

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council 28 January 2010
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SOUTH CAMBRIDGESHIRE LOCAL DEVELOPMENT FRAMEWORK: ADOPTION OF SITE SPECIFIC POLICIES DEVELOPMENT PLAN DOCUMENT

Purpose

1. The Site Specific Policies Development Plan Document (DPD), a key document of the South Cambridgeshire Local Development Framework, is now at the end of the plan making process, the binding report of the independent Inspectors having been received. This report recommends the DPD and revised Proposals Map now be adopted.
2. This is not a key decision but the Council's constitution and the Local Government Act 2000 require that statutory Development Plan Documents forming part of the Local Development Framework must be adopted by full Council. It has been published in the Forward Plan.

Executive Summary

3. The Site Specific Policies Development Plan Document (DPD) has been subject to an independent public Examination. The Inspectors' Report was received on the 28 September 2009. The DPD has been found to be 'sound' and the Council should adopt it subject to a number of binding changes (as summarised below). The Inspectors' Report is included in Appendix 1 of this report. The DPD sets out policies and allocates land for development for a variety of uses, including housing, employment and services and facilities. It also confirms the key boundaries of designations of land on the edges of villages, including Green Belt, village frameworks, Protected Village Amenity Areas and Important Countryside Frontages. The DPD for Adoption, amended in line with the Inspectors' binding changes, is included in Appendix 2 of this report. On its adoption, the DPD will replace a number of policies contained within the South Cambridgeshire Local Plan 2004.

Background

4. The Council Submitted the Site Specific Policies DPD to the Secretary of State in January 2006, alongside five other DPDs; Core Strategy DPD, Development Control Policies DPD, Northstowe Area Action Plan (AAP), Cambridge East AAP and Cambridge Southern Fringe AAP. This marked the start of a statutory six-week period of public consultation during which representations could be made. Following this, two further six-week periods of public consultation were held in June – July 2006 and June – July 2007 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 between November 2007 and May 2008 during which the Inspectors considered representations made on the Submission plan and Objection Sites.

5. The Inspectors advised the Council in March 2008 that they had identified a shortfall of housing land and invited the Council to undertake a comparative assessment of objection sites and submit a list of the Council’s preferred sites for allocation, with reasons why these were the sites most suited for making up the shortfall. They advised that the plan would be found unsound without this process. The Council agreed to undertake this work and carried out public consultation on its draft preferred sites in October - December 2008 and in the light of representations received put forward its preferred sites for new allocations to address the housing shortfall to the Inspectors in March 2009. The Inspectors held further examination hearings on the Council’s preferred sites between May and July 2009. The Council received its binding Inspectors’ Report on 28 September 2009. The Inspectors confirmed the Council’s preferred sites and subject to a number of recommendations from the Inspectors on this and other issues, the plan was found to be “sound”.

Binding Inspectors’ Report

6. The Inspectors’ overall conclusion is that the Site Specific Policies DPD is sound with the changes they recommend.
7. The main features of the Inspector’s Report include:
 - *Deletion of housing allocation at Chesterton Sidings* – The Inspectors accepted the Council’s advice that this site could no longer be relied on for housing.
 - *Additional allocations to address a housing shortfall* - The Inspectors concluded that the additional sites proposed by the Council to address the housing shortfall they identified were the most appropriate taking account of the detailed comparative assessments undertaken by the Council and the results of sustainability appraisal and public consultation. The additional sites are:
 - Orchard Park (3 sites) – 220 dwellings
 - NIAB Extra – 1,100 dwellings (630 by 2016)
 - Powell’s Garage, Great Shelford – 18 dwellings
 - Ida Darwin Hospital, Fulbourn – 263 dwellings (215 by 2016)
 - *Increased dwelling numbers at Cambourne* - The Inspectors agreed that it was appropriate in the light of government policy for the remainder of Cambourne to be built out at higher densities such that the overall net density of Cambourne as a whole would be approximately 30 dwellings per hectare. This will result in around 950 additional dwellings being accommodated within the village framework.
 - *Increased dwellings numbers at Bayer CropScience* – The Inspectors concluded that the allocation was appropriate for this long standing industrial

site that had become available for redevelopment and that the policy should be amended to reflect the higher number of dwellings in the planning application before the Council where the principle had been agreed. This resulted in a total of 380 dwellings as part of a mixed use development, an increase of 130 dwellings on the submitted DPD.

- *Confirmation of proposed allocations* – The Inspectors confirmed proposed allocations in the Submission DPD for: housing north of Impington Lane, Impington, employment use in villages, Papworth West Central and Papworth Hospital, Fen Drayton Land Settlement Association, allocations for open space, safeguarding for infrastructure projects, and a policy for the Conservation Area and Green Separation at Longstanton to complement that in the Northstowe AAP.
- *Minor changes to village frameworks* - The Inspectors made some minor changes to the village frameworks at Fulbourn, Longstanton and West Wrating to better reflect the situation on the ground.
- *New Gamlingay graveyard rejected* – The inspectors were not persuaded that there is a need for a new graveyard in Gamlingay in the light of existing capacity and high archaeological potential of the proposed site.
- *Objectors' proposals for development rejected* – The Inspectors concluded that objectors' proposals for housing development north of Barton Road, Cambridge and major expansion of Cambourne outside of the approved footprint as well as other proposals at villages in the district were not sound and should not be allocated in the DPD.
- *No further review of the Green Belt* - The Council's argument that there is no need to review the boundary of the Cambridge Green Belt, other than at NIAB Extra (land between the A14, Huntingdon Road and Histon Road), has been accepted by the Inspectors.
- *Objectors' proposals for major sports facilities in the Green Belt rejected* – Proposals by objectors for a strategic sports development in the Green Belt at Milton were rejected by the Inspectors who concluded that it would comprise inappropriate development in the Green Belt and did not consider that the need for, and benefits of, development amount to the exceptional circumstances necessary to justify the removal of land in the Green Belt and would lead to development of a scale inappropriate to the Green Belt. In respect of objectors' proposals for significant sports pitches south of Barton Road, Cambridge, the Inspectors concluded that such an extensive grouping of pitches and ancillary uses in this location would be harmful to the rural character and visual amenities of the Green Belt and setting of Cambridge.

8. On adopting the DPD the Council is required to make the necessary changes to the adopted Proposals Map. The main features of the Inspectors' Report relating to the Proposals Map include:

- Changes to reflect the recommendations to address the housing shortfall -

the site boundaries largely follow those proposed by the Council. In respect of the new housing-led allocation at NIAB Extra, the site also includes land within the line of the proposed new link road to Histon Road

- Revisions to the village frameworks at Fulbourn, Longstanton and West Wrating
- Revisions to Important Countryside Frontages at Arrington and Longstanton
- Revisions to Protected Village Amenity Areas at Barrington, Boxworth, Longstanton and Over
- General updating - i.e. removal of completed housing and employment allocations, and removal of safeguarded land for infrastructure where built, at Gamlingay, Heathfield, Longstanton, Melbourn, Pampisford, Papworth Everard and Waterbeach

9. A presentational change to the Proposals Map is also proposed to deal with two cases where the area covered by Area Action Plans means that the Inset Maps for nearby villages are not entirely clear in respect of the area included within a Conservation Area. Under the plan making system it is not possible to show an allocation or policy area on the Proposals Map more than once. It is therefore proposed to include a note on the Inset Maps for Longstanton and Teversham that maps showing the full Conservation Area boundaries applying in these areas are shown on maps appended to the Proposals Map.

Site Specific Policies DPD and Proposals Map for Adoption

10. The conclusions reached by the Inspectors are binding and the Council must incorporate the changes required by the Inspectors. Making up the shortfall in housing land will ensure that the growth of the local economy will not be slowed by shortages of labour and focussing the additional housing land on the edge of Cambridge will provide the greatest opportunity to minimize commuting and other travel distances. The DPD has been prepared in compliance with the legislative and regulatory requirements for the preparation of Development Plan Documents and is now ready for adoption. The revised Site Specific Policies DPD for adoption, including all the Inspectors' binding changes, is included as Appendix 2 of this report. The revised Proposals Map for adoption is included as Appendix 3.
11. Once adopted, the Site Specific Policies DPD will become part of the statutory development plan for South Cambridgeshire. With the adoption of the Site Specific Policies DPD, almost all the remaining policies of the Local Plan 2004 that had been "saved" under transitional arrangements are now superseded by policies in DPDs. The only remaining "saved" policy relates to the allocation of an area at Chesterton Fen Road for Gypsy and Traveller provision (Policy CNF6), which will remain "saved" until the adoption of the emerging Gypsy and Traveller DPD. The Proposals Map for adoption sets out the position in relation to the policies of the Local Plan 2004 and the adopted DPDs (see Appendix 3).
12. The Council must also publish the Final Sustainability Appraisal Report and have carried out a further process known as a Habitats Regulations Assessment (HRA). The Council has also carried out an Equalities Impact Assessment which records that the policies in the DPD will have a neutral impact but that its real impact will be determined during the development stages.

13. The Final Sustainability Appraisal Report remains as published in January 2006 alongside the Submitted DPD. A supplementary assessment of the proposed sites to make up the housing shortfall was prepared as part of the consultation carried out in October - December 2008. These are both available to view on the Local Development Framework pages of the Council's website: www.scambs.gov.uk/ldf. A Sustainability Appraisal Adoption Statement has been prepared setting out how the Council has met the requirement for sustainability appraisal throughout the plan making process (see Appendix 4).
14. The Habitats Directive (Council Directive 92/43/EEC) has been transposed into UK law as the Conservation (Natural Habitats &c.) Regulations (1994; 'Habitats Regulations'). An HRA Screening Report has been prepared for the Site Specific Policies DPD, consistent with EU guidance, and having regard to other relevant guidance. This concludes that there will be no likely significant impacts of the Plans on relevant European sites in or close to the district. The Screening Report was prepared in consultation with Natural England who confirmed by letter dated 30 August 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 Site Specific 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" (see Appendix 5).
15. An additional HRA Screening Report was prepared for the housing shortfall sites in December 2008, and also concludes that there will be no likely significant impacts of the Plans on relevant European sites in or close to the district. This report has also been endorsed by Natural England (see Appendix 6).

Next Steps

16. Once the Council has adopted the DPD and revised Proposals Map, it must advertise the fact and advise consultees and those that made representations on the plan during its preparation. The LDF system allows for a legal challenge to be made to the High Court. Any person aggrieved by the Site Specific Policies DPD 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 DPD is adopted.

Options

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

Implications

18.

Financial	Within existing budget, subject to there being no legal challenge to the High Court during a six-week period after adoption.
Legal	None, subject to there being no legal challenge to the High Court during a six-week period after adoption.
Staffing	Within existing resources.
Risk Management	Whilst there is no requirement for the Council to adopt the DPD in either the relevant Act or Regulations which cover the adoption of DPDs, the Secretary of State does 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)).
Equal Opportunities	None. An Equalities Impact Assessment has been carried out for the DPD which identified a neutral impact on equalities. It is available to view on the equalities part of the Council’s website.

Consultations

19. There have been a number of consultations with the public and key stakeholders throughout the preparation of the plan and also on the housing shortfall issue during the public examination. The plan was amended by the Council up to the Submission stage and subsequently the Inspectors following independent Examination to take account of relevant issues raised, including the Council’s recommended sites to address the housing shortfall.

Effect on Strategic Aims

20.

<p>Commitment to being a listening council, providing first class services accessible to all.</p> <p>The Council considered representations made during the plan making process and an Examination by independent Inspectors has been held. Once the plan is adopted it will provide a clear planning policy framework for determination of planning applications.</p>
<p>Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.</p> <p>The DPD includes allocations for development that follow the principles of sustainable development, including policies to ensure that planning permission will not be granted for unsustainable forms of development which do not ensure a safe and healthy environment for residents. A Health Impact Statement is also required by virtue of the Development Control Policies DPD, which forms part of the Local Development Framework.</p>

Commitment to making South Cambridgeshire a place in which residents can feel proud to live.
The DPD includes policies to ensure the allocations deliver high quality sustainable development, with provision of appropriate services and facilities.
Commitment to assisting provision for local jobs for all.
The DPD includes policies for employment development in villages to provide local jobs and sufficient housing land allocations to ensure the availability of a local labour force to sustain the momentum of growth of the local economy.
Commitment to providing a voice for rural life.
The DPD includes policies for appropriate development in the rural area to support rural life, that have been subject to various stages of public consultation.

Recommendations

21. Council is invited to:
- a. **RESOLVE TO ADOPT** the Site Specific Policies Development Plan Document, as contained in Appendix 2.
 - b. **RESOLVE TO ADOPT** the revisions to the adopted Proposals Map, as contained in Appendix 3;
 - c. **NOTE** the Sustainability Appraisal Adoption Statement as contained in Appendix 4; and
 - d. **NOTE** the Habitats Habitat Regulations Assessment Screening Reports for the Site Specific Policies DPD and for the Housing Shortfall sites as contained in Appendices 5 and 6.

Appendices

Appendix 1 - Final Inspectors' Report

Appendix 2 – Site Specific Policies DPD for Adoption

Appendix 3 – Revised Proposals Map for Adoption, incorporating Adopted Policies

Appendix 4 – Sustainability Appraisal Adoption Statement

Appendix 5 – Habitat Regulations Assessment Screening Report for the Site Specific Policies DPD

Appendix 6 - Habitat Regulations Assessment Screening Report for the Site Specific Policies DPD Responding to a Housing Shortfall

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

- Site Specific Policies Development Plan Document, Submission Draft, January 2006
- South Cambridgeshire Core Strategy, Development Control Policies, Site Specific Policies DPDs Final Environmental / Sustainability Report, January 2006
- Site Specific Policies DPD Habitats Directive Assessment, August 2007
- Responding to a Housing Shortfall Consultation Documents, October 2008

- Sustainability Appraisal of the Site Specific Policies DPD Supplementary Report, October 2008
- Site Specific Policies DPD Responding to a Housing Shortfall Habitats Regulations Assessment, December 2008
- Responding to a Housing Shortfall The Council's Preferred Sites, March 2009
- Inspectors' Report on the Examination into the Site Specific Policies Development Plan Document, September 2009
- Equalities Impact Assessment of the Site Specific Policies DPD - Partial Assessment, January 2010

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