

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Council 31 January 2008  
**AUTHOR/S:** Corporate Manager (Planning & Sustainable Communities)

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### **SOUTH CAMBRIDGESHIRE LOCAL DEVELOPMENT FRAMEWORK: ADOPTION OF CAMBRIDGE SOUTHERN FRINGE & CAMBRIDGE EAST AREA ACTION PLANS**

#### **Purpose**

1. The Cambridge Southern Fringe and Cambridge East Area Action Plans, key documents of the South Cambridgeshire Local Development Framework, are now at the end of the plan making process, the binding reports of the independent Inspectors having been received. This report recommends the Cambridge Southern Fringe and Cambridge East Area Action Plans now be adopted.

#### **Background**

2. The Council Submitted the Cambridge Southern Fringe and Cambridge East Area Action Plans (AAP) to the Secretary of State in January 2006, alongside four other DPDs; Core Strategy DPD, Development Control Policies DPD, Site Specific Policies DPD, and Northstowe AAP. This marked the start of a statutory six-week period of public consultation during which representations could be made. Following this, further six-week periods of public consultation were held in March – April 2006 and June – July 2006 on ‘Objection Sites’ and ‘Site Allocation Policies Representations’, in accordance with planning regulations. A public Examination into the “soundness” of the plans followed, conducted by independent Inspectors, with hearings held for the Cambridge Southern Fringe AAP in June 2007 and Cambridge East AAP in July 2007, during which the Inspectors considered representations made on the Submission plans and Objection Sites. The Council received its binding Inspector’s Reports in October 2007 and December 2007 respectively. Subject to a number of recommendations from the Inspectors both plans were found to be “sound”.

#### **Binding Inspector’s Report for Cambridge Southern Fringe AAP**

3. The Inspector’s overall conclusion is that the Cambridge Southern Fringe AAP is sound with the relatively modest changes he recommends. He comments that it is one of the first DPDs to have reached this stage under the new system of plan making and recognises that the Council has had to interpret the legislation and initial Government and other advice during the preparation of this and other DPDs. Although the inspector comments that it would not normally be expected that the consequence of an examination would be so many detailed changes to a plan he recommends relatively few changes of significance. The Inspector also comments that much has emerged during the preparation for and during the examination and that he has no doubt that if the Council were starting the process afresh, the document may well have looked rather differently.

4. The main features of the Inspector's Report include:

- *Coverage of the AAP* - The AAP included proposals for development on adjoining land within Cambridge to contribute to mitigating measures within South Cambridgeshire. The Inspector has concluded that the AAP cannot control development in the area of another local planning authority, although it can set out the proposals which it is intended to implement to meet the needs and mitigate effects of development, with the inclusion in the reasoned justification of wording to show how resources would be secured.
- *The Setting of The Cambridge Southern Fringe* - The Inspector supports the revision to the Cambridge Green Belt boundary to allow for development at Trumpington West, accepting there are exceptional circumstances to justify alteration to the boundary.
- However, the Inspector does not consider there to be exceptional circumstances for altering the Green Belt boundary to exclude sites from the Green Belt on the edge of Great Shelford, the Inspector felt some of the potential housing sites elsewhere are much better placed in the sequential approach to be used in the allocation of land if additional development land is needed.
- *Trumpington Country Park* – A small part of the north eastern part of the country park is deleted as the Inspector considers there to be sufficient land to provide mounding and landscaping for visual relief and noise attenuation, and the open space content of the planning application for the Trumpington development is greater than required to serve the population.
- *The Structure of Trumpington West* - The Inspector proposes that the section of the policy dealing with the treatment of the edges of the development be retained and renamed “The Design of the Edge of Trumpington West” in order to guide the design of important boundaries between the new development and the Green Belt, the River Cam Valley, and the southern approaches to the City.
- With regards the issue of building height of development fronting the River Cam, whilst recognising the sensitivity of the location, the Inspector considers the reference to 2 storey development to be unsound in that it prejudices the outcome of what should be a design process.
- *Housing* – The Inspector considers the approach to affordable housing should be consistent the Northstowe AAP. The Development Control Policies DPD requires that 40% or more of the dwellings should be affordable, and is the starting point for negotiations, then the circumstances affecting the site can be taken into account. The Inspector considers the policy should state this, and the indicative mix in the reasoned justification deleted.
- The Development Control Policies DPD also contains a policy on Housing Mix for market housing, which is flexible enough to allow the circumstances at Trumpington West to be taken into account when deciding a housing mix.

However, the Inspector feels there are specific circumstances at Trumpington West which should be referred to in the reasoned justification to provide clarity and to reflect local circumstances.

- *Transport* - The Inspector considers there to be an inadequate evidence base to justify restricting the occupation of any dwellings until the completion of the Addenbrooke's Access Road, and this clause is deleted. Part 1 of the policy better expresses the objective of preventing a material worsening of conditions on Hauxton Road, to which Trumpington West would have access, and is amended to make it clear that the development will be phased to ensure the test is met.
- The Inspector supports the plan's approach to water conservation, and proposes a target for reduction in water use be included, as in the Northstowe AAP, in order to achieve consistency with national policy and between the DPDs. The target is for a 25% reduction in mains water use compared with conventional housing.
- *Exemplar in Sustainability* - The Inspector endorses the principle that Trumpington West should be an Exemplar in Sustainability.
- *Delivering The Cambridge Southern Fringe* - Given the sensitivity of the open countryside and availability of alternative routes, the Inspector endorses the plan's requirement that haul roads serving development at sites within the city will not be permitted in the countryside within South Cambridgeshire.

### **Binding Inspector's Report for Cambridge East AAP**

5. The Cambridge East Area Action Plan (AAP) Inspector's Report again concludes that the plan can be made sound with relatively modest changes to the document.
6. The main features of the Inspector's Report include:
  - *Development Principles* – The Inspector considers the AAP provides the basis for the grant of planning permission for the first phases of development ahead of the airport relocation, with a general policy framework to provide an overall context for the planning and eventual development of the remainder of the urban extension. It is realistic in approach to development and its general timing, containing a policy basis for avoiding the isolation of early development and securing integration of development.
  - The Inspector broadly agrees the overarching Development Principles for the new urban extension, although with revisions in the interests of concision and to remove repetition.
  - *The Site, The Green Belt and The Green Corridor* - The Inspector considers there are exceptional circumstances to justify alteration to the Green Belt boundary; it accords with the Structure Plan, the development is needed to meet the sub-region's challenging housing requirement and it is a suitable location for a housing allocation as it is near the top of the sequence of types

of sites to be chosen for development. The Inspector finds the AAP sound in respect of the Green Belt boundaries and site of the urban extension.

- The Inspector considers the plan too prescriptive in determining the width of the green corridor as a minimum of 300m, and there is no technical analysis or guidance to support it. Instead it should be 'about 300m' and only significantly narrower if a particular justification is provided and the green corridor function is not inhibited. It will be led by design to reflect the uses within and near each section of corridor, and the ultimate form of the green corridor, and the Green Belt boundary, will be determined by masterplanning and formally set in their final configuration by the review of the AAP.
- The Inspector also considered the description of the green corridor as having an informal countryside character is too restrictive as the opportunity exists to create a multi-functional open space which could link the development areas to the north and south, and increase the biodiversity of the land. This is more likely to use land efficiently, in line with PPS3. Potential dominance of the green corridor by formal features such as playing fields can be avoided by careful masterplanning, and this can be noted in the supporting text.
- *Green Separation* - the Green Belt is an adequate means of achieving the objective. Given the strong and clear set of purposes for the Green Belt, the Inspector concludes Policy CE/6 is superfluous and should be deleted. Its effect would be to duplicate Green Belt policy, but it would also be substantially more restrictive than the latter policy.
- The Inspector considers the separation on the Proposals Map to be sufficient to maintain the identity of Teversham. However, there is not robust evidence that a minimum of 200m is justified and the precise Green Belt boundary and form of urban edge can be refined in masterplanning.
- The Inspector agreed with the Council's representation to the Green Separation Public Consultation that the protection of the tree belt near Fen Ditton is important although it is not in the Green Belt. Therefore, with the deletion of Policy CE/6, the Inspector considered Policy CE/16 should make it plain that a function of the tree belt is the separation of the new development from Fen Ditton.
- *District and Local Centres* – The Inspector considers there is no evidence that third parties will be in a position to commence the development of the district centre within a specific period, or to deliver key facilities at particular stages in the house building programme, therefore these elements of policy are premature, inflexible, and too prescriptive, and should be deleted.
- *Housing* – The Inspector considered the proportion of affordable housing would need to be 40% or more, rather than approximately 50%, to be consistent with the Development Control Policies DPD and Cambridge Local Plan, and the plan should include a reference to relocation costs, to inform negotiations at planning application stage.

- The Inspector supports the wording of the policy on housing density, being clear without being over-prescriptive, and considers it will be for the Masterplan to achieve good designs, including a well designed urban edge, within the density guidelines. Higher densities and good design can go hand in hand.
- *Transport* - The Inspector noted the urban extension had been the subject of several transport studies, using nationally recognised modelling methodologies, and that one would not expect finalised transport schemes for every phase to be available at this stage. The studies provide clear advice on what is required, and set out options for achieving the requirements and the policies require that adequate measures be in place to serve all stages of development.
- However, the Inspector considers Policy CE/13 to be over-prescriptive in setting out junction locations and requiring contributions towards improving the capacity of orbital routes when there is no evidence, at least not yet, that such capacity improvements will be required. There is also too much detail on the types of bus priority improvement measures. These issues are more appropriately addressed in the Masterplan.
- *Recreation* - The Inspector considers the country park provision is realistic but the Strategic Open Space requirement and standard are not, and should be deleted.
- *Water Strategy* - The Inspector considers substantial elements of Part 2 of Policy CE/26 to be unsound as unenforceable and they appear to duplicate other statutory duties. Some provision for waste water will be off-site and it might not be possible for developers to provide this infrastructure directly. Therefore the policy is reworded to express in a more general form and allow flexibility to overcome foul drainage problems.
- The Inspector supports the plan's approach to water conservation, and proposes a target for reduction in water use of ½ to ¼ reduction in mains water use compared with conventional housing.
- *Natural Environment and Sustainability* - The Inspector endorses the principle that Cambridge East should be an Exemplar in Sustainability.
- The Inspector did not support the statement at paragraph D14.12 that the grass runway would have to close before development north of Cherry Hinton. The Policy effectively requires an assessment of the noise impact and it may be possible to find solutions to any noise problems, therefore this statement should be deleted.
- *Delivery* - The Inspector considers Policy CE/34 Construction Strategy wording should allow for a scheme to be submitted which achieves the objectives of preventing traffic from causing disruption to the surrounding area, which can be required through planning conditions, rather than referring to a Considerate Contractors Scheme.

## Next Step

7. The conclusions reached by the Inspectors are binding and the Council must incorporate the changes required by the Inspectors. Whilst it is Government policy as set out in Planning Policy Statement 12 that the Council must adopt its DPDs as soon as practicable following the receipt of the Inspector's binding report neither the Act nor Regulations which cover the adoption of DPDs contain such a requirement. The Secretary of State does however have default powers "if the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document." These default powers include approval of a document as a local development document (Planning and Compulsory Purchase Act 2004, Section 27(4)(i)).
8. The Cambridge Southern Fringe and Cambridge East AAPs have been prepared in compliance with the legislative and regulatory requirements for the preparation of Development Plan Documents and are now ready for adoption. These two plans are amongst the first Area Action Plans in England to have reached the examination and adoption stages. The changes that the Inspector made to Cambridge Southern Fringe AAP mainly remove references to controlling development outside its remit, and remove duplication and make the plan more concise. The changes to the Cambridge East AAP remove the Green Separation policy, relax the affordable housing requirement, reduce repetition and introduce greater flexibility through the masterplanning process.
9. Members are recommended to adopt the Cambridge Southern Fringe and Cambridge East AAP as amended in accordance with the Inspector's binding report received on 11 October 2007 and 20 December 2007 respectively (as contained in Appendices 1 and 2).
10. Once adopted, the Cambridge Southern Fringe and Cambridge East AAPs will become part of the statutory development plan for South Cambridgeshire (and Cambridge City in respect of the Cambridge East AAP). Parts of the Local Plan 2004 will remain as "saved policies" under transitional arrangements until superseded by policies in the Site Specific Policies DPD (or later with the agreement of the Secretary of State). A schedule setting out the position in relation to the policies of the Local Plan 2004 and the adopted DPDs is attached at Appendix 3.
11. On adopting the DPDs the Council is required to make the necessary changes to the adopted Proposals Map. The main features of the Inspector's Reports relating to the Proposals Map include:
  - Revised Inset Map C: Cambridge East, remove the Green Separation (land will remain in the Green Belt).
  - Revised Inset Map D: Trumpington West, slightly amend the extent of the country park
12. The revised Inset Maps are attached in Appendices 4 and 5 and will form part of the adopted Proposals Map.

13. The Council must also publish Final Sustainability Appraisal Reports and to have carried out a further process known as a Habitats Directive Assessment (HDA).
14. HDA Screening Reports have been prepared for the Cambridge Southern Fringe and Cambridge East AAP, consistent with EU guidance, and having regard to other relevant guidance. These conclude that there will be no likely significant impacts of the Plans on relevant European sites in or close to the district. These Screening Reports have been prepared in consultation with Natural England who confirmed by letter dated 2 May 2007 that they “*consider the screening matrix and accompanying documentation has been well prepared*” and that “*Natural England support the conclusion that policies in the Development Control Policies are unlikely to have significant impacts upon the European Sites located within and in the vicinity of the District, and that an Appropriate Assessment is therefore not required for this DPD*”. The same confirmation was received for the Cambridge East AAP in a letter dated 23 May 2007.
15. As with the former plan making process, the new system allows for a legal challenge to be made to the High Court. Any person aggrieved by the Cambridge Southern fringe or Cambridge East AAP may make an application under Section 113 of the Planning and Compulsory Purchase Act 2004 to the High Court on the grounds that the document is not within the appropriate powers and / or a procedural requirement has not been complied with. Any such application must be made not later than the end of the period of six weeks starting on the date on which the DPDs were adopted.

#### **Joint Adoption of Cambridge East AAP with Cambridge City Council**

16. The Cambridge East AAP is a joint plan produced with Cambridge City Council. As the legislation allows for a six-week period following the date of adoption during which any legal challenges may be made to the High Court it is necessary for the two Councils to adopt the Cambridge East AAP on the same day. Cambridge City Council will be reporting to Council on 21 February. Therefore, it is recommended that Council resolve to adopt the Cambridge East AAP on 21 February, subject to Cambridge City Council adopting on that day.
17. As a result, it is recommended that Council also defer adoption of the Cambridge Southern Fringe AAP to the same day, 21 February. This would allow the procedures under Regulations 35 and 36 to be carried out for both plans together, making more prudent use of the Council’s resources.

#### **Options**

18. There are no acceptable options to put before Members at this stage.

#### **Implications**

19.	Financial	Within existing budget.
	Legal	None, subject to there being no High Court challenge.
	Staffing	Within existing resources.

Risk Management	The effect of any slippage to the timetable could be significant to meeting the Structure Plan development strategy for the Cambridge area.
Equal Opportunities	None.

### Consultations

20. There were no consultations at this stage in the plan making process, other than with Natural England on the Habitats Directive Assessment.

### Effect on Annual Priorities and Corporate Objectives

21. Affordable Homes	<ul style="list-style-type: none"> <li>• Assist the Council's objectives to deliver quality accessible development in the district.</li> <li>• Include the provision of affordable housing and the effective delivery of sustainable development at Northstowe and other major developments on the edge of Cambridge and development of sustainable communities.</li> <li>• Assist the delivery of the Community Strategy.</li> <li>• Be used by Cambridgeshire Horizons to help the early and sustained development of the necessary services and infrastructure.</li> </ul>
Customer Service	
Northstowe and other growth areas	
Quality, Accessible Services	
Village Life	
Sustainability	
Partnership	

### Conclusions/Summary

22. The Cambridge Southern Fringe and Cambridge East AAP are now at the end of the plan making process and can now be adopted. Following submission to the Secretary of State in January 2006, the plans have been consulted on and independently examined. The Council has received the binding Inspectors' reports that found the plans to be "sound". The next step is to formally adopt the plans when they will become part of the statutory development plan for South Cambridgeshire.

### Recommendations

23. Members are invited to:
- a. **RESOLVE TO ADOPT** the Cambridge Southern Fringe and Cambridge East AAPs, as contained in Appendices 1 and 2, on 21 February 2008 (adoption of Cambridge East AAP being subject to Cambridge City Council adopting the Cambridge East AAP on that day), and proceed in accordance with Regulations 35 and 36 for both plans;
  - b. **RESOLVE TO ADOPT** the revisions to the adopted Proposals Map, as contained in Appendices 4 and 5;
  - c. **NOTE** the Sustainability Statements as contained in Appendices 6 and 7; and
  - d. **NOTE** the Habitats Directive Assessments as contained in Appendices 8 and 9.

**Background Papers:** the following background papers were used in the preparation of this report:

Submission Cambridge Southern Fringe AAP, January 2006

Submission Cambridge East AAP, January 2006

Inspector's Report of the Examination into the South Cambridgeshire Cambridge  
Southern Fringe AAP, 11 October 2007

Inspector's Report of the Examination into the South Cambridgeshire Cambridge East  
AAP, 20 December 2007

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