

Advice Note - Deleted Local Plan Policies

Whilst we are preparing Cambridge's Local Development Framework, which will incrementally replace the Cambridge Local Plan 2006 in due course, the Planning and Compulsory Purchase Act 2004 makes provision for Councils to retain their Local Plan policies by application to the Secretary of State. In the light of this, the City Council made an application to the Secretary of State in January 2009.

We have received the Secretary of State's direction, which confirms that the vast majority of the Cambridge Local Plan's policies will remain in force from 20th July 2009. However, eight policies will expire on 20th July 2009. The table below sets out the reason for their deletion and policy alternatives, where relevant. Please note that the Local Plan Appendices and Proposals Map (February 2008) remain unchanged.

Deleted Policy (Reference Number & Name	Reason for Deletion & alternative Policy Support
3/5 Mixed Use Development	This policy expected mixed-use development to be sustainable via the inclusion of appropriate community and retail facilities within residential schemes and elements of residential development within larger non-residential sites. This policy was deleted as it simply repeated national and regional policy. It was redundant given the references to the mix of development that supports the creation of sustainable and accessible communities in Planning Policy Statement 1 Delivering Sustainable Development (paragraph 27).

<p>4/5 Protection of Sites of National Nature Conservation Importance</p>	<p>This policy stated that development will not be allowed which has a detrimental effect on a Site of Special Scientific Interest. (SSSI)</p> <p>This policy was deleted as it simply repeated national and regional policy. SSSIs are protected by Planning Policy Statement 9: Biodiversity and Geological Conservation (paragraphs 7 and 8) and are defined and designated by Natural England in accordance with the Wildlife and Countryside Act 1981 (as amended).</p>
<p>4/7 Species Protection</p>	<p>This policy precluded development affecting protected species unless the need for the development outweighs nature conservation importance.</p> <p>This policy was deleted as it simply repeated national and regional policy contained in Policy ENV3 of the Regional Spatial Strategy for the East of England, paragraphs 1, 15 and 16 of Planning Policy Statement 9: Biodiversity and Geological Conservation, Department for Communities and Local Government Circular 06/2005, the Wildlife and Countryside Act 1981 (as amended) and the Natural Environment and Rural Communities Act 2006.</p>
<p>4/16 Development and Flooding</p>	<p>This policy prevented development from taking place in areas with an unacceptable risk of flooding. It also prevents development, which would increase the risk of flooding elsewhere or have a detrimental effect on</p>

flood management including flood defences. The supporting text to the policy refers to the City Council's support of sustainable drainage systems.

This policy was deleted because it was covered by existing national and regional policy. Policy WAT4 in the Regional Spatial Strategy for the East of England directs development away from areas at high risk of flooding and areas where development would increase the risk of flooding elsewhere and Planning Policy Statement 25: Development and Flood Risk (December 2006) also covers the policy.

In relation to Criterion (a) of Policy 4/16, paragraph 9 of Planning Policy Statement 25 sets out the risk based approach that should be adopted. Paragraphs 16 and 17 deal with the sequential test, directing development to the zones of least risk from flooding (Zone 1 low probability, Zone 2 medium probability, Zone 3a high probability and Zone 3b the functional floodplain). Paragraphs 18-20 set out the exception test.

In relation to Criterion (b) of Policy 4/16, the first bullet point of paragraph 9 of Planning Policy Statement 25 deals with minimising run-off from new development onto adjacent and other downstream property, and into the river systems.

In relation to criterion (c) of Policy 4/16, the first bullet point of paragraph 6 (Planning Policy Statement 25) deals with safeguarding land from development that is required for current and future flood management

	<p>e.g. conveyance and storage of flood water, and flood defences.</p> <p>The policy's supporting text sets out support for Sustainable Drainage Systems (SuDS). This is covered by the second and third bullet points of paragraph 6 and second bullet point of paragraph 9 (Planning Policy Statement 25).</p>
<p>5/6 Meeting Housing Needs From Employment Development</p>	<p>This policy set out the requirement for proposals for employment development, which impact on the demand for affordable housing, to provide affordable housing on-site; contributions towards of-site housing or by means of key worker housing provision.</p> <p>This policy was deleted because it was recognised at the Examination in Public for the Regional Spatial Strategy (RSS) for the East of England that there was an absence of convincing evidence that specific local circumstances existed to justify the imposition of the requirement as referred to in the Council's Affordable Housing Supplementary Planning Document (SPD). The Affordable Housing SPD does not provide any further detail in taking this policy forward. The Regional Spatial Strategy for the East of England does not make specific reference to the need for employment development to provide for affordable housing and Policy P9/1 of the Cambridgeshire and Peterborough Structure Plan 2003 was not saved.</p>
<p>6/5 Shopping Development in the</p>	<p>This policy stated that retail proposals in the City Centre would only be permitted where they</p>

City Centre	<p>maintained and enhanced the vitality and viability of the City Centre and which were of an appropriate nature and scale.</p> <p>This policy was deleted because it reiterated national guidance in paragraphs 3.13 – 3.19 of Planning Policy Statement 6 : Planning for Town Centres that require the application of sequential testing and proof that the development is of appropriate nature and scale. Additionally, paragraphs 3.20 - 3.23 of Planning Policy Statement 6 cover the need to consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permissions, developments under construction and completed developments. It clarifies that the identification of need does not necessarily indicate that there will be no negative impact.</p>
9/4 East Cambridge	<p>This policy set out the criteria for development at East Cambridge.</p> <p>This policy was deleted because it has been superseded by the Cambridge East Area Action Plan, which was adopted by both Cambridge City Council and South Cambridgeshire District Council in February 2008.</p>
10/2 Monitoring and Review	<p>This policy set out the monitoring process for the Local Plan and identified review work and actions,</p>

which would be brought into play in the event that the Local Plan policies and development plan allocations were not being met.

This policy was deleted because Section 35 of the Planning and Compulsory Purchase Act 2004 covers the need to monitor policies by making an annual report to the Secretary of State, which covers the implementation of the Local Development Scheme and the extent to which the policies set out in the local development documents are being achieved.

Section 48 of the Town and Country Planning (Local Development) (England) Regulations 2004 covers the mechanisms that will be triggered if policies and allocations are not being met.