



East Cambridgeshire
District Council

East Cambridgeshire Local Plan - Single Issue Review (of its 2015 Local Plan)

Summary of Main Issues
Raised in
Representations in
respect of the Proposed
Submission Local Plan
SIR: *A regulation
22(1)(c)(v) statement*

July 2022

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Introduction

East Cambridgeshire District Council has prepared a Single Issue Review (SIR) of its adopted Local Plan.

A consultation was undertaken on the proposed SIR under Regulation 19 of *The Town and Country Planning (Local Planning) (England) Regulations 2012* (as amended), for 6 weeks. The consultation started on Tuesday 3rd May 2022, and ended at 23:59 on Monday 13th June 2022. Two previous rounds of consultations (Regulation 18 consultation) were carried out during March and April 2021 and January and February 2022.

Regulation 22(1)(c) of The Town and Country Planning (Local Planning) (England) Regulations 2012 requires a local authority, on submitting a Local Plan for its examination, to provide a Statement covering various matters. Document '*Consultation Statement (regulation 22(1) (c) Statement*' (document reference CD05) forms the umbrella document for meeting this regulation requirement, but that document, in part, signposts to other documents and statements, including this one.

This Statement (document reference CD05(C)) is in respect of Regulation 22(1)(c)(v) which requires a local authority to provide "*a summary of the main issues raised*" during the Proposed Submission (regulation 19) consultation period. This report fulfils that legal requirement.

Responses to the Consultation

We received **duly made representations from 33 consultees** in response to the regulation 19 consultation stage. Most respondents were from the development industry. Some were from neighbouring local authorities or local parish councils. A limited volume of responses were from other parties, including individuals in the district, though this is not surprising due to the very narrow scope of the changes proposed, and the technical nature of such changes.

This report provides a summary of the main issues being raised at the Regulation 19 Consultation stage. Whilst hopefully this summary proves useful, it is not intended to comprehensively detail all points raised by the consultees. The full representations made are available on our website.

The report also provides a brief and preliminary response from the Council to the issues being raised where we think this would be helpful. This preliminary response has been provided in an effort to assist the Local Plan Inspector to understand the issues being raised. The Council reserves the right to provide more comprehensive responses to such future Inspector questions, as the examination proceeds.

Earlier Consultation Reports, containing representations at the earlier regulation 18 consultation stages (and ECDC's response to them), are available in other submitted documents (document references CD05(A) and CD05(B)).

Late Responses to the Consultation

We received a small number of representations after the regulation 19 consultation period closed.

The Council's approach to considering late representations was as follows.

We would ordinarily be minded to accept late representations, in a very small window after consultation has closed, if there was clear evidence of intent to submit such representations in the consultation period, but unforeseen circumstances prevented as such. For example, if it could be demonstrated that there were technical reasons, such as (for example): email failure, which prevented a representation to be sent/received; or postal delays, such as postal strike, lost post or other postal issue beyond the control of the sender.

In the case of this consultation period, none of the late responders provided such evidence, and therefore have not been registered as representors, and their representations have not therefore been duly made and will not be provided to the Inspector.

1 Consultation Responses ('Regulation 20 representations'): Summary of Issues Raised

Issue 1: Scope of Local Plan Review
Summary of issues raised by respondents
<ul style="list-style-type: none"> • Update Policy GROWTH 2 and Policy GROWTH 4 of the adopted East Cambridgeshire Local Plan because those policies are also out of date (as determined in the Soham appeal) and should be part of the current review process. • Reassess the housing requirement in Policy GROWTH 1 to ensure it meets affordable housing, older persons housing, and extra care accommodation needs (as identified in the Bottisham appeal), so that it is consistent with Paragraphs 60 and 62 of the NPPF. • It is requested that appropriate adjustments are made to the housing requirement in replacement Policy GROWTH 1 to reflect the factors identified in Sections Id.2a and Id.63 of the Planning Practice Guidance, and in particular to address affordable housing needs and older person housing needs. • SIR should be widened to focus on additional policies to ensure the plan can positively respond to proposals for new development and provide sufficient flexibility to ensure the delivery of ECDC's full objectively assessed needs for housing. The comments of the Soham inspector clearly demonstrate the plan is currently ineffective in meeting the identified housing requirement for the district. • The Inspector recognises that GROWTH 2 cannot sufficiently accommodate required housing growth. Therefore, in seeking to retain GROWTH 2 without reviewing its effectiveness, the Single Issue Review conflicts with NPPF paragraph 60.
ECDC Response
<ul style="list-style-type: none"> • We note the desire by some respondents for a more comprehensive review of the Local Plan, but these are matters to be addressed in the next full Local Plan update. • We have carefully considered the implications of the referenced Soham appeal decision, but see no reason as a consequence to fundamentally amend the approach of the SIR.

Issue 2: Plan Period of Local Plan Review
Summary of issues raised by respondents
<ul style="list-style-type: none"> • Do not agree that the plan period should be confined to 2011-31 in line with the adopted Local Plan. Given that the review is not expected to be completed until late 2023, this will mean that the review looks forward only some eight years. We ask that the plan period be extended, recognising the NPPF provisions (NB: different respondents expressed differing view on what the end date should be, including: 15 years from adoption; 2037/38; 2038; 2040; 2041; and 'early 2040s'. • We continue to maintain that the Council should be planning for a full plan period of a minimum of 15 years. • Compromising on the plan period could inhibit future growth, and as a result, the Plan would be at risk of not being found sound and positively prepared.

- It is requested that the plan period for the SIR is extended to be consistent with the emerging plans for neighbouring authorities within the housing market area.
- (failure to lengthen the time period) could mean that the Council needs to urgently undertake a more thorough review of its adopted Local Plan to ensure that its strategies for housing and employment growth, infrastructure provision and other policies are aligned.

ECDC Response

- While the Council understands the concerns expressed in the comments received, the broad underlying message of such concerns are that the plan period should be extended, and consequently a comprehensive update of the Plan would then be needed (new housing, employment, etc. allocations, climate change, transport provision policies etc). The Council rejects that approach, because it does not seek to prepare a full local plan update at this stage, and sees no fundamental evidence suggesting a need to do so. A full local plan update is the appropriate place to extend the end date to 15 years following adoption (as well as bring forward the start date of the plan period), and such a plan will, it is currently scheduled, be prepared in the context of a new planning system being brought in by Government.
- The Local Plan, as updated by the SIR, will still have around 8 years remaining once adopted, leaving ample time for a thorough update to take place, and extend the plan period well beyond 2031.

Issue 3: Site Allocations

Summary of issues raised by respondents

- As per our previous representations, it is our understanding that reference is made at Paragraph 3.5.5 of the current East Cambridgeshire Local Plan 2015 to outstanding allocations from the 2000 Local Plan. Due to the time elapsed and their subsequent age, deliverability evidence should be produced as to whether these allocations are truly deliverable.
- There is a need for additional allocations.
- Recently we have provided advice for planning applications on sites allocated in the Local Plan that are causing us flood risk concerns. A continued reliance on existing flood defence infrastructure is not a safe long-term strategy due to uncertainties about climate change and funding.

ECDC Response

- Our evidence indicates that there are ample allocations and other commitments (such as planning consents) to comfortably meet the housing requirement to 2031.
- We work closely with developers to try to facilitate more homes to come forward, on appropriate sites and in a timely manner happen.

Issue 4: Housing Requirement

Summary of issues raised by respondents

- We submit that the review should use the standard method to derive a minimum figure, with scope also to take account of the impact of the dynamic growth in employment and housing demand within the travel-to-work area which comprises much of East Cambridgeshire.
- We have previously stressed the importance of an economic uplift, and we can still see no mention of it in this latest consultation nor in consideration of the housing requirement, despite the enablement of economic growth being a key priority for the existing Plan. The housing requirement shouldn't be considered in isolation, and the plan must be aspirational but deliverable to be positively prepared (NPPF, paragraph 16).
- We maintain that in order to be found sound, the Local Plan should be targeting higher growth than the Local Housing Need calculated using the Standard Methodology. We consider that a housing requirement uplift is necessary to support economic growth and that a 20% buffer above the uplift for economic growth would ensure that the plan is future-proofed and provides flexibility, choice and competition in the housing market, reflecting government guidance.
- We note that Proposed Ref Change 6, a specific change of wording to Paragraph 3.5.6: *"The latest projections (as at October 2021) indicate that over 11,000 additional dwellings could come forward between 2011 and 2031, with a further identifiable supply of over 2,000 dwellings beyond the plan period (i.e. post 2031)."* However, Paragraph 5.2 of the consultation document suggests that the October 2021 five-year housing land supply report identifies a total future supply (i.e supply from 1st April 2021) of over 10,000 homes. We question this discrepancy and maintain that deliverability evidence of all sites should be produced.
- The Council should have considered this issue in more depth and whether the level of housing growth will be sufficient to support the expected level of jobs growth in the area.
- The revised housing need figure should be set above the standard method starting point, reflecting the recognised population trends and economic growth potential of the district.
- The Council's housing requirement should therefore be their Local Plan OAN up to 2020 (i.e. 2011-2020 = 575 x 9 = 5,175) and then their LHN for the remainder of the plan period (i.e. 2020-2031 = 599.78 x 11 = 6,597.58) giving a total requirement of 11,772.58 (588.63 dpa).
- The proposed Local Plan conflicts with NPPF Paragraph 62 as the Council needs to provide evidence to demonstrate that the existing housing site commitments will ensure that the size, type and tenure of housing delivers against what is needed for different groups in the community. In this context we question how the Single Issue Review considers and satisfies the requirements in paragraph 65 of the NPPF.
- With regard to NPPF Paragraph 69 the Council needs to provide evidence to establish how it intends to ensure that small and medium sized sites make an important contribution to meeting the housing requirement of the District. This includes the need to promote the development of a good mix of sites and to accommodate at least 10% of their housing requirement on sites no larger than one hectare.
- Specifically, in relation to policy GROWTH1 and the calculation of housing need, we consider that East Cambridgeshire District Council need to undertake a full assessment of unconstrained housing need as an entirely separate exercise from establishing a requirement, in line with PPG. The process of establishing a housing requirement can then determine how much of this need can be accommodated.
- Our economic growth analysis and bespoke demographic modelling indicates this could be as high as 800 dpa. Our affordable housing need analysis indicates that unconstrained need exceeds 1,000 dpa. Older persons accommodation need, and the relative unaffordability of East Cambridgeshire District add further weight to the argument that need exceeds 600 dpa significantly.
- The Council has failed to consider the potential that economic growth might indicate the need to provide for a higher level of housing need, and is instead proposing that the housing requirement be set at the absolute minimum possible level, some 35 dpa lower

than the previous OAHN. This is counter to the Government's express desire to 'significantly boost' housing supply.

ECDC Response

- The Council notes the large volume of representations on this question which, for the vast majority, appear to disagree with the method proposed by the Council to update the housing requirement figure and, on the whole, are seeking a higher housing requirement figure to be established and/or a longer time frame (beyond 2031) than that proposed. This is similar to the arguments at the earlier SIR consultation stages. Overall, the Council continues to reject such arguments.
- The approach taken by the Council is consistent with NPPF/NPPG, and exceptional circumstances (such as economic growth) for setting the housing requirement different from the national standard method (as set out in NPPF/NPPG) are not evidenced in East Cambridgeshire. There is also no evidence of any request by neighbouring authorities to seek to offload their need within East Cambs (indeed, we have evidence expressly confirming that is not being sought).
- Some have suggested that the past under delivery of homes should be included to 'top up' the future housing requirement. The Council is following Government guidance which confirms this is not a requirement. (See *Step 2 of the standard method which factors in past under-delivery as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure. - Paragraph: 031 Reference ID: 68-031-20190722*)
- In terms of employment and retail floorspace, it is also very hard to 'plan' for such floorspace in the context of the fundamental changes to permitted development rights and Use Classes over the last few years, meaning employment, retail and residential floorspace is largely becoming interchangeable without full planning consent. Nevertheless, a good number of employment sites remain with capacity in the 2015 Local Plan, and no evidence has been provided to the contrary, and no evidence has been provided detailing why wider growth targets for retail or employment need reconsidering.
- The NPPF request relating to small sites will be thoroughly addressed in a future full Local Plan review, but in any event, the Council has a strong track record of granting consent for small and medium sites (1-9 units), as evidenced in our latest (October 2021) Five Year Land Supply Report (appendix B), which demonstrates over the past 20 years we have averaged the delivery of 124 homes on sites of less than 9 units (which is nearly a third of all units delivered), and we have a pipeline of several hundred with planning consent on sites of less than 10 units. Thus, whilst we do not think this NPPF matter is relevant to this SIR, if an Inspector determines it is, we are very confident such a NPPF request is being met.

Issue 5: Broad Locations

Summary of issues raised by respondents

- The three broad locations indicated on the diagram in the 2015 Plan do not include any designated heritage assets. However, the grade II* listed Northfield Windmill lies close to both of the broad locations for growth at the northern end of Soham. We suggest that if there is still an intention for the other site to be developed then a Heritage Impact Assessment (HIA) should be prepared now as part of the Plan preparation process to consider the likely impact of development on the significance of the heritage asset (including its setting), the suitability of the site, and any implications in terms of capacity, mitigation and enhancement needed.
- The findings of the HIAs should then be used to inform the revised wording in the SIR Plan.

- We note that the Council is proposing to state in the supporting text that the ‘principle of development coming forward of the Broad Areas is now established’. We would question this statement. Whilst we appreciate that an appeal has been allowed on one of these sites, that does not necessarily confer that the principle of development has been established on all broad location sites. Each site needs to be considered on its merits. And for at least two of the other sites there are heritage issues that need to be explored.
- We note that the SIR intends to retain the Broad Areas as identified, however to not firm them up into specific allocations, acknowledge the expectation of delivery from such areas in the unaltered plan period to 2031 and acknowledge in the supporting text that the principle of development in the Broad Areas is now established.
- The Local Plan states that ‘the next review of the Local Plan will provide an opportunity to undertake further investigative work relating to delivery and site boundaries.’ The review that is currently underway is therefore the right time for specific site boundaries to be identified for the Broad Areas, as the housing shortfall clearly demonstrates that the current allocations are not sufficient to deliver necessary housing.
- Support for the Council’s conclusion that there is no need to (significantly) amend the Plan in relation to the ‘Broad Areas’, and also the decision to remove any assumed supply from these.

ECDC Response

- Varied and mixed response on this issue. However, no strong evidence was provided to significantly amend the approach or status of the Broad Areas for housing. The Council agrees to keep the intent of the Broad Areas unaltered, albeit with slightly updated explanatory text as consulted upon.
- Some have suggested the Broad Areas should be removed. In response, whilst the Council is not relying on them to come forward (unless consent is already given for their development), the Council do not wish to remove Broad Areas in principle and consider them to continue to offer an option for further development.

Issue 6: Affordable Housing

Summary of issues raised by respondents

- It is clear that the Council needs to deliver more market housing in order to support the delivery of the affordable housing needed in East Cambridgeshire.
- There is a need to increase the supply and delivery of affordable housing in East Cambridgeshire. According to the Council’s Housing Register there are currently 197 households with a local connection to Littleport with an affordable housing need, but those needs would not be met through the SIR.
- It is requested that appropriate adjustments are made to the housing requirement in replacement Policy GROWTH 1 to reflect the factors identified in Sections Id.2a and Id.63 of the Planning Practice Guidance, and in particular to address affordable housing needs and older person housing needs.

ECDC Response

- It is acknowledged that there is a need for more affordable housing, now, and almost certainly this will continue to be the case in the future. Delivery of new affordable housing is likely to be of significant weight when considering any development proposals. However, the current Local Plan policies provide a sound framework for delivery of such homes, and

there is no need for this narrow SIR to amend such policy. A comprehensive review of the housing policies, including affordable housing policy, is a matter for a full Local Plan update to consider.

Issue 7: Other comments and other issues raised

Summary of issues raised by respondents

- Overall support for Single Issue Review and has no further comments to make.
- The Coal Authority have no specific comments to make on this consultation.
- Natural England considers that the SIR Proposed Submission Plan does not raise significant issues relating to matters within our natural environment remit. We therefore have no issues to raise in relation to the soundness of the Plan.
- In the absence of a creation of a new Local Plan or a full review, at the very least, all areas of non-conformity with the NPPF should be considered.
- We have considered the importance of existing defined development limits/envelopes and whether a review of the defined development limits is necessary. We maintain that there have been changes in planning policy, housing need and requirements since the drawing of the development limits/envelopes, and not only are they a dated concept, however if development limits/envelopes are not drawn to deliver the appropriate housing requirement, this may lead to deliverable planning permissions being located outside of these development limits.
- In order to provide the necessary clarity as to delivery expectations and supply across the plan period an annualised trajectory should be included as part of the review of the local plan.
- We would suggest that the Single Issue Review is the ideal opportunity for the Council to amend its current tenure mix requirements to take account of First Homes.
- The SIR and the replacement Policy GROWTH 1 should identify the housing needs of older people, define policies to meet those needs, and allocate sites for this type of housing.
- The need for a whole plan review cannot be addressed by the SIR, but the SIR should at least acknowledge that reviewing the locational strategy and site allocations and addressing issues of under delivery will be required imminently.
- It is requested that the scope of the proposed changes (Proposal 1) includes a review and update of Policy GROWTH 2 and Policy GROWTH 4.
- In addition, water resources and water quality are emerging as significant challenges for our region, and it's likely we will be issuing a letter to all our local authorities policy teams on this soon.
- The SA, and therefore, the content of the SIR, is not positively prepared, justified or effective and the decision not to subject the SIR to SA (at the point of determining a single review was necessary) is not consistent with the policies of the NPPF. The SIR is unsound and should not be submitted for examination until these fundamental flaws have been appropriately considered, reassessed and transparently considered against the reasonable alternatives to a solitary review of policy GROWTH 1.
- Housing requirements for district. Well therein lies a problem as very little of this has actually gone to local people who have a requirement as the prices are ridiculous.
- We would suggest that a schedule of compliance with the 2021 NPPF be prepared as part of the next consultation given that, if adopted, the Local Plan (including the Single Issue

Review) will need to demonstrate compliance with the 2021 NPPF in order to be found to be sound.

ECDC Response

- We note the desire for a more comprehensive review of the Local Plan (such as to address climate change and provision for electric vehicles), but these are matters to be addressed in the next full Local Plan update.
- Other comments have also been noted, many of which are addressed in other issues raised.

Issue 8: Sustainability Appraisal Report

Summary of issues raised by respondents

- A more appropriate 'adverse effect' score for SA Objectives 5.3 and 6.1 should have resulted in a recommendation in the SA that an alternative or revised option was selected for SIR, which delivered better and more positive outcomes for the community related sustainability objectives.
- Natural England is satisfied that the Sustainability Appraisal (SA) and Habitats Regulations Assessment Screening (HRA) appear consistent with the requirements of the Planning and Compulsory Purchase Act 2004 and the Conservation of Habitats and Species Regulations 2017 as amended, respectively. The SA identifies that preferred policy (option1) will have no negative impact, including the natural environment, and is the option most aligned to national policy. We broadly support this conclusion.
- It is suggested that the score for Option 1 of SIR against SA Objective 6.1 should be amended from 'neutral effect' to '- adverse effect'. A more appropriate 'adverse effect' score for SA Objective 6.1 should have resulted in a recommendation in the SA that an alternative or revised option was selected for SIR, which delivered better and more positive outcomes for the community related sustainability objectives.
- It is suggested that the score for Option 1 of SIR against SA Objectives 6.3 should be amended from 'neutral effect' to '—significant adverse effect'. A more appropriate and robust 'significant adverse effect' score for SA Objective 6.3 should have resulted in a recommendation in the SA that an alternative or revised option was selected for SIR, which delivered better and more positive outcomes for the housing related sustainability objectives.
- The evidence presented alongside the SIR demonstrates that the SA process has not been taken into account and/or utilised in the selection of a 'preferred option'. This clearly demonstrates that the process has not been iterative or transparent, and is therefore inconsistent with the provisions of national planning policy and guidance, and contravenes the regulations in the Environmental Assessment of Plans and Programmes Regulations (2004).
- A review of the Sustainability Appraisal and the methodology adopted to assess each of the options and the assumption that if no new housing allocations are introduced, that there will not be any impact. Furthermore, that in light of previous representations that a 5th option is included as a reasonable alternative to be assessed, which is that the Plan period should be extended.

ECDC Response

- In the SA documentation published, the Council has outlined its reasons for selecting the preferred option and reasons for rejecting other options including higher growth.
- The SA has considered all reasonable alternatives, based on alternatives for achieving the purpose of the SIR. The SA cannot appraise options which are out of scope of the SIR (such as full Local Plan review)
- The Council welcomes the support of Natural England

Issue 9: Duty to Cooperate / Statement of Common Ground / Neighbouring Authorities

Summary of issues raised by respondents

- Thank you for consulting Cambridge City Council and South Cambridgeshire District Council. We do not consider that the East Cambridgeshire Local Plan Single Issue Review Proposed Submission Stage Version has any implications for Greater Cambridge, and as such will not be making any comments to this consultation.
- Thank you for consulting Fenland District Council about the East Cambridgeshire Local Plan Single Issue Review (SIR). I am writing to advise you that we have no comments.
- Natural England welcome's the Council's preparation of a Duty to Cooperate Statement (May 2022) and has no specific comments to raise.
- Suffolk County Council (SCC) would reiterate it's concerns that the scale of growth in the area is significant and that by simply updating the housing numbers as part of the plan review does not provide suitable strategies to manage impacts on infrastructure, as required by paragraph 34 of the National Planning Policy Framework. In particular SCC is concerned about cross boundary impacts on transport and education infrastructure and has highlighted the development in Soham, Burwell and Fordham as locations close to the border with Suffolk expecting significant levels of development in the next 5 years.
- The Duty to Co-operate Statement does not outline any active engagement with other local planning authorities regarding the intention to commence with a partial review and it does not appear there was any opportunity for neighbouring authorities, or other prescribed bodies, to engage in how both the plan was to be reviewed and the review of the plan itself.

ECDC Response

- We have liaised closely with neighbouring districts in the preparation of the SIR.
- With the exception of Suffolk County Council (see below), no objections from neighbouring authorities have been received, and no DtC concerns raised.
- In respect of Suffolk CC, whilst it does not raise any outright objections or concern from a DtC perspective, its brief representations raise the point that a more comprehensive plan update would be the opportunity to consider wider (cross-border) infrastructure requirements. ECDC agrees with this point, but also considers that this SIR is not the appropriate time for such a comprehensive infrastructure planning exercise (because no new sites are being allocated) – that can be completed alongside a full Local Plan update in due course.
- Overall, ECDC continues to expect to neither seek nor offload any housing need from or to its neighbours, and all responses and conversations to date with neighbouring authorities has indicated full agreement with this position.

- For the avoidance of doubt, ECDCs representations to emerging Local Plans of neighbouring authorities have also confirmed that ECDC is neither seeking to receive or to offload housing need in to their respective areas, and no such authority has sought to receive or offload housing need from its are to East Cambridgeshire as part of their emerging Local Plans.
- Overall, the Council continues to consider it is fully complaint with all legal duty to cooperate requirements.

2 Next steps

- 2.1 This document will form part of the supporting material submitted to the Inspector, for use in the examination period of the SIR.