

2014 No. 2095

LOCAL GOVERNMENT, ENGLAND

The Openness of Local Government Bodies Regulations 2014

Made - - - - *5th August 2014*

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 40 and 43(2) of the Local Audit and Accountability Act 2014^(a).

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 43 of the Local Audit and Accountability Act 2014.

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Openness of Local Government Bodies Regulations 2014 and come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations—

“the 1960 Act” means the Public Bodies (Admission to Meetings) Act 1960^(b);

“the 1972 Act” means the Local Government Act 1972^(c);

“the 2012 Regulations” means the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012^(d).

(a) 2014 c. 2.

(b) 1960 c. 67. Relevant amendments were made by the Local Government (Access to Information) Act 1985 (c. 43), section 3, Schedule 2 and Schedule 3 and the Broadcasting Act 1990 (c. 42), section 203(1) and Schedule 20.

(c) 1972 c. 70. Part 5A and Schedule 12A was inserted by the Local Government (Access to Information) Act 1985, section 1. Section 100I was amended by S.I. 2006/88.

(d) S.I. 2012/2089.

PART 2

Admission to and reporting of meetings of certain local government bodies

Amendment of the Public Bodies (Admission to Meetings) Act 1960

3.—(1) Section 1 of the 1960 Act (admission of public to meetings of local authorities and other bodies) is amended as follows.

(2) After subsection (3) insert—

“(3A) Where the public are excluded from a meeting of a relevant local government body under subsection (2), the body may also prevent any person from reporting on the meeting using methods—

- (a) which can be used without that person’s presence at the meeting, and
- (b) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.”

(3) In subsection (4), after paragraph (c) insert—

“;

- (d) in the case of a meeting of a relevant local government body, while the meeting is open to the public any person attending is to be permitted to report on the meeting.”

(4) After subsection (4) insert—

“(4A) Subsection (4)(d) does not require a relevant local government body to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.”

(5) In subsection (7)—

- (a) after “television broadcasting services” insert “or, in the case of a relevant local government body, for use in electronic or any other format to provide news to the public by means of the internet”; and
- (b) for “but nothing in this section” substitute “but, subject to subsection (4)(d), nothing in this section”.

(6) After subsection (8) insert—

“(9) In this Act—

“relevant local government body” means—

- (a) the Council of the Isles of Scilly;
- (b) a parish council; or
- (c) a parish meeting of a parish which does not have a separate parish council;

“reporting” means—

- (a) filming, photographing or making an audio recording of proceedings at a meeting;
- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- (c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.”

(7) After section 1 of that Act insert—

“Publication and dissemination of reports

1A.—(1) Any person who attends a meeting of a relevant local government body for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of the person’s reporting activities.

(2) Publication and dissemination may take place at the time of the meeting or occur after the meeting.”

(8) In section 2(1) of that Act (application of section 1 to committees of bodies to which the Act applies)—

- (a) for “the foregoing section” substitute “sections 1 and 1A”;
- (b) for “as that section applies” substitute “as they apply”; and
- (c) for “of that section” substitute “of section 1”.

Amendment of the Local Government Act 1972

4.—(1) Section 100A of the 1972 Act (admission to meetings of principal councils) is amended as follows.

(2) After subsection (5) insert—

“(5A) Where the public are excluded from a meeting of a principal council in England under subsection (2) or (4), the council may also prevent any person from reporting on the meeting using methods—

- (a) which can be used without that person’s presence at the meeting, and
- (b) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.”

(3) In subsection (6), at the beginning of paragraph (c) insert “subject to subsection (7D),”.

(4) In subsection (7), at the beginning insert “Subject to subsection (7A)”.

(5) After subsection (7) insert—

“(7A) While a meeting of a principal council in England is open to the public, any person attending is to be permitted to report on the meeting.

(7B) Subsection (7A) does not require a principal council in England to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

(7C) A person attending a meeting of a principal council in England for the purpose of reporting on the meeting must, so far as practicable, be afforded reasonable facilities for doing so.

(7D) Subsection (7C) applies in place of subsection (6)(c) in the case of a principal council in England.

(7E) Any person who attends a meeting of a principal council in England for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of the person’s reporting activities.

(7F) Publication and dissemination may take place at the time of the meeting or occur after the meeting.”

(6) After subsection (8) insert—

“(9) In this section “reporting” means—

- (a) filming, photographing or making an audio recording of proceedings at a meeting,
- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, or
- (c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.”

(7) In section 100E of that Act (application to committees and sub-committees), after subsection (1) insert—

“(1A) But in section 100A, subsections (5A), (7A) to (7F) and (9) do not apply to a committee which is appointed or established jointly by one or more principal councils in

England and one or more principal councils in Wales, or a sub-committee of such a committee.”

(8) In section 100J of that Act (application of Part 5A to new authorities, Common Council etc.)—

- (a) in subsection (1), after “Except in this section,” insert “and subject as follows,”, and
- (b) after subsection (2A) insert—

“(2B) In section 100A, subsections (5A), (7A) to (7F) and (9) do not apply to—

- (a) a joint waste authority;
- (b) the Common Council other than in its capacity as a local authority or police authority;
- (c) a joint board or a joint committee falling within subsection (2) above;
- (d) the Homes and Communities Agency; or
- (e) a Mayoral development corporation.”.

Amendment of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

5.—(1) The 2012 Regulations are amended as follows.

(2) In regulation 4 after paragraph (5) insert—

“(5A) Where the public are excluded from a meeting under paragraph (2), a decision making body may also prevent any person from reporting proceedings using methods—

- (a) which can be used without that person’s presence at the meeting, and
- (b) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.

(5B) While the meeting is open to the public, any person attending is to be permitted to report the proceedings.

(5C) Paragraph (5B) does not require a decision making body to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.”

(3) In that regulation, after paragraph (6) insert—

“(7) Any person who attends the meeting to report the proceedings may use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities.

(8) Publication and dissemination may take place at the time of the meeting or occur after the meeting.

(9) For the purposes of this regulation, reporting on proceedings at a meeting means—

- (a) filming, photographing or making an audio recording of the proceedings at the meeting,
- (b) using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later, or
- (c) reporting or providing commentary on proceedings at the meeting, orally or in writing, so that the report or commentary is available to persons not present, as the meeting takes place or later.”

(4) In regulation 20 omit paragraph (4).

PART 3

Record of decisions and access to documents

Interpretation of this Part

6. In this Part—

“background papers” in relation to a decision which falls within regulation 7(2), means those documents other than published works, that—

- (a) relate to the subject matter of the decision or, as the case may be, part of the decision; and
- (b) in the opinion of the proper officer—
 - (i) disclose any facts or matters on which the decision or an important part of the decision is based; and
 - (ii) were relied on to a material extent in making the decision;

“confidential information” means—

- (c) information provided to the local government body by a government department on terms (however expressed) which forbid the disclosure of the information to the public; or
- (d) information the disclosure of which to the public is prohibited by or under any enactment or by order of a court,

and in either case, a reference to the obligation of confidence is to be construed accordingly;

“decision-making officer” means an officer of a relevant local government body who makes a decision which falls within regulation 7(2);

“exempt information” has the meaning given by section 100I(1) of the 1972 Act (exempt information and power to vary Schedule 12A);

“proper officer” has the same meaning as in section 270(3) of the 1972 Act (general provisions as to interpretation);

“relevant local government body” means—

- (a) a district council,
- (b) a county council in England,
- (c) a London borough council,
- (d) the Greater London Authority,
- (e) the Common Council of the City of London in its capacity as a local authority or police authority,
- (f) the London Fire and Emergency Planning Authority,
- (g) Transport for London,
- (h) a joint authority established under Part 4 of the Local Government Act 1985^(a),
- (i) an economic prosperity board,
- (j) a combined authority,
- (k) a fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004^(b) or a scheme to which section 4 of that Act applies,
- (l) a National Park Authority for a National Park in England,
- (m) the Broads Authority,
- (n) the Council of the Isles of Scilly,

(a) 1985 c. 51. Relevant amendments were made by the Police and Magistrates' Courts Act 1994 (c. 29), section 93 and Schedule 9; the Greater London Authority Act 1999 (c. 29), section 328, 423 and Schedule 34; the Civil Contingencies Act 2004 (c. 36), section 32 and Schedule 2 and the Local Transport Act 2008 (c. 26), section 77 and Schedule 4.

(b) 2004 c. 21.

- (o) a parish council, or,
- (p) a parish meeting.

Recording of decisions

7.—(1) The decision-making officer must produce a written record of any decision which falls within paragraph (2).

(2) A decision falls within this paragraph if it would otherwise have been taken by the relevant local government body, or a committee, sub-committee of that body or a joint committee in which that body participates, but it has been delegated to an officer of that body either—

- (a) under a specific express authorisation; or
- (b) under a general authorisation to officers to take such decisions and, the effect of the decision is to—
 - (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

(3) The written record must be produced as soon as reasonably practicable after the decision-making officer has made the decision and must contain the following information—

- (a) the date the decision was taken;
- (b) a record of the decision taken along with reasons for the decision;
- (c) details of alternative options, if any, considered and rejected; and
- (d) where the decision falls under paragraph (2)(a), the names of any member of the relevant local government body who has declared a conflict of interest in relation to the decision.

(4) The duty imposed by paragraph (1) is satisfied where, in respect of a decision, a written record containing the information referred to in sub-paragraphs (a) and (b) of paragraph (3) is already required to be produced in accordance with any other statutory requirement.

Decisions and background papers to be made available to the public

8.—(1) The written record, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public—

- (a) at all reasonable hours, at the offices of the relevant local government body;
- (b) on the website of the relevant local government body, if it has one; and,
- (c) by such other means that the relevant local government body considers appropriate.

(2) On request and on receipt of payment of postage, copying or other necessary charge for transmission, the relevant local government body must provide to the person who has made the request and paid the appropriate charges—

- (a) a copy of the written record;
- (b) a copy of any background papers.

(3) The written record must be retained by the relevant local government body and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.

(4) Any background papers must be retained by the relevant local government body and made available for inspection by the public for a period of four years beginning with the date on which the decision, to which the background papers relate, was made.

(5) In this regulation “written record” means the record required to be made by regulation 7(1) or the record referred to in regulation 7(4), as the case may be.

Confidential and exempt information

9.—(1) Nothing in this Part is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

(2) Nothing in this Part—

- (a) authorises or requires a relevant local government body to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the proper officer, that document or part of a document contains or may contain confidential information; or
- (b) requires a relevant local government body to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information.

Offences

10.—(1) A person who has custody of a document which is required by regulation 8 to be available for inspection by members of the public commits an offence if, without reasonable excuse, that person—

- (a) intentionally obstructs any person exercising a right conferred under this Part in relation to inspecting written records and background papers; or
- (b) refuses any request under this Part to provide written records or background papers.

(2) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Signed by the Secretary of State for Communities and Local Government

Eric Pickles
Secretary of State

5th August 2014

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to allow members of the public to report and commentate on public meetings of local government bodies in England. They also require written records to be kept of certain decisions taken by officers of these bodies.

Regulation 3 amends the Public Bodies (Admission to Meetings) Act 1960 to allow entry to the meetings of specified local government bodies for the purposes of reporting and to allow the results of the reporting to be published or disseminated. “Reporting” includes filming and providing commentary on proceedings and allows for the use of a wide range of methods including social media.

Regulations 4 and 5 make similar amendments to the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Regulation 7 provides for the making of a written record of certain decisions taken by officers of relevant local government bodies; regulation 8 provides for the publication of that record; regulation 9 provides an exemption for confidential information and regulation 10 imposes a criminal sanction in relation to obstruction of persons in providing information under regulation 8, punishable on summary conviction to a fine not exceeding level 1 on the standard scale.

An impact assessment has not been prepared for this instrument as it will have no impact on the costs of business or the voluntary sector.

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Countywide Surface Water Management Plan (Update) Flooding History Questionnaire

Cambridgeshire County Council (CCC) has commissioned Hyder Consulting to undertake an update of the Surface Water Management Plan (SWMP) for the county – previously issued in April 2011. The information you provide will help us update the Surface Water Management Plan (SWMP) which will then be used to collate additional historic flooding information **from 2011 onward**, and reappraise the prioritisation exercise of ‘wet spot’ areas across the County, to ensure that future work is targeted appropriately by CCC and partners ensuring we understand and alleviate the risk of flooding from surface water.

In order to support the SWMP update, it is necessary to provide records of previous flood events, for which **we welcome any information that you can provide** to supplement the data already held.

As a reminder, this study is primarily interested with flooding from **surface water sources**, including drainage features and sewers after 2011. Flooding from Main Rivers is well documented, and further information on river flooding is **not required** for this study.

Hyder Consulting already have copies of:

CCC Highways Log – records of highway flooding complaints across the County for 2012

CCC Customer Incident Reports / Flood Incidents / Action log – records up to and including July 2014

Historic flooding information - up to April 2011 provided as part of the 2011 SWMP by Parish/District/City Councils, with more recent data provided for incidents in Ely, Histon & Impington, Godmanchester, St. Neots, March, Cambridge City & Milton

Weather Charts – data provided by CCC in 2010 outlining all news articles regarding flooding across the County

Flood Memories – the results from the questionnaire/consultation exercise carried out by the Cambridgeshire Flood Risk Management Partnership in 2010

This questionnaire is provided as a convenient form for returning information. However, if you wish to return additional information, such as press cuttings, photographs, or more detailed descriptions, they will also be very useful to support the study. If you return photographs or other records, please send a copy and keep the originals.

Please complete and return your questionnaire by the **end of September** to the following address – information received after the end of September cannot be included in the study:

Cambridgeshire County Council

Shire Hall

Castle Hill

Cambridge

CB3 0AP

Or email them to: floodandwater@cambridgeshire.gov.uk

THANK YOU for taking the time to complete this questionnaire. This data will be held in strict confidence and will not be sold or passed on for marketing or other commercial purposes.

Once the information provided in the completed questionnaires has been examined and the historical flooding data updated, this will feed in to the ‘wet spot’ prioritisation process. Additionally, the data will be provided back to CCC as one complete dataset.

Date and Duration of Flood Event		
Name(s) of Property(s) Flooded		
Depth of Flooding Observed Inside Each Property		
Name of Street Flooded		
Depth of Flooding Observed In The Street		
Location of Flooding In The Street (adjacent to house.....)		
Cause of Flooding (please tick one or more relevant boxes)	<input type="checkbox"/> Blocked drain <input type="checkbox"/> Surface water network <input type="checkbox"/> Flooding from a ditch/ ordinary watercourse <input type="checkbox"/> Ponding of water in road <input type="checkbox"/> Ponding of water behind an obstruction	Other.....
Other Infrastructure Damage (other than properties)		
Reference to Photographs or Other Information		

Additional flood events can be entered overleaf and on additional questionnaire forms – available on request.

Date and Duration of Flood Event		
Name(s) of Property(s) Flooded		
Depth of Flooding Observed Inside Each Property		
Name of Street Flooded		
Depth of Flooding Observed In The Street		
Location of Flooding In The Street (adjacent to house.....)		
Cause of Flooding (please tick one or more relevant boxes)	<input type="checkbox"/> Blocked drain <input type="checkbox"/> Surface water network <input type="checkbox"/> Flooding from a ditch/ ordinary watercourse <input type="checkbox"/> Ponding of water in road <input type="checkbox"/> Ponding of water behind an obstruction	Other.....
Other Infrastructure Damage (other than properties)		
Reference to Photographs or Other Information		

Would you be happy to be contacted at a later date if we require further information or clarification of the information you have provided?

- Yes (please provide contact details below)
 No

Respondent's Name:

Respondent's Organisation (if applicable):

Address:

Tel. No.:Email:

South Cambridgeshire Parish Planning Forum

21 July 2014

6.30pm – 8pm

1.	Welcome by Cllr Robert Turner Cllr Turner welcomed everyone to the meeting and was pleased to see a high level of attendance.	
2.	Update on the Local Plan and 5 year housing land supply Caroline Hunt, Interim Planning Policy Manager gave a presentation (attached) regarding the Local Plan and housing land supply. There has not been a 5 year land supply since 2008. This has been replaced by the Local Plan. A Memorandum of Understanding will be sought with the City Council. Appeal decisions won't be challenged as they are likely to fail. The lack of the 5 year housing land supply means frameworks and other housing supply policies have little weight. There is a lack of opportunity for promoters of sites not in the Local Plan. Each scheme will be considered on a case by case basis taking into account sustainability.	
3.	Pre-application service and current consultation on proposed charges Julie Ayre, Team Leader reported that pre-application charges have not increased since 2011. Pre-applications are being considered as part of a wider review of Planning department procedures. These will take into account the results of consultation. Pre-applications are confidential. It was clarified that pre-applications are opinions not decisions. A request was made for statistics regarding the number of pre-applications received. Post meeting note: Approximately 1000 pre-apps were received in the last financial year. A request was also made for application forms to include a box asking for permission to make the application public.	

4.	<p>Solar Farms</p> <p>Karen Pell-Coggins, Interim Principle Planning Officer gave a presentation (attached) on solar farms.</p> <p>The factors included in the development of solar farms and planning considerations were described.</p> <p>A question was raised regarding how long it would take to recoup the costs in comparison to a wind farm.</p>	
5.	<p>Opportunities for Community Owned Energy Projects</p> <p>Further to the presentation on solar farms, Siobhan Mellon, Parish Energy Project Officer, flagged up the opportunities for communities to set up their own solar farms, wholly or partly funded by local investors. The government's new Community Energy Strategy is working on several fronts to facilitate and encourage these schemes. Parish councillors who are interested in finding out more should contact the Parish Energy Project Officer on 01954 713395 or by email: Siobhan.mellon@scambs.gov.uk</p>	
6.	<p>Update from the Tree Service</p> <p>Ian Lorman, Tree Officer gave a presentation (attached) on the service provided by the Tree section which includes Tree Preservation Orders and advice on planning applications. A section on FAQ's was included in the presentation which feedback was requested on. Please provide feedback by 16 August to ian.lorman@scambs.gov.uk.</p>	
7.	<p>Parish Planning Training – proposed programme for consideration</p> <p>A proposed programme was circulated and is attached for comment. The programme includes sessions on planning applications and monitoring and enforcement. Please email suggestions to jane.green@scambs.gov.uk.</p>	

8.	<p>General questions (see attached list of those submitted in advance)</p> <p>Responses to questions submitted prior to the meeting were circulated and are attached.</p> <p>A request was made for guidance regarding consultation on Material Amendments to planning applications.</p> <p>Post meeting note: Minor amendments are sent to Parish Councils for information. Comments can be made but there is no statutory period for consultation. Major amendments are sent to Parish Councils for comment within 14 days.</p>	
9.	<p>Suggestions for future topics for December Parish Planning Forum</p> <p>Please email suggestions to jane.green@scambs.gov.uk.</p>	

Programme of Future Parish Liaison meetings for 2014/5:

8th October 2014 6.30pm - 8pm Parish Council and Cabinet Liaison

8th December 2014 6.30pm - 8pm Parish Planning Forum

11th March 2015 6.30pm - 8pm Parish Council and Cabinet Liaison

Contact for Parish Planning Forum : Bridget Fairley

(Email: bridget.fairley@scambs.gov.uk. Tel 01954 – 713157)

Parish Planning Forum 21st July 2014.

Questions and Responses

Gamlingay (3 questions)

My Planning Committee constantly struggle with these particular types of application, and clear guidance on what should and should not be a material planning consideration will enable us to be more consistent in our approach.

- Q1 Planning applications for mobile homes- temporary or permanent, for travelling community or other groups, monitoring and renewal of temporary consents, whether community benefit contributions are payable and enforceable.

Planning applications for the travelling community requiring mobile homes/caravans are considered a little differently to “normal” planning applications for mobile homes. The Government published “Planning policy for traveller sites” in March 2012 and this forms the basis for the determination of planning applications. Planning officers have adopted a basic checklist of matters to be considered based on this policy document. This includes an acceptance that in principle mobile homes may be found in the open countryside and the need to give weight to personal considerations (e.g. education, health, old age) as well as the availability of alternative accommodation.

The same would apply to a temporary planning permission and any renewal thereof.

The Council’s approach to community benefit contributions is to request these with all new applications. Planning permission is no longer issued until the necessary legal agreement is in place. As with all applications, the Council will consider issues of viability if asked to do so.

- Q2 Planning Applications in the open countryside.

Planning applications in the open countryside are determined in the light of Policy DP/7. This effectively permits development for agricultural purposes and for other uses that need to be located in the open countryside. If the proposed development is no such a use, the application would normally be refused unless the applicant can demonstrate there are other material considerations (e.g. need) that outweigh the policy objective

- Q3. When an application is referred to Committee for determination.

The rules guiding this is set out in a ‘scheme of delegation’ which forms part of The Council’s Constitution.

Under the present scheme all householder schemes are dealt with under delegated powers i.e. by officers.

For larger schemes, where the parish council wishes to support the application, but an officer is of the opinion it should be refused, it will still be determined under delegated powers. However where the parish council recommends refusal and officers wish to support, then the application will automatically be considered by Planning Committee.

Please note that any objection must be on material planning grounds. If there is any doubt, the case officer will contact the parish council to discuss the matter.

In all cases, a District Councillor can request that an application is considered by the planning committee. However, any request must be made within 21 days of receipt of the application and the decision to take it to committee is still subject to agreement of the Planning Committee Chair in consultation with the Development Control Manager.

Linton (10 questions)

Q4 At the next Planning Forum meeting, the section on Parish Planning Training – what will this be? Is it regarding training for Parish Planning Committees, is it a training session, or is it training to produce Parish Plans (or neighbourhood plans).

This item is to ask Parish Councils what sort of planning training they would like, when and how they would like it delivered. Officers will be suggesting a programme on which we'd welcome comments. Informed by your comments, we will then make arrangements for the training.

If Parish Councils would like a separate session on Parish and/or Neighbourhood Plans that is something that could also be arranged too.

Q5 It would be helpful to have a list of legal objections that a Parish Council Planning Committee can make, and the criterion required to make and support the objection.

Parish Councils are able to object on any “material” planning ground. What is material is always a matter of fact and degree. These will be covered further in the forthcoming parish planning training.

A useful list of material planning considerations can be found at <https://www.scams.gov.uk/sites/www.scams.gov.uk/files/documents/5%20Effective%20Reps.pdf> While some of this document is out of date, the sections on making valid representations and irrelevant matters are still useful.

Q6 For example, can we be expected to comment on loss of light, when the formula for such a calculation is complicated?

Loss of light is sometimes a difficult one for officers to judge. Nonetheless a judgement is usually made based on experience. It is only when the applicant has done a technical appraisal would officers need to consider this as the starting point.

Q7 Can we comment that police have identified a road as being one where motorists consistently exceed the speed limit?

Yes. But evidence to support the comment would be needed so that the context can be properly assessed. This information would be sent to the local highway authority for its comments and to assist in a recommendation on the application.

Q8 Can a planning committee comment on the design of the property and the lack of solar panels?

The planning committee can comment on design. This is a material consideration. However, it cannot simply say for example that it doesn't like part of the design for example flat roofs or that dwellings of modern design

are inappropriate. The objection needs to be substantiated with due reference to the property's surroundings.

The lack of solar panels would not usually form a reason a refusal as there is no policy requirement that they are provided.

Q9 If no objections are received from neighbours, can the Planning Committee assume the absence of objections, or does this require them to look for objections on behalf of the neighbours, which the neighbours may be unaware of?

The Planning Committee should not look for objections, simply because neighbours don't object. It should judge any scheme on its own merits and if it considers it has objections on a particular matter, it can make them. The absence of objections does not necessarily mean the local planning authority will approve an application. Again, officers will assess any potential impacts on neighbours regardless of whether they have objected.

Q10 It would be helpful if the 'calling in' procedure could be clearly explained and also the process involved.

Under section 77 of the Town and Country Planning Act 1990 the Secretary of State has power to direct the local planning authority to refer an application to him for decision. This is what is meant by a 'called-in' application. The Secretary of State will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. The procedure is best explained by reference to guidance that can be found online at

http://www.planningportal.gov.uk/uploads/pins/procedural_guide_call_ins.pdf

Q11 Do we still have dedicated Planning Officers for Listed Buildings and Conservation areas?

Yes.

In the first instance, however, all listed building applications are assigned to a planning case officer. The case officer will lead on the application and consult a specialist heritage officer as necessary.

The Council replaced the former Conservation Service during May 2014 with a new unit, called the Consultancy team with the aim that it would be structured and run in a business-like fashion providing a consultancy service to a number of internal customers including Development Control, Planning Policy and New Communities.

The new team provides ecology, urban design, landscape, sustainability and built heritage (Listed Buildings and Conservation Area) advice to its internal customers to help them and applicants shape planning proposals to ensure that developments are of the highest quality possible and respect and enhance both the natural and built environment. The Consultancy Team has also been very active in providing training for the planning team to increase their knowledge in specialist areas so that they can deal with customer queries at source rather than having to defer to an expert which can cause time delays.

Q12 An explanation of how the Design and Enabling Group operates, and their terms of reference on planning matters, would be helpful.

Please see the attached sheet.

Q13 Is it possible to have details, or perhaps a flowchart showing the process the Planning Officers go through when they receive a case, i.e. what is considered first and what do they move onto next, at what stage are other Officers brought in to consider such things as Listed Buildings?

We'll cover this in more detail in the forthcoming planning training sessions but at the Forum meeting we'll outline the stages.

Meldreth (2 questions)

Q14 We have asked at two previous forums if it is possible to publish addresses of those neighbours who have been advised of planning applications nearby to them. The response was that it was possible and would be looked into but nothing has happened. Other councils do it so can SCDC add it to their website as it would be helpful to Parish Councils who probably know better than SCDC who is affected by planning proposals? In course of other activities we have found three other councils that routinely do this so it seems as there are no good reasons for SCDC not to do this. The 3 councils that we have noted do this are Cambridge City Council, Bristol City Council and Scottish Borders Region Council. We are sure there are others and would appreciate a reply.

We apologise for the time it has taken to respond to this. We have been looking into to the possibility of doing this and are pleased to confirm that we will be doing this from 1st August 2014.

1. We have recommended approval of a large solar farm at Bury Lane Farm, Meldreth and in the process were looking at the number of solar farm planning applications that have been submitted to SCDC. At the time there were 13 schemes in process - some as full applications and some applying to see if they have to do an Environmental Impact Assessment. Another four applications had already been approved. At the time we were told that SCDC had to look at each scheme on its merits. We would like to know if there has been any progress on seeing how many such schemes are appropriate in South Cambridgeshire either from the standpoint of how much arable farmland we should lose or what is our fair share of the burden on our landscape. Important given that the press have recently reported that we have more solar schemes than anywhere else in the country, with two more in Melbourn announcing public consultations on 3 July.

This is going to be one of our main agenda items so that presentation will cover a number of the points raised here. We have prepared a map and list showing the location and sizes of all the solar farms in the district which we will present to the Forum.

Each planning application submitted is determined upon its own merits. However, the cumulative impact of the developments upon the countryside and landscape character is considered in the planning application decision making process. This is something that we are keeping under review.

Whilst it is acknowledged that the development would result in the loss of agricultural land, we are mindful that the loss is not permanent given that the proposals are for a temporary period of approximately 30 years and in that time the site could continue to be used for the grazing of livestock or improve biodiversity.

There is a lack of brownfield land within the district that could accommodate the solar farms because of their scale and the agricultural land classification across the whole district is very good (grade 2) or good to moderate (grade 3) so it is difficult to ensure that the land is of poor quality.

Suggested Parish Planning Training Programme.

Arrangements:

- District divided into 4 'patches' with meetings held in the District, so approx 25 parishes invited to each, up to two reps/parish
- 2 sessions for each – held before December; training to be accompanied by hand-outs and a glossary.

Content:

Session 1

- 1. Role of Parish Councils, probity and links to local members.**
- 2. Planning Policies**
 - **National Planning**
 - **The Local Plan**
 - **Neighbourhood plans.**
- 3. Planning applications:**
 - **Different types including amendments.**
 - **The life of a planning application.**
 - **What is a material consideration?**
(Including highway safety, drainage & design considerations)
 - **How are applications assessed?**
 - **When to use planning conditions & S106 agreements/CIL**

Session 2

- 4. Monitoring and Enforcement.**
- 5. Trees:**
 - **Tree preservation Orders**
 - **Application for works to trees in Conservation Areas.**
- 6. Heritage.**
 - **Listed Buildings**
 - **Buildings at Risk**
 - **Conservation Areas**

Future Sessions (District wide) – Spring onwards

- **Affordable Housing**
- **Parish and/ or Neighbourhood Plans.**



South
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District Council

5-Year Housing Land Supply



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The Issue

- Waterbeach appeals lost on two counts:
 - Do not have a 5-year housing land supply
 - Proposed Green Belt not sufficient grounds



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Background

- No 5-year supply since 2008 until new Local Plan
- New Local Plan is the solution
- Balance needed between strategic sites and village sites to provide early housing
- Objections to target and 5-year supply – 20% not 5% buffer – would need more village sites
- National bar increasingly moving higher to boost housing provision



Way Forward – for the Local Plan

- Seek Memorandum of Understanding with City Council on phasing of housing provision and a joint housing trajectory
- Tell Local Plan Inspector intention
- Formally agree MoU and submit to examination
- Put case forward but demonstrate flexibility
- If asked to identify more sites, be ready



Way Forward – for planning decisions

- Do not challenge appeals – much more likely than not that it would fail and high risks – credibility
- No 5-year supply means frameworks and other housing supply policies have little weight
- Proposals must still be sustainable development and Green Belt has full weight
- Pro-active steps eg. sites for City Deal 1000 exception sites; sites favoured by parish councils
- Monitor and manage business implications



Summary

- Been at risk since 2008 but held the line
- National picture changing – aim to boost housing being given effect by planning inspectors
- Narrowing window of opportunity for promoters of sites not in the Local Plan
- Local Plan examination important to resolve
- Pro-active - Memorandum of Understanding with City and being willing to respond positively