

CABINET	AGENDA ITEM No. 10
17 JUNE 2019	PUBLIC REPORT

Report of:	Dave Anderson - Interim Development Director	
Cabinet Member(s) responsible:	Cllr Peter Hiller Cabinet Member for Strategic Planning and Commercial Strategy and Investments	
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PETERBOROUGH LOCAL PLAN DEVELOPMENT PLAN DOCUMENT (VERSION FOR ADOPTION)

R E C O M M E N D A T I O N S	
FROM: Dave Anderson - Interim Development Director	Deadline date: Council 24 July 2019
<p>1. That Cabinet notes the conclusions of the independent Inspector who was appointed to examine the council’s submitted Peterborough Local Plan.</p> <p>2. That Cabinet recommends to Council the adoption of the Peterborough Local Plan, incorporating modifications as recommended by the Inspector (‘Main Modifications’) and other minor editorial modifications (‘Additional Modifications’).</p> <p>3. That Cabinet notes that should Council adopt the Local Plan, the following council documents are revoked and must not be used for decision making:</p> <ul style="list-style-type: none"> ● Core Strategy DPD (2011), ● Site Allocations DPD (2012), ● Planning Policies DPD (2012) and ● City Centre DPD (2014). <p>4. Subject to recommendation 2, that Cabinet recommends that Council endorses the updated ‘Policies Map’ in line with draft maps provided via this agenda report, in order to reflect the policies of the new Local Plan, and the deletion of policies from the above listed revoked documents.</p>	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following Council’s decision on 13 December 2017 to approve the Peterborough Local Plan (Proposed Submission Version) for the purposes of public consultation and submission to the Secretary of State. Such consultation has taken place and the Local Plan was submitted to the Secretary of State 26 March 2018. Subsequently, an independent Planning Inspector appointed by the Secretary of State has carried out a public examination into the document. The Inspector has sent her report to the council setting out her conclusions on the Plan.

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 Local Plan to Council for adoption.

- 4.2 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. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	YES	If yes, date for Cabinet meeting	10 June 2019
Date for relevant Council meeting	24 July 2019	Date for submission to Government Dept. <i>(Please specify which Government Dept.)</i>	N/A

4. **BACKGROUND AND KEY ISSUES: PETERBOROUGH LOCAL PLAN – THE INSPECTOR'S REPORT AND THE LOCAL PLAN RECOMMENDED FOR ADOPTION**

Introduction

- 4.1 The preparation of the Peterborough Local Plan 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 Local Plan as part of its major policy framework.
- 4.2 Cabinet will recall that on 20 November 2017, the 'submission' version was considered before subsequently being approved by Council on 13 December 2017. That approval set in motion two key events:
- (i) the issuing of the Local Plan for its final public consultation stage (January-February 2018); and
 - (ii) the 'examination' of the Local Plan by an Independent Inspector appointed by the Secretary of State (Stage 1 August 2018 and Stage 2 October/November 2018), and the subsequent publication of an 'Inspector's Report' (dated April 2019, published May 2019) setting out her recommendations for modifications to the Local Plan.

Content of The Local Plan

- 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 Peterborough Local Plan. 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 replace the adopted:
- Core Strategy DPD (2011),
 - Site Allocations DPD (2012),
 - Planning Policies DPD (2012) and
 - City Centre DPD (2014).

- 4.4 The Local Plan sets out the council's long-term vision and objectives for the city and surrounding villages. It sets out the policies and proposals for growth and regeneration until 2036.

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 Local Plan, and consider all relevant 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 Local Plan 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 Local Plan; or

- (ii) That the Local Plan is 'sound' as submitted, or 'sound' provided that certain modifications as recommended by the Inspector are made to it before it is adopted.

4.6 We are very pleased to report that the Inspector, Ms Louise Crosby, has found our Local Plan 'sound' (subject to certain modifications) and, in effect, has given permission to the Council to adopt it provided her recommended modifications are incorporated into the final adopted version. Her full report is attached at Appendix A. This includes a list of all modifications she deems necessary for the Plan to be 'sound'.

4.7 The Inspector concludes that the submitted Local Plan provides an appropriate strategy and basis for the planning of the City to 2036, provided that a number of modifications are made to it. The modifications of consequence can be summarised as follows:

- Updating of housing tables/numbers because of various changes, including not providing for housing in Fenland and East Cambridgeshire, and updated completion figures.
- Amend policies and text relating to car parking standards for consistency reasons.
- Changes to policy and text relation to the historic environment.
- Changes to policy in relation to biodiversity and geological conservation.
- Necessary changes arising from the findings of the Habitats Regulation Assessment.
- A range of other alterations to the plan's policies and supporting text in order to ensure that the plan is positively-prepared, justified, effective and consistent with national policy.

4.8 Overall, in the opinion of officers, the scale and degree of modifications required is relatively small (much smaller than is ordinarily the case, nationally) and do not go to the heart of the Plan as submitted for examination. In short, the overall thrust of the Plan is unaltered. This is excellent news, and the Council as a whole should be very pleased with this outcome.

4.9 It is important to note that, in accordance with regulations, the recommended modifications in the Inspector's Report are, in effect, 'binding' on the council. This means that the council cannot 'pick and choose' which of her modifications to accept or reject; it must accept them all (if the council wishes to adopt the Local Plan) or, indirectly, reject them all (and, thus, not adopt the Local Plan).

Adoption of the Peterborough Local Plan

4.10 Cabinet must decide whether to recommend to Council the adoption of the Peterborough Local Plan. Attached at Appendix B is the version which Cabinet is asked to recommend to Council. This version incorporates all of the recommended modifications made by the Inspector. It also includes a number of minor changes (legally known as 'additional modifications') 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. Appendix C contains such minor 'additional modifications'.

4.11 An updated Policies Map will also be published should Council adopt the Local Plan (a draft of which can be viewed at:

<https://peterborough.maps.arcgis.com/apps/webappviewer/index.html?id=efc4f9dd9744410d989c4e807996c69d>).

The legislative basis for the Policies Map is somewhat complicated, and it is not actually part of the Local Plan to be adopted (nor was it formally examined by the Inspector). However, as is legally required, it shows geographically a representation of the policies in the Local Plan (and policies within other legally prescribed documents), such as the precise location of all the future housing and employment sites as well as land safeguarded for other uses. Cabinet and Council are not asked to formally 'adopt' the Policies Map as a static document, because it is a live

document subject to change for a variety of reasons (for example, when a Neighbourhood Plan is adopted). The recommendations as set out are written in a way to reflect the subtle difference between the adopting of the Local Plan and the updating of the Policies Map.

- 4.12 Overall, in terms of the Local Plan, and to be absolutely clear on this matter, Cabinet (and then Council) can only support or reject the version as at Appendix B (other than any very minor changes, such as typographical corrections).
- 4.13 If Council agree the Local Plan as per Appendix B, then the document is 'adopted' and comes into effect immediately.
- 4.14 If Council does not agree the Local Plan as per Appendix B (subject to minor corrections), then, in accordance with the regulations, it is not obliged to adopt it. Under this scenario, the council would need in due course to re-commence the preparation of a new Local Plan, following the same cycle of extensive data collection, site appraisal, consultation and examination as before (and which typically takes three to four years).

5. CONSULTATION

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

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 It is anticipated that Cabinet will recommend to Council that Local Plan, as amended as a result of the Inspector's recommended modifications, be adopted. By adopting a new Local Plan, the council will have a robust, up to date policy document for making decisions on planning matters, steering sustainable growth to the right locations. An up to date Local Plan also provides certainty and clarity for developers, which should result in greater investment in the district.

7. REASON FOR THE RECOMMENDATION

- 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 Local Plan, and, in adopting it, Peterborough will have a clear and robust policy document setting out its vision, objectives for the city.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The option of not adopting the Local Plan is not recommended, because in doing so the council could reduce potential investment in Peterborough, including fewer new jobs and homes. If the Local Plan is not adopted 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.

9. IMPLICATIONS

- 9.1 The Local Plan 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.

Financial Implications

- 9.2 There are no immediate financial implications flowing from the adoption of the Local Plan, though it is worth noting that the successful and smooth running of the examination (and the relatively limited modifications arising is a demonstration of this point) has meant that the costs of the examination has been achieved under budget (this favourable position being accounted for in 2018/19 accounts).

Legal Implications

- 9.3 On adoption, the council must consider all relevant planning applications against the policies in the Local Plan. It should be noted that, whilst the risk is low, there is a short window post adoption whereby an aggrieved party could legally challenge the adoption of the Local Plan. Should this occur, officers will communicate with Members as appropriate. Looking to the future, the council must legally review the Plan within 5 years of adoption. Options for the timing and content of such a review will be subject to future reports to Cabinet as and when deemed necessary.

Equalities Implications

- 9.4 The Local Plan has been subject to an Equality Impact Assessment.

10. BACKGROUND DOCUMENTS

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

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11. APPENDICES

- 11.1 Appendix A – Inspector’s Report including Main Modifications
Appendix B - Adoption version of the Local Plan
Appendix C - List of Minor Modifications

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