

East Cambridgeshire District Council's response to Inspector's Questions

Insp para Number	Inspector's Question	Council's Response
4	<p>The Council in its Duty to Cooperate Statement includes housing as a strategic matter. I would welcome your views on whether the proposed 2 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?</p>	<p>No, the proposals set out in the SIR do not have a 'significant impact' on at least two planning areas.</p> <p>Why does the Council take this view?</p> <p>Whilst it is recognised that the policy relating to the housing requirement is being amended, and therefore has the theoretical potential to be a strategic matters as defined by the Act, on testing that strategic matter through the iterative process of preparing the SIR, and following consultation with DtC bodies, it becomes self-evident that the SIR can not possibly have a 'significant impact' on at least two planning areas, because the SIR is not proposing any additional growth beyond what is already committed.</p> <p>To explain further, not only is no 'unmet need' proposed to be transferred from one authority to another (in any direction), but the policy itself, as amended, would not result in the need to allocate any more sites for development, or lead to any new development coming forward than already committed. Consequently, there can be no significant impact arising as a result of, for example, greater commuting or demand for services to or from a neighbouring authority.</p> <p>Interestingly, perhaps, it is also worth reflecting on the fact that if the Council did <u>not</u> propose to update the policy (or, similarly, if the Inspector finds the SIR Plan unsound for whatever reason), and the policy position therefore remains the 2015 Local Plan, then that is likely to have the greater potential for 'significant impact' on neighbouring authorities, as it is unlikely under that scenario for the Council to be in a position to defend its five year land supply, and hence there would be considerable speculative development which, in turn, could lead to 'significant impacts' on neighbouring authorities through, for example, higher commuting levels or demand for service and infrastructure in a neighbouring authorities area.</p> <p>Thus, to conclude, it is arguable whether the DtC requirements are engaged at all, albeit the Council has followed necessary DtC process through the plan-making stages on the basis that, theoretically at least, the changes proposed <i>could</i> have developed into a strategic matter (for example, if a neighbouring authority sought to accommodate its unmet need within ECDC administrative area).</p>
6 Q1	<p>Were there any formal arrangements between the Council and Duty to Cooperate bodies for</p>	<p>East Cambridgeshire District Council (ECDC) has submitted its Duty to Cooperate statement (CD11).</p>

	<p>the co-operation process for the Plan?</p>	<p>Notwithstanding the explanation as described in the answer to the above question and the submitted document, the Council did engage, both formally (through consultation letters) and informally (through, for example, the Planning Policy Forum (PPF), a network of planning policy managers across Cambridgeshire, Peterborough and West Suffolk, which meets every 6 weeks).</p> <p>Admittedly, such DtC related communication was, for the purpose of the SIR, limited (or, to put it another way, appropriately proportionate). The Duty to Cooperate requirement is, of course, not a duty to force a conversation on issues, if issues do not exist.</p> <p>It appeared highly likely from the outset, a view which was reinforced throughout the ongoing iteration of the SIR, that the cross border impact was zero (or, at the very least, ‘less than significant’) for this SIR plan. Members of PPF agreed, and they certainly did not want to undertake DtC engagement on ‘nothing’ for the sake of it. No other DtC body has raised any suggestion otherwise, either.</p>
<p>6 Q2</p>	<p>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)?</p>	<p>Consideration at the outset of the plan review, and the decision to prepare the SIR, is demonstrated in the published Review of the 2015 Local Plan (CD14) – see para 3.42-3.45 specifically. Such text was informed by informal discussions with such neighbouring councils, for example.</p> <p>Ultimately, it is a decision for the Council alone as to whether it commences a full update of its Local Plan, a partial update, or do nothing at all. But the choice it made was informed by the evidence set out in the published statutory Review which, amongst other matters, included consideration of adjacent plan making authorities’ positions.</p>
<p>6 Q3</p>	<p>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</p>	<p>The response to the above questions are also applicable to this question, as is the submitted duty to cooperate statement.</p> <p>To add further, the PPG helpfully points out: <i>“The level of co-operation is expected to be proportionate to the task and should not unduly delay the plan review.”</i></p> <p>The Council followed such advice: where no apparent strategic issues existed, no cross border effects identified, and no representations received from any prescribed body to the contrary, it would be somewhat contrary to both government advice and common sense to manufacture detailed conversations, meetings, minutes or evidence documents. That is not the Government’s prescribed approach or intention of the DtC legislation or its policy in the Framework.</p> <p>It is fully appreciated that for other authorities in other circumstances, a considerably more thorough approach to DtC is required.</p>

	<p>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.</p>	<p>The Council is aware of the (limited) correspondence from non-prescribed bodies (namely, those in the development industry) through the various stage of preparing the SIR, suggesting we should be considering taking growth from neighbouring authorities, especially Greater Cambridge. In that respect, greater correspondence was undertaken between Greater Cambridge and East Cambridgeshire, primarily for the purpose of its emerging full local plan but also to a degree for the East Cambridgeshire SIR.</p> <p>Gt Cambridge has consequently published an initial DtC compliance statement for its recent reg 18 consultation stage: Greater Cambridge Local Plan, First Proposals Duty to Cooperate Compliance Statement (greatercambridgeplanning.org)</p> <p>Within the above you can see a number of references to engagement with ECDC. In particular, see pages:</p> <p>P27 – ECDC attendance at a round table P31 – ECDC attendance at second round table P41-44 – ECDC / Gt Camb joint meeting notes of Sept 2020 P127-128 – GT Camb letter to ECDC, P132 – ECDC reply to the above letter</p> <p>If the Inspector feels the above Greater Cambridge DtC statement needs submitting to the ECDC SIR examination library, then ECDC would have no objection to it being so.</p> <p>Beyond such responses and submitted documents, there are no further written notes or meetings 'proving' that no strategic matter exists between two prescribed bodies. It is somewhat difficult (never mind futile) proving something does not exist.</p> <p>If no strategic matters have been identified, it would seem disproportionate and contrary to both the Act and national policy to 'engage', write up meeting notes, etc, which confirm that meetings took place but no discussions took place because there was nothing to discuss. The public would be rightly outraged if it was seen that public bodies undertook such meetings for the sake of it, in a true Sir Humphrey style.</p> <p>To sum up the Council's position on DtC, it believes it has acted both in conformity with the law, in the spirit of the law and in a manner proportionate as required by policy.</p> <p>To have done more would have been disproportionate, of no meaningful value and a waste of public funds.</p>
6 Q4	<p>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</p>	<p>There are no strategic matters arising between East Cambridgeshire and Peterborough. It is worth noting that the two areas are not even adjacent authorities, and therefore Peterborough is not deemed, for this SIR, to be a prescribed body for the purpose of DtC for East Cambridgeshire.</p> <p>Notwithstanding the above, some context is provided:</p>

	<p>planning areas, and what discussion were had with Peterborough City Council in this regard?</p>	<p>Historically, a Cambridgeshire-Peterborough wide agreement had the effect of some redistribution of identified housing need away from East Cambridgeshire, to elsewhere in the sub-region; and in reverse, Peterborough gaining additional growth beyond its identified need.</p> <p>(Important note: the redistribution was NOT from East Cambridgeshire to Peterborough. It was from East Cambridgeshire to Cambridge SHMA area, and then Peterborough took some growth from the Cambridge SHMA area)</p> <p>However, since then, not only has national policy fundamentally changed on housing need and requirements, but in 2019 Peterborough City Council adopted a new Local Plan which does not include any redistribution from Cambridgeshire to Peterborough.</p> <p>The updating of text at para 3.2.4-5 of the submitted SIR, is simply a recognition, in part, that the agreement of 2013 to redistribute growth across Cambridgeshire – Peterborough no longer exists, and is not being implemented by any party.</p> <p>As an aside, until May 2022, and for the previous eight years, Richard Kay was the ‘strategic planning manager’ for both councils (Peterborough and East Cambridgeshire), and therefore was obviously fully aware of the situation between the two parties.</p>
7	<p>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.</p>	<p>As requested, we will upload the earlier version of the Sustainability Appraisal (SA)(CD06(A)) on to our website.</p> <p>We can confirm all the comments made on the SA have been forwarded to you. You may wish to view the comments made by Natural England (ref 14) and comments made by Carter Jonas on behalf various clients (ref 13,20,23,27). These were the primary responses to the SA consultation, and are published on our website alongside all other representations.</p>
11. Q5	<p>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</p>	<p>Please see para 4.4 onwards for the Council’s submitted SIR by way of response to this Question.</p> <p>There are repeated references throughout NPPG that the Council is right to proceed as it has:</p> <p><i>“The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply.”</i></p> <p>ID: 2a-002-20190220</p>

		<p><i>“The affordability adjustment is applied to take account of past under-delivery. The standard method identifies the minimum uplift that will be required and therefore it is not a requirement to specifically address under-delivery separately.”</i> D: 2a-011-20190220</p> <p><i>“Step 2 of the standard method 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.”</i> ID: 68-031-20190722</p> <p>And in case there was any doubt, Government spells out when under delivery <u>should</u> be taken into account:</p> <p><i>“Where an alternative approach to the standard method is used, past under delivery should be taken into account.”</i> ID: 2a-011-20190220</p> <p>An ‘alternative strategy’ is not proposed, so the fourth quote above is not applicable.</p> <p>If the Plan was minded to include under-delivery as a ‘top up’ to create a future housing requirement, it would not only be contrary to the above national advice, but self-evidently be ‘double counting’, because the formula for calculating forward looking need explicitly includes an uplift for under-delivery already, as explained by government in the above quotes.</p> <p>Put another way, the Plan would be arguably unsound if it attempted to do so, because it would be contrary to PPG advice.</p>
11. Q6	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?	<p>This is, in effect, two separate questions.</p> <p>Plan start date: Re-basing the start date of the Local Plan to, say 2022, when the LHN assessment figures are utilised would be incredibly confusing, and would require widescale changes elsewhere in the Plan in order for the plan as a whole to ‘make sense’ and read coherently. There appears no benefit in bringing the start date of the Plan forward. For example, it would not alter the forward looking housing requirement figure.</p> <p>Put another way, this option was not even considered as a reasonable alternative option, as the Council sees no benefit in doing so. Consequently, there is no evidence to demonstrate why this option was dismissed.</p> <p>Plan end date: The second question is answered by the submitted SIR at para 3.3-3.4, with similar words used in CD05(C), under issue 2.</p> <p>There is nothing in law requiring a plan to have a 15 year period from adoption, and the NPPF at para 22 is clearly written with a full local plan update in mind (not a very small SIR).</p>

		<p>There is also local precedent for a single issue review plan NOT having to comply with the '15 year period' rule set out by the NPPF. Adjacent neighbour Forest Heath (now part of West Suffolk) adopted a SIR of its housing requirement figure in September 2019, updating the housing requirement figure for the period to March 2031, a period of 11.5 years from adoption. See: Final-SIR-September-2019.pdf (westsuffolk.gov.uk). At that time, the same 15 year 'rule' was included in the NPPF (para 22 of the 2018 version).</p> <p>Overall, the Council's view is that imposing a minimum 15 year 'rule' on this SIR would be completely disproportionate (effectively causing this SIR to be abandoned); is not what the NPPF envisaged for circumstances like a SIR; and would be inconsistent with conclusions reached on past Inspector examined SIRs. Please also see response to question 11 Q8.</p>
11. Q7	<p>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)?</p>	<p>The Council is not reviewing its affordable housing policy as part of the SIR.</p> <p>As it is not reviewing that policy, it would seem somewhat illogical to amend a housing requirement figure, if the affordable housing policy itself is not being adjusted.</p> <p>That said, the standard method already provides a very significant uplift to address affordability (approaching 50% in East Cambridgeshire's case).</p> <p>If the Inspector deems it necessary to investigate affordable housing needs, and whether an uplift is necessary, then the latest SHMA, October 2021, (https://cambridgeshireinsight.org.uk/wp-content/uploads/2021/10/CWS-Housing-Needs-of-Specific-Groups-Oct21.pdf) confirms at para 10.160 that the latest identified need for affordable housing in the district is 215 to rent and 39 for home ownership, a total 254 per annum (though it cautions that these figures may have an element of double counting – see 10.158)</p> <p>The Council is proposing an annual housing <i>requirement</i> for the 9 year period to 2031 at 599.8 pa. As a proportion, therefore, affordable housing 'need' (254pa) is 42% of the proposed housing <i>requirement</i>.</p> <p>A perhaps more accurate calculation is to determine the degree affordable housing need is met by the <i>supply</i> identified in the SIR. Supply is identified as being 7,371 for the nine year period 2022-2031, at average of 819 homes pa. As a proportion of that <i>supply</i>, affordable housing need (254pa) is 31%</p> <p>The Local Plan 2015 policy seeks 30-40% affordable housing. Whichever figure is used from above (31% or 42%), it is very close to the policy requirement.</p>

		<p>There is, therefore, very limited evidence, if any, to justify a further adjustment (i.e. beyond the affordability adjustment in the standard method) to the housing requirement figure, and certainly the evidence is not so compelling as to find the SIR unsound for not including an uplift.</p> <p>A comprehensive review of the housing policies, including affordable housing policy, is a matter for a full Local Plan update to consider.</p>
11. Q8	<p>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.</p>	<p>The Plan is positively prepared because it is bringing up to date a policy which is recognised as being out of date; it is bringing it up to date to meet the area's up to date objectively assessed need for housing; and in bringing up to date that policy, it is aligning that policy (as updated) so as to be in conformity with the rest of the plan (as unaltered).</p> <p>To amend the policy in any other way (i.e. 15 years plus approach) would result in an ineffective policy, contrary to the tests of soundness, because there would be disjoint between the updated policy looking to, say, 2040, and the rest of the plan (and its allocations) looking to 2031.</p> <p>The alternative option to 'do nothing' (i.e. not update the out of date policy) would be the definition of not being positive.</p> <p>To add further context to the response to both Question 11 Q6 and this question 11 Q8, it is worth pointing out in the evidence base (both the submitted and the updated evidence base document EXLA02), that committed supply beyond the plan period (2031) presently amounts to 2,325 homes, over 700 of which already have planning permission. At a housing requirement of 600 per annum, this equates to very nearly 4 years' worth of <i>additional</i> and <i>identifiable</i> supply of homes, from 2031 onwards.</p> <p>On the basis that in the nine year plan period we have identified 7,371 homes, which equates to over 12 years' worth of supply (i.e. 3 years' worth of 'buffer'), the plan and evidence as submitted identifies over 16 years' worth of housing supply. So, whilst the 'end date' of the plan may well be 'only' nine years, the supply identified is significantly more, and indeed exceeds the 'minimum 15 year' aim set out in the NPPF for a full plan review.</p>
11. Q9	<p>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?</p>	<p>As Policy HOU1 (Housing Mix) is not amended by the SIR, it will continue as a policy post SIR adoption.</p> <p>HOU1 directs the reader to 'the most recent available evidence' in terms of housing mix. Combined with recent Oct 2021 SHMA update, para 62 therefore continues to be met.</p> <p>There appears no reason why amendments to GROWTH1 has any effect on this scenario.</p>
11. Q10	<p>You will be aware that the PPG confirms that the standard method</p>	<p>The submitted SIR answers the first question – see paras 3.7-3.8 and section 4 in particular.</p>

	<p>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?</p>	<p>The up to date housing availability was submitted to you on 15 August and uploaded to the examination web pages – see EX.LA02, EX.LA02(A) and EX.LA02(B).</p> <p>Within the submitted SIR and in EX.LA02 it is explained how supply exceeds the requirement.</p> <p>The Council is not aware that the housing requirement must be adjusted upwards should supply be identified in excessive of need be identified. Accordingly, it has not done so.</p> <p>If supply had been identified to be less than the identified need, then that could have triggered alternative action, such as new allocations or seeking unmet need to be given to neighbouring areas. But as supply is around 16 years’ worth, against a remaining plan period of nine, then such a consideration was not even close to being considered.</p>
<p>11. Q11</p>	<p>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?</p>	<p>Yes that is correct.</p> <p>The SIR is updating policy GROWTH1 so that it reflects an up to date objectively assessed need for housing (NPPF para 11b)), using a method the NPPF advocates at para 61.</p> <p>Having determined what that objectively assessed need is, the SIR demonstrates that such needs can be accommodated in full, and with a significant buffer of supply to allow for unforeseen circumstances or to allow for some sites building out slower than anticipated.</p>
<p>11. Q12</p>	<p>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?</p>	<p>No, those scenarios do not apply.</p> <p>See SIR paras 3.7-3.8 as to why the Council considers that position to be reasonable, with similar justification set out in our response to representations in CD0-5(C).</p>