



East Cambridgeshire
District Council

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

Duty to Cooperate
Statement

December 2021

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1 Introduction

Summary of this Statement

No prescribed body has made any representation to date (ie. by early December 2021), either during or outside of a formal consultation stage, which states that they have a specific concern under the Duty to Cooperate. This statement will be updated, should that position change.

PART 1

1. The East Cambridgeshire Local Plan

- 1.1 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.
- 1.2 This report seeks to demonstrate how ECDC has complied with the 'Duty to Cooperate' in preparing the SIR.

2. Introduction to the Duty to Cooperate

2.1 Localism Act 2011 and Planning and Compulsory Purchase Act 2004

- 2.1.1 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)

- 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)
- 2.3.3 A statement of common ground is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate. (Paragraph: 010 Reference ID: 61-010-20190315)
- 2.3.4 What is a statement of common ground expected to contain? It is expected to contain the following:
 - a. a short written description and map showing the location and administrative areas covered by the statement, and a brief justification for these area(s);

- b. the key strategic matters being addressed by the statement, for example meeting the housing need for the area, air quality etc.;
- c. the plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories (including cross-referencing the matters to which each is a signatory);
- d. governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date;
- e. if applicable, the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the statement;
- f. distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area;
- g. a record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and
- h. any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief description how the statement relates to any other statement of common ground covering all or part of the same area

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 will cover the geographical area of the East Cambridgeshire district. For some issues, the strategic geography of the Local Plan extends wider than this physical geography. The strategic geographies are set out below.

3.1.2 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. 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, only issues relating to the housing requirement would be considered in this report.

Table 1: Strategic Geographies

Issue	Strategic geography
Housing	<p>A Strategic Housing Market Assessment was undertaken by the Cambridgeshire and Peterborough Joint Strategic Planning Unit and determines housing need across the housing market area of seven districts, namely: East Cambridgeshire, South Cambridgeshire, Huntingdonshire, Fenland, St Edmundsbury, 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.

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

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

5. Next Steps

4.1 Progressing this Statement and a Statement of Common Ground

- 4.1.1 This first consultation provided no matters of concern from a Duty to Cooperate perspective. It is proposed that this statement be updated post the second consultation stage. In addition, a very brief Statement of Common Ground will be prepared and circulated for agreement. This is likely only to be those DtC bodies which are planning authorities, due to the very narrow focus of the SIR. However, this will be reviewed once the consultation representations have been considered.
- 4.1.2 Views on this DtC Statement will be welcomed, as part of the consultation process over Dec 2021-Feb 2022.