

<b>GROWTH, ENVIRONMENT AND RESOURCES SCRUTINY COMMITTEE</b>	AGENDA ITEM No. 6
<b>20 SEPTEMBER 2017</b>	<b>PUBLIC REPORT</b>

Report of:	Simon Machen - Corporate Director Growth and Regeneration	
Cabinet Member(s) responsible:	Councillor Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
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**PETERBOROUGH LOCAL PLAN PROPOSED SUBMISSION**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> Corporate Director of Growth and Regeneration	<b>Deadline date:</b> Cabinet, 25 September 2017
<p>It is recommended that the Growth, Environment and Resources Scrutiny Committee:</p> <ol style="list-style-type: none"> <li>1. Recommend the Proposed Submission ('Publication Draft') Local Plan as attached at Appendix 1 to Cabinet who will subsequently be asked to recommend the Local Plan to Full Council for the purpose of both its final consultation for six weeks (likely during November-December 2017); AND its subsequent submission to the Secretary of State for the purpose of independent examination.</li> </ol>	

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to Committee following the approval of the Council's Local Development Scheme (LDS) in August 2017, which identified that the Council will prepare a Proposed Submission version of the Local Plan for public consultation in November 2017.

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to enable Committee to consider and recommend to Cabinet (and subsequently to Full Council) the approval of the Proposed Submission Local Plan for public consultation in November 2017 and then submission to the Secretary of State.
- 2.2 This report is for the Growth, Environment and Resources Scrutiny Committee to consider under its Terms of Reference No. Part 3, Section 4 - Overview and Scrutiny Functions, paragraph No. 2.1 Functions determined by Council : Environmental Capital; and Economic Development and Regeneration including Strategic Housing and Strategic Planning.
- 2.3 The Local Plan sets the overall strategy for development of Peterborough to 2036. The vision, objectives and priorities of the Plan have been informed by the Sustainable Community Strategy and the Council's corporate priorities. The Local Plan is also closely linked to the Council's Environment Action Plan.

### 3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If yes, date for Cabinet meeting	<b>25 September 2017</b>
Date for relevant Council meeting	<b>11 October</b>	Date for submission to Government Dept. <i>(Please specify which Government Dept.)</i>	<b>CLG, FEB 2018 (APPROX)</b>

### 4. BACKGROUND AND KEY ISSUES

#### Introduction

4.1 In July 2015 Cabinet agreed to prepare a new Local Plan for Peterborough, which will replace the following adopted Development Plan Documents (DPDs), which in effect will be merged into the new single Local Plan:

- Core Strategy DPD (2011),
- Site Allocations DPD (2012),
- Planning Policies DPD (2012) and
- City Centre DPD (2014).

4.2 In January 2016 the Council consulted on the Preliminary Draft Local Plan which set out the broad distribution of growth between 2011 and 2036.

4.3 At this stage, the draft plan did not identify the precise sites required to deliver the housing and jobs growth targets. As part of the consultation process, the Council asked the public, developers, landowners, agents and parish councils to suggest sites for future housing and employment provision that are available and deliverable. All suggested sites are listed in the Strategic Housing Economic, Land Availability Assessment (May 2016).

4.4 In December 2016 the Council consulted on the Further Draft Local Plan, which identified the preferred locations for growth for the first time. All comments received during the consultation period have been assessed and taken into consideration during the production of the Proposed Submission Local Plan and appropriate changes made to the Plan.

4.5 Since February 2017, further work has been undertaken, including re-assessment of all sites and detailed assessment of any new sites suggested as part of the Further Draft stage, and updating the evidence base where necessary.

#### The Proposed Submission Local Plan

4.6 The Proposed Submission Local Plan (or, in legal terms, it is known as the ‘Publication Draft’ Local Plan) is the culmination of extensive work since its inception in July 2015, including consideration of many thousands of pages of evidence and many thousands of representations from the public. Those representations have been extremely helpful in shaping the plan presented, though it is accepted that not everyone will be satisfied with every policy or land allocation in the plan.

#### Key Issues

4.7 The Proposed Submission Local Plan is structured as follows and broadly follows the thrust and intent of the previous ‘Further Draft’ version:

4.8 **Part A** – sets the overall vision and objectives for the future of Peterborough and the surrounding villages. This links closely to the Council’s Environment Action Plan.

4.9 **Part B** – Identifies the broad distribution and areas for future housing and employment.

- 4.10 The Local Plan target is for 27,625 new homes between 2011 and 2036 and for 76ha of employment land between 2016 and 2036.
- 4.11 It is proposed that the overall development strategy is to focus the majority of new development in, around and close to the urban area of Peterborough, with limited development in the villages. The individual sites required to meet the growth targets are set out in Part D of the plan.
- 4.12 The overall spatial strategy has been informed by the Peterborough Growth Strategy. This sets out the various options (and sites) considered in developing the spatial strategy.
- 4.13 Part B also includes a Settlement Hierarchy policy that ranks each settlement according to its size and range of services and facilities, it will help guide the scale and location of new development. It also helps to protect the character of the landscape by placing restrictions on development outside the defined settlement boundaries.
- 4.14 **Part C** – includes the detailed policies, criteria and standards that will be used in determining planning applications, such as:

- **Housing** – the policy ensures that new housing which will meet the needs of all communities is delivered. It includes the need for a range of types and size of homes, including affordable housing.

There are also specific policies about meeting the need for prestigious homes and to identify plots for self-build properties; and a policy that sets the criteria for determining if a site for Gypsy and Travellers would be suitable or not.

- **Transport** – the policy is based on the principles set out in the Local Transport Plan, it includes car parking standards.
- **Infrastructure** – the policy ensures that future growth is supported by the necessary infrastructure such as schools, roads, health and community facilities. This links to the Council's adopted Developer Contributions SPD and the Community Infrastructure Levy.

A further policy highlights areas of land to be safeguarded for future infrastructure projects, such as road improvements or junction enhancements.

- **Retail and other town centre development** – the policy places the city centre at the top of the hierarchy in terms of retail, leisure, cultural and tourism facilities, in line with national policy.
- **Urban design** – the policy identifies the design principles that must be met by all new development, as well as the detailed requirement for new residential development to make sure there is no unacceptable impact on the amenity of nearby properties.
- **Historic Environment** – this proposed policy aims to protect, enhance and conserve the important heritage assets throughout Peterborough through the special protection afforded to listed buildings and conservation areas.
- **Open Space** – the proposed policy looks to protect existing green open space and will set requirements for provision within new development.  
A policy identifies areas suggested by the public to be designated as protected Local Green Open Spaces.

A policy also identifies Green Wedges that protect specific areas that could be under considerable pressure for development and which, if built on would result in the coalescence of urban areas with nearby settlements.

- **Biodiversity** - the policy protects designated international, national and local wildlife sites

from development that could harm the habitat or protected species.

- 4.15 **Part D** - identifies the sites required to deliver the Local Plan target for 27,625 dwellings between 2011 and 2036 and 76 ha of employment land between 2016 and 2036.
- 4.16 Between 2011 and 2017 a total of 5,840 dwellings had been completed, and at 31 March 2017, a further 8,231 had been granted planning permission. These all count towards the target.
- 4.17 In addition, existing allocated sites (as found in the adopted Site Allocations or City Centre DPDs) are being carried forward such as Great Haddon (5,300 dwellings) and Norwood (1,800 dwellings), reducing further the need to identify completely new sites.
- 4.18 The Local Plan therefore proposes 3,735 new dwellings on new sites (slightly over what is required to allow for a buffer). This includes:
- Urban Area - 198 dwellings
  - Urban Extension at East of England Showground - 650 dwellings
  - Large Scale Allocation North of Castor and Ailsworth - 2,500
  - Eye - 250 dwellings
  - Thorney - 50 dwellings
  - Helpston - 82 dwellings
  - Small Villages - 14 dwellings
- 4.19 All the proposed sites are shown on the Policies Map (and village inset maps). All alternative sites have been fully assessed against detailed site assessment criteria to identify the most appropriate and sustainable locations for growth.

### **Summary of Changes to Proposed Submission Local Plan**

- 4.20 As stated, officers have carefully considered all representations received at the last consultation stage, and aimed to address as many concerns as possible. All representations received are available on the Council's website and are summarised in the Further Draft Key Issues Report (April 2017). If any Member wishes to clarify precisely how a particular representation has been dealt with, then officers will be happy to assist. Below illustrates some examples as to what is recommended in the attached proposed Submission Local Plan, compared with the previous Further Draft version:
- Overall growth targets updated to take into account new evidence. (Coincidentally the final housing need figure is the same as at Further Draft Stage);
  - Open Space standards updated to make it clear what requirements are expected on site and what are off site contributions;
  - A separate Green Infrastructure policy created to reflect the broad strategic framework set out in the emerging Green Infrastructure and Biodiversity SPD.
  - New Trees and Woodland Policy which includes requirements to mitigate the loss of trees;
  - An amended site boundary for the large scale allocation north of Castor and Ailsworth to take into account the gas pipeline and to allow for additional open space and wildlife buffer. The detailed policy for this site has also been updated to take account of concerns raised and to include additional requirements and mitigation measures.

### **Next Steps**

- 4.21 If Cabinet agrees the recommendation, and then subsequently Full Council does likewise, then a number of important steps will take place:
- 4.22 First, the Local Plan (and associated material) will be subject to public consultation for six weeks, during November and December 2017 (finishing as soon as possible before Christmas). It is important Full Council (and subsequently members of the public) understand this particular round of consultation.
- 4.23 In simple terms, the consultation is open to everybody (including those who have not made any

representations to date), but the crucial aspect to understand is that all representations received are not subsequently considered by officers or the Council, but instead, are considered by an independent Planning Inspector. It is also important to understand that any objections at this stage must be based on one of the 'tests of soundness' as set down by legislation. This means that it is not a completely open-ended consultation process, but rather an objector must state why the plan is 'unsound' and what needs to be done to address the matter. It is also important to emphasise that, as set down by legislation, any objections made at earlier consultation stages are not carried forward to the next stage in the process; and as such, if a representor remains unsatisfied with the Local Plan, that representor must repeat their objection at the next consultation stage, if the representor wants it to be considered.

- 4.24 It is fair to say that many members of the public do not, understandably, always comprehend this process at this stage, and are often surprised to find out that the Council as a whole has no opportunity to amend the Local Plan as a result of the consultation. As such, we collectively need to make sure the message is as clear as possible, and explain that we are following legislative requirements.
- 4.25 Second, after the close of the consultation in December 2017 (or another nearby date), officers will thereafter upload all representations onto our website (the consultation portal), summarise the key issues raised, publish all evidence base material and 'submit' the Local Plan and associated material to the Secretary of State (or, in practice, to the Planning Inspectorate). This is scheduled to all happen by the end of February 2018.
- 4.26 Third, as soon as the Local Plan is 'submitted', the plan is taken out of the hands of the Council and its officers, and is in the hands of a Planning Inspector appointed to 'examine' the Local Plan.
- 4.27 Fourth, that Inspector will consider all representations received, and will hold a number of 'Hearing' sessions as part of the examination, whereby those who wish to verbally raise their objections with the Inspector will get their chance to do so. Officers will sit at all days of the 'Hearing', to defend the contents of the Local Plan.
- 4.28 Fifth, ultimately, the Inspector will prepare an Inspector's Report, which will contain a list of 'Main Modifications'. As Main Modifications, once finalised, are proposed to make a submitted plan sound and legally compliant, they are effectively binding on the Council, if it wants to adopt the Local Plan.
- 4.29 Throughout the 'examination' process, there will be times when the Inspector will indicate that he/she is considering recommending a particular Main Modification, and will normally ask officers whether it could offer suggested wording to meet the concern. As such, Council needs to delegate authority to the Head of Sustainable Growth Strategy to 'negotiate' such possible modifications with the Inspector during the examination process, to enable the smooth running of the examination. These modifications are in effect 'owned' by the Council as the examination proceeds i.e. they are not formally agreed by the Inspector at this stage (though, in practice, they are informally agreed by the Inspector, as it would be pointless coming up with a modification which the Inspector clearly had fundamental objections to).
- 4.30 Such modifications are normally subject to a round of light-touch consultation, before the Inspector formally considers them (though all of this is a matter for the Inspector to decide, and is not set down in regulation). What happens next is that the Inspector normally then uses such a set of modifications to complete the Inspector's Report, though the final set of modifications is entirely in the hands of the Inspector. This is all a rather complex process, both technically and legally, but can be explained in more detail should this be necessary.

### **Policies Map**

- 4.31 Whilst legislatively complex, a fundamental part of the planning system in England is the 'Policies Map'. To be clear, the Policies Map is not, legally, part of the Local Plan, but rather a geographical representation of the policies found in a Local Plan. The current Policies Map is that approved in December 2012 (and updated in December 2014 to reflect the City Centre Plan). At the

'submission' stage, it is a legal requirement to submit with the Local Plan those changes which will be made to the Policies Map, should the Local Plan be subsequently adopted. Rather than identifying the changes, it is common practice to simply state that the current Policies Map will be deleted, and entirely replaced by a new Policies Map. As such, as part of this agenda item, a full set of Maps as would apply if the Local Plan is adopted is set out for approval.

- 4.32 Due to the size of the Policies Maps, they are not provided in paper format but are available on-line via the following link <https://peterboroughcc.box.com/s/6812tccjpwfytjhsi2u80r8jj6b3jqwa> as part of the agenda papers. A hard copy will also be available at the meeting.

### **Programme Officer**

- 4.33 It is a requirement of the examination process to have a Programme Officer in place. Whilst appointed and paid for by the Council, the Officer reports to and acts under the direction of the Inspector. In other words they are an officer of the Examination. The role is a mix of part and full time, depending on the tasks set by the Inspector.
- 4.34 All communication with the Inspector, whether by ourselves or any objector, must go through the Programme Officer. No direct communication with the Inspector is permitted, except during the formal 'hearing' sessions of the examination, which is chaired by the Inspector. Officers are in the process of securing a Programme Officer.

### **Five Year Land Supply**

- 4.35 Whilst the latest published Five Year Land Supply report (July 2017) indicates that the Council can currently demonstrate more than five years supply of deliverable sites, publication of the Proposed Submission Local Plan will provide additional land that can be used in calculating the five year supply.
- 4.36 Therefore, if the recommendations set out in this report are agreed (and provided no substantial changes to the content of the Local Plan is made) it means the Council will be in a strong position to robustly demonstrate a five year supply of deliverable sites in the future and fend off unplanned, speculative development proposals
- 4.37 If the Proposed Submission Local Plan is not approved by Full Council, then the Council will be in a position going forward where it will be at risk of being unable to robustly defend its supply of housing sites, and could be subject to speculative applications (especially in and around villages) and challenges at appeal.

## **5. CONSULTATION**

### **Previous Consultation Stages**

- 5.1 As set out in section 4.2 to 4.5 of this report the Council has carried out two earlier stages of public consultation on the emerging Local Plan.
- 5.2
  - **Preliminary Draft (January 2016 to February 2016)**The first took place in January 2016 when the Council consulted on the Preliminary Draft Local Plan. A total of 407 comments were received from 59 different individuals/organisations.
- 5.3 A Key Issues Report was published in May 2016 which summarised the main issues raised during the Preliminary Draft consultation. All comments were taken into consideration in the preparation of the Further Draft Plan.
- 5.4 A report, known as the Strategic Housing Economic Land Availability Assessment (SHELAA) was published in May 2016 which listed all sites suggested to the Council as potential allocations to meet the Local Plan growth targets.

5.5           ● **Further Draft (December 2016 to February 2017)**

In December 2016 the Council consulted on the second version of the Local Plan, know as the Further Draft version, which included the Council's preferred sites for the first time. A total of 2,014 comments were received from 1,056 different individuals/organisations. The vast majority of comments received related to the proposed new sites, as is often the case with Local Plans.

5.6           In April 2017 the Council published a Further Draft Key Issues report which summarised the main issues raised. In June 2017, an updated SHELAA report was published which listed any new or amended sites suggested to the Council as part of the Further Draft public consultation. All comments have been reviewed and taken into consideration in the preparation of the Proposed Submission Local Plan.

5.7           As set out in section 4.2 to 4.5 of this report the Council has carried out two earlier stages of public consultation on the emerging Local Plan.

**Future Consultation**

5.8           As set out in section 4.21 to 4.30 of this report, subject to approval by Cabinet and Council, public consultation on the Proposed Submission Local Plan will commence in November 2017 for six weeks and in accordance with the requirements set out in the Statement of Community Involvement (SCI). This is the third and final stage of public consultation.

5.9           Following the public consultation, the document, and any representations made will be submitted to the Secretary of State, who will arrange for a public examination by an independent Inspector from the Planning Inspectorate.

5.10          The Planning Inspector may be minded to make recommendations that would result in major changes to the Proposed Submission Local Plan. In this case there would likely be a further opportunity for comments on any such potential recommended changes, though this is a matter for the Inspector (not the Council) to determine.

**6. ANTICIPATED OUTCOMES OR IMPACT**

6.1           It is anticipated that committee recommends that Cabinet and subsequently Full Council approves the Proposed Submission ('Publication Draft') Local Plan for public consultation in November 2017 for six weeks followed by submission to central government.

**7. REASON FOR THE RECOMMENDATION**

7.1           Committee are asked to recommend that Cabinet and then Full Council approves the Proposed Submission Local Plan for Public consultation and submission to Secretary of State for the purpose of independent examination.

**8. ALTERNATIVE OPTIONS CONSIDERED**

8.1           The alternative option of not preparing a new Local Plan was rejected by Cabinet in July 2015 as part of the approval of Local Development Scheme.

8.2           The alternative options for each policy will be assessed as part of the Local Plan Sustainability Appraisal Report to be published in November 2017. This is linked to the Council's Environment Action Plan. All suggested sites have been assessed against detailed site assessment criteria.

8.3           The alternative growth options have been assessed and are set out the Peterborough Local Plan Proposed Submission Growth Strategy.

## **9. IMPLICATIONS**

### **Financial Implications**

9.1 The financial implications which arise from approval of the recommendations are

- Costs associated with the ongoing consultation and preparation of the Local Plan. These costs can be met from existing budgets.
- By proceeding to submission and examination of the Local Plan, the Council has to commit to resourcing a Programme Officer and an Inspector. Whilst the Programme Officer is relatively low cost (a part time, experienced administrative role), the Inspector fees can be substantial. Such fees are charged on a day basis, set by legislation, and the Council must sign an agreement in advance stating it will pay such fees, whatever the outcome. As an estimate, such fees will amount to between £50-£150k. Arrangements are being put in place to meet these costs.
- The Council owns land that has been identified as an allocation for future development and there could be financial implications on the value of that land. To be clear, all Council owned land has been assessed and treated like all other proposed areas for development.
- There could be indirect financial implications arising from the development of sites (e.g. provision of infrastructure and services for the new residents, Community Infrastructure Levy monies and s106 arrangements, and increased business rates, council tax or other receipts).

### **Legal Implications**

9.2 The Local Plan must be prepared and adopted in accordance with a wide range of Acts and Regulations, especially the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. In addition, the Council must have regard to national policies and advice contained in guidance issued by the Secretary of State.

### **Equalities Implications**

9.3 All policies and sites within the Proposed Submission Local Plan have been assessed against the Equality Impact Assessment

### **Rural Implications**

9.4 The Proposed Submission Local Plan sets out policies that apply throughout the Local Authority area. The following policies relate specifically to the rural areas:

- Settlement Hierarchy - ranks villages based on size and range of services, and provides the framework for decisions about scale and location of growth
- The Local Plan identifies approximately six percent of growth in villages and identifies the sites required to meet the growth target
- The Policies Map identifies villages envelope for each settlement. Policies in the Local Plan support in principle development within the defined envelopes, subject to appropriate scale for the settlement. Land outside the envelopes is defined as development in the countryside and is restricted to development that is essential to local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspaces, transport or utility services. As set out in Policy LP11 (Development in the Countryside).

## **10. BACKGROUND DOCUMENTS**

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

10.1 A vast amount of evidence has been compiled as part of the plan making process and is either already available on the Council website or will be made available as part of the consultation process due to take place in November 2017 (Subject to approval by Cabinet and Full Council).

10.2 Local Plan evidence base can be viewed on our website.

10.3 Please note this list of evidence documents will be continuously updated as the Local Plan progresses through the next stages.

**11. APPENDICES**

11.1 *Appendix 1 - Proposed Submission Local Plan*

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