

Our ref: JCG25957

20 Farringdon Street
London, EC4A 4AB
T +44 20 3691 0500

Date: 15 August 2023

Strategic Planning Team
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
CB74EE

Dear Sir/Madam,

East Cambridgeshire Local Plan – Single Issue Review (of 2015 Local Plan) – Proposed Modifications Consultation – July 2023

We are instructed by our clients, Abbey Properties Cambridgeshire Limited, to submit a further consultation response on their behalf in relation to the Proposed Modifications to the submitted Single Issue Review (SIR).

RPS attended the Examination Hearing sessions on 8 November 2022 and 29 March 2023 and produced Hearing Statements pertaining thereto. It was clear from those sessions that Inspector Philip Lewis was wrestling with the very particular circumstances raised by East Cambridgeshire District Council's (ECDC) approach to the SIR and the issues it raised in seeking to find a way in which he could conclude the Plan was sound.

This has culminated in his 24 May 2023 letter to ECDC (EX.INS11) which, after further deliberation, has concluded in his assessment that *"the Plan would not be fundamentally unsound"* and the Council's latest round of suggested changes *"present a route to soundness for the Plan"* such that he has invited ECDC to prepare draft Proposed Modifications.

This letter sets out our client's response to the Proposed Modifications to the submitted Local Plan Single Issue Review (EX.LA12). However, it also comments further on the general approach adopted by ECDC and the thoroughly unsatisfactory conclusion which effectively enables the Council to claim a healthy 5 year housing land supply position due largely to extinguishing the historic undersupply which the Inspector has described as *"a significant amount."*

It is appreciated that the Inspector was placed in a difficult, arguably unprecedented, position by ECDC's approach in this instance. By setting the SIR so narrowly it did not enable the Inspector to consider alternative options such that a compromise position was reached, reflective of DLUHC's 6 March 2023 expectation that Inspectors deal with local plan examinations pragmatically. This is a compromise which may suit ECDC, but it is far from satisfactory to future users of the Local Plan, nor will it do anything to address the affordability and supply of housing within ECDC.

It should be noted that to find that the Plan 'would not be fundamentally unsound' and that the latest round of suggested changes would 'present a route to soundness' is not the same as finding the Plan and the approach adopted sound.

In paragraph 1.2 of the Proposed Modifications Consultation ECDC describes the purpose of the SIR is to partially replace *"a very small part of the Local Plan"*. It may be a 'small part' but it is a very significant part and has resulted in a contrived position whereby the numbers and dates set out in Policy GROWTH1 would be different from the rest of the Plan. A reader is effectively expected to simply assume that housing delivery in 2011-2021 did not take place as it is not mentioned. A 'significant' shortfall equivalent to over 4 years worth

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of housing land supply is therefore simply extinguished from the records. We continue to have reservations over the Inspector's conclusion that rebasing the dwelling requirement to 2022 based on LHN would adequately address this level of shortfall in past delivery up to 2022.

Furthermore, we question whether it is reasonable to rely on the future delivery rates/total supply figures for 2022-2031 contained within the Proposed Modifications. A total of 3,647 dwellings have been provided between 2011-2021 over a 11 year period; over the next 9 years ECDC is claiming it can deliver 7,371 dwellings. This is more than double the amount of dwellings to be delivered over a shorter timeframe, equivalent to an average of 819 dwellings per annum. This includes in excess of 1,200 dwellings to be delivered in 2023/24.

In the 17 January 2023 'Detailed response to post hearing letter' (EX.LA09) ECDC was claiming that updating the housing requirement figure for 2022-2031 to 8,088 would be "*simply unrealistic*" as this would equate to a 21% increase in the existing 38,320 dwelling stock in the district in 9 years. Yet the supply of 7,371 additional units would not be significantly different; equivalent to increasing the dwelling stock by 19% over the same period. We question whether this is realistic.

The Council appear to claim that such a figure is unrealistic when considered in the context of the housing requirement, but is eminently realistic when considered in the context of the housing supply.

In terms of the tests of soundness set out within paragraph 35 of the NPPF we comment as follows:

- **Positively prepared** – the approach now being advocated is not positively prepared as it is not informed by agreements with other authorities and does not provide a strategy which seeks to meet the area's objectively assessed need as a minimum. It does no more than seek to meet the district's needs by virtue of manipulating loopholes in policy guidance;
- **Justified** – if the approach is justified it is purely on the basis of the narrow approach adopted by the Council, which has effectively precluded the option of taking into account reasonable alternatives;
- **Effective** – it is not deliverable over the plan period, as the Plan is now silent on housing delivery in the plan period 2011-2021 under policy GROWTH1;
- **Consistent with national policy** – it is self-evidently not consistent with national policy as the amended Policy GROWTH1 would not look ahead over a minimum 15-year period from adoption; it would only look ahead over a maximum 8 year period from adoption. This is a fundamental conflict with national policy.

In the event ECDC does proceed with the Proposed Modifications on the basis on which they have been drafted, we would strongly request that the Plan only proceed to adoption on the proviso that the Council is compelled to undertake an immediate full review of the entire Local Plan and to embark on a consultation exercise on the new suite of planning policies within a maximum of 12 months from adoption of the SIR.

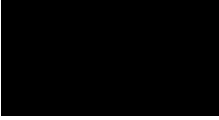
The Inspector in his 14 December 2022 letter (EX.INS08) stated as follows: "*In this case, the Plan has been prepared on the basis that the plan period is not to be changed. It could be said that it is in effect an interim plan prior to a further local plan review being undertaken in due course.*"

Such a conclusion still holds true such that we therefore consider that the further full local plan review is required in this case, reflective of the intentionally narrow approach the Council has adopted.

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We trust that the above provides you with sufficient information to be considered as part of the public consultation for the Proposed Modifications to the submitted Single Issue Review. Should you require additional details, please do not hesitate to contact me in the first instance.

Yours sincerely,
for RPS Consulting Services Ltd



Mark Buxton
Senior Director (Planning)
mark.buxton@rpsgroup.com
+44 20 3691 0500