

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning and New Communities 2 March 2010
Portfolio Holders

AUTHOR/S: Executive Director (Operational Services) / Corporate Manager
(Planning and Sustainable Communities)

LOCAL DEVELOPMENT FRAMEWORK - ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS

Purpose

1. The purpose of this report is to inform the Council on the results of a public consultation exercise carried out on three Supplementary Planning Documents (SPD), and to seek approval for these documents to be formally adopted by the Council. Once adopted, the SPDs will form part of the Local Development Framework and be used to help determine planning applications.
2. The three SPDs that were consulted on were as follows:
 - Affordable Housing
 - District Design Guide: High Quality and Sustainable Development in South Cambridgeshire
 - Landscape in New Developments
3. This is a key decision because it raises new issues of policy, or is made in the course of developing proposals to amend the policy framework, or is a decision taken under powers delegated by the Council to amend an aspect of the policy framework. The agreement to carry out the public consultation was taken at the joint meeting of the Portfolio Holders for Planning and for Growth and Sustainable Communities on 1 October 2009.

Executive Summary

4. This report outlines the representations received on the three SPDs that were subject to a period of public participation from October to December 2009. As a result of these representations amendments have been made to the draft SPDs. The next step is to adopt the SPDs when they will form part of the Local Development Framework.

Background

5. The Council has adopted a number of Development Plan Documents (DPD) that form part of the Local Development Framework. The purpose of Supplementary Planning Documents (SPD) is to expand on policies set out in DPDs and to provide additional detail. The three SPDs that have been consulted on relate to policies contained within the adopted Development Control Policies DPD, and in the adopted Area

Action Plans for Northstowe, Cambridge East, Cambridge Southern Fringe and North West Cambridge.

6. Similar to the DPDs under the European Union Strategic Environment Assessment (SEA) Directive, the Council needs to consider whether there will be any significant environmental effects of the SPDs. A Sustainability Appraisal Statement was prepared for the SPDs and consulted on alongside the draft SPDs.
7. The six-week public consultation took place between 23 October to the 4 December 2009.

The results of the Public Consultation

8. During the consultation 311 representations were received relating to the three SPDs, as follows:

SPD	Support	Object	Comment	Total
Affordable Housing	2	31	21	54
District Design Guide	40	42	103	185
Landscape in New Developments	12	29	38	79

Consultation responses range from single to large numbers of points. Each of these points is recorded as a separate representation. No representations were received on the Sustainability Appraisal Statement. One representation was received on the Habitats Regulations Assessment Statement from Natural England.

9. The Council has received confirmation that the three SPDs are in conformity with the Regional Spatial Strategy from the East of England Regional Assembly, who stated:

The Regional Planning Panel Standing Committee considered a report at its meeting on 6 November 2009 before endorsing the recommendation that the Affordable Housing, District Design Guide and Landscape in New Developments Supplementary Planning Documents are in general conformity with the East of England Plan.

10. A brief outline of the contents of each of the three SPDs is provided below together with a summary of the main issues raised during the consultation period.

- **Affordable Housing SPD**

11. The Affordable Housing SPD provides further guidance on implementation of the District Council’s existing Affordable Housing policies HG/3, HG/4 and HG/5 of the Development Control Policies DPD.

12. The main issues raised include:

- More than half of the representations received are from the landowners / developers for the major developments, in particular Gallagher, Homes and Communities Agency and Marshall. They are seeking to ensure that the SPD properly reflects the issues affecting the major developments and that it is

consistent with the affordable housing policies in the Area Action Plans. They also raise concerns with the proposals for dealing with development viability, including the proposed 3 year review period in cases where initial viability leads to a reduced affordable housing contribution, the requirement for developers to fund the independent validation of viability evidence, the approach to residual land valuation, and the requirement for the development to provide free serviced land.

- Questions are raised about the proposed indicative tenure mix targets and the approach to size of units, including from the County Council which is concerned that this could have implications for numbers of children on affordable housing developments.
- Cambridge City Council makes a number of detailed comments on the SPD, essentially seeking consistency in approach between the two districts where they felt clarifications would be helpful.
- A number of detailed points are made by other representors e.g. approach to rounding of affordable housing calculations, promotion of energy efficient design, delivery of rural exception sites.

- **District Design Guide SPD**

13. The SPD provides guidance to applicants and agents to ensure delivery of sensitively and appropriately designed, sustainable developments. It sets out important design principles based on recognised good practice and explains key requirements of the District Council that will be taken into account when considering planning proposals.

14. The main issues raised include:

- Strong support for the SPD in general and to specific parts of it.
- Suggestions that the SPD could usefully include more illustrations of good and/or bad examples, provide clearer annotations on illustrations.
- Suggestions that the SPD would benefit from a slight restructure to improve clarity, remove duplication and reduce the length of the document to make it more user-friendly.
- Suggestions that more information be added on car parking, Green Infrastructure, and using design to promote sport and recreation should be included.
- Suggestions for more policy references to source policies in LDF documents, and for cross-references to adopted SPD.

- **Landscape in New Developments SPD**

15. This SPD has been produced to provide additional advice and guidance on landscape planning and design for developers, planning applicants, planning agents, consultants,

contractors and others involved in the planning process and others who have an input into the quality of landscape schemes for developments in South Cambridgeshire. The SPD specifically covers the District of South Cambridgeshire, with reference to the surrounding landscapes where these are relevant to south Cambridgeshire.

16. The main issues raised include:

- Sustainable Urban Drainage Systems (SUDS) – several respondents noted that the references to SUDS were brief, and should be extended.
- Maintenance and Management - several replies noted that it was important that Maintenance (generally short term) and Management (Long term vision of the scheme) should be made distinct.
- Green Infrastructure - requests were made for further support for green infrastructure.
- Landscape examples - requests for examples of good and bad landscapes, and clarification of maps and drawings.
- Request for inclusion of reference to allotments.

17. Detailed schedules of all representations received on each SPD are provided in Appendices 2 - 4. The schedules provide a summary of each representation received in plan order together with any suggested change to the text of the SPD, the Council's assessment of them and, where appropriate, proposes amendments to the text of the draft SPD. It should be noted that a number of additional changes have been made to the Design SPD to assist with improving the clarity and structure of the document for the user, which are not detailed in the schedule.

Adoption Process

18. The SPDs have been prepared in compliance with the legislative and regulatory requirements for the preparation of SPDs and are now ready for adoption. Members are recommended to adopt the SPDs as amended, as contained in Appendices 5-7. Once adopted, the SPDs will become part of the Local Development Framework.

19. Following the enactment of the Planning Act 2008 and a change to the Regulations in 2009 there is no longer a requirement to carry out a Sustainability Appraisal (SA) of the social, environmental and economic effects of the proposals contained within each SPD. However, under the European Union Strategic Environment Assessment (SEA) Directive, the Council still needs to consider whether there will be any significant environmental effects of the SPDs. Given the parent policies in the DPDs have been fully appraised, and SPDs cannot create new policy, it is considered unnecessary to undertake an SA / SEA of the SPDs. A statement to this effect has been prepared and was published alongside the draft SPDs. There were no representations received on the Sustainability Appraisal Statement.

20. The Habitats Directive (Council Directive 92/43/EEC) sets out the requirement for Assessment of plans or projects affecting Natura 2000 sites¹. The first stage in carrying out an HRA is the scoping report which identifies the likely impacts upon a Natura 2000 or Ramsar site, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant. If it is found that there is not likely to be a significant impact then a full Appropriate Assessment would not need to be carried out. Each of the DPDs containing the parent policies for the SPDs has been found to have no likely significant impact. Given the parent policies in the DPDs have been fully appraised, and SPDs cannot create new policy, it is considered unnecessary to undertake an assessment of the SPDs. A statement to this effect was been prepared and published alongside the draft SPDs.
21. There was one representation received on the Habitat Regulations Assessment Statement, from Natural England, who commented:
- 'This states that a screening assessment has been undertaken for each of the DPDs containing the parent policies for the SPDs and these have been identified as having no likely significant impact; the Council therefore considers that there is no need to undertake further assessment of the SPDs. Your authority should be aware however, that irrespective of the conclusion of an HRA at this strategic level, it should be noted that that any further plans or projects arising out of these SPDs may need to be subject to HRA scrutiny.'*
22. No objections were received to the Sustainability Appraisal and Habitat Regulations Assessment Statements and they can be published alongside the adopted SPDs.
23. As with the DPD plan making process, the new system allows for any person aggrieved by the SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD. Any such application for leave must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted.

Implications

24. By adopting the three SPDs there will be increased clarity in the implementation of the related DPD policies and this will assist officers when giving advice to developers and applicants since the development process will be more understandable.

25. Financial	Within existing budget.
Legal	The SPDs will assist by providing information on the legal requirements of the different aspects covered by the SPDs.
Staffing	The SPDs will assist officers by providing developers and applicants with greater detail as to what is expected in submitting planning applications so making it quicker to process applications. They encourage people to contact the Council to discuss specific places and cases, which will increase workload.

¹ Natura 2000 is a Europe-wide network of sites of international importance for nature conservation established under the European Council Directive 'on the conservation of natural habitats and of wild fauna and flora' – (92/43/EEC 'Habitats Directive').

Risk Management	None.
Equal Opportunities	None.

Consultations

26. The draft SPDs have been prepared in consultation with the relevant specialist officers within the Council prior to being agreed for consultation. As part of the public consultation letters were sent to a range of relevant organisations and also included a CD-Rom, containing both draft SPDs and their related documents.

Effect on Strategic Aims

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| Commitment to being a listening council, providing first class services accessible to all. |
| The SPDs will provide more information and advice to the public and encourage better communication. They will help applicants submit acceptable planning applications which can be dealt with efficiently and more quickly. |
| Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all. |
| The Design SPD will help create and support healthy places and lifestyles. |
| Commitment to making South Cambridgeshire a place in which residents can feel proud to live. |
| The Design SPD will help reduce the causes and impacts of climate change. |
| Commitment to providing a voice for rural life. |
| The SPDs will:
Encourage effective working with the public, including land and building owners, parish councils and others;
protect and enhance the built and natural environment of South Cambridgeshire;
raise the standard of new development;
and improve the quality of life of residents. |

Conclusions / Summary

28. This report outlines the representations received on the three SPDs that were subject to a period of public participation from October to December 2009. As a result of these representations amendments have been made to the draft SPDs. The next step is to adopt the SPDs when they will form part of the Local Development Framework.

Recommendations

29. The Portfolio Holders are invited to agree the adoption of the SPDs relating to Affordable Housing, Design and Landscape as contained in Appendices 5 to 7 and proceed in accordance with Regulations 18 and 19 (for ease of reference, **Appendix 1** lists the changes made to the draft SPDs following the consultation process);

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

Affordable Housing Supplementary Planning Document (Consultation Draft October 2009)

District Design Guide: High Quality and Sustainable Development in South Cambridgeshire
Supplementary Planning Document (Consultation Draft October 2009)
Landscape in New Developments (Consultation Draft October 2009)
Sustainability Appraisal Statement (October 2009)
Habitats Regulations Assessment Statement (October 2009)

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