



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

9 July 2015

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## South Cambridgeshire Local Plan – Response to Inspectors’ Letter

### Purpose

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

### Recommendations

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

### Reasons for Recommendations

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

### Background

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

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

“That this Council notes the letter from the Inspectors regarding the suspension of the Local Plan examination and their call for more work on the evidence supporting the Plan. It welcomes the opportunity to address the Inspectors’ preliminary concerns at this stage and looks forward to the officers presenting their plan and timetable for the additional work to the Planning Portfolio Holder and, subsequently, to present their findings, their evidence and any new or additional recommendations to Full Council at the earliest opportunity. The Council requests officers to provide a timetable for this process by the end of June, and anticipates that all this work will be completed and the plan will be ready for resubmission to the Inspector not later than 31 December 2015. The Council agrees to satisfy all reasonable requests for the resources necessary to adhere to this timescale.”

9. The meeting also agreed a second resolution in relation to the potential for there to be a longer period during which the Council cannot demonstrate a five-year housing land supply:

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

### **Additional work requested by the Inspectors**

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

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

### **Five-year housing land supply**

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

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

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

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

### **Gypsy and Travellers Accommodation Needs**

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

## **Community Infrastructure Levy**

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

## **Options**

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

## **Implications**

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

### ***Financial***

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

### ***Legal***

29. None.

### ***Staffing***

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

### ***Risk Management***

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

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

### ***Equality and Diversity***

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

### ***Climate Change***

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

### **Consultation responses (including from the Youth Council)**

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

### **Effect on Strategic Aims**

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

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

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

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

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

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

### **Appendices**

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

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

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

### **Background Papers**

Inspectors' letter of 20 May 2015:

<https://www.scambs.gov.uk/sites/www.scambs.gov.uk/files/documents/Letter%20from%20Inspectors%20to%20Councils%20-%20Preliminary%20Conclusions%20200515.pdf>

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