council.

3.2 The following projects are expected to follow the NSIP route:

- Cambridge Water Treatment Works relocation (to be submitted 2022)
- A428 St Neots to Caxton Gibbet (Submitted April 2021)

- E-W Rail (Submission due 2022)

3.3 The NSIP process comprises 6 stages:

1. Pre-application
2. Acceptance
3. Pre-examination
4. Examination
5. Recommendation and Decision
6. Post decision.

3.4 The host Local Authority for the area of the development automatically enjoys 'interested party' status in the process. Likely areas where input from the Council will be required include:

#### **Pre-application**

- Comment on Applicants Environmental impact Assessment Scoping Opinions (28 Days)
- Comment on multiple phases of the "Statement of Community Consultation" (28 days)

#### **Acceptance Stage**

- Submit a statement on adequacy of applicant's consultation (14 days)

#### **Pre-examination**

- Register as interested party (for non-host authority)
- Submit relevant representations on proposals (min 30 days)
- Attend preliminary meeting(s) and agree with appointed inspector procedural issues and timetable (live meeting)

#### **Examination**

- Submit Local Impact Report comprising objective assessment of impacts of the scheme and evidence on the characteristics of the area (timescale set by inspector).

- During examination submit written representations, respond to questions and comment on others submissions. (live meeting)
- Agree with the applicant statements of common ground (likely to also include agreement on conditions in the event of approval). (in examination)

3.5 No submissions on the proposals will be accepted after the close of the examination.

### **Post decision**

- Legal Challenge of SoS decision (Max 6 weeks)

### **Transport and Works Act 1992 (TWA)**

3.6 This process is used for the construction of new Railways or Tramway and related schemes

The following infrastructure projects – are either currently or are expected to be progressed via TWA route:

1. Cambourne to Cambridge (C2C) Public transport corridor project
2. Cambridge South East (CSET) public transport Corridor Project
3. Cambridge Eastern Access public transport corridor
4. Waterbeach to Cambridge – public transport corridor
5. Cambridge South Station

3.7 TWA Orders provide for consent and land acquisition, together with temporary alternative routes and the diversion of footpaths etc. The application is made to the relevant Secretary of State (SoS) by the project promoter. Permission is granted by the SoS and may include conditions. In case of GCP schemes, where orders are contested, it is anticipated that there will need to be a public inquiry to examine the proposals.

3.8 The Council will therefore be required to make submissions to either the SoS appointed Inspector or the applicants at the pre-application stage, submission stage and through the examination process. The Council will also be the body responsible for post decision discharge and enforcement of any planning conditions imposed upon the development.

3.9 Any Local Authority for the area in which the works are proposed is classed as a 'statutory objector' if it makes objections to the order. The Act provides for objectors to appear at the hearing/inquiry. If the SoS chooses

not to hold an inquiry, or hearing, there is scope for the matter to be dealt with by an exchange of representations.

3.10 Given the level of local interest, officers anticipate that each of the TWA proposals will be subject to a public inquiry. For a public inquiry the procedures provide for submissions on the following matters:

- Submission of Statement of case (within 6 weeks of date being published)
- Comment on the other parties' statements of case (up to 6 weeks before Inquiry opens)
- Comment on behalf of the Local Authority to the pre-inquiry hearing (at meeting)
- Submission of Proof of Evidence (Timetable tbc)
- Appearance at Public Inquiry (evidence and comment)
- Statement of Common Ground (At Inquiry)
- Comment upon planning conditions (At the inquiry and pre-submission)

**3.11 Matters which officers consider will fall to be determined by Cabinet:**

**NSIP process:**

- Approval of Statement on adequacy of consultation process
- Approval of Local Impact Statement
- Decision to mount a legal challenge of decision (if required)

**Transport Works Act**

- Approval of Statement of Case

**3.12 Matters which officers consider will continue to be determined by Officers:**

**For the NSIP process**

- Registration of the Council as 'interested party.'
- Responding to any consultation on EIA screening/scoping on behalf of South Cambridgeshire District Council

- Attendance at pre-examination preliminary meeting and agreement of procedures and timetable for examination on behalf of South Cambridgeshire District Council
- Instruction of witnesses and legal advisors and approval of all representations and agreements (e.g., Statement of Common Ground, conditions etc) through the Examination Process on behalf of South Cambridgeshire District Council

### **TWA process**

- Agreement of response to EIA consultation on behalf of South Cambridgeshire District Council
- Agreement at pre-examination process of procedures for examination, timetable etc on behalf of South Cambridgeshire District Council
- Instruction of Witnesses and legal advisor and approval of all submissions including proofs of evidence, statement of common ground on behalf of South Cambridgeshire District Council.
- Agreement on conditions and scope of post decision submissions/controls subject to LPA control on behalf of South Cambridgeshire District Council

## **4. Options**

4.1 Given the likely public scrutiny that the Council's arrangements will come under, as the projects progress, it is considered appropriate to set out clearly how the Council's constitution envisages that these matters will be addressed, to avoid any subsequent confusion or challenge at latter stages of the process, when the timescales for a response, and importance of meeting those timescales become critical to the Councils effective representation. There are considered to be no other options, other than not to seek to clarify these arrangements.

## **5. Implications**

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



#### **A. Financial**

n/a

#### **B. Staffing**

Ensuring that the operational provisions set out in the Constitution can be discharged effectively will help minimise pressure on the existing Council resources and ensure efficient and effective participation in the statutory process by the Council.

#### **C. Equality and Diversity**

No EQIA has been undertaken – the decision sought focuses only on the process to comment upon specific elements of the process. It does not currently relate to a decision for or against any infrastructure proposal – upon which the Council expects equalities implications will have been assessed by the promoter. The proposal is accordingly not considered to give rise to any equality impacts.

#### **D. Climate Change**

n/a

#### **E. Consultation responses**

Officers have sought to highlight the need for prompt and efficient input into the statutory processes, alongside the desire to ensure that decisions relating to the Council's formal view on the infrastructure proposals are clear and unequivocal and confirm those decisions to be taken by the Cabinet through the normal process – and with appropriate scrutiny.

### **6. Background Papers**

None

#### **Report Author:**

Stephen Kelly, Joint Director of Planning and Economic Development

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# Agenda Item 11

<b>Report to:</b>	Cabinet 5 <sup>th</sup> July 2021.
<b>Lead Cabinet Member:</b>	Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning Policy and Delivery.
<b>Lead Officer:</b>	Stephen Kelly, Joint Director of Planning and Economic Development.

---

## **Conservation Area Review Programme including approach to Longstanton Conservation Area Review.**

### **Executive Summary**

1. South Cambridgeshire has 84 Conservation Areas; a Conservation Area is defined as ‘an area of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance’. The purpose of a Conservation Area is not to prevent all development but rather to enable its careful management.
2. There is a statutory duty contained within S69 of the Planning Listed Buildings and Conservation Areas Act 1990 upon Local Planning Authorities to review their Conservation Areas ‘from time to time’. (‘From time to time’ is generally viewed to be a period of approximately five years).
3. Over the years, Conservation Area reviews have been done as and when resources permitted. As such many of those in South Cambridgeshire are dated or have never been carried out. With the establishment of the Shared Planning service, a rolling programme of reviews is now being taken forward. This report sets out the criteria to inform prioritisation for the rolling programme.

4. The Council has also had a specific challenge in respect of the Longstanton Conservation Area review, which was undertaken in 2005. The challenge has been made by an applicant who is pursuing development within Longstanton Conservation Area. It was agreed that the Council would consider whether a further review of the Longstanton Conservation Area Appraisal and boundary would be appropriate or necessary at this time.

## **Recommendations**

5. It is recommended that Cabinet endorses the criteria and approach for the rolling programme of Conservation Area Appraisals and Management Plans reviews (para 14-16 below), with the programme to be reviewed bi-annually.
6. Based upon the prioritisation work of the service, it is recommended that Cabinet confirms that it will not be prioritising a review of the Longstanton Conservation Area at this time.

## **Reasons for Recommendations**

7. With so many Conservation Area reviews to be done it is important to establish criteria for approaching the review of Conservation Areas. The Shared Planning Service Conservation Team having developed a prioritisation approach do not consider that Longstanton Conservation Area is a priority for review in comparison with other Conservation Areas in the District which include those with older designations; those have never been reviewed; or are in a potential development area/corridor; or have been identified as being at risk.

## **Details**

8. Conservation Areas are designated through the Planning Listed Buildings and Conservation Areas Act 1990. Conservation area designation is undertaken to recognise areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. Designation can be in response to requests received and thoroughly assessed or in answer to the impact of development, neglect and other threats. The appraisal is the vehicle for understanding both the significance of an area and to enable the effect of proposals for change to be

considered having regard to the special architectural or historic interest of the area. It will form part of the local planning authority's Historic Environment Record and will be part of the evidence base for the local plan and a material consideration in planning decisions.

9. The Planning Practice Guidance (PPG) stresses that 'local planning authorities must review their conservation areas from time to time' (section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990). Resources permitting, every five years is ideal, but review frequency will vary according to a range of factors, including the specific development pressures in the local area and the capacity of the Council to undertake reviews.
10. With appropriate management procedures in place, the character and appearance of a conservation area would not normally change rapidly for the worse and a review might typically result in an addendum to an existing appraisal, recording what has changed, confirming or redefining the special interest that warrants designation, highlighting additional aspects that contribute to the area's significance or features newly identified as desirable to preserve or enhance, setting out any new recommendations; and revising the management strategy. In some cases, a review may result in de-designation of the area or alternations to the conservation area boundary – to enlarge or reduce the size of the conservation area having regard to specific circumstances.
11. Reviews may usefully be carried out on a regular basis by local community groups under the direction of Council's Historic Environment Team; for example, the review of Foxton Conservation Area was carried out in 2018 jointly with Foxton Parish Council, and in Cambridge, a number of reviews have been carried out jointly with volunteers from Cambridge Past Present and Future.
12. There are 84 conservation areas within the South Cambridgeshire, for which 22 appraisals covering 24 conservation areas have been adopted. Four Conservation Areas appraisal and management plans have recently been reviewed: Stapleford, Melbourn, Fulbourn village and Fulbourn Hospital. These have been reviewed, community consultation carried out (expired 15<sup>th</sup> February 2021) and the team have considered comments received,

amendments made with a view to seeking Lead Member approval shortly.

13. Given the need to prioritise the work of the team to reflect both the number of reviews/appraisals required and the available resource in the team it is proposed that the following criteria are adopted for prioritisation of the review/appraisals of conservation areas in South Cambridgeshire:
  - Conservations Areas where there is potential for significant development/ change in the short and medium term.
  - Conservation Areas “at risk” i.e. appearing on Historic England’s “Heritage At Risk Register”
  - Those areas with no appraisal or where the appraisal was conducted some years ago
14. In addition to the above, it is important to ensure there is local support for the work, as the team will be working closely with the communities involved, using local volunteers were possible.
15. In respect the first criterion ( areas where there is potential for significant development/ change), officers have assessed that at present this is seen principally as the area to the west of Cambridge with the emerging plans for the East-West Railway along potential route from Sandy to Cambridge via Cambourne and the emerging plans for Oxford to Cambridge Arc. This emphasis will nevertheless be kept under review, for example, as the Joint Local Plan progresses.
16. For some conservation areas more than one of the above criteria apply.
17. Based on the above, the planned programme is set out in appendix 1 which covers the next 5 years. It is nevertheless suggested that this programme be reviewed every 2 years by officers - recognising that there is a need to plan for and work with communities and to offer some certainty to them about timescales and delivery.
18. As part of the prioritisation work in developing the programme, the service has given explicit consideration as to

whether a review of Longstanton Conservation Area needs to be undertaken at this point.

19. Longstanton Conservation Area, designated in 1987, is not one of the oldest designations and was reviewed in 2005. This was done at the time when the new town of Northstowe was being considered through the then Local Development Plan (local plan) process. The Longstanton Conservation Area appraisal is more recent than others in the district and whilst noting development at Northstowe itself, levels of change across the conservation area itself are not considered to have been so significant as to prompt immediate review having regard to the criteria above.
20. The Council's Historic Environment Team has reviewed both the process surrounding that designation and the accompanying appraisal that is currently in place and are satisfied it is acceptable and can continue to be used to inform decision making in the area.
21. In addition, the Council has also contacted Historic England and the Parish Council to determine their view on the need for immediate review. Historic England's Historic Places Adviser - East of England replied that:

“As you know, there is a statutory duty upon Local Planning Authorities to review their conservation areas ‘from time to time’. Ideally, ‘from time to time’ is generally viewed to be a period of roughly five years. I am aware that South Cambridgeshire presently has c.60 conservation areas that have been designated, but which do not have appraisals adopted. I would therefore suggest that, although the Longstanton appraisal dates from 2005, the preparation of appraisals for those areas without any form of supporting evidence base might be prioritised, but that an update to Longstanton's could be undertaken in due course as part of that wider programme.”
22. Longstanton Parish Council indicated that further to the meeting of Longstanton Parish Council “Councillors are of the opinion that the coverage of the Longstanton Conservation Area is adequate and there does not need to be a formal review of the area.” The view of both Local members have be sought; both are also satisfied with the suggested approach and the report's recommendation.

23. Considering all these factors, Officer's view is that there is not a case for prioritising Longstanton Conservation Area review at the present time.

## **Options**

24. Cabinet could look to use other criteria to prioritise the review the District's Conservation Area Appraisals and Management Plans, and could decide to prioritise Longstanton Conservation Area.

## **Implications**

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

## **Financial**

26. The outlined programme of work set out in this report falls within the assessed capacity of the Shared Planning Service Conservation Team – based upon current funding and workload commitments. Any proposal to increase the number of appraisals would require additional resources or the re-prioritisation of the outcomes from the team.

## **Legal**

27. Under the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a statutory duty upon Local Planning Authorities to review their conservation areas 'from time to time'.



## **Staffing**

28. Conservation Area work will be undertaken by the Historic Environment Team working with local community volunteers wherever possible.

## **Consultation responses**

29. As detailed in the report at para 21 to 23.

## **Background Papers**

Historic England - Heritage At Risk Register

<https://historicengland.org.uk/advice/heritage-at-risk/conservation-areas-at-risk>

Historic England Advice note: Conservation appraisal, Design and Management.

<https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/>

## **Appendices**

Appendix 1 Rolling Programme of Conservation Area appraisal and Management Review

## **Report Authors:**

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Jane Green – Built and Natural Environment Manager – Tel. 07519 294551



## **Appendix 1 Programme of SCDC Conservation Area Appraisal and Management Reviews 2021 - 2026**

Tranche 1 : Fulbourn village, Fulbourn Hospital, Melbourn, Stapleford.

Tranche 2. Barrington; Linton; Papworth Everard; Whittlesford, Sawston.

Tranche 3. Bourn, Caldecote, Little Gransden, Cottenham, Hauxton

Tranche 4. Bassingbourn, Histon and Impington, Haslingfield, Harlton, Toft

Tranche 5. Little Shelford, Caxton, Kingston, Comberton

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<b>Report to:</b>	Cabinet 5 <sup>th</sup> July 2021.
<b>Lead Cabinet Member:</b>	Councillor Dr. Tumi Hawkins, Lead Cabinet Member for Planning Policy and Delivery.
<b>Lead Officer:</b>	Stephen Kelly, Joint Director for Planning and Economic Development

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## **Biodiversity Supplementary Planning Document**

### **Executive Summary**

1. South Cambridgeshire District Council currently has an existing Biodiversity Supplementary Planning Document (SPD) dating from 2009 which is out of date, as it does not reflect existing Local Plan policies or relevant national legislation. This SPD is currently the main guidance on interpreting biodiversity-focused planning policy for applicants and thus is in urgent need of change.
2. This Council has made a commitment to Doubling Nature, through an adopted Strategy of that name in February 2021. It has stated that it is green to the core and recognises a biodiversity emergency. As such, it is imperative that its SPDs and guidance on these matters are up-to-date and reflective of current policy.

### **Recommendations**

3. It is recommended that this committee support the passage of this SPD through this process to the next phase, which is public consultation prior to its return to this committee for review and adoption in late 2021.

### **Reasons for Recommendations**

4. South Cambridgeshire District Council should maintain the currency and utility of key guidance on issues identified as important to it and its constituents. This SPD represents just such a document and brings guidance on planning and biodiversity up to date.

## Details

5. Supplementary planning documents (SPDs) build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.
6. Within this SPD are references to key changes within Local Plan policy and national legislation (NPPF 2018), which have arisen since the publication of the previous SPD in 2009. Among these are references to measurable Biodiversity Net Gain (BNG), a nationally recognised metric used to ensure that development replaces more biodiversity than it takes through the development process. While already present in existing legislation, BNG will also form an important part of the anticipated UK Environment Bill when expected mandatory figures are due to be published. The SPD also sets out important non-binding biodiversity targets for developers and provides up-to-date examples of these, thus helping applicants visualise the actions they might need to apply to their own projects. District Level Licencing for great crested newts is referenced in this SPD, again, giving clarity for developers on current policy.
7. Beyond the specific changes to policies affecting biodiversity, this SPD as a whole process is reflective of the Councils desire to not only amplify existing policies where they impact biodiversity, but also indicate its commitment to new and ambitious policies which might emerge in the new Local Plan process currently underway.

## Options

- A) Approve public consultation of SPD as written
- B) Suggest amendments prior to consultation period

## Implications

8. None

## Financial

9. This project is in budget and is following the anticipated trajectory of work set out in the Project Initiation Document.

## Legal

10. Legal have been consulted on elements of the sections describing Biodiversity Net Gain and wording has been approved.

## **Staffing**

11. Work on this SPD will and has been undertaken by officers in the BNE Team, but also from colleagues in Planning Policy, Development Management and Communications.

## **Consultation responses**

12. The consultation period is yet to begin (anticipated as running from July 23<sup>rd</sup> 2021 until September 2021).
13. Given that the report is also going to CCC Planning and Transport Scrutiny Committee, delegated powers are also sought should there be any minor changes made by that process - to be delegated to the Joint Planning Director in consultation with the Executive Councillor.

## **Background Papers**

Equality Impact Assessment  
Consultation Statement

## **Appendices**

Appendix A: Biodiversity SPD  
Appendix B: Equality Impact Assessment  
Appendix C: Consultation Statement

## **Report Authors:**

John Cornell – Natural Environment Team Leader Tel. 07927 681932

Jane Green - Built and Natural Environment manager Tel. 07519 294551

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## Greater Cambridge Shared Planning

# Biodiversity Supplementary Planning Document

DRAFT 1c

June 2021

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## Biodiversity SPD foreword – PLACEHOLDER TEXT ONLY – YET TO BE APPROVED

Greater Cambridge is one of the fastest growing areas in the country, yet has relatively small amounts of land managed for nature. It is vital that we protect, enhance and grow our biodiversity, both in terms of the amount of land managed specifically for nature, and the richness of biodiversity throughout our urban and rural environments.

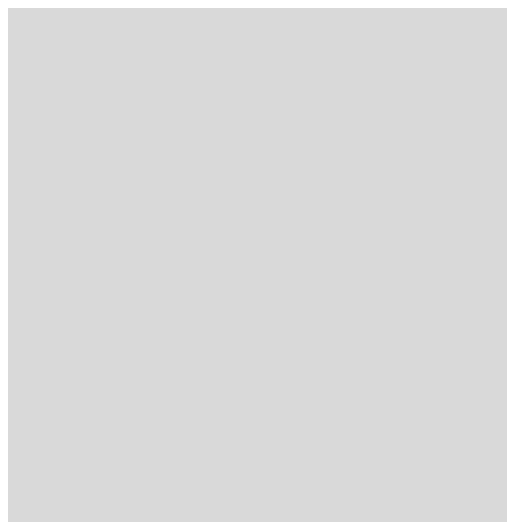
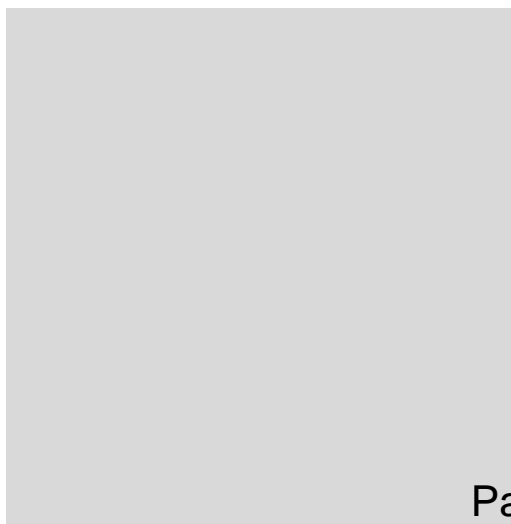
This Supplementary Planning Document sets out guidance to assist applicants in meeting the policies of the Cambridge City and South Cambridgeshire Local Plans as well as the relevant national legislation. It provides clear guidance on how developments should consider biodiversity in their plans and includes important practical considerations which can be taken into account early in the planning process to ensure that biodiversity is increased and enhanced as an outcome of development. This will help to ensure improved quality of new developments while reducing environmental impact as we deliver the new homes and businesses we need.

We look forward to applicants and developers applying this guidance across all scales of development and helping us create a greener and more biodiverse Greater Cambridge for future generations.

Cllr Katie Thornburrow  
Executive Councillor for Planning Policy, Cambridge City Council

Cllr Dr. Tumi Hawkins  
Lead Cabinet Member for Planning, South Cambridgeshire District Council

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## 1.1. Introduction

- 1.1.1. Biodiversity, a term coined in 1985 as a contraction of “biological diversity” describes the variety of life on Earth, in all its forms and all its interactions. It incorporates all species and habitats, both rare and common, and includes genetic diversity. Biodiversity at local, national and global levels is under pressure as never before from climate change, habitat loss, species decline, and the threat of invasive species. Much of the habitat loss is driven by urban development fuelled by the need for housing and infrastructure. Species once considered to be common in Greater Cambridge are facing increasing stresses upon their populations and the rate of species loss has never been higher. International initiatives exist to reduce the rate of species loss and at the national level lists of species and habitats that require particular measures to halt their decline have been produced.
- 1.1.2. Our goal in Greater Cambridge is to build *quality* places, rich in biodiversity and green infrastructure, good for people and good for nature. Both Cambridge City Council and South Cambridgeshire District Council have declared a biodiversity emergency, and strongly support a step change in the protection and enhancement of biodiversity in Greater Cambridge. **The aim to better protect, restore and enhance our natural environment is clearly set out in the Environmental Principles, regionally agreed for the Oxford to Cambridge (OxCam) Arc development vision. These Environmental Principles seek to set ambitious goals, including the desire to realise Biodiversity Net Gain (BNG) at 20% for all development types within the Arc. This approach is further supported in more local initiatives like South Cambridgeshire’s Doubling Nature Strategy and Cambridge City’s upcoming Biodiversity Strategy. Together, these documents set the tone for greater aspiration and more robust biodiversity policies in the emerging Greater Cambridge Local Plan.**
- 1.1.3. This is further amplified in initiatives like South Cambridgeshire’s Doubling Nature Strategy and Cambridge City’s upcoming Biodiversity Strategy. These documents pave the way for greater aspiration and more robust biodiversity policies in the emerging Greater Cambridge Local Plan.
- 1.1.4. As development forms one of the largest threats to biodiversity through the loss of natural habitats, it is incumbent on planning authorities and developers to recognise the importance of biodiversity protection and enhancement through provisions made in Local Plan policies, and through the enforcement of relevant national legislation. However, we can only do that if developments coming forward incorporate the correct elements from the beginning of the design process through to their build out.
- 1.1.5. Enhancing biodiversity through the planning and development process brings numerous benefits. These will include, but not be limited to, improved habitats for species, flood protection, carbon sequestration as well as the broader secondary benefits for people, like improved mental health from access to natural green spaces.
- 1.1.6. Going forward, biodiversity will not be peripheral to the planning process but will be fully integrated into the design stages. Consideration will be given, wherever possible, to the

retention of biodiversity features within developments and to incorporating new habitats or specific biodiversity features into designs.

- 1.1.7. Biodiversity is a valuable addition to any development, often helping to create attractive natural green spaces which integrate development of a high-quality design into the local landscape or townscape.

## **1.2. Status of the Biodiversity Supplementary Planning Document**

- 1.2.1. When adopted, this draft Supplementary Planning Document will support existing policies for both South Cambridgeshire District Council and Cambridge City Council ahead of the adoption of a Greater Cambridge Local Plan, which is in preparation jointly by both authorities.

- 1.2.2. This Supplementary Planning Document provides practical advice and guidance on how to develop proposals that comply with the [National Planning Policy Framework](#) and the district-wide policies in the South Cambridgeshire Local Plan, adopted in September 2018, as well as those in the Cambridge Local Plan, adopted in October 2018. It also references policies in individual Area Action Plans for major developments, which may vary from the policies in the two adopted Local Plan documents.

- 1.2.3. The existing policies seek to ensure that biodiversity is adequately protected and enhanced throughout the development process. This Supplementary Planning Document provides additional details on how local policies will be implemented while also building on relevant legislation, national policy, central government advice, and the British Standard BS42020:2013 Biodiversity – Code of practice for planning and development. Available information about the contents of the emerging Environmental Bill has been referenced and, after adoption, this Supplementary Planning Document will be updated once the Bill becomes an Act.

- 1.2.4. This Supplementary Planning Document will supersede the South Cambridgeshire Biodiversity Supplementary Planning Document, adopted in 2009 to support adopted Development Control Policies. It will in time support the Greater Cambridge Local Plan when this is adopted.

## **1.3. Purpose**

- 1.3.1. The objective of this Supplementary Planning Document is to assist the delivery of the Local Plan policies for both Councils relating to the conservation and enhancement of biodiversity.
- 1.3.2. The Supplementary Planning Document does not create policy, but explains how Local Plan policies should be interpreted and applied and provides guidance, setting out with clarity, the expectations that the Councils have for the treatment of biodiversity within the development management system and how those should be reflected by developers, their agents and their consultants in their submissions.

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- 1.3.3. Reference is made throughout, with links where appropriate, to other available guidance that can help to direct and refine the design of development sites to ensure that opportunities for the conservation and enhancement of biodiversity are incorporated from the very start of the development process.
- 1.3.4. Specific objectives for this document are:
- To explain terminology associated with biodiversity conservation to assist applicants' understanding of the importance of biodiversity within the wider environment of Greater Cambridge
  - To be clear on the ways in which development proposals in Greater Cambridge can be formulated in an appropriate manner to avoid harm to biodiversity and to provide a long-term, measurable net gain for biodiversity
  - To encourage applicants to protect, restore and enhance locally relevant natural habitats and ecological features on their sites and to create new habitats, as part of a high-quality design
  - To assist applicants to gain planning permission in Greater Cambridge more quickly by informing them of the level of information expected to accompany planning applications

## **2. UK legislation**

### **2.1. Current Legislation**

- 2.1.1. In their planning submissions, applicants are expected to demonstrate that their proposals are compliant with all relevant legislation regarding the protection of wildlife and habitats and should ensure that they receive the necessary professional advice to be able to do so. This legislation applies equally to projects that do not require planning consent (see [section 3.5](#)).
- 2.1.2. The principal legislation relating to biodiversity conservation in the UK, as it interacts with the planning system, is summarised below.

### **Conservation of Habitats and Species Regulations 2017 (as amended)**

- 2.1.3. These Regulations, often referred to as the Habitats Regulations, were the mechanism through which the European Commission Habitats and Wild Birds Directives were incorporated into UK law. The Habitats Regulations have been amended to reflect the consequences of Brexit, but their substance has been retained to provide protection for sites, habitats and species considered to be of international importance, including the designation of Habitats Sites (see [Section 4.2](#)).
- 2.1.4. Local Planning Authorities have the duty, by virtue of being defined as ‘competent authorities’ under the Habitats Regulations, to ensure that planning application decisions comply with the Habitats Regulations. If the requirements of the Habitats Regulations are not met and impacts on Habitats Sites are not mitigated, then development must not be permitted.
- 2.1.5. Where a Habitats Site could be affected by a plan, such as a Local Plan, or any project, such as a new development, then Habitats Regulations Assessment screening must be undertaken. If this cannot rule out any possible likely significant effect on a Habitats site, either alone or in combination with other plans & projects, prior to the consideration of mitigation measures, then an Appropriate Assessment must then be undertaken. The Appropriate Assessment identifies the interest features of the site (such as birds, plants or coastal habitats), how these could be harmed, assesses whether the proposed plan or project could have an adverse effect on the integrity of the Habitats Site (either alone or in-combination), and finally how this could be mitigated to meet the Stage 2 Habitats Regulations Assessment “integrity” test.
- 2.1.6. The aim of the Habitats Regulations Assessment process is to 'maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest' (The European Commission Habitats Directive, 92/43/EEC, Article 2(2)). The Habitats Regulations 2017 have transposed the European Union Habitats and Wild Birds Directives into UK law to make them operable from 1 January 2021. These remain unchanged until amended by Parliament so the requirements for Habitats Regulations Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) have been retained.



### **Town and Country Planning (Tree Preservation) (England) Regulations 2012**

2.1.7. These regulations set out the procedures for making Tree Preservation Orders and the activities that are prohibited in relation to trees protected by these orders. Tree Preservation Orders can be made for trees or groups of trees because of their nature conservation value, as well as for their amenity value.

### **Natural Environment and Rural Communities Act 2006**

2.1.8. Section 40 of the Natural Environment and Rural Communities Act places a duty on public bodies in England to conserve biodiversity. It requires local authorities and government departments to have regard to the purpose of conserving biodiversity in a manner that is consistent with the exercise of their normal functions such as policy and decision-making.

2.1.9. Section 41 requires the Secretary of State to publish and maintain lists of species and types of habitats which are regarded by Natural England to be of "principal importance" for the purposes of conserving biodiversity in England, and these are known as Priority Species and Priority Habitats.

### **Countryside and Rights of Way Act 2000**

2.1.10. Amongst other things, this act strengthens the protection afforded to Sites of Special Scientific Interest, including greater powers for Natural England to be able to secure their appropriate management and a requirement for Local Authorities to further their conservation and enhancement.

### **Hedgerow Regulations 1997**

2.1.11. Although outside of the development management process, these regulations provide a convenient framework for the identification of hedgerows with importance for wildlife, landscape and heritage. For projects that do not require planning consent, the requirements of the regulations would need to be met to permit the removal of any hedgerow or hedgerow section, except if it forms a curtilage to a property.

### **Protection of Badgers Act 1992**

2.1.12. This Act refers specifically to Badgers, and makes it an offence to kill, injure or take a Badger, or to damage or interfere with a sett unless a licence is obtained from a statutory authority.

### **Wildlife and Countryside Act 1981 (as amended)**

2.1.13. The Wildlife and Countryside Act is the primary mechanism for the protection of all wildlife in the UK and includes schedules that set out those species with additional levels of protection. It also provides the basis for the identification of sites of national importance for nature conservation, Sites of Special Scientific Interest.

## **2.2. Emerging UK Environment Bill**

2.2.1. Government published the draft Environment (Principles and Governance) Bill in December 2018, with an updated statement on policy in July 2019. The Bill reached the

report stage on 26th January 2021, but then the passage of the Bill was postponed until the next parliamentary session, meaning that the earliest it will be enacted is the autumn of 2021.

- 2.2.2. Full details of the requirements of the legislation will not be available until nearer that time, when the wording of the Bill and any associated regulations is finalised, but what is known in relation to biodiversity and planning is summarised here. It should be noted that this is only a small part of a wide-ranging Bill with broad coverage of environmental matters.
- 2.2.3. Based on current indications, the Bill is likely to mandate the delivery of a minimum percentage net gain for biodiversity by way of a general condition on grants of planning permission requiring that the biodiversity value of the development exceeds the pre-development biodiversity value of the site by a minimum value, which is currently set at 10%. Biodiversity value will be measured using a Metric produced by Defra and the baseline value will be calculated from the condition of the site before any intervention has occurred. The development's biodiversity value will include the post development biodiversity value of the site, together with the value of any off-site biodiversity measures and the value of any biodiversity credits purchased.
- 2.2.4. Mandatory net gain for biodiversity will not apply to permissions granted under Development Consent Orders, such as those made for Nationally Significant Infrastructure Projects, and the Secretary of State can apply other exceptions by regulations. Once the Environment Bill is enacted, there will be a transition period of two years before this requirement becomes mandatory.
- 2.2.5. Net gain requirements will not undermine the existing range of protections in planning policy and legislation for irreplaceable habitats and protected sites and species.
- 2.2.6. There will be a statutory requirement introduced for Local Nature Recovery Strategies to be produced by a responsible authority appointed by the Government. The responsible authority will be a relevant local public body and is likely to be a Local Nature Partnership or a County Council. These strategies will map important habitats and areas where there is an opportunity to improve the local environment as a means to guide biodiversity net gain and other policies.
- 2.2.7. The Natural Environment and Rural Communities Act will be amended so that biodiversity duty for public bodies in the exercise of their functions, set out in Section 40, will be strengthened to include enhancement in addition to conservation. The amendment will require public authorities to actively carry out strategic assessments of the actions they can take to enhance and conserve biodiversity. Designated public authorities will also be required to produce a five-yearly report on the actions taken to comply with the new duty.

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- 2.2.8. The Councils' interim expectations in relation to net gain for biodiversity and our approach to assessment within the planning process, pending the clarification of legislative and regulatory requirements, is set out under Biodiversity Issue B7.

### **3. Planning Policy**

#### **3.1. Planning context**

3.1.1. As local planning authorities, South Cambridgeshire District Council and Cambridge City Council have a statutory duty to carry out certain planning functions for their administrative areas. These functions include the preparation of a Local Plan and the determination of planning applications. The way these functions are to be carried out is governed by legislation and specified within the [National Planning Policy Framework](#), with reference to further guidance, standards and best practice focussed on different considerations that influence planning decisions.

3.1.2. The following sections summarise current planning policy, as relevant to the subject of conserving and enhancing biodiversity. It should be noted that the subject of biodiversity overlaps significantly with other policy and strategy areas, including landscape, arboriculture, green infrastructure, health and wellbeing, sustainability, and climate change.

#### **3.2. National Policy and Guidance**

3.2.1. The [National Planning Policy Framework](#) promotes sustainable, well-designed development. Within this aim, it seeks to conserve and enhance the natural environment and ensure that biodiversity and appropriate landscaping are fully integrated into new developments in order to create accessible green spaces for wildlife and people, to contribute to a high quality natural and built environment, and to contribute to a better quality of life.

3.2.2. Section 15 of the [National Planning Policy Framework](#) covers the role of the planning system in conserving and enhancing the natural environment. Paragraph 170 states that planning policies should contribute to and enhance the natural and local environment by, amongst other things:

- protecting and enhancing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

3.2.3. Paragraph 171 states that development plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.

3.2.4. Paragraph 174 states that to protect and enhance biodiversity and geodiversity, plans should:

- identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping-stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

- 3.2.5. Paragraph 175 restates the principle that in making planning decisions, a hierarchical approach should be followed, so that significant harm should be avoided, but if it can't be avoided must be adequately mitigated, or as a last resort compensated.
- 3.2.6. Paragraph 175 also introduces the idea of irreplaceable habitats, development resulting in the loss and deterioration of which should be refused apart from in exceptional circumstances and where a compensation strategy has been produced. Within the [National Planning Policy Framework](#), the definition given for irreplaceable habitats is: "Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen."
- 3.2.7. Additional national guidance on biodiversity and planning matters is provided on the [Government's Planning Practice Guidance](#) webpages, under the Natural Environment section. This includes links to Natural England's standing advice on protected sites and species, which provides information to Local Planning Authorities on how to assess ecological issues in the determination of planning applications. Other sections provide developers with advice on how to prepare a planning proposal in such a way as to avoid impacts to protected species.
- 3.2.8. [Government Circular 06/2005 Biodiversity and geological conservation – statutory obligations and their impact within the planning system](#) provides further guidance on the application of the law relating to planning and nature conservation. This clarifies the need for information submitted in support of planning applications to be sufficient to provide local planning authorities with certainty of likely impacts and certainty that mitigation can be secured, giving weight to the conservation of biodiversity within the development control process to avoid decisions being challenged.

### **3.3. Existing Local Policies**

- 3.3.1. The policies from the South Cambridgeshire Local Plan and the Cambridge Local Plan that include an aim to conserve and enhance biodiversity, and that this Supplementary Planning Document supports and expands upon, are set out below. Full wording of these policies is included in Appendix 1.

#### **South Cambridgeshire Local Plan**

- NH/2 Protecting and Enhancing Landscape Character
- NH/3: Protecting Agricultural Land
- NH/4 Biodiversity
- NH/5 Sites of Biodiversity or Geological Importance
- NH/6 Green Infrastructure
- NH/7 Ancient Woodlands and Veteran Trees
- CC/8 Sustainable Drainage Systems
- HQ/1 Design Principles

### **Cambridge Local Plan**

- 7 The River Cam
- 8 Setting of the city
- 31 Integrated water management
- 52 Protecting garden land and the subdivision of existing dwelling plots
- 57 Designing New Buildings (criteria h.)
- 58 Altering and extending existing buildings
- 59 Designing landscape and the public realm
- 66 Paving over front gardens
- 69 Protection of sites of biodiversity and geodiversity importance
- 70 Protection of Priority Species and Habitats
- 71 Trees

### **3.4. Area Action Plans and Neighbourhood Plans**

3.4.1. Area Action Plans are documents that are adopted as part of the Local Plan and that set out policies and guidance for specific areas within the Council's administrative area. Neighbourhood Plans provide a similar function but are prepared by local communities. Both kinds of documents usually include policies that refer to biodiversity features, adding to the planning policy context for development management.

3.4.2. Neighbourhood Plans are an opportunity for communities to improve their local environment, including protecting and enhancing existing assets, such as local parks, nature reserves and other green spaces. Making biodiversity an integral part of neighbourhood planning can also help to manage environmental risk and improve resilience to climate change. For example, identifying a local biodiversity network and integrating with land use policies could help to manage the risk of flooding by protecting natural blue and green spaces from development as well as designate these as Local Green Spaces where they provide public benefits.

3.4.3. Information about existing Area Action Plans, the areas designated for Neighbourhood Plans and the status of the plans can be found on the [South Cambridgeshire District Council website](#) and the [Cambridge City Council website](#).

### **3.5. Other relevant adopted Supplementary Planning Documents**

3.5.1. Other Supplementary Planning Documents have been produced individually or collaboratively by the Councils, and these should be read alongside this one to ensure cross compliance and integration. The following documents are of direct relevance to Biodiversity, but this does not represent a complete list of Supplementary Planning Documents.

3.5.2. South Cambridgeshire District Council has adopted the following Supplementary Planning Documents

- [Biodiversity SPD](#) (adopted July 2009),
- [Landscape in New Development](#) (adopted March 2010)
- [Trees and Development Sites](#) (adopted January 2009)

- [Open Space in New Development](#) (adopted January 2009)
- [District Design Guide SPD](#) (adopted March 2010) particularly Chapters 2 & 3
- [Bourn Airfield New Village](#)(adopted October 2019),
- [Waterbeach New Town](#) (adopted February 2019),
- [Cottenham Village Design Statement](#) (adopted November 2007)
- [Fen Drayton Former Land Settlement Association Estate](#) (adopted May 2011)

3.5.3. Both Councils adopted the [Cambridgeshire Flood and Water](#) Supplementary Planning Document in 2018, which includes a strong focus on design and management of Sustainable Drainage Systems to enhance biodiversity value.

3.5.4. Both Councils adopted a [Sustainable Design and Construction](#) Supplementary Planning Document in January 2020 and are currently developing a new Local landscape character area study Supplementary Planning Document.

### **3.6. Local Biodiversity Strategies**

3.6.1. The following paragraphs summarise the range of strategies and projects of relevance to Greater Cambridge that are aimed at enhancing biodiversity or that provide technical support to focus measures that will achieve this. All of these have been endorsed or adopted by the Councils and should be used to guide decisions on habitat creation and species protection included within planning proposals. Reference to these initiatives would demonstrate the strategic basis of applicants' decision making around biodiversity matters.

3.6.2. Natural Cambridgeshire is the Local Nature Partnership covering the whole of Cambridgeshire and Peterborough, providing strategic leadership for the recovery of nature under their [Doubling Nature vision](#). This vision seeks to achieve an increase in the amount of land managed for nature from 8% to 16%, by 2050. One of the main areas of focus to achieve this vision is securing high quality green and blue infrastructure within new residential and commercial developments.

3.6.3. Natural Cambridgeshire has developed a '[Development with Nature Toolkit](#)' to provide developers with a means of demonstrating their commitment to achieving a net gain in biodiversity on major developments. The optional toolkit provides standard guidance that, if followed from the earliest stages of development planning, will determine whether nature is enhanced by the scheme or not. This best-practice document is endorsed by both Councils.

3.6.4. The [Cambridgeshire and Peterborough Future Parks Accelerator Project](#) follows a collaborative approach, seeking to safeguard the future of Cambridgeshire and Peterborough parks and green spaces by finding new ways to deliver, manage and fund parks and open space, with a shared vision across a wide range of partners and stakeholders. This work may identify future design principles and models for ongoing management of new natural green space provision that will require consideration during the planning process.

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- 3.6.5. [Cambridgeshire and Peterborough Environmental Records Centre](#), hosted by the Wildlife Trust for Bedfordshire, Cambridgeshire & Northamptonshire, and [Cambridgeshire Biodiversity Group](#), have prepared habitat opportunity maps covering grassland, woodland and wetland, identifying locations where habitat creation would have the most ecological benefit by connecting existing habitats where environmental conditions are most appropriate.
- 3.6.6. South Cambridgeshire District Council and Cambridge City Council combined to produce a [Greater Cambridge Green Infrastructure Opportunity Mapping report](#), which provides an evidence base of green infrastructure assets and networks across Greater Cambridge and identifies specific and deliverable opportunities to enhance and expand the network. This document has been prepared as part of the evidence base for the forthcoming Greater Cambridge Local Plan.
- 3.6.7. [Cambridge City Council produced a Nature Conservation Strategy](#) that was adopted as part of the Local Plan in September 2006. The strategy is currently being reviewed but will continue to act as a guiding document for Cambridge City Council's general approach to biodiversity conservation across its range of functions. The Strategy will act in parallel to the new Supplementary Planning Document. It details the biodiversity resource within Cambridge City, sets out strategic aims and principles to be implemented in order to further nature conservation, and includes action plans to address a wide range of identified key issues. Cambridge City Council passed a motion in May 2019 to declare a [biodiversity emergency](#) and their [biodiversity webpage](#) provides links to initiatives and projects implemented as part of their Nature Conservation Strategy.
- 3.6.8. Cambridge Past, Present and Future is a charity focused on protecting and enhancing Cambridge's green landscape. In partnership with Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire, it has prepared a [Cambridge Nature Network](#), covering an area within a ten-kilometre radius of Cambridge. It identifies five priority landscape areas and highlights the best opportunities for the creation of new habitats and large-scale natural greenspaces. It also sets out the mechanisms by which the Nature Network can be grown, which includes the development process.
- 3.6.9. The [Greater Cambridge Chalk Streams Project](#) seeks to protect and improve the chalk streams in and around Cambridge. The report (published in Dec 2020) provides an overview of the main problems affecting each chalk stream and the key opportunities to improve each one. It also identifies some potential projects for delivery in partnership with stakeholders and landowners.
- 3.6.10. The importance of the landscape is reflected in national planning guidance with the [National Planning Policy Framework](#) stating that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The South Cambridgeshire landscape has several distinctive and readily identified characters. These have been identified by Natural England as five distinct [National Character Areas](#):



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- The Fens
- South Suffolk and North Essex Claylands
- East Anglian Chalk
- Bedfordshire and Cambridgeshire Claylands
- Bedfordshire Greensand Ridge.

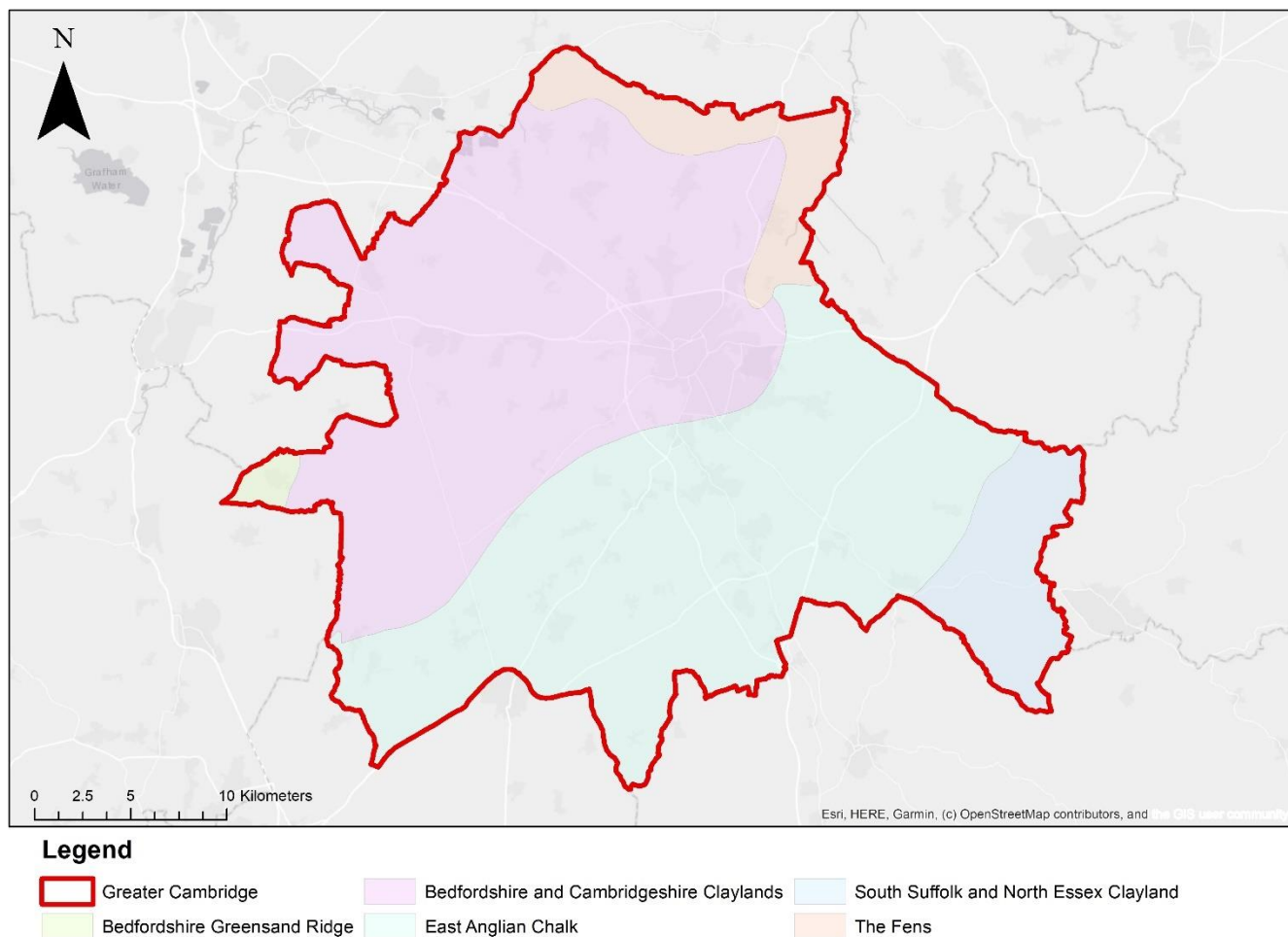


Figure 1 National Character Areas within Greater Cambridge

### 3.7. Permitted Development

- 3.7.1. [Permitted development](#) rights derived from [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 \(as amended\)](#) mean that certain types of development can be performed without the need to apply for planning permission. However, although this would be outside the normal planning process, there remains a need for the Councils to consider the effects that any development relying on permitted development rights might have on biodiversity. Legal protection for wildlife still applies and so any legally protected animals, plants or habitats that may be affected will need proper consideration for the development to be lawful.
- 3.7.2. Certain types of development are granted planning permission by national legislation without the need to submit a planning application. This is known as 'Permitted Development'. To be eligible for these permitted development rights, each 'Class'

specified in the legislation has associated limitations and conditions that proposals must comply with.

- 3.7.3. One such condition on certain classes of permitted development is the need to submit an application to the Local Planning Authority for its 'Prior Approval; or to determine if its 'Prior Approval' will be required. This allows the Local Planning Authority to consider the proposals, their likely impacts regarding certain factors (such as transport and highways) and how these may be mitigated. Where natural habitats and wildlife are likely to be present, adequate information must be provided to the Councils to support the assessment of the ecological implications of the development, the need for mitigation, and if necessary, the need for a licence from Natural England.
- 3.7.4. Work must not commence on the development until the Local Planning Authority has issued its determination or it has received 'deemed consent' when the time period for a determination to be issued expires. By default, this is an 8-week period from when the application is received, but this can vary depending on the type of proposal and may be extended if all parties are in agreement.
- 3.7.5. Article 4 directions are made when the character of an area of acknowledged importance would be threatened, most commonly in Conservation Areas. Where properties are affected by such a direction, some of the permitted development rights can be removed by the Councils issuing an 'Article 4' direction, which then means planning consent will be needed for work that normally does not need it.
- 3.7.6. Class Q applications are applications for Prior Approval for a change of use or conversion of a building, and any land within its curtilage, from a use as an agricultural building to that of a dwelling. Where the buildings are likely to support bats or other legally protected species, there is a risk that they may be affected by the proposals, and it is therefore essential that the Local Planning Authority has certainty of impacts prior to determination of any application. Sufficient information, including appropriate survey results, will be needed to support such an application.
- 3.7.7. Permission in Principle applications do not include a consent as this is a separate step in the planning process. The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.
- 3.7.8. Change of use applications can bring benefits if properly planned and sensitively managed. The use of grassland sites by horses for equestrian purposes can sustain their botanical interest. However, there is also much potential to damage the interest of grassland sites through overgrazing. Over-grazing may lead to the proliferation of certain undesirable species, increased soil erosion, and diffuse pollution. Development proposals for stabling or for Change of Use to paddock land will be subject to ecological

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assessment based on the likelihood of protected and Priority species being present and affected, as well as impacts on the local landscape character.

## **4. The Biodiversity Resource**

### **4.1. Introduction**

4.1.1. Biodiversity exists everywhere and includes the ubiquitous species as well as rarities, but the designation of species and sites has been used as a means of identifying relative value and for the prioritisation of nature conservation action. This chapter provides a summary of the sites designated for their nature conservation value across the Greater Cambridge area, and of the legally protected and Priority species present.

4.1.2. All such sites and species are material to planning decisions, and the sites provide the core of the local ecological network as well as being integral to developing Nature Recovery Networks. Detailed information about designated sites and existing records of protected and Priority species can be obtained through a data search from [Cambridgeshire and Peterborough Environmental Records Centre](#).

### **4.2. Statutory designated sites Habitats (European) Sites**

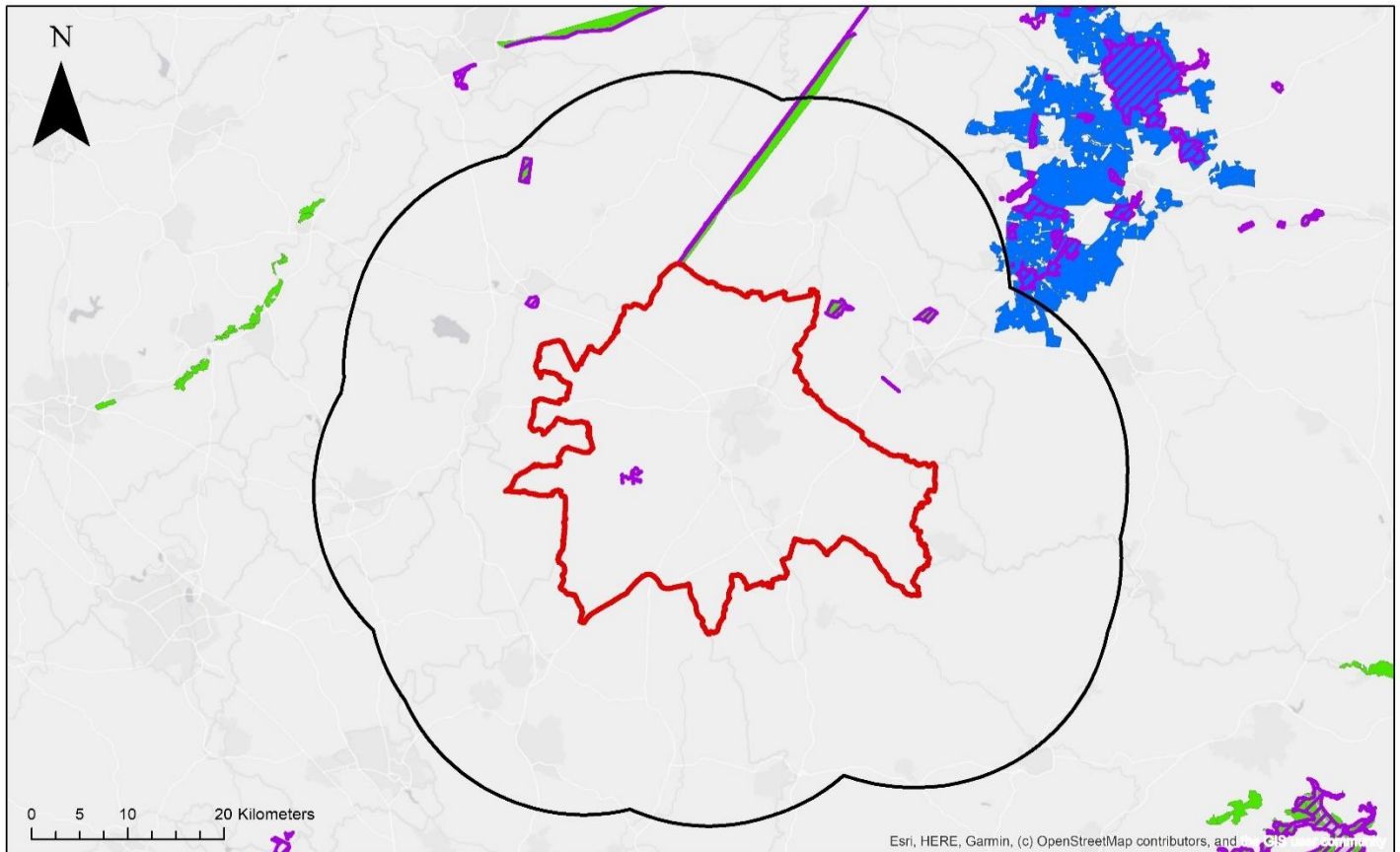
4.2.1. Special Protection Areas and Special Areas of Conservation are sites of international importance protected by the Conservation of Habitats and Species Regulations 2017 (as amended) as a requirement of the UK's commitment to international commitments. These were formerly known as European or Natura 2000 sites. Ramsar sites are wetlands of international importance that have been designated under the criteria of the international Ramsar Convention on Wetlands. Collectively, these sites are now known as Habitats Sites as defined by [National Planning Policy Framework](#).

4.2.2. The potential impact of planning proposals on Habitats Sites inside and outside of the Greater Cambridge area will need to be covered within supporting ecological information, as guided by defined Zones of Influence agreed with Natural England. These are likely to be based on a particular impact type and are shown as Impact Risk Zones on [Multi-Agency Geographic Information for the Countryside](#) around the underpinning Sites of Special Scientific Interest.

4.2.3. There is one Habitats Site - Eversden and Wimpole Woods Special Area of Conservation - located within the Greater Cambridge area, and a further four within 20km of the Councils' administrative boundaries. The distribution of these sites is illustrated in Figure 2, but [Multi-Agency Geographic Information for the Countryside](#) should be consulted for boundaries and site information:

- Ouse Washes Special Area of Conservation, Special Protection Area and Ramsar - abutting the Local Plan area to the north at Earith; designated for its internationally important breeding and over-wintering assemblages of birds, for its population of Spined Loach and for the presence of other nationally rare plants and animals
- Portholme Special Area of Conservation - 4 km to the northwest; designated for its lowland hay meadow habitat
- Devils Dyke Special Area of Conservation - 5.8 km to the northeast; designated as an important orchid site on semi-natural dry grassland habitat

- Fenland Special Areas of Conservation, which also covers the land designated as Wicken Fen Ramsar and Chippenham Fen Ramsar – approximately 1 km to the northeast; designated for its fen meadow and calcareous fen habitats



**Legend**

- Greater Cambridge
  20km buffer
  Special Area of Conservation
  Ramsar
  Special Protection Area

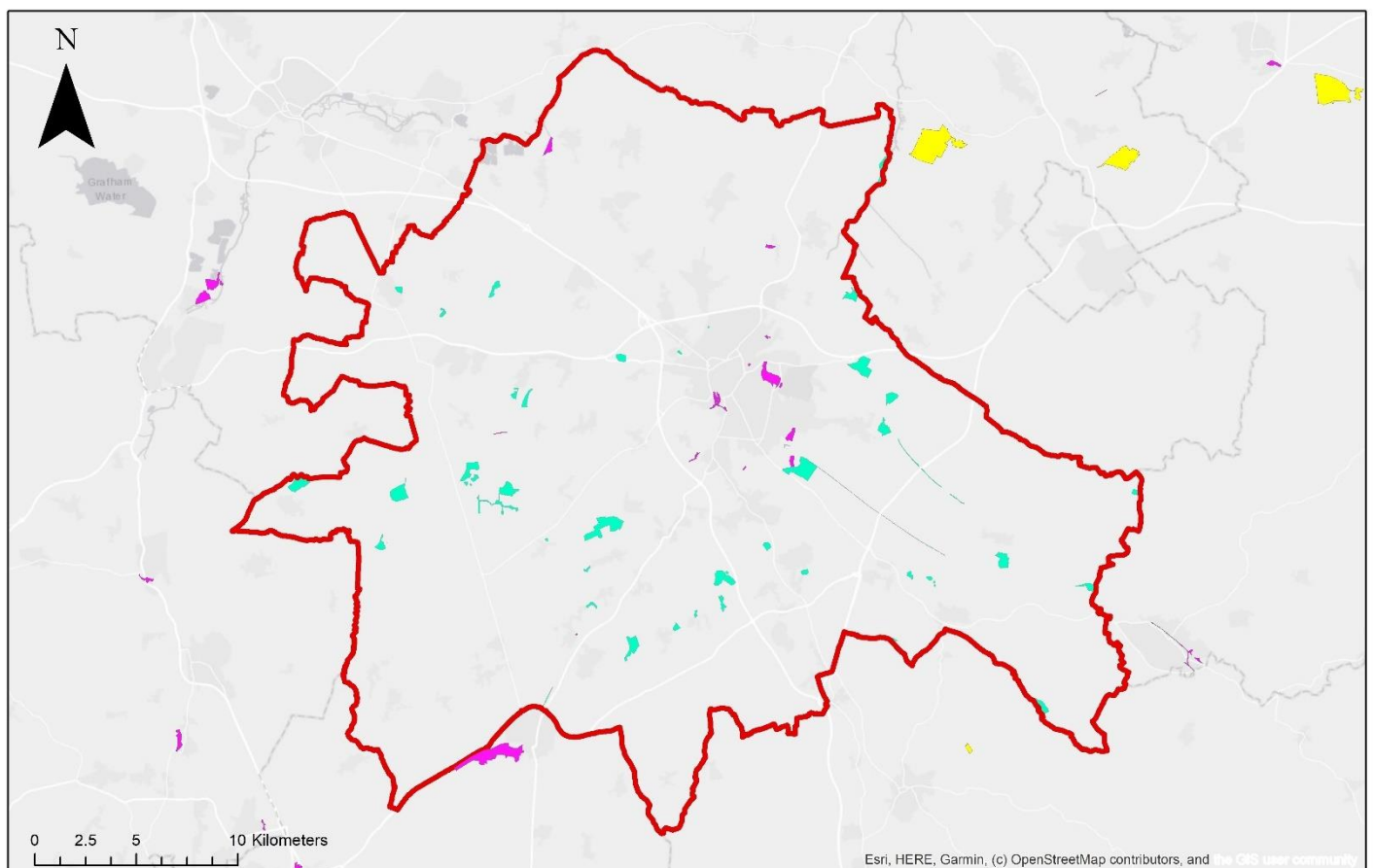
Figure 2 Internationally designated sites

4.2.4. The Eversden and Wimpole Woods Special Area of Conservation comprises a mixture of ancient coppice woodland (Eversden Wood) and high forest woods likely to be of more recent origin (Wimpole Woods). Wimpole Woods holds the summer maternity roost of a population of Barbastelle bats (*Barbastella barbastellus*). The bats also use suitable habitat within the Special Area of Conservation to forage and it provides commuting routes followed when they forage outside of the site’s boundary, where they utilise wet meadows, woodland streams and rivers.

4.2.5. Surveys to support development proposals have identified summer roosts of male Barbastelle bats in old and unmanaged woodland outside of the Special Area of Conservation, using loose bark on dead trees and crevice features caused by damage. Barbastelle bats can range 20 km per night, further for non-reproductive females, and they frequently switch tree roosts throughout the year within their territory. Barbastelle bats will remain in tree roosts over winter unless temperatures dip below freezing, when hibernation roosts have been found in features such as caves, old buildings and basements.

### Sites of Special Scientific Interest

- 4.2.6. Sites of Special Scientific Interest are designated in accordance with the duties in law placed upon each of the country nature conservation bodies to notify as a Sites of Special Scientific Interest any area of land which, in its opinion, is of special interest by reason of any of its flora, fauna, geological, geomorphological or physiographical features.
- 4.2.7. There are 41 Sites of Special Scientific Interest within the Greater Cambridge area, covering a range of habitats and geological formations, including chalk grassland, species-rich neutral grassland, reedbed and fen, Ancient Woodland, chalk pits, gravel pits and clay pits. Further information can be obtained through the [Multi-Agency Geographic Information for the Countryside](#) including boundaries and links to site descriptions.



#### Legend

- Greater Cambridge     Local Nature Reserves     National Nature Reserves     Sites of Special Scientific Interest

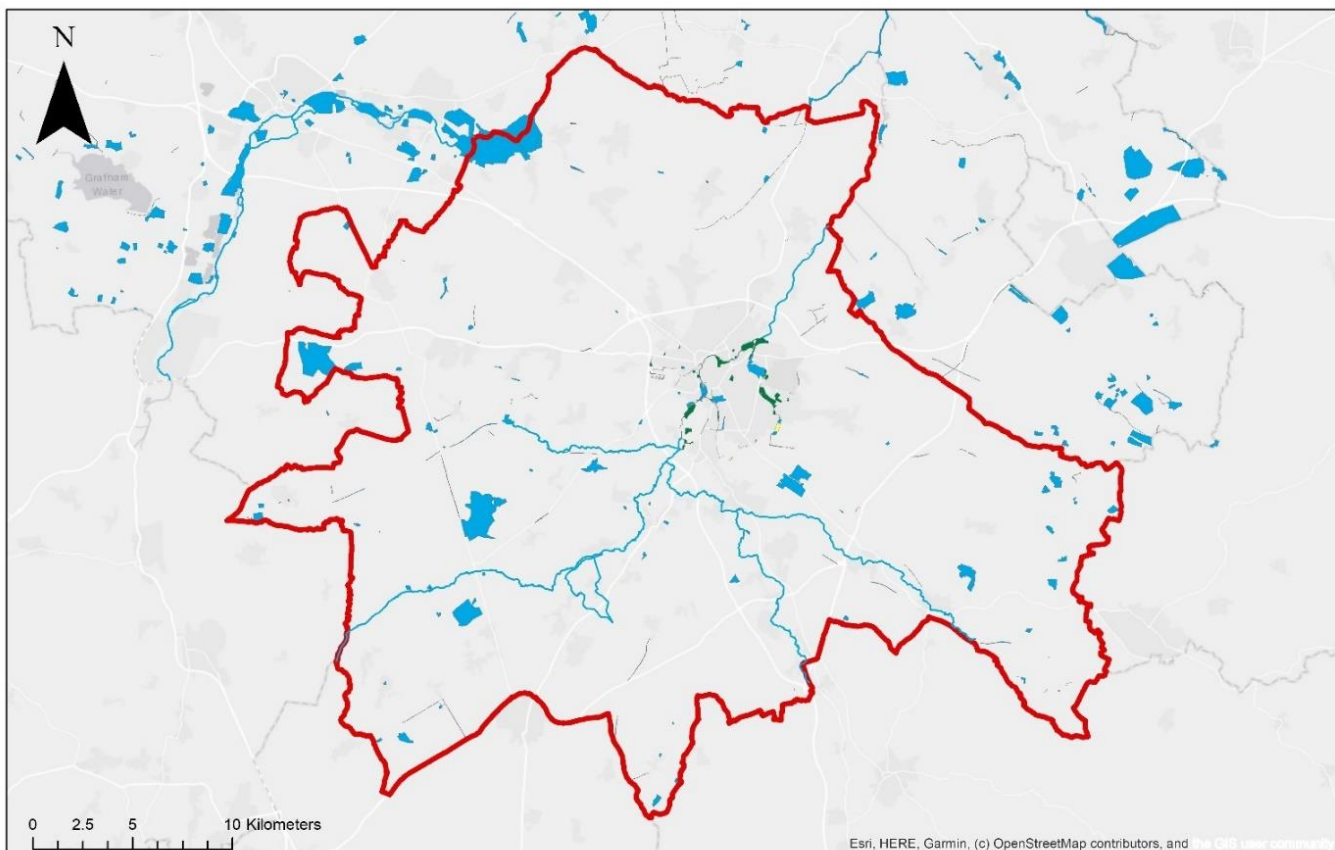
Figure 3 Nationally designated sites



### Local Nature Reserves (LNRs)

4.2.8. Local Nature Reserves are statutorily protected sites of land designated by Local Authorities because of their special natural interest, educational value and access to nature. There are 13 statutory Local Nature Reserves within the Greater Cambridge as illustrated on [Multi-Agency Geographic Information for the Countryside](#). More information on individual Local Nature Reserves is available on the [Cambridge City Council](#) and [Cambridgeshire County Council](#) websites.

### 4.3. Non statutory designated Local Sites



**Legend**

- Greater Cambridge
- Local Geological Sites
- County Wildlife Sites
- City Wildlife Sites

4.3.1.

Local Sites, as defined by [National Planning Policy Framework](#), have been identified for all Councils in Cambridgeshire and are referred to as County Wildlife Sites. These are designated for their importance for nature conservation at a county level and are identified on the Councils' Local Plan Policies Maps. County Wildlife Sites are non-statutory sites identified against a set of locally developed [criteria](#), produced by Cambridgeshire & Peterborough County Wildlife Site Panel and covering both habitat and species.

Figure 4 Locally designated sites

4.3.2. The [National Planning Policy Framework](#) requires these sites to be protected through the Local Plan system as part of a Local Ecological Network. As well as supporting the majority of Priority Habitat within a given area, County Wildlife Sites often present opportunities for biodiversity enhancement, by improving existing management.

4.3.3. Within Cambridge City, a second layer of non-statutory sites have been identified and are referred to as [City Wildlife Sites](#), recognizing the importance of natural green space and habitats within the urban context. These sites are identified under a separate set of criteria with a lower threshold than for County Wildlife Sites.

4.3.4. Cambridgeshire's [Protected Roadside Verges](#) represent the best examples of road verge grassland across the county, identified for special management by Cambridgeshire County Council against a defined set of criteria based upon the presence of rare species or those indicating quality grassland habitat. Road verges constitute the largest area of unimproved grassland within the Greater Cambridge area and will be protected from development impacts. Many Protected Roadside Verges are also designated as County Wildlife Sites.

#### **4.4. Protected Species**

4.4.1. The presence of any legally protected species is a material consideration in the determination of a planning application. Populations of most species are dynamic and so existing records can only be used as a guide to likely presence and should be tested by appropriate field survey work.

4.4.2. European Protected Species with known populations within the Greater Cambridge area are Great Crested Newts, 12 species of bats (including the population of Barbastelle bats at Eversden and Wimpole Woods Special Area of Conservation) and Otter, with a very few records of Dormouse.

4.4.3. A range of other UK species are protected by various pieces of legislation, primarily the Wildlife and Countryside Act 1981 (as amended). Those protected by their inclusion in the Schedules of the Act and known to be present in the Greater Cambridge area include White-clawed Crayfish, Water Vole, Badger, Common Lizard, Grass Snake and Barn Owl. The area also supports populations of Fairy Shrimp, including at the Whittlesford Thriplow Hummocky Fields Site of Special Scientific Interest.

#### **4.5. Priority Habitats**

4.5.1. Priority Habitats are those included within the list prepared under Section 41 of the Natural Environment and Rural Communities Act. The distribution of Priority Habitats in South Cambridgeshire district and Cambridge City can be identified on the [Cambridgeshire Habitat Opportunity Map](#). Priority Habitats are largely represented by small, fragmented blocks, but there are clusters reflecting the varied environmental character of the area.

4.5.2. Lowland Calcareous Grassland is predominantly found to the south east of the Cambridge, within the Gog Magog Hills. To the east and north east is the fenland, with concentrations of Lowland Fen, Reedbeds and Lowland Meadows. The corridor of the River Cam and its tributaries supports Floodplain Grassland Mosaic, Wet Woodland and Lowland Meadows, as well as the River habitat itself and Chalk Stream sections. To the west of Cambridge are Lowland Mixed Deciduous Woodland, Hedgerows, Lowland



Meadows and Traditional Orchards on the boulder clay. To the north of Cambridge, the presence of Traditional Orchards on the fen edge reflect the significance of former land uses.

- 4.5.3. Natural England maintains inventories of Priority Habitats, which can be viewed on the [Multi-Agency Geographic Information for the Countryside](#) map. These inventories should only be viewed as provisional, with the presence or absence of Priority Habitats to be confirmed by field survey results, with reference to the published [UK Priority habitat descriptions](#).

#### **4.6. Priority Species**

- 4.6.1. Priority Species are those included within the list prepared under Section 41 of the Natural Environment and Rural Communities Act. Over 200 UK Priority Species are found in Cambridgeshire as a whole, which includes recognisable but declining species such as Common Toad, Brown Hare, House Sparrow and Hedgehog alongside a range of lesser known invertebrates, and plants such as Purple Milk-vetch.
- 4.6.2. Given the largely agricultural character of the area, there is also good representation of farmland bird species such as Skylark, Turtle Dove, Tree Sparrow, Grey Partridge and Yellowhammer, whose populations could be affected by any development on arable land. The loss of breeding territories of such farmland birds is likely to require compensation by provision on nearby farmland. Over-wintering birds such as Lapwing and Golden Plover are also important farmland species to be considered in ecology surveys.
- 4.6.3. [The Cambridgeshire and Peterborough Biodiversity Group](#) provides a full list of Priority Species known to be present in the county.
- 4.6.4. Priority invertebrate species may be poorly recorded, but the identification of habitats and features of likely value to invertebrates should serve as a trigger to consider the need for specialist survey. The national invertebrate conservation charity Buglife has created a map of [B-Lines](#) as a strategic initiative to target habitat creation and connectivity for pollinators and has also mapped Important Invertebrate Areas, landscapes that are of particular significance for invertebrate populations, where a greater focus on impacts to favourable habitat may be required. The Fens [Important Invertebrate Area](#) lies within Greater Cambridge.

#### **4.7. Red List species**

- 4.7.1. The nature conservation status of species has been determined by the assessment of populations against threat and rarity criteria, often at local, national and international levels. Species with higher rarity and threat statuses are generally known as Red List species. In the UK, information on national reviews and species statuses is available from the [Joint Nature Conservation Committee](#). As there is no centrally coordinated approach to these reviews, the coverage of species groups, the age of the information, and the criteria used vary.

- 4.7.2. There is no Cambridgeshire Red List, but there is a list of [Additional Species of Interest](#), which provides comparable information and includes the [Cambridgeshire Plant Species of Conservation Concern](#).

**Non-native invasive species**

- 4.7.3. Vigorous or invasive non-native plant species can impact negatively upon biodiversity by out-competing native flora. This can then lead to a negative impact upon fauna by limiting the available feeding and cover areas. Species of particular concern include Signal Crayfish (*Pacifastacus leniusculus*), American Mink (*Mustela vison*), Japanese Knotweed (*Fallopia japonica*), Indian Balsam (*Impatiens glandulifera*), Giant Hogweed (*Heracleum mantegazzianum*), Floating Pennywort (*Hydrocotyle ranunculoides*), Parrot's-feather (*Myriophyllum aquaticum*), New Zealand Pigmyweed (*Crassula helmsii*) and Water Fern (*Azolla filiculoides*). More information is available on the webpages of the [GB Non-native Species Secretariat](#).
- 4.7.4. Where proposals at development sites are likely to result in the spread of non-native invasive plant species the development may not be permitted until suitable measures have been agreed and / or undertaken to control the invasive species. It should be noted that it is an offence to spread, or cause to grow, certain plant species listed on Schedule 9 of the Wildlife and Countryside Act, 1981 as amended.

## 5. Biodiversity in the development management process

### 5.1. Introduction

5.1.1. As biodiversity is a material consideration for planning, this section covers the need to consider biodiversity at every stage in the planning application process and what form that consideration should take to ensure that progress is not held up. It sets out the types and quality of information that applicants and their ecological advisers are expected to achieve when preparing an application for submission.

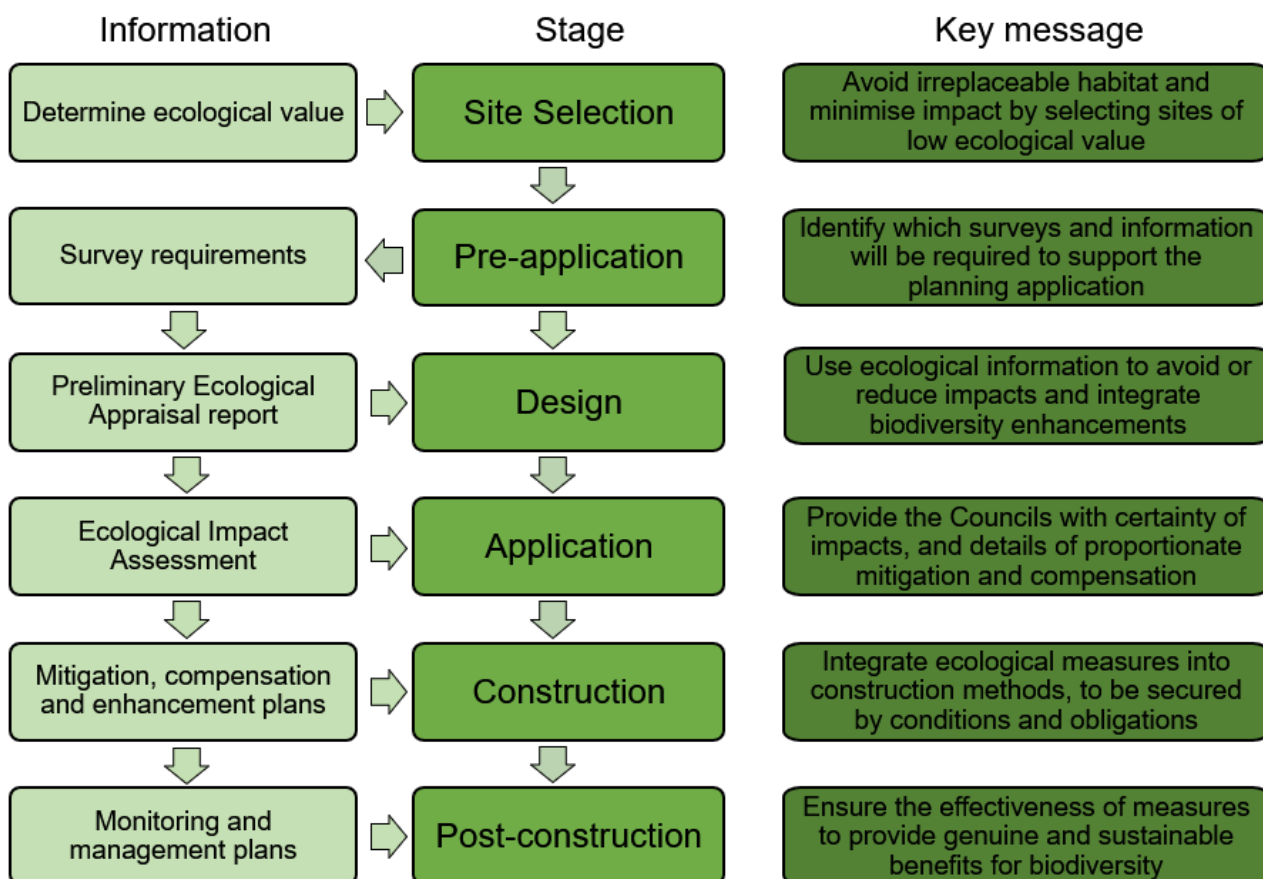


Figure 5 Stages within the development management process

### 5.2. Overarching Principles

#### Biodiversity Issue B1 - Mitigation Hierarchy

To meet national and local policy requirements (NH/4 Item 3 and Policy 70), submitted ecological reports are expected to explain how the hierarchy of mitigation measures (Avoid, Mitigate, Compensate) has been embedded into the design of the development. Where impacts on habitats and species cannot be avoided, a clear explanation of why alternative sites are not feasible and what proposed mitigation and compensation measures are necessary to address all likely significant adverse effects is needed.

## Appendix A

- 5.2.1. The mitigation hierarchy aims to prevent net biodiversity loss and is included in the [National Planning Policy Framework](#) and also in ecological best practice guidelines. Definitions vary, but usually include the following steps that must be implemented in order:
- Avoid - Anticipated biodiversity losses should be avoided and reduced by using alternative sites and designs, retaining habitats of value for enhancement and management and retaining species in situ.
  - Mitigate - Impacts considered unavoidable should be mitigated where the impact occurs, by replacing lost protected and priority habitats and accommodating displaced species within the site boundary.
  - Compensate - If mitigation measures are insufficient then, as a last resort, off-site compensatory measures should also be implemented in proportion to the harm, by creating suitable habitat off-site and relocating species.
- 5.2.2. As required by the [National Planning Policy Framework](#) and as a key principle of delivering Biodiversity Net Gain (see Biodiversity Issue B6), applicants must demonstrate that, in the design of their proposals, they have followed the mitigation hierarchy with respect to ecological impacts.
- 5.2.3. Ecological consultants can advise on avoiding negative impacts on the biodiversity of a development site by involvement throughout the planning application process, but most importantly at the site selection and design stages.
- 5.2.4. Homeowners and developers will often require an ecologist to undertake ecological surveys and mitigation work in relation to a building project to meet the Councils' requirements for ecological information. Contracting a member of a professional institute such as the [Chartered Institute for Ecology and Environmental Management](#) means that you are engaging a professional who is working to high standards and there is a complaints procedure if anything goes wrong. Applicants needing to [find a consultant](#) to support their planning application can use the tool on the [Chartered Institute for Ecology and Environmental Management](#) website which also provides further information on [ecological surveys and their purpose](#), which describes the different types of reports that you may be asked for by the Councils, [what to expect from a bat survey](#) and a [householder's guide to engaging an ecologist](#).
- 5.2.5. The approach to following the hierarchy should be informed by the ecological value of the habitats and species to be affected. Impacts to Priority habitats and species should always be avoided, if possible, but mitigation or compensation for other species and habitats is also desirable.
- BS42020:2013 Biodiversity – Code of practice for planning and development**
- 5.2.6. This British Standard gives guidance on how development might affect biodiversity, provides recommendations on how to integrate biodiversity into all stages of the planning, design and development process, and provides a rigorous framework for assessing impacts and for securing mitigation, compensation and appropriate

biodiversity enhancements. Compliance with the standard in the ecological information submitted by applicants can be seen as an indication of its validity and relevance to the determination process and is encouraged. It is intended to assist those concerned with ecological issues as they arise through the planning process and in matters relating to consented development that could have site-specific ecological implications.

- 5.2.7. BS42020 states that high quality ecological information is important for effective decision making as well as for compliance with legal obligations and policy requirements and successful implementation of the practical conservation and biodiversity enhancement measures identified in the ecological reports submitted with planning applications. The standard identifies the ecological data required and considerations for its assessment, and its use in the design of mitigation measures, to give certainty, clarity and confidence to those involved at all stages of the planning process.
- 5.2.8. Compliance with this standard is an important and credible way to demonstrate the validity of the ecological information you will bring forward in support of your planning application. Any deviations from this British Standard will need to be fully justified and they may be challenged by the Councils or external consultees, leading to delays in the decision process.

### **5.3. Site selection stage**

- 5.3.1. The easiest way to avoid a negative impact on species and habitats and to maximise the gain for biodiversity that can be achieved from a development is to select a site that has low existing ecological value and low strategic potential for habitat creation, buffering or connectivity. This could include sites that have been intensively managed or where land use has resulted in degraded habitats. It should be noted that ecological value should be measured by a suitably qualified professional and not judged on appearance, as sites that may appear to be degraded could include features of particular significance to certain species.

## **Biodiversity Issue B2 – Protection of irreplaceable habitats**

Developers will be expected to avoid direct and indirect impacts on irreplaceable habitats and embed measures to achieve this within the design of any development proposal.

To meet policy requirements (NH/4 item 6, NH/7 and Policy 71), the Councils will refuse applications that would result in the loss, deterioration or fragmentation of irreplaceable habitats unless the need for, and benefits of the development clearly outweigh the loss, and a suitable compensation strategy exists. In these situations, biodiversity net gain is not achievable.

- 5.3.2. Irreplaceable habitats are defined in the [National Planning Policy Framework](#) as “habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity.” In addition to Ancient Woodland and veteran trees, other types of habitat such as unimproved grassland, lowland fen and ancient hedgerows are also

considered to be irreplaceable. The loss of these habitats cannot be compensated for by gains elsewhere and so they are excluded from Biodiversity Net Gain calculations.

- 5.3.3. All development predicted to result in impacts on irreplaceable habitat will need to be accompanied by detailed survey information and evidence to support the exceptional reasons that justify such a loss. Compensation strategies should include contribution to the enhancement and management of the habitat.
- 5.3.4. Ancient woodland shall be identified by having regard to the presence and combination of Ancient Woodland Indicator Species, as presented in the [Cambridgeshire and Peterborough County Wildlife Sites Selection Guidelines](#). The Woodland Trust's [Planning for ancient woodland – planners manual for ancient woodland and veteran trees](#) should be used as a guide to avoiding and minimising impacts from development proposals.

#### **5.4. Pre-application stage**

##### **Pre-application advice**

- 5.4.1. There are many advantages to seeking pre-application advice from the Greater Cambridge Planning Services at an early stage in the preparation of development proposals, particularly for ecology and Biodiversity Net Gain. This frontloads the process and avoids risks of delays and additional costs on submission, by providing the developers and their agents with clarity on the scope of information that will be expected to enable the application to be determined.
- 5.4.2. Where there is a predictable impact on biodiversity and insufficient ecological information is submitted to support determination, the Councils are likely to refuse an application.
- 5.4.3. The Greater Cambridge Shared Planning Service offers a [pre-application service](#) that can save time and money for anyone considering submitting a planning application, and it also offers design workshops to applicants. This may be particularly valuable to householders and those who are not regularly involved in development, who may not routinely seek professional ecological support or be aware of all of the relevant issues.
- 5.4.4. Developers wishing to seek substantive advice on recreational pressure impacts and mitigation relating to Sites of Special Scientific Interest should be directed to Natural England's [Discretionary Advice Service](#).

##### **Existing biodiversity information**

- 5.4.1. Biodiversity baseline information from the [Cambridgeshire and Peterborough Environmental Records Centre](#) is needed within all ecological reports, to identify the presence of designated sites and existing records of habitats and species that could be affected by development. Data search requests should be for a minimum 1 km buffer from the red line boundary for protected and Priority species and 2 km for all designated sites. While older data may be less relevant in some cases, it may provide the only baseline available for a site and so should not be discounted.



## Appendix A

- 5.4.2. An absence of records does not mean a record of absence and ecological consultants need to use their professional judgment to ensure that biodiversity features are not overlooked. Survey and assessment of all species likely to be present on and adjacent to the development site and any which could be affected indirectly should be covered.
- 5.4.3. Provision of this data within submitted ecological reports needs to be presented in accordance with the terms and conditions of Cambridgeshire and Peterborough Environmental Records Centre and any sensitive records should only be shown at 10km resolution.
- 5.4.4. The consultant ecologist should also determine whether the development site falls within a Site of Special Scientific Interest Impact Risk Zone, as shown on the [Multi-Agency Geographic Information for the Countryside](#) map, which would indicate that the development could result in indirect impacts that require consultation with Natural England.

### **Biodiversity Issue B3 – Great Crested Newt District Level Licensing**

To meet policy requirements (NH/4 and Policy 70) and support development which is likely to impact on Great Crested Newt, if a developer is accepted to join the Natural England Cambridgeshire Great Crested Newt District Level Licensing scheme, they do not need to carry out their own surveys for this European Protected Species or plan and carry out mitigation work.

If a consent for development is issued, developers do not need to meet the Government's [Standing Advice for Great Crested Newt](#). However, the Councils will still require survey and assessment for other protected and Priority species likely to be present and affected by development, together with delivery of any mitigation needing to be secured by a condition of any consent.

- 5.4.1. Natural England has now launched a District Level Licensing scheme for Great Crested Newt in Cambridgeshire that developers can pay to join for each of their sites, to better protect Great Crested Newt populations as an alternative to conventional site-based survey, licensing and mitigation methods. Full details are available on the relevant pages of the [Government District Level Licensing website](#).
- 5.4.2. As an alternative to Great Crested Newt surveys and assessment, the use of District Level Licensing provides a year-round option for developers to mitigate predicted impacts on Great Crested Newt and can provide certainty of costs and timescales.
- 5.4.3. With an agreement in place with Natural England to use District Level Licensing, the Councils only need an Impact Assessment and Conservation Payment Certificate countersigned by Natural England to be submitted with the planning application as evidence of site registration under this strategic mitigation scheme.
- 5.4.4. Participation in the District Level Licensing scheme does not negate the need for proposals to follow the mitigation hierarchy or deliver measurable net gain. The Councils

will still require survey and assessment for other protected and Priority habitats and species likely to be present and affected by development, with any necessary mitigation secured by a condition of any consent.

- 5.4.5. A precautionary approach to site clearance, under the supervision of a suitably qualified ecologist, will be required for all development supported by Great Crested Newt District Level Licensing, as all protected and Priority species predicted to be on site will need to be moved to a place of safety to avoid reckless actions and prevent wildlife crime. This will include supervision of any habitat works by an Ecological Clerk of Works, who will undertake a fingertip search, and implementation of a Construction Environment Management Plan (Biodiversity).
- 5.4.6. The emerging Natural Environment Bill has indicated an intention to prepare other Strategic Mitigation Schemes in consultation with stakeholders to support delivery of sustainable development.

### **Ecological surveys and assessment**

- 5.4.7. Applicants must ensure that planning applications are supported by adequate ecological information, using up to date desk studies and site assessment to inform survey methodologies sufficient in scope to allow the impact of a proposal to be appropriately assessed. This includes householders and developers of small sites, where they may be unexpected risks of impacts to habitats and species.
- 5.4.8. A [Preliminary Ecological Assessment](#) is often carried out by ecologists as an initial means of recording the habitats and condition of a development site and predicting the likely ecological constraints and impacts that might arise from its development.
- 5.4.9. Preliminary Ecological Assessment Reports are valuable documents that should be commissioned at the earliest stages of design, and their results should influence the layout and form of the proposals. Identifying important ecological resources at the outset and avoiding impacts on them will limit the loss of biodiversity and reduce the need for mitigation and compensation measures. In many cases these reports will include recommendations for further survey, particularly in relation to protected and priority species.
- 5.4.10. All surveys must be carried out in accordance with published standards and best practice guidance, as appropriate to the information they are expected to generate. To ensure the acceptability of impact assessment, any deviations from best practice should be explained and justified.
- 5.4.11. Pre-development biodiversity value must be calculated before any site clearance or other habitat management work has been undertaken, by the applicants or anybody else. **However, if this is known to have happened, the condition of the site on or after 30th January 2020 will be taken as the habitat baseline stated in Schedule 14 Part 1 paragraph 6 of the [emerging Environment Bill](#).** This is consistent with existing good practice guidelines for ecological assessment, including [CIEEM](#) and [BREEAM](#)



guidelines. Where previous surveys are not available, this will be established through [Cambridgeshire and Peterborough Environmental Records Centre](#) records and habitat areas identified through aerial photographs. Where habitat conditions are not known, then a precautionary approach will be applied.

- 5.4.12. Habitat mapping methodologies need to be appropriate to their purpose, which for biodiversity net gain calculations means UK Habitats Classification, as required for the Defra Biodiversity Metric calculation. Phase 1 habitat mapping can still be used for PEA reports, or in circumstances where Biodiversity Net Gain calculation is not required.
- 5.4.13. Where the applicant's commissioned ecology report indicates that further surveys are required to support a planning application, the results of all such surveys and associated details of necessary mitigation measures will need to be submitted prior to determination. This is necessary to provide the Councils with certainty of likely impacts and that effective and deliverable mitigation can be secured either by a condition of any consent or a mitigation licence from Natural England. Where recommended protected species surveys have not been completed, the ecology report will not be sufficient to support a planning application.
- 5.4.14. The Council expects that all biodiversity records obtained during surveys to inform development will be submitted to [Cambridgeshire and Peterborough Environmental Records Centre](#), as required by the Chartered Institute for Ecology and Environmental Management's code of professional conduct. Applicants must not seek to restrict their ecological consultants from submitting biodiversity records.

## **5.5. Design stage**

### **Biodiversity Issue B4 – Conservation and enhancement of biodiversity**

To meet national and local policy requirements (NH/4, NH/5, NH/6, Policy 69 and Policy 70), development should:

1. Secure the conservation management and enhancement of natural and semi-natural habitats in the landscape together with the biodiversity that they contain and seek to restore and/or create new wildlife habitats.
2. Secure the provision of appropriate public access to natural green spaces, particularly within or close to the villages.

Habitats will be considered important for biodiversity where they:

1. Are part of the UK national network of sites (Habitats sites) or are proposed for designation
2. Are nationally designated sites (Sites of Special Scientific Interest, National Nature Reserves or Local Nature Reserves) or are proposed for designation
3. Are non-statutory designated sites of at least County or City importance or are proposed for designation
4. Are likely to support the presence of a Priority species or habitat, or significant populations of a national or local Red list species

## Appendix A

5. Have the potential to assist in the delivery of National, County or District Nature Recovery Networks and clearly act as a stepping-stone, wildlife corridor or refuge area within an otherwise built environment
  6. Provide for the quiet enjoyment of biodiversity within semi-natural areas of an otherwise built environment or act as an educational resource, such as Local Nature Reserves
- 5.5.1. Proposals that contain or that will affect a habitat of importance for biodiversity will be expected to include measures to protect any existing value and, where possible, to improve their condition by appropriate enhancement or management measures. Management should be sustainable for the long-term, with clear objectives guided by the site's existing habitat features and species, as appropriate to location and environmental conditions.
- 5.5.2. While it can be possible to combine positive nature conservation management with public access, it should be noted that the potential impact of public access must be fully considered in determining the likely target condition of the biodiversity habitat and its value to any existing species populations. Measures to manage the existing impact of recreation on an area of semi-natural public open space will be welcomed.



Even small sites can support protected and priority species; although this house and garden appear unremarkable, there are two bat species using the loft, nesting birds in the dense common ivy, and great crested newts in a small pond.

Figure 6 An example of a small site

## Appendix A

- 5.5.3. Small sites, including gardens and other urban green space, can also support habitats and species of nature conservation value and provide opportunities for enhancement and improved management.
- 5.5.4. Where appropriate, the Councils will secure measures to conserve and enhance biodiversity by applying a planning condition requiring the submission and approval of an Ecological Design Strategy or a species-specific Biodiversity Mitigation Strategy, which will include:
- a) The purpose and conservation objectives of the proposed works
  - b) A review of baseline conditions, site potential and constraints
  - c) Detailed designs and/or working methods to achieve stated objectives
  - d) The specific extent and location of proposed works shown on maps and plans at an appropriate scale
  - e) The type and source of materials to be used, where appropriate, such as specifying native species of local provenance or the type of bird box to be used.
  - f) A timetable for implementation, demonstrating that works are aligned with any proposed phasing of development
  - g) The persons responsible for implementing the works
  - h) Details of initial aftercare and long-term maintenance
  - i) Details for monitoring and remedial measures
  - j) Details for disposal of any wastes arising from works

### **Biodiversity Issue B5 - Biodiversity Provision in the Design of New Buildings & Open spaces**

To meet policy requirements (HQ/1, NH/4, Policy 57 and Policy 59), the Councils will expect:

1. That development proposals will have regard to the biodiversity already present within a development site and to identify opportunities to maximise the provision for biodiversity within new buildings in line with strategic nature conservation priorities.
2. That on all major housing developments 50% of the dwellings/units will have features such as integrated bird, bat or insect boxes provided in close association with the properties. On all other sites suitable provision for biodiversity enhancements shall be negotiated to achieve a similar standard.
3. For minor and householder development, each dwelling/unit will have at least one integrated feature appropriate to the location of the development.
4. That all commercial applications will need to include integrated features in keeping with the scale of development, i.e. minimum of 10 boxes for first 1000sqm footprint and one additional box for every additional 100 sqm.
5. That appropriate new wildlife habitats will be incorporated into landscaping schemes and the general layout of the built environment. All fencing will be expected to be hedgehog friendly and hedgehog highways should be incorporated throughout the development.



Figure 7 Hedgehog Highway gaps in boundary fence.

- 5.5.5. Design of new developments should seek to retain habitats of value to biodiversity wherever possible. Even for small scale developments, this would include boundary hedgerows, trees and any pond on site and these can provide the framework for the setting of the scheme layout as well as contributing to the post development network for nature and people.
- 5.5.6. Landscape design will be required to enhance existing habitats and link them to new habitats created within the development site that are suited to the landscape character (see section 3.13.10). Further information can be found on the [Building Research Establishment Environmental Assessment Method](#) webpage for a Green Guide Calculator and [Building with Nature](#).
- 5.5.7. The use of low nutrient status soils to support diverse habitat mosaics with low maintenance requirements is encouraged and applications within the [B-Lines](#) identified by Buglife will be expected to include sustainable landscaping features of value to invertebrates, especially pollinators, including flowering lawns.





Figure 8 Landscaping and soils

- 5.5.8. The impact of garden extensions into the open countryside needs to be considered as, although these provide an opportunity to diversify arable landscapes, species and features associated with a farmland landscape may not be replicable within the garden environment. Applicants, where appropriate, will be required to plant mixed native species hedges with trees to define boundaries in open countryside as opposed to the erection of fences that may hinder the natural movement of animals. In the above image, a bank and low nutrient substrate with sparse vegetation are incorporated into landscaping to benefit solitary mining bees and other invertebrates.
- 5.5.9. In addition, the provision of integrated boxes (a combination of bird, bat & insect boxes) will be required in new buildings for all types of development and should target protected, Priority and other species associated with the built environment, such as Swift, as promoted by [Action for Swifts](#), house sparrow, starling and pipistrelle bats. Where appropriate, high quality, durable boxes can also be provided on retained trees within the public realm.



Figure 9 Integrated nesting habitat for birds or bats

### **Biodiversity Issue B6 Provision of biodiverse and living roofs**

To meet policy requirements (HQ/1, NH/4 and Policy 31), the provision of biodiverse roofs and walls will be encouraged as a means to maximise biodiversity, particularly where the opportunities for ecological enhancement on a site area are limited, and where such measures will deliver enhancement at a landscape scale.

5.5.9 Although buildings can be screened using native species planting, they can also be made attractive to biodiversity by using climbing plants on walls, fitting window boxes or installing biodiverse roofs and walls. Green roofs should support diverse habitats of local relevance rather than sedum monocultures, which have aesthetic appeal, but limited value to biodiversity. Brown roofs, landscaped with exposed substrates and a varied topography, and supporting nectar and pollen rich flowering plants, are a good alternative. Further information can be found on the [Building Research Establishment Environmental Assessment Method](#) webpage for a Green Guide Calculator and [Building with Nature](#).





A biodiverse roof, showing a diversity of flowering plants in an open grassland structure. Habitat design and species mixes should reflect local conditions and stated conservation objectives

Figure 10 A biodiverse roof

- 5.5.10. Biodiverse roofs can provide valuable habitat on sites where space for new habitat creation is constrained. In the image above, the living roof shows a diversity of flowering plants in an open grassland structure within an otherwise dense, urban setting. Habitat design and species mixes should reflect local conditions and stated conservation objectives
- 5.5.11. They could also have an especially important role to play in providing new habitat for the species, often ecological specialists, displaced by the development of brownfield sites, and for invertebrates that already live in towns and gardens. Guidance on constructing biodiverse roofs (is available from [Buglife](#) and applicants are encouraged to follow the Green Roof Organisation's [Green Roof Code](#).
- 5.5.12. Thin substrate sedum systems do not maximize the biodiversity potential of green roofs and would not merit Good condition within the Defra Biodiversity Metric.

### **Sustainable drainage systems**

- 5.5.13. The [Cambridgeshire Flood and Water Supplementary Planning Document](#) was adopted by South Cambridgeshire District Council in November 2018 and Cambridge City Council in December 2018 following adoption of the Cambridge and South Cambridgeshire Local Plans and is accompanied by the [Cambridge Sustainable Drainage Design and Adoption Guide](#).

5.5.14. Inclusion of sustainable drainage systems within a development site are the preferred approach to managing rainfall from hard surfaces and can be used on any site (CC/8, Policy 31). They provide an opportunity to reduce the effects of development on the water environment. Good design and management of multi-functional open spaces can mitigate drainage impacts on wetlands via drains and ordinary watercourses as well as delivering biodiversity enhancements and attractive greenspaces that can support Biodiversity Net Gain on site. SUDs, (like the one pictured below) should be designed to provide natural habitats appropriate to the surrounding landscape, using locally native species and managed to combine functionality and opportunities for biodiversity

5.5.15. The Royal Society for the Protection of Birds and the Wildfowl and Wetlands Trust have produced a guide to maximising the benefit to [biodiversity from Sustainable Drainage Systems](#) alongside other functions.



SuDS features should be designed to provide natural habitats appropriate to the surrounding landscape, using locally native species and managed to combine functionality and opportunities for biodiversity

Figure 11 A SuDS feature in a new development

5.5.16. Developers should check details of [Registered Toad crossings](#) listed by Froglife, the national amphibian & reptile charity, (which includes one in the centre of Cambridge) in relation to the development site location and layout. This will help avoid direct impacts on known toad breeding populations from the discharge of the sustainable drainage systems constructed for the development. Similarly, well designed sustainable drainage systems



features are likely to attract breeding amphibians and future migrations routes should be considered to avoid creating new road or drain fatality hotspots.

- 5.5.17. Paving of surfaces is likely to contribute to surface water flooding and the Councils will seek to avoid unnecessary paving of gardens by householders (CC/8, Policy 66) and encourage good design to ensure permeable surfaces remain and that there is no net loss in biodiversity. Any trees should be retained within paving and permeable surfaces used, potentially including planting within the design.

### **Biodiversity Issue B7 – Biodiversity Net Gain**

This SPD is underpinned by national and Local Planning Policies. In keeping with these, and the SPD, development proposals will be required to demonstrate measurable net gain for biodiversity (NH/4, NH/6, Policy 69, Policy 70). Biodiversity Net Gain should be achieved on site where possible.

- 5.5.18. Previous paragraphs have explained the process of how developers will calculate a pre-development baseline for an application site using the Defra Biodiversity Metric 2.0 tool. They explain how a calculation should also be made of the post development baseline seeking to identify a net gain in biodiversity on that site. Achieving a Net Gain of 10% would be consistent with levels expected to be required in the Environment Bill, now proposed to be enacted Autumn 2021. However, in keeping with the Councils desire to ensure that biodiversity is both protected, and enhanced, we advise that should new Local Plan policies instruct a higher percentage of BNG than that nationally mandated, that the *higher* of the two amounts (of BNG) shall be the minimum requirement for development.

- 5.5.19. In negotiations with applicants, officers may also discuss seeking further Biodiversity Net Gain from development proposals. This aspiration is supported by the recently formulated Doubling Nature Vision, adopted by South Cambridgeshire District Council (Feb 2021). This vision reflects the growing awareness of biodiversity loss and increasing concerns to protect the natural environment, habitats and species. The vision seeks a 20% level of Biodiversity Net Gain above pre-development baseline conditions. Whilst this Supplementary Planning Document does not set this as a figure or fixed target, this aspiration may have further support with the future enactment of the Environment Bill.

- 5.5.20. In exceptional cases, compensatory arrangements to provide the levels of BNG that are both required and agreed with applicants under the vision can be provided off site. Where off-site habitat measures are required, they must be consistent with the strategic aims of the [Cambridge Nature Network](#) and [Greater Cambridge Green Infrastructure Opportunity Mapping](#) and conform to [Biodiversity Net Gain - Good Practice Principles for Development](#).

- 5.5.21. To ensure the delivery of BNG measures, the Councils will seek to use planning conditions to secure on site habitat creation and its long-term management, and obligations, such as Section 106 of the Town and Country Planning Act 1990, where BNG is on land outside the applicant's control.

## Appendix A

- 5.5.22. All Biodiversity Net Gain calculations should be submitted using the Defra Biodiversity Metric 2.0 or its successor. Other "bespoke" calculators will not be accepted without clear justification.
- 5.5.23. There will always be some opportunity within development proposals to create and manage habitats for biodiversity. Development proposals that deliver public open space that also provides new wildlife habitats, with clear management objectives, will be encouraged.
- 5.5.24. Biodiversity Net Gain has been identified as one of the primary mechanisms for the restoration of biodiversity across the UK and the local need is recognised within the Natural Cambridgeshire Doubling Nature vision. To achieve the vision, a strategic approach to habitat creation and enhancement will be required in line with the [Lawton principles](#) of more, bigger, better and more joined up.
- 5.5.25. This will require focus on improving the condition of existing Biodiversity Sites, increasing their size, and improving connections between them by creating stepping-stones and corridors of biodiversity rich habitats. The existing [Cambridge Nature Network](#) lays the foundations for this approach and will be supported and clarified by forthcoming Local Nature Recovery Strategies.
- 5.5.26. All development must already demonstrate measurable net gain for biodiversity, in line with the requirements of [National Planning Policy Framework](#). Although a mandatory requirement for 10% net gain in biodiversity value is emerging from the Environment Bill, a value of 20% is likely to be needed in order to meet the Natural Cambridgeshire target of doubling the amount of land managed for nature from 8% to 16% of the county's area.
- 5.5.27. It should be noted that the inclusion of street trees within developments can make a contribution to Biodiversity Net Gain as well as providing a range of other benefits, including to air quality and urban cooling, as mitigation for the effects of climate change. The selection of the right tree species in the right place, where there is enough space to achieve maturity - in terms of height, canopy spread and rooting area - is essential to maximise benefits. Cambridge City Council has a policy to ensure that adequate provision is made for the preservation and planting of trees when granting planning permission (Policy 71).
- 5.5.28. For smaller minor development (fewer than 10 residential units or an area of less than 0.5 hectares) and householder applications, biodiversity net gain measures should be clearly identified in supporting information and illustrated on the relevant plans. Measures should be appropriate to the site's location and surroundings and should be focussed on supporting recognised nature conservation priorities. When the Defra "small sites" Biodiversity Metric is available, this should be used to demonstrate net gain in these circumstances, and it is anticipated that the Environment Bill might offer this scale of development a more simplified requirement. However, until legislation and further guidance from Government is available, small sites should aim to meet the details of B5

above with at least one integrated bird, bat or insect box, hedgehog friendly fencing and habitats as listed in 5.5.4 above.

- 5.5.29. In support of major applications, a Biodiversity Gain Plan will be expected, which should include:
- Steps taken to avoid adverse impacts to biodiversity
  - Pre-development and post-development biodiversity value (including a completed Defra Biodiversity Metric calculation spreadsheet v2.0 or its successor)
  - Additional information to explain and justify the approach to delivering net gain, including notes on the existing and target habitat condition and any assumptions made
- 5.5.30. The Local Planning Authority will verify the accuracy of the biodiversity value calculations and consider the merits of any off-site net gain measures with reference to the Biodiversity Opportunity Maps produced by Cambridge and Peterborough Environmental Records Centre and any other published biodiversity strategies. Any scheme of Biodiversity Net Gain must include a mechanism for delivery of the target habitats, management, and monitoring of their condition, and an approach to remediation in the event of targets not being met.
- 5.5.31. Pre-development biodiversity value must be calculated before any site clearance or other habitat management work has been undertaken, by the applicants or anybody else. If this is known to have happened on or after 30 January 2020, and the onsite habitat condition is lower on the relevant date than it would otherwise have been, the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value.
- 5.5.32. Applicants should refer to the Chartered Institute of Ecology and Environmental Management and Construction Industry Research and Information Association [Biodiversity Net Gain Good Practice Principles](#) documents for information on the standards that will be expected.
- 5.6. Application stage - Validation requirements for Biodiversity information**
- 5.6.1. The [Cambridge City Council validation checklists](#) and draft [South Cambridgeshire District Council validation checklist](#) are available to ensure that applicants know which documents need to be submitted with a planning application for it to be deemed valid by the Greater Cambridge Shared Planning Service.
- 5.6.2. The Local validation checklist for the Greater Cambridge Shared Planning Service will include guidance under Local Validation Requirement 2 'Biodiversity - Ecological Impact Assessment' about when an Ecological Impact Assessment is necessary, based on what the development involves and where it is. Guidance is also provided on what an Ecological Impact Assessment should cover for an application to be considered valid, including the need to demonstrate measurable Biodiversity Net Gain.
- 5.6.3. It should be noted that validation does not necessarily mean there is sufficient information to allow for determination. The submitted Ecological Impact Assessment still

has to provide the Councils with certainty of all likely ecological impacts on designated sites and protected or priority species and to demonstrate that effective and deliverable mitigation can be secured either by a condition of any consent or a mitigation licence from Natural England.

### **Ecological Impact Assessment**

- 5.6.4. In addition to the information within BS42020, the [Chartered Institute for Ecology and Environmental Management](#) provides detailed [guidance](#) about expectations in the reporting of biodiversity information in support of planning applications. In selecting their project team, applicants are encouraged to choose professional ecologists that will comply with these expectations and can demonstrate their suitability for the role. Full details of those involved in survey work and reporting should be included in all reports with a summary of their experience and competence.
- 5.6.5. The appropriate document type to provide ecological information in support of a planning application is an Ecological Impact Assessment. This type of ecological report needs to contain all necessary survey results and a full assessment of ecological impacts, with proportionate and fully detailed mitigation and compensation measures that can be secured by condition or obligation, or by appropriate species licensing.
- 5.6.6. Surveys and reports have a finite lifespan due to the dynamic nature of species populations and the response of habitats to environmental factors and changes in management. CIEEM have produced [guidance](#) to highlight the issues with lifespan and the validity of reports in different circumstances. Applications supported by reports that are no longer considered valid are likely to be refused and outline or phased developments are likely to require conditions for further surveys to keep the survey information up to date.

### **Biodiversity Issue B8 - Habitats Regulations**

To support the Councils in meeting policy requirements (NH/5 and Policy 69) and their legal duties under the Conservation of Habitats and Species Regulations 2017 (as amended) – known as the Habitats Regulations - where development is likely to result in a significant effect on a Habitats site, proposals need to be supported by information to support the HRA screening report prepared by the Local Planning Authority. This needs to include the results of any necessary surveys and details of any mitigation measures to avoid adverse effects on the integrity of the site(s) embedded into design of the development.

All the Councils' Habitats Regulations Assessment Appropriate Assessments will be sent to Natural England for their formal consultation response on their conclusions before any decision can be issued.

- 5.6.7. The aim of the [Habitats Regulations Assessment](#) process is to 'maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest'. The Conservation of Habitats and Species Regulations 2017 (as amended) have transposed the European Union Habitats and Wild Birds Directives into

UK law to make them operable from 1 January 2021. These remain unchanged until amended by Parliament so the requirements for [Habitats Regulations Assessment](#) under the Conservation of Habitats and Species Regulations 2017 (as amended) have been retained.

- 5.6.8. The Greater Cambridge Local Plan may impact on several Habitats sites and Government advice to Local Planning Authorities on [Habitats Regulations Assessment](#) requires assessment of any plan or projects which could adversely affect these internationally important Biodiversity Sites.
- 5.6.9. Where a Habitats site could be affected by a plan, such as a Local Plan, or any project, such as a new development, then [Habitats Regulations Assessment](#) screening must be undertaken. If this cannot rule out any possible likely significant effect on a Habitats site, either alone or in combination with other plans & projects, prior to the consideration of mitigation measures, then an Appropriate Assessment must then be undertaken. The Appropriate Assessment identifies the interest features of the site (such as birds, plants or habitats), how these could be harmed, assesses whether the proposed plan or project could have an adverse effect on the integrity of the Habitats site (either alone or in-combination), and finally how this could be mitigated to meet the Stage 2 [Habitats Regulations Assessment](#) “integrity” test.
- 5.6.10. Various Court rulings need to be considered when preparing Habitats Regulations Assessment screening reports and developers are requested to provide sufficient information to support this process. Some key rulings from the Court of Justice for the European Union, which remain relevant to [Habitats Regulations Assessment](#) in the UK, post-Brexit, are:
- CJEU People Over Wind v Coillte Teoranta C-323/17)  
In line with the Court judgement mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Habitats Site.
  - CJEU Holohan C- 461/17  
This Court judgement imposes more detailed requirements on the competent authority at Appropriate Assessment stage. These relate to habitats and species for which the site has not been listed and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site. The Appropriate Assessment conclusion must be beyond all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.
  - CJEU Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation for the Environment and Vereniging Leefmilieu (Dutch nitrogen court ruling)  
These Dutch cases concerned authorisations schemes for agricultural activities in Habitats sites which cause nitrogen deposition and where levels already exceeded the critical load. These are not directly connected with or necessary for the management of a Habitats site. This ruling is relevant to projects which trigger appropriate assessment

before any consents are issued so should be considered when identifying other plans and projects for an in- combination assessment.

5.6.11. The following case from the UK High Court is also of key relevance:

- R (on the Application of Preston) v Cumbria County Council [2019] EWCA 1362  
This case relates to a High Court verdict which quashed a County Council's decision to vary a planning permission for a water company to construct a sewage outfall on a Special Area of Conservation. Therefore, planning authorities and other competent authorities cannot, in appropriate assessments, simply rely on the competence of other regulators such as the Environment Agency, to avoid conducting their own assessments. They must instead themselves satisfy their own Habitats Regulations duties.

### **Biodiversity Issue B9 – Eversden & Wimpole Woods Special Area of Conservation Bat Protocol**

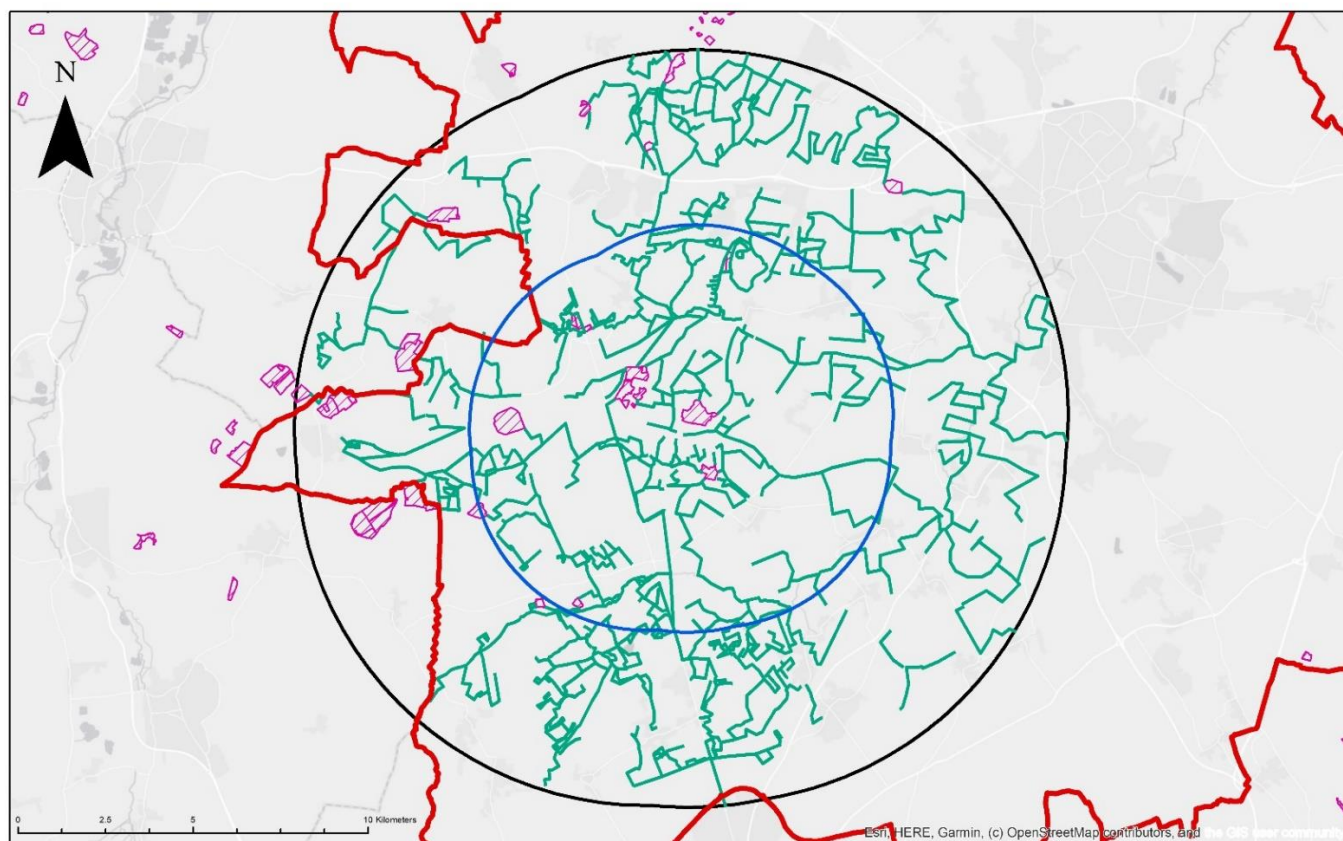
To support the Councils in meeting policy requirements (NH/5 and Policy 69) and their legal duties under the Conservation of Habitats and Species Regulations 2017 (as amended), appropriate levels of survey, assessment and mitigation will be expected for any development that could have an impact on the population Barbastelle Bats within and around the Eversden & Wimpole Woods Special Area of Conservation.

- 5.6.12. The Eversden and Wimpole Woods Special Area of Conservation supports maternity colonies of Barbastelle bats. In addition to these Special Area of Conservation woodlands containing roosting sites, the bats also require access to habitats outside the boundary of Eversden & Wimpole Woods Special Area of Conservation. The Habitats Regulation Assessment screening report for Bourn Airfield identified that male Barbastelle bats roosted in woodlands to the north of the Special Area of Conservation and commuted into the woodlands for mating.
- 5.6.13. Habitat that is integral to supporting the functioning of the Eversden and Wimpole Woods Special Area of Conservation is referred to as functionally linked land. In the case of this internationally important designated site, the woodlands that the males Barbastelle bats roost in, and any commuting routes between the two, are classed as functionally linked land. The Bat Conservation Trust also defines "Core Sustenance Zones" which refer to the area surrounding a communal bat roost within which habitat availability and quality will have a significant influence on the resilience and conservation status of the colony using the roost.
- 5.6.14. Bats also typically forage and commute along linear features, such as hedgerows, rivers and woodland edges. Flight-lines for Barbastelle Bats are known to extend beyond the designated Special Area of Conservation boundary into the wider local landscape. A narrow strip of woodland and hedge that link Wimpole and Eversden Woods together is known to be a very important flight-line for Barbastelle Bats and other bat species, and Natural England has highlighted the importance of managing this feature carefully including the need to thicken hedges affected with additional planting.



## Appendix A

- 5.6.15. A draft protocol has been prepared by the Greater Cambridge Shared Planning Partnership to facilitate sustainable development and secure a diverse and healthy landscape for bats, people and other wildlife.
- 5.6.16. By following the guidance in the draft Eversden & Wimpole Woods Special Area of Conservation protocol, the Councils can ensure that Special Area of Conservation bat populations thrive and that developments around the designated site avoid impacts on them, thereby preventing delays during their consideration at the planning stage.
- 5.6.17. The draft bat protocol uses the SITE OF SPECIAL SCIENTIFIC INTEREST Impact Risk Zones identified on the [Multi-Agency Geographic Information for the Countryside](#) map for Eversden and Wimpole Woods Special Area of Conservation which are integral to the long-term survival of the population of Barbastelle Bats. All development proposals within this area, with the exception of householder applications, should aim to retain mature trees, woods and copses, and to provide new habitat linkages through new tree planting and the integration of existing hedgerow networks with new ones. All development within 5 km of the Special Area of Conservation designated site is considered by Natural England as a key conservation area with a 10 km sustenance or wider conservation area.
- 5.6.18. The Eversden and Wimpole Woods Special Area of Conservation map below, shows the relative Impact Risk Zones and indicative functionally linked habitat (please note this is for illustrative purposes only so some hedgerows, and smaller woods are not shown).



#### Legend

5km Impact Risk Zone
  Greater Cambridge
  Hedgerows
  Ancient Woodland
  10km Impact Risk Zone

Figure 12 Eversden and Wimpole Woods SAC

### Biodiversity Issue B10 – recreational pressure on the sensitive Sites of Special Scientific Interest

To meet national and local policy requirements (NH/5 and Policy 69) for protecting and enhancing sites of biodiversity value, applications will not normally be permitted where there is likely to be an adverse impact on land within or adjoining such sites. With specific reference to sensitive Sites of Special Scientific Interest, advice issued by Natural England suggests developers of residential schemes of 50 or more units should seek to provide sufficient Suitable Alternative Natural Greenspace, (SANG) to avoid and mitigate recreational pressure within and around the SSSI. The sensitive Sites of Special Scientific Interest within the Greater Cambridge area are listed in Annex B of Natural England's advice ([insert Ref here](#)).

5.6.19. Impact Risk Zones are an online mapping tool developed by Natural England to make an initial assessment of the potential risks to Sites of Special Scientific Interest posed by development proposals. They define zones around each Site of Special Scientific Interest which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal that could potentially have adverse impacts. Impact Risk Zones can be viewed via the [Multi-Agency Geographic Information for the Countryside](#).



- 5.6.20. Natural England has issued advice to Cambridgeshire Local Planning Authorities in relation to Recreational Pressure Impact Risk Zones relating to sensitive Sites of Special Scientific Interest in Cambridgeshire and the need for green infrastructure within large scale residential developments. Annex B of this advice lists the component Sites of Special Scientific Interest included within the Cambridgeshire Recreational Pressure Impact Risk Zone, of which there are 16 in Greater Cambridge, with a risk category assigned to each Site of Special Scientific Interest. This list could be subject to change, following any new evidence obtained through a specialist visitor survey, for example.
- 5.6.21. No zone of potential risk was identified by Natural England for Sites of Special Scientific Interest overlapping the Fenland Special Area of Conservation, due to the fact that these sites were not considered to be at significant risk from recreational pressure. In the case of Wicken Fen Ramsar, there is already an evidenced Zone of Influence, but it is the subject of a detailed study from which a new Zone of Influence is emerging. This means that applicants of developments within the Impact Risk Zone of Wicken Fen Special Area of Conservation should seek advice from the National Trust regarding potential recreational pressure impacts and mitigation measures.
- 5.6.22. Where a development location triggers a recreational pressure Impact Risk Zone on the [Multi-Agency Geographic Information for the Countryside](#) plan, a pop-up note will appear advising developers of residential proposals of the need for an assessment of recreational pressure effects on the relevant SSSI and the provision of measures to mitigate potential adverse impact. Whilst current Local Plan policies do not set requirements in respect of SANG, developers need to consider how to implement this detailed advice from Natural England, in conjunction with the councils' Open Space standards to provide access to sufficient greenspace to meet daily recreational needs of new residents. It is expected developers will seek further advice on this issue from Natural England's [Discretionary Advice Service](#).

#### **Determination of planning applications**

- 5.6.23. The Councils need certainty of likely impacts on a Biodiversity Site or protected or Priority species prior to determination to ensure that appropriate and effective mitigation measures can be secured either by a condition of any consent or under a mitigation licence from Natural England.
- 5.6.24. To support determination of planning applications, the Councils therefore expect adequate ecological information to be provided. Where no ecological report has been submitted and there is a likelihood of biodiversity being present and affected by a proposal, applicants will be requested to provide reasonable information in line with [Government Standing Advice](#) which could cause delays for example waiting for surveys to be carried out in the appropriate season. If, despite any request from the Councils, this is not provided to give certainty of likely impacts and details of effective and deliverable mitigation measures, the Councils may refuse an application rather than requiring amendments to avoid impacts.

- 5.6.25. Where ecology reports include recommendations for further surveys, these will be needed prior to determination. The Councils encourage applicants to ensure that recommendations for mitigation and compensation measures have been embedded into the design of a proposal and that they confirm delivery at the appropriate stage to support determination of a planning application.
- 5.6.26. Where impacts on biodiversity will be minimised such that the proposal is acceptable, all ecological mitigation, compensation and enhancements to deliver measurable net gain for biodiversity will either be a condition of the consent or included in a legal agreement. This will not include protected species surveys as this information is needed prior to determination.
- 5.6.27. Updated protected species surveys and mitigation strategies will need to be submitted at reserved matters stage for any measures not fully detailed in the information provided to support determination of outline or phased applications.

## **5.7. Construction stage**

### **Construction and the need for protection of features and ecological supervision**

- 5.7.1. The construction process often involves clearance of vegetation on site which has the potential for impacts on biodiversity and there is therefore a need to manage the risks to wildlife. A process is also needed to ensure that all of the essential mitigation measures identified within the Ecological Impact Assessment are put in place in the right way and at the right time.
- 5.7.2. A Construction Environment Management Plan: Biodiversity will be required by condition for many developments to include details of all necessary ecological mitigation measures, including protection of retained habitats and requirements for ecological supervision during works on site using a suitably experienced Ecological Clerk of Works. The details required are specified in model condition D.4.1 of BS42020:2013.

## **5.8. Post - Construction stage**

### **Management plans, monitoring and enforcement**

- 5.8.1. Where habitats are retained and created within a development site boundary, the Councils will seek to secure their protection during the construction process and their long-term management via conditions of any consent. The Councils will require relevant details to be provided within a Landscape and Ecological Management Plan, either at submission or secured by condition. This type of planning condition will need details of all ecological mitigation measures should be illustrated together with other landscape measures and there should be no conflict between objectives.
- 5.8.2. Where species are predicted to be affected by development proposals and habitat to support their population is retained or created on site, such as receptor sites for translocated animals, the Councils will seek to include monitoring of the effectiveness of mitigation secured. This will be separate from any legal requirement attached to a licence approved by Natural England and will be secured by a condition of any consent. Additional monitoring may be required for novel mitigation solutions, the outcomes of

which should be made available to the wider ecological consultancy industry where appropriate.

- 5.8.3. All management plans should include appropriate monitoring to ensure effectiveness and should include a process for remediation and review for any measures that have not been effective. The results of such monitoring should be reported to the Councils for review of management.
- 5.8.4. To deliver Biodiversity Net Gain, sites will require careful design, zoning and management to ensure there are no recreational conflicts with the proposed areas for habitat creation. The emerging Environment Bill is likely to require an audit trail for the delivery of Biodiversity Net Gain commitments for a period of up to 30 years.

## Appendix A

### APPENDICES

Appendix 1 Local Plan policies to be supported by this Supplementary Planning Document

Appendix 2 Protected species and ecological survey seasons

Figure 13 Adopted South Cambridgeshire Local Plan September 2018

<p>Chapter 4, Climate Change.</p> <p>Policy CC/8, Sustainable Drainage Systems</p>	<p>Development proposals must incorporate appropriate sustainable surface water drainage systems (SuDS) appropriate to the nature of the site. Development proposals will be required to demonstrate that:</p> <p>b) Opportunities have been taken to integrate sustainable drainage with the development, create amenity, enhance biodiversity, and contribute to a network of green (and blue) open space.</p> <p>d) Maximum use has been made of low land take drainage measures, such as rainwater recycling, green roofs, permeable surfaces, and water butts”</p>
<p>Chapter 5, Delivering High Quality Places.</p> <p>Policy HQ/1, Design Principles</p>	<p>“All new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context. As appropriate to the scale and nature of the development, proposals must:</p> <p>...</p> <p>Include high quality landscaping and public spaces that integrate the development with its surroundings, having a clear definition between public and private space which provide opportunities for recreation, social interaction as well as support healthy lifestyles, biodiversity, sustainable drainage and climate change mitigation.”</p>
<p>Chapter 6, Built and Natural Environment.</p> <p>Policy NH/3, Protecting Agricultural Land</p>	<ol style="list-style-type: none"> <li>1. “Planning permission will not be granted for development which would lead to the irreversible loss of Grades 1, 2 or 3a agricultural land unless:             <ol style="list-style-type: none"> <li>a) Land is allocated for development in the Local Plan</li> <li>b) Sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural value of the land.</li> </ol> </li> <li>2. Uses not involving substantial built development but which take agricultural land will be regarded as permanent unless restricted specifically by condition.</li> </ol> <p>When considering proposals for the change of use or diversification of farmland, particular consideration shall be given to the potential for impact upon Priority Species and Habitats.”</p>

<p>Chapter 6, Built and Natural Environment.</p> <p>Policy NH/4, Biodiversity</p>	<ol style="list-style-type: none"> <li>1. "Development proposals where the primary objective is to conserve or enhance biodiversity will be permitted.</li> <li>2. New development must aim to maintain, enhance, restore, or add to biodiversity. Opportunities should be taken to achieve positive gain through the form and design of development. Measures may include creating, enhancing, and managing wildlife habitats and networks, and natural landscape. The built environment should be viewed as an opportunity to fully integrate biodiversity within new development through innovation. Priority for habitat creation should be given to sites which assist in the achievement of targets in the Biodiversity Action Plans (BAPs) and aid delivery of the Cambridgeshire Green Infrastructure Strategy.</li> <li>3. If significant harm to the population or conservation status of a Protected Species, Priority Species<sup>1</sup> or Priority Habitat resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused.</li> <li>4. Where there are grounds to believe that a proposal may affect a Protected Species, Priority Species or Priority Habitat, applicants will be expected to provide an adequate level of survey information and site assessment to establish the extent of a potential impact. This survey information and site assessment shall be provided prior to the determination of an application.</li> <li>5. Previously developed land (brownfield sites) will not be considered to be devoid of biodiversity. The reuse of such sites must be undertaken carefully with regard to existing features of biodiversity interest. Development proposals on such sites will be expected to include measures that maintain and enhance important features and appropriately incorporate them within any development of the site.</li> <li>6. Planning permission will be refused for development resulting in the loss, deterioration, or fragmentation of irreplaceable habitats, such as ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.</li> </ol> <p>Climate change poses a serious threat to biodiversity and initiatives to reduce its impact need to be considered."</p>
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<p>Chapter 6, Built and Natural Environment.</p> <p>Policy NH/5, Site of Biodiversity or Geological Importance</p>	<ol style="list-style-type: none"> <li>1. “Proposed development likely to have an adverse effect on land within or adjoining a Site of Biodiversity or Geological Importance, as shown on the Policies Map (either individually or in combination with other developments), will not normally be permitted. Exceptions will only be made where the benefits of the development clearly outweigh any adverse impact.</li> <li>2. In determining any planning application affecting Sites of Biodiversity or Geological Importance the Council will ensure that the intrinsic natural features of particular interest are safeguarded or enhanced having regard to:             <ol style="list-style-type: none"> <li>a) The international, national or local status and designation of the site;</li> <li>b) The nature and quality of the site’s features, including its rarity value;</li> <li>c) The extent of any adverse impacts on the notified features;</li> <li>d) The likely effectiveness of any proposed mitigation with respect to the protection of the features of interest;</li> <li>e) The need for compensatory measures in order to re-create on or off the site features or habitats that would be lost to development.</li> </ol> </li> </ol> <p>Where appropriate the Council will ensure the effective management of designated sites through the imposition of planning conditions or Section 106 agreements as appropriate.”</p>
<p>Chapter 6, Built and Natural Environment.</p> <p>Policy NH6, Green Infrastructure</p>	<ol style="list-style-type: none"> <li>1. The Council will aim to conserve and enhance green infrastructure within the district. Proposals that cause loss or harm to this network will not be permitted unless the need for and benefits of the development demonstrably and substantially outweigh any adverse impacts on the district’s green infrastructure network.</li> <li>2. The Council will encourage proposals which: a. Reinforce, link, buffer and create new green infrastructure; and b. Promote, manage, and interpret green infrastructure and enhance public enjoyment of it.</li> <li>3. The Council will support proposals which deliver the strategic green infrastructure network and priorities set out in the Cambridgeshire Green Infrastructure Strategy, and which deliver local green infrastructure.</li> </ol> <p>All new developments will be required to contribute towards the enhancement of the green infrastructure network within the district. These contributions will</p>

	include the establishment, enhancement and the on-going management costs.”
Chapter 6, Built and Natural Environment.  Policy NH/7, Ancient Woodlands and Veteran Trees	1. “Planning permission will be refused for development resulting in the loss or deterioration of ancient woodland (as shown on the Policies Map) or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.  Development proposals affecting ancient woodland or veteran trees will be expected to mitigate any adverse impacts, and to contribute to the woodland’s or veteran tree’s management and further enhancement via planning conditions or planning obligations.”
Development Plan Document. Local Development Framework, Northstowe Area Action Plan. July 2007.  Policy NS/2 Development Principles	“Plans to be Approved:  ... The town of Northstowe will be developed: h. Making drainage water features an integral part of the design of the town and its open spaces, so that they also provide for amenity, landscape, biodiversity and recreation.”
Development Plan Document. Local Development Framework, Northstowe Area Action Plan. July 2007.  Policy NS/12 Landscape Principles	“The Landscape Strategy will:  ... b) Ensure a high degree of connectivity between the new town and wider countryside for wildlife and people, including extending the rights of way network (public footpaths and bridleways);  ... f) Create a network of green spaces which contribute to legibility, are pleasant, attractive, and beneficial to wildlife, and integrate well with the wider countryside; g) Enable landscaped areas to provide an environment suitable to mitigate any adverse wildlife impacts and to maximise the benefits to wildlife thus increasing biodiversity.  2. Construction spoil retained on site must be distributed in a manner appropriate to the local topography and landscape character, and can be used for noise mitigation, flood risk management or biodiversity enhancement.”
Development Plan Document. Local Development Framework, Northstowe Area Action Plan. July 2007.	“The Eastern Water Park: A landscaped water park with appropriate planting and footpaths will be provided on the other edge of Northstowe to the east along the St Ives railway. The water park will provide an attractive amenity for the town and a landscape buffer to the open countryside.



<p>Policy NS/13 Landscape Treatment of the Edges of Northstowe</p>	<p>It will also provide opportunities to create wildlife habitats and thus increase biodiversity.”</p>
<p>Development Plan Document. Local Development Framework, Northstowe Area Action Plan. July 2007.</p> <p>Policy NS/14 Landscaping within Northstowe</p>	<p>“Green Corridors          ...          3. They will have landscaping and biodiversity value and also perform a recreational function for both informal recreation and children's play. Public access will include provision for walking, cycling and horse riding.          Road and bus crossings through the Green Corridors will be designed to limit any adverse safety implications for people and be low key in character to limit adverse effects on the landscape. Safe and appropriate crossing facilities for wildlife will also be provided, such as tunnels under roads and ditches alongside roads where appropriate.”</p>
<p>Development Plan Document. Local Development Framework, Northstowe Area Action Plan. July 2007.</p> <p>Policy NS/16 Existing Biodiversity Features</p>	<p>“Biodiversity Surveys:          1. Developers will be required to undertake a full programme of ecological survey and monitoring prior to the commencement of construction. This work should conclude by proposing a strategy for the protection and enhancement of biodiversity, and Biodiversity Management Plans, to establish:          a. Which areas of biodiversity will be protected and enhanced;          b. Appropriate mitigation measures;          c. Which specific impacts of development will need to be monitored during and after construction          Further ecological surveys will be required during and after construction, and the Biodiversity Strategy and Management Plans will be reviewed in the light of surveys and monitoring.          Management Strategy:          2. The developer will be required to develop a Management Strategy to ensure high quality, robust and effective implementation, adoption, and maintenance of the biodiversity areas.          Retention of Existing Features:          Existing features including trees, tree plantations and the lake in the southern section of the airfield and the existing ponds in the golf course will be retained as biodiversity and landscape features where such features can make a significant contribution to the urban environment or to the biodiversity of the site.”</p>

<p>Development Plan Document. Local Development Framework, Northstowe Area Action Plan. July 2007. Policy NS/17 New Biodiversity Features</p>	<p>“Eastern Water Park: 1. The water park along the eastern boundary of the town and west of the disused railway, which will be created to provide for the attenuation of surface water flows, will be managed to enhance the biodiversity of Northstowe by providing an extensive wetland habitat and to maximise its value to key species. Southern Parkland Country Park: 2. A parkland landscape will be created between Northstowe and Oakington to provide a substantial resource of trees, grassland, and other areas of semi-natural vegetation. This area will be designed and managed for its wildlife value. Green Corridors Through and Beyond the Town: 3. Green corridors will be established through the town to connect where possible to biodiversity features and corridors beyond the town. Creating Habitats Within the Urban Area: Every opportunity will be taken to incorporate features within the urban fabric, through urban design and through the use of sympathetic materials to create wildlife habitats.”</p>
<p>Development Plan Document. Local Development Framework, Northstowe Area Action Plan. July 2007.  Policy NS/24 Construction Strategy</p>	<p>Site Access and Haul Roads: 2. A scheme will be introduced to avoid construction vehicles travelling through villages in the locality and to ensure that any haul roads are located, designed and landscaped in such a way as to minimise any noise, smell, dust, visual or other adverse impacts on existing residents and businesses, and on the new residents and businesses at Northstowe. They should also avoid adverse effects on the environmental amenities of biodiversity, rights of way and green spaces. Traffic flows will be monitored to ensure that the public have a mechanism to feedback any concerns that arise during development. Construction Activities: Planning conditions will be imposed to minimise the adverse effects of construction activity on residential amenity and the environment”</p>
<p>Development Plan Document. Local Development Framework, Northstowe Area Action Plan. July 2007.</p>	<p>“Management strategies for services, facilities, landscape and infrastructure will be submitted to the local planning authority for adoption prior to the granting of outline planning permission to ensure high quality, robust and effective implementation, adoption and maintenance. Landownership for these uses</p>

<p>Policy NS/27 Management of Services, Facilities, Landscape and Infrastructure</p>	<p>should be as simple as possible, preferably in a single ownership to avoid fragmentation. In particular, there should be a single agreed Management Strategy covering recreation, landscape, and biodiversity. The inclusion of water and drainage features within open spaces would have significant advantages and should therefore be investigated.”</p>
<p>Local Development Framework: Cambridge East Area Action Plan (Feb 2008).  Policy CE/4, The Setting of Cambridge East</p>	<p>Green Corridor: 3. “A green corridor will be retained through the new urban quarter connecting the green spaces of Cambridge to the surrounding countryside, linking from Coldham's Common to a new country park located to the east of Airport Way and south of Newmarket Road, and also to the National Trust's Wicken Fen Vision. The green corridor will have width of about 300m and be significantly narrower only where particular justification is provided and the green corridor function is not inhibited. It will open up to a greater width at the Teversham end of the corridor, where an informal countryside character will be provided to help to maintain the individual identity of the village.  It will have landscaping and biodiversity value and also perform a recreational function for both informal recreation and children's play.”</p>
<p>Local Development Framework: Cambridge East Area Action Plan (Feb 2008).  Policy CE/4, The Setting of Cambridge East. Policy CE/13 Landscape Principles</p>	<p>Landscape Strategy: 1. “The Strategy will: a. To ensure a high degree of connectivity between the new urban quarter and the wider countryside for wildlife and people;  ... Enable the landscaped areas within the urban quarter to provide an environment suitable to mitigate against any adverse wildlife impacts and to maximise the benefits to wildlife thus increasing biodiversity”</p>
<p>Local Development Framework: Cambridge East Area Action Plan (Feb 2008).  Policy CE/14, Landscaping within Cambridge East</p>	<p>Green Fingers: 3. “They will have landscaping and biodiversity value and also perform a recreational function for both informal recreation and children's play. Public access will include provision for walking, cycling and horse riding.  Road and bus crossings through the green fingers will be designed to limit any adverse safety implication for people and be low key in character to limit adverse effects on the landscape. Safe and appropriate crossing facilities for wildlife will also be provided, such as tunnels under roads and ditches alongside roads where appropriate”</p>

<p>Local Development Framework: Cambridge East Area Action Plan (Feb 2008).</p> <p>Policy CE/16, Biodiversity</p>	<ol style="list-style-type: none"> <li>1. “The development of Cambridge East will have regard to the conservation and enhancement of biodiversity, and every opportunity should be taken to achieve positive gain to biodiversity through the form and design of development. As appropriate, measures will include creating, enhancing, and managing wildlife habitats and natural landscape. Priority for habitat creation should be given to sites which assist in achieving targets in the Biodiversity Action Plans (BAPs).</li> <li>2. Development will not be permitted if it would have an adverse impact on the population or conservation status of protected species or priority species or habitat unless the impact can be adequately mitigated by measures recurred by Section 106 agreements or planning conditions.</li> <li>3. Where there are grounds to believe that development proposal may affect a protected species or priority species or habitat, applicants will be expected to provide an adequate level of survey information to establish the extent of the potential impact together with possible alternatives to the development, mitigation schemes and / or compensation measures.</li> <li>4. Development proposals will take account of the impact, either direct or indirect, on people's opportunity to enjoy and experience nature on a site together with opportunities to improve public access to nature.</li> </ol> <p>Exceptionally, where the economic or social benefits of a proposal outweigh harm to an important site or species, the approach will be first to avoid or minimise the harm, then to seek mitigation of the impact, and finally to secure appropriate compensation for any residual impact in order to ensure no net loss of biodiversity. Planning conditions and obligations will be used as appropriate to secure this.”</p>
<p>Local Development Framework: Cambridge East Area Action Plan (Feb 2008).</p> <p>Policy CE/17, Existing Biodiversity Features</p>	<p>Biodiversity Surveys:</p> <ol style="list-style-type: none"> <li>1. “Developers will be required to undertake a full programme of ecological survey and monitoring prior to the commencement of construction. This work should conclude by proposing a strategy for the protection and enhancement of biodiversity, and Biodiversity Management Plans, to establish:             <ol style="list-style-type: none"> <li>a. Which areas of biodiversity will be protected and enhanced;</li> <li>b. Appropriate mitigation measures;</li> </ol> </li> </ol>

	<p>c. Which specific impacts of development will need to be monitored during and after construction.</p> <p>Further ecological surveys will be required during and after construction, and the Biodiversity Strategy and Management Plans will be reviewed in the light of surveys and monitoring.</p> <p>Management Strategy:</p> <p>2. The developer will be required to develop a Management Strategy to ensure high quality, robust and effective implementation, adoption, and maintenance of the biodiversity areas.</p> <p>Retention of Existing Features:</p> <p>3. Existing features including trees in the Park and Ride site will be retained as biodiversity and landscape features.</p> <p>4. Development will not be permitted if it will have an adverse impact on a Local Nature Reserve (LNR), a Country Wildlife Site (CWS), or a City Wildlife Site (CiWS) unless it can be clearly demonstrated that there are reasons for the proposal, which outweigh the need to safeguard the substantive nature conservation of the site. Where development is permitted, proposals should include measures to minimise harm, to secure suitable mitigation and / or compensatory measures, and where possible enhance the nature conservation value of the site affected through habitat creation and management.</p> <p>New Biodiversity Features:</p> <p>5. As part of the development of the urban quarter, new biodiversity features will be provided in the green corridor and green fingers, together with, in the country park, a substantial resource of trees, grassland and other areas of semi-natural vegetation which is sympathetic to local landscape character.</p> <p>Creating Habitats within the Urban Area: Every opportunity will be taken to incorporate features within the urban fabric, through urban design and through the use of sympathetic materials to create wildlife habitats.”</p>
<p>Local Development Framework: Cambridge East Area Action Plan (Feb 2008).</p>	<p>Site Access and Haul Roads:</p> <p>2. “A scheme will be introduced to avoid construction traffic travelling through residential areas in the city and villages in the locality and ensure that any haul roads are located, designed and landscaped in such a way as to</p>

<p>Policy CE/29, Construction Strategy</p>	<p>minimise any noise, smell, dust, visual or other adverse impacts on existing residents and businesses, and on the new residents and businesses at Cambridge East. They should also avoid adverse effects on the environmental amenities of biodiversity, rights of way and green spaces. Traffic flows will be monitored to ensure that the public have a mechanism to feedback any concerns that arise during development.</p> <p>Construction Activities: Planning conditions will be imposed to minimise the adverse effects of construction activity on residential amenity and the environment”</p>
<p>Local Development Framework: Cambridge East Area Action Plan (Feb 2008).</p> <p>Policy CE/31, Management of Services, Facilities, Landscape and Infrastructure</p>	<p>“Management strategies for services, facilities, landscape and infrastructure will be submitted to the local planning authority for adoption prior to the granting of outline planning permission to ensure high quality, robust and effective implementation, adoption and maintenance. Landownership for these uses should be as simple as possible, preferably in a single ownership to avoid fragmentation. In particular, there should be a single agreed Management Strategy covering recreation, landscape, and biodiversity. The inclusion of water and drainage features within open spaces would have significant advantages and should therefore be investigated.”</p>
<p>Local Development Framework: Cambridge East Area Action Plan (Feb 2008).</p> <p>Policy CE/33, Infrastructure Provision</p>	<p>1. “Planning permission will only be granted at Cambridge East where there are suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. Contributions will be necessary for some or all of the following: ... Landscaping and biodiversity”</p>
<p>Local Development Framework: Cambridge Southern Fringe Area Action Plan, February 2008.</p> <p>Policy CSF/2 Development and Countryside Improvement Principles</p>	<p>“Trumpington West will be developed: ... 9. To achieve a net increase in biodiversity across the site; 10. Making drainage water features an integral part of the design of the urban extension and its open spaces, so they also provide for amenity, landscape, biodiversity, and recreation. ... Trumpington West will connect the green spaces of Cambridge to the surrounding countryside, maintain a Green Corridor along the River Cam, and provide</p>

	<p>landscape, biodiversity and public access enhancements in the surrounding countryside.”</p>
<p>Local Development Framework: Cambridge Southern Fringe Area Action Plan, February 2008.</p> <p>Policy CSF/5 Countryside Enhancements Strategy</p>	<p>“1. Planning permission for development at Trumpington West will include a planning obligation requirement for contributions to the implementation of a Countryside Enhancement Strategy which will create an enhanced gateway into the City between Hauxton Road and the River Cam and which will comprise:</p> <ul style="list-style-type: none"> <li>a. The creation of a country park, comprising new meadow grassland, to the east of the River Cam, both north and south of the M11, from Grantchester Road to Hauxton Mill;</li> <li>b. Hedgerow planting on field boundaries in the agricultural land between Hauxton Road and the Trumpington Meadows Country Park;</li> </ul> <p>...</p> <ul style="list-style-type: none"> <li>d. Measures to protect and enhance wildlife habitats, including managing public access to the riverbanks;</li> <li>e. Noise attenuation on the northern side of the M11 through the creation of new landscape features which are compatible with the river valley character.</li> </ul> <p>2. A Countryside Enhancement Strategy will be prepared for the area bounded by the Cambridge City boundary, Babraham Road, Haverhill Road, and the edge of the built area of Great Shelford and Stapleford. The Strategy will comprise:</p> <ul style="list-style-type: none"> <li>f. New copses on suitable knolls, hilltops, and scarp tops.</li> <li>g. Management and creation of chalk grassland</li> <li>h. Management of existing shelter belts.</li> <li>i. New mixed woodland and shelter belts.</li> <li>j. Creation of a landscape corridor along Hobson's Brook.</li> <li>k. Reinforcement and planting of new hedgerows.</li> <li>l. Roadside planting.</li> </ul> <p>3. The Countryside Strategies will include integrated proposals for landscape, biodiversity, recreation, and public access improvements, which will be compatible with long-term agricultural production to create enhanced gateways into the City. Provision will be made for maintenance of landscaping and replacement of diseased, dying, and dead stock for a period of 10 years, and details of long-term management thereafter.”</p>

<p>Local Development Framework: Cambridge Southern Fringe Area Action Plan, February 2008.</p> <p>Policy CSF/12 Landscape Principles</p>	<p>1. “A Landscape Strategy for Trumpington West must be submitted and approved prior to the granting of planning permission, of a level of detail appropriate to the type of application. It will be implemented as part of the conditions / planning obligations for the development of the urban extension. The strategy will:</p> <p style="padding-left: 40px;">f. Enable the landscaped areas within the urban extension to provision an environment suitable to mitigate any adverse wildlife impacts and to maximise the benefits to wildlife thus increasing biodiversity;</p> <p style="padding-left: 40px;">h. Make best use of and enhance existing tree and hedge resources as a setting for the development.”</p>
<p>Local Development Framework: Cambridge Southern Fringe Area Action Plan, February 2008.</p> <p>Policy CSF/13 Landscaping within Trumpington West</p>	<p>Green Fingers:</p> <p style="padding-left: 40px;">1. “They will have landscaping and biodiversity value and also perform a recreational function for both informal recreation and children's play. Public access will include provision for walking, cycling and horse riding.</p> <p>Road and bus crossings through the green fingers will be designed to limit any adverse safety implication for people and be low key in character to limit adverse effects on the landscape. Safe and appropriate crossing facilities for wildlife will also be provided, such as tunnels under roads and ditches alongside roads where appropriate”</p>
<p>Local Development Framework: Cambridge Southern Fringe Area Action Plan, February 2008.</p> <p>Policy CSF/15 Enhancing Biodiversity</p>	<p style="padding-left: 40px;">1. “Outline planning applications for development at Trumpington West will be accompanied by a comprehensive ecological survey of flora and fauna. This will include land bounded by the River Cam and Hauxton Road as far south as Hauxton Mill.</p> <p>Managing Enhancing Biodiversity:</p> <p style="padding-left: 40px;">2. All open areas will be managed and landscaped to encourage wildlife in locally distinctive habitats. Sensitive habitats will be protected by limiting public access to specified areas.</p> <p style="padding-left: 40px;">3. A Biodiversity Management Strategy will demonstrate how biodiversity will be enhanced and how local communities will be involved. A project officer will be funded to implement the strategy through a planning obligation.</p> <p>Green Fingers and the Countryside: Connections will be provided for Green Fingers within the urban extensions to the surrounding countryside by enhanced landscaping, planting and the creation of wildlife habitats to provide links to larger scale wildlife</p>



	habitats to provide links to larger scale wildlife habitats further afield including Nine Wells, the Magog Down, Wandlebury Country Park, the River Cam corridor, Coton Country Park, Wimpole Hall and Wicken Fen.”
<p>Local Development Framework: Cambridge Southern Fringe Area Action Plan, February 2008.</p> <p>Policy CSF/22 Construction Strategy</p>	<p>Site Access and Haul Roads:</p> <ol style="list-style-type: none"> <li>1. “A scheme will be introduced to avoid construction traffic travelling through Trumpington and villages in the locality and ensure that any haul roads are located, designed and landscaped in such a way as to minimise any noise, smell, dust, visual or other adverse impacts on existing residents and businesses, and on the new residents and businesses at Trumpington West. They should also avoid adverse effects on the environmental amenities of biodiversity, rights of way and green spaces. Traffic flows will be monitored to ensure that the public have a mechanism to feedback any concerns that arise during development.</li> </ol> <p>...</p> <p>Construction Activities: Planning conditions will be imposed to minimise the adverse effects of construction activity on residential amenity and the environment”</p>
<p>Local Development Framework: Cambridge Southern Fringe Area Action Plan, February 2008.</p> <p>Policy CSF/24 Management of Services, Facilities, Landscape and Infrastructure</p>	<p>“1. Management strategies for services, facilities, landscape, and infrastructure will be submitted to the local planning authority for adoption prior to the granting of outline planning permission to ensure high quality, robust and effective implementation, adoption, and maintenance. Landownership for these uses should be as simple as possible, preferably in a single ownership to avoid fragmentation. In particular, there should be a single agreed Management Strategy covering recreation, landscape, and biodiversity. The inclusion of water and drainage features within open spaces would have significant advantages and should therefore be investigated.”</p>
<p>Local Development Framework North West Cambridge Area Action Plan, October 2009.</p> <p>Policy NW2: Development Principles</p>	<p>“2. Development proposals should, as appropriate to their nature, location, scale, and economic viability: f) Protect and enhance the geodiversity and biodiversity of the site and incorporate historic landscape and geological features;</p> <p>3. Planning permission will not be granted where the proposed development or associated mitigation measures would have an unacceptable adverse impact:</p> <ol style="list-style-type: none"> <li>n) On biodiversity, archaeological, historic landscape, and geological interests;</li> <li>s) On protected trees and trees of significance”</li> </ol>

<p>Local Development Framework North West Cambridge Area Action Plan, October 2009.</p> <p>Policy NW4: Site and Setting</p>	<p>“Land between Madingley Road and Huntingdon Road, comprising two areas totalling approximately 91ha, as shown on the Proposals Map, is allocated for predominantly University-related uses. A strategic gap is retained between the two parts of the site to ensure separation is maintained between Cambridge and Girton village and to provide a central open space for reasons of biodiversity, landscape, recreation and amenity, whilst ensuring a cohesive and sustainable for of development.”</p>
<p>Local Development Framework North West Cambridge Area Action Plan, October 2009.</p> <p>Policy NW24: Climate Change &amp; Sustainable Design and Construction</p>	<p>“1. Development will be required to demonstrate that is has been designed to adapt to the predicted effects of climate change;                  2. Residential development will be required to demonstrate that                      b) All dwellings approved on or after 1 April 2013 will meet Code for Sustainable Homes Level 5 or higher;                      c) There is no adverse impact on the water environment and biodiversity as a result of the implementation and management of water conservation measures.                  3. Non-residential development and student housing will be required to demonstrate that:                      d) it will achieve a high degree of sustainable design and construction in line with BREEAM "excellent" standards or the equivalent if this is replaced;                      e) It will incorporate water conservation measures including water saving devices, greywater and/or rainwater recycling in all buildings to significantly reduce potable water consumption; and                      g) There is no adverse impact on the water environment and biodiversity as a result of the implementation and management of water conservation measures. “</p>
<p>Local Development Framework North West Cambridge Area Action Plan, October 2009.</p> <p>Policy NW25: Surface Water Drainage</p>	<p>1. “Surface water drainage for the site should be designed as far as possible as a sustainable drainage system (SuDS) to reduce overall run-off volumes leaving the site, control the rate of flow and improve water quality before it joins any water course or other receiving body;                  2. The surface water drainage system will seek to hold water on the site, ensuring that it is released to surrounding water courses at an equal, or slower, rate that was the case prior to development;</p>

	<p>3. Water storage areas should be designed and integrated into the development with drainage, recreation, biodiversity, and amenity value; and Any surface water drainage scheme will need to be capable of reducing the downstream flood risk associated with storm events as well as normal rainfall events. All flood mitigation measures must make allowance for the forecast effects of climate change.”</p>
<p>Cambridge Local Plan 2018</p> <p>Policy 7: The River Cam</p>	<p>Development proposals along the River Cam corridor should:</p> <ul style="list-style-type: none"> <li>a. include an assessment of views of the river and a demonstration that the proposed design of the development has taken account of the assessment in enhancing views to and from the river;</li> <li>b. preserve and enhance the unique physical, natural, historically, and culturally distinctive landscape of the River Cam;</li> <li>c. raise, where possible, the quality of the river, adjacent open spaces, and the integrity of the built environment in terms of its impact, location, scale, design, and form;</li> <li>d. propose, where possible and appropriate to context, enhancement of the natural resources of the River Cam and offer opportunities for re-naturalisation of the river;</li> <li>e. enable, where possible, opportunities for greater public access to the River Cam; and</li> <li>f. take account of and support, as appropriate, the tourism and recreational facilities associated with the river.</li> </ul>
<p>Cambridge Local Plan 2018</p> <p>Policy 8: Setting of the city</p>	<p>“Development on the urban edge, including sites within and abutting green infrastructure corridors and the Cambridge Green Belt, open spaces and the River Cam corridor, will only be supported where it: includes landscape improvement proposals that strengthen or recreate the well-defined and vegetated urban edge, improve visual amenity, and enhance biodiversity</p>
<p>Cambridge Local Plan 2018</p> <p>Policy 31: Integrated water management</p>	<p>Development will be permitted provided that:</p> <ul style="list-style-type: none"> <li>f) any flat roof is a green or brown roof, providing that it is acceptable in terms of its context in the historic environment of Cambridge and the structural capacity of the roof if it is a refurbishment. Green or brown roofs should be widely used in large-scale new communities;</li> </ul> <p>...</p> <p>development adjacent to a water body actively seeks to enhance the water body in terms of its hydro morphology, biodiversity potential and setting.”</p>

Appendix A

<p>Cambridge Local Plan 2018</p> <p>Policy 52: Protecting garden land and the subdivision of existing dwelling plots</p>	<p>“Proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where: b. sufficient garden space and space around existing dwellings is retained, especially where these spaces and any trees are worthy of retention due to their contribution to the character of the area and their importance for biodiversity.”</p>
<p>Cambridge Local Plan 2018</p> <p>Policy 57: Designing new buildings</p>	<p>“High quality new buildings will be supported where it can be demonstrated that they include an appropriate scale of features and facilities to maintain and increase levels of biodiversity in the built environment”</p>
<p>Cambridge Local Plan 2018</p> <p>Policy 58: Altering and extending existing buildings</p>	<p>“Alterations and extensions to existing buildings will be permitted where they: do not adversely impact on the setting, character or appearance of listed buildings or the appearance of conservation areas, local heritage assets, open spaces, trees or important wildlife features;”</p>
<p>Cambridge Local Plan 2018</p> <p>Policy 59: Designing landscape and the public realm</p>	<p>“External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases. High quality development will be supported where it is demonstrated that: species are selected to enhance biodiversity through the use of native planting and/or species capable of adapting to our changing climate”</p>
<p>Cambridge Local Plan 2018</p> <p>Policy 66: Paving over front gardens</p>	<p>“Proposals for the paving over of front gardens will only be permitted where it can be demonstrated that: ... c. it will not result in a net loss of biodiversity”</p>
<p>Cambridge Local Plan 2018</p> <p>Policy 69: Protection of sites of local nature conservation importance</p>	<p>“In determining any planning application affecting a site of biodiversity or geodiversity importance, development will be permitted if it will not have an adverse impact on, or lead to the loss of, part of all of a site identified on the Policies Map. Regard must be had to the international, national, or local status and designation of the site and the nature quality of the site's intrinsic features, including its rarity. Where development is permitted, proposals must include measures:</p> <ul style="list-style-type: none"> <li>a. to minimise harm;</li> <li>b. to secure achievable mitigation and/or compensatory measures; and</li> <li>c. where possible enhance the nature conservation value of the site affected through habitat creation, linkage, and management.</li> </ul>

	<p>In exceptional circumstances, where the importance of the development outweighs the need to retain the site, adequate replacement habitat must be provided. Any replacement habitat must be provided before development commences on any proposed area of habitat to be lost.”</p>
<p>Cambridge Local Plan 2018  Policy 70: Protection of priority species and habitats</p>	<p>“Development will be permitted which: a. protects priority species and habitats; and b. enhances habitats and populations of priority species. Proposals that harm or disturb populations and habitats should:</p> <ul style="list-style-type: none"> <li>c. minimise any ecological harm; and d. secure achievable mitigation and/or compensatory measures, resulting in either no net loss or net gain of priority habitat and local populations of priority species.</li> </ul> <p>Where development is proposed within or adjoining a site hosting priority species and habitats, or which will otherwise affect a national priority species or a species listed in the national and Cambridgeshire-specific biodiversity action plans (BAPs), an assessment of the following will be required:</p> <ul style="list-style-type: none"> <li>e. current status of the species population;</li> <li>f. the species' use of the site and other adjacent habitats;</li> <li>g. the impact of the proposed development on legally protected species, national and Cambridgeshire-specific BAP species, and their habitats; and</li> <li>h. details of measures to fully protect the species and habitats identified.</li> </ul> <p>If significant harm to the population or conservation status of protected species, priority species or priority habitat resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused.”</p>
<p>Cambridge Local Plan 2018 Policy 71: Trees</p>	<p>“Development will not be permitted which involves felling, significant survey (either now or in the foreseeable future) and potential root damage to trees of amenity or other value, unless there are demonstrable public benefits accruing from the proposal which clearly outweigh the current and future amenity value of the trees. Development proposals should:</p> <ul style="list-style-type: none"> <li>a. preserve, protect, and enhance existing trees and hedges that have amenity value as perceived from the public realm;</li> </ul>

	<ul style="list-style-type: none"><li>b. provide appropriate replacement planting, where felling is proved necessary; and</li><li>c. provide sufficient space for trees and other vegetation to mature.</li></ul> <p>Particular consideration should be given to veteran or ancient trees, as defined by Natural England, in order to preserve their historic, ecological and amenity value.”</p>
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Appendix A

**Appendix 2 Guidance on protected species and ecological survey seasons**

**This provides a rough guide to the seasonality of ecological survey to illustrate the potential impact on the submission of information in support of a planning application. A suitably qualified ecologist should always be consulted to provide site specific advice on appropriate methodologies and timing, which may depend on weather conditions.**

*Table 1 Ecological SPD Table*

Preliminary Ecological Appraisals	Surveys are possible year-round.
Botanical Surveys	As appropriate to plant community from June to August. Marginal opportunities from April to May, and September.
Breeding Birds	Six survey visits across the season from March to June. Marginal opportunity in July.
Wintering Birds	At least monthly from January to February and November to December.
Badgers	Surveys for evidence can be undertaken year-round. Bait marking and sett surveys from February to April and September to November. Breeding season, limited surveying from May to August and December to January. Licensable season for disturbance from July to November.
Bats	Potential Roost Assessment Surveys are possible year-round. Emergence and Activity Surveys from May to September. Marginal opportunities in April and October, depending on temperature.
Hazel Dormice	Nest tube survey with monthly checks throughout season, to achieve minimum level of effort from April to November.
Reptiles	Weather conditions are important from April to July and September. Marginal opportunities in March, August, and October to November.
Water Voles	Habitat assessment possible year-round. Two surveys required. The first survey from April to June. The second survey from July to September. This identifies breeding territories and latrines. Marginal opportunities for the two surveys from October to November.
Otters	Surveys are possible all year-round.
Great Crested Newts	Habitat assessment possible year-round. Four aquatic surveys which must include two surveys from mid-April to May. eDNA survey season from mid-March to end of June. Marginal opportunities in March, and from July to August.
White Clawed Crayfish	Habitat assessment possible year-round. Netting survey from July to November.

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# Equality Impact Assessment (EqIA): Draft Greater Cambridge Biodiversity Supplementary Planning Document

## Introduction – Please read


The Public Sector Equality Duty, introduced under the Equality Act 2010, requires all public bodies, including local authorities, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation.
- Advance equality of opportunity between those who share a protected characteristic and those who do not.
- Foster good relations between those who share a relevant protected characteristic and those who do not.

Equality Impact Assessments (EqIAs) allow the Council to:

- Show that we are meeting this legal duty by demonstrating due regard for the provisions of the Public Sector Equality Duty.
- Identify possible negative impacts on individuals and groups with protected characteristics, plan mitigating action and seek to maximise opportunities to advance equality within our activities.

EqIAs provide a methodical approach to the assessment of impacts across the [nine protected characteristics](#) and should be completed during the development and review of all Council policies, strategies, procedures, projects or functions. Where there is any doubt, the completion of an EqIA is always recommended.

Throughout the course of this form, please hover over the [] symbol for guidance in relation to specific questions. When the form is completed, please send an

## Appendix B

electronic copy to [equality.schemes@scambs.gov.uk](mailto:equality.schemes@scambs.gov.uk). If you require any additional support completing the form, please email the above address.

# Equality Impact Assessment Complete Form

## Section 1: Identifying Details

- 1.1 Officer completing EqIA:  
Fiona Lightfoot
  
- 1.2 Team and Service:  
Planning Policy Team, Greater Cambridge Shared Planning Service.
  
- 1.3 Title of proposal:  
Draft Greater Cambridge Biodiversity Supplementary Planning Document (SPD)
  
- 1.4 EqIA completion date:  
June 2021
  
- 1.5 Proposal implementation date:  
Adoption of the Supplementary Planning Document currently anticipated late 2021.
  
- 1.6 Who will be responsible for implementing this proposal:  
Greater Cambridge Shared Planning Service and external stakeholders.

## Section 2: Proposal to be Assessed

- 2.1 Type of proposal:  
Policy guidance – Supplementary Planning Document (SPD)

## Appendix B

### 2.2 Is the proposal: New

The draft Greater Cambridge Biodiversity SPD is a new document; however, it does not introduce new planning policy. The document expands and provides additional guidance on the application of policies within adopted Local Plans covering the Greater Cambridge Area, namely the South Cambridgeshire Local Plan (September 2018) and the Cambridge Local Plan (October 2018). Once adopted, the Greater Cambridge Biodiversity SPD will supersede the South Cambridgeshire Biodiversity SPD 2009.

### 2.3 State the date of any previous equality impact assessment completed in relation to this proposal (if applicable):

This is the first EqIA to be undertaken for the draft Greater Cambridge Biodiversity SPD; however, previous assessments were completed during the preparation of the adopted Local Plans to which this supplementary guidance relates.

### 2.4 What are the headline aims of the proposal and the objectives that will help to accomplish these aims? (Approximately 250 words)

The Greater Cambridge Biodiversity SPD has been prepared to assist the delivery of adopted Local Plan policies relating to the conservation and enhancement of biodiversity. It provides technical guidance, for individuals, businesses and organisations submitting planning applications, on the information that is required to demonstrate compliance with adopted planning policies relating to biodiversity. In providing such guidance, the SPD seeks to ensure that all new development complies with current planning policy and contributes to the councils' commitment to deliver measurable biodiversity net gain across Greater Cambridge.

Specific objectives of the document are as follows:

- To explain terminology associated with biodiversity conservation to assist applicants' understanding of the importance of biodiversity within the wider environment of Greater Cambridge.
- To be clear on the ways in which development proposals in Greater Cambridge can be formulated in an appropriate manner to avoid harm

## Appendix B

to biodiversity and to provide a long-term, measurable net gain for biodiversity.

- To encourage applicants to protect, restore and enhance locally relevant natural habitats and ecological features on their sites and to create new habitats, as part of a high-quality design.
- To assist applicants to gain planning permission in Greater Cambridge more quickly by informing them of the level of information expected to accompany planning applications.

The SPD provides guidance on the following policies contained within the adopted South Cambridgeshire Local Plan (2018):

- NH/2 Protecting and Enhancing Landscape Character
- NH/3 Protecting Agricultural Land
- NH/4 Biodiversity
- NH/5 Sites of Biodiversity or Geological Importance
- NH/6 Green Infrastructure
- NH/7 Ancient Woodlands and Veteran Trees
- CC/8 Sustainable Drainage Systems
- HQ/1 Design Principles

The SPD provides guidance on the following policies contained within the adopted Cambridge Local Plan (2018):

- Policy 7 The River Cam
- Policy 8 Setting of the city
- Policy 31 Integrated water management
- Policy 52 Protecting garden land and the subdivision of existing dwelling plots
- Policy 57 Designing New Buildings (criteria h)
- Policy 58 Altering and extending existing buildings
- Policy 59 Designing landscape and the public realm
- Policy 66 Paving over front gardens
- Policy 69 Protection of sites of biodiversity and geodiversity importance
- Policy 70 Protection of Priority Species and Habitats
- Policy 71 Trees

**2.5** Which of South Cambridgeshire District Council's business plan priorities does this proposal link to?

## Appendix B

- Helping Businesses to grow - ✓
- Building homes that are truly affordable to live in - ✓
- Being green to our core - ✓
- A modern and caring council - ✓

**2.6** Which of South Cambridgeshire District Council's equality objectives (as detailed in SCDC's Equality Scheme) does this proposal link to or help to achieve?

- Identify, prioritise and deliver actions that will narrow the gap in outcomes between disadvantaged groups and the wider community- ✓
- SCDC is an employer that values difference and recognises the strength that a diverse workforce brings - ✓
- Protected characteristic groups have a voice and are represented in forming the future shape of the district - ✓

**2.7** Which of Cambridge City Council's equality objectives (as detailed in CCC's Equality Scheme) does this proposal link to or help to achieve?

- To further increase our understanding of the needs of Cambridge's growing and increasingly diverse communities so that we can target our services effectively - ✓
- To continue to work to improve access to and take-up of Council services from all residents and communities - ✓
- To work towards a situation where all residents have equal access to public activities and spaces in Cambridge and are able to participate fully in the community - ✓

**2.8** Which groups or individuals will the proposal affect:

- |                           |                 |
|---------------------------|-----------------|
| • Service Users ✓         | • Councillors ✓ |
| • External Stakeholders ✓ | • Other ✓       |
| • Employees ✓             |                 |

If other, please specify – all residents and visitors to the Greater Cambridge area.

## 2.9 How will these groups or individuals be affected?

The draft Biodiversity SPD has been prepared to provide a clear framework to better enable consideration of biodiversity issues in decision making relevant to the delivery of new development across the Greater Cambridge area.

The SPD will apply to new development across the Greater Cambridge area. As such, there is potential for it to affect a large and wide-ranging proportion of existing and future communities by facilitating environmental improvements and improved access to natural green spaces within and around new developments.

The draft SPD sets out guidance to assist applicants for planning permission in meeting local and national policy requirements for biodiversity in their proposed developments. In this regard, the SPD will specifically affect applicants, agents, landowners, and developers by providing additional clarification and guidance.

Potential respondents to the public consultation on the draft SPD, scheduled for summer 2021, may include:

- Existing and future residents of Greater Cambridge
- Local Parish Councils and Residents Associations
- Local Members
- Cambridgeshire County Council
- Adjacent Local Authorities
- Cambridgeshire and Peterborough Combined Authority
- Delivery partners, including householders, landowners, developers, infrastructure providers, transport providers
- Community organisations
- Local businesses

The views expressed by individuals, communities, businesses, academic institutions and stakeholders during the consultation will feed into the final version of the SPD. All consultation and community engagement in respect of

the draft Biodiversity SPD will be undertaken in accordance with the [Greater Cambridge Shared Planning Statement of Community Involvement](#) (2019), including the Addendum prepared in response to restrictions related to the Coronavirus pandemic.


**2.11** How many people will this proposal affect?

Once adopted the Biodiversity SPD has the potential to affect all existing and future residents, workers, and visitors to the Greater Cambridge area.

**2.12** If any part of the proposal is being undertaken by external partners, please specify how SCDC will ensure that they will meet equality standards?

The Draft Biodiversity SPD has been commissioned from external consultants, with oversight and input from a Project Team of specialist officers from within the Shared Planning Service. The procurement process addresses tackling inequalities in employment and equal opportunities for our communities.

### **Section 3: Evidence and Data**

**3.1** Describe any research (this could include consultation) and analysis you have undertaken to understand how [protected characteristic groups](#) are likely to be affected? Please list any key sources that you used to obtain this Information. 

The South Cambridgeshire District Council [Equality Scheme](#) describes the district as a rural area with a population which is expected to grow at faster than the national average. A growing elderly population, greater mobility, immigration, and other social trends are making changes to the population. These changes will accelerate as a result of the population growth facing the district in the future, leading to a more diverse society than previously. The following is a snapshot of the residents of South Cambridgeshire:


- At present approximately 19% of the South Cambridgeshire population falls within the 65+ age group and this is expected to grow to approx. 22% in 2031.

- In 2011 approximately 14% of the population declared a disability whereby day-to-day activities are limited a little or a lot.
- The 2011 Census data shows that in South Cambridgeshire 87.3% of the population were White British (which has fallen in the last ten years from 93.2%) and 6% declared themselves as White Irish, White Gypsy/Irish Traveller and White Other.

The Cambridge City Council [Equality Scheme 2018 – 2021](#) sets out the Council's proposed objectives related to equality and diversity work over the three year period and includes useful data regarding the nine protected characteristics collated from a range of Council services and functions. It describes the city as an urban area which is experiencing growth. The following is a snapshot of the residents of Cambridge:


- The number of households increased by 9.5% between 2001 and 2011.
- There is a bulge in the number of people in the 16 to 24 and 25 to 39 age groups. This reflects the large number of students living in the city.
- Overall, the population of Cambridge had aged slightly; however, the increase in the number of older people as a proportion of the population was not as high as in other areas.
- 34% of Cambridge residents are from minority ethnic groups compared to 15.5% for the County as a whole. 11% of the population are Asian/Asian British compared to 4.1% in the County and 1.7% are Black/African/Caribbean/Black British compared to 1% in the County.

Currently there is little evidence to suggest that the draft Biodiversity SPD will have specific impacts upon protected characteristic groups; however, once adopted the SPD has the potential to deliver increased access to natural green spaces and other green infrastructure for local communities across Greater Cambridge. Such access has been shown to have a positive impact upon an individual's mental health and overall well-being.

- 3.2** Describe any research (this could include consultation) and analysis you have undertaken to understand any effects on any other groups of people not mentioned in the nine [protected characteristic groups](#) (for example people who live in rural areas, who live in areas of high growth, or from low-income backgrounds). 



n/a

**3.3** If you have not undertaken any consultation, please detail why not, or when consultation is planned to take place. 

Public consultation exercises were undertaken at various stages in the preparation of both adopted Local Plans covering the Greater Cambridge area. This is evidenced in the [South Cambridgeshire Local Plan \(2018\) Consultation Statement](#) and the [Cambridge Local Plan \(2018\) Consultation Statement](#).

The draft SPD will be subject to a formal public consultation from 23 July to 3 September 2021, in accordance with the [Greater Cambridge Shared Planning Statement of Community Involvement \(2019\)](#), (including the Addendum prepared in response to restrictions related to the Coronavirus pandemic), to actively engage with the local community and key stakeholders. During the consultation period the draft SPD and supporting documents will be available to view on the Greater Cambridge Shared Planning website. A wide range of stakeholders, including equalities organisations representing the interests of the protected characteristics, will be notified of the consultation. Consultation documents will be made available in an accessible format online and paper copies will be made available on request. It will be possible to make comments on the draft SPD using various electronic and paper methods, and officers will be able to assist if anyone has specific needs.

A Statement of Consultation has been prepared outlining the nature of the forthcoming public consultation, including a summary of who will be consulted. Following the consultation, an updated version of the statement will be published which will include the main issues raised in representations, how these have been addressed and detailing any subsequent amendments proposed to the draft SPD prior to adoption.

## Section 4: Impact of proposal on those with protected characteristics

### 4.1 Age:

#### 4.1.1 Has your research identified that the proposal will have an impact on this protected characteristic?


The guidance provided by the SPD will apply to new development and has the potential to improve access to natural green spaces across the Greater Cambridge area. Such improved access may be beneficial to specific age groups. For example, the provision of ‘green corridors’ within a new residential development may be of particular benefit to those residents unable to drive to similar amenities further afield i.e., younger or older age groups. The provision of natural green spaces within a new business park may be particularly beneficial to people of working age as it may be possible to access these during the working day.

The Planning Service has been mindful of this protected characteristic in planning for the forthcoming public consultation on the draft SPD. It is recognised that younger age groups are less likely to engage in consultations. To reach out to younger people, organisations such as the ChYPPS (Children and Young People’s Participation Service) will be notified of the consultation exercise and regular updates will be posted on social media platforms throughout the consultation period to raise awareness.

Evidence suggests that a relatively high proportion of people within older age groups may not have access to the internet and therefore are less able to participate in public consultation exercises. Whilst current COVID-19 restrictions have limited the opportunities for members of the public to view hard copies of documents at council buildings, a contact telephone number for the Planning Policy Team is provided on all publicity materials, including public notices, to enable appropriate viewing arrangements to be made.

#### 4.1.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative

- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.1.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?
Undertake public consultation and review feedback, including any impact on different age groups.	Greater Cambridge Shared Planning Policy Team.	Late 2021 – Adoption of SPD following any subsequent amendments following consultation.	A Statement of Consultation to be prepared to record who is consulted, issues arising, and how they have been addressed.

## 4.2 [Disability:](#)


**4.2.1** Has your research identified that the proposal will have an impact on this protected characteristic?

Whilst no specific impacts on this protected characteristic have been identified, once adopted the Biodiversity SPD has the potential to improve access for less mobile individuals and groups to natural green spaces within or around new developments in Greater Cambridge.

The Planning Service has been mindful of this protected characteristic in planning for the forthcoming public consultation by ensuring all documents are made available in an accessible format. Braille and large print versions of the documents will be made available on request. Provision has been made for

respondents to submit their comments on the draft SPD using a variety of methods, including by post.

**4.2.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.2.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:


Action	Responsible Officer	Timescale for completion	How will the actions be monitored?
Undertake public consultation and review feedback, including any impact on disabled people.	Greater Cambridge Shared Planning Policy Team.	Late 2021 – Adoption of SPD following any subsequent amendments following consultation.	A Statement of Consultation to be prepared to record who is consulted, issues arising, and how they have been addressed.

**4.3** [Gender Reassignment:](#)

**4.3.1** Has your research identified that the proposal will have an impact on this protected characteristic?

**NO.**

**4.3.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.3.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:


Action	Responsible Officer	Timescale for completion	How will the actions be monitored?
Undertake public consultation and review feedback, including any impact on transgender groups.	Greater Cambridge Shared Planning Policy Team.	Late 2021 – Adoption of SPD following any subsequent amendments following consultation.	A Statement of Consultation to be prepared to record who is consulted, issues arising, and how they have been addressed

#### 4.4 Marriage and Civil Partnership:

**4.4.1** Has your research identified that the proposal will have an impact on this protected characteristic?

**NO.**

**4.4.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.4.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:


Action	Responsible Officer	Timescale for completion	How will the actions be monitored?
Undertake public consultation and review feedback, including any impact on an individual's marriage status.	Greater Cambridge Shared Planning Policy Team.	Late 2021 – Adoption of SPD following any subsequent amendments following consultation.	A Statement of Consultation to be prepared to record who is consulted, issues arising, and how they have been addressed

#### 4.5 Pregnancy and Maternity:

**4.5.1** Has your research identified that the proposal will have an impact on this protected characteristic?

**NO**

**4.5.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.5.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:


Action	Responsible Officer	Timescale for completion	How will the actions be monitored?
Undertake public consultation and review feedback, including any impact on pregnancy and maternity.	Greater Cambridge Shared Planning Policy Team.	Late 2021 – Adoption of SPD following any subsequent amendments following consultation.	A Statement of Consultation to be prepared to record who is consulted, issues arising, and how they have been addressed

#### 4.6 Race:

**4.6.1** Has your research identified that the proposal will have an impact on this protected characteristic?

Whilst no specific impact on this protected characteristic has been identified, during the forthcoming consultation members of the public will be provided with a contact telephone number to arrange to access the consultation documents translated into other languages, should this be required.

**4.6.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.6.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?
Undertake public consultation and review feedback, including any impact on different ethnic groups.	Greater Cambridge Shared Planning Policy Team.	Late 2021 – Adoption of SPD following any subsequent amendments following consultation.	A Statement of Consultation to be prepared to record who is consulted, issues arising, and how they have been addressed

#### **4.7** Religion or Belief:

**4.7.1** Has your research identified that the proposal will have an impact on this protected characteristic?

**NO**

**4.7.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 📖
- approximately 250 words per impact

Impact – Neutral

**4.7.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:




Action	Responsible Officer	Timescale for completion	How will the actions be monitored?
Undertake public consultation and review feedback, including any impact on different religious/faith groups.	Greater Cambridge Shared Planning Policy Team.	Late 2021 – Adoption of SPD following any subsequent amendments following consultation.	A Statement of Consultation to be prepared to record who is consulted, issues arising, and how they have been addressed

#### 4.8 Sex:

**4.8.1** Has your research identified that the proposal will have an impact on this protected characteristic?

**NO.**

**4.8.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.8.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?
Undertake public consultation and review feedback, including any impact on different sexes.	Greater Cambridge Shared Planning Policy Team.	Late 2021 – Adoption of SPD following any subsequent amendments following consultation.	A Statement of Consultation to be prepared to record who is consulted, issues arising, and how they have been addressed.

#### 4.9 Sexual Orientation:

**4.9.1** Has your research identified that the proposal will have an impact on this protected characteristic?

**NO.**

**4.9.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 📖
- approximately 250 words per impact

Impact – Neutral

**4.9.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?
Undertake public consultation and	Greater Cambridge	Late 2021 – Adoption of SPD	A Statement of Consultation to be

review feedback, including any impact with regard to sexual orientation.	Shared Planning Policy Team.	following any subsequent amendments following consultation.	prepared to record who is consulted, issues arising, and how they have been addressed.
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#### 4.10 Other: (e.g., rurality, growth, socio-economic status etc.)

##### 4.10.1 Has your research identified that the proposal will have an impact on this protected characteristic?

The guidance provided by the SPD will apply to new development and has the potential to improve access to natural green spaces across the Greater Cambridge area. Such improved access may be of particular benefit to those within lower income groups who may be less likely to have use of a car to drive to similar amenities further afield.

People from lower income groups may not have access to the internet and therefore could be less able to participate in public consultation exercises. Whilst current COVID-19 restrictions have limited the opportunities for members of the public to view hard copies of documents at council buildings, a contact telephone number for the Planning Policy Team is provided on all publicity materials, including public notices, to enable appropriate viewing arrangements to be made.

##### 4.10.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 📖
- approximately 250 words per impact

Impact – Neutral

**4.10.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?
Undertake public consultation and review feedback, including any impact on any other protected characteristic.	Greater Cambridge Shared Planning Policy Team.	Late 2021 – Adoption of SPD following any subsequent amendments following consultation.	A Statement of Consultation to be prepared to record who is consulted, issues arising, and how they have been addressed.

## Section 5: Summary

**5.1** Briefly summarise the key findings of the EqIA and any significant equality considerations that should be taken into account when deciding whether or not to proceed with the proposal (this section can be included within the ‘equality implications’ section of any committee reports). (Approximately 250 words).

The Draft Greater Cambridge Biodiversity SPD will be subject to a public consultation exercise in summer 2021. A wide range of stakeholders, including statutory consultees, community groups and equalities organisations representing the interests of the protected characteristics, will be notified of the consultation. Any equality issues arising from this consultation exercise will be considered by the councils and where relevant addressed in subsequent versions of the document. Equalities Impact Assessment will continue to form part of the preparation of the SPD and will be carried out again prior to formal adoption of the SPD.

**5.2** Confirm the recommendation of the officer completing the EqIA:

- Approved (No major change): Your analysis demonstrates that the policy is robust, and the evidence shows no potential for discrimination

and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.

**5.3** Signature of individual completing EqIA:

Fiona Lightfoot

**5.4** Date of completion:

June 2021

## **Section 6: Sign Off**

**6.1** Approving officer EqIA review outcome: (delete as appropriate):

- Approved (No major change): Your analysis demonstrates that the policy is robust, and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.

**6.2** Do you give permission to publish this EqIA on SCDC website (delete as appropriate)? If no, please state reason.

Yes.

**6.3** When will this proposal next be reviewed and who will this be?

At Adoption stage of the Biodiversity SPD in Autumn 2021. To be undertaken by the Greater Cambridge Shared Planning Policy Team.

**6.4** Approving officer signature:



**6.5** Date of approval: June 2021

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# Greater Cambridge Biodiversity Draft Supplementary Planning Document (SPD) Statement of Consultation - June 2021

## 1. Introduction

1.1 Under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 a local planning authority is required to prepare and make available a Consultation Statement setting out:

- the persons the local planning authority consulted when preparing the supplementary planning document;
- a summary of the main issues raised by those persons; and
- how those issues have been addressed in the supplementary planning document.

1.2 This statement is a record of consultation undertaken during the production stage of the Supplementary Planning Document (SPD) prior to formal public consultation. The document will be updated prior to adoption of the Greater Cambridge Biodiversity SPD.

## 2. Background

2.1 The Greater Cambridge Biodiversity Draft SPD has been prepared to assist with the implementation of policies within the adopted Local Plans covering the Greater Cambridge area, namely the South Cambridgeshire Local Plan (September 2018) and the Cambridge Local Plan (October 2018). The document expands and provides guidance on the application of policies specifically relating to the conservation and enhancement of biodiversity. Once adopted, the SPD will supersede the South Cambridgeshire Biodiversity SPD 2009.

## 3. Preparation of the draft SPD

3.1 In preparing the draft SPD, informal consultation has been carried out with a range of officers from within the Greater Cambridge Shared Planning Service including representatives from Development Management, Built and Natural Environment and Policy teams. Once drafted, sections of the SPD were reviewed by

relevant technical officers within the service, with suggested amendments incorporated into the draft document.

## **4. Public consultation on the Greater Cambridge Biodiversity draft SPD**

4.1 To actively engage with the local community and key stakeholders, it is proposed the draft SPD will be subject to a 6-week public consultation during the period 19 July 2021 to 30 August 2021, in accordance with the [Greater Cambridge Shared Planning Statement of Community Involvement \(2019\)](#), (including the [Updated Addendum December 2020](#) prepared in response to restrictions related to the Coronavirus pandemic). During the consultation period the draft SPD and associated supporting documents will be available to view on the Greater Cambridge Shared Planning website. For those without access to the internet, it will be possible to arrange to view copies of the documents at Council offices, by telephoning the Planning Policy Team on (01954) 713183.

4.2 The associated supporting documents to be made available with the Draft SPD are:

- Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment (HRA) Screening Report
- Consultation Statement (Draft SPD stage)
- Equalities Impact Assessment

4.3 In accordance with the [Greater Cambridge Shared Planning Statement of Community Involvement \(2019\)](#), (including the [Updated Addendum December 2020](#)), a range of specific and general consultation bodies and other relevant stakeholders will be directly notified via email of the consultation arrangements for the draft SPD. In summary the organisations and bodies to be contacted will include, but are not limited to:

- Local Parish Councils
- Local Members
- Specific Consultation Bodies
- Cambridgeshire County Council
- Greater Cambridge Partnership
- Adjacent Local Authorities
- Cambridgeshire and Peterborough Combined Authority
- Delivery partners, including infrastructure and transport providers
- Community organisations



## Appendix C

- General Consultation Bodies, including groups which represent the interests of different diversity groups based upon age, race, religion, disability.

4.4 A full list of the key organisations directly notified of the consultation arrangements is attached at Appendix A.

4.5 In addition to statutory consultees and organisations, over 400 individuals who have expressed a wish to be kept informed of Planning Policy consultations via the Greater Cambridge Planning Service Opus 2 Consultation database will be informed of the consultation via email. A copy of the email is attached at Appendix B.

4.6 To engage more widely with residents and businesses in the Greater Cambridge area, a public notice will be published in the Cambridge Independent newspaper and the consultation will be publicised on both Council's webpages and on social media platforms.

## 5. Consultation Methodology

5.1 Consultation on the Greater Cambridge Biodiversity Draft SPD will take place from: 9 am on Monday 19 July 2021 to 5pm on Monday 30 August 2021.

5.2 The draft SPD to be made available to view at the following locations:

- On the Greater Cambridge Shared Planning website at: [Greater Cambridge Shared Planning \(greatercambridgeplanning.org\)](https://www.greatercambridgeplanning.org).
- At South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA (by appointment only, telephone the Planning Policy Team on (01954) 713183 in the first instance).
- At Cambridge City Council's Customer Service Centre at Mandela House, 4 Regent Street, Cambridge, CB2 1BY (by appointment only, telephone the Planning Policy Team on (01954) 713183 in the first instance).

5.3 Alternative formats of the consultation documents will be made available upon request (e.g., braille, translations into other languages and large print).

5.4 Representations can be made using:

- the online survey on the Greater Cambridge Shared Planning website at: [Greater Cambridge Shared Planning \(greatercambridgeplanning.org\)](https://www.greatercambridgeplanning.org);
- by completing a consultation response form. Completed forms should be emailed to: [localplan@greatercambridgeplanning.org](mailto:localplan@greatercambridgeplanning.org) or posted to:

## Appendix C

Planning Policy Team, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA or Planning Policy Team, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH.

5.5 Respondents can request to be notified of the adoption of the SPD.

# Agenda Item 13



South  
Cambridgeshire  
District Council

<b>Report to:</b>	Cabinet	5 <sup>th</sup> July 2021
<b>Lead Cabinet Member:</b>	Cllr Dr. Tumi Hawkins, Lead Cabinet Member for Planning Policy and Delivery	
<b>Lead Officer:</b>	Stephen Kelly, Joint Director for Planning and Economic Development	

## Changes to the Design Review Service in Greater Cambridge

### Executive Summary

1.1 Design Review advice is an important and valued, if discretionary, service and it is recognised as such in the National Planning Policy Framework. Design review in Cambridge City Council (CCC) and South Cambridgeshire District Council (SCDC) is provided by two panels with different processes and different charges:

- The Design Enabling Panel (DEP) was set up in 2014 by SCDC to review significant planning applications and pre-applications within SCDC area boundaries. There is a charge for using the panel. The panel has never been reviewed.
- The Design and Conservation Panel (DCP) was set up in 2006 (based on an earlier panel established in 1973) by CCC to review significant planning applications and pre-applications within Cambridge City boundaries. It was last reviewed in 2013 by the independent architect Barry Shaw. It is currently provided as a free service.

1.2 The DCP and DEP are administered by the two councils that have come together to form the shared planning service and they have been operating for over 5 years without a review. For those reasons, the Greater Cambridge Shared Planning Service (GCSP) committed to reviewing its design review service in its 2020/2021 Business Plan. Last year, GCSP appointed the independent expert Esther Kurland, from Urban Design Learning (UDL), to review the two panels. The findings and recommendations from this review

were submitted to GCSP in March 2021 (Appendix A). This report seeks approval for the proposed arrangements (including charges) set out in the Terms of Reference (Appendix B), which are informed by the recommendations of that review.

- 1.3 The proposal is to replace the two separate design review panels with a new single panel, operating in a consistent manner across the CCC and SCDC areas, and with a common charging regime. The service will be cost neutral to the councils as it will be funded from charges paid by applicants, with the potential for generating some surpluses. This service offer will sit alongside the statutory planning application process (where fees and process are determined nationally) and which is unaffected by these proposals.
- 1.4 The Greater Cambridge Design Review Panel (GCDRP) is intended to be an independent, peer review of significant development proposals that will work alongside other discretionary and statutory tools and processes of the development management process. It supplements the community engagement and consultation that is expected to take place as well as pre-application meetings. Our Statement of Community Involvement (SCI) sets out GCSPs functions in relation to preparing planning policy, including Neighbourhood Planning, determining planning applications and how local community groups should be involved. The SCI is unaffected by these proposals, however GCSP keeps under review how it carries out its engagement. There may be potential to set up a separate community review panel in the future, however this would need to be considered as part of a broader review of community engagement and capacity building in our communities.
- 1.5 This proposal is also being considered in parallel by CCC at their Planning and Transport Scrutiny Committee in June.

## **Key Decision**

2. No

## **Recommendations**

3. It is recommended that Cabinet agree the proposals to;
  - (a) Replace the Design Enabling Panel to create the Greater Cambridge Design Review Panel and approve the Terms of Reference (including charges) set out at Appendix B from 1<sup>st</sup> January 2022.
  - (b) Grant delegated authority to the Joint Director of Planning and Economic Development in consultation with the Lead Cabinet Member for Planning Policy and Delivery to make minor changes to the Terms of Reference set out at Appendix B.
  - (c) Note the findings and recommendations from Urban Design Learning set out in Appendix A.
  - (d) Note the Milestones for Implementing the GCDRP set out in Appendix D.

## **Reasons for Recommendations**

4. The GCSPS design review service has not been reviewed in over 5 years. There are currently two different panels administered by the shared planning service, with different processes, remits and charging schedules. The intention is to move to a single panel and charging schedule encompassing current best practice in Design Review processes. It will also provide a consistent service, which applicants/agents seek, it will be more straight forward to administer, and it will ensure the service covers its costs. It will support improving the delivery of our service and how we monitor its performance.
5. It is important that delegated authority is given to allow the Joint Director of Planning and Economic Development in consultation with the Lead Cabinet Member for Planning Policy and Delivery to make minor changes to the Terms of Reference given that the report is also going to Cambridge City Council's Planning and Transport Scrutiny Committee who may resolve to make minor changes to the Terms of Reference. Granting this delegation will mean that the matter does not have to come back before Cabinet to approve minor changes to the Terms of Reference.

## Details

### Background

6. The GCSP design review service has been operating using two existing panels: the DCP, administrated by CCC for the Cambridge City area; and DEP, administrated by SCDC for the South Cambridgeshire area. These panels are formed of built environment professionals who work in the public interest to provide independent expert advice to developers, design teams, planning officers and Planning Committee, to improve the design of buildings and places within the GCSP area.

5.1 The DCP meet monthly to review a range of schemes within the CCC area.

The panel mostly reviews student accommodation, hotels, and commercial buildings. In the three years from January 2017-January 2020, the panel carried out 37 reviews, and of these, 15 were of schemes that returned to the panel for a second or third review. During this period, 32 reviews were carried out for projects during the pre-application stage and 5 reviews were carried out for projects after an application had been submitted to the council. The DCP is a free-to-use service and does not recover its costs.

5.2 The DEP meets every six weeks to review schemes within the SCDC area.

The work of the panel is mainly made up of housing, hotels, and commercial buildings. In the three years from January 2017- January 2020, the panel carried out 67 reviews, 11 of which were repeat reviews. During this period 53 reviews were carried out for projects during the pre-application stage and 14 reviews were carried out for projects after an application had been submitted. The DEP charges users £650+VAT per review, and this does not cover the full cost to the council of administering the panel.

5.3 There is also a third panel, the Cambridgeshire Quality Panel (CQP), which was set up in 2010 to review major growth sites across the County of Cambridgeshire. The CQP is administered by the Cambridgeshire County Council. It has its own governance arrangements and focuses on strategic growth across the region. The CQP operates beyond the administrative

boundaries of the shared planning service and therefore it is outside the scope of the recommendations of this report.

5.4 The two design review panels administered by the councils that have come together to form the shared planning service have different referral criteria, membership arrangements, processes, governance and charging schemes. Neither panel has been reviewed in over 5 years. The DCP was last reviewed in 2013 and the DEP has not been reviewed since it was set up in 2014. The GCSPS Business Plan 2020-2021 includes a commitment to review the operation of the existing panels and improve the efficiency and effectiveness of the discretionary design review service. The objectives included an aspiration for a single unified process and charging scheme that adds value to the process for all stakeholders and results in high quality outcomes.

5.5 GCSP appointed an independent expert consultant to review the two panels. Between November 2020 and February 2021 Esther Kurland and her team at UDL observed panel meetings and carried out surveys and interviews with users of the service including agents, applicants, and their design teams; chairs and members of the two panels; Members and planning officers, and stakeholders including parish councils and residents' associations. UDL also looked at the potential role of the community in the proposed GCDRP and recognised the potential for a separate community review panel in the future, which could be considered as part of a broader review of community engagement and capacity building in our communities. The feedback from this engagement, and an assessment of the operation of the design review service against established best practice approaches, have informed the recommendations of this report.

## **Considerations**

5.6 Design review is an established process that will help GCSP deliver high quality development to the benefit of the Greater Cambridge area and its residents. It is strongly encouraged by Government policy through the National Planning Policy Framework. Paragraph 129 of the NPPF (2019) states that 'Local Authorities should ensure that they have access to and make use of

appropriate processes for assessing and improving the design of developments, which include design advice and review arrangements'. It goes on to say that 'in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels'. The benefits of design review are also reflected in the Living with Beauty report (January 2020).

5.7 The panel review offers an independent and impartial evaluation of the design of significant proposals, at the pre-application and application stages, by a panel of built environment experts. The advice of the panel is advisory, with the aim of identifying where improvements can be made, to influence the planning process and improve the quality of buildings and places for the benefit of the public. The advice of the panel is reported in a letter, attached to committee, and delegated reports, to give decision makers the confidence and information to support innovative, high quality designs and to resist poorly designed schemes.

5.8 Design review provides an opportunity to engage with developers at an early stage to address key issues rather than at the planning application stage when this will otherwise result in delays and the need for re-consultation in many cases. It can therefore help save applicants, agents, and developers time and cost by ensuring they submit high quality schemes and applications that stand a greater chance of being granted approval within the statutory timescales. For the Planning Authority, improving the quality of application submissions in this way, can also improve process efficiency whilst helping to drive up the quality of the outcome secured. Design review does not replace the on-going dialogue that it is possible to have with design officers through pre-application meetings. Design review and pre-application advice from officers are most effective when working together and in parallel with community engagement.

5.9 The independent review into the GCSP design review service looked at the potential role of the community in the proposed GCDRP. The review concluded that the purpose of the panel is to provide an expert and independent peer review process that is distinct from the community



engagement which takes place during the pre-application stages. GCSP have established mechanisms in place to ensure that the community are engaged during the pre-application design stages and GCSP's expectations for this are set out within the GCSP Statement of Community Involvement (SCI). GCSP keeps under review how it carries out its engagement e.g. the focus on harder to reach groups as part of the local plan consultation. There may be potential to set up a separate community review panel in the future, however this would need to be considered as part of a broader review of community engagement and capacity building in our communities.

5.10 Nationally, there are different approaches to managing and administering design review services. Some Local Planning Authorities provide their service in-house, whereas others use external providers. The GLA, Design Review Survey (2018) showed that 86% of London Authorities were operating, or were in the process of setting up, design review panels (DRPs). Of those London Authorities who used Design Review to support good quality outcomes, two thirds had panels managed in-house by officers, with the remaining third subcontracted to external partners to administrate and manage. Overall, 76% of Design Review services, whether inhouse or external, charged fees to users (applicants). Given that planning application fees are set nationally, and historically have not covered fully the costs of delivering the application process, design review charges can play an important part in helping authorities to offset the costs of providing planning advice.

### **Review Process**

5.11 The brief for the independent expert consultant to carry out the review was agreed by the SCDC Lead member for Planning and the CCC Executive Councillor for Planning Policy and Open Spaces, in consultation with senior officers and the existing panel chairs. The agreed objectives were to assess the way in which the existing design review panels operate and provide recommendations for an effective, consistent, and cost neutral approach to design review across the two boundaries.

- 5.12 The consultant considered 3 options as part of the review and recommendations:
1. Continuing with the status quo of two design panel formats for Cambridge City and South Cambridgeshire District Councils
  2. A single design panel for both Cambridge City and South Cambridgeshire District Council
  3. Two design panel formats for Cambridge City and South Cambridgeshire District Councils with a common administrative arrangement
- 5.13 The independent review was carried out in several stages:
- a. A baseline report was prepared by officers in consultation with the DEP and D&C panel chairs and managers. This report collated factual data on the two panels, including their terms of reference, operational processes, costs, expertise, and projects reviewed over the last 3 years. This report was issued to the consultant and formed part of the evidence base for their review.
  - b. The consultant observed meetings of the Design and Conservation Panel, the Design Enabling Panel, and the Cambridgeshire Quality Panel (not part of review) to understand how the design review process operates across GCSPS.
  - c. The consultant analysed three, randomly selected, case studies from each of the DCP and DEP to assess the quality of the review letter and the impact of the reviews on the planning process.
  - d. The consultant conducted semi-structured interviews with the chairs of the DCP, DEP and CQP, members of the senior management team (Joint Director of Planning, Assistant Directors and BNE Manager), the two panel managers/administrators, the SCDC Lead member for Planning and the CCC Executive Councillor for Planning Policy and Open Spaces, the chairs of the planning

committee of both councils, and two planning agents to understand the stakeholders' experience of the existing panels and their requirements for design review.

- e. The consultant conducted surveys with stakeholders including DCP and DEP members, those who have brought schemes to the panels in the last 12 months; planning officers; planning committee members; residents associations and parish councils. A summary of the feedback received is set out in Appendix C.
- f. The consultant conducted interviews with the panel managers of other design review panels that operate across multiple local authority boundaries to understand what has worked well.
- g. The consultant analysed the findings from points a-f against established best practice approaches to design review, including the potential role of community in design review, and made recommendations to GCSP for a consistent, cost neutral efficient, and effective service. The findings and recommendations were presented to GCSP in a report (Appendix A).

5.14 The review proposed the following 3 strategic changes to the existing design review service and set out detailed recommendations for achieving these.

**1. Create a single Design Review service with specialist sub panels:**

because there are significant differences in approach between the panels, leading to differences in attitudes from those involved and the quality and consistency of advice. This is likely to be undermining the potential usefulness of reviews for the shared planning service.

**2. Refresh and improve delivery systems:**

because Design Review has expanded and matured across the country since the panels were set up, leading to improvements in established best practice. The Cambridge service would benefit from updating its Terms of

Reference and day to day practices to reflect what others have found to work well elsewhere.

**3. Integrate Design Review with wider Design Quality approaches:**

because Design Review is only one tool and can work best when clearly integrated with all other design related planning work from policy writing to pre app negotiations, community engagement to committee deliberations.

**Proposed Approach**

5.15 The terms of reference (Appendix B) propose to implement the recommendations of the review and create a single panel: Greater Cambridge Design Review Panel (GCDRP). The GCDRP would replace both the Design and Conservation Panel and Design Enabling Panel. It is proposed that the new GCDRP will operate across the Greater Cambridge area, managed by the shared planning service and overseen by an Independent Advisory Group. Given the volume of applications, it is recommended the Panel should have two chairs, two vice-chairs and a single pool of 20-30 panel members with diverse expertise. Where appropriate, sub-panels may be formed from the panel membership to respond to the different development pressures or types of schemes within Greater Cambridge areas.

5.16 It is envisaged that the Panel would usually meet twice per month and review up to two schemes per meeting, although additional meetings and reviews may be organised when required. Meetings will normally be held in Council offices in either Cambridge or South Cambridgeshire unless they are required to be held remotely, for example due to social distancing restrictions being in place. The panel will charge applicants to use the service and the fees will cover the cost of providing the advice and generate additional surplus for design training for officers and Councillors, which is now common practice around the country. Feedback would regularly be sought from users of the panels to inform further service improvements. Up-to-date information about the panel and its membership would be published on the GCSP website.

**Remit**

5.17 The GCDRP will be one of two panels operating within the GCSPS area: the Cambridgeshire Quality Panel and the Greater Cambridge Design Review Panel.

1. The [Cambridgeshire Quality Panel](#) was established in 2010. It is administered by Cambridgeshire County Council and governed by its own terms of reference. Within the Greater Cambridge area, it reviews strategic scale allocations within the adopted local plans including: infrastructure projects such as stations, transport interchanges, road bridges; all new schools; school extensions where they give rise to significant effects on the locality; large public buildings which are likely to establish, or need to fit in with an already established form of high architectural quality. In Cambridge City, this Cambridgeshire Quality Panel reviews sites that are covered by the City Fringes Joint Development Control Committee. The Cambridgeshire Quality Panel may also review policies, guidance and documents that have a strategic and spatial implications at a sub-regional scale.
2. It is intended that the GCDRP would review major or significant planning and pre-planning applications for sites within the Greater Cambridge area, that fall outside of the remit of the Cambridgeshire Quality Panel. The GCDRP will normally review:
  - schemes because of their scale, size and use of development (including developments of over 10 dwellings, a site with a gross area of over 0.5 hectares, or any building over 1000m<sup>2</sup>);
  - the site is particularly sensitive; and/or the proposals are significant because of a local issue, specific impact exceptional challenge, or public benefit;
  - The GCDRP may also review any policies, guidance and documents that related to these sites.

For full criteria details of the schemes to be considered refer to the Term of Reference (Appendix B)

## **Governance and Monitoring**

- 5.18 In accordance with good practice, it is recommended that an Independent Advisory Group (IAG) is established to oversee the panel to ensure its effectiveness and accountability in the public interest. It would also make recommendations to adjust working practices and make minor adjustments to the terms of reference, these would be made to and require the approval of the Joint Director of Planning & Economic Development in consultation with the Lead Members.
- 5.19 It is recommended that the IAG comprise two independent built environment experts with significant experience and external to the panel (such as chairs or experts of other design review panels), the 2 panel chairs, senior officers from the planning service, the lead members and planning committee chairs of both councils.
- 5.20 It is envisaged that the IAG would meet once a year to review an Annual Report of the panel's activities, planning impact, and an analysis of survey feedback collected after each review. The Annual Report and IAG meeting minutes will be publicly available on the GCSP website.

## **Management**

- 5.21 The GCDRP will be managed by the Council's Built and Natural Environment Team. There are two main roles required to administer the panel: a Panel Manager (which will equate to 0.25 FTE of an existing Principal Urban Designer) and 0.25 FTE Admin Support. The panel manager, supported by the administrator, will be responsible for organising panel meetings, preparing the Annual Report. Importantly, the panel manager will liaise with panel members, officers, and Councillors to promote the use of design review within the service and provide design training sessions and site visits.
- 5.22 The benefits and disbenefits of administering the panel in-house, versus using an external provider, were considered as part of the review. Interviewees value the existing in-house arrangements because this is seen to facilitate the sharing of knowledge of projects and policies, between officers, councillors, and panel members (Appendix C). The review recommended that this positive

aspect of the in-house service could be improved through the appointment of an urban design officer as panel manager, who will take ownership over the panel, raise the profile of design review with councillors, panel members and officers to integrate it into the councils' wider design management processes. Administering the panel in-house means that surplus income could be invested in design training, advice and site visits to the benefit of the planning service as a whole.

### **Charging**

5.23 The GCDRP will be a pay-to-use service with a charging schedule that fully recovers its costs.

5.24 The purpose of design review advice is to ensure that applicants can prepare and submit high quality applications which can be supported without the need for amendment. The cost of service should incentivise early engagement and repeat reviews for the panel to have the greatest influence on the design process. To this end it is envisaged that the GCDRP offers 3 types of review with different rates:

- a full design review with a site visit (fee £4,000 +VAT)
- a subsequent design review without a site visit (fee £3,500 +VAT)
- a desktop chairs review (fee £2,000 +VAT)

Where possible the same Panel Members will be used for subsequent reviews.

5.25 In recognition of the discretionary nature of the service, and to encourage users to engage with the service, in exceptional cases, the fees may be reduced by up to 50% where the service wants to support community organisations, charities, and small businesses in accessing the panel. For schemes which are particularly complex and/or required a bespoke review format (such as specialist sub panel) the fees outlined may be increased to cover additional administration costs. Reviews for projects outside of the GCSP area will also incur a fee increase and the amount charged will depend on the specific project requirements.

5.26 The setting of discretionary charges is covered by the Local Government Act and such charges cannot be levied to deliver a profit for the provider. The recommended rates are based on an analysis of design review charging schemes and panel members remuneration rates at other comparable local authorities. Charges have been formulated based on an analysis of costs of officer time required to administer the design review panel, including the time set out within the terms of reference for monitoring and training and engagement activities. Fees and review types will be monitored as a standing item at the annual IAG meeting, to ensure the GCDRP remains attractive to applicants and financially viable. Any changes to charges would be considered as part of the annual review of service-wide charges.

#### **Panel member recruitment**

5.27 The membership of the current DEP and DCP have not been refreshed in line with their terms of reference and as a result both panels are lacking in diversity and in some areas of expertise e.g. environmental sustainability. Existing panel members will therefore be stood down and encouraged to re-apply for a place on the new panel if they wish to continue.

5.28 It is proposed that the GCDRP would be made up of 20-30 members, 2 Chairs and 2 Vice Chairs. GCSPS will openly recruit a diverse panel of nationally respected professionals from Cambridge and across the UK, with expertise that cover the range of specialisms within the field of the built and natural environment. Applications from panel members will be scored according to a marking scheme, with chairs and vice-chairs interviewed for the role.

5.29 It is proposed that Panel Members and Chairs would be appointed for a period of 3 years and refreshed thereafter following a review of attendance and performance. Panel members and Chairs will be paid for their attendance and travel expenses.

#### **Improved Stakeholder Experience**

5.30 Feedback from review will be in the form of a letter authored by the Chair that will be shared with applicants and officers involved in assessing the application. It will be written in plain English and structured under the headings



of the Cambridgeshire Quality Charter's four 'C's: Community, Connectivity, Climate, Character. Planning officers should attach the review letter in full to the planning officer/committee reports and articulate where the scheme has and has not considered the panels comments and why. The Chair may occasionally be asked to attend Planning Committee meetings when requested by the lead member. The role of the GCDRP is advisory but the comments are a material consideration as set out in the NPPF.

- 5.31 In the interest of transparency and public accountability, information about the panel will be published on a dedicated web page including, Terms of Reference, a Handbook for the management of the Panel, a Quick Guide for applicants, an annual report and minutes from the annual Independent Advisory Group meeting. Once an application has submitted to GCSP, the review letter will be published on the GCSP website to inform consultation responses.
- 5.32 The quality of the service will be monitored through recording the impact of reviews on the planning process and through surveys of stakeholders. This information will be collated in the Annual Report, scrutinised by the Independent Advisory Group. The information will help to inform how the panel evolves and address any issues raised. It will also be used to highlight the benefits of the panel to the wider community. A site visit of completed projects reviewed by the GCDRP may also inform the annual review.

## **Options**

7. Option 1: Make no changes to the current arrangements.  
Option 2: Keep two design review panels with aligned processes and charging schedules and a single administration.  
Option 3: Approve this report's recommendations

## **Implications**

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

## **Financial**

9. These proposals do not impact planning application fees - which are set nationally. Instead, the proposals seek to address the service's need to manage the cost of its discretionary services and aim to increase a greater proportion of that cost through charges. For design review advice, (where the service provided can lead to significant financial benefits accruing to property/land owners and developers) the charging schedule reflects a need to support community organisations and small businesses, whilst reducing the subsidy provided by both Councils for this service for more substantial development projects – and help respond to the growing pressure on costs and income facing both Council Planning Services.

It is intended that the charging scheme is reviewed in 12 months' time from the launch of the panel, when feedback from and stakeholders and data on the costs of running the service will be analysed to ensure the service is cost neutral and attractive to applicants.

An analysis of the projected income and costs associated with administering the panel has been carried out. Scenario testing has shown that the income generated by the panel over a 3-year period is expected to cover the cost of setting up the panel and for annual training for planners and elected members and forum events for agents. Financial risk is limited because panel members are paid per review and therefore the overheads are reduced if the panel carries out fewer reviews.

## **Legal**

10. None

## **Staffing**

11. There are currently two separate design review panels and officers are working with two separate processes. Aligning the processes to a single panel

will reduce officer time and improve capacity as well as addressing will overall workloads.

Officer time will be needed to deliver the new arrangements service including recruitment to the proposed new Panel, whilst maintaining a Design Review service until the transition is complete.

Two part-time roles required to administer the revised service – which equate to 0.25 FTE Principal Urban Designer (Grade 6) and 0.25 FTE Admin Support (Grade 4). It is envisaged these will be existing roles within the Built and Natural Environment Team, with the charges going towards the cost recovery approach for that team.

### **Risks/Opportunities**

12. Improving the design review service will help to mitigate both the authorities and applicants' risks with the planning application process, and in turn should support both applicant and the Councils to reduce the costs of failure demand, including the risk of planning appeals or poor quality and inappropriate development, and contribute towards the improved reputation of the service.

### **Equality and Diversity**

13. GCSP will improve the diversity of the membership pool of the design review service by recruiting a new panel of professionals from Cambridge and across the UK, with expertise that cover the range of specialisms within the field of the built and natural environment. Recruitment will encourage applications from people with protected characteristics. Applications from panel members will be scored according to a published marking criterion. Chairs and vice chairs will be interviewed for the role.

The approach to charging does recognise that there may be some applicants e.g. a community group that may have more limited ability to access the service and allows for reductions in fees in these circumstances.

An EQIA has been carried out for this proposal (Appendix E).

## **Climate Change**

14. Delivering timely, and early advice, notably around the adopted policy framework which seeks to support the move towards a low carbon and climate sensitive future will have a positive impact upon the Council's objectives.

The new Panel will ensure that the relevant expertise is incorporated on matters such as environmental sustainability and the proposed reframing of the Panel comments around the 4 'cs' of the Quality Charter - which includes climate - should ensure applicants focus on this important objective in the scheme design.

## **Health & Wellbeing**

15. None

## **Consultation responses**

16. As part of the independent review, semi-structured interviews and discussions were carried out with the chairs of the DCP, DEP and CQP, members of the senior management team (Joint Director of Planning, Assistant Directors and BNE Manager), the two panel managers/administrators, the SCDC Lead member for Planning and the CCC Executive Councillor for Planning Policy and Open Spaces, the chairs of the planning committee of both councils, and two planning agents.

In addition, the consultant carried out surveys with stakeholders including DCP and DEP members, those who have brought schemes to the panels in the last 12 months; planning officers; planning committee members; residents associations and parish councils.

Whilst the review was underway, details were advertised in the Councils' website and any interested parties were asked to contact us to participate.

The service improvements that are proposed to be introduced result from the feedback received, particularly with regards to improving communication to

promote the service more widely and encourage reviews earlier in the pre-application process; providing a consistent approach to design review across the service; ensuring panels continued development through monitoring and training. A summary of the feedback received is set out in Appendix C.

## **Alignment with Council Priority Areas**

### **Growing local businesses and economies**

17. Discounts are in support of businesses which otherwise may find commercial development design review advice prohibitively expensive.

### **A modern and caring Council**

18. Improved processes will make it easier for businesses to obtain quality design review advice.

## **Background Papers**

19. None

## **Appendices**

Appendix A: DCP and DEP Findings and Recommendations Report

Appendix B: GCDRP Terms of Reference

Appendix C: Summary of Engagement Feedback

Appendix D: Milestones for Implementing the GCDRP

Appendix E: Equality Impact Assessment

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# Greater Cambridge Shared Planning Service: Design Review Recommendation Report

February 2021

# Greater Cambridge Shared Planning Service: Design Review Recommendation Report

AUTHOR Urban Design London

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## 1 Introduction

This report has been produced by Urban Design London for the Greater Cambridge Shared Planning Service (GCSPS). It examines two existing Design Review Panels and considers whether changes are needed to make the most of Design Review processes for the area. The two panels considered are the Design Enabling Panel (DEP) which was set up by South Cambridgeshire and the Design and Conservation Panel (D&C), established by Cambridge City Council.

To understand how these panels work at the present time, and consider future options the study included:

- Observations of panel sessions
- Interviews with panel managers and chairs, council leaders and planning committee members, those bringing schemes to panels and planning officers



- An online survey of panel stakeholders including those interviewed, panel members and community groups
- Examination of case studies of schemes seen by the panels
- Desktop review of existing Terms of Reference, website information and other background data on the panels
- Evaluation against current Design Review best practice as used and published elsewhere

## 2 Executive Summary

There is a clear commitment to delivering good design by both Councils and the shared planning service. Bringing together the planning functions has led to challenges and opportunities in this regard, which we felt were being addressed in an impressive way, not least by examining the work of the panels.

Design can be a subjective issue and we observed some differences in views over what 'good' might be across the different groups interviewed. This is a very normal situation, potentially helped by policy and other work we understand to be planned, but Design Review can be an important part of ensuring consistent, robust and appropriate interpretations of design requirements are applied. However, to do this the review system itself needs to be consistent, robust and appropriate, which our analysis showed was not always the case. To this end we recommend three key changes:

### A. Create a single Design Review service with specialist sub panels

Because there are significant differences in approach between the panels, leading to differences in attitudes from those involved and the quality and consistency of advice. This is likely to be undermining the potential usefulness of reviews for the shared planning service

### B. Refresh and improve delivery systems

Because Design Review has expanded and matured across the country since the panels were set up, leading to improvements in established best practice. The Cambridge service would benefit from updating its Terms of Reference and day to day practices to reflect what others have found to work well elsewhere

### C. Integrate Design Review with wider Design Quality approaches

Because Design Review is only one tool and can work best when clearly integrated with all other design related planning work from policy writing to pre app negotiations, community engagement to committee deliberations.

## 3 Analysis and review of DEP and D&C Panels

The extensive analysis undertaken used the Baseline Report, Interviews, Survey, Observation of Reviews, UDL Criteria Analysis, Best Practice.

From this work we identified strengths, weaknesses and opportunities for improvement as set out below. These are summarised across both panels. A more detailed breakdown for each against the assessment criteria used is provided in the appendix.

## Strengths

- Both Panels have delivered a significant number of reviews over the last decade.
- There is recognition across all groups who interact with DR that is a useful and important process that can help deliver better quality built outcomes.
- There is significant gratitude and warmth for existing panel managers, chairs and members and the significant commitment, hard work and dedication they have shown.
- Both Panels hold within their membership and collective work a wealth of knowledge and experience of the specific contexts within which they work. People on the panels know their geographical areas, their characters, pressures and history. They remember many schemes seen have observed how the areas have changed over time. They understand the specifics of their work, for example the D&CP understands the 'colleges' as developers while the DEP has good experience of the kind of issues and community concerns that may relate to village extensions. The manager of the DEP, in particular, is committed to making the panel a success and appears to have the relevant experience and skills to make this happen if our other recommendations are taken forward. Although, future roles will need to be defined through the Terms of Reference and a fair selection process.

## Weaknesses

- Wider knowledge of and respect for the Panels
  - There is little wider knowledge of the panels' existence or role. 67% of community representatives who responded to the survey had never heard of either panel
  - The three Panels in Cambridge are perceived differently by those who know about Design review with the Cambridge Quality Panel (CQP) seen as the best managed, best quality and most capable Panel.
  - Three different panels operating in the same area with different processes can be confusing for applicants and others not directly involved in one or another panel.
  - Planning Committee Members vary in their knowledge of DR, with some suspicion and concern about DR role in the planning process.
- Relationship with Planning Process
  - There is inconsistency and a lack of clarity about the role of the Panels in terms of their relationship to the work of planning officers and Planning Committees.
  - There seems some confusion and inconsistency of approach over whether panels should 'green light' or 'sign off' schemes going to committee as opposed to providing advice to officers as part of the negotiation and assessment work.
  - There appears to be a lack of a positive connection between the panels/officers/councillors, of the three being part of the same team working to the same objectives.
  - Panel members and chairs do not seem to know a lot about how the shared planning service works while some officers and councillors do not seem aware of how the panels work.
- Governance and Transparency
  - Some of the governance and review arrangements are poor and out of date, for example the way panel membership is refreshed, or not, and how briefings are provided to panel members.

- There appears to be little and inconsistent managerial oversight or ownership of the panels from within the shared planning service.
  - The panels are not transparent, there is little public information about the process, no consistent Annual Reporting and little guidance or training for those involved.
- Skills and Attitudes
    - The panels themselves have varying levels and ranges of skills within them. We noted people calling for more landscape design and street design skills, but we did not audit panel members skills at this time.
    - There does not seem to be mechanisms in place to review the performance and usefulness of the panels or assess whether panel members should continue to take part.
    - There are no systems in place to openly advertise for and refresh panel membership in a consistent, fair and transparent fashion.
    - Panels did not appear diverse in terms of the 12 protected characteristics defined by the Equalities Act (2010).
    - Knowledge within the panels of the policies and design objectives for the area seemed patchy, no training on this had recently been given and panel members did not come together to share experiences and concerns at annual meetings or similar.
    - We saw that some were looking forward to improving the panels and felt this would be very useful, but others did not feel there was a need for change. A shared willingness to improve and accept change would seem important at this time.
- Adding Value
    - Panels can act as a useful local resource with members providing training for officers and councillors, advice on strategy or policy and supporting community conversations and workshops on design issues. Such opportunities do not appear to have been taken to date.
- The Review Process
    - Both Panels processes fail to meet current best practice in terms of how reviews are organised and run although the DEP is closer to this than the D&CP. In particular:
      - Criteria for deciding which schemes should be seen and when, are not clear and consistent and decisions seem too influenced by the need to fill a 6 week timetable.
      - This timetable may also be limiting the number of schemes seen and may mean schemes are not seen at the most appropriate point in their development.
      - There is a lack of consistency in how officers brief panels, who attends the reviews and how review comments are fed back and used by both officers and Committees.
      - Panel reports are produced in different ways between the panels.
      - Not all reviews involve a site visit to fully understand the context for proposals.
      - Not all reviews include briefings on background information and what officers would like the panel to advise before the review or constructive debriefs following the panel review.
      - Both panel reviews involve significant discussions without the applicant present.
      - The use of the 'traffic light' system by the D&CP does not appear to work well and does not allow for a rounded summary of advice.

## Opportunities

- We found significant skills and enthusiasm across the different groups involved. These could be cherished and made good use of to improve review delivery.
- There are clearly two very different areas within which developments are proposed – within and outside the City. The need for specialisms to deal with this was clear, although the need for different processes across both was less well formed.
- The shared service is undertaking policy, pre app process review and other work, while nationally changes to the planning system, including greater use of design codes, is being proposed. A refreshed design review service could support and work with such changes in the shared service area.
- We heard ideas around introducing a new design quality management system. If this is taken forward design review could play an important part in its work.
- Nationally, almost all design review services are now funded by review charges to applicants. We found no resistance, including from developers, to doing this in the shared service area, as long as the service charged for was good quality.
- There is some evidence that community members are interested in design review. This could help to link community engagement and review systems in some areas or support the creation of a community design review panel. However, the priority should be to get the expert design review panel in place first.

## 4 Recommendations

### A. Create a single Design Review service with specialist sub panels

The analysis of the existing panels demonstrates that despite the hard work and commitment of those involved they are not delivering the quality of Panel process needed by GCSPS. A change of approach is needed to deliver a consistent and highly respected Design Review process. This report provides advice on how a more streamlined and consistent approach to delivery would lead to it having a greater impact.

Whilst recognising that the areas covered by the two panels are very different it is also clear that running the Panel process is quite a generic activity and in itself does not have to differ due to the location within it operates. A new single Panel would ensure efficiency, clarity, and a strong message that the shared planning service has a consistent approach to the requirement for and delivery of design quality.

A single panel could be managed by a team rather than individuals, ensuring consistency and backup should any single panel manager be unavailable. If the team was also responsible for other design quality delivery work, this would help embed the panels across such activities.

Combining panel management activities may offer efficiency savings but we are not in a position to say as we do not have information on how the shared service is set up and run. Certainly ensuring a particular team, and manager, is clearly responsible for the delivery of the design review service, including deciding on which schemes are seen when, the role of case officers at the review and having oversight of how review comments and advice will be used, will help reduce inefficiencies caused by confusion and lack of clear responsibilities. Such clear management should also ensure better overall review service.

In terms of opportunities to use reviews to support other work, for example if design code evaluations are needed, a single management structure would make updating the way it works and taking such opportunities easier and simpler. The clarity and strength of a single large, very active panel could also make it more relevant and useful as a training and community engagement resource.

A single panel would require just one set of Terms of Reference (including issues like which schemes would be seen when, and panel refresh and training), one funding/charging mechanism and one panel of advisors. This would reduce the administrative burden as well as being a much clearer situation for applicants, communities and councillors.

A single panel could have multiple chairs and sub panels made up of specific sets of advisors for particular areas or types of scheme. There could be specific sub panels that focused on city centre historic areas, village residential extensions or country house proposals. In this way a new single Panel could have sub/specialist panels within it that respond to the different typologies and uses.

Panel membership could be flexibly shared across sub panels to ensure best fit of experience for particular proposals. For example, if it is hard to find enough people with street design experience and this specialism is most required when looking at village extensions, those with this skill would sit on that sub panel. If the issue is occasionally relevant for city centre schemes, a specialist street design panel member could be added to a city centre panel for those particular schemes.

Other areas use single panels and sub panels. For example, both Essex and Hertfordshire now have large single panels serving a variety of district councils. In both cases the service is managed by the County council, provided to district planning authorities by agreement. Both have large panel pools and can set up area or scheme type specific panels as required. But they both have single payment and terms of reference systems. They are slightly different to the option for Cambridge as they provide arms-length provision for planning authorities, but they show how a single larger panel can work (Essex is better established than Hertfordshire at the moment).

One Panel can achieve everything required and deliver a flexible responsive service. But all panels would work to the same delivery standards and use the same methods to ensure consistency, transparency and efficiency across panel work.

Although outside the remit of this report, there may come a time when the CQP would wish to join a combined single design review service. They are a large and very well respected part of the Cambridge Design Review story – and better connections between them and other panels work would be of benefit to all.

## **B. Refreshed and improved delivery systems**

Design Review is an exacting and demanding process that requires great attention to detail to ensure it is respected and utilised.

The Sub recommendations set out below describe all the ingredients needed for a new single panel. They are arranged under the UDL Criteria for a successful Panel.

- B1 A Design Review Service that is governed well
- B2 A Design Review service that is managed well
- B3 A Panel and Chair with skills to meet the needs of all schemes
- B4 A Scheme Selection Process providing clarity for all involved
- B5 A well-managed Scheme Review Process
- B6 Panel Outcomes that are useful to all involved
- B7 A Panel that Influences design quality and knowledge
- B8 A Panel that is trusted and respected by all involved

## **B1 Establish a new approach to Governance with an Independent Advisory Group**

To ensure that the **Design Review Service is governed well**, with independence and transparency, a new approach is needed for the Governance of the Panel.

Governance is the overarching management and scrutiny of the Panel. Design Review Principles and Practice (CABE, 2013) sets out why it is important.

*‘Establishing a governance structure, a design review panel must be seen to be independent from both the local planning authority and the developer, free to give impartial advice to all parties. Governance by an advisory board or steering group representing key stakeholders and acting solely in the public interest is one effective way of ensuring accountability’*

An Independent Advisory Group will provide an independent body to ensure accountability in the public interest. The Group will meet at least once a year and review the Annual Report and assess any issues. It is suggested that the Group consists of three/four people including the Chair(s) of the Panel and two external DR Panel experts, such as Chairs in other panels, or professionals involved in managing panels. The Group could also include senior officers and planning committee Chairs.

We suggest that you set up such a group to oversee any new service you wish to create, and that the group advise on many of the issues covered below.

## **B2 Write a Terms of Reference to set out the Governance and Management of the Panel**

Drafting and agreeing new Terms of Reference (ToR) will help ensure the refreshed service is robust, transparent and appropriate. It is also your opportunity to clearly set out how you want the service to work for the shared planning service and committees, stating this in one place.

We suggest that you use the creation of new ToR as an aid to pulling together stakeholders and discussing varying views and ideas. The ToR should be understood, owned and accepted by all involved. The ToR may cover:

- **Purpose**  
For example - to provide impartial advice to all involved in raising the standard of design, supporting good design and to be a critical friend.

- **The Approach**  
For example, explaining the use of a single Panel for GCSPS area with a single group of Panel members and sub panels within to respond to the different needs of City Centre and South Cambridgeshire.
- **Principles and Practice**  
This may include issues such as how the panel sessions will be formatted, when site visits will or will not be required, what is expected from applicants who are presenting schemes, your charging mechanisms and costs etc. You may also like to set out how information about the panel will be made public, for example on your website.
- **Governance**  
Explaining who is responsible for the panel at senior officer/councillor level and the role of your Independent Advisory Group.
- **Management**  
Setting out who will manage the day to day running of the panel, what they will do and what they will be responsible for. For example, the ToR might require the publication of a single design review service contact details, which may be a generic email address.
- **Panel Members and Chair Recruitment and skills**  
Explaining how you will advertise and select panel members and chairs, what is required of them and how you will support them. For example, through updates on local issues and policies Length of term, expected number of schemes each panel members will be invited to review etc may also be included in the ToR , or if not made clear in the Handbook Set out how you will refresh or expand panel membership and how and why you will end involvement from particular panel members if required.
- **Remit**  
Explaining which schemes will be seen when, by who, why and how. You may wish to set out a protocol covering how schemes will be seen by different panels – i.e. when the CQP or the new combined panel will see a scheme. Criteria on scheme types either within a protocol with another panel or relating to which schemes your panel will see when often include:
  - Scale – more likely in SC due to large sites.
  - Site – more likely in City Centre with sensitive sites in conservation areas and listed buildings.
  - Local Issue, Exceptional Challenge, Public benefit – can include policy documents and strategies.
- **Panel Review Types**  
Explaining the different types of review your panel/s may perform and when you would use these, for example: Full Panel Sessions, Workshops, Chair Reviews.
- **Meeting Advice Outcome**  
Setting out how the thoughts, comments and written report from reviews will be drafted, agreed, shared and used within your planning processes.
- **Conflicts of Interest**  
Explaining clearly your processes and responsibilities for managing conflicts of Interest.  
*(Definition: A conflict arises if there is any suggestion that a Panel Member, either as an individual or a member of a group or organisation, might have a financial, commercial or professional interest in a project, its client or its site).*

- **Monitoring and Evaluation**

Setting out your process for monitoring and evaluation. This may include individual feedback and an Annual Report.

### **B3 A Design Review service that is managed well**

For the DR process to function well and have credibility everyone involved should have a good understanding of how it works. Transparency is therefore key and there needs to be information on process publicly available to meet all needs. This should include the Terms of Reference, a Handbook for the management of the Panel and a Quick Guide for applicants.

A handbook can set out processes to be used by all involved in Reviews, including planning officers, the wider council and panel members.

A Quick Guide for Users of the service for applicants will help ensure they know how to get the best from the review, including how to send in pre review information, present and access the subsequent report.

Here are some suggestions as to what such documents might include:

#### **Handbook for Panel and Council**

- Introduction, Statement from Chair, Aspirations, Map
- Role and Remit, The Panel's Independence, Concept of Panel, 10 Principles of Design Review (CABE, 2013)
- Relationship with Planning Service, Pre application process, The Review, Using the Panels advice
- Being a panel member, The role, The type of panel we are running, How we manage Conflicts of Interest, The importance of Confidentiality, Do you need Professional Indemnity?, How we manage Fees and Expenses, What about Intellectual property, What to do if there is a problem
- How the panel process works, How the process is managed within the planning process – process maps, How each review is managed, from set up on the day to outcome
- Panel recruitment, term of service, how to apply
- Panel communications, How we will let you know what's going on, Newsletter, Annual meeting

#### **The Quick Guide for Applicants**

- Design Review - what is it?
- GCSPS Design Review Panel - why do we need it?
- The Panel - who are they?
- The Review Process - what applications does the Panel review?
- How to apply for a review
- The Review Session - how does it work?
- Confidentiality - what information is public?
- Conflicts of Interest - how are they managed?

A web page for the new service is a vital part of better communication about the Panel and its outcomes. The web page should include:



- Terms of Reference
- Quick Guide
- Information on Schemes after Planning decision, including advice letters
- Annual Report

One key issue to be clarified is the role of the panel/s in 'signing off' or green lighting schemes before they go to committee. Some seemed to see the panel/s as replacing the role of officers in assessing and evaluating schemes, while others felt the panel/s should be supporting and advising the officers. This needs clarifying within your planning service, but our recommendation is that panels should support and advise officers, not look to replace their or planning committee roles in any way. As such an officer might like to talk to the chair or request a second review of a scheme if they are not sure if it has adequately taken on board earlier panel session, but it is up to the officer and councillors to weigh up the merits of the scheme and come to a rounded judgement on it. Officers should be able to interpret panel advice to be able to consider compliance with it themselves in many cases and should not look to the panel to say yes or no to a scheme. For this reason we recommend you move away from the traffic light system as it looks to give one definitive answer on the acceptability of a scheme rather than rounded description of varying issues.

#### **B4 Establish a costed service**

A service that meets best practice will need sufficient resource. In order to achieve this, it is recommended that you charge fees for reviews. You may wish to include your fee structure in your ToR, it should be publicly visible and reasonable.

Fees vary from panel to panel across the country but tend to be between around £1,000 to £2,000 for a returning scheme or chairs review (shorter sessions with less people involved). A first review of a significant scheme might have a fee around the £4,000 mark.

It is suggested that you use the following type of calculation when deciding on your fee structure:

Staff costs<sup>1</sup> + panel member costs<sup>2</sup> + overheads<sup>3</sup> = cost (per review)

Cost + uplift<sup>4</sup> = price to charge (per review)

<sup>1</sup> You can calculate this from an estimate of staff time needed per review x the relevant hourly/daily rate for those staff

<sup>2</sup> Most panels use 4 panel members and a chair for most reviews. Panel members are generally paid around £200 to £300 per half day, £300 to £500 per full day each, and chairs closer to £500 to £700 but this depends a little on how much of the report you wish the chair to write. These fees are generally much lower than the commercial day rates for the panel members, they tend to see design review as a pro bono exercise.

<sup>3</sup> You should be able to estimate your overhead costs, both for your staff if you have not included this in their cost, and for the actual review venue, catering, facilities, travel costs etc.

<sup>4</sup> You may wish to charge more per review than it costs to run it. this uplift might be used to cover the cost of reviews or other panel support for community groups, to fund design training for councillors, officers or panel members or other relevant activities.

Your per review costs and charges may be affected by the number of reviews you carry out a year in so far as the overheads might be lower per review and your uplift might be spread across more charges. So you may wish to test out your fee structure using a few review number scenarios. We expect a combined panel would see around 45 schemes a year, but this will depend on how you set out which schemes are to be seen.

You may wish to charge different amounts for different types of reviews – if so you will need to factor this into your calculation – for example cost - 50% for a minor residential scheme but cost + 50% for a very large housing scheme etc.

It is recommended that the skills for the staff involved include an urban design officer, and an administrator.

### **B5 Set up a monitoring and evaluation process and produce a public Annual Report**

A consistent evaluation process will provide evidence of impact, helping justify your use of design review and charges. But it will also, very importantly, allow you to critique your processes and evaluate opportunities for improvement. A robust monitoring system also helps to ensure all involved know their performance is of interest and will be looked at.

Your monitoring system should fit in with your wider Key Performance Indicators or other evaluation processes. But you might find it useful to look at the monitoring templates on the Public Practice website which have been developed by other panel managers. Closer to home, the CQP has a process that could be adopted.

Here are a few key points to consider when setting up a system:

- Monitoring should look at both attitudes and experiences of those who have been involved in reviews and tracking the progress of at least a sample of schemes seen to see if the review impacted the design and decision.
- You will need good record keeping noting what versions of schemes were seen at reviews when to be able to tell if the schemes seen changed/improved and where granted or refused permission.
- Everyone involved in the process should be offered the opportunity to comment on their experience, annually or more frequently.
- It is useful to follow up on schemes seen to understand impact. This can be done using a reminder and questionnaire system set to trigger 6 or 12 months after every review.

The findings of the regular evaluation put into an Annual Report, a public document prepared by the panel manager and scrutinised by the Panel Advisory Group.

### **B6 A Panel and Chair with skills to meet the needs of all schemes**

Panel/s are only ever as good as their members and chairs. Therefore, recruiting and supporting these people will be an important element of future success.

The planning authority should openly recruit, using public advertisements and clear selection criteria. People should be appointed on their own merits, not as representatives of any organisation.

You should be clear about who will make decisions, for example the appointment of Panel members may need to be agreed by Advisory Group, Chief Planner, Chair Planning Committee etc.

You should give clear information you will require from applicants. Some panels interview prospective chairs but not panel members. Some use test reviews. It is also useful to think early about issues such as insurance. Some panels are limited in who they can appoint as they have overly onerous liability insurance requirements. These may be ok for architects working in private practice, but they might exclude people in public organisations or other jobs elsewhere. Panel members are giving advice, they are not designing projects and the insurance requirements should be proportionate.

In general, the skills needed for a good chair are not the same as a panel member. The chairs need to be able to summarise many points into a coherent conclusion. They also need to steer the discussion making sure all relevant issues are covered. Good chairs listen and ask pertinent questions of both applicants and panel members more than they put forward their own views on a scheme, although these of course will be influencing their questions and summaries.

Panel members need to be articulate and constructive. They need to be able to understand a scheme quickly and apply their experience to what they are seeing. They need to be collaborative and build on the thoughts of other panel members, but they need to know their own mind and be confident enough to say what they think. Although it is important to have varied background skills on a panel, panel members should not feel that they can only talk about their 'specialism' or that they have to say something about that issue at every review if it is not particularly relevant for the scheme. Good designers do not always make good panel members and vice versa.

A recruitment process needs to reach out to a diverse range of built environment professionals to ensure a Panel with appropriate skills. The process should also reach out to particular groups currently underrepresented, such as women and BAME.

There are no fixed rules as to how often you should renew our panel, but 3 or 5 years are often used. You may wish to refresh and change the panel bit by bit, so say a third of the panel every 2 years. This is more work for the administrators but ensures both consistency and freshness across the panel.

The professional range of skills your panel/s need to cover should include, but not be limited to: architecture, urban design, planning, landscape architecture, public realm, green infrastructure, sustainability, highway engineers and designers, transport planning, conservation, biodiversity, active travel, town centre management, water management etc. you may also want to ensure panel members have between them experience relevant to the type of schemes seen, such as large scale housing, education buildings, scientific research hubs, country houses etc.

We recommend a panel of about 40 people, with 2 to 3 chairs and 2 to 3 vice chairs. Larger than this and you may find you are using panel members very rarely, so they do not connect well to your work, smaller and you might find it hard to find people available for all reviews.

Some panels look for people who live or work in the area covered. Some do not. There is no fast rule here, but panel members should of course understand and value the area and be committed to delivery of good design within it.

### **B7 A scheme selection/referral process providing clarity for all involved**

A well-defined Scheme Selection process helps to ensure that the Panel reviews the most significant proposals in the area. The Panel Manger, Planning Committee Chairs, Lead Members and planning officers should be involved in these discussions to ensure that appropriate schemes are identified at an early stage in the design process. Within GCSPS there will be a wide range of schemes seen at Design Review. Within the City the main focus is education related schemes and those related to tourism. Within the SCDC area it is predominately large scale residential.

We have already mentioned that scheme selection, or remit, should be set out in the ToR. These are the type of issues you might wish to include:

- **The scale of development and land uses**

The criteria can set a lower limit on number of units, and/or size of site. You may wish to review commercial, industrial or educational buildings based on floor space but residential schemes based on number of units or site area.

You can specify your approach to infrastructure projects, Public realm schemes, Masterplans, policy development, design codes and any change or proposal that may not require express planning permission but which the council has responsibility or interest for. You may even wish to set out if you would like the panel to advice on schemes outside your area which you are consulted on.

Some local authorities use their design review panels to advise on their own housing and other development schemes. But if this is done then clear separation between panels used for this, and for planning functions, is needed.

- **The Site**

You can specify particularly sensitive areas or sites where you will always wish to review proposals. For example, sites which have a significant impact on their area such as heritage or views or areas with significant flooding issues.

You may wish to explain how reviews will work in different types of local plan designation areas.

- **Local Issue, specific impact, Exceptional Challenge, Public benefit**

You may feel that irrespective of the first two types of criteria you wish to ensure schemes where there is significant public debate or concern, or impact beyond the physical from of the scheme, for example to the standing or image of your area, are reviewed.

### **B8 A well-managed Scheme Review Process**

As mentioned regarding the ToR, we recommend that you propose, discuss and agree new review processes from scratch. There are some good practices within your current set up, but there are many inconsistencies and some ways of working are worrying.

Your new process may involve all aspects of review from preparation to the advice letter. Some aspects of the new process will differ from the existing. In particular;

- Site visits, including going onto sites and other private land to ensure full understanding of context are recommended for all schemes (only one visit needed for recurring schemes)
- the briefing of Panel members must be thorough and held before the review, with the case officer and other relevant officers present at the pre review briefing
- notice of any conflicts of interest and clear introductions of all present (including observers) should be carried out at the start of the session.
- the presentation materials required and how these will be shared should be well defined
- a site visit must always be held unless it is a returning scheme
- Panel members should have only a brief time for points of clarification and spend the majority of their time on comments
- The Panel should hold all their discussions with the applicant present, apart from the briefing
- De briefing with officers is best practice after a review. It helps the panel members and chair consolidate what they have learnt themselves from the session, and helps the officers clarify what has been said and how they may use the advice going forward. The debrief helps develop a partnership approach between panel and officers

The process will be set out in the ToR, Handbook and Quick Guide so it is transparent.

### **C. Integration of Design Review with wider Design Quality approach**

We learnt through interviews that the shared planning service may be looking to refresh its design quality management approaches generally. If this is the case, we recommend that design review is fully integrated into any new system within a Design Quality Charter or similar.

We found, through our research, that lack of integration and inconstant approaches could be hampering both design review practice its eventual impact on place quality. We set out below recommendations as to how better integration might be achieved.

#### **C1. Link to Pre App Processes and Planning Performance Agreements**

An effective local authority Panel will have a close working relationship between the panel process and the planning application process, A process agreed by the GCSPS and the Panel Manager should be set up to embed DR in the PPA process, and also in the Policy Development process.

Agreeing referral criteria and how reviews will be structured/who should attend/how outputs should be used will help. But in addition, we recommend that the use of reviews is specified in any PPA including their number, the stage in the process when they will be used and the fee.

To help you may wish to provide information on the role of DR on your website where you set out your Pre App process [here](#).

You may also like to consider setting up a checking process for new schemes at validation stage to identify if they should go to design review. More information on this approach can be found at Public Practice (<https://www.publicpractice.org.uk/resources/in-house-design-review-dashboard-template>).

You may feel that regular updates on Design reviews with planning officers, particularly if you have major scheme management meetings or similar would be helpful and show reviews as an integral part of the process.

Planning Officers attending DR can enhance their understanding of the process. For each scheme, the Case Officer should be there and in addition their Senior Manager, and anyone else relevant to the application. It will also be useful if officers from Senior Management downwards observe Panel sessions.

## **C2 Raise the profile of Design Review**

If people across the shared planning service and the separate councils are more aware of DR and its potential benefits for them, they may be more willing to integrate it into their work. As such you may wish to set up a programme of training/information and discussion events and encourage other Council services to use DR for example regeneration, housing, parks and recreation.

## **C3 Integrate more fully with Cambridgeshire County Council Highways Authority**

As is often the case with DR, there can be a disconnect between advice given by the panel and that provided by the highways authority. This can be particularly difficult where new roads are required as part of significant housing schemes, or where car and cycle parking and other facilities can be seen as at odds in urban areas.

We recommend that you work to agree a protocol with the Highways Authority that sets out how they will use and respond to design review advice, attend and interact with panel sessions and move to

## **C4 Consider creating a Community Design Review Panel**

A Community Review Panel operates alongside but separately to the DR Panel. It provides a consistent involvement for representatives of the community to have their say on planning applications and other proposals. They are selected by a recruitment process and given support and training on Design Review and design issues.

To facilitate communities involvement in a Design Review process GCSPS should consider a Community Review Panel.

## **C5 Develop a closer relationship with CQP**

The CQP is the most respected Panel in the Cambridge area and there is an opportunity to develop a closer relationship with the new Panel. This could start with CQP sharing their approach and experience with the new Panel. There could also be regular meetings (every 4 months) to keep in touch about the schemes and issues being reviewed. In the future it might be possible to consider a single Panel for the whole area.

The CQP uses the Cambridgeshire Quality Charters format for its reviews called the 4Cs (connectivity, character, climate, community) to ensure key issues are considered for all schemes. This might form the basis for a new structure of the shared planning service reviews.

The relationship with CQP should be set out in the Terms of Reference. The remit of schemes reviewed by the CQP is set out within its Terms of Reference and these should also be reflected in the Terms of reference of the new panel.

## **C6 Promote good design including but not limited to the use of Design Review**

Consider a package of actions including

- Regular meetings and communication with the established developer forum.
- Set up a planning officer group for those with an interest in design.
- Provide public feedback on the benefits of DR.
- Use the Panel Members to support design training within the Council.

## **5. Conclusion**

Cambridge City and South Cambridgeshire areas are wonderful places with a wealth of environments, communities, and activities to be proud of. There is much energy and potential for development and a real enthusiasm to protect and enhance the areas as they change.

The coming together of the two local authority planning services has created challenges and opportunities. In relation to this report, it opened the door to a review of the two existing design review panels, with the opportunity of creating a better service in the future.

We have learnt much about the existing panels, and have found real enthusiasm, commitment and professionalism from officers, councillors and panel members which should be commended. But at the same time we have found some significant failings in the current set up, which have likely contributed to the existing panels not being consistently seen in an entirely favourable light by those who come into contact with them, and not having the impact they should.

Although we are not grading the existing panels against each other, it is fair to say that the C&DP has more problems than the DEP. This is probably because it was set up a very long time ago, when Design Review was a different thing, and does not benefit from 'ownership' within the council. As such it has not modernised and is not well linked to planning services.

The DEP is a newer panel and exhibits many good qualities. However, it also has weaknesses, including a lack of refresh and training of panel members.

This report summaries the strengths, weaknesses and opportunities we discovered across both panels. It sets out a number of specific recommendations for change and provided advice on how these could be taken forward.

But in summary, it is our view that the shared planning service would benefit from a full-scale reworking of the Design Review services, forming one new, openly appointed panel, strengthened review practices, both within the sessions themselves and in the wider management and use of panel advice. We also recommend tackling some of the external issues that may be preventing design review from being as useful as it should be, including linking it better into other planning processes and any future Design quality Management system and agreeing how Highway advice from the County Council will relate to panel advice.

We hope our assessment of the current situation and recommendations are of help and wish the shared planning service the best as they reform and improve their design review service.



## **GCSP Design Review Panel: Terms of Reference**

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### **1. Introduction**

The terms of reference outline the purpose of the Greater Cambridge Design Review Panel (GCDRP) and explains how it is intended to work. The GCDRP replaces the Design and Conservation Panel and Design Enabling Panel and implements the recommendations of an independent review carried out in 2020-21.

### **2. Purpose of the Panel**

The Greater Cambridge Design Review Panel (GCDRP) supports Greater Cambridge Shared Planning Service (GCSPS), for South Cambridgeshire District Council (SCDC) and Cambridge City Council (CCC), in achieving excellent design in new development. It offers multi-disciplinary advice from leading built and natural

## Appendix B Greater Cambridge Design review Panel Terms of Reference

environment professionals through a robust design review process consistent with the Cambridge Quality Charter for Growth.

The GCDRP is set up to raise the quality of development by identifying where designs can be improved to achieve the best possible outcomes. This is in line with the planning authority's aspirations and in accordance with the local plans for the two councils. It is a critical friend to all parties, offering impartial advice to developers, planning officers and planning committee. It helps inform the planning process and gives greater confidence to decision makers to support innovative, high quality design. The Panel operates in the public interest and always considers the best outcome for the whole community.

### 3. Remit of the Panel

GCSPS benefits from 2 design review panels: the Cambridgeshire Quality Panel and the Greater Cambridge Design Review Panel.

1. The [Cambridgeshire Quality Panel](#) is administered by Cambridgeshire County Council and it is governed by its own terms of reference. Within the Greater Cambridge area, it reviews strategic scale allocations within the adopted local plans infrastructure projects ; all new schools and extensions In Cambridge City, the Cambridgeshire Quality Panel reviews sites that are generally covered by the City Fringes Joint Development Control Committee. The Cambridgeshire Quality Panel may also review policies, guidance and documents that have a strategic and spatial implications at a sub-regional scale.
2. The **GCDRP** is set up to review major or significant planning and pre-planning applications for sites within the Greater Cambridge area, that fall outside of the remit of the Cambridgeshire Quality Panel. The GCDRP may also review any policies, guidance and documents that related to these sites. Occasionally, the GCDRP may also review projects from outside of the GCSPS area in agreement with the Local Planning Authority.

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### 4. Approach

The GCDRP will operate across Greater Cambridge. It will be managed by GCSPS and overseen by an Independent Advisory Group. The Panel will have two chairs, two vice-chairs and a pool of 20-30 panel members with diverse expertise. Where appropriate, sub-panels may be formed from the panel membership to respond to the different development pressures or type within Greater Cambridge areas.

The Panel will usually meet twice per month and review up to two schemes per meeting, although additional meetings and reviews may be organised when required. Meetings will normally be held in Council offices in either Cambridge or South Cambridgeshire unless they are required to be held remotely, for example due to social distancing restrictions being in place. Up-to-date information about the panel and its membership is to be published on the GCSP website.

### 5. Principles and Practice

Design review is an independent and impartial evaluation process that should meet high standards to be respected and effective. In undertaking its advisory role, the GCDRP will adhere to the following established best practice principles:

- The [10 principles of design review](#)—independent, expert, multidisciplinary, accountable, transparent, proportionate, timely, advisory, objective, accessible, developed jointly by the RIBA, Landscape Institute, Design Council (formerly CABI) and RTPI developed.
- The integrity of the panel is essential to its success and for this reason, all panel members will abide by the seven [Nolan Principles of Public Life](#)—selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Conflicts of interest procedures are set out in Section 12.
- Design review aims to provide a rounded assessment that considers the aesthetic, sustainability, and functionality of a project. For this reason, the GCDRP will assess schemes against the [Cambridgeshire Quality Charter for Growth](#), within the context of the adopted planning policy framework.

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- The GCDRP will operate within the National Planning Policy Framework and policies within the Local Plan, taking into account the climate emergency that have been declared by both councils.
- The panel will be formed of professional experts from the field of the built and natural environment.
- The advice will be integrated into the pre-planning and planning application processes and considered as a material consideration in determining planning applications. The outcomes of panel meetings will be reported as part of the planning officers report.

### **6. Governance**

An Independent Advisory Group (IAG) will ensure the effectiveness and accountability of the panel in the public interest and, in consultation with the Joint Director of Planning & Economic Development, make recommendations to adjust working practices in accordance with these terms of reference.

The IAG will comprise; two independent built environment experts with significant experience, reputation and external to the panel (such as chairs or experts of other design review panels), the 2 panel chairs, senior council officers, the lead members and planning committee chairs of both councils (excluding the joint development control committee as these developments are reviewed by the Cambridgeshire Quality Panel).

The independent built environment experts will rotate annually as the chair of the IAG. They will be appointed initially for a 3-year term by The Joint Director of Planning & Economic Development in consultation with the Lead Members.

The IAG will meet once a year to review an Annual Report (see section 13), assess any issues, advise on improvements and the future direction of the panel. The Annual Report is a public document, comprising the feedback, finance and summary of the outcome of the panel's advice within the planning process and as development is built. The Annual report will be prepared by the IAG Chair and

## **Appendix B Greater Cambridge Design review Panel Terms of Reference**

circulated to the group in advance of the meeting. The IAG meeting minutes will be taken by Panel Manager, checked with the IAG Chair and shared with the group and the panel membership.

A review of the Panel and its Terms of Reference should be conducted after a maximum period of 5 years.

### **7. Management and Roles**

The GCDRP is managed by the Council's Built and Natural Environment Team, with independent governance provided through the Independent Advisory Group.

**The Panel Manager** is responsible for the delivery of the panel process, including the selection of schemes and panel members for each review, the review agenda, collating the materials for review, arranging site visits, managing the review session and issuing the panel letter and collecting feedback from stakeholders using surveys and will be supported by an administrator. The Panel Manager will collate factual information to assist the IAG Chair in preparing the Annual Report, including stakeholder feedback, finance and summary of the outcome of the panel's advice within the planning process and built development.

**Planning Officers** must attend reviews to brief the panel on their planning application schemes. Planning officers will receive training on the design review panel to make sure they can participate fully in the process. Planning officers should attach the review letter in full to their planning officer/committee reports and provide a commentary where advice has not been followed and why. Planning officers are also expected to observe the panel from time to time as part of their continuing professional development because the discussion can be a helpful way to learn about design quality.

**Panel Members** are expected to commit to approximately 5-8 reviews per year. They should provide their availability in advance to the panel manager and must be able to attend, to contribute to reviews when selected. Panel members must also

## **Appendix B Greater Cambridge Design review Panel Terms of Reference**

attend an induction and/or briefing session set up to update the panel on any issues, changes to its processes or policies, to ensure that they have the information they need to fully participate in the panel process. Panel members are responsible for reporting conflicts of interest as set out in Section 12.

**The Panel Chair** is responsible for chairing the review sessions and writing the review letter with the assistance of the Panel Manager. In exceptional circumstances, the Chairs/Vice Chairs may also be asked to attend Planning Committee at the request of the planning committee chair in agreement with senior officers of GCSPS.

**The Planning Committee** will receive an annual briefing to explain the role of the GCDRP and Members are encouraged to attend reviews as observers. The GCDRP letter will be included within the planning committee report. The GCDRP comments are a material consideration in determining planning applications and should be given appropriate weight by the Committee.

**The Developer** attends the review session and has an opportunity to present and answer questions raised by the panel.

**The Design Team** prepares the briefing and presentation material for a review session (set out in section 9) and attends the review session. They present their scheme to the panel and have an opportunity to answer questions raised by the panel.

**The Independent Advisory Board (IAB)** is responsible for overseeing the governance of the panel and meets once a year (See section 6).

**Observers:** Observers may attend review sessions, with the consent of the Chair and Panel Manager.

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### **8. Panel Members and Chair**

GCDRP is to be made up of 20-30 members, with a balance of skills that address the themes of Community, Character, Connectivity and Climate. The members will be diverse and nationally respected professionals from the fields of architecture, urban design, planning, landscape architecture, public realm, green infrastructure, sustainability, highway engineers, transport planning, conservation, biodiversity, active travel, town centre management and water management. There will be a mix of Panel members from the Cambridge region and beyond who understand the region, its context and are committed to delivering the high aspirations stated in the Cambridge Charter for Growth. The roles and responsibilities of panel members are set out in section 7.

Chairs and Panel members will be appointed via an open recruitment process, that encourages applications from people with protected characteristics. Panel members will be selected on their own merits using a clear and published set of criteria. Panel members and Chairs will be asked to submit a CV and covering letter stating how they meet the listed criteria. Chairs will be interviewed for the role by a panel that will include senior officers and the lead members from both authorities. The Joint Director of Planning & Economic Development in consultation with the Lead Members, has final sign off on the appointment of Chair and Panel Members.

The Panel Members and Chairs will be appointed for a period of 3 years and refreshed thereafter following a review of attendance and performance in consultation with the IAG. If necessary, additional members may be recruited by the council following the process set out above, to fill any gaps in expertise. The performance of Panel Members and Chairs will be reviewed by the IAG at the annual meeting. Panel members and Chairs will be paid for their attendance. In addition, expenses will be paid to cover travel. The Chair will also be paid for half a day when they attend Planning committee.

### **9. Referral Criteria**

The GCDRP will review schemes that meet the following 3 criteria:

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- 1) The **scale, size and use** of development, including:
  - larger scale buildings and groups of buildings generally over 1000m<sup>2</sup> (gross) or where there is a site area of more than 0.5 hectares
  - large public realm schemes
  - housing schemes generally over 10 or more dwellings or a site area of more than 0.5 hectares
  
- 2) The **site** is particularly sensitive, irrespective of their scale, size and use. For example:
  - developments affecting significant views and heritage assets or have a major impact on their surroundings
  
- 3) The proposals are **significant** because of a **local issue, specific impact exceptional challenge, or public benefit**, including:
  - design policies and guidance including, frameworks, masterplans, design codes and development briefs
  - design for climate adaptation and mitigation
  - schemes involving major public investment or council-led regeneration
  - proposals that are unique and likely to set a precedent

The panel manager, in consultation with planning officers, will confirm when a project is suitable for review.

Schemes benefit from being brought for review early in the pre-application process as designs have not been fixed, enabling the panel to be most effective in influencing the design and suggesting improvements. Schemes are encouraged to be brought to design review at least twice.

Design Reviews should be specified in any Planning Performance Agreement (PPA) entered with the planning authority as part of the planning process. The PPA should include the expected number of reviews and the stage in the process when the scheme will be reviewed. The fee for design review is separate to the PPA.



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### 10. Panel Review Types

The GCDRP offers 3 types of review: A full design review with a site visit, a subsequent design review without a site visit and a desktop chairs review. Where possible the same Panel Members will be used for subsequent reviews. Site visits will be grouped together and undertaken at the beginning of the meeting.

Fees and review types will be monitored as a standing item at the annual IAG meeting and adjusted accordingly to ensure the GCDRP remains financially viable. In exceptional circumstances the fees outlined below may be reduced to support community organisations and charities, in accessing the panel. For schemes which are particularly complex and/or required a bespoke review format (such as specialist sub panel) the fees outlined below may be increased to cover any additional costs to GCSP. Reviews for projects outside of the GCSP area may also incur an additional fee and this will be agreed with the panel manager.

#### Full Design Review

A full design review is for a first review of the scheme, ideally at pre-application stage. It includes a site visit and a review by the Chair and 3-4 Panel Members. It will be attended by the planning officer and other key stakeholders such as officers from the County Council and Historic England.

**Fee:** £4000 + VAT

**Typical Agenda** (approx. 3 hours in total):

- Site visit, 60 minutes (Panel Manager, Planning Officer, Panel Members and the architect and developer from the design team)
- Panel briefing by Planning Officer, 15 minutes (panel and officers only)
- Chair introductions and notice of any conflict of interest, 5 minutes
- Project team presentation, 30 minutes
- Panel questions and clarifications, 10 minutes
- Panel discussion following the structure of the Cambridgeshire Quality Charter with a summary from the chair, 60 minutes

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### Subsequent Design Review

A design workshop is used for second and subsequent reviews, or less complex schemes that do not need a site visit. The format may also be useful for reviewing internal council policies and design guidance. A design workshop usually takes 2 hours per review.

**Fee:** £3500 + VAT

**Typical Agenda** (approx. 2 hours in total):

- Panel briefing by Planning Officer, 15 minutes (panel and officers only)
- Chair introductions, 5 minutes
- Project team presentation, 30 minutes
- Panel questions and clarifications, 10 minutes
- Panel discussion following the structure of the Cambridgeshire Quality Charter with a summary from the chair, 60 minutes

### Chair's Review

The Chair's review will be used for a limited number of schemes with the agreement of Senior Officers within GCSPS. It provides a desktop review and advice on schemes that have already been to a Full Review and Subsequent Review at pre-application stage. In exceptional cases it may also be used for smaller, less complex schemes. The review will usually 1 hour and be conducted by the Chair plus 1 Panel Member. The design team is not present, only the planning officer presents.

**Fee:** £2000 + VAT

### Meeting Advice Outcome

The review letter must be written in a clear and accessible language and reflect the main points made by the panel at the meeting. It will be structured under the headings of the Cambridgeshire Quality Charter's and should include the four 'C's':

- **Community:** Building a sense of community by providing a greater choice of housing along with community facilities which assist active participation of

## Appendix B Greater Cambridge Design review Panel Terms of Reference

people in their neighbourhoods (including encouraging developers to set up proper systems of governance for their developments early in the process).

- **Connectivity:** Locating new developments where they can benefit from high connectivity to jobs and services and provision of sustainable infrastructure to match the pace of the development.
- **Climate:** Tackling climate change through good design, site layout and imaginative landscaping, including innovative approaches to energy, transport, waste and water (water treated as a friend not an enemy).
- **Character:** Creating places of character with distinctive neighbourhoods and public realm that encouraged people to walk and cycle

The Panel Chair will write the review letter and send it to the panel manager within 7 days of the review. The Panel Manager will check the letter for factual accuracy, ask the chair for clarifications if required, and issues the final review letter to the design team, planning officer and other stakeholders (who attended the meeting) within 10 working days of the review.

Planning officers should share review letters with all relevant officers and stakeholders (subject to confidentiality issues) involved in assessing a scheme at pre-application and application stages. The design team should refer to the review letter within the Design and Access Statement of the planning application, which should set out how the panels comments have been addressed through the design process. Once an application has been submitted to GCSP and made public, the review letter will also be made available on the GCDRP webpage.

Planning officers should attach the review letter in full to the planning officer/committee reports and articulate where the scheme has and has not considered the panels comments and why. In exceptional cases, the Chair may be asked to attend Planning Committee meetings when requested by the planning committee chair in agreement with the Joint Director of Planning & Economic Development in consultation with the Lead Members. The role of the GCDRP is advisory but the comments are a material consideration as set out in the NPPF.

## **Appendix B Greater Cambridge Design review Panel Terms of Reference**

### **11. Conflicts of Interest**

A conflict arises if there is any suggestion that a Panel Member, either as an individual or a member of a group or organisation, might have a financial, commercial or professional interest in a project, its client or its site.

Panel Members must check panel meeting agendas and report any conflicts or perceived conflicts of interest to the Panel Manager as soon as they become aware. The Panel manager will then decide if it is a conflict. The Panel Member will not attend a review if the Panel Manager confirms there is a conflict, and the conflict will be recorded for future reference. If uncertain, the Panel Manager can discuss the conflict with the Panel Chair to reach an agreement. If any potential conflict is revealed during the meeting, the Panel Member must immediately report it to the Chair or Panel Manager. In some circumstances an association may not be considered a conflict but in the interests of transparency the relationship will be recorded by the Panel Manager and mentioned by the Chair at the beginning of the review. This will also be noted in the advice letter. If an observer is invited to the meeting they will be asked to check for conflicts of interest before the review and must not attend if the Panel Manager confirms there is a conflict.

### **12. Monitoring and Evaluation**

To understand the impact of the review process, the Panel Manager should record the panel's activity and follow up on the evolution and planning outcome of projects once they have passed the review stage. The Panel Manager will also use a survey to collect feedback from stakeholders (Agents and Design Team, Panel Members, Councillors, Officers) following each review and report on its findings annually. The IAG Chair will prepare an Annual Report, collating the panel's activities, planning impact, and analysis of the feedback received. The Annual Report to be presented and reviewed by the IAG which will inform how the panel evolves and address any issues raised. It will also be used to highlight the benefits of the panel to the wider community. A site visit of completed projects reviewed by the GCDRP may also inform the annual review.

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### **13. Transparency and Confidentiality**

The GCDRP is open and transparent regarding its processes and explains how it operates in the public interest. Information about the panel and its membership is to be published on the GCSP website, including:

- Terms of Reference
- Quick Guide for applicants
- Handbook setting out the processes for all involved
- Information about the panel chairs and members
- Information about the Independent Advisory Group members
- Annual Report and minutes of the annual meeting with information on the impact of the panel and feedback received by stakeholders
- The review letters and planning outcome of schemes reviewed will be published once a planning application has been made public (see below)

There will be circumstances where a pre-application review concerns commercially sensitive information and the developer/design team may request that the review letter is kept confidential. When the Panel Manager and Chair support the request the letter only goes to the applicants team and the planning officer and is not made publicly available. For reviews at application stage the review letter is published as part of the planners report and will be made available on the GCSP website.

Panel Members and observers will be provided with confidential information as part of their role in pre-application discussions. They shall not disclose or use that information for their own benefit, nor disclose it to any third party. Any press and media queries should be redirected to GCSP officers.

#### **Freedom of information and Data Protection**

As a public authority, the GCSPS is subject to the Freedom of Information Act 2000 (the Act). All requests for information about the GCSPS will be handled according to the provisions of the Act. Legal advice may be required on a case by case basis to establish whether any exemptions apply under the Act.

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To facilitate the operation of the GCDRP the Council needs to collect, store and process the personal information (data) of Panel Members, including contact information and certain professional details. This data will be stored in a central database of the GCSPS network, where it is only accessible from relevant GCSPS accounts. The data will be used to contact members of the Panel to inform them of the dates and locations of the GCDRP sessions and make other communications relating to the running of the GCSPS. The Council expects Panel Members receiving this data to take reasonable steps to ensure its security. This data will be held for as long as the Panel Members remains on the GCDRP; after they have left, the information will be held for one year to allow for any post-membership communication that is required, before being securely disposed of in line with the GCSPS's retention and disposal schedule.

## **Review of the Design Enabling Panel (SCDC) and Design and Conservation Panel (CCC): Summary of Engagement Feedback**

### **Summary of suggested improvements to the GCSP design review service**

The following suggestions were made during semi-structured interviews conducted by Urban Design Learning. Interviews were carried out with the chairs of the DCP, DEP and CQP, members of the senior management team (Joint Director of Planning, Assistant Directors and BNE Manager), the two panel managers/administrators, the SCDC Lead member for Planning and the CCC Executive Councillor for Planning Policy and Open Spaces, the chairs of the planning committee of both councils, and two planning agents.

- Change name from the Design Enabling Panel to Design ‘Encouraging’ Panel. Interviewee did not feel the Panel should be enabling all the schemes they see.
- The Council should brief the Panel on policies, and what they want to achieve, so that Panel recommendations are directly linked to this.
- Increase community involvement. However, interviewees were not sure the community knows about the Panel.
- Increase use of masterplans, design codes and statements to explain what is ‘good’ for a place and help decision makers make the right decision.
- Evaluation of panel impact would be useful, especially if going to ask developers to pay.
- New local plan policies could be an opportunity to include a charter on design quality process and aims to help with embedding and improving responsibility for design quality in planning officers’ minds.
- There is concern over managing change in both panels, how those involved at present will respond.
- Earlier engagement by Panels would help steer the scheme in the right direction and would be less time consuming and costly.

## **Appendix C** Review of the Design Enabling Panel (SCDC) and Design and Conservation Panel (CCC): Summary of Engagement Feedback

- There are concerns across both panels that officers are not wedded to design quality requirements. Part of the challenge of bringing two planning services together—officers should own the issue, which may need cultural change and embedding ownership of panel/s with officers.
- Interviewees want officers, councillors, panel, local plan policies all working together using similar questions so consistency and constructive build-up of information across all planning processes that can be consistently explained in officer reports.
- Important the panel/s know the questions the local authority is asking them to advise on. They should approach critical issue of design through broadly the same lens as the officers and councillors.
- Cost is not an issue for applicants - although a sliding fee scale - determined by the scale of the development would be welcomed. Would be happy to pay more for a better service where the applicant had more time to explain the scheme / longer pre submission and an understanding of key discussion topics in advance. No concern that the chair and panellists are remunerated if the service is provided is high quality.
- Some feel running two panels side by side is nonsensical. A single panel with a clear remit and scheme selection criteria is preferable. It would be more independent and provide a wider range of expert opinions.
- Some feel sharing back office functions and potentially larger single panel pool is okay – there are common themes - but need to ensure capacity and skills of the Panels are not damaged.
- With regard to community connections to the Panels, there were questions about who might be involved- parish council? neighbourhood groups? Do they properly represent people's views? They may not be interested in commenting on schemes outside of their area. A separate community panel may be better? This is something the council will have to grapple with in light of the current White Paper's desire to involve community in planning.
- In the future it would be good to see public realm and highway schemes (that do not require planning permission) at design review which have a major impact on quality of place



## **Appendix C** Review of the Design Enabling Panel (SCDC) and Design and Conservation Panel (CCC): Summary of Engagement Feedback

- New ToR should be shared across Panels. This could include the role of Panel/s on coding and placemaking through proactive planning. Reference was made to Haringey and Essex approaches. Haringey uses a quality charter that looks at design process, context, understanding site, how scheme contributes positively to area – (or similar questions), panel/s work as part of this charter - asked to respond to issues it sets out in a consistent way – not just ‘tell us what you think about this scheme’. In Essex the panels link to the clear and consistent design guide, the issues outlined in policy and guidance helped inform the skills needed on the panel.
- The CQP 4 C’s are a useful device to structure a presentation and review and worth considering this for new ToR.
- ToR should help reach agreement over issues to cover at review in advance that reflect officer concerns.
- There were suggestions that in the future a single DRP--modelled on the DEP – would be best. This would provide consistency and reflect the shared planning service and joint working on the emerging local plan.
- Interviewees wanted to dispel the myth that design review can fix all problems. A more constructive relationship between panel/s and officers where latter step forward to panel, not back form it would help find collaborative solutions to problems.
- Some interviewees would like better monitoring of impact – understand what gets built at end of process and understanding whether this is better because of the review.
- There was some concern over having one panel. But recognition that a big pool of panel members might work – but would have to be able to focus onto very different places and schemes.
- Panel/s need good support. There was recognition that good Panel management and administration needs significant amounts of knowledge and skills.
- Future DR set up needs to be flexible enough to deal with changes to the planning system – e.g. codes and proactive planning
- System of evaluation and monitoring would be useful. QP has annual meetings to go over key themes from reviews, identify problems etc

## **Appendix C** Review of the Design Enabling Panel (SCDC) and Design and Conservation Panel (CCC): Summary of Engagement Feedback

### **Feedback from Parish Councils and Residents associations on Design Review services across GCSP**

A total of 75 Parish Councils and Residents Associations provided survey responses:

- 66.7% of respondents had not heard of the Cambridgeshire Quality Panel, Design Enabling Panel or Design and Conservation Panel.
- 58.3% of those who had heard of one of three panels had also read a panel report.
- 57.1% answered 'neutral', 35.7% agreed, and 7.1% strongly agreed to the question 'do you find the pane's comments helpful?'
- 89.3% of people agreed or strongly agreed that they would like to know more about design review in their area
- 39.8% agreed or strongly agreed, 49.3% were neutral and 10.9% disagreed or strongly disagreed that design review improves design in their area
- 91.8% of respondents agreed or strongly agreed that they would like more information about design review to be available to the community.

## Milestones for setting up the Greater Cambridge Design Review Panel

The table below sets out the main stages and deadlines for implementing the new Greater Cambridge Design Review Panel. The Design and Conservation Panel (CCC) and Design and Enabling Panel (SCDC) will continue to provide design review services until the launch of the new Panel.

<b>Task no.</b>	<b>Actions for implementing the new GCDRP</b>	<b>Completion date</b>
1	Prepared quick guide, project information form, planner process note, admin process note, application form and feedback survey	End Aug 2021
2	Prepare comms and marking criteria for recruitment of panel members and advisory board members	End Aug2021
3	Launch webpage for new panel including all documents from task 1	End Sept 2021
4	Recruit Panel Advisory Board Members and Panel Members	End Sept 2021
5	Set up payments to panel members with input from finance	End Oct 2021
7	Deliver training on new panel to officers, councillors and panel members	End Nov 2021
8	Comms – outreach to Residents Associations, Parish Councils and Agents Forum (may include film) and publicise new panel on social media	End Dec 2021
9	Launch panel	Jan 2022

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# Equality Impact Assessment (EqIA): Changes to the Greater Cambridge Design Review Service

## Introduction – Please read


The Public Sector Equality Duty, introduced under the Equality Act 2010, requires all public bodies, including local authorities, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation.
- Advance equality of opportunity between those who share a protected characteristic and those who do not.
- Foster good relations between those who share a relevant protected characteristic and those who do not.

Equality Impact Assessments (EqIAs) allow the Council to:

- Show that we are meeting this legal duty by demonstrating due regard for the provisions of the Public Sector Equality Duty.
- Identify possible negative impacts on individuals and groups with protected characteristics, plan mitigating action and seek to maximise opportunities to advance equality within our activities.

EqIAs provide a methodical approach to the assessment of impacts across the [nine protected characteristics](#) and should be completed during the development and review of all Council policies, strategies, procedures, projects or functions. Where there is any doubt, the completion of an EqIA is always recommended.

Throughout the course of this form, please hover over the [] symbol for guidance in relation to specific questions. When the form is completed, please send an electronic copy to [equality.schemes@scambs.gov.uk](mailto:equality.schemes@scambs.gov.uk). If you require any additional support completing the form, please email the above address.

## Equality Impact Assessment Complete Form

### Section 1: Identifying Details

- 1.1** Officer completing EqIA:  
Joanne Preston
- 1.2** Team and Service:  
Built and Natural Environment Team, Greater Cambridge Shared Planning Service.
- 1.3** Title of proposal:  
Changes to the Design Review Service in Greater Cambridge
- 1.4** EqIA completion date:  
June 2021
- 1.5** Proposal implementation date:  
Launch of the new Greater Cambridge Design Review Panel currently anticipated January 2022.
- 1.6** Who will be responsible for implementing this proposal:  
Greater Cambridge Shared Planning Service

### Section 2: Proposal to be Assessed

- 2.1** Type of proposal:  
Service
- 2.2** Is the proposal: Change to Established  
The proposed Greater Cambridge Design Review Panel (GCDRP) is a new design review panel that will replace two existing panels administered by the Greater Cambridge Shared Planning Service (The Design Enabling Panel for the South Cambridgeshire District Council area and the Design and Conservation Panel for the Cambridge City Council area). The terms of

reference for the new panel aims to achieve a consistent approach to design review within GCSP and align the design review service with the latest best practice guidance.

- 2.3** State the date of any previous equality impact assessment completed in relation to this proposal (if applicable):

N/A

- 2.4** What are the headline aims of the proposal and the objectives that will help to accomplish these aims? (Approximately 250 words)

Design Review advice is an important and valued, if discretionary, service and it is recognised as such in the National Planning Policy Framework. It offers an independent and impartial evaluation of the design of significant proposals, at the pre-application and application stages, by a panel of built environment experts. The advice of the panel is advisory, with the aim of identifying where improvements can be made, to influence the planning process and improve the quality of buildings and places for the benefit of the public.

Design review in Cambridge City Council (CCC) and South Cambridgeshire District Council (SCDC) is currently provided by two panels with different processes and different charges. GCSP committed to reviewing its design review service in its 2020/2021 Business Plan and in 2021 appointed an independent expert to review the two panels.

The Terms of Reference for the new Greater Cambridge Design Review Panel are informed by the recommendations of the 2021 review. The proposal aims to replace the two separate design review panels with a new single panel, operating in a consistent manner across the CCC and SCDC areas, and with a common charging regime.

This will be achieved by meeting the following objectives:

- Establish a pay to use service that recovers its costs and remunerates panel members

## Appendix E: EQIA for Proposed Changes to the GCSP Design Review Service

- Establish a new governance arrangement with an Independent Advisory Group.
- Recruit a diverse panel of 20-30 members built and natural environment experts. Applications for panel members will be scored according to a published marking criteria and chairs and vice chairs will be interviewed for the role. Recruitment will encourage applications from people with protected characteristics.
- A new clear scheme referral criterion based on a proposals' scale, site or significance
- Align the panels feedback with the Cambridgeshire Quality Charter for Growth's 4 C's 'Character, Climate, Context and Connectivity'.
- Improve communication, through a dedicated web page with Terms of Reference, a Handbook for the management of the Panel, a Quick Guide for applicants and an annual report.
- Establish ongoing monitoring with questionnaires after every review and an Annual Report, scrutinised by the Independent Advisory Group.

**2.5** Which of South Cambridgeshire District Council's business plan priorities does this proposal link to?

- Helping Businesses to grow - ✓
- Building homes that are truly affordable to live in -
- Being green to our core -
- A modern and caring council - ✓

**2.6** Which of South Cambridgeshire District Council's equality objectives (as detailed in SCDC's Equality Scheme) does this proposal link to or help to achieve?

- Identify, prioritise and deliver actions that will narrow the gap in outcomes between disadvantaged groups and the wider community- ✓
- SCDC is an employer that values difference and recognises the strength that a diverse workforce brings - ✓
- Protected characteristic groups have a voice and are represented in forming the future shape of the district - ✓

**2.7** Which of Cambridge City Council's equality objectives (as detailed in CCC's Equality Scheme) does this proposal link to or help to achieve?



- To further increase our understanding of the needs of Cambridge’s growing and increasingly diverse communities so that we can target our services effectively - ✓
- To continue to work to improve access to and take-up of Council services from all residents and communities - ✓
- To work towards a situation where all residents have equal access to public activities and spaces in Cambridge and are able to participate fully in the community - ✓

**2.8** Which groups or individuals will the proposal affect:

- Service Users ✓
- External Stakeholders ✓
- Employees ✓
- Councillors ✓
- Other ✓

If other, please specify – all residents and visitors to the Greater Cambridge area.

**2.9** How will these groups or individuals be affected?

The terms of reference for the new GCDRP has been prepared to provide a consistent, efficient and effective design review service. The advice of the independent panel aims to improve the design of new development across the Greater Cambridge area. As the design review advice will apply to new development across the Greater Cambridge area. There is potential for it to affect a large and wide-ranging proportion of existing and future communities by improving the design quality of new buildings and public spaces.

The design review panel provides an independent review of schemes at pre-application and application stages. The panel provides advice on how the design of the proposal can be improved. The advice is for applicants and their design teams, councillors, officers and the public. The advice from the review is published as letter which is attached to committee and delegated reports. This gives confidence to decision makers to support well designed schemes and resist poorly designed schemes. In this regard, the Design Review Panel

will specifically affect applicants, councillors, officers and the public by providing additional guidance about the quality of planning applications.

The purpose of the panel is to provide an expert and independent peer review process that is distinct from the community engagement which takes place during the pre-application stages. GCSP have established mechanisms in place to ensure that the community are engaged during the pre-application design stages and GCSP's expectations for this are set out within the GCSP Statement of Community Involvement (SCI).

Design review does not replace the on-going dialogue that it is possible to have with design officers through pre-application meetings or the advice provided by the Inclusive Design Panel. Design review, inclusive design advice and pre-application advice from officers are most effective when working together and in parallel with community engagement.

**2.11** How many people will this proposal affect?

The Greater Cambridge Design review Panel has the potential to affect all existing and future residents, workers, and visitors to the Greater Cambridge area.

**2.12** If any part of the proposal is being undertaken by external partners, please specify how SCDC will ensure that they will meet equality standards?

The Greater Cambridge Design Review Panel will be managed and administered by the GCSP. The proposal involves recruiting a diverse pool of 20-30 independent built environment experts as panel members, plus 2 chairs and 2 vice chairs. Panel members and chairs will be paid for attending the panel meetings. The pool of panel members will be refreshed after 3 years.

The panel recruitment process addresses tackling inequalities in employment and equal opportunities for our communities. It will encourage applications from people with protected characteristics. Applications for panel members will be scored and appointed according to a published marking criteria and chairs and vice chairs will be interviewed for the role.

An Independent Advisory Group (IAG) will ensure the effectiveness and accountability of the panel in the public interest and, in consultation with the

Joint Director of Planning & Economic Development, make recommendations to adjust working practices in accordance with these terms of reference.

The IAG will comprise; two independent built environment experts with significant experience, reputation and external to the panel (such as chairs or experts of other design review panels), the 2 panel chairs, senior council officers, the lead members and planning committee chairs of both councils (excluding the joint development control committee as these developments are reviewed by the Cambridgeshire Quality Panel).

The IAG will meet once a year to review an Annual Report, assess any issues, advise on improvements and the future direction of the panel. The Annual Report is a public document, comprising the feedback, finance and summary of the outcome of the panel's advice within the planning process and as development is built.

Data about the make-up of the panel and IAG will be monitored and analysed as part of the Annual Report so that recruitment of new members can be targeted to ensure people with different protected characteristics are represented.

### Section 3: Evidence and Data


- 3.1** Describe any research (this could include consultation) and analysis you have undertaken to understand how [protected characteristic groups](#) are likely to be affected? Please list any key sources that you used to obtain this Information. [📖](#)

The South Cambridgeshire District Council [Equality Scheme](#) (2020-2024) describes the district as a rural area with a population which is expected to grow at faster than the national average. A growing elderly population, greater mobility, immigration, and other social trends are making changes to the population. These changes will accelerate as a result of the population growth facing the district in the future, leading to a more diverse society than previously.

The Cambridge City Council [Equality Scheme \(2018 – 2021\)](#) sets out the Council's proposed objectives related to equality and diversity work over the three year period and includes useful data regarding the nine protected

characteristics collated from a range of Council services and functions. It describes the city as an urban area which is experiencing growth. The following is a snapshot of the residents of Cambridge:

There is little evidence to suggest that the GCDRP will have specific impacts upon protected characteristic groups. However, the GCDRP will have wide-reaching impacts on communities across Greater Cambridge by improving the design of buildings and public spaces for local communities.

- 3.2** Describe any research (this could include consultation) and analysis you have undertaken to understand any effects on any other groups of people not mentioned in the nine [protected characteristic groups](#) (for example people who live in rural areas, who live in areas of high growth, or from low-income backgrounds). 

Design review is a discretionary service provided by GCSPS and changes to the service do not require statutory consultation to be carried out. However, targeted consultation and engagement exercises with key stakeholders were undertaken as part of the review and recommendations for improvements to the service.

The consultant who carried out the review conducted semi-structured interviews with the chairs of the existing Design Review Panels, members of the senior management team (Joint Director of Planning, Assistant Directors and BNE Manager), the two panel managers/administrators, the SCDC Lead member for Planning and the CCC Executive Councillor for Planning Policy and Open Spaces, the chairs of the planning committee of both councils, and two planning agents to understand the stakeholders' experience of the existing panels and their requirements for design review.

The consultant conducted surveys with stakeholders including existing panel members, those who have brought schemes to the panels in the last 12 months; planning officers; planning committee members; members of residents' associations and parish councils.

The consultant conducted interviews with the panel managers of other design review panels that operate across multiple local authority boundaries to understand what has worked well elsewhere.

The main finding from the consultation was that many Parish Councils and Residents Associations were unaware of the GCSP design review service. These groups would benefit from improved access to communications about the role and impact of the service.

**3.3** If you have not undertaken any consultation, please detail why not, or when consultation is planned to take place. [📖](#)

N/A

## Section 4: Impact of proposal on those with protected characteristics


### 4.1 Age:

#### 4.1.1 Has your research identified that the proposal will have an impact on this protected characteristic?

The advice provided by the panel will apply to new development and has the potential to improve the design of new public spaces and buildings within Greater Cambridge. This includes improvements to connectivity and access to natural green spaces and areas of play. Improved access may be beneficial to specific age groups. For example, the provision of well-designed play spaces within a new residential development may be of particular benefit to younger residents. Well-designed streets and spaces that promote walking and cycling over car use may be of particular benefit to residents of age groups who are less likely to drive. i.e., younger or older age groups. The provision of natural green spaces within a new business park may be particularly beneficial to people of working age as it may be possible to access these during the working day.

Evidence suggests that a relatively high proportion of people within older age groups may not have access to the internet and therefore they are less able to access information about the design review panel on the GCSP website. A contact telephone number for the relevant officer within the Built and Natural Environment Team is provided on all briefing materials, so that viewing arrangements can be made.

#### 4.1.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.1.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?
Ensure hard copies of all public information about the panel are available for viewing. Include contact details for responsible officer on all public information	Built and Natural Environment Team	Ongoing from July 2021, if GCDRP is approved at committee	The project sponsor (Trovine Monteiro) will check all public information before publishing


## 4.2 [Disability:](#)

**4.2.1** Has your research identified that the proposal will have an impact on this protected characteristic?

Whilst no specific impacts on this protected characteristic have been identified, the advice of the GCDRP has the potential to improve access for less mobile individuals and groups to public spaces and buildings within or around new developments in Greater Cambridge. GCSP have an Inclusive Design Panel and the GCDRP will work alongside this existing service with the aim of improving the accessibility of proposals in the Greater Cambridge Area.

The Planning Service has been mindful of this protected characteristic by ensuring all published documents relating to the panel are made available in an accessible format. Braille and large print versions of the documents will be made available on request.

**4.2.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.2.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?
Ensure copies of all public information about the panel are made available in an accessible format.	Built and Natural Environment Team	Ongoing from July 2021, if GCDRP is approved at committee.	The project sponsor (Trovine Monteiro) will check all public information before publishing


### 4.3 Gender Reassignment:

**4.3.1** Has your research identified that the proposal will have an impact on this protected characteristic?

**NO.**

**4.3.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including



- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.3.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:


Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

#### 4.4 Marriage and Civil Partnership:

**4.4.1** Has your research identified that the proposal will have an impact on this protected characteristic?

**NO.**

**4.4.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.4.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

#### 4.5 Pregnancy and Maternity:

**4.5.1** Has your research identified that the proposal will have an impact on this protected characteristic?

**NO**

**4.5.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 📖
- approximately 250 words per impact

Impact – Neutral


**4.5.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

#### 4.6 Race:

4.6.1 Has your research identified that the proposal will have an impact on this protected characteristic?

4.6.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

4.6.3 Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:


Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

#### 4.7 Religion or Belief:

4.7.1 Has your research identified that the proposal will have an impact on this protected characteristic?

**NO**

4.7.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.7.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:


Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

#### 4.8 Sex:

**4.8.1** Has your research identified that the proposal will have an impact on this protected characteristic?

**NO.**

**4.8.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.8.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

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#### 4.9 Sexual Orientation:

**4.9.1** Has your research identified that the proposal will have an impact on this protected characteristic?

**NO.**

**4.9.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 📖
- approximately 250 words per impact

Impact – Neutral

**4.9.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

#### 4.10 Other: (e.g., rurality, growth, socio-economic status etc.)


**4.10.1** Has your research identified that the proposal will have an impact on this protected characteristic?

People from lower income groups may not have access to the internet and therefore they are less able to access information about the design review panel on the GCSP website. A contact telephone number for the relevant officer within the Built and Natural Environment Team is to be provided on all briefing materials, so that viewing arrangements can be made.

The GCDRP will charge the applicants to use the service. This may reduce access to advice for small businesses and community organisations. The proposals seek to address the service’s need to manage the cost of its discretionary services and aim to increase a greater proportion of that cost through charges. For design review advice, (where the service provided can lead to significant financial benefits accruing to property/land owners and developers) the charging schedule reflects a need to support community organisations and small businesses, whilst reducing the subsidy provided by both Councils for this service for more substantial development projects – and help respond to the growing pressure on costs and income facing both Council Planning Services.

Fees and review types will be monitored as a standing item at the annual IAG meeting and adjusted accordingly to ensure the GCDRP remains financially viable. In exceptional circumstances the fees outlined below may be reduced to support community organisations and charities, in accessing the panel.

**4.10.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact. 
- approximately 250 words per impact

Impact – Neutral

**4.10.3** Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

## Section 5: Summary

- 5.1** Briefly summarise the key findings of the EqIA and any significant equality considerations that should be taken into account when deciding whether or not to proceed with the proposal (this section can be included within the 'equality implications' section of any committee reports). (Approximately 250 words).

GCSP will improve the diversity of the membership pool of the design review service by recruiting a new panel of professionals from Cambridge and across the UK, with expertise that cover the range of specialisms within the field of the built and natural environment. Recruitment will encourage applications from people with protected characteristics. Applications from panel members will be scored according to a published marking criterion. Chairs and vice chairs will be interviewed for the role.

The approach to charging does recognise that there may be some applicants e.g. a community group that may have more limited ability to access the service and allows for reductions in fees in these circumstances.

Equalities Impact Assessment will continue to form part of the ongoing process of refreshing the panel (every 3 years).

- 5.2** Confirm the recommendation of the officer completing the EqIA:
- Approved (No major change): Your analysis demonstrates that the policy is robust, and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.

- 5.3** Signature of individual completing EqIA:  
Joanne Preston

- 5.4** Date of completion:  
June 2021

## Section 6: Sign Off

**6.1** Approving officer EqIA review outcome: (delete as appropriate):

- Approved (No major change): Your analysis demonstrates that the policy is robust, and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.

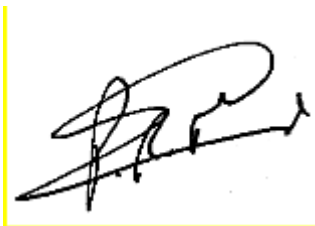
**6.2** Do you give permission to publish this EqIA on SCDC website (delete as appropriate)? If no, please state reason.

Yes.

**6.3** When will this proposal next be reviewed and who will this be?

In January 2025, when the panel membership is refreshed. To be undertaken by the Greater Cambridge Shared Planning Built and Natural Environment Team.

**6.4** Approving officer signature:



**6.5** Date of approval: 14<sup>th</sup> June 2021