



**East Cambridgeshire  
Local Plan Examination**

**Matter Statement 1  
Legal Compliance**

**Responses on behalf of  
Endurance Estates Strategic Land Ltd  
Respondent Number: 1065821**

**May 2018**

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**Turley**

## 1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Turley, on behalf of Endurance Estates Strategic Land Ltd (Endurance Estates) pursuant to Part One of the East Cambridgeshire Local Plan Examination, June 2018.
- 1.2 Endurance Estates objects to a number of policies within the emerging Local Plan as set out in our November 2017 written representations. These are that the Plan has not been positively prepared, is not justified, effective or consistent with national policy. Therefore the Plan cannot be considered sound in its current form.
- 1.3 The main matters of dispute comprise, inter alia: the five year housing land supply, Policy LP2, Policy LP3, infrastructure provision and the transport strategy, along with settlement-based objections relating to Sutton and Fordham. This Matter Statement specifically considers **Matter 1**, questions 5, 6 & 7 relating to the sustainability appraisal process and the assessment of reasonable alternatives.
- 1.4 Endurance Estates and its professional planning advisors have not requested to participate in the relevant Matter Hearing Session and the Programme Officer has been notified accordingly.

## 2.0 RESPONSE TO QUESTION 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?*

- 2.1 As set out at paragraph 001 (Reference ID: 11-001-20140306) of the Planning Practice Guidance the role of a Sustainability Appraisal is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help the Council to achieve relevant environmental, economic and social objectives.
- 2.2 Paragraph 5.4.2 of the East Cambridgeshire Sustainability Appraisal (SA), dated November 2017, states that ‘any judgements made through the assessment of policy options has been explained including any assumptions, in order to make the SA process as transparent as possible’.
- 2.3 However, having reviewed the SA, we do not consider that the significant effects of each of the options have been fully considered, especially with regards to the appraisal of individual sites and access to different types of community infrastructure.
- 2.4 As currently drafted, it is difficult to understand how various dimensions of sustainability were assessed as part of the SA with regard to paragraph 85 of the NPPF. The SA does not distinguish between the different types of community infrastructure. Rather the current approach groups services and facilities under the one sustainability objective 6.1 to ‘Improve the quality, range and accessibility of services and facilities’.
- 2.5 As evidenced by the outcomes of the SA, the use of this sustainability criteria fails to provide a robust evaluation of the likely effects of the Local Plan policies and alternatives. The failure of the SA to consider the full impact of the ECDC’s proposed strategy against reasonable alternatives, is most evident when considering the situation with regards to the growth proposed around Soham.

- 2.6 The Submitted Local Plan intends to rapidly increase the current population by 20% within five years and then by 40% overall. As set out in the policies to the plan, mitigation measures will be necessary to reduce the negative impacts associated with development. East Cambridgeshire's Infrastructure Investment Plan (IIP) 2017 indicates that Soham requires 3 X 210 place primary schools at a cost of £15 million and 450 further secondary school places, costing £11.8 million.
- 2.7 With regards to education provision alone, the cumulative effects associated with this level of growth are therefore likely to be significant. The Sustainability Appraisal however does not provide any convincing evidence that this scale and rapidity of this change is environmentally or socially sustainable, which suggests that the socio economic impact has not been fully assessed.
- 2.8 As indicated above, Endurance Estates have significant concerns with regards to the SA and in particular the process used to assess the growth options and sites. It would appear that the SA report seeks to support/consolidate the Council's position rather than objectively assess genuine reasonable alternatives.
- 2.9 This is reflected in the spatial strategy, which mostly favours towns of low viability and vitality, such as Littleport and Soham, where infrastructure provision is likely to be problematic and requirements for affordable housing and CIL must be substantially discounted relative to other more viable locations. There is a disproportionate reliance upon Soham to deliver committed development in the district over the next five years (25%) when recent historic and current market indicators suggest the complete opposite. As set out in our representations to the PSLP, there is a considerable misalignment between the level of critical infrastructure required in these locations and the limited mechanisms identified to achieve it.
- 2.10 This is particularly relevant in connection with new health and education provision, where very significant funding gaps are clearly evident. There are also critical issues in relation to transport, where strategic allocations such as Littleport, have been made in advance of any relevant highway capacity studies necessary to justify such allocations. The scale of development proposed around the settlements of Soham and Littleport and the level of mitigation required has simply not been adequately assessed by ECDC through the SA process.

- 2.11 Rather than provide a meaningful assessment of the preferred growth strategy against reasonable alternatives, the SA fails to take account of all relevant evidence and material circumstances (e.g. heritage, flood risk, biodiversity and deliverability) or relies on incomplete evidence.
- 2.12 The assessment criteria that have been applied are subjective, not effective in distinguishing between options and require clearer quantification and/or weighting to allow more meaningful assessment.
- 2.13 As set out above in our response to Q7 (see below) the SA fails to adequately test the evidence underpinning the plan. Having reviewed the SA, it is in no way conclusive that the preferred growth strategy, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- 2.14 There are clearly a number of issues that have not been fully considered as part of the SA, which would strongly suggest that the tests of soundness have not been met.

### 3.0 RESPONSE TO QUESTION 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?*

- 3.1 As set out in our previous representations to the PSLP, Endurance Estates have raised significant concerns with regards to clear lack of evidence, underpinning the proposed spatial strategy. Not only do we consider there to be limited evidence with regards to flood risk matters and ECDC's Water Cycle Study but also the general infrastructure requirements relating to Soham and Littleport.
- 3.2 Soham has grown considerably over the past 10 years, mostly to the north of the town. However it faces key challenges in expanding significantly further. Whilst additional critical mass may potentially increase local spending power over the longer term, the current lack of strong commercial drivers the town centre and the lack of other primary infrastructure will greatly inhibit the rate of new housing delivery in Soham.
- 3.3 Despite the very low levels of future CIL receipts and as set out previously in our response to question 5 above, East Cambridgeshire's Infrastructure Investment Plan (IIP) 2017 indicates that Soham requires 3 X 210 place primary schools at a cost of £15 million and 450 further secondary school places, costing £11.8 million.
- 3.4 This produces a required total of around £26.8 million for educational needs, which rises to a total of £27.5 million when the additional costs of new health facilities are factored into the equation (£850K). All of these matters are prioritised in the IIP as being 'essential infrastructure' to support Soham's growth requirement, but no additional funding mechanisms are proposed or indicated.
- 3.5 Similarly, we can find no financial costings or other tangible evidence of how the funding would be secured for the proposed road improvements in Soham within the Transport Strategy for East Cambridgeshire (PE30). It is also our understanding that the strategic allocations relating to Littleport, have been made in advance of any relevant highway capacity studies.

- 3.6 The repercussions of this situation in terms of deliverability is exemplified by the recent deferral of the outline application for 680 dwellings by East Cambridgeshire Members at Littleport, which still has unresolved highways issues and requires the signing of a S106 agreement.
- 3.7 Paragraph 4.6.1 of the EVR on Strategic Transport suggests that there is no difference between the Adopted Plan and the PSLP, as they both seek a reduction in the need to travel. As such, paragraph 4.6.2 confirms that ‘on the basis of transport policy, alone no extensive transport modelling work is necessary for the emerging Local Plan’.
- 3.8 However the road improvements and new community infrastructure are essential as the development proposed in the submitted Plan intends to increase the current district population by 20% within five years and then by 40% overall.
- 3.9 There is also a fundamental contradiction in the Plan in that the Council claims to have worked closely with Natural England for years, in relation to HRA Screening Reports associated with previous Local Plans, including the most recent Local Plan adopted in April 2015. The Adopted Local Plan, as agreed by Natural England, did not need to progress to Stage 2 Appropriate Assessment.
- 3.10 However, the new emerging Local Plan covers a different time period, is proposing differing growth patterns and new site allocations. As such, the Council acknowledges that a new HRA Screening Report needs to be prepared.
- 3.11 This need for a further Screening Report runs entirely counter to the premise that ‘no extensive transport modelling work is necessary for the emerging Local Plan’ when the Council’s own logic dictates that other assessment work is required associated with the different growth patterns and new allocations, as the emerging Local Plan is materially different from the Plan it is intended to replace.
- 3.12 Therefore it is fundamental that further transport modelling work is undertaken, the lack of which totally undermines the claimed delivery potential of the new allocations. However it is stated at paragraph of 5.5.1 of the SA that ‘in many instances however it is likely that it will not be possible to quantify the effects of the Plan’.

- 3.13 Whilst we appreciate that the SA cannot be expected to test for all eventualities, it is imperative that the primary effects relating to transport infrastructure, health and education provision, arising from the new allocations, are properly assessed.
- 3.14 The need, through the SA process, for a thorough evaluation of the ways by which the plan can contribute to improvements in environmental, social and economic conditions, is especially important given ECDC's decision to direct high levels of growth towards Soham and Littleport. These towns are already identified as areas of low viability where infrastructure provision will be problematic.
- 3.15 Given the need for further HRA Screening and in the absence of robust evidence on matters such as transport infrastructure, the SA cannot adequately demonstrate that the proposals in the plan are therefore the most appropriate given the potential for other reasonable alternatives.

#### 4.0 RESPONSE TO QUESTION 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?*

- 4.1 Having reviewed the findings of the SA, Endurance Estates does not agree that all reasonable alternatives have been fully considered in terms of both policies and sites.
- 4.2 As set out in our responses to questions 5 and 6 above, one of the fundamental issues with the SA relates to the weaknesses of the Council's own evidence base. Paragraph 001 (Reference ID: 11-001-20140306) of the Planning Practice Guidance states that one of the purposes of the SA process is to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met.
- 4.3 For the SA process to be fully effective it is imperative that there is clear and up-to-date "baseline information" relating to the existing environmental, economic and social characteristics of the area. In the absence of detailed evidence on matters such as transport capacity, it will not be possible to assess the likely effects of alternative proposals in the plan.
- 4.4 Notwithstanding our concerns with regards to the accuracy of the baseline information, Endurance Estates also disagrees with the methodology used by ECDC to assess the various options outlined in the SA. It would appear that the Council has decided not to identify a weighting to each of the assessment criteria used to assess the different policies and sites.
- 4.5 As a result the current approach is not considered transparent and there appears to be inconsistency in the assessment of different options. Therefore, in order for meaningful comparisons to be made by the Local Authority, we suggest that the methodology is revised and the SA properly updated.
- 4.6 This would allow for a more objective assessment of reasonable alternatives, providing likely additional options which are more viable, sustainable and genuinely deliverable.