

Examination of the East Cambridgeshire Local Plan – Single Issue Review

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Richard Kay
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Dear Mr Kay

Examination of the East Cambridgeshire Local Plan – Single Issue Review

1. As you are aware, I have been appointed by the Secretary of State to conduct the Examination of the submitted Local Plan. The Plan being examined is the East Cambridgeshire Local Plan – Single Issue Review (of its 2015 Local Plan) Proposed Submission Stage (Reg 19) consultation dated May 2022 to June 2022 (CD03).
2. I have commenced my preparation and have some initial questions and matters on which I require further information which are set out below. The response to these will help to inform me how the Examination should proceed and to better focus the Matters, Issues and Questions (MIQs) for the Hearing. As my preparation develops, I may have further questions.

Scope of my examination

3. In the examination of the submitted Plan, I am concerned with whether it complies with the relevant legislation and is sound. The scope of the Plan before me is limited to the Specific Proposed Changes and I note that the Council did not seek representations on any other aspect of the East Cambridgeshire Local Plan 2015 (CD13). I think that it would be helpful to state at this early stage for the avoidance of doubt, that the parts of the adopted Local Plan which are not proposed to be changed in the submitted Plan are not before me in this examination, and I have no powers to make recommendations to the Council about them. Regardless of the outcome of my examination, the parts of the adopted Local Plan which are not before me in this examination will remain unchanged after my examination is concluded.

Duty to Cooperate

4. The Council in its Duty to Cooperate Statement includes housing as a strategic matter. I would welcome your views on whether the proposed

amendment to the dwelling requirement, or any other matter, would have a significant impact on at least two planning areas, as per S33A (4) of the Planning and Compulsory Purchase Act 2004 (as amended). In particular, I note that neighbouring local planning authorities have not asked the Council to accommodate any unmet housing need, nor has the Council asked other areas to accommodate any unmet need arising in East Cambridgeshire. This is to help me to determine whether the duty to cooperate is engaged. In addition, it would be helpful to know what, if any, discussions took place with Duty to Cooperate bodies as to the strategic issue/s for which co-operation may be appropriate?

5. Notwithstanding my above request, the National Planning Policy Framework (NPPF) in paragraph 27 advises that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground (SOCG), documenting the cross-boundary matters being addressed and progress in cooperating to address these. It goes on to say that these should be produced using the approach set out in national planning guidance (the PPG), and be made publicly available throughout the plan-making process to provide transparency. The Council has not prepared a SOCG and gives its reasons for not doing so in Section 5 of the Duty to Cooperate Statement (CD11).
6. In the absence of a SOCG, I would appreciate your answers to the following.
 - Q.1 Were there any formal arrangements between the Council and Duty to Cooperate bodies for the co-operation process for the Plan?
 - Q.2 The PPG provides guidance in respect of plan reviews and plan updates (Paragraph: 075 Reference ID: 61-075-20190723). What is the evidence that the Council and the bodies subject to the Duty to Co-operate worked together at the outset of plan-making to identify any cross-boundary matters which will need addressing, before a final decision on whether to update policies in the plan was made (ie in the East Cambridgeshire Local Plan – A Second Review April 2020 CD14)?
 - Q.3 Section 33A of the Planning and Compulsory Purchase Act 2004 requires LPAs and other bodies subject to the Duty to Cooperate to engage constructively, actively, and on an on-going basis with one another in order to maximise the effectiveness of plan preparation. Beyond the formal consultation at the various stages of plan preparation, what is the evidence of constructive, active and on-going engagement as required by the Act with the Duty to Cooperate bodies? In this regard, please provide any relevant minutes/notes relating to matters concerning the Duty to Cooperate, which may include, amongst other things, meetings of the Planning Policy Managers of the SHMA area, and relevant meetings associated with the Cambridgeshire-Peterborough Combined Authority as referred to in the Council's Duty to Cooperate Statement, up to the point of submission of the Plan.

- Q.4 I note that a representor has questioned engagement with Peterborough City Council under the Duty to Cooperate. Does the Council consider that there are any strategic matters which would have a significant impact on the two planning areas, and what discussion were had with Peterborough City Council in this regard?

Sustainability Appraisal

7. The submitted document: Sustainability Appraisal and Strategic Environmental Assessment of the Local Plan to 2031 Local Plan Single Issue Review – Proposed Submission stage (Reg 19) (CD06) refers to the earlier stages in the sustainability appraisal for the Plan. Please make the relevant documentation from these stages available in the examination website. Please also confirm whether I have been provided with all copies of the relevant representations on the Sustainability Appraisal.

Housing land supply

8. It is my reading of the submitted Plan that its purpose is not to provide a five-year housing land supply, and consequently, I shall not be making a finding in this regard.

Housing requirement

9. The submitted Plan is a partial review of the existing development plan. You will be aware that there is limited specific national planning policy and guidance relating to undertaking partial reviews of development plans.
10. You point to the guidance in the PPG about how past under delivery of new homes is taken into account in preparing plans. In particular, that the affordability adjustment is applied to take account of past under-delivery, namely that the standard method identifies the minimum uplift that will be required and therefore it is not a requirement to specifically address under-delivery separately. However, you proposed to apply the standard method in a partial update, rather than a full local plan review, where the plan period would not be changed.
11. Given that the PPG states that the standard method provides authorities with an annual number, based on a 10 year base line, which can be applied to the whole plan period, and that the NPPF requires strategic policies to look ahead over a minimum 15 year period from adoption, I will be exploring the soundness of the approach taken in the Plan in regards to past under-delivery of housing, as it is not proposing to change the plan period.

- Q.5 Given the particular circumstances of the Single Issue Review, is it appropriate to deal with past under supply in the way proposed, and should any under-supply since the start of the plan period to date be added to the requirement for the rest of the plan period?

- Q.6 Where in the evidence base may I find an explanation as to why the plan period is not proposed to be re-based to coincide with the base date of the standard-method Local Housing Need assessment? In this context what is the evidence to justify the amended strategic policy GROWTH1 not looking ahead over a minimum 15-year period from adoption?
- Q.7 Did the Council consider whether there should be an adjustment to the minimum housing requirement to help deliver affordable housing as per the PPG (Paragraph: 024 Reference ID: 2a-024-20190220)?
- Q.8 Given that there are no proposed changes to the plan period and that the amended Policy GROWTH1 would not look ahead over a minimum 15-year period from adoption, please direct me to the parts of the evidence base which may demonstrate that the Plan is positively prepared in this regard.
- Q.9 In the context of paragraph 62 of the NPPF, has the potential implications of the proposed changes to Policy GROWTH1 for the housing needed for different groups been assessed?
- Q.10 You will be aware that the PPG confirms that the standard method identifies a minimum annual housing need figure, not a housing requirement figure. What was the methodology employed to determine the housing requirement for the Plan? Is there an up-to-date assessment of housing land availability and how was this taken into account in defining the requirement?
- Q.11 Is my reading of the submitted Plan, that the Council is looking to meet the objectively assessed needs for housing in full and that there is nothing which would prevent the housing needs being met in full as per NPPF paragraph 11 correct?
- Q.12 Would the Council please confirm whether it considers that section 010 Reference ID: 2a-010-20201216 of the PPG, which is concerned with when might it be appropriate to plan for a higher housing need figure than the standard method indicates applies in this case?
12. I would be grateful for your response to these questions by 9 September 2022, after which I will be able to complete my MIQs, and hearings programme. If that is not possible, please provide me with a timetable for your response.
13. Please publish this letter on the Examination website. At this stage, I am not inviting correspondence from parties other than the Council.

Yours sincerely

Philip Lewis

INSPECTOR