



EAST CAMBRIDGESHIRE
DISTRICT COUNCIL

East Cambridgeshire Local Plan – Single Issue Review (SIR) Proposed Submission Stage Response Form

PLEASE USE BLACK INK TO COMPLETE THIS FORM
Please refer to 'Guidance notes on completing the Representation Form'

From 3 May to 13 June 2022, you can make representations on the soundness and legal compliance of the proposed submission Single Issue Review of the Local Plan. **All comments must be received by 11:59pm on 13 June 2022.** Responses made at this stage will be treated as formal representations and considered by an independent Planning Inspector: late submissions are unlikely to be considered by the Inspector.

Where possible, we prefer you to use this form when submitting your comments. This allows you to type your comments next to the policy or paragraph that you want to comment on. If you need any help in completing this form, please read the guidance note available on our website which explains how to make comments and how any comments will be dealt with. Please send your completed form either via email or through the post.

PART A: YOUR DETAILS

Data Protection and Freedom of Information All personal information that you provide will be used solely for the purpose of the consultation on the documents listed in this form. Please note that each comment and the name of the person who made the comment will be featured on our website - comments will not be confidential. Full comments, including addresses, will also be available to view on request. By submitting this response, you are agreeing to these conditions.	
Name: N/A	Agent (if applicable): RPS
Organisation (if applicable): Abbey Properties Cambridgeshire Limited	Name: Mark Buxton
Address: C/O Agent	Address: 20 Farringdon Street, London
Postcode:	Postcode: EC4A 4AB
Email:	Email: [REDACTED]
Tel:	Tel: [REDACTED]
Signature: [REDACTED]	Date: 13 June 2022

We will send all correspondence by email if you provide us with your email address. If Agent details are provided, we will send all correspondence to them.

Do you wish to be notified of any of the following? (Please tick as appropriate)

- The Submission of the Local Plan for independent examination:
The Publication of the Inspector's Report:
The Adoption of the Local Plan:

X
X
X

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and any suggested change. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies**

If you need assistance please call 01353 665555

Please email completed forms to planningpolicy@eastcambs.gov.uk or post to:
Local Plan Consultation, East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambs CB7
4EE

East Cambridgeshire Local Plan – Single Issue Review (SIR)



EAST CAMBRIDGESHIRE
DISTRICT COUNCIL

for examination.

PART B: QUESTIONS

ONE FORM SHOULD BE COMPLETED FOR EACH REPRESENTATION

Q1. To which part of the SIR Local Plan or Sustainability Appraisal (SA) does this representation relate?

Paragraph Policy **GROWTH 1** SA

Q2. Do you consider the following to be legally compliant?

SIR Local Plan	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
Sustainability Appraisal (SA)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input checked="" type="checkbox"/>

Q3. Do you consider the SIR Local Plan is:

Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't know	<input type="checkbox"/>
Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't know	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't know	<input type="checkbox"/>
Consistent with national policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't know	<input type="checkbox"/>
In compliance with the Duty to Co-Operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input checked="" type="checkbox"/>

Q4. If you answered 'No' to question 2 or 3 above, please give details below. Please be as precise as possible and follow guidance in our note 'Guidance notes on completing the Representation Form'. You can also use this box to set out your representation if you support the SIR Local Plan or SA.

See attached separate sheet

(Continue on a separate sheet if necessary)

Q5. If you answered 'No' to question 2 or 3 above, please set out what change(s) you consider necessary, and why, to make the SIR Local Plan or SA legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording for any policy or text. Please be as precise as possible.

For the reasons set out below, the Single Issue Review is simply not a credible option in the circumstances. The Council must review and reconsider its approach in the context of Appeal Decision APP/V0510/W/21/3282449 which confirms that, in addition to GROWTH 1, Policies GROWTH 2 and GROWTH 4 are out-of-date; and in the context of the current conflict in approach with the NPPF.

Q6. It is important to note that written and oral representations carry exactly the same weight and will be given equal consideration in the examination. As such, do you consider it necessary to participate at the oral part of the examination?

No I do not wish to participate at the oral examination Yes I do wish to participate at the oral examination

THANK YOU FOR TAKING TIME TO RESPOND

If you need assistance please call 01353 665555

Please email forms to: planningpolicy@eastcambs.gov.uk
Or post to: Local Plan Consultation, East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambs CB7 4EE

(Office only) Ref.....

The Single Issue Review is limited to an amendment to Policy GROWTH 1 and associated supporting paragraphs. It is our contention that this approach is not appropriate having regard to the NPPF and recent Appeal Decision reference APP/V0510/W/21/3282449 at Land to the North East of Broad Piece, Soham.

We consider that GROWTH 1 cannot be regarded as out-of-date without also concluding that GROWTH 2 (and other strategic housing policies) is similarly out-of-date.

Local Plan Policy GROWTH 2 (and other strategic policies) are firmly anchored to Policy GROWTH 1 and it is not appropriate to fundamentally update one strategic policy without updating all of the strategic policies which enable it to be delivered. The approach of 'mixing and matching' policies whereby some are up-to-date and some are not is not acceptable. It undermines any confidence in the local plan system and creates confusion for the public, applicants and indeed the Council itself. A full review of the Plan policies is warranted, justified and necessary in the circumstances. The Single Issue Review of the 2015 Local Plan is simply not a credible position for the Council to adopt.

Our position is supported by the Inspector's consideration as part of Appeal Decision reference APP/V0510/W/21/3282449. In this regard, the Inspector identified at paragraph 14 that *"There was much debate during the Inquiry as to whether policies GROWTH 2 and GROWTH 4 should also be considered out of date for the purposes of this appeal. **Based on the evidence put to me there is little doubt in my mind that they should. Policy GROWTH 2 is a locational strategy predicated on delivering the housing requirement contained in out-of-date policy GROWTH 1.** This requirement cannot be relied upon and the amount of housing now needed in the district within this plan period to 2031 is uncertain, as is the question of whether the need can be accommodated within existing settlement envelopes and/or whether sufficient housing allocations exist. The Council's planning witness accepted during cross examination that it would be wrong to assume what the locational strategy should be without knowing the new housing requirement and I agree."* (our emphasis)

The Inspector therefore determined that, in addition to GROWTH 1, Policies GROWTH 2 and GROWTH 4 are out-of-date, with GROWTH 2 being out-of-date on the basis that it is a locational strategy predicated on delivering the housing requirement set out within Policy GROWTH 1. The Council cannot, therefore, reasonably seek to amend Policy GROWTH 1 as part of the Single Issue Review without also undertaking a full assessment as to whether amending the locational strategy set out within GROWTH 2 which seeks to deliver that housing requirement is also required.

The Appeal Decision reference APP/V0510/W/21/3282449 is dated 11 February 2022 and fundamentally undermines the approach the Council is seeking to adopt as part of the Single Issue Review. In the context of the Appeal Decision, the Council must reconsider its approach.

The Council as part of application reference 21/01636/FUL at Land Accessed Between 2 and 4 Fordham Road, Isleham, Cambridgeshire acknowledges the Appeal Decision reference APP/V0510/W/21/3282449 and seeks to interpret the Inspector's conclusion on the issue of GROWTH 2 being found to be out of date. In this regard the Officer Report associated with application reference 21/01636/FUL identifies at paragraph 7.3.5 that *"... in the **specific location of the Appeal Site he found that continued strict application of GROWTH 2 was not justified** given that the Local Plan anticipated housing in that location and at the market towns. The Inspector also gave weight to the fact that, while outside the development envelope for Soham, the proposal was considered to comply with the development plan as a whole, including the location of the development at one of the three market towns, consistent with GROWTH 2. It is important to appreciate that this was a case where no other development plan conflicts were identified, including notably in respect of landscape. The Inspector therefore did not have to consider these specific wider considerations in assessing the datedness of the*

policy and its consequent consistency with NPPF.” (our emphasis). The Officer Report then goes on to consider at paragraph 7.3.14 that “For the current application GROWTH 2 is considered up to date and as such the presumption in favour of sustainable development is not engaged.”

This interpretation is, however, fundamentally at odds with the approach taken by the Inspector in their consideration of Appeal APP/V0510/W/21/3282449. Paragraph 20 of the Appeal Decision states *“For this particular proposal, policies GROWTH 1, GROWTH 2 and GROWTH 4 are the most important for determining the case in that they together set out the amount and locational strategy for the delivery of housing, including restricting development outside settlement envelopes. They are all out of date for the reasons I have set out and so the Framework’s presumption in favour of sustainable development applies”*. There is no reference within the Appeal Decision to GROWTH 2 being out-of-date in relation to Soham only. The reference to ‘for this particular proposal’ relates to the ‘most important policies’ pursuant to paragraph 11 of the NPPF. Again, the Council’s ‘mix and match’ approach is not acceptable. GROWTH 2 cannot be out-of-date in Soham only, and up-to-date elsewhere. As set out throughout, GROWTH 2 is out-of-date and as such, the approach to the Single Issue Review is fundamentally flawed.

Furthermore, the Council has to acknowledge that residential developments have been permitted, on application or appeal, in conflict with the locational strategy set out in GROWTH 2; ergo, it must be considered to be out of date and require a review, as it has not proved an effective policy.

The Single Issue Review is also fundamentally at odds with the aims of the NPPF. In this regard, paragraph 22 states *“Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure”*. The Single Issue Review will not however extend the duration of the Local Plan period (which ends in 2031). The Single Issue Review therefore conflicts with NPPF paragraph 22 which requires strategic policies to look ahead over a minimum 15 year period from adoption.

Paragraph 60 of the NPPF states *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.

The Inspector as part of Appeal Decision reference APP/V0510/W/21/3282449 recognises that *“Whilst the general objectives of the policy [Policy GROWTH 2] to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework, the policy can no longer be considered up to date because it can no longer be said that sufficient housing can and will be accommodated within the defined settlement envelopes. This is particularly so when the plan itself anticipated that development outside of the envelopes would at some point be needed within the plan period, at the broad locations identified”*.

The Inspector recognises that GROWTH 2 cannot sufficiently accommodate required housing growth. Therefore, in seeking to retain GROWTH 2 without reviewing its effectiveness, the Single Issue Review conflicts with NPPF paragraph 60.

We also consider that the proposed Local Plan conflicts with NPPF Paragraph 62 as the Council needs to provide evidence to demonstrate that the existing housing site commitments will ensure that the size, type and tenure of housing delivers against what is needed for different groups in the community. In this context we question how the Single Issue Review considers and satisfies the requirements in paragraph 65 of the NPPF.

With regard to NPPF Paragraph 69 the Council needs to provide evidence to establish how it intends to ensure that small and medium sized sites make an important contribution to meeting the housing requirement of the District. This includes the need to promote the development of a good mix of sites and to accommodate at least 10% of their housing requirement on sites no larger than one hectare (unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved). It is not appropriate in our view to rely upon the housing need being zero in this context and so some small (under 1 hectare) housing allocations should be included.

In relation to NPPF Paragraph 72 the Council needs to provide evidence to show how it intends to support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home).

We would suggest that a schedule of compliance with the 2021 NPPF be prepared as part of the next consultation given that, if adopted, the Local Plan (including the Single Issue Review) will need to demonstrate compliance with the 2021 NPPF in order to be found to be sound.