



Fenland Local Development Scheme

March 2013

FENLAND LOCAL DEVELOPMENT SCHEME

(March 2013)

Preface

This Fenland Local Development Scheme (LDS) was approved by Fenland District Council and came into effect on 11 March 2013. The Council has a statutory duty to prepare and keep up to date its LDS. This LDS supersedes the previous version adopted in 2011 and sets out what, when and how Development Plan Documents are being prepared in Fenland.

Each month we publish a monthly update table¹ on our website. This sets out the current and next stages of preparation, with dates, of each of the documents included in this LDS.

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Documents prepared by Fenland District Council are available in community languages, large print, Moon, Braille, Audio cassette and electronic format upon request

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¹ <http://www.fenland.gov.uk/article/5654/Have-Your-Say>

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1. Introduction

The 'Local Plan' System

- 1.1 In 2004, Government introduced updated legislation on how local planning authorities should prepare local planning policies. Such local planning policies set out the Council's policies for achieving its economic, environmental and social objectives for Fenland where they affect the development and use of land.
- 1.2 The Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012 have further updated or expanded upon national policy for preparing local planning policies and associated documents.
- 1.3 In summary the documents which local planning authorities can produce are:
 - **Development Plan Documents (DPDs)** – statutory documents with Development Plan status and requiring independent examination by the Secretary of State. For example, these could be:
 - **Core Strategy:** sets out the strategic vision, objectives and spatial strategy for development of a local area, usually covering a period of 15 years or more.
 - **Site Specific Allocation or Area Action Plans:** contains site specific allocations of land and policies related to these land allocations.
 - **Development Management Plans:** contains planning policies, such as design or highway standards, which will be used to determine planning applications

Collectively, all DPDs produced for an area are known as the '**Local Plan**' for the area.

- **Supplementary Planning Documents (SPDs)** - these can cover a wide range of issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in their DPDs. They are not subject to independent examination but they do involve public consultation prior to adoption.
- **Statement of Community Involvement (SCI)** – this document sets out the standards which the local authority will achieve in involving the community in the preparation of planning policies and in development management decisions.
- **Local Development Scheme** – statutory project plan for preparing the above documents (this document).
- **Authorities' Monitoring Report** – statutory report monitoring the progress of Document preparation and implementation of policies.

Purpose of the Local Development Scheme

- 1.4 The LDS informs the public and other stakeholders of the Council's timetable for the production of documents that will form part of the Local Plan over approximately a three-year period. The LDS serves three main purposes:
 - It provides the starting point for the local community to find out what the District Council's planning policies are for Fenland.
 - It sets out the current documents which form the development plan for planning within the Fenland area;

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- It sets out the programme for the preparation of future Local Plan documents over a three year period including a timetable informing people of when they can participate in the process.
- 1.5 Fenland's first LDS was approved by the Government Office for the East of England, on behalf of the Secretary of State, in December 2004. There have been subsequent revisions with the most recent version being adopted during 2011.
- 1.6 This revised LDS, covering the period to 2016, is considered to be both realistic in terms of timescale and the resources that are needed for its preparation. There have been changes since the last revision of the LDS, both in terms of national legislation and amendments to our work programme and priorities.
- 1.7 In terms of national legislation changes, Section 180 of the Planning Act 2008 changed sections 15 and 17 of the Planning and Compulsory Purchase Act 2004. The effect of these changes was to remove the requirement to report on SPDs and the SCI from the LDS. The policy intention is to give LPA's greater flexibility in preparing SPDs without having to amend their LDSs. This LDS reflects these changes and therefore does not include details on the SCI or SPDs, though the Council is likely to prepare such documents over the coming years.
- 1.8 The Localism Act 2011 also amended two parts of section 15 of the Planning and Compulsory Purchase Act 2004: it omitted subsection (3) which requires the scheme to be submitted to the Secretary of State. The Localism Act 2011 also introduced requirement 9A (c), which requires up-to-date information to be available showing the state of the authority's compliance with the timetable.
- 1.9 Further regulatory changes to plan making are also contained in The Town and Country Planning (Local Planning) (England) Regulations 2012².
- 1.10 This LDS replaces the Council's LDS 2011 and sets out a timetable as at February 2013. It details:
- Transitional arrangements for the existing plans in Fenland;
 - The DPDs the Council intends to produce and the timescales for these;
 - Arrangements for the monitoring and review of the LDS and DPDs.
- 1.11 A glossary of terms referred to in this LDS is set out in Appendix C.

Fenland Planning Policies and their fit with Other Policies of Fenland District Council

- 1.12 For a simple diagram highlighting how planning policies in Fenland link with other policies of the Council, then please see Appendix D

² <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

2. Fenland's Planning Policies

Introduction

- 2.1 When Fenland District Council determines planning applications it must do so in accordance with the adopted development plan for the Fenland area, unless there are material considerations which indicate otherwise.

What comprises the 'development plan' for Fenland?

- 2.2 There are a number of components which, as at February 2013, formally make up the 'development plan' for Fenland, as follows:

- **Fenland District Local Plan (1993) (saved policies only).** The 'saved' policies of the Fenland District Local Plan (1993) remain, at the time of preparation of this LDS, formal development plan planning policies for the Fenland area. Full details of the policies are contained at Appendix A.
- **Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (adopted July 2011).** This DPD, prepared jointly by Cambridgeshire and Peterborough Councils, sets out key policies on minerals and waste matters and forms part of the development plan for Fenland.
- **Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD (adopted February 2012).** This DPD, prepared jointly by Cambridgeshire and Peterborough Councils, sets out site specific allocations and policies on minerals and waste matters and forms part of the development plan for Fenland.

- 2.3 It should be noted that Regional Spatial Strategy – East of England Plan³ was revoked in January 2013. At the same time, Structure Plans in the region were, in simple terms, also deleted. This means that neither the RSS nor the Cambridgeshire and Peterborough Structure Plan form part of the development plan for Fenland. Therefore, from January 2013, neither will be used in the determination of planning applications.

National Planning Policy Framework

- 2.4 On 27 March 2012, Government issued its National Planning Policy Framework (NPPF), which, on the whole, replaces all previous government national planning guidance. The NPPF is available on the Communities and Local Government webpages⁴. The NPPF is not a 'development plan' in a legal sense, but it is a material consideration with considerable weight when determining planning applications in Fenland.
- 2.5 Fenland Council welcomes the publication of the NPPF, and supports its role in guiding a planning system that facilitates sustainable growth whilst protecting the environment and improving the quality of life for everyone. The NPPF also includes measures which allow existing and emerging plans to be considered alongside the NPPF under certain circumstances.

NPPF and the Impact on Existing Plans

- 2.6 The NPPF includes a guide on the status of existing local plans and the impact of the introduction of the NPPF on them - see NPPF annex 1 - implementation. Specifically it makes reference through paragraphs 214 – 215:

³ http://www.legislation.gov.uk/uksi/2012/3046/pdfs/uksi_20123046_en.pdf

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Extract of NPPF:

214 - *For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this framework.*

215 - *In other cases and following this 12 month period, due weight should be given to the relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework the greater the weight that may be given)*

2.7 The current planning policies for Fenland are those saved from the 1993 Fenland Local Plan. As this pre-dates 2004, paragraph 215 'other cases' applies to Fenland.

2.8 Therefore, in line with NPPF paragraph 215, when making decisions on planning applications, the 1993 Local Plan policies will continue to be used by Fenland Council where they are consistent with the NPPF. In cases where the policies in the 1993 Local Plan are not consistent with the NPPF, the policies in the NPPF will take precedence.

NPPF and the Status of Policies in Emerging Plans

2.9 Through paragraph 216, the NPPF also clarifies the position on the role of emerging plans. It states

Extract of NPPF:

216 - *From the day of publication, decision makers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation , the greater the weight that can be given)

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to policies in this framework the greater the weight that may be given).

2.10 In accordance with NPPF paragraph 216, the policies contained within the emerging draft Core Strategy will be used in determining planning applications, especially where it contains 'new' policy not currently found in either the 1993 Local Plan or the NPPF, and especially so if there are insignificant unresolved objections to such new draft policy.

Policies Map

2.11 The current adopted **Policies Map** comprise the Proposals Map and Insets associated with the Fenland District Local Plan 1993, together with additions made to it as a result of the two Minerals and waste DPDs adopted in 2011 and 2012. A full refresh of the Policies Map will be published at the conclusion of the Core Strategy process (due end of 2013 or early 2014).

Supplementary Planning Guidance:

2.12 Old style Supplementary Planning Guidance (SPG) which support saved local plan policies will continue to exist as non-statutory guidance and will remain a material consideration in the determination of planning applications, albeit with limited weight in terms of decision making. A list of the Council's current SPGs, at the time of writing, is outlined below:

- Infill Housing in the Countryside 1999 (Local Plan policy H15)
- Shopfronts, Signs and Advertisements – April 2000
- Education Provision 2000 (Local Plan policy IMP2)

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- Fenland District Wide Local Plan: Interim Statement of Proposed Changes 2001 (Local Plan policies H1, H3, H4, H13, H15, H18, H19, H21, S2, R4)
- Play Space Provision 2003 (Local Plan policy R4)
- Nene Waterfront Development Brief 2004 (Local Plan policy IMP3)

2.13 Fenland Council currently has no **Supplementary Planning Documents** (SPDs – a document similar to SPGs and produced under the new plan-making legislation) in place, though it intends to prepare some in the coming years.

Preparing the Core Strategy DPD

Document Programme

- 2.14 In the three year period covered by this LDS (2013-2016), the Council intends to progress a single DPD, namely the Core Strategy, as explained in more detail in Tables 1 and 2 on the next page. A full profile of the DPD, with milestones, is provided at Appendix B
- 2.15 SPDs may also be prepared in the period 2013-2016 to support the Core Strategy.
- 2.16 The Council does not currently propose to formally commence preparation of a Site Allocations DPD. The reason for this is twofold:
- (a) the priority, and thus resources, is focussed on preparing the Core Strategy; and
 - (b) the Core Strategy will set out a flexible, criteria based approach to growth, focusing development on key strategic allocations and broad locations in the four market towns.
- 2.17 As such, Fenland Council does not wish to commit in this LDS to preparing a Site Allocations DPD. Should the situation change, a revised LDS will be prepared and published.

Resources

- 2.18 The table below outlines the staffing structure of the Planning Policy team at the Council which illustrates the equivalent of 3.00 full time posts available for Local Plan work. Additional Council staff and external consultants will be utilised when appropriate on specific areas of work that require wider input. It may be necessary to retain consultants in areas of work where skills or resources are not available in-house.

| Title | Time allocated |
|-------------------------------|-----------------------|
| Planning Policy Management | 40% |
| Senior Planning Officer | 80% |
| Senior Planning Officer | 80% |
| Planning Officer | 80% |
| Transport Development Officer | 20% |

- 2.19 Budgetary provision has been made for extremely limited consultancy services and will be kept under review. This uncertainty in relation to financial resources and changes in the Council's priorities may impact on ability to deliver the LDS programme and these are considered further in the risk assessment. An analysis of this risk, and other risks, has been carried out in the risk assessment on page 8.

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Risk Assessment

| RISK | IMPACT | MITIGATING ACTIONS |
|---|--|--|
| Changes in national and strategic policy | Additional work to comply with new guidance causing slippage on programme | Keep up-to-date on emerging guidance and respond to changes early. Prioritise workloads. |
| External stakeholders - representations from statutory stakeholders/large volumes of representations. | Causes slippage on programme | Ensure timetable has some flexibility built in. Monitor progress against LDS. Work closely with stakeholders to try to prevent objections. |
| Lack of in-house skills for specialised areas of policy work/background studies. | Slow progress causing a slippage in programme. Quality compromised. Evidence base challenged/undermined. | Utilise limited budget for consultancy services. Utilise expertise of officers across the council, not just the policy team. |
| Political changes | Diverts team from Local Plan causing a slippage in programme. | Local Plan made a corporate priority and other work minimised. Political calendar taken into account in timetable. |
| Legal Challenge / soundness | The DPD is judged to be unsound in meeting the statutory requirements. | Dialogue with the Planning Inspectorate and Planning Advisory Service wherever possible in the process will minimise the risk. |
| Lack of financial resources | Work cannot be progressed. Objectives on quality compromised | Consider options as part of annual budget cycle. |
| Staff turnover | Slow progress causing slippage in programmes. | Prompt action to fill vacancies with staff with the required skills. |

Evidence base

- 2.20 The Fenland Local Plan is underpinned by a number of evidence base studies. Topics of these studies include: transport modelling, employment and housing evidence and evidence on flood risk. This evidence base has been used to produce and support the visions, objectives and strategies and will also assist in demonstrating the soundness of development plan documents at the examination stage.
- 2.21 The evidence documents are updated as information becomes available. A complete list, and copies of the evidence documents is available on our live planning web pages⁵.

⁵ <http://www.fenland.gov.uk/article/3603/The-Planning-Library>

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3. Local Plan Monitoring and Review

3.1 The District Council will keep the evidence base under review and any changes will be published in the Authorities' Monitoring Report (AMR) as part of the wider monitoring of plans, policies and development across Fenland. The Localism Act now allows flexibility as to when the AMR is published. In Fenland, for the foreseeable future, the report will be published by 31st December each year and will cover the period for the previous financial year (April to March). We will also monitor our progress towards meeting the plan making objectives and targets set out in the LDS. This progress will be reviewed on a regular basis and where necessary amendments to the programme will be made. These reviews will be published in the AMR. The report will provide a review of the following issues:

- Performance and progress against the timetables set out in the LDS;
- How well the strategy, objectives and policies in LDDs are being delivered;
- The evidence base;
- The relevance and status of 'saved' development plan policies;
- The need to review any DPDs;
- The need to update the LDS.

Appendix A: Saved Policies

As part of the transitional arrangements between the old style 'Local Plans' and the new Local Plan approach, policies from adopted old Local Plans can be 'saved' until new policies in the new Local Plan are adopted to replace them. The Secretary of State had to approve which such policies were 'saved'.

The intention is that the new Fenland Core Strategy will replace all the 'saved' policies below. However, prior to that occurring, the following policies are currently 'saved' and thus form part of the development plan for Fenland upon which planning decisions in Fenland will be based.

Fenland Local Plan (1993)

| Policy Ref. | Policy Subject |
|-------------|---|
| H2 | Housing Land Supply |
| H3 | Development Area Boundaries |
| H4 | Market town housing requirement |
| H5 | Support for town centre housing |
| H6 | Designation of villages as Limited Rural Growth Settlements |
| H7 | Housing requirement for Limited Rural Growth Settlements |
| H8 | New Housing development on unallocated land |
| H9 | Group settlements –designation of villages |
| H10 | Housing requirement for Group settlements |
| H11 | Infill only villages (suitable for no more than 2 dwellings) |
| H12 | Criteria for infill development in defined villages |
| H14 | Affordable Housing Rural exceptions policy |
| H16 | Agricultural dwellings |
| H17 | Relaxation of agricultural occupancy |
| H18 | Replacement Dwellings |
| H19 | Conversion of rural buildings |
| H20 | Mobile Homes |
| EMP1 | Location of employment and business uses |
| EMP2 | New land allocations |
| EMP3 | Rural based industry |
| EMP4 | New buildings in the countryside |
| EMP6 | Non-conforming uses |
| EMP8 | Office developments |
| S1 | Central commercial areas |
| S3 | Primary Shopping Frontage |
| S4 | Design within town centres |
| S5 | Food and drink |
| S6 | Retail warehousing |
| S7 | Retailing from industrial premises |
| S8 | Local shopping |
| R1 | Development of recreational and leisure facilities |
| R2 | Public open space allocations |
| R4 | Open space contributions from housing developments |
| R5 | Retention of existing open space |
| R6 | Protection of private / educational outdoor sports facilities |
| R7 | Protection of existing allotments |
| T2 | Provision of tourist accommodation |
| T3 | Camping and touring caravan sites |
| TR2 | Traffic Management |
| TR3 | Car Parking |
| TR4 | Contributions in lieu of car parking |
| TR5 | Lorry Parks |

| | |
|----------|---|
| TR6 | Pedestrians |
| TR7 | Public Transport |
| TR8 | The Port |
| TR9 | Protected Access points |
| CF1 | Policies and Proposals- Education |
| CF2 | Policies and Proposals- Education |
| CF3 | Policies and Proposals- Health and Social Services |
| AG1 | Agriculture |
| E1 | Conservation of the rural environment |
| E2 | Open spaces and gaps in settlements |
| E3 | Landscaping in new developments |
| E6 | Impact on ancient monuments and archaeology |
| E7 | Excavation and recording of archaeology |
| E8 | Design of new developments |
| E9 | Alteration and extension of existing buildings |
| E10 | Conservation Area designations |
| E11 | Demolition within conservation areas |
| E12 | New Development within conservation areas |
| E13 | Submission of full applications in conservation areas |
| E14 | Protection of important features in a conservation area |
| E15 | Demolition of listed buildings |
| E16 | Alteration of listed buildings |
| E17 | Shop Fronts |
| E18 | Signs and Adverts |
| E19 | Advance warning signs |
| E20 | Environmental pollution |
| PU1 | Water and Drainage Services |
| IMP1 | Renewal of existing planning permissions |
| IMP2 | Securing benefits through planning agreements |
| IMP3 | Preparation of development briefs |
| B/H1 | Housing allocations for Benwick |
| CH/H1 | Housing allocations for Chatteris |
| CH/EMP1 | Employment allocations for Chatteris |
| CH1/S1 | Definition of Central commercial area for Chatteris |
| CH/R2 | Open space allocation former railway line -Chatteris |
| CHR/H1 | Housing allocations for Christchurch |
| COL/H1 | Housing allocations for Coldham |
| D/H1 | Housing allocations for Doddington |
| EA/R1 | Open Space allocation for Eastrea |
| ELM/H2 | Development Area Boundary criteria for Elm |
| Gore/H1 | Housing allocation for Gorefield |
| GUY/H1 | Housing allocation for Guyhirn |
| L/H1 | Housing allocation for Leverington |
| Man/H1 | Housing allocations for Manea |
| Mar/H1 | Housing allocations for March |
| Mar/Emp1 | Employment allocations for March |
| Mar/S1 | Definition of Central commercial area for March |
| Mar/S2 | Retail allocations for March |
| Mar/R1 | Open Space allocation for March |
| MAR/R4 | Open Space allocation for March |
| MU/H1 | Housing Allocation for Murrow |
| NEW/H1 | Housing Allocation for Newton |
| PD/H1 | Housing allocation for Parson Drove |
| TU/H1 | Housing allocation for Turves |
| TSG/H1 | Housing allocation for Tydd St Giles |
| WH/H1 | Housing allocations for Whittlesey |
| WH/EMP1 | Employment allocation for Whittlesey |

| | |
|----------|--|
| WH/S1 | Defines the Central Commercial Area for Whittlesey |
| WH/R1 | Open Space allocation for Whittlesey |
| WH/TR1 | Highway Scheme for Whittlesey |
| WH/TR2 | Highway Scheme for Whittlesey |
| WH/CF1 | Education allocation for Whittlesey |
| WH/E1 | Nature Reserve extension for Whittlesey |
| WIM/H1 | Housing allocation for Wimblington |
| WIM/EMP1 | Employment allocation for Wimblington |
| WIM/R1 | Open Space allocation Wimblington |
| WIS/H1 | Housing Allocation for Wisbech |
| WIS/EMP1 | Employment allocation for Wisbech |
| WIS/S1 | Defines the central commercial area for Wisbech |
| WSM/H1 | Housing Allocation for Wisbech St Mary |

Appendix B: Development Plan Document Profiles

| Core Strategy | |
|---------------------------------|--|
| Document details | |
| Role and content | This will explain the Council's vision for the future of Fenland and set out the spatial strategy and key development objectives for the area. It will also include policies designed to deliver and implement the strategy. |
| Geographical coverage | The whole of Fenland District |
| Status | Development Plan Document |
| Chain of conformity | Will conform to national planning policy. |
| Authority preparing DPD | Fenland District Council |
| Timetable (completed) | |
| Stage | Dates |
| Consultation Draft | July - Sept 2011 |
| Further Draft | July - Sept 2012 |
| Timetable (scheduled) | |
| Pre-Submission Publication | Feb - April 2013 |
| Submission to SofS | May 2013 |
| Pre-Hearing Meeting (if needed) | June 2013 |
| Examination | Sept 2013 |
| Inspectors Report | Nov 2013 |
| Adoption | December 2013 |

Appendix C: Glossary

Authorities' Monitoring Report (AMR): Assesses the implementation of the LDS and extent to which the policies in LDDs are being achieved.

Community Strategy: The Local Government Act 2000 requires local authorities to prepare a Community Strategy. It sets out the broad vision for the future of the local authority's area and proposals for delivering that vision.

Core Strategy (CS): Sets out the long-term spatial vision for the local planning authority area and the strategic policies and proposals to deliver that vision. It also includes criteria-based policies which are required to ensure that all development within the area meets the vision and strategy set out in the core strategy.

Development Plan Document (DPD): Spatial planning documents that are subject to independent examination. There will be a right for those making representations seeking change to be heard at an independent examination.

Local Development Scheme (LDS): Sets out the program for the preparation of the local development documents.

Portfolio-holder: A member of the District Council's cabinet with executive responsibility for a particular area of the Council's work, e.g. Strategic Planning.

Policies Map: A map based representation of the Spatial Plan identifying areas for protection and sites for particular uses of land and development proposals. The Policies Map is revised when each new Development Plan Document is adopted.

Supplementary Planning Document (SPD): these will contain policy guidance to supplement the policies and proposals in development plan documents. They will not form part of the development plan or be subject to independent examination.

Site-specific or Site Allocations policies: Policies referring to land allocations for specific or mixed uses or development. Policies will identify any specific requirements for individual proposals.

PINS: Independent Planning Inspectorate responsible for examining Development Plan Documents.

Appendix D – Diagram of Plans and Strategies for Fenland

