

Note on DtC and wider discussions on strategic matters.

Date of note: 9 July 2018

Introduction

On day 2 of the East Cambridgeshire Local Plan hearings (which was primarily a day investigating legal matters, such as Duty to Cooperate), the Inspector asked the Council to document more fully the 'cooperation' undertaken with Forest Heath council. This document has been agreed with Forest Heath / West Suffolk as being factually correct.

[Note: Forest Heath district council is in Suffolk, and is an immediate neighbour to East Cambridgeshire. However, Forest Heath has, for a number of years, been 'merging' with St Edmundsbury council, under the 'brand name' of West Suffolk. In simple terms, in any of the communication in this note, Forest Heath and West Suffolk are one of the same]

Set out in this documents is a selection of dates to help demonstrate that 'cooperation' has clearly occurred, and on an ongoing basis more than sufficient (in East Cambridgeshire District Council's opinion) to demonstrate that the legal test of cooperation with this neighbouring authority has been passed. For a limited number of items, minutes or agendas have been provided.

The material provided shows evidence of cooperation on a wide range of matters, including potential development sites, infrastructure (especially highways) and school places.

Please note that the matters set out in this document **exclude** evidence relating to the formal stages of consultation (i.e. letters from ECDC, and formal representations made by Forest Heath). Those communications are already available in the submitted evidence library.

Please also note that this document does not set out the full extent of emails, telephone conversations, notes, reports or other matters which have been undertaken over the past 3 years between the two councils. Whilst much more is available, it is felt that this document more than adequate fulfils the request of the Inspector to provide further evidence of cooperation.

Summary:

The table below provides a summary of the additional evidence. The appendices provide the details.

Date	What	Detail
10/06/16	DtC specific Meeting	See Appendix 1
12/08/16	DtC specific meeting	See Appendix 2 (agenda only – minutes not taken / not available)
Aug / Sept 2016	Various exchanges ECDC / FDC, particularly on suggested sites	See Appendix 3
7/09/16	Wider meeting between councils and other participants – Transport focus	No agendas or minutes provided in this document (whilst ECDC was content to publish such material, Forest Heath did not support publication, stating that ' <i>the minutes refer to work that is not yet complete and is being prepared to inform the next Local Plan, putting such information in the public domain would be inappropriate</i> ')
30/11/16	Wider meeting between councils and other participants – Transport focus	
30/01/17	Meeting relating to school places	
5/10/17	Wider meeting between councils and other participants – Transport focus	
7/12/17	Wider meeting between councils and other participants – Transport focus	

**Duty to Cooperate meeting
East Cambridgeshire District Council
10 June 2016**

In attendance:

Steven Wood West Suffolk Councils (FHDC & St Eds BC)

Ann-Marie Howell “ “ “

Samantha Robertson “ “ “

Jackie Ward “ “ “

Richard Kay East Cambs DC

1. Purpose of meeting: to identify strategic matters and potential cross- boundary issues and whether and how these might need to be considered further. A-MH updated RK on where the FH local plans are in the process, and went on to identify the Duty to Cooperate issues.

2. SR outlined where FH is in terms of updating the OAN, and the market signals work carried out by Peter Brett Associates. FH plan to meet full OAN (6,800 dwellings, 2011-31) as demonstrated in Preferred Options Single Issue Review (SIR) and Site Allocations Local Plan (SALP) however there are potential issues and wanted to bring these to ECDC attention. An update on the outstanding call-in decision on Hatchfield Farm (400 dwellings) and proposed development sites in Lakenheath (850 dwellings) issues was outlined. Studies under way to ensure the evidence is in place on housing numbers, and allocations made in Newmarket, Lakenheath and Mildenhall. A-MH suggested that we will need to meet again, probably in early August when we have analysed the consultation responses and findings of the studies.

A-MH advised FH were not at this stage asking for an ECDC to take our potential unmet housing need. RK stated that given ECDC had already agreed to pass some of EC need to elsewhere in the Cambridge HMA, it would appear unlikely ECDC would be in a position to take need from elsewhere.

RK outlined that ECDC is looking at identifying sites (from their recent call for sites). The next big decision will be mid-October at full Council. Currently looking at consultation responses to 4 options, but the proportionate distribution option appears to be emerging as popular with parish councils and other consultees. ECDC have contacted Cambridgeshire CC on their sites for a transport assessment, and will get evidence to support the distribution options, however CCC have had recent capacity issues in responding to district council requests in relation to highway matters.

The sites put forward in the recent call for sites in Kennett were discussed. The Community Land Trust initiatives in ECDC are very popular, and there is some interest in creating a “landmark” CLT on the large site put forward at Kennett (500 homes) (ref: site/14/05).

ECDC has asked parish councils to appraise all the sites by 11th July.

The new local plan is rolling forward the plan period to 2036 and essentially looking at the need for sites to accommodate an additional 4,500 dwellings. The lack of a five year land supply is driving production of the local plan – and this also leads to the need to spread growth around and on smaller sites.

RK advised that ECDC are a CIL authority, with no intention to amend its rates at present.

3. Employment land – RK said that there are lots of employment sites allocated as well as unallocated, so it may be the case that there will not be more added this time round.

We looked at the employment site (ref: site/14/01) put forward at Kennett that might be a possibility as part of the A11 corridor project.

There is no Employment Land Review currently being commissioned at EC, but as there are already a lot of sites allocated/already existing RK felt that only a "light-touch" review was likely necessary, and the conclusion could well be that they don't require any more sites.

Retail – SR advised WS have commissioned a retail study, and enquired if there is major planned public or private investment in any of the towns. RK said that the main allocation in the existing local plan is on the edge of Ely, but that a scheme to move Tesco out to this from its location by the station has fallen foul of Tesco's review of sites and the cancelling of new site building projects.

4. Infrastructure – JW outlined the AECOM 2009 update study, and commissioning of the second stage to assess mitigation required as a result of the cumulative impact of growth proposals, including the growth planned in East Cambs.

RK spoke about the Ely southern by-pass. Agreed by the LEP but still awaiting the final DfT approval. Consultants who drew up the scheme didn't look at the consequential impacts on junction 37 on the A14. RK felt that a completed by-pass might result in more traffic travelling north on the A142 to avoid the A10.

We discussed junctions 37, and 38, and suggested that we jointly raise these issues with Highways England. It was suggested that we might usefully have a meeting of Suffolk and Cambridgeshire County Councils with ECDC and West Suffolk councils (and HE?) to look at the A14, and A11 (Fiveways).

RK outlined the process at ECDC – there is a non-decision making Local Plan Member Working Group (doesn't meet in public), and this has meetings due on 21 June and 25 July at which RK would hopefully get a steer on distribution. Apart from this, all stages of the local plan process need to go through full council, which are generally held every 3 months.

It was agreed that we should meet again later in the summer (probably around mid-August).

JW/SR/13.06.16

**Duty to Cooperate meeting between West Suffolk councils and
East Cambridgeshire District Council
12 August 2016
Agenda**

1. **Issues affecting Local Plan preparation/cross border issues**

- OAN and the 2014 Household projections (see attached)

Forest Heath

- Hatchfield Farm, Newmarket – (decision imminent);
- Employment land at Red Lodge;

East Cambridgeshire

- SHLAA – employment and residential sites
- Land at Kennett – pre-application enquiries both sides of the boundary;
- Waterhall Farm

2. **Employment Land Review and the A11 corridor study**

Forest Heath ELR

3. **Transport and highways**

- Progress with FHDC AECOM transport study
- Joint Cambridgeshire County Council, East Cambs, Suffolk County Council West Suffolk meeting (dates being held 7th, 12th and 15th September awaiting responses from attendees)

4. **AOB**

Appendix 3 – Aug / Sept 2016 exchanges

From: Richard Kay
Sent: 23 August 2016 11:40
To: Wood, Steven < >
Cc: Howell, Ann-Marie < k >
Subject: Land at Kennett

Dear Steven,

As a result of our ongoing communications between East Cambs Council (ECDC) and West Suffolk Council, you are aware of a number of sites (six) which have been suggested to ECDC for potential inclusion in the emerging Local Plan in the broad Kennett area. As these are close, or even adjacent to, your council's administrative area, I would be grateful for your views on these suggested sites. I accept these views are likely to be at 'officer level' and given to me without prejudice to any other view your council might give as and when the East Cambs Local Plan progresses to future formal consultation stages.

The sites can be found from page 40 (for site 07/01) and from page 121 (all other sites) of the following:

http://www.eastcambs.gov.uk/sites/default/files/ECDC%20Call%20for%20Sites%20Report%20May%202016%20part2_0.pdf

The sites are labelled as follows, and are all for housing (or predominantly housing), except site 14/01:

07/01
14/01 (Employment use suggested)
14/02
14/03
14/04
14/05

For each site, I would be grateful for one of the following three views:

- (A) No comments and/or concerns, in principle, at this stage
- (B) Support, in principle, for the suggested site (with brief reasons, if possible)
- (C) Do not support, in principle, the suggested site (with brief reasons, if possible)

In addition, it would be helpful to understand whether, if a particular site was to be included in the Local Plan, you have any particular policy requirements for that site. This would helpfully be done even for those sites which, in principle, you do not support. I would particularly be interested to understand, in this regard, whether you have any cross-boundary requirements (eg highway, railway, footway, cycleway requirements or mitigation).

Could I please have a response by 10.00am on 20 September at the latest, so that I can inform my Member Working Group meeting of the same date.

Once again, I reiterate that any views you give can be without prejudice to any future views your council might take, and I accept in the timeframe available, your views may be brief.

Many thanks for your cooperation.

Regards

Richard Kay
Strategic Planning Manager
01353 616245

From: Wood, Steven []
Sent: 26 August 2016 14:32
To: Richard Kay
Cc: Nicholas, Boyd; Howell, Ann-Marie
Subject: Land at Kennett

Dear Richard

Thank you for your email dated 23 August, please note that we will formulate a response which we will take through Cabinet Planning on the 20th September, but will send a draft response prior to this.

For your information I have asked Boyd Nicholas to lead on this so please contact Boyd in the first instance if you require any further information.

Kind regards

Steven

From: Nicholas, Boyd [mailto:]
Sent: 21 September 2016 09:27
To: Richard Kay < >
Cc: Howell, Ann-Marie < >
Subject: RE: Land at Kennett FHDC officer response

Hello Richard,

For your information the officer level comments forwarded to you yesterday were noted by members at Forest Heath's Cabinet Planning last night. They welcomed the chance of early involvement and were content for the response to be officer level at this stage. In debate concern was expressed regarding the cumulative impact of all the proposed sites and the individual larger sites in terms of infrastructure (especially transport, water and education), natural environment and on the existing communities. Members stated that they look forward to being involved in ongoing consultation and were keen to work together on infrastructure constraints to unlock delivery of growth.

Regards,

Boyd.

[text below sent by Nicholas Boyd on 20 September, which was confirmed by email on 21 September as the position of Forest Heath]

Response to East Cambridgeshire District Council (ECDC) Re: emerging Local Plan Call for Sites Report May 2016

Introduction

ECDC is currently preparing a new Local Plan for East Cambridgeshire. The new Local Plan will replace the current adopted Local Plan and will include policies and proposals to 2036. As part of this process a ‘Call for Sites’ exercise was held in February and March 2016 where local agents, developers, landowners, parish councils and residents were invited to suggest sites to be considered as potential allocations to meet future growth.

Duty to Cooperate

As a result of the obligation for neighbouring authorities to cooperate ECDC have asked for FHDCs views on six sites near to or adjacent to our shared border in the Kennett / Kentford and Red Lodge area. At this stage an ‘officer level’ response has been requested which can be given without prejudice to any formal ‘Council’ view as a result of later statutory consultations.

The sites are as follows: (See Map at Appendix 1)

- 07/01 - Land at Grange Farm, Red Lodge (400 dwellings proposed on 16 ha gross site area)
- 14/01 - Chippenham Road, Kennett (19.5 ha gross area Employment use suggested)
- 14/02 – Station Road, Kennett (45 dwellings proposed on 1.26 ha gross site area)
- 14/03 – Station Road, Kennett (60 dwellings on 1.68 ha gross site area)
- 14/04 – Hanson Quarry Products, Station Road, Kennett (18 dwellings on 0.785 ha gross site area)
- 14/05 – Land to the west of Station Road, kennett (500 dwellings on 40.5 ha gross site area)

Next Steps

It should be noted that these sites are not supported by ECDC at this stage; they are merely a collection of sites submitted to the council as part of the draft local plan consultation process. All the submitted sites will be assessed by ECDC before the councils preferred sites are published in the Further Draft version of the East Cambs Local Plan in autumn 2016.

The table below sets out the proposed ‘officer ‘response in relation to these sites for Members information and comment:

Site (Proposal)	No comments (A) / Support in principle (B) / Do not support in principle (C)	Reasons / notes	Suggested policy requirements / cross-boundary requirements / mitigation
07/01 (Residential – approx. 16ha 400 dwellings proposed. (41.6 dph on developable area)	(C)	<p>There would be significant concerns that northbound vehicle movements from the site would be directed through Red Lodge via the B1085 in order to access the A11.</p> <p>There would also be concerns that housing in this location would exacerbate primary school capacity in Red Lodge (St. Christopher’s CEVC Primary School), particularly in accumulation with approved applications and</p>	<p>A policy consideration / requirement for a Travel Plan would be considered essential.</p> <p>A requirement for project-level HRA should be incorporated into any policy in reflection of the potential impacts on the foraging and nesting of stone curlews on site, and also regarding recreational disturbance to the Brecklands SPA. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an ‘Appropriate Assessment’ of the implications for that site before allocation.</p>

		<p>allocations within the emerging FHDC SALP.</p> <p>The site is detached from any existing settlement boundaries within East Cambridgeshire, and also that of Red Lodge, following the proposed amendment to the settlement boundary of Red Lodge in the emerging FHDC SALP. In addition, the presence of the Red Lodge Heath SSSI to the immediate north of the site further separates the site from existing residential development within the settlement.</p> <p>In order to avoid impacts of built development on stone curlews, plan policy for relevant local authorities around the Brecks has included a 1500m zone around the parts of the Breckland SPA where stone curlews are present. Within such a zone a likely significant effect from new development is presumed at the plan level and adverse effects cannot be ruled out. The site is partly within the nesting constraint zone for Stone Curlews.</p> <p>The site is within an IRZ of the Red Lodge Heath SSSI, and would require consultation with Natural England at the expected scale of growth (over 100 dwellings). It should also be noted that the Red Lodge Heath SSSI is showing signs of recreational damage, particularly in close proximity to the main path. This is likely to be an issue in reflection of the potential scale of the proposal and in-combination with planned growth in Red Lodge within the FHDC SALP.</p>	<p>In order to address recreational impacts upon the SPA it would be of importance that residential applications have sufficient green infrastructure on site in order to contain recreational activity.</p> <p>In accordance with the granting of outline planning permission DC/16/0596/OUT and in response to Natural England comments on the natural greenspace study of the FHDC SALP, any forthcoming site policy should include that developer contributions be used for the provision of a warden service at Red Lodge Heath SSSI. This would go some way to addressing concerns about the impact of any proposal at site 07/01 on the SSSI.</p> <p>There would be a need for a very high quality of design and landscape setting for any scheme on this prominent site at the 'entrance' to the settlement of Red Lodge from the south.</p> <p>The local catchment (primary) school would be St Christopher's CEVC Primary School, which is under pressure regarding demand for school places to meet existing need. With latent population growth and further planned housing growth in Red Lodge over the FHDC SALP (plan) period, the agreed education strategy is to deliver a new 420 place primary school; a site location has been identified and negotiations are in progress to deliver a new primary school by September 2018. On this basis, and reflecting the position taken for recent planning permission DC/16/0596/OUT within Red Lodge, it would be equitable to include within policy that the site acquisition costs and build costs of the new school would be shared in a pro-rata and proportionate way between developers. This would also include early years provision as per the relevant education strategy.</p>
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		<p>FHDC has undertaken a natural greenspace study to support the emerging SALP. This is based on existing accessible natural greenspace available in each settlement, and recommends an approach to mitigation. For Red Lodge, additional provision as part of future developments has been identified, in particular extension of the existing greenspace provision and/or improvements to divert pressure away from the SPA and Red Lodge Heath SSSI and new access routes, potentially focusing on the River Kennett corridor. Site 07/01 is within the corridor of the River Kennett. Development proposals submitted through the call for sites process of the FHDC SALP are not being supported in this broad area due to the importance of such corridors for recreation use.</p> <p>The scale and location of the proposal would be contrary to the village profile of Kennett within paragraph 8.18 and also Policy GROWTH 2: Locational Strategy of the adopted East Cambridgeshire Local Plan – April 2015.</p>	
<p>14/01 (Employment – 19.54 ha [11.724ha developable])</p>	<p>(C)</p>	<p>Traffic implications from any vehicle / HGV movements (particularly HGVs) to and from the site to the east from the A14 and via the B1085. This is likely to see significant traffic increases through the primary village of Kentford, particularly in accumulation with some 276 dwellings with planning permission / a resolution to approve within Kentford and existing employment land within the settlement.</p>	<p>A policy consideration / requirement for a Travel Plan would be considered essential and the feasibility of a northbound slip road onto the A14 investigated.</p>

		There would also be significant concerns that northbound vehicle / HGV movements from the site would be directed through Red Lodge via the B1085 in order to access the A11.	
14/02 (Residential – 45 dwellings @ 42.1 dph on developable area)	(C)	<p>There are concerns regarding the traffic implications from any vehicle movements to and from the site to the east from the A14 and via the B1085. This is likely to see significant traffic increases through the primary village of Kentford, particularly in accumulation with some 276 dwellings with planning permission / a resolution to approve within Kentford.</p> <p>The scale and location of the proposal would be contrary to the village profile of Kennett within paragraph 8.18 and also Policy GROWTH 2: Locational Strategy of the adopted East Cambridgeshire Local Plan – April 2015.</p>	<p>A policy consideration / requirement for a Travel Plan would be considered essential.</p> <p>A requirement for project-level HRA should be incorporated into any site policy in reflection of the potential impacts on the foraging and nesting of stone curlews on site, and also regarding recreational disturbance to the Brecklands SPA. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an ‘Appropriate Assessment’ of the implications for that site before its allocation.</p> <p>In order to address recreational impacts upon the SPA it would be of importance that residential applications have sufficient green infrastructure on site in order to contain recreational activity.</p>
14/03 (Residential – 60 dwellings @ 42.1 dph on developable area)	(C)	<p>Traffic implications from any vehicle movements to and from the site to the east from the A14 and via the B1085. This is likely to see significant traffic increases through the primary village of Kentford, particularly in accumulation with some 276 dwellings with planning permission / a resolution to approve within Kentford.</p> <p>The scale and location of the proposal would be contrary to the village profile of Kennett within paragraph 8.18 and also Policy GROWTH 2: Locational Strategy of the adopted East Cambridgeshire Local Plan – April 2015.</p>	<p>A policy consideration / requirement for a Travel Plan would be considered essential.</p> <p>A requirement for project-level HRA should be incorporated into any site policy in reflection of the potential impacts on the foraging and nesting of stone curlews on site, and also regarding recreational disturbance to the Brecklands SPA. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an ‘Appropriate Assessment’ of the implications for that site before its allocation.</p> <p>In order to address recreational impacts upon the SPA it would be of importance that residential applications have sufficient green infrastructure on site in order to contain recreational activity.</p>

<p>14/04 (Residential – 18 dwellings @ 26.9 dph on developable area)</p>	<p>(B)</p>	<p>Traffic implications from any vehicle movements to and from the site to the east from the A14 and via the B1085. This is likely to see traffic increases through the primary village of Kentford, particularly in accumulation with some 276 dwellings with planning permission / a resolution to approve within Kentford.</p> <p>The site is partly within Flood Zone 3. In order to avoid impacts of built development on stone curlews, plan policy for relevant local authorities around the Brecks has included a 1500m zone around the parts of the Breckland SPA where stone curlews are present. Within such a zone a likely significant effect from new development is presumed at the plan level and adverse effects cannot be ruled out. The site is within the 1500m Stone Curlew nesting constraint zone.</p> <p>The scale and location of the proposal would be contrary to the village profile of Kennett within paragraph 8.18 and also Policy GROWTH 2: Locational Strategy of the adopted East Cambridgeshire Local Plan – April 2015.</p> <p>No objection subject to constraints being adequately mitigated.</p>	<p>It is acknowledged that the proposal would see the redevelopment of PDL and is within the Kennett development boundary.</p> <p>A requirement for project-level HRA should be incorporated into any site policy in reflection of the potential impacts on the foraging and nesting of stone curlews on site, and also regarding recreational disturbance to the Brecklands SPA.</p> <p>In order to address recreational impacts upon the SPA it would be of importance that residential applications have sufficient green infrastructure on site in order to contain recreational activity.</p>
<p>14/05 (Residential – 500 dwellings @ 20.6 dph on developable area)</p>	<p>(C)</p>	<p>Traffic implications from any vehicle movements to and from the site to the east from the A14 and via the B1085. This is likely to see significant traffic increases through the primary village of Kentford, particularly in accumulation with some 276 dwellings with planning permission / a</p>	<p>A policy consideration / requirement for a Travel Plan would be considered essential.</p> <p>A requirement for project-level HRA should be incorporated into any site policy in reflection of the potential impacts on the foraging and nesting of stone curlews on site, and also regarding recreational disturbance to the</p>

	<p>resolution to approve within Kentford.</p> <p>The scale of the proposal can not be considered proportionate for Kennett or the wider broad area encompassing Kentford. Nor would it accord with Policy GROWTH 2: Locational Strategy of the adopted East Cambridgeshire Local Plan – April 2015. The scale and location of the proposal would also be contrary to the village profile of Kennett within paragraph 8.18 of the adopted East Cambridgeshire Local Plan.</p> <p>In order to avoid impacts of built development on stone curlews, plan policy for relevant local authorities around the Brecks has included a 1500m zone around the parts of the Breckland SPA where stone curlews are present. Within such a zone a likely significant effect from new development is presumed at the plan level and adverse effects cannot be ruled out. The site is partly within the 1500m Stone Curlew nesting constraint zone.</p>	<p>Brecklands SPA. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an ‘Appropriate Assessment’ of the implications for that site before its allocation.</p> <p>In order to address recreational impacts upon the SPA it would be of importance that residential applications have sufficient green infrastructure on site in order to contain recreational activity.</p> <p>A policy requirement should be included that ensures that there would be no significant adverse effects on landscape character associated with long open views.</p>
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