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Dear Sirs,

**EAST CAMBRIDGESHIRE LOCAL PLAN - SINGLE ISSUE REVIEW (OF ITS 2015 LOCAL PLAN)
PROPOSED SUBMISSION STAGE (REG 19) CONSULTATION (MAY 2022 – JUNE 2022)**

Savills (UK) Ltd are instructed on behalf of Manor Oak Homes to submit representations to the Proposed Submission Stage (Regulation 19) Consultation on the proposed Single Issue Review ('SIR') of the East Cambridgeshire Local Plan, as adopted in 2015. Together with the response forms, this letter forms our representations to the consultation.

Format of these Representations

The March 2021 Stage 1 consultation asked five questions, whilst the December 2021 Stage 1 consultation did not set out any questions but rather stated on the consultation webpage:

"... The purpose of this consultation is to seek views as to whether the right issues are covered and that all suitable options for accommodating change are considered."

Our representations to the previous consultations were provided in response to the five questions set out in the March 2021 consultation document. Our representations to the current Regulation 19 consultation are set out, as requested, in response to the six 'proposed changes', but with cross-referencing to the (coincidentally) six 'proposals', with reference to our previous representations where appropriate.

Proposed Changes 1 to 5 – Amendments to Policy GROWTH 1

Scope of Changes (Proposal 1)

The requirement for the SIR stems from the Second Review of the Local Plan; the First Review of the Plan having concluded that the: "... Local Plan 2015 does not at the present time require to be updated". Both Reviews were undertaken pursuant to Section 17 of the Planning and Compulsory Purchase Act 2004.

The Second Review concluded that the "... Local Plan 2015 does require to be revised, but only partially and only in respect of its strategic housing policies. Of those policies, Policy GROWTH1 needs to be revised, because it has an out of date housing requirement ...". With regard to 'whether there has been a change in housing need', and thus policy GROWTH1, the Second Review opens by noting (para. 3.9): "Fundamentally, when taken as a whole since 2015, there has been no substantive change of circumstance in the district."

However, it then goes on to discuss the change in the recommended way that housing need is assessed (paras. 3.10 to 3.13), before noting that the Peterborough Local Plan no longer provides for part of East Cambridgeshire's housing need. The Council's conclusions are summarised in para. 3.15:



“Thus, the basis of the housing requirement figure in the East Cambridgeshire Local Plan is no longer up to date. That requirement was based on (a) an outdated method and (b) relied on the redistribution of homes to Peterborough, which is no longer happening.”

To provide some figures, if only for context, the 2015 Local Plan identified a housing requirement of 11,500 dwellings over the twenty-year plan period 2011-2031, equivalent to an average of 575 dwellings per annum ('dpa'). The Objectively Assessed Housing Need ('OAHN') underlying this requirement was 13,000 dwellings – equivalent to 650 dpa, but an agreement between East Cambridgeshire and Peterborough was reached such that 1,500 dwellings (equivalent to 75 dpa) would be provided within Peterborough, hence the reduced requirement in East Cambridgeshire; however as of 2018 it was clear that Peterborough would not be meeting this need.

With regard to point (a) in para. 3.15, the 'new' method for calculating housing need – the Standard Method for calculating Local Housing Need ('LHN') as set out in the PPG, resulted in a LHN of approximately 597 dpa for East Cambridgeshire at the point the second review was undertaken. Hence the conclusions of the Second Review, as detailed in para. 3.15, were that Policy GROWTH1 required updating as it set a housing requirement of 575 dpa, whereas the new method for calculating need resulted in a figure of 597 dpa, and if the need that was to have been provided in Peterborough was taken into account, the full OAHN figure was 650 dpa.

However, the conclusions reached are contradictory. The Second Review concluded that Policy GROWTH1 needed updating for two reasons, but these are mutually exclusive so the conclusion was, simply, flawed. The housing requirement in Policy GROWTH1, and the need that was to be met in Peterborough, was based on the OAHN, which was the recommended method for calculating housing need at the point the 2015 Local Plan was prepared and adopted. The LHN figure resulting from the Standard Method (first introduced in 2018) is the replacement recommended method for calculating housing need; in short the LHN replaces the OAHN – they do not exist in parallel.

As such, it is considered that it was disingenuous for the Council to contend that there were two reasons why Policy GROWTH1 needed to be amended – there could be only one reason: either the difference between the housing requirement (575 dpa) and the full OAHN (650 dpa), or the difference between the housing requirement in the adopted Local Plan (575 dpa) and the Standard Method LHN (597 dpa).

Given that the outcome of the Second Review was either to conclude that the housing requirement in Policy GROWTH1 did require amendment, or did not, then it was evident that if the latter, the updated housing need would fall to be calculated using the Standard Method. As such, the conclusion of the Second Review was essentially that the housing requirement of 575 dpa was sufficiently different to the Standard Method LHN of 597 dpa (some 22 dpa) as to warrant a review of Policy GROWTH1 – the ongoing 'Single Issue Review'.

This current Regulation 19 consultation confirms that the Standard Method LHN as at April 2022 is 599.78 dpa – very similar to the 597 dpa considered in the Second Review.

SUMMARY REPRESENTATION: It is considered that there is no justifiable basis for the proposed SIR.

It is considered that, in this regard (Proposed Changes 1 to 5 / Proposal 1), the SIR has not been positively prepared, is not justified, will not be effective, is not consistent with national policy, and as such is not sound.

Plan Period (Proposals 2 and 6)

The March 2021 consultation document stated (para. 3.3):

“The Council does not intend to amend the overall 2015 Local Plan Period of 2011-31. To do so would likely have wider implications beyond the intention of the SIR.”

The December 2021 consultation document re-confirmed the Council's approach – para. 3.4 stating (in response to representations to the previous consultation):

“... extending the plan period beyond 2031 will have considerable implications and will result, in effect, with the need for a full Plan update (for example, it will require additional substantial work such as a call for new site, and assessing and selecting such sites for allocation in the Local Plan. It will also have a knock-on effect on other issues such as the need for more employment land, retail floorspace and other facilities to cater for increased population, and arguably other policy updates on matters such as climate change and the natural environment). ...”

Thus the sole reason that the Council provided for not amending the plan period is that it would have wider implications, beyond the intention of the SIR. That there would likely be wider implications as a consequence of amending the plan period is not, in itself, sufficient justification for not doing so. In essence, such an approach is akin to the Council using the potential consequences of the SIR to constrain the scope of the review itself, rather than undertaking a review based on a well-reasoned and justifiable scope and attending to the consequences as necessary.

The December 2021 consultation document continued (ibid):

“... This option has already been rejected by the Council. ...”

If the fact that the Council had already ‘rejected’ the extension of the plan period is a reason not to do so, then one has to wonder why the previous consultation asked the question that it did: clearly the Council had no intention of considering any alternative than what it has already decided, which makes somewhat of a mockery of the consultation process.

The document continued:

“... A comprehensive update of the Local Plan will be undertaken once clarity is available in respect of a forthcoming Planning Act. Commencing a comprehensive review ahead of such changes could lead to considerable resource expenditure and the potential of such a Plan not being completed.”

The current Regulation 19 consultation document reiterates the Council's position.

The Government has made it clear that, pending a new Planning Act, Councils should continue their plan-making function. Indeed many Councils are progressing full reviews of their adopted Plans along similar timelines to that proposed in East Cambridgeshire and have not sought to use what might happen as an excuse not to do so. For example, Cambridge and South Cambridgeshire adopted their respective Local Plans in 2018, some three years after East Cambridgeshire, yet are progressing a full review of both.

There is statute and guidance in relation to two forms of ‘review’ of a Local Plan. Statutorily, Local Plans should be reviewed at least every five years, pursuant to Section 17 of the Planning and Compulsory Purchase Act 2004. Such reviews have been undertaken by the Council in the form of the First Review in October 2019 and Second Review in April 2020. It is therefore understood that the SIR is a review of the Local Plan that is being undertaken in accordance with national guidance. This is confirmed by the Introduction of the consultation document, which states that the consultation is being “... undertaken under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 ...”.

Whilst the PPG notes (ID: 61-062-20190315) that: “...plans are likely to require updating in whole or in part at least every 5 years ...” and that reviews “... should be proportionate to the issues in hand ...”, it also specifically states (our emphasis) (ID: 61-064-20190315) that the NPPF:

“... is clear that strategic policies should be prepared over a minimum 15 year period and a local planning authority should be planning for the full plan period.”

This is reinforced by the statement in the PPG (ID: 61-069-20190723) that, whilst an LPA can review specific policies on an individual basis:

“... Updates to the plan or certain policies within it must follow the plan-making procedure; including preparation, publication, and examination by the Planning Inspectorate on behalf of the Secretary of State.”

The Council has acknowledged this in the consultation document and has set out a projected timetable for the SIR in Section 1 of the consultation document.

However, the timetable anticipates adoption of the SIR by the end of 2023, at which point there will be just over seven years left of the twenty-year 2011-2031 plan period. This is considered to be directly contrary to the guidance in the PPG that strategic policies should be prepared over a minimum 15 year period.

In response to the March 2021 consultation, the Consultation Report notes (no paragraph or page numbers are provided):

“... The Council rejects that approach, because it does not seek to prepare a full local plan update at this stage, and sees no fundamental evidence suggesting a need to do so. A full local plan update is the appropriate place to extend the end date ...”

The Second Consultation Report (Issue 2, first response bullet) reiterates the Council's position.

To state that *“a full local plan update is the appropriate place to extend the end date”* belies a complete misunderstanding, or lack of recognition, that PPG states that *“strategic policies should be prepared over a minimum 15 year period”* (see above). In this regard the Council has, seemingly unwittingly, confirmed that the proposed SIR is contrary to national policy and guidance.

Manor Oak Homes considers that this point of principle is further reinforced by the approach that the Council intends to take in calculating the housing requirement, for reasons discussed below. In short, it is considered that the use of Standard Method to calculate housing need requires the ‘re-setting’ of the base date for the reviewed / revised Local Plan to 2021, with a plan period that will run for at least 15 years from adoption. In practice, this suggests that the plan period for the reviewed / revised Local Plan should be 2021 to 2041, such that at least 17 years remain following adoption.

Alternatively, and noting the plan periods of Local Plans in neighbouring areas, a plan period to 2040 might be appropriate; thus resulting in there being at least 16 years remaining following adoption.

SUMMARY REPRESENTATION: Manor Oak Homes does not agree that the plan period should remain as 2011-31. Instead, it is considered that the reviewed / revised Local Plan should relate to a plan period that will run for at least 15 years from adoption – e.g. 2021 to 2041, or alternatively, 2040.

It is considered that, in this regard (Proposed Changes 1 to 5 / Proposals 2 and 6), the SIR has not been positively prepared, is not justified, will not be effective, is not consistent with national policy, and as such is not sound.

Use of Housing Delivery as a Proxy for the Housing Requirement (Proposal 4)

The March 2021 consultation document stated (para. 4.4):

“To calculate the total housing requirement for the ‘plan period’, the housing requirement for 2011-21 will be established as being the housing delivered between 2011-2021. This is consistent with the national method ... which explains that “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”. ”

The December 2021 consultation document was very similar, stating (para. 4.4):

“To calculate the total housing requirement for the ‘plan period’ (2011-31), it is necessary to work out the housing requirement for 2011-21 and add that to 2021-2031.”

and (para. 4.5):

“The housing requirement for 2011-21 will be established as being the housing delivered between 2011-2021. This is consistent with the national method (see NPPG Reference ID: 68-031-201907224), which explains that “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”.”

The current Regulation 19 consultation document reiterates the December 2021 document.

These statements belie a complete misunderstanding of the difference between housing need and housing delivery / supply.

The housing need catered for in the adopted Local Plan was calculated using a complex methodology that resulted in the OAHN, whilst the Standard Method (which was only first introduced in 2018) now results in the calculation of the LHN. The Council’s suggestion that housing delivery be used as a proxy for the ‘housing requirement’ over the period 2011-2021 is based on neither of these approaches and is entirely unjustifiable on any level – it is neither based on any guidance nor is justified on any plain reading of the terminology, but is instead a poor attempt at justifying the unjustifiable.

The 2015 Local Plan set a housing requirement that equated to 575 dpa – equivalent to 5,750 dwellings over the ten-year period 2011-2021, whilst the identified OAHN was even higher at 650 dpa – equivalent to 6,500 dwellings over the ten-year period 2011-2021¹.

The Council now states (para. 4.7) that 3,018 dwellings were delivered over this period (i.e. equivalent to approximately 300 dpa) and proposes that this figure be ‘established’ (para. 4.6) as the housing requirement for the period 2011-2021. Presumably, had only 1,000 dwellings been delivered over the period 2011-2021 the Council would now be suggesting that the ‘housing requirement’ for the period was only 1,000 dwellings. Its proposition is, simply, both nonsensical and unjustifiable.

The true reason for the Council’s proposed approach is that it is attempting to ‘fudge’ a housing requirement for the period 2011-2021 as it does not wish to consider the implications of the alternatives – i.e. that the requirement for the period 2011-2021 was either:

- 1) 575 dpa (5,750 dwellings in total) as per the adopted Local Plan; or
- 2) 650 dpa (6,500 dwellings in total) as per the OAHN.

To use either of these figures would result in there having been a substantial shortfall in delivery during 2011-2021, of some 2,750 to 3,000 dwellings. If either of these figures were used as the requirement for 2011-2021, then the effect would be that the Council would not currently be able to demonstrate a 5-year housing land supply.

Despite all of the above, the First Consultation Report states (Issue 3, first response bullet):

“... The Council has considered these representations carefully, but disagrees with the suggestions. The approach taken by the Council is consistent with NPPF/NPPG ...”

Clearly, it is not; nor is it justifiable.

¹ The Council was aware in 2018 that the Peterborough Local Plan would not be providing the proposed 75 dpa.

SUMMARY REPRESENTATION: There is no justification whatsoever for the use of housing delivery during the period 2011-2021 as a proxy for the 'housing requirement' during this period – this is both nonsensical and unjustifiable.

It is considered that, in this regard (Proposed Changes 1 to 5 / Proposal 4), the SIR has not been positively prepared, is not justified, will not be effective, is not consistent with national policy, and as such is not sound.

Additional Growth (Proposal 4)

PPG explains, under the overall heading of 'Housing Need', the need to consider when it is appropriate to consider a higher level of housing need (ID: 2a-010-20201216):

“... The standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. ...

This will need to be assessed prior to, and separate from, considering how much of the overall need can be accommodated (and then translated into a housing requirement figure for the strategic policies in the plan). Circumstances where this may be appropriate include ...:

- *growth strategies ... ;*
- *strategic infrastructure improvements ...”*

The gist of this guidance is twofold:

- 1) The Standard Method Local Housing Need provides the minimum starting point in determining the number of homes needed in an area; and
- 2) Where an area is subject to growth drivers, it is appropriate to consider whether actual housing need is higher than the standard method indicates.

It is quite possible that the March 2021 consultation document / SIR ignored this guidance as it calculated the Standard Method LHN and then immediately stated this as the 'housing requirement'. In doing so it failed to appreciate that there are steps to the process between establishing the Standard Method 'minimum' Local Housing Need figure and a Local Plan housing requirement figure.

The December 2021 consultation document noted this guidance, stating (para. 3.8):

“Some of the comments received at the first consultation stage suggested that the national standard method for calculating housing need should be treated as a minimum, with the housing requirement set higher. Other factors, it was stated, should be considered such as economic growth ... the impact of the Oxford-Cambridge Arc ... [and] the Duty-to-Cooperate ...”

The December 2021 document went on to state (ibid.) that “we have carefully considered these comments” and discusses the Oxford-Cambridge Arc and the Duty-to-Cooperate. However, nowhere does it discuss wider economic growth, despite Cambridgeshire having experienced and continuing to experience very high levels of economic growth.

The Regulation 19 consultation document replicates paragraph 3.8 from the December 2021 document, without change.

The Second Consultation Report states (Issue 4, second response bullet) that:

“... exceptional circumstances (such as economic growth) for setting the housing requirement different from the national standard method ... are not evidenced in East Cambridgeshire ...”

Whilst the effect of the Oxford-Cambridge Arc is considered, nowhere in any of the consultation documents or reports does the Council discuss the potential impact of economic growth on housing need in, or the housing requirement for, East Cambridgeshire. The available data suggests that economic growth in East Cambridgeshire has, despite the Council's failure to facilitate the required housing growth, been materially greater than the national average, almost identical to that across South Cambridgeshire, and only slightly less than Cambridge itself. Given this, it is difficult to see how the Council has come to its somewhat simplistic conclusion that it (ibid.) "... disagrees ...". It presents no evidence for this conclusion.

SUMMARY REPRESENTATION: The Council has failed to consider the potential that economic growth might indicate the need to provide for a higher level of housing need, and is instead proposing that the housing requirement be set at the absolute minimum possible level, some 35 dpa lower than the previous OAHN. This is counter to the Government's express desire to 'significantly boost' housing supply.

It is considered that, in this regard (Proposed Changes 1 to 5 / Proposal 4), the SIR has not been positively prepared, is not justified, will not be effective, is not consistent with national policy, and as such is not sound.

Proposed Change 6 – Broad Locations (Proposals 3 and 5)

Noting that the SIR is couched as a review of the housing requirement, Manor Oak Homes considered it concerning that in the March 2021 consultation the Council proposed to, on the one hand (para. 3.4):

"... not ... provide any further allocations in its Local Plan as a consequence of this SIR ..."

Whilst, on the other hand (para. 3.6):

"... review the guidance in section 3.5.5-3.5.7 of the Local Plan in respect of the 'Broad Areas for housing' ..."

Given that the adopted Local Plan is explicit (para. 3.5.6) in that the 'broad locations' / 'broad areas' are not allocations (and presumably that they should not be developed without being formally allocated), it was unclear why the Council considered the need to state (para. 3.6) that it:

"... will review the guidance ... in respect of the 'Broad Areas for housing' ... [and that] ... Following that review, the Council will determine whether it is necessary to retain such Broad Areas or retain the Broad Areas with any updated guidance or explanation of them."

Presumably, the Local Plan would only require amendment if the status of the 'broad locations' / 'broad areas' were to be elevated, such as to that of allocations.

In this regard, the Council's statement in the March 2021 document that there was "... no intention to 'firm up' such Broad Areas as formal allocations" was supported in that there has been no formal consultation on any detail relating to these areas, and if there were to be then Manor Oak Homes would contend that all other available, suitable and deliverable sites within the District should be considered alongside them on a fair and equitable basis.

The December 2021 consultation document stated (para. 3.9):

"... the Council has determined that there is no need to significantly amend the text at this stage, and therefore the 'Broad Areas' will remain in the Local Plan as currently stated ..."

This conclusion was supported.

It continued:

“... the Council has removed any assumed supply from such sites for the period to 2031 ...”

This was also supported.

However, the Regulation 19 consultation document notes the conclusions of a recent appeal² and reiterates (para. 3.15) the previously-proposed position that the SIR “... is not proposing to firm up the Broad Areas into specific allocations ...” but then also states that the Council “... has reflected on the Inspector [sic] views which highlight the ‘expectation’ such Areas will deliver units in the plan period to 2031.”

The consultation document then goes on to state (para. 3.17) that the Council is proposing to:

“(i) ... retain the Broad Areas as identified in the supporting text in the [Local] Plan, but not ‘firm them up’ into specific allocations ...”

and:

“(iii) ... [update] the supporting text in the Local Plan, via this SIR, to acknowledge that the principle of development coming forward on the Broad Areas is now established.”

In short, the SIR IS NOT proposing to ‘firm up’ the Broad Locations into specific allocations, but at the same time IS proposing to amend the same text to acknowledge that the principle of development on the Broad Locations is now established.

The justification for the Council’s position in (iii) of para. 3.17 is seemingly the comment (para. 3.16) that:

“... of the five Broad Areas identified ... two of them already now have planning permission ... [and] There is active interest, including applications, for the remaining three.”

SUMMARY REPRESENTATION: Manor Oak Homes supports the Council’s conclusion that there is no need to (significantly) amend the Plan in relation to the ‘Broad Areas’, and also the decision to remove any assumed supply from these.

It is considered that, in this regard (Proposed Change 6), the SIR has not been positively prepared, is not justified, will not be effective, is not consistent with national policy, and as such is not sound.

Summary & Conclusion

Overall, Manor Oak Homes considers that the proposed SIR is fundamentally flawed in its concept, with elements entirely lacking any basis in policy or other justification, and that a full review of the Local Plan is required, to meet a level of growth reflective of the District’s location over an appropriate forward-looking plan period.

Yours faithfully



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Director

cc: Manor Oak Homes

² Appeal ref. APP/V0510/W/21/3282449