



East Cambridgeshire
District Council

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

Duty to Cooperate Statement

May 2022

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Executive Summary

Under the 2011 Localism Act and the National Planning Policy Framework (NPPF), local planning authorities have a legal Duty to Cooperate with other local planning authorities and organisations to seek to address strategic planning matters that are driven by larger than local issues that are likely to have an impact beyond their immediate Local Plan area. The Duty to Cooperate is the mechanism for ensuring the right issues are addressed, in the right way, and with the right partners to maximise the effectiveness of policy and plan-making. Section 33A of the Planning and Compulsory Purchase Act 2004 sets out that to maximise effective working on strategic matters throughout the preparation of Local Plans, authorities have a duty "...to engage constructively, actively and on an ongoing basis".

East Cambridgeshire District Council is undertaking a narrowly focused Single Issue Review (SIR) of its adopted Local Plan. The purpose of the SIR is to partially replace a very small part of the Local Plan adopted in April 2015. The intention is for the vast majority of the Local Plan (2015) to remain unaltered and remain part of the development plan for East Cambridgeshire.

This report seeks to demonstrate how ECDC has complied with the 'Duty to Cooperate' in preparing the SIR.

Summary Conclusion of this Statement

No prescribed body has made any representation to date (ie. by early February 2022), either during or outside of a formal consultation stage, which states that they have a specific concern under the Duty to Cooperate. ECDC there has no reason to believe, therefore, that the provisions of the Duty to Cooperate legislation has not been met. This statement will be updated, should that position change (i.e. if such a representation arises during the regulation 19 consultation stage).

1. Introduction to the Duty to Cooperate

1.1 Localism Act 2011 and Planning and Compulsory Purchase Act 2004

1.1.1 Section 110 of the Localism Act 2011 introduced Section 33A to the Planning and Compulsory Purchase Act 2004, namely the “Duty to Co-operate in relation to planning of sustainable development” (referred to here-after as the ‘duty’). The duty requires planning authorities, county councils and prescribed bodies to co-operate effectively with each other when preparing:

- Development plan documents;
- Other local development documents;
- Marine plans; and
- When undertaking activities that prepare the way for the preparation of, or support the preparation of, the above documents.

2.1.2 The duty only applies where such activities relate to a ‘strategic matter’. A ‘strategic matter’ is defined by the Act (Section 33A, part (4)) as:

- a) “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
- b) sustainable development or use of land in a two-tier area if the development or use—
 - (i) is a county matter, or
 - (ii) has or would have a significant impact on a county matter.”

2.2 National Planning Policy Framework 2021 (NPPF)

2.2.1 Paragraphs 24 to 27 of the NPPF set out the national policy for planning strategically across local boundaries and the role of duty to cooperate in the examination of plans.

NPPF - Maintaining effective cooperation

24. Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.

25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).

26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

27. In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the

approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.

2.3 National Planning Practice Guidance (NPPG) (summary)

- 2.3.1 Strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes those policies contained in local plans (including minerals and waste plans), spatial development strategies, and marine plans.
- 2.3.2 The National Planning Policy Framework sets out that these authorities should produce, maintain, and update one or more statement(s) of common ground, throughout the plan-making process. Local planning authorities are also bound by the statutory duty to cooperate. (Paragraph: 009 Reference ID: 61-009-20190315)
- 2.3.5 The level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities' websites. (Paragraph: 011 Reference ID: 61-011-20190315).

2.4 Prescribed Bodies for East Cambridgeshire

- 2.4.1 The full list of 'prescribed bodies' that fall under the duty are set out in the Act itself plus the subsequent Town and Country Planning (Local Planning) (England) Regulations 2012. For East Cambridgeshire, they are as follows.
- 2.4.2 Local Planning Authorities: ECDC has taken this to mean all neighbouring authorities, namely:
- King's Lynn and West Norfolk
 - West Suffolk (former Forest Heath and St Edmundsbury)
 - South Cambridgeshire
 - Huntingdonshire
 - Fenland
- 2.4.3 County Councils: ECDC has taken this to mean the County Council that covers the planning area, as well as all County Councils which physically border East Cambridgeshire, namely:
- Cambridgeshire County Council
 - Norfolk County Council
 - Suffolk County Council
- 2.4.4 Other prescribed bodies are listed below.
- Environment Agency
 - Historic England (formerly English Heritage)
 - Natural England
 - Homes England (formerly Homes and Communities Agency)
 - NHS Cambridgeshire and Peterborough Clinical Commissioning Group
 - National Health Service England
 - Office of Road and Rail
 - Highways England

- Marine Management Organisation
- Cambridgeshire and Peterborough Combined Authority (the Integrated Transport Authority)

2.4.5 Natural Cambridgeshire Local Nature Partnership (LNP) has also been treated as falling under the duty to cooperate requirements.

2.4.6 Legally, the duty also applies to the bodies below. However, ECDC has decided that, in order to meet the requirement in the Act to maximise the effectiveness of preparing the Local Plan, it would be unnecessary, and indeed contrary to achieving 'effectiveness', to actively seek cooperation with the following prescribed bodies:

- Mayor of London
- Transport for London
- Civil Aviation Authority

2.4.7 In the case of the Civil Aviation Authority, East Cambridgeshire District Council was advised:

"While the CAA has a duty to provide aviation safety advice when requested, it is not a statutory consultee for planning applications (unless its own property is affected). In order to reduce the time devoted to unnecessary consultation, the following guidance aims to clarify requirements... it is not necessary to consult the CAA about: Strategic Planning Documents (e.g. Local Development Framework and Core Strategy Documents...). Please be advised that we will no longer respond to future correspondence received regarding the above subjects."

3. Strategic Context

3.1 Strategic Geography

3.1.1 The East Cambridgeshire Local Plan 2015 covers the geographical area of the East Cambridgeshire district. For some issues, the strategic geography of the Local Plan extends wider than this physical geography.

3.1.2 East Cambridgeshire is a predominantly rural district located to the north-east of Cambridge. The district covers an area of 65,172 ha, and has a population of 88,060 (mid-2018 estimates, Cambridgeshire County Council (CCC)). The district contains the city of Ely, two market towns, and 50 other villages and hamlets varying in size, including the fringe areas of Newmarket. The main service and commercial centre is Ely (population 20,720), whilst Soham (population 12,440) and Littleport (population 9,400) both serve more local catchments and have lower scales of commercial and retail provision.



The District of East Cambridgeshire Source: East Cambridgeshire Local Plan

- 3.1.3 It should be noted that East Cambridgeshire District Council is only carrying out a Single Issue Review (SIR) of its adopted Local Plan. The purpose of the SIR is to partially replace a very small part of the Local Plan adopted in April 2015, namely the housing requirement set out in Policy Growth 1 and some supporting text. The intention is for the vast majority of the Local Plan (2015) to remain unaltered and remain part of the development plan for East Cambridgeshire. Therefore, Duty to Cooperate issues relating to the proposals in the SIR are considered in this report.

Table 1: Strategic Geographies

Issue	Strategic geography
Housing	<p>A Strategic Housing Market Assessment is regularly undertaken for the housing market area of six districts, namely: East Cambridgeshire, South Cambridgeshire, Huntingdonshire, Fenland, West Suffolk (was St Edmundsbury and Forest Heath) and Cambridge.</p> <p>The latest version of the SHMA was published in 2021.</p>

4. Comments received from Prescribed Bodies for East Cambridgeshire

4.1 Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) – First Consultation

4.1.1 This first consultation, undertaken under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), was for just over 6 weeks. The consultation period started on 26th March, and closed on 7th May 2021. The table below summarises the comments received from the Prescribed Bodies. As some of the respondents rely on their original comments, we have kept summary of the original comments in this report for completeness.

4.1.2 This second consultation, undertaken under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), was for 8 weeks. The consultation period started on 14th December 2021, and closed on 7th February 2022. The table below summarises the comments received from the Prescribed Bodies.

Table 2: Summary of the comments received from Prescribed Bodies.

Regulation 18 – First consultation March to May 2021

Prescribed Body	Summary of Comments Received
King's Lynn and West Norfolk	No comments received
West Suffolk (Forest Heath and St Edmundsbury)	No comments received
South Cambridgeshire	No comments received
Huntingdonshire	Huntingdonshire District Council have no objections to the approach set out in East Cambridgeshire District Council's Single Issue Review at this stage in the review process. The Council will continue to collaborate with East Cambridgeshire District Council through the county-wide Planning Policy Forum.
Fenland	No comments received
Environment Agency	No comments received
Cambridgeshire County Council	No comments received
Norfolk County Council	No comments received
Suffolk County Council	Generally supportive of plan led process. SCCs main concern is that the appropriate strategies may not be in

	place to address the cumulative, cross border impacts of development, which otherwise cannot be dealt with on a case-by-case basis. The council is also concerned that there is no proposal to update the evidence base to properly identify impacts at a strategic level and the appropriate mitigation. There are particular concerns for the A14 and Newmarket. The county council is willing to discuss anything raised in this response.
Historic England	Mostly supportive of the process. Broad Location in Soham has listed buildings close to both of the broad locations for growth. If the site(s) are brought forward, then reference should be made in the policy and supporting text to the heritage asset and any necessary mitigation. Ensure that full Local Plan Review is commenced at the earliest opportunity to ensure that up to date planning policies are in place.
Natural England	Natural England provided guidance relating to protection and enhancement of the natural environment and how this should focus on the relevant Local Plan policy.
Homes England	No comments received
NHS Cambridgeshire and Peterborough Clinical Commissioning Group	No comments received
National Health Service England	No comments received
Office of Road and Rail	No comments received
Marine Management Organisation	No comments received
Highways England	No comments received
Cambridgeshire and Peterborough Combined Authority (the Integrated Transport Authority)	No comments received

Regulation 18 – Second consultation December 2021 to February 2022

Prescribed Body	Summary of Comments Received
King's Lynn and West Norfolk	No comments received
West Suffolk (Forest Heath and St Edmundsbury)	No comments received
South Cambridgeshire	Thank you for consulting Cambridge City Council and South Cambridgeshire District Council. We don't consider that the East Cambridgeshire Single Issue Review has any implications for Greater Cambridge, and as such won't be making any comments to this consultation.
Huntingdonshire	Huntingdonshire District Council have no objections to the approach set out in East Cambridgeshire District Council's <i>East Cambridgeshire Local Plan - Single Issue Review (of its 2015 Local Plan) Stage 1: Second consultation Dec 2021-Feb 2022</i> . The single issue review identifies the level of housing growth required and ensures that the current plan is up to date; it does not prevent the Council from commencing preparation of a new Local Plan, in whole or part on matters at a later date if it is deemed

	necessary. Huntingdonshire District Council adopted Huntingdonshire's Local Plan to 2036 in May 2019 and can therefore confirm that they are not currently looking towards neighbouring authorities to assist in meeting their housing need."
Fenland	No comments received
Environment Agency	No comments received
Cambridgeshire County Council	No comments received
Norfolk County Council	No comments received
Suffolk County Council	<p>As stated in the response to the previous local plan consultation SCC support plan led growth. It is understood that the plan review is narrow, focussing only on the number of planned homes to 2031. SCC would reiterate the concerns it raised at the previous regulation 18 consultation in March 2021. This being, that without a full local plan review there is a lack of up-to-date strategies to provide the necessary infrastructure to support growth and mitigate cumulative cross boundary impacts. In particular, impacts on junctions of the A14 and the town of Newmarket.</p> <p>It is noted that the East Cambridgeshire 5 year land supply expects large numbers of dwellings to be delivered in Soham, Fordham and Burwell. Where appropriate SCC may make requests for developer contributions where there is likely to be an impact on infrastructure in Suffolk, from development in East Cambridgeshire. This would most likely be transport infrastructure, however it is known that pupils and parents cross the boundary to access school and childcare. As such there may be circumstances where education contributions are required.</p>
Historic England	Having reviewed the consultation material, Historic England has no substantive comments to make at this stage in the Single Issue Review process.
Natural England	Thank you for consulting Natural England on this very limited partial update of the 2015 East Cambridgeshire Local Plan. The proposed amendments do not significantly affect the comments issued by Natural England in response to the Single Issue Housing Requirements consultation, in our response dated 6 May 2021 (ref. 348030). We therefore refer you to our previous response and have no further detailed comments to make.
Homes England	No comments received
NHS Cambridgeshire and Peterborough Clinical Commissioning Group	No comments received
National Health Service England	No comments received
Office of Road and Rail	No comments received

Marine Management Organisation	No further comment is required from the MMO regarding the East Cambridgeshire Local Plan - Single Issue Review (of its 2015 Local Plan) as the proposed changes to the local plan do not overlap with the East Inshore and Offshore Marine Plans and therefore do not suggest any anticipated impacts on the marine plans.
Highways England	No comments received
Cambridgeshire and Peterborough Combined Authority (the Integrated Transport Authority)	No comments received

4.1.3 In addition to the above comments at the formal stages, officers of East Cambridgeshire District Council regularly engage with officers across most of the above bodies, including a six-weekly meeting of 'Planning Policy Managers' (or equivalent) of the SHMA area. Strategic Planning issues are also regularly discussed through a range of meetings associated with the Cambridgeshire-Peterborough Combined Authority.

4.1.4 Through all of those meetings, no concerns associated with the SIR have been raised.

5. Next Steps

5.1 Progressing this Statement and a Statement of Common Ground

5.1.1 Neither the first nor the second consultation exercise provided any matters of concern from a Duty to Cooperate perspective. ECDC does not anticipate any concerns will arise at the final (regulation 19) consultation stage.

5.1.2 In terms of the NPPF requirements associated with a Statement of Common Ground, on the basis of the very narrow scope of the SIR, the lack of Duty to Cooperate comments, and the lack of any new growth (or site allocations) arising from the SIR, it has been determined that there is no rationale for preparing and consulting on any Statement of Common Ground for this SIR. Such Statements will be prepared for a future full update of the East Cambridgeshire Local Plan.

5.1.3 Should representations be received at the regulation 19 stage warrant further cooperation or statements of common ground to be undertaken, then the Council will address that need at the appropriate time. It is not expected to be the case, but the Council retains an open mind to the potential of such a requirement.