

**LOCAL PLAN DEVELOPMENT PROPOSALS - COUNCIL MOTION**

**To:** Economy Transport and Environment

**Meeting Date:** 21<sup>st</sup> April 2015

**From:** Executive Director, Economy Transport and Environment

**Electoral division(s):** All

**Forward Plan ref:** Not applicable      **Key decision:** No

**Purpose:**

To consider the potential risks and implications of the motion agreed at Full Council on 16<sup>th</sup> December 2014, requiring detailed assessments of the impacts of draft Local Plans, and to consider revised wording which seeks to maintain the spirit of the motion but reduce potential risks and implications to the County Council.

**Recommendation:**

a) to note the likely risks and resource implications associated with implementing the approved draft Local Plan Council Motion.

b) to consider revised wording for the motion which maintains the spirit of the motion but seeks to reduce the associated potential risks and implications to the County Council

c) to recommend that a report be taken from Economy and Environment Committee to a future County Council Meeting to consider the proposed revisions to the wording for the Motion

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## 1. BACKGROUND

1.1 At the Council Meeting on 16th December, a Motion was passed that requires this Council to:

- *Continue to encourage and support development that benefits the local community and economy*
- *continue to advise the districts developing Local Plans on the potential traffic and transport implications of proposed developments; and potential feasible, affordable & sustainable solutions to mitigate impacts with an assessment of the residual impacts*
- *object to proposals in draft Local Plans if CCC assessments indicate that potential interventions are not deliverable or the residual cumulative impacts of development will be severe*
- *advise district councils that they, or the promoter of sites being put forward for development, should submit their own traffic and transport assessment to the County Council for comment if county council officers are not confident potential solutions are deliverable (including considering potential funding limitations) and won't have severe environmental consequences.*

1.2 The Development of Local Plans is governed by the National Planning Policy Framework (NPPF). The NPPF puts the onus on developers and Local Planning Authorities, rather than the County Council, to consider the impact of their proposals. The NPPF presumes in favour of development and, while requiring impacts to be assessed, states that "*Development should only be prevented or refused on transport grounds where residual cumulative impacts are severe.*"

1.3 The County Council is a consultee on the Local Plans and, although it has no powers to stop development, it has the opportunity to identify the impacts of the development and propose ways to mitigate them.

1.4 The motion agreed by Full Council therefore requires the County Council to go beyond our remit, as consultee, and to undertake much more detailed assessments of developments.

## 2 MAIN ISSUES

2.1 While the general aims of the motion around supporting growth and ensuring sustainable development are clear and fit well with the County's priorities the requirement to '*object to proposals in draft Local Plans if CCC assessments indicate that potential interventions are not deliverable or the residual cumulative impacts of development will be severe*' raises significant risk and resource implications for the Council which are set out below.

### Stage in Process

2.2 Development proposals are only made at a strategic level at the draft Local Plan stage, with the detailed site specific analysis made at the planning application stage, where, in addition to there being greater certainty on site details, and hence transport implications, there is also greater clarity on the

totality of infrastructure and services requirements. Importantly, development viability issues are also better understood at this stage and there is a much greater understanding of what infrastructure can actually be afforded.

- 2.3 The motion requires Council officers to try and assess what might be proposed by a developer, without the benefit of any detailed proposals from the developer or information regarding site conditions, levels of likely investment or viability issues, or other material planning considerations. Officers would need to make judgements about which different scenarios and options to assess, and the practicality and viability of mitigation measures.
- 2.4 In reality a number of different scenarios will need to be considered which will require very substantial resources to be applied, much of it on scenarios which may never happen.

### **Liability issues**

- 2.5 To establish that interventions are not deliverable or that the cumulative residual impacts cannot be satisfactorily mitigated may be impossible, particularly at such an early stage when the details are not fully known.
- 2.6 To sustain an objection at a Local Plan Inquiry would require the Council to establish that it had considered all reasonable scenarios for development and mitigation. Then subsequently, if the developer could show that there was a reasonable option that the Council had not assessed, then the objection would fall, and all of this would require significant resource requirements.
- 2.7 The approach required by the motion is binary. That is that the Council either objects or doesn't. Under current practice the approach is more fine grained with the Council able to identify concerns that are appropriate for the stage of development of the proposals for further work by the developer. The motion creates a risk that if the Council didn't object, then partners and the Local Plan Inspector might assume that the County had assessed plans and was content with proposals.
- 2.8 Overall the County Council could be taking on the burden of proving that a development cannot be sustainably mitigated when the burden properly falls on the developer particularly and Local Planning Authority to show that proposals are sustainable and deliverable at an appropriate time.

### **Resource Implications**

- 2.9 The requirement to assess multiple scenarios makes it almost impossible to define the costs involved in advance of undertaking the work, as options will only become apparent as the detail is developed. Extensive transport modelling and analysis would need to be commissioned together with appraisals of site constraints and potential mitigations.
- 2.10 There are a significant number of major growth sites expected to come forward in the next five or so years, and the resource requirements to assess such proposals are huge. To assess these sites to the level of detail required by the motion is likely to cost several million pounds as well as taking many months of work.

- 2.11 There are no resources earmarked to cover such costs, and additional resources would need to be found to implement the full requirements of the motion.

### **3 CONSIDERATION OF THE WAY FORWARD**

- 3.1 To date it has not been possible to implement the requirements of the motion, most recently when comments were being prepared for the targeted consultation on the Huntingdonshire Local Plan. This difficulty has been discussed with Members and particularly the difficulties associated with implementing the motion, and principally related to the application of the third bullet point requiring the County Council to do the detailed assessments upfront. As there are no resources earmarked for the County Council to do this assessment work, as it stands the motion is undeliverable.
- 3.2 This issue has been discussed with Economy and Environment Spokes persons and whilst Members were in general agreement with the spirit of the motion, they expressed concerns about the risks and likely resource implications. There was general agreement that this element of the motion needed urgent review to ensure that whatever is proposed by the motion is both affordable and deliverable.
- 3.3 However, Members also highlighted that they want to ensure that the County Council continues to raise issues and concerns with partners early related to Local Plans where relevant. This is particularly if there are concerns regarding likely impacts of development, especially if there isn't clear evidence that the required interventions are deliverable or that the impacts can be mitigated. In such cases, assessments will need to be undertaken, ideally by the developers working with the councils to provide evidence to demonstrate deliverability of proposals and that the impacts can be mitigated.
- 3.4 To address the potential risks and implications noted above with the wording of the agreed motion, the following revised wording is proposed for Committee to consider and recommend to Council as a revision to the Motion approved on 16<sup>th</sup> December. This requires the Council to:
- *Continue to encourage and support development that benefits the local community and economy*
  - *continue to advise the districts developing Local Plans on the potential traffic and transport implications of proposed developments; and potential feasible, affordable & sustainable solutions to mitigate impacts*
  - *raise concerns with the District Councils regarding their Draft Local Plan proposals if there isn't sufficient clarity or evidence to demonstrate that the proposed interventions are likely to be deliverable or that the potential residual cumulative impacts of development can be mitigated*
  - *advise district councils that the promoters of sites being put forward for development, should submit their own traffic and transport assessment to the County Council for comment if county council officers are not confident potential solutions are deliverable (including considering potential funding limitations) and won't have severe environmental consequences.*
- 3.5 This proposed revised wording for the motion seeks to address the risks to

the County Council, and maintain the original aims of the motion. This is by requiring the County Council to continue to advise partners in relation to their local plans, and raise concerns where there isn't sufficient clarity or evidence to demonstrate that interventions are deliverable or that the impacts can be mitigated. This also requires the developers to undertake the detailed assessments and submit them to the District and County Council for comment.

- 3.6 It is considered that the proposed revised wording for the motion reduces the risks and resource implications to the County Council significantly, when compared with the current approved motion, and as such is considered both affordable and deliverable in the current context.

### **3. ALIGNMENT WITH CORPORATE PRIORITIES**

#### **3.1 Developing the local economy for the benefit of all**

The motion requires the Council to support development that benefits the local community and economy, and generally supports the Council's priorities. However, the motion as currently approved requires the County Council to undertake detailed assessments of Local Plans, and there are significant resource implications related to this. Therefore this report proposes revised wording to ensure that the spirit of the motion is maintained but that the risks and resource implications are reduced for the County Council.

#### **3.2 Helping people live healthy and independent lives**

There are no significant implications for this priority.

#### **3.3 Supporting and protecting vulnerable people**

There are no significant implications for this priority.

### **4. SIGNIFICANT IMPLICATIONS**

#### **4.1 Resource Implications**

There are significant risks and resource implications associated with the Council approved motion of 16<sup>th</sup> December 2014. This is particularly pertaining to the third bullet of the motion. Paragraphs 2.9 – 2.11 of this report outlines that related work could cost several million pounds and involve many months of work. There are no resources earmarked to cover such costs, and as such it has not been possible to implement the requirements of this Motion.

This report sets out proposed revised wording to help in achieving the motion's overall aims but reduce the significant risks and resource implications associated with the agreed motion. The proposed revised wording set out in paragraph 3.4 and 3.5 aims to reduce risks and resource requirements compared with the current approved motion.

#### **4.2 Statutory, Risk and Legal Implications**

There are risks associated with implementing the current approved Council motion - see wording under 4.1 above and paras 2.5 to 2.11. Members are

asked to consider revised wording for the motion in line with paragraph 3.4 as a means of seeking to mitigate potential risks and liabilities.

#### **4.3 Equality and Diversity Implications**

There are no significant implications for this priority

#### **4.4 Engagement and Consultation Implications**

The County Council works closely with the local planning authorities to consider Local Plans and provides support and feedback on key issues and concerns related to their development proposals at key stages in the process.

#### **4.5 Localism and Local Member Involvement**

Local Members play a key role in helping to develop and inform Local Plans and in assessing likely impacts at key stages in the process.

#### **4.6 Public Health Implications**

There are no significant implications for this priority

<b>Source Documents</b>	<b>Location</b>
<i>Council Meeting Agenda &amp; Minutes of 16<sup>th</sup> December 2014</i>	<a href="http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Meeting.aspx?meetingID=926">http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Meeting.aspx?meetingID=926</a>