



East Cambridgeshire District Council Single Issue Review of the 2015 Local Plan

Proposed Submission Stage (Reg 19) consultation

June 2022



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1 INTRODUCTION

1.1 Context

1.1.1 Gladman welcome the opportunity to comment on the Proposed Submission Stage (Reg 19) consultation of the East Cambridgeshire Single Issue Review of the 2015 Local Plan. Gladman specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the development plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Examinations in Public.

1.1.2 Gladman have significant concerns with the approach that the Council is undertaking. We currently have land interests within East Cambridgeshire and look forward to sharing further details with the Council when they undertake a 'call for sites' exercise as suggested through these representations.

1.2 Plan Making

1.2.1 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order to prepare a sound plan it is fundamental that it is:

- **Positively Prepared** – The Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified** – the plan should be an appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

2 LEGAL COMPLIANCE

2.1 Duty to Cooperate

- 2.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2020 Sevenoaks District Council Local Plan examination and subsequent Judicial Review, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the Plan.
- 2.1.2 Whilst Gladman recognise that the Duty to Cooperate is a process of ongoing engagement and collaboration, as set out in the Planning Practice Guidance it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard, East Cambridgeshire must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross-boundary strategic issues, and the requirement to meet any unmet housing needs. This is not simply an issue of consultation but a question of effective cooperation.
- 2.1.3 The revised NPPF introduced a number of significant changes to how local planning authorities are expected to cooperate including the preparation of Statement(s) of Common Ground (SoCG) which are required to demonstrate that a plan is based on effective cooperation and has been based on agreements made by neighbouring authorities where cross boundary strategic issues are likely to exist. Planning guidance sets out that local planning authorities should produce, maintain, and update one or more SoCGs, throughout the plan making process¹. The SoCG(s) should provide a written record of the progress made by the strategic planning authorities during the

¹ PPG Reference ID: 61-001-20180913

process of planning for strategic cross-boundary matters and will need to demonstrate the measures local authorities have taken to ensure cross boundary matters have been considered and what actions are required to ensure issues are proactively dealt with e.g. unmet housing needs.

2.1.4 It is of critical importance that the Council works alongside the other Cambridgeshire authorities to ensure that any wider cross boundary issues are addressed. It may be the case that these need to be addressed through SOCGs with the other LPAs. In addition, East Cambridge plays an important role within the Oxford-Cambridge Growth Arc and therefore must seek to build upon this to support economic growth with an aligned housing requirement figure.

2.1.5 Despite being a signatory to the Cambridgeshire and Peterborough Memorandum of Co-operation² it is unclear why discussions with Peterborough do not appear to have taken place as the emerging Local Plan Review has progressed. Whilst no longer neighbours by boundary the two authorities have clearly had a close relationship in the previous round of plan making and experience similar issues through the plan making process. A lack of co-operation with Peterborough raises a question of whether the duty can be satisfactorily discharged.

2.2 Sustainability Appraisal

2.2.1 In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.

2.2.2 The Council should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others

² <https://www.cambridge.gov.uk/media/2553/appendix-n-memorandum-of-co-operation.pdf>

have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the authority's decision-making and scoring should be robust, justified and transparent.

- 2.2.3 In this regard, it is not clear why the impacts of extending the plan period have not been tested. Whilst testing for a figure higher than the standard method has been undertaken, this in the context of the existing plan period and therefore would mean releasing more land in the shorter term. This is not the same as testing the impacts of meeting housing needs over a national policy compliant plan period, a longer timeframe than the emerging local plan and was always likely to present meeting higher needs in a negative light.

3 NATIONAL PLANNING GUIDANCE

3.1 National Planning Policy Framework

3.1.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.

3.1.2 The NPPF requires that plans set out a vision and a framework for future development and seek to address the strategic priorities for the area. Local Plans should be prepared in line with procedural and legal requirements and will be assessed on whether they are considered 'sound'.

3.1.3 The NPPF reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for, to address housing, economic, social and environmental priorities and to help shape the development of local communities for future generations.

3.1.4 In particular, paragraph 16 of the NPPF states that Plans should:

"a) Be prepared with the objective of contributing to the achievement of sustainable development;

b) Be prepared positively, in a way that is aspirational but deliverable;

c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and

f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

- 3.1.5 To support the Government's continued objective of significantly boosting the supply of homes, it is important that the East Cambridgeshire Local Plan Single Issue Review provides a sufficient amount and variety of land that can be brought forward, without delay, to meet housing needs.
- 3.1.6 In determining the minimum number of homes needed, strategic plans should be based upon a local housing needs assessment defined using the standard method, unless there are exceptional circumstances to justify an alternative approach.
- 3.1.7 Once the minimum number of homes that are required is identified, the strategic planning authority should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. In this regard, paragraph 68 sets out specific guidance that local planning authorities should consider when identifying and meeting their housing needs, with Annex 2 of the Framework providing definitions for the terms "deliverable" and "developable".
- 3.1.8 Once a local planning authority has identified its housing needs, these needs should be met as a minimum, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so, or the application of certain policies in the Framework would provide a strong reason for restricting the overall scale, type and distribution of development (paragraph 11b)i.). Where it is found that full delivery of housing needs cannot be achieved (owing to conflict with specific policies of the NPPF), local authorities are required to engage with their neighbours to ensure that identified housing needs can be met in full (see paragraph 35 of the NPPF).
- 3.1.9 The July 2021 revision to the NPPF provides greater focus on the environment, design quality and place-making alongside providing additional guidance in relation to flooding setting out a Flood Risk Vulnerability Classification at Annex 3, the importance of Tree-lined streets and amendments to Article 4 directions. Additionally, Local Plans which have not yet progressed to Regulation 19 stage should ensure that where strategic developments such as new settlements or significant extensions are required, they are set within a vision that looks ahead at least 30 years (See paragraph

22). Further consideration on this matter is detailed at section 4.5 of this representation.

- 3.1.10 The amendments coincide with the publication of the National Design Guide and National Model Design Code, a toolkit which helps local communities to shape local design needs and provide guidance for creating environmentally responsive, sustainable and distinctive places with a consistent and high-quality standard of design.

3.2 Planning Practice Guidance

- 3.2.1 The Planning Practice Guidance (PPG) was first published by the Government to provide clarity on how specific elements of the Framework should be interpreted. The PPG has been updated to reflect the changes introduced by the revised NPPF to national planning policy. The most significant changes to the PPG related to defining housing need, housing supply and housing delivery performance.

3.3 Levelling-Up Bill

- 3.3.1 Following a period of proposed planning reform and wider uncertainty including the scrapping of the previous Housing White Paper, the Government published the Levelling Up and Regeneration Bill on the 11th May 2022. This sets out a number of proposed changes to the planning system including measures seeking to strengthen the importance of Local Plans in decision making.
- 3.3.2 Whilst the changes are not expected to be implemented in the short term and the Department for Levelling Up, Housing and Communities has called for local authorities to progress with local plan making in the interim, local plans under production must be fit for purpose.
- 3.3.3 In the context of East Cambridgeshire, a recent appeal (APP/V0510/W/21/3282449) recognises the fact that strict application of policies in the East Cambridgeshire Local Plan 2015 have resulted in significant levels of under delivery conflicting with the Governments objective to significantly boost the supply of housing. Looking to solidify the current position of the Council currently being able to demonstrate a

housing land supply by virtue of the standard method removing previous under delivery, goes against everything that the Government is trying to achieve. This will be explored further in this representation below.

4 THE PROPOSED CHANGES

4.1 Background

- 4.1.1 East Cambridgeshire District Council formally submitted its draft Local Plan for examination in February 2018. The draft Local Plan set out a housing requirement target of 10,835 new homes over the plan period 2016 to 2036.
- 4.1.2 Following the first stage of examination hearings, the Inspector recommended that the draft Local Plan should adopt a higher number of homes based on the Standard Methodology. This meant an increase in the housing target to plan for a minimum 11,960 new homes over the period 2016 to 2036.
- 4.1.3 During the examination, the Inspector wrote to the Council advising that the draft Local Plan as submitted was not sound but indicated that the Plan could be made sound subject to modifications. However, the Council issued a statement in February 2019 and announced their decision to withdraw the Local Plan.
- 4.1.4 Rather than a full review of the Local Plan as has previously been proposed, the Council has instead opted to undertake a Single Issue Review of the 2015 Local Plan. Gladman object to this approach for several reasons all set out below.

4.2 Proposal 1 – Scope of Changes

- 4.2.1 Gladman raise significant objections to the decision that the Council has made. Further work on the SIR should be immediately paused and instead be incorporated within a full review of the Local Plan. This Local Plan Review should update the plan period to be compliant with national policy, as will be addressed below, and where necessary make site allocations based on a full understanding of land available for development in the district as well as ensuring a full assessment of the required infrastructure is undertaken to support growth. The Local Plan is not merely about ensuring sufficient land for housing is available, but it must also fully consider the economic development needs of the district as well as needs for other uses such as community facilities and retail. Since adoption of the Local Plan in 2015 national policy has been amended through the revised National Planning Policy Framework in

2018 with further revisions in 2019 and 2021. As identified in the East Cambridgeshire Local Plan – A Second Review from April 2020, the 2015 Local Plan remains broadly aligned with national policy, but not entirely so. A full Local Plan Review provides the opportunity to ensure that the Local Plan is fully up to date.

4.3 Proposal 2 – Plan Period

4.3.1 Paragraph 22 of the National Planning Policy Framework makes clear that strategic policies should look ahead over a minimum 15-year period from adoption, in order to anticipate and respond to long term requirements and opportunities, such as those arising from major improvements in infrastructure. Any decision to continue with the existing plan period would not be consistent with the requirements of the National Planning Policy Framework and jeopardises the Plan’s ability to meet the test of soundness. Accordingly, the plan period should be extended to 15 years as a minimum from the point of adoption to ensure compliance with national policy.

4.3.2 In the context of the plan period, which if this review was adopted at some point in 2023, would only mean a plan period of 8 years from adoption. East Cambridgeshire is not an authority with a strong record of plan making, preparation of two previous Local Plans have been scrapped, the most recent following completion of examination hearings. There is no guarantee that a full Local Plan Review will be undertaken in a timely manner and this stop-gap review could realistically become the policies relied upon even beyond time expiry in 2031. Planning for an appropriate time period is therefore critical.

4.4 Proposal 3 – Site Allocations

4.4.1 The Council is not seeking to provide any further allocations in its Local Plan as a consequence of the SIR. This is because of the Council believes that its existing housing commitments will exceed the quantum of new housing arising from the SIR.

4.4.2 Gladman reiterate that any decision to continue with the existing plan period is not consistent with the requirements of the Framework and jeopardises the Plan’s ability to meet the tests of soundness. Gladman are of the opinion that the Council will need

to allocate additional land to meet its housing need over an extended plan period i.e. a minimum of 15 years from the point of adoption as opposed to relying on a plan period which will not cover a sufficient time horizon or to account for the previous shortfall as will be set out below. It will likely be necessary that in order to plan for growth associated with a longer plan period that the Council will need to identify additional sources of land to meet development needs.

4.5 Proposal 4 – The Housing Requirement

4.5.1 Gladman are supportive that the Council has stated that the new housing requirement will be established in line with national policy. We consider this to be a clear indication that the Council recognises that the plan period is insufficient as in applying the standard methodology PPG confirms that a 15-year plan horizon should be considered. *'The method provides authorities with an annual number, based on a 10-year base line, which can be applied to the whole plan period. The National Planning Policy Framework requires strategic policies to look ahead over a minimum 15-year period from adoption, although authorities are required to keep their policies under review³.'* In not applying the standard methodology for 15 years from adoption, it is considered that a different methodology is being applied as the plan is only looking forward a further 8 years from adoption.

4.5.2 In cases such as, this past under delivery should be accounted for. This is because *'The standard method identifies the minimum uplift that will be required and therefore it is not a requirement to specifically address under-delivery separately. Where an alternative approach to the standard method is used, past under delivery should be taken into account.⁴**emphasis added.* At the time the adopted East Cambridgeshire reached its 5th anniversary of adoption there was an outstanding under provision in excess of 2,500 that should then be applied to the calculation.

³ Paragraph: 012 Reference ID: 2a-012-20190220

⁴ Paragraph: 011 Reference ID: 2a-011-20190220

4.5.3 This point is also reiterated in other parts of the PPG stating that *'where shortfalls in housing completions have been identified against planned requirements, strategic policy-making authorities may consider what factors might have led to this and whether there are any measures that the authority can take, either alone or jointly with other authorities, which may counter the trend. Where the standard method for assessing local housing need is used as the starting point in forming the planned requirement for housing, 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. Under-delivery may need to be considered where the plan being prepared is part way through its proposed plan period, and delivery falls below the housing requirement level set out in the emerging relevant strategic policies for housing⁵. Emphasis added*

4.5.4 East Cambridgeshire has failed to deliver sufficient dwellings to meet its annual housing requirement set out in Policy GROWTH 1 in every year since the start of the plan period in 2011. Seeking to backdate the housing target for previous years for what was completed in those years not only removes an obligation to deliver homes that have previously been planned for but also skews the results of the Housing Delivery Test.

4.6 Proposal 5 – Broad Locations

4.6.1 The Council is not currently proposing to amend the guidance in relation to the identified Broad Areas for housing. Gladman contend that these areas should not simply be rolled forward as part of the SIR and the Broad Areas should be reconsidered in their entirety as part of a wider Local Plan Review, as set out in response to Question 1.

4.6.2 Since 2015 matters will likely have moved on in Littleport and Soham, for example sites previously not identified as available for development may now be, potentially altering where further site allocations may next be appropriate.

⁵ Paragraph: 031 Reference ID: 68-031-20190722

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- 4.6.3 Gladman are promoting land interests in the district that are appropriate for allocation. We look forward to sharing further details around these sites with the Council when the opportunity arises, through a future 'call for sites' as part of the suggested full Local Plan Review.

5 CONCLUSIONS

5.1 Summary

- 5.1.1 Gladman welcomes the opportunity to comment on the East Cambridgeshire Local Plan Single Issue Review. These representations have been drafted with reference to the revised National Planning Policy Framework and the associated updates that were made to Planning Practice Guidance.
- 5.1.2 Gladman have raised significant objections to what is proposed as the proposed scope of changes do not result in a positive and proactive approach to plan making and we contend that significant modifications are required to ensure the Single Issue Review is compliant with national policy.
- 5.1.3 Due to the nature of these representations, Gladman respectfully request to be invited to participate at the future examination of the Local Plan Single Issue Review.

