

EAST CAMBRIDGESHIRE SINGLE ISSUE REVIEW

SUBMISSION

Introduction

1. East Cambridgeshire District Council ('the Council') are in the midst of an examination into their Single Issue Review ('the SIR') of the East Cambridgeshire Local Plan ('the Local Plan'). Inspector Philip Lewis is the inspector appointed by the Secretary of State to conduct this examination.
2. The SIR is solely related to policy GROWTH 1 of the Local Plan and its accompanying supporting text. The Council essentially seek to amend the housing requirement within the policy.
3. This submission addresses the point that the Council's approach to the housing requirement is not in accordance with national policy.

Law and policy

4. The SIR is a development plan document within the meaning of the Planning and Compulsory Purchase Act 2004. Section 19 of the 2004 Act sets out several requirements for the preparation of local development documents. Section 19(2) provides:

*"In preparing a development plan document ... the local planning authority must have regard to -
(a) national policies and advice contained in guidance issued by the Secretary of State..."*

5. Section 20 requires the authority to submit every development plan document to the Secretary of State for independent examination by a person appointed by him. One of the three purposes of the independent examination is to determine whether the development plan document is "sound" (section 20(5)(b) of the 2004 Act).
6. The legislation does not define the concept of "soundness". However, paragraph 35 of the NPPF provides guidance on the subject. A plan is sound if it is, *inter alia* 'consistent with national policy' and that it, as a minimum, seeks to meet the area's objectively assessed needs.
7. Paragraph 22 of the NPPF says:

*Strategic policies should look ahead **over a minimum 15 year period from adoption**¹⁵, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.¹⁶*

Footnotes 15 and 16 say:

¹⁵ *Except in relation to town centre development, as set out in chapter 7.*

¹⁶ *Transitional arrangements are set out in Annex 1.*

8. Paragraph 61 of the NPPF says:

*To determine the minimum number of homes needed, **strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless***

***exceptional circumstances justify an alternative approach** which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.*

Discussion

9. The Council are proposing to amend the housing requirement of GROWTH 1 for the entirety of the plan period, albeit they rely on ‘rebasings’ the policy, insofar as the period the standard method would apply to would only be the period from 2022 - 2031.

10. This approach is either:
 - i. in conflict with paragraph 22 of the NPPF – insofar as it deviates from the 15 year minimum period that applies to strategic policies; or

 - ii. in conflict with paragraph 61 of the NPPF – insofar as the standard method has not been applied across the plan period.

Conflict With Paragraph 22 of the NPPF

11. GROWTH 1, as amended, would look ahead no more than 8 years from adoption. However, paragraph 22 of the NPPF requires that strategic policies look ahead ‘*over a minimum 15 year period from adoption*’. There can be no doubt that GROWTH 1 is a strategic policy. Thus, on this view, the plan would not be sound insofar as GROWTH 1 would not be consistent with national policy – namely paragraph 22 of the NPPF.

12. The inspector appears to accept this position within his letter dated 14 December 2022, wherein he says as follows at paragraph 6:

The NPPF in paragraph 22 says that strategic policies should look ahead over a minimum 15-year period from adoption (except in relation to town centres). Policy GROWTH1 is a strategic policy in terms of the NPPF. If the Plan were to be adopted, amended Policy GROWTH1 would look ahead no more than 9 years from adoption. This is inconsistent with national policy.

Conflict With Paragraph 61 of the NPPF

13. The alternative way of considering the Council's approach is that the amendments to GROWTH 1 do not change the plan period at all. Indeed, whilst the policy would be amended if the SIR is adopted, the plan period (and thus the period GROWTH 1 would apply to) would remain 2011 – 2031. Thus, it would remain a policy which is intended to apply across a twenty year period and thus paragraph 22 of the NPPF would met.
14. Arguments in favour of this second approach are as follows.
 - i. This would be consistent with the Council's stated objective that they do not propose to amend the plan period. Indeed, the SIR does not seek to change the plan period¹ and the inspector found that it would be inappropriate for the Council to have an extension of the plan period through the SIR.²
 - ii. The alternative would be to suggest that GROWTH 1 has a separate plan period to the other policies in the plan.
 - iii. The amendments to GROWTH 1 relate to its entire housing requirement for the full plan period 2011 – 2031, suggesting the amendments apply to the whole plan period.

¹ As the inspector notes at paragraph 4 of his letter dated 24 May 2023

² Per paragraphs 6 – 10 of the inspector's letter dated 14 December 2022

15. However, this interpretation to the amendments to GROWTH 1 causes conflict with paragraph 61 of the NPPF. The Council are proposing a revised housing requirement of 11,725 dwellings in GROWTH 1, which:
- i. includes the adopted housing requirement between 2011 – 2022 (i.e. 6,325 dwellings); and
 - ii. a requirement based on the standard method/local housing need for 2022 – 2031 (5,400 dwellings).
16. The difficulty this presents is that this necessarily means that for the first portion of the plan (2011 – 2022), the standard method has not been relied upon to inform the housing requirement.
17. This would suggest that paragraph 61 of the NPPF has not been complied with in respect to this first part of the plan period. Indeed, GROWTH 1 would now include a housing requirement that does not take account of the local housing need for the entirety of the plan period, only some of it.
18. The inspector appeared to acknowledge this point within his letter dated 14 December 2022 at paragraph 18, wherein he said:
- ... In this case **an alternative approach is proposed to the standard method** for the first 11 years of the plan period, the plan has not been rebased to the start of its preparation and the standard method is not applied for the whole of the plan period. **As the Plan takes an alternative approach to the standard method**, I should take past under-delivery into account.*
19. The fact would be that if GROWTH 1 was adopted as it is currently drafted, the policy would not comply with paragraph 61 of the NPPF, insofar as it is not informed by the local housing need for the full duration of the plan period.
20. Paragraph 61 of the NPPF does not mandate that the standard method be applied. This is echoed within the section of the PPG dealing with Housing and economic needs assessment, which says:

Is the use of the standard method for strategic policy making purposes mandatory?

No, if it is felt that circumstances warrant an alternative approach but authorities can expect this to be scrutinised more closely at examination. There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances.

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21. Accordingly, the PPG does allow for deviations from the standard method. However, this requires exceptional circumstances to be demonstrated.

22. I have seen no attempt by the Council to argue for exceptional circumstances to deviate from the application of the standard method in respect to this first period of the plan. I note that at one stage the Council sought the first period of the plan to only include the number of housing completions in that period. However, the inspector said as follows about this³:

The Council's approach for this part of the plan period is not based on identified housing need as is required in national policy. I do not consider that this approach is one which falls under exceptional circumstances to justify an alternative method as set out in NPPF61 in that it does not reflect current and future demographic trends and market signals. Rather, it simply reflects what has taken place. Consequently, I find that the application of past completions to determine part of the housing requirement to be unsound as it is not justified nor consistent with national policy.

³ Inspector's letter dated 14 December 2022 at paragraph 15

23. Accordingly, it appears to be acknowledged that the standard method has not been adhered to. However, there has been no attempt to provide exceptional circumstances.
24. I note that there is reference to GROWTH 1 being 'rebased' from 2022. It is unclear exactly what a 'rebasings' is. It either means that GROWTH 1 does have a different period it applies to, in which case paragraph 22 of the NPPF has not been adhered to. Moreover, it would mean that the plan period has been amended contrary to the Council's statements.
25. The alternative interpretation of what this rebasing means is that it is simply an acknowledgment that the standard method figure is only being applied to the remainder of the plan period from 2022 henceforth. However, this does not overcome the point that paragraph 61 of the NPPF has not been adhered to for the period 2011 – 2022 and no exceptional circumstances have been provided to justify such an approach.
26. In particular, the consequence of failing to adhere to paragraph 61 across the plan period means that the Council's substantial housing shortfall is left out of account.
27. It follows that, the Council's approach to their housing requirement is either contrary to paragraph 22 of the NPPF, insofar as GROWTH 1 will now no longer have a 15 year period from adoption or, GROWTH 1 will retain its existing plan period, but the policy will be deviated from insofar as the standard method has not been applied across the plan period and no exceptional circumstances have been provided to justify such an approach.

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