



Report To: Planning Portfolio Holder's Meeting
Lead Officer: Director, Planning and New Communities

4 December 2015

Strategic Policies in the adopted Development Plan for South Cambridgeshire

Purpose

1. To identify the policies in the adopted development plan for South Cambridgeshire to be regarded as strategic and that a neighbourhood plan would have to comply with.
2. This is a key decision because it is significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority and it was first published in the Corporate Forward Plan on 16 September 2015.

Recommendations

3. It is recommended that the Planning Portfolio Holder agrees :
 - a) The policies in the adopted development plan for South Cambridgeshire that are proposed to be adopted as strategic for the purposes of neighbourhood planning as listed in Appendix B of this report
 - b) To carry out a consultation with interested parties, in particular parish councils. The results of this consultation to be reported back to a future Planning Portfolio Holder meeting.

Reasons for Recommendations

4. It was agreed at the Planning Portfolio Holder meeting on 18 November 2014 that the strategic policies in the adopted development plan would be identified if there were delays in the adoption of the Submission Local Plan. As the examination of this plan is currently suspended until March 2016 and parish councils within the district are moving ahead with the preparation of their neighbourhood plans (NPs) there is a need to identify the currently adopted policies that are considered strategic in order not to delay the progress of these NPs. It is recommended that an opportunity be given for interested parties to comment on the policies to be considered strategic for neighbourhood planning purposes to give them weight, before they are formally adopted by the Council.

Background

5. Neighbourhood Plans (NP) were introduced by the Localism Act 2011 to provide a planning tool for local people to use to guide the future development, regeneration and conservation of an area. Government policy and practice guidance for neighbourhood planning is set out in the National Planning Policy Framework (NPPF) and in National Planning Practice Guidance (NPPG). NPs are prepared by local communities, and in the case of parished areas it is Parish Councils (PCs) that can

prepare NP. The preparation of all such plans must follow specific legal regulations set out in the Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (Referendums) Regulations 2012.

6. The NP must be in general conformity with the strategic policies of the district Local Plan including those for housing and economic development and plan positively to support local development in the local area that is outside the strategic elements of the Local Plan.
7. Neighbourhood planning is optional, but, if a NP is prepared by a parish council and adopted by the Council, it has legal force and becomes part of the statutory planning framework for the area (the development plan), and planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

General Conformity with Strategic Policies

8. There is a list of basic conditions in the Town and Country Planning Act 1990 that must be met by a NP before it can be successful at independent examination and ultimately made (adopted) by a local planning authority (LPA). One of these is that any draft NP must be in “general conformity” with the strategic policies contained in the development plan for the district. According to the National Planning Policy Framework (NPPF) a LPA should set out clearly the strategic policies for their area (paragraph 184). There is guidance within both the NPPF and NPPG as to what is meant by strategic policies.
9. Outside of these strategic policies NPs can devise their own local policies for their areas. The NP only has to be in general conformity with the strategic elements of a Local Plan. Once a NP has found to be in conformity and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. (NPPF para 185)

Strategic policies in South Cambridgeshire

10. At his meeting in November 2014 the Planning Portfolio Holder considered a report about the strategic policies in the Submission Local Plan for South Cambridgeshire. Each of the policies contained within this Plan were considered against the definition provided for Strategic Policies in the NPPF and NPPG. A list indicating which policies were considered to be strategic was agreed at this meeting and is included in Appendix A of this report for information. This list includes all the policies within the adopted Area Action Plans for the district as they are delivering strategic development within the district. It is intended that this list of strategic policies should be included as an appendix to the Submission Local Plan to provide clarity about the strategic policies for NP purposes and a modification would be required to be made to the Local Plan. This was to be reported to the Inspectors examining the Local Plan and is likely to require a major modification and further public consultation before the adoption of this Plan.
11. At the November 2014 meeting it was noted that *if, for whatever reason the adoption of the Local Plan is delayed it may be necessary to bring a report to a future Planning Portfolio Holder meeting to identify strategic policies elsewhere in the development plan*. The Inspectors examining the Submission Local Plan have suspended the examination until March 2016 to allow for further work to be carried out by South Cambridgeshire and Cambridge City Councils on their local plans. The examination will then resume and consequently adoption of the plan is delayed. In the meanwhile

those PCs who are preparing NPs within the district are making progress without the benefit of knowing the strategic policies in the currently adopted development plan. The general conformity of these NPs with the strategic policies in the adopted local plan is a key basic condition that must be met. According to the NPPG whilst consideration may be given to the policies in an emerging local plan it is the adopted development plan that a draft NP will be examined against. It has therefore been decided that it is necessary to identify the strategic policies contained within the adopted development plan for South Cambridgeshire otherwise those PCs preparing NPs will not be able to take into account these strategic policies whilst drafting policies for their plans. They will also not be able to progress these NPs to submission to SCDC as they must include with their draft NP a document that sets out how they have met the basic conditions. Without the strategic policies identified these communities will not be able to know whether their plans are in general conformity and therefore will not be able to demonstrate that they meet this test.

12. Appendix B includes a list of the policies contained within the adopted development plan for South Cambridgeshire and indicates which of these the Council considers to be strategic for neighbourhood planning purposes. The same methodology has been used to identify these as was done for those in November 2014 for the Submission Local Plan.
13. The identified strategic policies in the Submission Local Plan are to be considered by the Inspectors examining this plan however it would not be relevant or appropriate for these inspectors to consider this latest list of strategic policies. Advice has been sought from the Council's Legal Team and as a result officers are recommending that there should be an opportunity for interested parties such as PCs to be able to comment on the proposed list of strategic policies prior to a formal decision by the Council. The results of this consultation will be brought to an appropriate future Planning Portfolio Holder meeting for decision. This will give people an opportunity to consider whether the approach proposed to be taken by SCDC is appropriate and to comment on the policies in the adopted development plan that SCDC considers to be strategic.

Options

14. The Portfolio Holder could
 - (a) Decide to carry out a consultation with interested parties, such as parish councils, on the list of strategic policies to confirm that SCDC has used an appropriate methodology and identified the correct policies – the results of which will be brought to a future Planning Portfolio Holder meeting;
 - (b) Decide to identify the strategic policies in the currently adopted development plan for South Cambridgeshire as set out in Appendix B without the benefit of interested parties having the opportunity to confirm the approach of SCDC in identifying these policies;
 - (c) Decide to delay identifying the strategic policies in the adopted development plan, making the assumption that parish councils will not progress their NP until after the Submission Local Plan is adopted. However this would lead to uncertainty for parish councils preparing plans as they would not know which policies in the Local Plan they should conform with and could introduce unnecessary delay for these local communities who wish to progress their NP towards adoption in advance of the adoption of the Local Plan.

Implications

15. 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

16. There are no direct financial implications in identifying the strategic policies.

Legal

17. The Council must identify the strategic policies to enable neighbourhood planning to progress within the district.

Staffing

18. Support for neighbourhood planning is delivered within existing resources by the Planning Policy Team and the Sustainable Communities and Partnerships Team, drawing upon the expertise of other staff as required.

Equality and Diversity

19. Equality and diversity issues will be considered during the preparation of each NP as appropriate to their content. An equality assessment would have to be carried out on a draft NP in order to meet the basic conditions required before it can be adopted.

Climate Change

20. Climate change issues will be considered during the preparation of the NP as appropriate to its content.

Consultation responses (including from the Youth Council)

21. Consultation has taken place with the Sustainable Communities and Partnerships Team.
22. The Legal Team's advice was sought regarding how SCDC should adopt the list of strategic policies. The advice was that it was not appropriate for the current inspectors to have to consider the list of policies as they are dealing with the emerging Local Plan and not the adopted development plan. The advice given was that it was considered appropriate to carry out a consultation to allow for comments on the list.

Effect on Strategic Aims

23. **Aim 1 - Engagement: engage with residents, parishes and businesses to ensure we deliver first class services and value for money**
Neighbourhood planning engages local people in the planning process by giving them a tool to guide the future development, regeneration and conservation of an area. PCs lead on the preparation of NPs and local residents and businesses are engaged throughout the process.
24. **Aim 2 – Partnerships: Work with partners to create opportunities for employment, enterprise, education and world-leading innovation.**
By identifying the strategic policies this will assist parish councils preparing NPs, This is an opportunity for the local community to shape through neighbourhood planning their local area and to work with SCDC.

25. **Aim 3 – Wellbeing: Ensure that South Cambridgeshire continues to offer an outstanding quality of life to our residents.**

By preparing a NP local communities are being given the opportunity to create policies in their NP that will enhance the character of their local surroundings to contribute to ensuring an outstanding quality of life.

Appendices

A: Strategic Policies in the Local Plan agreed by the Planning Portfolio Holder in November 2014.

B: Strategic Policies in the adopted Local Development Framework

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

PAS – Legal Compliance Checklist – Meeting your authority's legal requirements for Neighbourhood Development Plans http://www.pas.gov.uk/web/pas-test-site/neighbourhood-planning/-/journal_content/56/332612/4113731/ARTICLE

National Planning Practice Guidance - <http://planningguidance.planningportal.gov.uk/>

Neighbourhood Planning Regulations 2012 - http://www.legislation.gov.uk/ukxi/2012/637/pdfs/uksi_20120637_en.pdf

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