



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

14 March 2016

Response to consultation on Strategic Policies in the adopted Development Plan for South Cambridgeshire

Purpose

1. To report the results of the consultation carried out with parish councils within the district about the policies in the adopted development plan for South Cambridgeshire to be identified as strategic policies 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 :
 - a) Notes the comments made during the consultation about strategic policies with parish councils in South Cambridgeshire contained in Appendix B of this report:
 - b) Formally agrees the policies in the currently adopted development plan for South Cambridgeshire that are to be considered as strategic for the purposes of neighbourhood planning. These are listed in Appendix A of this report.

Reasons for Recommendations

4. It was agreed at the Planning Portfolio Holder meeting on 4 December 2015 that a consultation should take place with interested parties such as parish councils on the list of policies in the adopted development plan proposed to be identified as strategic policies for the purposes of neighbourhood planning. The consultation was intended to give the opportunity for Parish Councils to comment on the draft list before it is formally adopted by the Council in view of the significance of the list to Parish Councils in the context of the preparation of neighbourhood plans.

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.

6. 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.
7. At his meeting in December 2015 the Planning Portfolio Holder considered a report identifying the strategic policies in the currently adopted development plan for South Cambridgeshire for neighbourhood plan purposes. These policies were identified using national guidance and the same methodology as had been used to identify the strategic policies in the Submission Local Plan in November 2014.
8. It is considered necessary to identify the strategic policies in the adopted development plan as there has been a delay in the adoption of the Submission Local Plan. There are a number of parish councils (PCs) who are now preparing NPs, which may be submitted to SCDC for examination before the Local Plan is adopted. These NPs will have to be in general conformity with the strategic policies in the currently adopted plans and must show that they have met this basic condition to be successful at examination. 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.
9. Appendix A includes a list of all the policies contained within the adopted development plan for South Cambridgeshire and identifies which of these the Council are to be strategic policies for neighbourhood planning purposes. The adopted Area Action Plans (AAP) are also part of the adopted development plan for the district and it was agreed in November 2014 by the Planning Portfolio Holder that all policies within these AAPS are considered strategic as they plan to delivery of homes and jobs within the district.

Consultation

10. At the December meeting the Planning Portfolio Holder agreed that a consultation should be carried out with all the PCs within the district to give them an opportunity to consider whether the approach proposed to be taken by SCDC was appropriate and to comment on the policies in the adopted development plan that SCDC consider to be strategic prior to a formal decision by the Council.
11. The consultation was carried out from 21 December 2015 until 19 February 2016.
12. Four PCs submitted comments during the consultation – Foxton PC; Cottenham PC, Gamlingay PC and Melbourn PC – all are ones who are currently preparing NPs. Their comments are summarised in Appendix B. The PCs welcomed the opportunity to comment and generally found the approach taken by SCDC followed the national guidance. It was recognised that many of the policies in the adopted development plan have been carried forward into the Submission Local Plan.
13. Foxton PC considered that by the time it has prepared its NP it would be the strategic policies in the Submission Local Plan that they would need to take account of. They

have suggested that a number of policies are not strategic. Officers have reviewed these policies and consider that only one should be removed from the list of strategic policies – Policy SF/7 Underground pipes, wires, fibres and cables as it is not a policy that has been carried forward into the Submission Local Plan.

Considerations

14. Following the consultation and consideration of the comments made by PCs it is proposed by officers to suggest only one minor change be made to the list of strategic policies consulted on. The recommendation in paragraph 3 is therefore to note the comments received and for the Council to formally agree the list of strategic policies in Appendix A as those to be considered by PCs preparing neighbourhood plans. Until such time as the Submission Local Plan is adopted, these are the strategic policies that PCs preparing NPs must be in general conformity with in order to meet the relevant basic condition.

Options

15. The Portfolio Holder could
 - (a) Decide to formally agree the list of strategic policies as subject to consultation with PCs. (See Appendix A)
 - (b) Decide to delay identifying the strategic policies in the adopted development plan, making the assumption that PCs will not progress their NP until after the Submission Local Plan is adopted. However this would lead to uncertainty for PCs preparing plans as they would not know which policies in the development 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

16. 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

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

Legal

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

Staffing

19. Support for neighbourhood planning is delivered within existing and agreed additional 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

20. 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

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

Consultation responses (including from the Youth Council)

22. Consultation has taken place with the Sustainable Communities and Partnerships Team.

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 adopted development plan for South Cambridgeshire
B: Comments made by Parish Councils during the consultation

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/uksi/2012/637/pdfs/uksi_20120637_en.pdf

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