



FDC/Matter 1

**FENLAND LOCAL PLAN CORE STRATEGY
DEVELOPMENT PLAN DOCUMENT**

EXAMINATION

FENLAND DISTRICT COUNCIL STATEMENT

**MATTER 1: LEGAL REQUIREMENTS AND PROCEDURAL
MATTERS**

Fenland District Council
Fenland Hall
County Road
March
PE15 8NQ

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www.fenland.gov.uk

Fenland District Council Statement in response to Matter 1: Legal Requirements and Procedural Matters

ISSUES and QUESTIONS

Q1 – Has the Core Strategy been prepared in accordance with the current Local Development Scheme (LDS), including its timetable, content and timescale?

In short, Yes.

The Fenland Local Development Scheme [CD008] came into effect on 11 March 2013. The LDS timetable sets out that Submission (Regulation 22) would be in May 2013, the hearing in September 2013 and adoption estimated for December 2013.

The introduction of an additional six week consultation, known as the Core Strategy Proposed Submission (Addendum) Consultation [CD012], resulted in a deviation from the timetable of about three months with actual submission on 4 September 2013, the hearing scheduled for December and adoption early in 2014.

To keep interested parties informed of the timetable, in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) Part 2 15 (9A), Fenland District Council has hosted a live timetable, updated monthly, on its web pages showing the state of the authority's compliance with the LDS. Within each draft the current timetable has been clearly set out in the front of the document.

The deviation of three months is not considered significant, and all parties have been kept informed of the most up to date timetable.

The content and timescale of the Core Strategy has been prepared in accordance with the current Local Development Scheme. Specifically, a single plan with key strategic policies covering the period up to 2031.

The Council has received no objections in respect of preparing plan(s) contrary to its LDS.

Q2 – Has the Core Strategy been prepared to comply with the adopted Statement of Community Involvement, allowing for adequate and effective consultation and engagement of the community and all interested parties and meeting the minimum consultation requirements set out in the Regulations?

The Core Strategy has been prepared in compliance with the current Fenland Statement of Community Involvement [CD021], adopted June 2013 (and it is worth noting that that the earlier stages of plan preparation were prepared in compliance with the previous adopted SCI of 2007, except where regulation amendments since 2007 have dictated otherwise). Evidence of this compliance is set out in the Statement of Consultation [CD006] and includes extracts from newspaper articles and other consultation materials from each stage of the Core Strategy preparation.

FDC met the minimum consultation requirements through notifying each of the bodies or persons specified in the regulations, and inviting each such body or person to make representations on the contents of the plan, as set out in more detail in CD006. Effective engagement with residents and other interested parties was achieved through a variety of methods including: consultation events, newspaper and newsletter articles. Consultation documents were available for inspection at various locations across the District, including the principal FDC office and on the web pages. Publicity on the website and press notices confirmed these inspection locations. A database was maintained to ensure that all those who had commented on drafts of the plan were notified through either email or letter of the progress of the plan. Following each consultation a report was prepared summarising the main issues that were raised by the representations and how those main issues were addressed in the DPD.

The Council has received no objections in respect of preparing the Core Strategy contrary to its SCI.

Q3. Has the Core Strategy been subject to Sustainability Appraisal, including a final report on the published plan; and is it clear how the Sustainability Appraisal influenced the final plan and dealt with mitigation measures?¹ Has Appropriate Assessment under the Habitats Directive/Regulations been carried out to the satisfaction of Natural England?

The Core Strategy was subject to an iterative process of Sustainability Appraisal, with a draft Sustainability Appraisal report published at each consultation stage of the Core Strategy. The final report on the published plan is submitted as CD004(a), (b) and (c). An updated Sustainability Appraisal was consulted upon alongside the Core Strategy to demonstrate how it informed policy development.

It is clearly evident in the Core Strategy how the appraisal informed the plan, with a ‘conclusion’ reached, from a SA perspective, on each policy and allocated site (and their reasonable alternatives) and how such a conclusion has carried forward into the plan. No ‘mitigation’ is indicated because no policy option has been put forward which has been appraised, via the SA, as an ‘unsustainable’ option.

Directly, there have been no fundamental objections to the Sustainability Appraisal (i.e. comments/objections have focussed more on detailed aspects of the Core Strategy, such as the appraisal of a particular site, but these do not go to the heart of the SA).

A Stage 1 (Screening) of the Habitats Regulations Assessment (HRA), document reference CD005, has been submitted in support of the Proposed Submission Fenland Core Strategy Development Plan Document (DPD).

At each stage of the development of the Core Strategy screening reports have been prepared. For the submission version, the screening report [CD005] analyses each of the 19 proposed policies in turn concluding that the effects of the plan, either in isolation or combination, will not result in significant effects (harm) to protected species or habitats.

In their representations, reference PS1354-PS1358 and PSA0001, Natural England do not raise any objections to the preparation and conclusions of the HRA. Natural England has been consulted at each stage of the draft screening reports. No other participant has objected to the HRA work undertaken by the Council.

Q4. Does the Core Strategy have regard to national planning policy, including consistency with the National Planning Policy Framework (NPPF) and the Planning Policy for Traveller sites (PPTS)? Is there sufficient local justification for any policies that are not consistent with national planning policy? Does the submitted plan properly reflect the presumption in favour of sustainable development in the NPPF?

In short, yes.

The Council prepared an early draft Core Strategy, for consultation, prior to the publication of the NPPF. However, on publication of the NPPF, FDC decided it would be prudent to prepare a Further Draft Core Strategy to ensure the Core Strategy was fully aligned with the NPPF. This further draft was consulted upon between July – September 2012. Whilst this revised plan was not fundamentally different, key changes included were: the insertion of a reference to the Presumption in Favour of Sustainable Development (later included as a policy – see Policy CS1), introduction of Strategic Allocations (rather than just broad locations of growth) and other policy wording adjustments. These changes have ensured consistency with the NPPF.

The Core Strategy is also consistent with the PPTS in that an up to date assessment of need is in place and an appropriate policy response included within the Core Strategy (see our Matter 5 statement for more details on the approach to meeting the PPTS).

¹ In addition, see Q1 relating to development in March

In general terms, the Council has not received objections which believe that the Core Strategy, in principle, is not consistent with either the NPPF or PPTS, though of course we have received representations in respect of whether or not the Core Strategy is entirely in line, in detail, with the two national policy documents. These issues are dealt with via other Inspector Matters and associated Statements.

Q5. Does the Core Strategy have regard to the Sustainable Community Strategy, and aligned its key spatial planning objectives with the priorities identified in this strategy?

In short, yes.

The Core Strategy preparation was commenced with regard to ‘Shaping Fenland’s Future Together’ – The Fenland Sustainable Community Strategy (SCS) (2009) [CD021]. Within the SCS there are five key themes: Health and Social Well-being, Safer and Stronger Communities, Economic and Sustainable Communities, Building a Sustainable Environment and Children and Young People.

To tackle these themes, the SCS committed its partners to prepare a ‘Shaping Fenland Together’ project, which was subsequently renamed Fenland Neighbourhood Planning Vision (FNPV). This project took a fresh look at developing an integrated approach to understanding social, economic and environmental issues. This project recommended that, to help address the above themes, it was essential that high levels of growth were promoted and enabled. The findings of the FNPV project were translated into a series of objectives that were used to inform the preparation of the Sustainability Appraisal and the Core Strategy itself.

Towards the end of the 2011, in light of national policy changes and the impact of financial issues on all partners, the Fenland Strategic Partnership Board agreed to review its ways of working. This resulted in agreement to concentrate on the delivery of a smaller set of more focused priorities, replace the FSP board with a local public service board made up of senior officers, and to deliver projects on a task and finish basis. Two action plans have since been prepared covering 2012/13 and 2013/14. These actions plans include work streams such as Apprenticeships, Integrated Offender Management, Cohesion and Supporting New Arrivals in the Local Community. In a spatial context the Core Strategy continues to contribute to the delivery of each action where appropriate.

The Core Strategy has therefore been prepared with due regard to the SCS and will continue to be key to the delivery of the FSP action plans.

Q6. Does the Core Strategy comply with the Local Development Regulations, including preparation, content and publishing and making available the prescribed documents?

In short, Yes.

As set out in the Statement of Consultation [CD006], the Core Strategy complies with the Town and Country Planning (Local Planning) (England) Regulations 2012 [herby referred to as ‘the regulations’], specifically:

Regulation 18 was met in two parts. First, in July - September 2011, Fenland District Council invited each of the bodies or persons specified in the regulations to make representations on what the Core Strategy ought to contain. This was known as the Core Strategy Draft Consultation. The bodies and persons referred to above include those consultation bodies as FDC considered may have had an interest in the subject of the proposed local plan, general consultation bodies and residents and businesses.

Second, following the publication of the NPPF and as a result of the consideration of the representations, FDC introduced an additional consultation to get further views on an amended plan – known as the Further Draft Consultation. This consultation was held July - September 2012.

Regulation 19, Publication of a Local Plan, was met by inviting representations on a Proposed Submission version from 28 Feb - 5 April 2013. Following the removal of the proposed strategic

allocation known as North East March, in order to comply with the regulations and after seeking advice from the Planning Advisory Service and the Planning Inspectorate, a further focused consultation was held on the resultant changes. This was known as the Core Strategy Proposed Submission Addendum and was consulted on between 27 June - 7 August 2013. Combined, these stages conform to meeting Regulation 19.

Regulation 22, Submission of document and information to the Secretary of State, was met on 4 September 2013.

With regards content, in accordance with Regulation 5, the Core Strategy is prepared as a local development document as it contains statements regarding:

- The development and use of land which the local planning authority wishes to encourage during any specified period;
- The allocation of sites for a particular type of development or use;
- Any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land;
- Development management and site allocations policies, which are intended to guide the determination of applications for planning permission.

For publication, at each stage, as set out in the Statement of Consultation [CD006], publication and making documents available was in accordance with regulations, specifically Regulation 35 - Availability of Documents: general. This involved the document being made available at FDC's principal offices, Fenland Hall, March, and at the @ Your Service shops, located in each of the four market towns. Documents were also available during normal office hours at each of the libraries, leisure centres (except the Proposed Submission Stage) and the mobile library that services the rural areas of Fenland. All relevant documents were clearly available on FDC's website.

Q7. Has the Core Strategy been prepared in accordance with the Duty to Co-operate and does it fully meet this legal requirement?

In short, Yes.

Please see our Duty to Co-operate summary report [CD037], which clearly demonstrates the considerable efforts Fenland District Council has taken to comply with the Duty to Co-operate requirements in preparing the Core Strategy.

With regards to working with neighbouring authorities, CD037 sets out how the Cambridgeshire districts and the County Council have a long track record of co-operation, including working together on Structure Plans and presenting evidence to Regional Spatial Strategies (RSSs). This co-operation continues and is formalised through the issue of the Joint Statement on the Development Strategy for Cambridgeshire and the Cambridgeshire and Peterborough Strategic Planning Unit [see CD037]. Outputs used to inform the Core Strategy include working alongside the Housing Board covering the Cambridge housing market area in the preparation of a Strategic Housing Market Assessment (SHMA). As explained in further detail in CD037, perhaps the two most important recent outputs have been the Memorandum of Co-operation – Housing apportionment [CD016] and the Memorandum of Co-operation – Spatial Strategy [CD017]. These documents demonstrate that at a County and Housing Market level there has been effective co-operation.

To the east of northern Fenland, the administrative boundary between Fenland (Cambridgeshire) and the Borough Council of King's Lynn and West Norfolk (KLWNBC) (Norfolk) includes a section which runs very close to, and partially inside, the urban boundary of Wisbech. This has necessitated close working between the two districts, plus two county councils.

The close working between the two areas was formalised in 2010 through an agreed note signed by Portfolio leads [CD037]. Since this agreement, discussions have focused on the (a) transport implications of growth in Fenland (primarily Wisbech); (b) taking forward growth east of Wisbech, with such growth straddling the administrative boundary; and (c) expansion of Wisbech port to the north, into the KLWNBC administrative area. These discussions have resulted in agreement that

development east of Wisbech and expansion of the port to the north should come forward as single comprehensive schemes agreed by both councils. This co-operation has culminated in KLWNBC raising no significant objections to the Core Strategy.

To the west of Fenland there has been a particular close working relationship with Peterborough City Council as a result of the possible development of a regional freight interchange straddling the administrative boundary, as well as the relationship of Whittlesey with Peterborough, with Whittlesey being an attractive location to live whilst working in Peterborough. Again, Peterborough City Council has raised no significant objections or concerns to the Core Strategy.

Looking to wider statutory consultees, the prevalence of water related issues in Fenland have been the catalyst to a good working relationship with the Environment Agency and the Internal Drainage Boards. This has resulted in a number of water and flood related studies being produced over the past few years, all of which have informed the preparation of the Core Strategy. Similar relationships, as detailed in CD037, have been forged with: English Heritage, who initially objected but now only have a number a detailed points, have not raised any concerns over the duty to co-operate; Natural England, who are content with the Core Strategy and have been involved in the preparation of some of the evidence base (e.g the Cambridgeshire Green Infrastructure Study); Highways Agency, where close joint working has produced a Statement of Common Ground [CD013] focussed on the transport implications of growth in and around Wisbech; Local Nature Partnership (Greater Cambridgeshire LNP), who despite being in its early stages, has agreed a statement between partner districts and the LNP board, which clarifies the co-operation between the organisations.

Other prescribed bodies for the purpose of the Duty to Co-operate (namely, Civil Aviation Authority, Homes and Communities Agency, Primary Care Trust (Cambridgeshire), Cambridgeshire and Peterborough Clinical Commissioning Group, Office of the Rail Regulator and Marine Management Organisation (Lowestoft), have been kept regularly informed of the progress on the Core Strategy. Only limited correspondence has been received though no issues have been raised either by them or by FDC.

CD037 provides further details on how FDC has co-operated on the strategic issues as identified in the NPPF.