

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	AGENDA ITEM No. 6
<b>13 MARCH 2018</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	
Contact Officer(s):	Gemma Wildman - Principal Planning Officer	Tel. 863824

**Peterborough Local Plan and Supplementary Planning Documents update**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> <i>Simon Machen, Corporate Director Growth and Regeneration</i>	<b>Deadline date:</b>
<p>It is recommended that Planning Committee notes:</p> <ol style="list-style-type: none"> <li>1. The progress on the Peterborough Local Plan;</li> <li>2. That three Supplementary Planning Documents are currently available for public consultation and that, should it see fit, the committee can offer any comments on them.</li> </ol>	

**1. ORIGIN OF REPORT**

1.1 The Proposed Submission Local Plan was approved by Full Council on 13 December 2017 for six weeks public consultation to take place in January 2018 and subsequent submission to Secretary of State for the purpose of independent examination.

Following the closure of the Proposed Submission Local Plan consultation on 20 February 2018 this report provides an update on the consultation and explains the next stages involved in the production of the Local Plan.

Separately, this report also provides an update on a number of Supplementary Planning Document (SPDs) which are intended to support the new Local Plan and that are currently available for public consultation.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to provide Planning and Environment Protection Committee with an update on progress on the Peterborough Local Plan and to update committee on the current public consultation on the three SPDs.

2.2 This report is for Planning and Environmental Protection Committee to consider under its Terms of Reference No. 2.6.1.5

*To be consulted by, and comment on, the Executive's draft proposals for Local Development Documents within the Local Development Framework at each formal stage in preparation*

### 3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>No</b>
---	-----------	----------------------------------	-----------

### 4. **BACKGROUND AND KEY ISSUES**

#### **Peterborough Local Plan**

- 4.1 Over the past two years, this Committee has contributed to the development of a new Local Plan for Peterborough, including a report to you on 7 November 2017. This report provides a brief update on recent progress. Since your November meeting, Full Council approved the 'Proposed Submission' version of the plan, which resulted in public consultation taking place through January and ending on 20 February 2018. As explained at your meeting on 7 November 2017, all comments (formally known as representations) will be uploaded to our website (the consultation portal) and will be made public in the next few weeks (by end of March). We will summarise the main issues raised by representors and publish a report. The scale of representations received appears to be about par for what we would expect, with a mix of comments from the public, agents, developers and various other bodies.
- 4.2 Next, the Local Plan, all supporting evidence and all representations received will be submitted to Secretary of State (or, in practice, to the Planning Inspectorate). This is scheduled to all happen in April 2018. 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.
- 4.3 The 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.
- 4.4 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.
- 4.5 The Local Plan is due to be adopted by the council in November/December 2018, though this is subject to progress with the examination. If adopted by the Council the plan will form part of the statutory development plan and will be used in the determination of planning applications.
- 4.6 A key question Members of this Committee might have is what status the new Local Plan has, for the purpose of making decisions now (and in the period prior to its adoption). Unfortunately there is no simple legal answer. However, the existing set of adopted plans certainly remain the 'starting point' for making decisions, rather than this new Local Plan. That said, the new Local Plan can have some weight in decision making terms, particularly where there is new policy, and that policy is in line with national policy, and there are no or limited objections to it.

#### **Supplementary Planning Documents (SPDs)**

- 4.7 As the title suggests, SPDs 'supplement' policies in a Local Plan. If the new Local Plan is adopted by around the end of 2018, it will mean that some of the council's current SPDs will become out of date (because they were written to supplement the current Local Plan). Also, some of the information within the documents has become dated as other documents, council policy or national policy has been replaced or amended in recent years.
- 4.8 Therefore the council is updating its Developer Contributions SPD and Flood and Water Management SPD. It is also preparing a new Green Infrastructure and Biodiversity SPD. Further details about each SPD are set out below:

- 4.9 **Flood and Water Management SPD** - was previously adopted by the council in 2012 to support existing policy and provide guidance to developers and decision makers on how to manage surface water and main river flood risk.
- 4.10 The Flood and Water Management SPD is being updated to support the emerging Peterborough Local Plan. The current SPD links to a number of policies in the adopted Local Plan which will soon become out of date.
- 4.11 The aims of the updated Flood and Water Management SPD remain the same:
- a) to make sure that new development does not increase the risk of flooding from main rivers and surface water and also, where possible, actively reduces it; and
  - b) to expand on emerging policy in the Peterborough Local Plan relating to flood risk management and water quality.
- 4.12 The update looks to make the document more succinct and accessible, with many changes based on feedback from planning officers and developers who regularly use the adopted SPD. It does not create fundamentally new policy. Some of the changes include:
- Updating the 'how to use the document' section to be more user friendly
  - Identifying sources of relevant information for developers and providing links
  - Highlight organisations that can potentially adopt new assets
  - Clarify some of the terminology and recently outdated tables
  - Detailing all permit requirements that currently exist
- 4.13 **Developer Contributions SPD** - was adopted in April 2015, and prepared to coincide with the introduction of the Community Infrastructure Levy in Peterborough. It sets out the detail of what contributions would be expected by the council from development schemes coming forward in the area.
- 4.14 The current SPD links to a number of policies in the adopted Local Plan and contains a substantial amount of information to justify the need for infrastructure. As the council is updating its Local Plan, these policy links will soon become out of date. Furthermore, much of the information within the document has also become out of date as other documents, council policy or national policy has been replaced or amended.
- 4.15 It is important to refresh the SPD for a number of reasons, specifically:
- to link to the policies in the new Local Plan;
  - to remove old information and links to old external documents so that it is usable;
  - to streamline the document so that it is more fit for purpose for both decision makers and applicants and, in turn, make it more future-proof by not replicating information in other documents; and
  - to make sure that the process for seeking contributions and details of what will be sought is clear so that it does not unduly delay development and so that developers can factor costs into land prices being paid to ensure viability and timely delivery of infrastructure.
- 4.16 The draft update has incorporated changes recommended by planning officers, infrastructure providers and officers from other council departments to ensure that it performs effectively going forward.
- 4.17 The updated draft SPD does not seek to create new policy or to reinvent the way in which contributions are sought, instead it seeks to make it clearer what the process will be, what will be sought and when, and provides signposts to where additional information can be found to justify the need for infrastructure. It is important to have a Developer Contributions SPD to ensure that provision of infrastructure matches growth in the city.

4.18 **Green Infrastructure and Biodiversity SPD** - this is a new SPD, though builds on existing policy documents of the council which are not presently adopted as SPDs i.e. it is not all completely new policy for the council. It is being prepared to support the emerging Local Plan, explaining how the relevant policies in the Local Plan should be implemented, and act as a 'one stop shop' source of information and advice to developers, planning officers, environmental organisations and community groups.

4.19 The SPD aims to:

- Bring together appropriate material, and gain formal council approval for the document.
- Support the emerging Local Plan. It will not introduce new policy but explains how policies in the Local Plan should be implemented.
- Act as a material consideration when determining planning applications and is intended to act as a 'one stop shop' source of guidance and advice in relation to both biodiversity and green infrastructure.
- Incorporate relevant new Government legislation and policies, with the 'Lawton Review' and associated Natural Environment White Paper being key influences.
- Include an updated list of Priority Projects which have been carefully assessed against relevant criteria to ensure that the limited resources available are focussed on the most deliverable and beneficial initiatives.

4.20 The draft SPD has been developed by the council working in close partnership with a small working group consisting of a range of conservation organisations and land managers.

## 5. CONSULTATION

### Peterborough Local Plan

5.1 The final stage of public consultation on the Local Plan ended on 20 February 2018.

5.2 As set out in your 7 November 2017 committee report the Local Plan was subject to two previous consultation stage in January 2016 (Preliminary Draft) and December 2016 (Further Draft). All comments received have helped inform the final version of the Local Plan.

### Supplementary Planning Documents (SPDs)

5.3 The three SPDs referred in this report were approved by Cabinet on 15 January 2018 for the purpose of consultation. That consultation has recently commenced, and is due to close on 29 March 2018. The public consultation documents (and details of the consultation arrangements) are available here: [www.peterborough.gov.uk/spds](http://www.peterborough.gov.uk/spds)

5.4 It is anticipated that following the public consultation the SPDs will be amended accordingly and then will be recommended to Cabinet for adoption later in 2018 (alongside or shortly after the adoption of the new Peterborough Local Plan, but not before). Once adopted, they will become important material considerations for the determination of relevant planning applications. However, as we are at a first draft stage, it is suggested very little weight, if any, should be afforded to them for the present time.

## 6. ANTICIPATED OUTCOMES OR IMPACT

6.1 It is anticipated that committee will note the progress of the Local Plan and current SPD consultation. Further, should the Committee wish to make comments on any of the content of the SPDs then such comments will be considered alongside the wider public comments received, prior to each document being finalised. Of course, in addition, individual Members can also make their own views on the SPDs, in the same way as a member of the public can.

## 7. REASON FOR THE RECOMMENDATION

7.1 This report provides an update for the Committee on the progress of the Local Plan and three SPDs.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 The alternative options considered for the Local Plan were set out in the 7 November committee report.

8.2 Alternative Options considered for the Developer Contribution and Flood and Water Management SPDs:

Option 1 - do not update the documents, policies remain outdated, links broken and missed opportunity to simplify the processes.

Option 2 - Remove the SPDs from circulation - this would result in a loss of a valuable resource for both planners and developers.

Option 3 (Recommended) - update the documents with the appropriate changes in policy, legislation and best practice. There are also steps that can be taken to simplify the documents for the end user and this seems the most appropriate option.

Option 4 - full rewrite, but there is little likelihood of significantly changed documents being produced and the associated demand on resources make this an ineffective option.

8.3 Alternative option for the Green Infrastructure and Biodiversity SPD

Option 1 - do not update the 2006 Green Grid Strategy and various biodiversity guidance notes available on the council's website, and convert to SPD status. This would represent a missed opportunity to simplify the process for those requiring advice in relation to both biodiversity and green infrastructure, and as such this is not the preferred option.

## **9. IMPLICATIONS**

### **Financial Implications**

9.1 There are no direct implications from this report - the report is predominantly for information only, plus the opportunity to make comments on the aforementioned SPDs presently out for consultation.

### **Legal Implications**

9.2 There are no direct implications from this report.

9.3 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.

9.4 The council must follow statutory regulations in preparing and consulting on the SPDs. After the statutory process concludes, the final SPDs will be recommended to Cabinet for adoption. Once adopted, the documents will be used as a material planning consideration in the determination of planning applications.

## **10. BACKGROUND DOCUMENTS**

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

- 10.1
- Proposed Submission Local Plan (January 2018)
  - Flood and Water Management SPD Consultation Draft (March 2018)
  - Developer Contributions SPD Consultation Draft (March 2018)
  - Biodiversity and Green Infrastructure SPD Consultation Draft (March 2018)

**11. APPENDICES**

11.1 Nil