

## **INSPECTOR'S INITIAL MATTERS, ISSUES AND QUESTIONS**

1. I am Philip Lewis, a chartered Town Planner appointed by the Secretary of State for Levelling up, Housing and Communities on 25 July 2022 to examine the soundness of the East Cambridgeshire Local Plan – Single Issue Review (of its 2015 Local Plan) Proposed Submission Stage (Reg 19) (the Plan), and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 (the Act) and associated Regulations.
2. My examination of the Plan commenced with my appointment and to date I have undertaken initial reading of the Plan, the evidence base documents and representations, following which I posed a number of initial questions to the Council. My letter and the Council's response are published on the examination website.
3. I have now identified the matters and issues and have posed the key questions for the examination. These are set out in this document.
4. The Plan proposed is a single issue review to the adopted Local Plan. The changes proposed are set out in the Plan (CD03). I am concerned only with the changes proposed to the adopted Local Plan by the Council. For the avoidance of doubt, the parts of the adopted Local Plan which are not proposed to be changed are not before me in this examination. Consequently, I pose no questions about parts of the adopted plan which are not proposed to be changed.
5. 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 adopted East Cambridgeshire Local Plan 2015 (CD13). For the avoidance of doubt, 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.
6. In drafting this document, I have also had regard to the Council's response to my initial questions and the various evidence base documents which have

been published by the Council to accompany their response. I advise you to read the Council's further submissions when you prepare your statements.

7. Please read and be familiar with the accompanying Inspector's Guidance Note which sets out important details of the organisation and conduct of the examination and the hearings, and regarding the preparation of hearing statements. I shall assume that the Guidance Note has been read by participants at the hearings.
8. It may be that some of the questions set out in this document will be answered in written statements. Consequently, I will not need to consider them further at the hearings as I would have sufficient information. The scope of specific hearing sessions will be confirmed in the agendas published on the examination website. It is important to note that written representations and oral representations carry the same weight, and I will have equal regard to views put at a hearing or in writing. Representors should only address those matters, issues and questions relevant to their original representations.
9. Any reply to my questions should be in accordance with the guidelines set out in my Guidance Note and should be sent electronically to the Programme Officer by **1700 on 28 October 2022**. It is expected that hearing statements will only be submitted electronically.
10. Only those who have made representations seeking to change the Plan have a right to appear before, and be heard by, the Inspector. If you have a right to be heard, and you wish to exercise that right, you should contact the Programme Officer by **1700 on 7 October 2022** indicating the appropriate Matter and the session you wish to attend (see the draft Programme). You need to do this regardless of what you may have indicated on the representation form. Please note that if you do not contact the Programme Officer by that date, it will be assumed that you do not wish to appear and be heard, and you will not be listed as a participant.

### **Matter 1: Procedural/legal requirements**

Issue: Whether all Statutory and Regulatory requirements have been met?

#### **Duty to Cooperate (DtC)**

- Q.1 What, if any, are the strategic cross boundary matters raised by the Plan for which necessary cooperation should have been secured before it was submitted for examination?
- Q.2 If the DtC was engaged, is there clear evidence that the Council has engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies in accordance with section 33A of the 2004 Act in respect of any such strategic matters with cross-boundary impacts through the preparation of the Plan?

Q.3 If the DtC was engaged, what are the specific outcomes of the DtC?

### **Sustainability Appraisal**

Q.4 Is there any substantive evidence to demonstrate that the sustainability appraisal failed to meet the relevant legal requirements?

### **Habitats Regulations Assessment**

Q.5 Has the Habitats Regulations Assessment (HRA) been undertaken in accordance with the Conservation of Habitats and Species Regulations 2017?

### **Local Development Scheme**

Q.6 Is the Plan compliant with the Council's Local Development Scheme in terms of its form, scope and timing?

### **Community Involvement**

Q.7 Has the Council complied with the requirements of section 19(3) of the 2004 Act with regard to conducting consultation in accordance with the Statement of Community Involvement?

### **Climate Change**

Q.8 What effect, if any, does the submitted Plan have on the requirement for the Council's development plan (taken as a whole) to include policies designed to secure that the development and use of land in the local planning authority's area which contribute to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the 2004 Act?

### **Equalities**

Q.9 In what way does the policy of the plan affect those with relevant protected characteristics as defined in s149 of the Equality Act 2010/

### **Superseded policies**

Q.10 Is the Plan consistent with Regulation 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012 in identifying the policy/policies of the existing development plan which would be superseded by the Plan?

## **Matter 2: Provision for housing**

Issue: Are the proposed amendments to Policy GROWTH1 and the explanatory text of the Plan positively prepared, clear, justified and consistent with national policy and will they be effective?

### **The plan period**

Q.11 The amended Policy GROWTH1 would cover the period to 2031, and consequently will not look ahead over a minimum of 15 years from adoption as per NPPF paragraph 22. What is the justification for this, and is the Plan positively prepared in this regard?

### **The housing requirement – overall approach**

- Q.12 The Plan seeks to apply a housing requirement in two parts, derived from the past delivery of housing from the base date of the local plan to date, and thereafter applying the outcome of the standard method for the remainder of the plan period. Is the approach set out in the Plan justified, positively prepared, consistent with national policy and would it be effective?

### **The housing requirement 2022 – 2031. Calculation of local housing need using the standard method**

- Q.13 Why has the plan period not been rebased to the base date used in the standard method calculation? Is this justified?
- Q.14 Is there any substantive evidence to demonstrate that it would be appropriate to plan for a higher housing need figure than the standard method indicates in this case as per advice set out in the PPG (Paragraph: 010 Reference ID: 2a-010-20201216)?
- Q.15 Is there any substantive evidence to demonstrate that there should be an adjustment to the minimum housing requirement to help deliver affordable housing as per the advice in the PPG (Paragraph: 024 Reference ID: 2a-024-20190220)?
- Q.16 Is the explanatory text set out in paragraph 3.2.5 of the Plan relating to objectively assessed need and the standard method consistent with national policy as expressed in the NPPF?

### **The housing requirement 2011 – 2022 and dealing with past under-supply**

- Q.17 What is the Objectively Assessed Need (OAN) for housing for the first part of the plan period 2011 to 2022?
- Q.18 What is the justification for basing the first part of the dwelling requirement upon completions to date in the plan period?
- Q.19 Does the Plan as proposed as a minimum, provide for objectively assessed needs for housing for the period 2011 to 2022, and is the proposed approach set out in the Plan consistent with national policy?
- Q.20 Given that the base date of the Plan has not been changed to that of the standard method calculation, which is proposed to be applied over the remaining part of the plan period, should past under delivery of housing in the plan period to date (measured against the adopted Local Plan) be taken into account in establishing the housing requirement for the remainder of the plan period in the amended Policy GROWTH1 (See PPG Paragraph: 011 Reference ID: 2a-011-20190220)?

**Other matters**

Q.21 Is paragraph 3.5.6 justified in relation to the stated status of the Broad Areas?

Q.22 Are the changes proposed to paragraph 3.5.7 of the adopted plan justified and consistent with NPPF 74 which includes that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period?

\*\*\*\*\*