

LOCAL PLAN EXAMINATIONS

CAMBRIDGE CITY and SOUTH CAMBRIDGESHIRE

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Mrs C Hunt
Planning Policy Manager, South Cambridgeshire District Council

Dear Caroline

South Cambridgeshire District Local Plan Examination

The following has been provided by the Inspectors for the Council:

Main modifications

We have now had an opportunity to review your document: Further Proposed Modifications to the South Cambridgeshire Local Plan, dated November 2016 (RD/FM/010). In the light of this we thought it would be useful to establish some principles that should be applied to the main modifications process.

The starting point for the examination is that the Council has submitted what it considers to be a sound plan. With this in mind, Paragraph 5.20 of the Inspectorate's Procedural Guidance states:

The Inspector will take the published plan (and if relevant, the addendum submitted with the plan to address matters arising from the public consultation on the plan at regulation 19 stage) as the final word of the LPA on the plan. Therefore, there is a very strong expectation that further LPA-led changes to the plan will not be necessary and this is a key premise of delivering an efficient examination timetable. Provision for changes after submission of the plan is to cater for the unexpected. It is not intended to allow the LPA to complete or finalise the preparation of the plan. In order for the Inspector to take forward any change (in effect a proposed main modification) initiated by the LPA (or any other party in the examination), the requirements of section 20(7B) and (7C) of the Planning and Compulsory Purchase Act 2004 (as amended)(PCPA) must be met. For example, a LPA's change of preferred approach to a policy (including a site allocation) could not be accommodated unless the policy/site as submitted is, in the Inspector's view, unsound or not legally compliant and the proposed change initiated by the LPA (or any other party) would make the plan sound/compliant. This was drawn to your attention in paragraph 28 of the Guidance Notes we prepared at the start of the Examination (RD/Gen/060).

We appreciate that, with the passage of time, it may be necessary to propose main modifications to a Plan to take account of changing circumstances. However, the 200 further modifications now being proposed would seem to go well beyond that. LPA-led changes must indicate an implicit acceptance that the plan as submitted was not sound, and that the proposed changes are intended to make the Plan sound.

We note that the justification column of the table of proposed modifications makes various references to the tests of soundness, set out in the National Planning Policy Framework, but it provides little explanation as to why the submitted plan is now considered to be unsound in relation to the test(s). For example, the proposed modifications to the policies for the new settlements at Bourn and Waterbeach would introduce a change of approach from the preparation of AAPs to SPDs. You refer to legal advice that you have received that, as a matter of law, the documents you intend to prepare pursuant to policies SS/5 and SS/6 should be prepared as SPD rather than AAP which, you note, now fall under the term "local plan" under the 2012

Regulations. However, by the time the Plan was submitted in 2014, the 2012 Regulations were in force, so it is not clear why this matter was not addressed before the Plan was submitted. Furthermore, the document advises that the change from the proposed preparation of AAPs to SPDs gives rise to the need for further modifications to the policies, some of which appear to be necessary to ensure that SPDs, rather than AAPs, are the appropriate way of providing a planning framework for the proposed new settlements.

The nature of some of the proposed modifications, such as: the inclusion of the word 'approximately' in relation to dwelling numbers at the proposed Waterbeach New Town and the admission that the Council is not in a position to reach a conclusion on capacity at the present time; and the proposed modification to extend the boundary of the Major Development site at Bourn, give the impression that the Council is seeking to make significant changes to its approach to these key proposals of the Local Plan. As you are aware, both the Waterbeach and Bourn proposals have attracted significant local objections, and such a change in approach would be likely to attract further objections if/when the further proposed modifications are published for consultation. This could lead to the need for further hearings and thus extend the examination.

Inspector-led modifications

You have made a request under section 20(7C) of the Planning and Compulsory Purchase Act that we recommend main modifications where necessary to make the plan sound. We are attempting to alert you, as the examination progresses, to cases where we consider main modifications are necessary to ensure soundness. Where we have directed that a change is required for soundness, the Council should prepare revised wording to meet our concerns. We will then need to see a composite list before it is presented to your Members for their consideration, to ensure that our concerns are met. Once the modifications have been shared with the Members, they will need to be subject to SA before formal consultation which will take place once the hearings have been completed.

In the event that Members of the Council are not prepared to accept the main modifications that we consider to be necessary for soundness, we would, in accordance with paragraph 5.29 of the Inspectorate's Procedural Guidance, conclude that the section 20 (7C) request has been implicitly withdrawn.

The way forward

Subject to the above, we are content to continue with the Examination but we wish to make you aware that we will require more convincing explanations as to why many of the further proposed modifications are necessary for soundness or legal compliance if we are to recommend them as main modifications in our report.

In the event that you identify further instances where you consider main modifications are necessary for soundness, we would be grateful if you would advise us in the first instance, with a clear explanation of the reasons for your conclusions.

Laura Graham
Alan Wood
Inspectors

I look forward to your response. Please do not hesitate to contact me if you have any queries.

Kind regards

Gloria Alexander

Gloria Alexander
Programme Officer