

<b>CABINET</b>	<b>AGENDA ITEM No. 8</b>
<b>5 November 2012</b>	<b>PUBLIC REPORT</b>

Cabinet Member responsible:	Councillor Peter Hiller - Cabinet Member for Housing, Neighbourhoods and Planning	
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**PETERBOROUGH PLANNING POLICIES DEVELOPMENT PLAN DOCUMENT (VERSION FOR ADOPTION)**

R E C O M M E N D A T I O N S	
<b>FROM :</b> Paul Phillipson, Executive Director Operations	<b>Deadline date :</b> 5 December 2012
<ol style="list-style-type: none"> <li>1. That Cabinet notes the conclusions of the independent Inspector who was appointed to examine the council’s submitted Peterborough Planning Policies Development Plan Document.</li> <li>2. That Cabinet recommends to Council the adoption of the Peterborough Planning Policies Development Plan Document, incorporating modifications as recommended by the Inspector (‘Main Modifications’) and other minor editorial modifications (‘Additional Modifications’).</li> </ol>	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to Cabinet following Council’s decision on 7 December 2011 to approve the Peterborough Planning Policies Development Plan Document (DPD) (Proposed Submission Version) for the purposes of public consultation and submission to the Secretary of State. Such consultation has taken place and the DPD was submitted to the Secretary of State in April 2012. Subsequently, an independent Planning Inspector appointed by the Secretary of State has carried out a public examination into the document. The Inspector has sent his report to the Chief Executive setting out his conclusions on the DPD.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to set out the recommendations made by the independent Inspector and, subsequently, seek Cabinet’s approval to recommend the Planning Policies DPD (attached at Appendix 2) to Council for adoption.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, to take collective responsibility for the delivery of all strategic executive functions within the council’s Major Policy and Budget Framework and lead the council’s overall improvement programmes to deliver excellent services.

### 3. **TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If Yes, date for relevant Cabinet Meeting	5 November 2012
Date for relevant Council meeting	5 December 2012	Date for submission to Government Dept	N/A

### 4. **PETERBOROUGH PLANNING POLICIES DPD – THE INSPECTOR’S REPORT AND THE PLANNING POLICIES DPD RECOMMENDED FOR ADOPTION**

#### **Introduction**

- 4.1 The preparation of the Peterborough Planning Policies DPD has reached its final stage. Following considerable public consultation over the last few years, we have now reached the stage where Council has to decide whether to adopt the DPD as part of its major policy framework.
- 4.2 Cabinet will recall that on 7 November 2011, the ‘submission’ version was considered before subsequently being approved by Council on 7 December 2011. That approval set in motion two key events:
- (i) the issuing of the Planning Policies DPD for its final public consultation stage (February-March 2012); and
  - (ii) the ‘examination’ of the DPD by an independent Inspector appointed by the Secretary of State (summer 2012), and the subsequent issuing of an ‘Inspector’s Report’ (October 2012) setting out his recommendations for modifications to the DPD.

#### **Content of the Planning Policies DPD**

- 4.3 Before coming to the Inspector’s findings and recommendations, Cabinet may wish to remind themselves as to the purpose, content and status of the Planning Policies DPD. If adopted, it will become part of the statutory development plan, and, as such, will be part of the council’s major policy framework. It will be one of the documents (including, for example, the adopted Core Strategy) that together comprise the Local Development Framework, and it will replace the majority of the remaining policies in the Peterborough Local Plan (First Replacement) (2005).
- 4.4 The Planning Policies DPD sets out detailed policy statements to help in determining planning applications. The policies will help in delivering the overarching principles established in the Peterborough Core Strategy. At the end of each policy there is a reference to the appropriate Core Strategy policy (or policies) and objectives which it supports.

#### **The Inspector’s Role and the Inspector’s Report**

- 4.5 Government regulations stipulate that an Inspector must be appointed by the Secretary of State to undertake an ‘examination’ of a proposed DPD, and consider all comments and objections that have been made. The Inspector holds a ‘hearing’ session as part of the examination process. The Inspector then subsequently issues an ‘Inspector’s Report’, which must state either:
- (i) That the DPD is ‘unsound’, and that it is impossible for changes to be made to it to make it ‘sound’; under this scenario the Council is not permitted to adopt the DPD; or
  - (ii) That the DPD is ‘sound’ as submitted, or provided that certain modifications as recommended by the Inspector are made before it is adopted.

- 4.6 We are very pleased to report that the Inspector, Mr Ron Punshon, has found our DPD 'sound' and, in effect, has given permission to the city council to adopt it, provided his recommended modifications are incorporated into the final adopted version. His full report is attached at Appendix 1. This includes a list of all modifications (see Appendix).
- 4.7 The Inspector concludes that the Planning Policies DPD provides an appropriate basis for the planning of the City over the next 15 years, providing that a number of modifications are made to it. These include modifications to bring the plan into line with the National Planning Policy Framework (NPPF), which was issued by the Government after the DPD had been published by the council for comments. All of the modifications are ones which officers had suggested to the Inspector during the course of the examination, to overcome objections etc. Among the modifications are:
- Inclusion of a new standard policy in support of sustainable development
  - Inclusion of a new policy about planning applications on contaminated land
  - Inclusion of a new policy setting out the requirements for permitting agricultural dwellings
  - Defining the new shopping centre at Stanground South (Cardea) on the Policies Map as a local centre
  - Revising the policies on heritage assets and buildings of local importance to accord more closely with national policy as expressed in the NPPF
  - Clarifying the indicators and targets for monitoring purposes
- 4.8 It is important to note that, in accordance with regulations, the recommended modifications in the Inspector's Report are 'binding' on the council. This means that the council cannot 'pick and choose' which of his modifications to accept or reject; it must accept them all (if the council wishes to adopt the DPD) or, indirectly, reject them all (and, thus, not adopt the DPD).

#### **Adoption of the Peterborough Planning Policies DPD**

- 4.9 Cabinet must decide whether to recommend to Council the adoption of the Peterborough Planning Policies DPD. Attached at Appendix 2 is the version which Cabinet is asked to recommend. This version incorporates all of the recommended modifications made by the Inspector. It also includes a number of minor changes which do not affect the soundness of the document, and which the council is permitted to make under provisions introduced by the Localism Act 2011. These changes are minor editing and updating of the document and are listed in Appendix 3 to this report. The majority of these minor changes have arisen from discussions that took place during the examination and they have been the subject of consultation in August/September 2012.
- 4.10 If the DPD is adopted by Council, it will include adoption of all the accompanying changes to the Peterborough Policies Map, which is the map covering the whole of the local authority area (with insets at larger scales) showing all the areas to which policies apply. The Policies Map will be updated each time the council adopts a DPD which has policies for specific geographical areas.
- 4.11 To be absolutely clear on this matter, Cabinet (and then Council) can only support or reject the version as at Appendix 2.
- 4.12 If Council agree the Planning Policies DPD as per Appendix 2, then the document is 'adopted' and comes into effect immediately.
- 4.13 If Council does not agree the Planning Policies DPD as per Appendix 2, then, in accordance with the regulations, it is not obliged to adopt it. Under this scenario, the council would need to re-commence the preparation of a new DPD, following the same cycle of extensive data collection, consultation and examination as before.

## **5. CONSULTATION**

- 5.1 Extensive consultation with the public and a wide variety of other stakeholders has taken place at various stages in the preparation of the DPD. Emerging drafts have also been considered by various Neighbourhood Councils, Scrutiny Committee, Cabinet and Council meetings. The Inspector was satisfied that we had undertaken appropriate consultation throughout.
- 5.2 There is no opportunity for further consultation or comment on the document.

## **6. ANTICIPATED OUTCOMES**

- 6.1 It is anticipated that Cabinet will recommend to Council that the Planning Policies DPD, as amended as a result of the Inspector's recommended modifications, be adopted.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 As outlined in the report, Council only has two options available to it; either adopt the document with the modifications or not adopt the document. The former is recommended, as it is a statutory duty to prepare a Planning Policies DPD, and, in adopting it, Peterborough will have a clear and robust policy document setting out its policies for making decisions on planning applications.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 The option of not adopting the DPD is not recommended, because in doing so the council would not have an up-to-date policy basis for deciding planning applications.

## **9. IMPLICATIONS**

- 9.1 The DPD will have implications for all sectors of society and all wards and parishes of the local authority area. The process of sustainability appraisal, based on social, economic and environmental criteria, ensures that all potential implications are taken into account in a systematic way.
- 9.2 Legal Implications: On adoption, the council must consider all relevant planning applications against the policies in the DPD.
- 9.3 Financial Implications: There are no immediate financial implications flowing from the adoption of the DPD.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

None.