



East Cambridgeshire  
District Council

# Examination of the East Cambridgeshire Local Plan

## Single Issue Review

### Matter 1 – Procedural/legal requirements

East Cambridgeshire District Council  
Hearing Statement

October 2022

## Matter 1: Procedural/legal requirements.

Preliminary comment: Most of the questions raised in Matters 1 and 2 were previously raised, and answered by the Council, in document EX.LA03(A). Where it is necessary, relevant sections from that Council's response will be referenced below.

### **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?***

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 could have developed into a strategic matter (for example, if a neighbouring authority had sought to accommodate its unmet need within ECDC administrative area).

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. If that view is agreed, then DtC is not engaged.

Further context is set out in EX.LA03(A).

#### ***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?***

East Cambridgeshire District Council (ECDC) has submitted its Duty to Cooperate (DtC) statement (CD11) which sets out how it has fulfilled its obligations under DtC regulations.

Further context is set out in EX.LA03(A).

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

If the conclusion is reached that DtC was engaged, the specific outcomes of the DtC confirmed that there were no strategic matters of significance raised by the Plan (which somewhat probably leads to the conclusion that DtC can't possibly be engaged in the first place).

### **Sustainability Appraisal**

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

The Council has prepared its Sustainability Appraisal (SA) in accordance with all relevant regulations and legal requirements. It has consulted the statutory consultees at all stages of SA iterations. The Council is not aware of any 'substantive evidence' of failure. Below is an extract from Natural England's comments on the SA at Regulation 19 consultation stage.

#### **Sustainability Appraisal and Habitats Regulations Assessment**

*Natural England is satisfied that the Sustainability Appraisal (SA) and Habitats Regulations Assessment Screening (HRA) appear consistent with the requirements of the Planning and Compulsory Purchase Act 2004 and the Conservation of Habitats and Species Regulations 2017 as amended, respectively.*

and

*The SA identifies that preferred policy (option1) will have no negative impact, including the natural environment, and is the option most aligned to national policy. We broadly support this conclusion.*

## **Habitats Regulations Assessment**

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

Yes. Again, Natural England's representation helpfully supports the Council's position:

#### **Sustainability Appraisal and Habitats Regulations Assessment**

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and

*The HRA concludes that the SIR Local Plan, alone or in combination with other plans and projects, is unlikely to have any significant effects on Habitats Sites. Natural England agrees with this conclusion noting that the SIR does not promote additional growth and that development under committed sites has already been subject to assessment under the Habitat Regulations at the project stage.*

## **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**

In short, yes.

The content and timetable of the Local Plan has been prepared in accordance with the approved Local Development Scheme (LDS) as in force during the period of the Local Plan's Review preparation, and there have been no significant departures.

The Local Plan is identified in the LDS and the timetable for its production is clearly set out, and the Council has broadly met its timetable throughout.

### **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?**

Yes.

Please see Consultation Statement (regulation 22(1) (c) Statement) document (CD05). This statement demonstrates how East Cambridgeshire District Council has involved the public and its key partners in the preparation of the SIR Local Plan. The report provides list of consultees and how these were consulted at various stages of Local Plan Review preparation. This report confirms that (at the very least) the minimum adequate consultation has taken place.

## 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?***

The submitted plan is unlikely to have a net effect, positive or negative, 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. If the SIR proceeds to adoption as submitted, and when the development plan (taken as a whole) is then considered, there will continue to be 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. For example (and in particular) policies ENV4, ENV5, ENV 6 and ENV 8.

## 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?***

The Council has prepared Equality Impact Assessment – Initial Screening document (CD08). This report concludes there is no known adverse or beneficial impact on any particular group or groups in the community.

## 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?***

Yes. The submitted Local Plan (CD03) clearly outlines throughout the document which parts of the adopted Local Plan 2015 is being reviewed. The introduction of the Plan makes it very clear the intention is to only “replace a very small part of the Local Plan”. Section 6 reminds the reader of the same fact. And in section 8 of this document, it is clearly laid out in a table format what is proposed to be changed. New text is in **bold** and deleted text has ~~strikethrough~~. Text that remains unaltered is in plain text. It is therefore very clear to all, what the changes are and what the final version of the Local Plan would look like should the changes be incorporated.