



To: Executive Councillor for Planning and Climate Change: Councillor Tim Ward  
Report by: Head of Planning Services  
Relevant scrutiny Environment Scrutiny 11/06/2013  
committee: Committee  
Full Council 27/06/2013  
Wards affected: All Wards

## **CAMBRIDGE LOCAL PLAN 2014**

### **Key Decision**

#### **1. Executive summary**

- 1.1 This report concerns the new draft Cambridge local plan.
- 1.2 Development Plan Scrutiny Sub-Committee considered the draft Local Plan on 29 May. The purpose of this report is to present the complete version of the Plan as currently drafted, including appendices and the changes requested by the Development Plan Scrutiny Sub-Committee.
- 1.3 The report recommends that the Plan should be considered by the Environment Scrutiny Committee and then by Full Council.
- 1.4 If Full Council approves the Plan, it will be published for a form of public consultation in which anybody may lodge formal representations. Environment Scrutiny Committee and Full Council will consider those representations in early 2014 and it will then be submitted to the Secretary of State for public examination by an independent planning inspector.

#### **2. Recommendations**

- 2.1 This report is being submitted to the Environment Scrutiny Committee for prior consideration and comment before decision by the Executive Councillor for Planning and Climate Change.
- 2.2 The Executive Councillor is recommended:
  - To agree the draft Cambridge Local Plan 2014 subject to any changes recommended by Environment Scrutiny Committee on 11

June and Full Council on 27 June (including the adoption of the Cambridgeshire and Peterborough Memorandum of Co-operation approach for plan making under the duty to co-operate (Appendix H));

- To recommend to Full Council that the Plan is approved for the purposes of publication under Regulations 19 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- To agree that any amendments and editing changes that need to be made to the draft Local Plan (and associated Sustainability Appraisal and other appendices) put to Full Council be agreed by the Executive Councillor in consultation with the Chair and Spokesperson of Development Plan Scrutiny Sub-Committee.

### **3. Background**

#### **Introduction**

- 3.1 Members will be aware that the current Cambridge Local Plan was adopted in July 2006 and runs to 2016 and beyond. There is an urgent need to replace this plan with a new one that makes provision for development over a longer time period (to 2031); addresses all of the challenges currently facing Cambridge; responds to the new national policy context established by the National Planning Policy Framework (published in 2012); and accords with the requirements of the Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and associated Regulations.
- 3.2 There has been a great deal of preparatory work for the new Plan, including consultations on Issues and Options (June – July 2012) and on Issues and Options 2 (January – February 2013), and the collection of evidence and the undertaking of specialist studies to justify and underpin the preparation of policies. 18,000 representations were made to the two consultation stages. All of the comments made during the two periods of consultation have been taken into account and summaries of the main issues raised have been presented to Development Plan Scrutiny Sub-Committee. The statement of consultation is attached to these papers at appendix F and sets out how representations have been dealt with.
- 3.3 The various draft sections of the new plan, along with policy justifications, have been presented at meetings of Development Plan Scrutiny Sub-Committee on 25 March, 27 March, 16 April and 29 May. At the meeting on 29 May, Development Plan Scrutiny Sub-Committee recommended that Executive Councillor submit the draft Local Plan to Environment Scrutiny Committee for consideration.

3.4 This report has the following appendices:

- Appendix A: Cambridge Local Plan 2014 (draft)
- Appendix B: Sustainability Appraisal (draft)
- Appendix C: Cambridge and South Cambridgeshire Joint Sustainability Appraisal of the Sustainable Development Strategy
- Appendix D: Habitats Regulations Assessment (draft)
- Appendix E: Equalities Impact Assessment (draft)
- Appendix F: Statement of Consultation (draft)
- Appendix G: Cambridge Policies Map (draft)
- Appendix H: Cambridgeshire and Peterborough Memorandum of Co-operation – Supporting the Spatial Approach 2011 - 2031

### **Legal and National Policy Requirements**

3.5 There are a number of legal duties that must be considered when preparing any development plan. These are summarised as follows:

1. Whether the plan been prepared in accordance with the **Local Development Scheme** and in compliance with the **Statement of Community Involvement** [The Planning and Compulsory Purchase Act 20042 (the Act) sections 19(1) and 19(3) respectively].
2. Whether the plan has had regard to **policies developed by a local transport authority** in accordance with section 108 of the [Transport Act 2000](#) [Reg 10(a)].
3. Whether the plan pursues the objectives of **preventing major accidents and limiting the consequences of accidents** by pursuing those objectives through the controls described in Article 12 of [Council Directive 96/82/EC](#) [The Seveso directive] [Reg 10 (b) (c)].
4. Whether the plan has been subject to a **strategic environment assessment**, and where required an appropriate assessment of impact on any sites falling under the EU Habitat (and Birds) directive [The Act Section 19(5), [EU Directive 2001/42/EC](#), [The Environmental Assessment of Plans and Programmes Regulations 2004](#), [EU Habitats and Birds Directives Directive 92/43/EEC](#), [The Conservation of Habitats and Species Regulations 2010](#)].

5. Whether the plan is compatible with the requirements of the [EU Water Framework Directive](#) and any River Basin Management Plans prepared under that directive [[Directive 2000/60/EC](#)].
6. Whether the plan has regard to the **National Waste Management Plan** [Reg 10(d) and [Waste \(England and Wales\) Regulations 2011](#)].
7. Whether the plan has regard to any **Sustainable Community Strategy (SCS)** for its area; [section 19(2)(f), section 4 of the [Local Government Act 2000](#)].
8. Whether the plan meets the **procedural requirements involving publicity and availability of the development plan document and related documents**; [The Act Section 20(3), prescribed documents Reg 17 and Reg 22, Consultation Reg 18, Submission Reg 22].
10. Whether the plan meets the **Duty to Cooperate** [The Act Section 33A, Reg 4].

3.6 Plans must also meet the soundness tests as set out in the National Planning Policy Framework (paragraph 182):

“A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

3.7 In the opinion of officers, the version of the Plan that is now presented to Committee meets all of these legal requirements and tests, and so would be suitable for publication and subsequent submission to the Secretary of State, if approved by Full Council in due course.

## **Relationship with other Development Plans**

- 3.8 No plan can be prepared in isolation, and a key consideration for the Council, and ultimately for the planning inspector who examines the submitted plan, is the relationship of the new Cambridge Local Plan with other Development Plans.
- 3.9 At the start of this year, the Regional Spatial Strategy for the East of England (the East of England Plan) was formally revoked by statutory instrument, along with its addendum relating to Gypsy and Traveller Accommodation. At the same time, all of the remaining policies from the Cambridgeshire and Peterborough Structure Plan 2003 were revoked. This means that there is no longer any requirement for the Local Plan to comply with, or have regard to, any “higher level” strategic development plan (although the Plan will be tested for its consistency with the National Planning Policy Framework).
- 3.10 An important obligation introduced by the Localism Act 2011 is the “duty to co-operate”, referred to at the end of paragraph 3.5 above. This requires the Council and a wide range of other bodies to co-operate with one another in certain defined activities relating to plan making. In Cambridge’s case, co-operation between the City Council Cambridgeshire County Council and South Cambridgeshire District Council has been, and will continue to be, critical. At the strategic level the approach to identifying objectively assessed needs for homes and jobs and to strategic issues has been set out in the Cambridgeshire and Peterborough Memorandum of Co-operation and Spatial Approach. This approach has been recommended for adoption as the basis for plan making under the duty to co-operate.
- 3.11 “Co-operation” does not necessarily mean that there must be complete agreement by all parties on every aspect of the Plan; but there must be evidence of joint-working wherever appropriate and attempts to agree on such matters as an evidence base, infrastructure needs, cross-boundary development needs etc. This has been achieved through a close working relationship with South Cambridgeshire District Council and Cambridgeshire County Council through the various stages of plan preparation to date, and planned co-operation on the forthcoming stages of proposed submission consultation and subsequent submission to the Secretary of State. As a result, there will be a high degree of consistency between the proposed new Cambridge Local Plan and the proposed new Local

Plan for South Cambridgeshire and the proposed Transport Strategy for Cambridge and South Cambridgeshire.

- 3.12 It is proposed that upon adoption, the new Local Plan will replace the 2006 Local Plan in its entirety, revoking its policies automatically. However, there remains the issue of the future of the North West Cambridge Area Action Plan and the Cambridge East Area Action Plan, both of which are statutory development plans.
- 3.13 The new Plan has been drafted in a way that is consistent with the North West Cambridge Area Action Plan, which will remain in place unaltered. In the case of Cambridge East, there are two policies in the Area Action Plan (policies CE/3 and CE/35), which will be replaced by a policy in the new Local Plan; the remainder of that Area Action Plan will continue in force.
- 3.14 The other statutory development plans affecting Cambridge are the Cambridgeshire and Peterborough Minerals and Waste Core Strategy and Site Specific Proposals DPDs. There is nothing in the Local Plan, as drafted, that conflicts with these.

### **Structure and Content of the Local Plan**

- 3.15 The Development Plan Scrutiny Sub-Committee has been presented with a draft Plan and has agreed that it should be presented to Environment Scrutiny Committee for consideration (with amendments noted as tracked changes).
- 3.16 The overall content of the Plan reflects the changing landscape for planning since the last local plan was adopted in 2006 but includes significant common policy areas such as; an updated vision and objectives; spatial strategy; individual site allocations; a comprehensive suite of planning policies; and sections dealing with delivery, implementation and monitoring; together with a series of appendices.
- 3.17 The Plan includes a key diagram which shows, diagrammatically, the basic geography of the strategy – the main locations for growth, key proposed transportation infrastructure, the city centre and the next level of centres in the proposed hierarchy, the River Cam, the Cambridge Green Belt and the local authority boundary. It also includes a full Policies Map (formerly known as a Proposals Map), showing the allocations and areas to which policies apply on an Ordnance Survey base map.

## Next Steps

- 3.18 Following this Environment Scrutiny Committee, the draft plan is intended to progress to Full Council on 27 June 2013. Full Council will need to understand that they will be recommended to approve a version of the Plan that they would want to be the Council's final adopted version. To be absolutely clear, this version is not some kind of "Consultation Draft"; it is a "Proposed Submission" version - a version that is intended to be submitted to the Secretary of State in due course, defended at a public examination and adopted in the form as submitted unless the Planning Inspector who conducts the subsequent public examination into the Plan recommends otherwise.
- 3.19 Provided that the Plan is agreed at Full Council, arrangements will be made to publish it formally on 19 July 2013. The relevant Regulation requires a minimum period of six weeks during which anybody may submit a formal representation about the Plan, but it is proposed that an extended period should be allowed until 30 September, in view of the summer holiday period.
- 3.20 There are certain statutory minimum requirements about the publicity that must be given at this stage, and the availability of documents. The primary purpose of this stage is to enable anybody to lodge a formal representation about the soundness of the Plan or its compliance with legal requirements.
- 3.21 The Council will continue to go beyond the minimum legal requirements for publication and availability of the Plan, and all supporting documents. In addition, there will be direct notification of the opportunity to submit representations to a wide variety of individuals and organisations, exhibitions, posters, leaflets etc. The consultations and communications arrangements will be consistent with the agreed Consultations and Community Engagement Strategy for the Local Plan Review and the Council's Code of Practice on Consultation and Community Engagement.
- 3.22 An important feature of this stage to note is that it is not the task of the Council to consider the representations that are lodged. The task of the Council is to receive and acknowledge representations, to prepare a summary of the main issues raised in those representations and then, when ready, to submit a package of items to the Secretary of State for examination. The package will include:
- The submission version of the Local Plan with Policies Map (as approved by Council);
  - Copies of all the representations received;

- A statement of the number of representations made and a summary of the main issues raised;
- A statement with details of previous consultations (i.e. Issues and Options and Issues and Options 2), including the methods used for consultation, who was consulted, the main issues raised and how they have been taken into account in the submitted plan;
- The sustainability appraisal report;
- All of the other documents that make up the evidence base and justification for the Plan.

3.23 It is anticipated that submission will take place early in 2014, following final consideration by Environment Scrutiny Committee and Full Council.

3.24 In practice, the documents are submitted to the Government's Planning Inspectorate, acting on behalf of the Secretary of State. A planning inspector will be appointed to conduct a public examination into the Plan, and it is the job of the inspector to take all of the representations into account during the course of the examination.

3.25 This inspector will receive and debate evidence from all relevant parties (including, of course, the Council) and a major part of the examination will be a series of hearing sessions in public. These hearing sessions are likely to be in the spring/summer of 2014. The process will culminate in the production of the Inspector's Report in which he/she will say if the Plan is or is not sound, and legally compliant, with recommended modifications if necessary to make it so.

3.26 If having considered the issues raised in representations, the Council felt sufficiently strongly that the Plan ought to be changed, then it would be necessary to approve the change, make the changed Plan available all over again for at least six weeks for formal representations, and then submit the original submission version, the changed submission version, all of the representations received in response to both versions and all of the other material referred to at paragraph 3.24 above.

3.27 Such an approach can be very confusing and time-consuming and should be avoided if at all possible. In short, the version of the Plan that is approved at Full Council on 27 June 2013 should be regarded as the version that the Council wants to see as its final, adopted version.

#### **4. Implications**



(a) **Financial Implications**

There are both direct and indirect financial implications arising from this report.

The direct financial implications flowing from the approval of the Plan relate to the costs of printing, publicity and public consultation and, in due course, paying the Planning Inspectorate for the fees of a planning inspector in examining the submitted document. However, the costs of preparing a local plan have been budgeted for and included in the budget for 2013-2014 and the medium term financial planning for 2014-2015. The agreed approach of preparing one single local plan rather than three separate development plan documents will mean considerable cost and time savings can be achieved.

(b) **Staffing Implications** (if not covered in Consultations Section)

There are no direct staffing implications arising from this report. The review of the Local Plan has already been included in existing work plans.

(c) **Equal Opportunities Implications**

There are no direct equal opportunity implications arising from this report. The Plan has the potential to impact on different sections of the community, but an Equalities Impact Assessment has been prepared as part of the Plan preparation and this demonstrates how potential equalities issues have been, and will be, addressed.

(d) **Environmental Implications**

The new Local Plan for Cambridge will assist in the delivery of high quality and sustainable new development along with protecting and enhancing the built and natural environments in the City. This will include measures to help Cambridge adapt to the changing climate as well as measures to reduce carbon emissions from new development. Overall there should be a positive climate change impact.

(e) **Procurement**

There are no direct procurement implications arising from this report.

(f) **Consultation and communication**

The consultation and communications arrangements for the Local Plan are consistent with the agreed Consultation and Community

Engagement Strategy for the Local Plan Review, 2012 Regulations and the Council's Code for Best Practice on Consultation and Community Engagement.

(g) **Community Safety**

There are no direct community safety implications arising from this report.

**5. Background papers**

5.1 The following background papers were used in the preparation of this report:

- Localism Act 2011, which can be accessed at: <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- National Planning Policy Framework 2012, which can be accessed at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Cambridge Local Plan 2006, which can be accessed at: <https://www.cambridge.gov.uk/local-plan-2006>
- Cambridgeshire and Peterborough Structure Plan 2003 <http://www.cambridgeshire.gov.uk/environment/planning/policies/structure-plan.htm>
- Cambridge Local Plan Towards 2031 – Issues and Options and Issues and Options 2 consultations, which can both be accessed at: <https://www.cambridge.gov.uk/local-plan-review>

**6. Appendices**

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## **7. Inspection of papers**

7.1 To inspect the background papers or if you have a query on the report please contact:

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