

## **EAST CAMBRIDGESHIRE LOCAL PLAN EXAMINATION**

Inspector: Miss Louise Nurser BA (Hons) Dip UP MRTPI  
Programme Officer: Hannah Charlish  
Email: Programme.Officer@eastcambs.gov.uk  
Tel: 07920 160203

## **EAST CAMBRIDGESHIRE LOCAL PLAN EXAMINATION**

### **INSPECTOR'S MATTERS, ISSUES, AND QUESTIONS FOR DISCUSSION AT THE EXAMINATION HEARINGS**

#### **VERSION 1**

The Hearings Programme may be updated. Please ensure that you check the latest position if you wish to attend a particular hearing by contacting the Programme Officer or viewing it on the website at [www.eastcambs.gov.uk](http://www.eastcambs.gov.uk).

Please remind yourself of the guidance concerning the format of the hearing at this Examination, contained in the Inspector's Guidance Note.

I have split the examination of the Local Plan into stages. These questions relate to STAGE 1. If following the Stage 1 hearing sessions, I conclude, in relation to these issues, the Plan is capable of being found legally compliant and sound (having regard to the potential for me to recommend main modifications) Stage 2 of the examination will then commence at a date to be subsequently arranged.

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### **Matter 1: Legal Compliance, including Duty to Co-operate.**

*Issue 1: Whether the plan been prepared in line with the relevant legal requirements and procedural matters?*

1. Has the Plan been prepared in accordance with the relevant Act and regulations?

#### Local Development Scheme

2. Has the plan been prepared in accordance with the Local Development Scheme in relation to timing and content?
3. Over what time period does the Plan provide for East Cambridgeshire's development needs?

#### Statement of Community Involvement

4. Has adequate consultation been carried out in accordance with the Statement of Community Involvement and the relevant Regulations?

#### Sustainability Appraisal

5. Has the plan been subject to Sustainability Appraisal (SA), including a report on the published plan, which demonstrates, in a transparent manner, how the SA has influenced the evolution of the plan making process? For example, how have the identified impacts on the historic environment, at Kennett and Swaffham Prior affected the allocation of sites (KEN.M1 and SWP.H1)? Has access to community infrastructure, including to education provision, been appropriately assessed within the SA?
6. What is the relationship between the SA and the Site Assessment Evidence Report? Is the evidence which underpins the Site Assessment Evidence Report complete, with particular reference to potential flood risk matters and the Water Cycle Study? How has this informed the allocation of sites?
7. Have all reasonable alternatives been considered in terms of policies and sites? Are there any policies where there were no reasonable alternative policy options to consider? If so, what is the justification?

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### Habitat Regulations Assessment (HRA)

8. Is it the Council's intention to seek to address the recommendations of the Habitat Regulations Assessment (HRA) Methodology and Screening document which was produced to accompany the Local Plan? If not, what are the implications of not responding to, and acting upon all the recommendations set out within the HRA?
9. Is the Plan's strategy and distribution of development positively prepared, justified, effective, consistent with the national policy, and the recommendations of the HRA? Have the likely combined or cumulative adverse recreational impacts of the distribution of development; an increased population; and the potential impact of the loss or physical damage of supporting habitat been appropriately assessed in relation to the relevant sites of international significance? How have NE's Impact Risk Zones informed the HRA? Is it appropriate, in the interests of certainty and consistent with the Habitats Regulations, that sites be allocated within the Local Plan, which require project based HRAs where there is the potential that these may preclude development? If so, are there any risks to the development strategy of the plan?
10. Is there sufficient evidence to support the conclusion, that there is unlikely to be additional recreational use of Devil's Dyke, Ouse Washes, Wicken Fen and Chippenham Fen, as a result of new developments, and therefore, there would not be consequential significant adverse effects. If there is not, and taking the precautionary approach, what would be the appropriate mechanism to mitigate the impacts of the proposed development within the 8 km zones of influence of accessible European sites and throughout the wider district?
11. Is there evidence to demonstrate the level and distribution of growth proposed would not have an adverse impact on the aquifers linked to any of the Natura 2000 sites? Does the potential reduction of water quality, identified by NE within its representations, impact on the recommendations of the HRA?

### Climate Change

12. Whether the overarching strategy of the Local Plan is designed to secure the development and use of land which contributes to the mitigation of, and

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adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004?

### Duty to Co-operate

13. Notwithstanding that no prescribed body has made any representation, either during or outside of a formal consultation stage, which states that they have a specific concern under the Duty to Co-operate, has the Plan been prepared in accordance with the Duty to Co-operate? Specifically, has the Council discharged its duty to maximise the effectiveness of the plan- making process in relation to strategic matters, including development and infrastructure requirements, flooding and other cross- boundary issues and strategic priorities, including those of the Greater Cambridgeshire Greater Peterborough Local Enterprise Partnership (LEP) and Natural Cambridgeshire (LNP), as well as other prescribed bodies such as Highways England (HE), the Environment Agency (EA), Historic England (Hist E) and Natural England (NE)?
14. How has the Council engaged with all its neighbours and the County Council in considering and identifying matters of strategic importance in the preparation of the plan? What is the significance and practical implication of the Cambridgeshire and Peterborough Devolution Deal (PE33) in relation to matters of strategic significance to the submitted Local Plan, including housing and transport matters?
15. How has the Council demonstrated active and sustained engagement consistent with the Duty to Co-operate following the agreement in 2013 of the formal *Memorandum of Co-operation: Supporting the Spatial Response* and the *Strategic Spatial Priorities Addressing the Duty to Co-operate across Cambridgeshire and Peterborough 2014*? Do the strategic matters identified remain relevant; do the means of co-operation remain appropriate; and is the approach taken consistent with National Policy as a means of addressing the strategic issues facing East Cambridgeshire, and the wider region, within the plan period? Specifically, has the Duty to Co-operate been discharged in a manner consistent with Paragraph 179 of the Framework, and is the premise that East Cambridgeshire's development needs cannot be wholly met within its boundaries justified by evidence?
16. Is the evidence accompanying the Plan which relates to matters of cross boundary and strategic matters, including housing and transport matters,

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proportionate; sufficiently up-to-date, and have the final versions of all reports been provided?

### **Matter 2: Vision and Objectives and Development Strategy**

*Issue 1: Whether the Spatial Vision for East Cambridgeshire is justified, effective, consistent with national policy and positively prepared?*

17. Are the key local plan issues and objectives which have been identified relevant; justified; and consistent with National Policy?

*Issue 2: Does the overarching development strategy for the Plan present a positive framework which is consistent with national policy, justified and effective, and will contribute to the achievement of sustainable development within the District?*

18. Nearly half of the housing requirement set out within the submitted Local Plan is proposed to be delivered on strategic sites at Ely, Kennett, Littleport and Soham. Is the strategy and distribution of development justified, effective, positively prepared and consistent with the particular circumstances of East Cambridgeshire District?
19. Will the development strategy achieve the Council's vision and strategic objectives and deliver sustainable development for East Cambridgeshire? Does Policy LP3 clearly set out the distribution of development and is the settlement hierarchy justified? Does the evidence suggest that some settlements should be placed at different levels within the hierarchy? If so, what implications would this have, if any, on the development strategy?

### **Matter 3: Objectively Assessed Needs for Housing and Employment Land**

*Issue 1: Whether the Council's approach to calculating its full, objectively assessed needs is justified, based on up-to-date and reliable evidence, effective, positively prepared, and consistent with national policy?*

#### Objectively Assessed Need

20. What is the implication of there being a different time period for housing need and employment growth? What is the justification?

#### Employment:

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21. Is the objectively assessed need for economic development based on an appropriately defined functional economic market area?
22. Is the need for 6,000 jobs consistent with the evidence? In particular, why is there such a difference between the East of England Forecast Model (EEFM) of 2014 and 2016 (7,100 jobs and 4,820 jobs respectively)? How do past trends inform the figure of 6,000 new jobs within the submitted Local Plan? How has the potential to reduce the level of out commuting been taken into account in calculating the 44.4 ha 'need' for employment land within the district?
23. Is the assumption that employment land would be lost to other uses, over the plan period, @0.98 ha per annum justified? Is it correct that the requirement for employment land to cater for both job creation, and the loss of existing employment land to other uses, is for around 66 ha of employment land allocations?

### Housing:

24. Is the Council's use of the standard methodology to determine local housing need, referred to within the consultation draft of the National Planning Policy Framework<sup>1</sup>, justified, positively prepared, effective, consistent with national policy, and an appropriate alternative methodology to that set out within the Planning Practice Guidance<sup>2</sup>?
25. How does this methodology compare in absolute numerical terms to the more traditional approach set out within the Planning Practice Guidance and which has been followed within the October 2016 Objectively Assessed Housing Need paper (PE6)? What is the Council's reason to alter its approach to the calculation of its objectively assessed need between the publication of the Further Draft Local Plan in February 2017 and the Proposed Submission version of November 2017?
26. Is it appropriate that PE 6, which forms part of the Council's evidence base, relies on a district wide update of the relevant element of the 2013 SHMA, which covers the whole of the Cambridge Housing Market Area? Does the

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<sup>1</sup> Consultation draft National Planning Policy Framework March 2018 paragraph 61

<sup>2</sup> Planning Practice Guidance: Paragraph 005 ID:2a-005-20140306

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geographical extent of the HMA still remain appropriate and justified? Does the continued reliance on the wider 2013 SHMA remain consistent with the advice within the PPG, *'that local authorities should co-ordinate future housing reviews so they take place at the same time<sup>3</sup>'*, given that it informed the adopted Local Plan, which the submitted plan seeks to replace?

27. Are the housing figures and assumptions contained within PE6, robust and justified? Do they take into account recent DCLG household projections, appropriate market signals, forecast jobs growth and the need for adequate levels of affordable housing to be provided? Has an allowance been made for vacancy rates and second homes with reference to existing and future housing stock?
28. What assessment has taken place of the needs of particular groups, by household size, type and tenure, including self-build and custom housebuilding? What assumptions have been made to calculate the need for specialist housing types, for example, housing for older people and students, and for households with specific needs, to ensure that the appropriate level of need is made explicit within the plan to enable provision and delivery of the required levels and type of housing? Does the housing figure require any amendment to cater for these needs?
29. Is the plan clear as to the identified need for additional pitches for gypsies and travellers and travelling show people and is the identified need soundly based and supported by robust and credible evidence base consistent with the *'Draft Guidance to local housing authorities on the periodical review of housing needs- Caravans and Houseboats DCLG 11 March 2016'*?

### **Matter 4: Housing and employment land requirement**

*Issue 1: Whether the Council's approach to calculating its housing and employment requirements is justified, based on up-to-date and reliable evidence, effective, positively prepared, and consistent with national policy?*

Housing:

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<sup>3</sup> PPG DD:2a-007-20150320

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30. Is the identified overall housing requirement of 10, 835 dwellings or 542 per annum (dpa) over the plan period justified and consistent with national policy?
31. Do either of the two parts of the second bullet point within Paragraph 14 of the Framework apply to meeting East Cambridgeshire's objectively assessed needs? If so, how?
32. What is the justification to discount the OAN figure by 1,125 dwellings and to rely on Peterborough to contribute to the delivery of East Cambridgeshire's needs? What evidence is there that Peterborough has previously delivered the housing needs of East Cambridgeshire, and will continue to do so, and when?
33. The soundness of individual site allocations will be considered at Stage 2 of the Examination, and I will not be considering individual site allocations in any detail at this stage. However, is the assumption that 1060 dwellings will be delivered over the plan period as a result of windfall developments and unallocated Community Land Trust sites realistic and justified by evidence?

### Employment:

34. Is the scale of the allocation of some 154 hectares of land for employment purposes justified, effective, and consistent with national policy? How does this proposed quantum of employment land relate to, and compare with the objectively assessed needs of the district?