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# **Report to East Cambridgeshire District Council**

**by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 9<sup>th</sup> March 2015**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

## **REPORT ON THE EXAMINATION INTO THE EAST CAMBRIDGESHIRE LOCAL PLAN**

Document submitted for examination on 29 August 2013

Examination hearings held between 4 and 14 February 2014 and on 23 June 2014 and 11 November 2014

File Ref: PINS/V0510/429/4

## Abbreviations Used in this Report

AA	Appropriate Assessment
CCC	Cambridgeshire County Council
CIL	Community Infrastructure Levy
CS	Core Strategy
CWS	County Wildlife Site
DCLG	Department for Communities and Local Government
DPD	Development Plan Document
DtC	Duty to Co-operate
EA	Environment Agency
EH	English Heritage
Framework	National Planning Policy Framework
GTANA	Gypsy and Traveller Accommodation Needs Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
HSBP	Housing Supply Background Paper
IIP	Infrastructure Investment Plan
LDS	Local Development Scheme
LP	Local Plan
MoC	Cambridgeshire & Peterborough Memorandum of Co-operation
MM	Main Modification
PHEFTR	Population, Housing and Employment Forecasts Technical Report
OAN	Objectively Assessed (Housing) Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RBMP	River Basin Management Plan
RS	Regional Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
TLO	Travellers Liaison Officer

## **Non-Technical Summary**

This report concludes that the East Cambridgeshire Local Plan provides an appropriate basis for the planning of the District to 2031 providing a number of modifications are made to the Plan. East Cambridgeshire District Council has specifically requested that I recommend any modifications necessary to enable the Plan to be adopted.

All but one the modifications to address this were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues. The exception relates to a change to the threshold for affordable housing provision, which relates to a Written Ministerial Statement issued after the last hearing. In one additional case, described in the main body of this report, I have added additional text to the Council's proposed wording in line with discussions at the relevant hearing session.

The modifications can be summarised as follows:

- Adoption of an increased housing requirement of 11,500 dwellings in line with the Cambridgeshire and Peterborough Memorandum of Co-operation;
- Identification of new broad locations for housing development at Soham and Littleport and new housing allocations at Soham to ensure that a five year land supply is demonstrated;
- Inclusion of updated evidence in respect of the supply of housing, employment and retail development;
- Changes to development envelopes to include existing employment sites and proposed site allocations that adjoin settlements;
- Inclusion of revised targets for employment and retail development to reflect the updated evidence base, and clarification of the amount of such development within site allocations;
- Inclusion of updated references to infrastructure proposals and requirements in the light of further discussions with relevant stakeholders;
- Clarification of the Plan's approach to community-led development;
- Amendment of threshold for provision of affordable housing in open market developments from 5 to 10 dwellings in line with national policy.
- Clarification of the approach to be taken to provision for Traveller sites, in the light of concerns raised about the robustness of the evidence base;
- Deletion of a mixed use allocation in Bottisham (BOT2);
- Changes to the policy approaches in respect of flood risk and nature conservation in line with relevant national policy;
- Changes to reflect the importance of heritage assets and local architectural traditions, with particular emphasis on the special significance of Ely; and
- Updated requirements in respect of several site allocations to take account of representations and more recent master-planning exercises.

For the reasons set out in my main report, I have not agreed with the Council's proposal to delete an allocated site in Fordham (FRD3).

## Introduction

1. This report contains my assessment of the East Cambridgeshire Local Plan (LP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate (DtC), in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it complies with the legal requirements. At paragraph 182, the National Planning Policy Framework (the Framework) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for the examination is the Draft Local Plan (Pre-submission version) which was the subject of a public consultation exercise in February and March 2013. For the avoidance of doubt, this does not include the further amendments set out in the Council's 'Schedule of Proposed Minor Modifications to the pre-submission Local Plan' (August 2013)<sup>1</sup>: as was clarified in written exchanges with the Council<sup>2</sup>, such changes had not (at the time of submission) been subject to public consultation although some were clearly of a material nature. Public consultation then took place about the proposed increase in the Plan's housing target prior to the commencement of the main body of hearings in February 2014<sup>3</sup>: those changes, and associated representations, were considered in addition to the representations that had previously been made.
3. Following the main body of hearings, I issued a post-hearings note that set out various concerns arising from those sessions<sup>4</sup>. In response, further changes were proposed by the Council in April 2014: these were subject to public consultation and were considered at a resumed examination hearing session in June 2014. Following that resumed hearing I raised further concerns with the Council in respect of its housing land supply evidence: these were set out in an Interim Conclusions paper<sup>5</sup>, which also contained my assessment of the Duty to Co-operate (DtC). The Council proposed further changes in the light of that paper, essentially proposing new housing allocations in Soham. These changes were the subject of public consultation and a final resumed hearing session was held in November 2014.
4. My report deals with the main modifications that are needed to make the Plan sound and legally compliant. They are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council has requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in an Appendix to this report.

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<sup>1</sup> Document SD/2.

<sup>2</sup> Documents IN/1-IN/3.

<sup>3</sup> Document SD/30.

<sup>4</sup> Inspector's note to the Council (document IN/10, 19 February 2014). This considered the following matters: housing needs and housing land supply; development envelopes; flood risk; Traveller sites; renewable energy; and various site-specific comments.

<sup>5</sup> Inspector's Interim Conclusions in respect of the Duty to Co-operate and Meeting Housing Needs (document IN/15, July 2014).

5. The main modifications that go to soundness derive from a schedule of modifications<sup>6</sup> prepared by the Council following the close of the final hearing session in November 2014. As noted above, changes set out in the Council's schedule have been the subject of public consultation at various stages during the examination. Where necessary, they have been accompanied by supporting documents including revised Sustainability Appraisal (SA), revised Habitats Regulations Assessment (HRA) and updated flood risk assessment evidence<sup>7</sup>. I have taken the responses from all of these consultation exercises into account and have made a small number of additional changes for reasons of clarity and national policy consistency. None of these significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. I have highlighted these further changes in this report and Appendix.
6. The main modifications do not include changes proposed by the Council that I consider are not needed for soundness/legal compliance reasons. For the avoidance of doubt, the report makes no comment about the merits of any additional Council-proposed changes that I do not specifically mention.

## **Assessment of Duty to Co-operate (DtC)**

7. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. The Council comments on this duty in its DtC statement<sup>8</sup>, which describes the activities that it has undertaken with other bodies in order to maximise the effectiveness of Plan preparation. These include bodies such as Cambridgeshire County Council, neighbouring local planning authorities (including councils in Suffolk) and statutory authorities.
8. In particular, the Council has participated in the Cambridgeshire and Peterborough Joint Strategic Planning Unit, which has enabled consideration of a range of strategic issues – including the preparation of the Memorandum of Co-operation (MoC)<sup>9</sup> (discussed in more detail below). This sets out the vision and objectives for the long-term development of the Cambridgeshire and Peterborough area, as well as an overview of the evidence for future levels of growth, and outlines the broad spatial approach that will help realise the vision and the area's growth needs. Other relevant joint working has included the preparation of a Water Cycle Study (with Fenland District Council): this has been updated with the agreement of a joint position statement between the Council, Anglian Water and the Environment Agency<sup>10</sup>.
9. While DtC objections were raised by some other Councils (especially in regard of housing numbers), these are not now being maintained. Outstanding concerns relate to matters of detail only. The Council's active participation in relevant joint bodies and adoption of the agreed stance on housing numbers is evidence that it has co-operated constructively, actively and on an ongoing basis. Therefore, I am satisfied that the duty has been complied with.

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<sup>6</sup> Document FPH/15.

<sup>7</sup> The document list, and copies of documents, can be viewed at the examination website <http://www.eastcamb.gov.uk/local-development-framework/local-plan-examination>.

<sup>8</sup> Document ref. SD/17.

<sup>9</sup> Document ref. SD/18.

<sup>10</sup> Document refs. ENE/1 and PST/3.

## Assessment of Soundness

### Main Issues

10. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified a number of main issues upon which the soundness of the Plan depends.

**Main Issue 1: Are the Local Plan's housing policies based on adequate and up-to-date evidence and a clear understanding of housing needs in the market area, as is required by the Framework? Does an adequate supply of housing land exist to meet the requirements of the Local Plan and the Framework? Is the Local Plan's approach to affordable housing effective, justified, with particular regard to effects on viability, and consistent with national policy?**

#### *Objectively Assessed Housing Needs*

11. The Local Plan as submitted states, with reference to a Housing Requirement Paper dated February 2013<sup>11</sup>, that the evidence indicates that there is likely to be a need for about 9,000 to 10,000 dwellings over the 20 year period 2011-2031. Background papers prepared by the Council<sup>12</sup> raise some concerns about the robustness of the SHMA. However, as was confirmed at the relevant hearing session, the Council's position has changed in respect of this matter. In line with the above-noted Memorandum of Co-operation (MoC), it now accepts the conclusion of the Strategic Housing Market Assessment (SHMA)<sup>13</sup> for the Cambridge sub-region housing market area (HMA)<sup>14</sup> that 13,000 additional homes are forecast to be needed within East Cambridgeshire District over that period. The Council proposes amended wording to reflect the revised position, which is included in the modifications discussed below.
12. A number of challenges have been made to the Council's assessment of housing need. Some of these are objections to the 9,000-10,000 dwelling figure: given that this has been superseded, there is little merit in discussing it in any further detail. Concerns in respect of the intended apportionment of housing to meet need within the HMA are discussed below. However, it is first necessary to consider the objections that have been made to the Council's amended position in respect of objectively assessed need (OAN): in summary, these take the view that even the 13,000 dwelling figure is an inadequate representation of the true level of housing needs within the District between 2011 and 2031. Alternative figures that have been suggested range from some 13,500 to 16,300 dwellings over this period.
13. The key evidence base underlying the 13,000 figure is the SHMA (notably its updated chapters 12 and 13) supported by the Populations, Housing and Employment Forecasts Technical Report (PHEFTR)<sup>15</sup> (April 2013) published by

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<sup>11</sup> Document HE/3.

<sup>12</sup> For example document HE/4.

<sup>13</sup> Document HE/8, specifically the updated chapters 12 and 13 (May 2013).

<sup>14</sup> The Cambridge HMA includes the five Cambridgeshire districts as well as Forest Heath and St Edmundsbury in Suffolk.

<sup>15</sup> Document SE/10.

Cambridgeshire County Council (CCC). The methodology<sup>16</sup> was discussed at the relevant hearing session. In summary, the PHEFTR considers a range of forecasts and projections: these include national population and household projections (including the 2011-based DCLG household projections), local data (notably CCC's own population forecasts) and sub-national models (the East of England Forecasting Model and the Local Economy Forecasting Model). The outputs (in terms of population) from the different data sources are compared at the district level, with revisions to reflect the 2011 Census. For East Cambridgeshire, the report identifies an indicative population figure of around 110,000 by 2031. Using occupancy ratios of 2.35 and 2.24 people per dwelling (at 2011 and 2031 respectively), this indicative population figure has been used to generate dwelling numbers. For East Cambridgeshire, this equates to a change from 36,000 to 49,000 dwellings (+13,000).

14. A number of technical objections have been raised about this approach, including concerns about migration assumptions and the use of standard occupancy ratios. While the interim 2011-based projections suggest higher levels of net in-migration for East Cambridgeshire than previous projections, these do not cover the full plan period and are in any event interim only. The validity of extending interim 2011-based migration assumptions over the remainder of the Plan period (as suggested in one model supplied by representors<sup>17</sup>) is therefore open to question.
15. In respect of occupancy ratios, the PHEFTR (as noted above) assumes a continued fall in household size through the Plan period. The relevant figures derive from trends between 1996 and 2007 for the East of England, and therefore avoid potential concerns that household size data from the 2011 Census may include an element of suppressed need. This approach appears prudent. While concerns were raised that occupancy ratios may vary depending upon the amount and type of in-migration, I have seen no substantive evidence that the PHEFTR's approach (which uses different occupancy ratios for different districts) is inherently unsound.
16. Concerns have been raised about the degree to which the above-noted assessment has taken into account markets signals, as is required by the Framework and more recent advice in the national Planning Practice Guidance (PPG). While the latter guidance post-dates the Plan's submission, it is clearly relevant. Various signals are listed, including land prices, house prices, rents, affordability, rate of development and overcrowding. In general, these factors are considered in the SHMA. This shows<sup>18</sup> that both house prices and the mean house price to income ratio within the District remain below the respective sub-regional averages. As already noted, the PHEFTR methodology incorporates economic-based projections as well as those based solely upon demographic change.
17. More up-to-date data on market signals have been provided on behalf of a representor<sup>19</sup>. To my mind, they present a mixed picture. For example, average house prices in the District are somewhat below the sub-regional

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<sup>16</sup> Summarised in section 2 of the PHEFTR (Document SE/10).

<sup>17</sup> Barton Willmore East Cambridgeshire District Housing Need Assessment (November 2013): Chelmer Model Demographic-led scenario 2.

<sup>18</sup> SHMA section 12.2.3 – document ref. HE/8.

<sup>19</sup> GVA Market Signals Assessment for Gladman Developments Ltd (May 2014).

figure, while rental levels are somewhat higher. The affordability ratio has worsened between 2000 and 2013, with the District's figure being broadly aligned with those of the sub-region and region. The rate of change of housing market activity is similarly aligned to the sub-regional and regional figures. As will be discussed below, completion rates for new housing in the District have dropped markedly from previous years where relevant plan targets were met or over-achieved. Taken together, these data do not provide a compelling case for adding an upwards adjustment to the 13,000 dwelling figure set out above.

18. Furthermore, it is noted that the 13,000 dwelling figure does not differ substantially from the output of another demographic-led Chelmer model scenario presented by representors<sup>20</sup>, which suggested a requirement of some 13,500-13,700 dwellings over the Plan period. The average number of dwellings per year implied by the 13,000 dwelling target (650) exceeds the 618 dwellings/year figure quoted in the Local Housing Requirement Assessment Working Group's 'What Homes Where' website<sup>21</sup>. Taking these matters together, I am satisfied that the 13,000 dwelling figure represents an objective assessment of need within East Cambridgeshire district during the Plan period. I comment in more detail on affordable housing needs later in this report.

#### *Determining the Local Plan's Housing Requirement*

19. As already noted, the Plan does not seek to provide for the 13,000 dwelling needs figure, proposing instead a target of 11,500 which represents the agreed position within the MoC. At the relevant hearing session, the Council stated that this approach does not reflect a problem of potential housing capacity within the District. As is made clear in its housing evidence there are no fundamental constraints to delivery in terms of land availability, environmental capacity and infrastructure capacity<sup>22</sup>. Rather, the proposed housing target arises from a strategic assessment of development patterns within the wider HMA that has been undertaken by Cambridgeshire local authorities jointly with Peterborough City Council.
20. The context for the MoC is set by the introduction of the DtC (discussed above) by the Localism Act 2011 and the abolition of the East of England Plan – the Regional Strategy (RS) – in January 2013. It continues a history of joint working between councils in the Cambridgeshire and Peterborough areas: in part this reflects an overlap between the Cambridge and Peterborough HMAs. The MoC includes<sup>23</sup> a joint statement on the development strategy for these areas. In summary, this seeks to secure sustainable development by locating new homes in and close to Cambridge and Peterborough and other main centres of employment, while avoiding dispersed development that could increase unsustainable travel patterns and restrict access to key services and facilities. Implementation of the strategy is already underway, with new urban extensions being delivered in both Cambridge and Peterborough.

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<sup>20</sup> Barton Willmore East Cambridgeshire District Housing Need Assessment (November 2013): Chelmer Model Demographic-led scenario 1.

<sup>21</sup> <http://www.howmanyhomes.org/2.html>.

<sup>22</sup> See for example paragraph 3.3.1 of document HE/4.

<sup>23</sup> Appendix 2 of document SD/18.



21. In practical terms, the MoC includes an agreement that two of the authorities concerned (East Cambridgeshire and Fenland District Councils) should not provide for the full identified need set out in the SHMA. In the case of East Cambridgeshire, this represents a reduction of 1,500 dwellings (2011-2031): the corresponding figure for Fenland is 1,000. The MoC agrees that an equivalent figure of 2,500 dwellings has already been provided for outside the Cambridge HMA in Peterborough's Local Plan.
22. Two main objections have been raised to this approach. First, it is queried whether adequate provision has indeed been made for the 2,500 dwellings in Peterborough. Second, given that Peterborough lies outside the Cambridge HMA and there is no overlap between East Cambridgeshire and the Peterborough HMA, concern is raised that the resulting outcome conflicts with the Framework's requirements – specifically with paragraph 47 which requires among other matters that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the Framework's policies. I address each matter in turn.
23. At the relevant hearing session, Peterborough City Council confirmed that it is willing to accommodate a proportion of the need arising in the Cambridge HMA – namely 2,500 dwellings or around 10% of Peterborough's overall adopted housing target<sup>24</sup>. In effect, these have already been provided for in the Peterborough CS (adopted 2011) and Peterborough Site Allocations DPD (adopted 2012). The relevant housing targets and allocations derive from the RS: an increase of 9,000 dwellings in the final version of the RS made by the Secretary of State was focussed on the two urban areas of Peterborough and Cambridge rather than being dispersed more widely. It is therefore clear that the relevant housing growth reflected a wider need than that solely arising from Peterborough itself. I have seen no substantive evidence to the contrary.
24. Further support is provided by the 'What Homes Where' website, which suggests an average figure of 882 households per year for Peterborough (2011-2031). This is markedly less than the planned annual delivery rate (2006-2021) of 1,420 dwellings set out in the adopted Peterborough CS<sup>25</sup>. Taking these matters together, I am satisfied that adequate provision has been made for the relevant dwellings within Peterborough City Council's area.
25. As already described, the MoC envisages that part of the OANs of the Cambridge HMA (2,500 dwellings) would be met outside that market area. Strictly, that would appear to conflict with paragraph 47 of the Framework. However, as set out above, I am satisfied that the relevant dwellings would be provided for: indeed, they have already been provided for in planning policy terms. The issue is therefore whether it is appropriate for this need to be met outside the Cambridge HMA.
26. While there is a geographical overlap between the Peterborough and Cambridge HMAs, this does not include the area of East Cambridgeshire District. Representors observe that there is limited interaction (for example in respect of commuting) between East Cambridgeshire and Peterborough: they

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<sup>24</sup> See also statement of common ground (document SCG/1).

<sup>25</sup> Peterborough Core Strategy paragraph 5.3.5.

query whether it would be appropriate to encourage such movements across intervening districts. However, such concerns do not take account of the strategic nature of the apportionment that is now proposed. This relates to the Cambridge HMA as a whole, rather than solely to East Cambridgeshire.

27. As is recognised by the SHMA<sup>26</sup>, the definition of HMAs is an imprecise science. Peterborough is the largest urban area within the sub-region. It is a major employment centre with good transport links and infrastructure. The evidence suggests a net daily in-commute from Cambridgeshire of some 7,000 people<sup>27</sup>. The Peterborough HMA overlaps with the Cambridge HMA, which extends close to Peterborough's urban edge. In functional terms, I have seen no evidence that providing an element of the Cambridge HMA's needs within Peterborough would conflict with the Framework's sustainable development objectives. Indeed, given Peterborough's accessibility, infrastructure availability and range of service provision, this arrangement would broadly accord with general sustainable development principles.
28. Furthermore, given that the intended apportionment of development has been agreed by local authorities working in co-operation as required by the legal duty already discussed, it seems to me that the approach that is now proposed is consistent with the principles of localism. National planning policy clearly envisages circumstances where development requirements from one local authority area will be met in another<sup>28</sup>. In view of the close relationship between the Cambridge and Peterborough HMAs, the intended provision of 2,500 dwellings across the HMA boundary does not therefore appear either unreasonable or inconsistent with the overall policy thrust of the Framework. For these reasons, I am satisfied that the objectively assessed needs of the Cambridge HMA would be adequately provided for. As such, the 11,500 dwelling target that the Council now proposes is both justified and consistent with national policy and I recommend the associated changes that it proposes to the Local Plan **MM2-4, MM22, MM30, MM49** as being necessary for those reasons.

#### *Housing Land Supply over the Local Plan Period*

29. The Plan's references to housing land supply (notably table 3.2 and supporting text) relate to the original housing target that has now been superseded. Given the Council's revised position this report does not consider the merits of those figures further. The Council accepted at an early stage in the examination that its housing supply evidence was out of date: an amended approach was proposed in the pre-hearing modifications (October 2013). In summary, this sought to demonstrate that the revised 11,500 dwelling total could be achieved during the Plan period, primarily by proposing that broad locations for further growth (to be the subject of allocations in a Local Plan review) should be identified on the edge of Soham and Littleport. It also presented data using an amended time period (2011-2031) that was consistent with that set out in the MoC.
30. These revised figures were criticised by some representors and were discussed at the main body of hearings. Following those sessions, I raised a number of

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<sup>26</sup> Section 2.2, document HE/8.

<sup>27</sup> Paragraph 3.4, document SD/18.

<sup>28</sup> Notably at paragraph 182 of the Framework.

concerns in a post-hearings note<sup>29</sup>. In summary, this identified:

- the need for appropriate flexibility in line with paragraph 14 of the Framework;
- a concern that the windfall assumptions included provision in private residential gardens after year 6 (with reference to paragraph 48 of the Framework);
- a need for clarification about future intentions in respect of 'large potential sites' and broad locations; and
- the need to demonstrate a robust five year land supply.

31. The Council broadly accepted these concerns<sup>30</sup> and responded by proposing further changes in post-hearing modifications dated April 2014. These also reflected updated housing land supply evidence set out in a Housing Supply Background Paper (HSBP) (March 2014)<sup>31</sup>. In summary, this:

- identified additional sources of supply in the broad locations, resulting, when taking into account other adjustments, in an anticipated over-provision of some 500 dwellings over the Plan period as a whole (a total supply of 12,000 dwellings);
- applied more cautious delivery rates for key allocations (a point that I return to below in the context of five year land supply);
- excluded garden land from windfall estimates; and
- proposed an amended notation for the 'broad locations' at Soham and Littleport.

32. The relevant changes, contained in **MM20-24, MM30, MM183, MM208**, were the subject of public consultation and were considered at the resumed hearing in June<sup>32</sup>. I commented on the Council's updated position and revised evidence in my Interim Conclusions paper<sup>33</sup>. I do not repeat this in detail in the present report, but in summary, I was satisfied that the 'headroom' of some 500 dwellings over the 11,500 target would provide adequate flexibility over the Plan period as a whole. While the Council did not apply a discount rate to the source of outstanding commitments, I have seen no clear evidence that sites with planning permission would not come forward and I was therefore satisfied that this approach is consistent with national policy<sup>34</sup>. Indeed, there is a good record of sites with permission being implemented within the District. While the anticipated delivery from potential large specific sites within settlements had not been discounted, I accepted that the Council

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<sup>29</sup> Document IN/10.

<sup>30</sup> Document PHM/3.

<sup>31</sup> Document HE/13.

<sup>32</sup> The Council also proposes minor modifications to update housing land supply data in the individual town and village vision statements contained in the Plan. While these are endorsed for reasons of consistency, they do not amount to main modifications that are needed for soundness reasons.

<sup>33</sup> Document IN/15.

<sup>34</sup> Footnote to paragraph 47 of the Framework.

has made an assessment of the likelihood of these sites coming forward, resulting in some sites not being considered within this category. The Council commented that historical evidence suggests that its assessment may be unduly cautious: if this is indeed the case then this would provide additional comfort in terms of its overall housing supply position. In any event, I considered that even if a discount were to be applied to this source, the resulting reduction would remain well within the 'headroom' that has been created by the identification of additional sources of supply.

33. As discussed below, yet further changes were proposed by the Council in response to the concerns about its five year housing land supply position set out in my Interim Conclusions paper. However, these changes – which in essence bring forward allocations from some of the previously proposed 'broad locations' and which I discuss below – do not materially affect the land supply position over the Plan period as a whole. As set out in my Interim Conclusions paper, I am therefore satisfied that subject to the changes set out under this heading, which are necessary to meet all four soundness requirements, and subject to the Council carrying out its proposed Local Plan review to bring forward the remaining 'broad location' site allocations, an adequate supply of housing land exists to meet the revised target of 11,500 dwellings that is now proposed in the Local Plan. As such, it is clear that the Council has responded positively in seeking opportunities to meet the development needs of their area, as is required by the Framework.

#### *Five Year Housing Land Supply*

34. The March 2014 HSBP set out the Council's assessment of its housing land supply in the five years from 2014/15 to 2018/19. This identified a supply of 4,089 dwellings compared to five year requirements calculated at 3,884 or 3,285 dwellings using the 'Sedgefield' or 'Liverpool' (also known as the Residual) methods respectively. Both the substance and the methodology of the Council's assessments were subject to challenge. These matters were discussed at the resumed hearing in June 2014 and, as already noted, I issued an Interim Conclusions paper that raised a number of concerns about the Council's figures<sup>35</sup>. As before, I summarise these in my present report:

- There has been a shortfall of some 865 dwellings in delivery in the first three years of the Local Plan period. I considered that there was no substantive reason to use the 'Liverpool' method of calculation in assessing its five year land supply. As discussed above, it is part of the Council's general case that there are no fundamental constraints to delivery in terms of land availability, environmental capacity and infrastructure capacity within the District. As such, the shortfall should be apportioned to the first five years.
- Given the evidence of previous over-delivery<sup>36</sup>, I did not share the view of some representors that a 20% buffer should be applied when calculating the five year land requirement. A 5% figure should be

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<sup>35</sup> The Interim Conclusions paper also took into account a further paper on Five Year Housing Land Supply issued by the Council in June 2014 after the resumed hearing session (document HE/16).

<sup>36</sup> For example, completions exceeded the Local Plan target, often significantly, in 8 of the 9 years between 2001/2 and 2008/9 – see Annual Monitoring Report (document SD/20).

applied in line with paragraph 47 of the Framework.

- I therefore considered that the Council's assessment of a 3,884 dwelling five year requirement was robustly based. In doing so, I took a view that the 5% buffer should not be applied to the shortfall. However, this matter was the subject of discussion at the further resumed hearing. If the 5% buffer were to be applied to the shortfall the five year requirement would rise to 3,928 dwellings (i.e. an additional 44 dwellings).
  - However, with reference to advice in the PPG<sup>37</sup>, I considered the Council's assessment of its actual five year housing land supply to be over-optimistic. Specifically, I considered that a more cautious completion rate and start date should be applied to the North Ely site (ELY1), later start dates should be applied to the sites at Ely Station Gateway (ELY7/8) and Newmarket Road, Burwell (BUR1) and (in respect of the five year supply figure) that a 10% discount rate should be applied to the large potential sites within settlements. Taken together, these factors amounted to a reduction of some 520 dwellings in the Council's stated supply figure. Given that the Council's figures indicated an oversupply of some 200 dwellings, this suggested a shortfall of some 320 dwellings from the required total. I therefore considered that a robust five year housing supply had not been demonstrated. For the reasons set out in that paper, I did not accept the Council's view that its stated housing land supply figure was, in practice, a conservative estimate.
35. In response to the above interim findings, the Council proposed further modifications including the allocation of five additional housing sites at Soham: in essence, these were 'rolled forward' from illustrative broad locations that had previously been proposed for consideration later on during the Plan period. These further modifications, which were supported by additional evidence, SA, HRA and flood risk assessment<sup>38</sup>, were the subject of a consultation exercise and a final resumed hearing in November 2014.
36. The Council's additional evidence also referred to its position on a current application for a scheme including 70 dwellings at Reach Road, Burwell where it has indicated that it is minded to grant planning permission. This site had not been included in previous housing land supply calculations but, bearing in mind representations from the developer concerned about its deliverability, I see no reason why it should not now be considered in that context. That would reduce the above-noted shortfall from 320 to some 250 dwellings.
37. I comment on the justification for the additional sites in Soham later in this report. However, in housing land supply terms they amount to a potential total of 510 dwellings. In its most recent HSBP (September 2014)<sup>39</sup>, the Council suggests that all of these dwellings will be completed by April 2019. I share the view of several representors that, given a number of uncertainties about the details of particular schemes, this is unrealistic. Nevertheless, the

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<sup>37</sup> See PPG paragraph ID: 3-031-20140306.

<sup>38</sup> See documents FPH/1, FPH/2, FPH/5-FPH/9, FPH/14 and HE/17.

<sup>39</sup> Document HE/17.

potential yield of 510 dwellings would be significantly in excess of the shortfall discussed above, even if an additional 44 dwellings are added to the five year requirement to take account of the 5% buffer being applied to the previous shortfall in delivery (see above). Given that there is clear support for these allocations from the landowners concerned, along with the evidence of demand within Soham's housing market<sup>40</sup>, I have no reason to doubt that these additional sites would deliver sufficient housing to more than make up the shortfall in five year land supply that I had previously identified.

38. Subject to my comments below, I am therefore satisfied that subject to changes **MM24, MM36, MM206-207, MM214-223, MM229**, which are necessary for effectiveness and consistency with national policy, an adequate five year housing land supply has been demonstrated in line with paragraph 47 of the Framework.

#### *Affordable Housing*

39. The objective assessment of affordable housing needs is also required by paragraph 47 of the Framework. The overall need for affordable housing in the District over the Plan period is set out in the SHMA<sup>41</sup> (table 2 of the chapter 13 supplement) – a total of 6,171 households. This figure has not been substantively challenged and I have no reason to take a different view. It forms part of the overall OAN of 13,000 dwellings discussed above. The figure is made up of an existing need of 1,911 households<sup>42</sup> and an anticipated newly arising need during the Plan period (totalling 4,260 households).
40. Following discussion at the relevant hearing session the Council issued a paper providing clarification about the methodology used to assess the available supply of affordable housing in the District<sup>43</sup>. This recognises that only a proportion of affordable housing need will be provided through new-build accommodation. The main alternative source of provision is through re-lets and re-sales, for example when a household presently in affordable housing becomes able to access the market housing sector. This is estimated at a supply of some 2,680 re-lets/re-sales throughout the Plan period. A further, much smaller, source is the accommodation of homeless persons by the District Council (under the provisions of the Housing Act 1996) using private rented housing: this amounted to 99 households during the early part of the Plan period (to December 2013). Deducting these sources gives a new-build affordable housing requirement of 3,392 dwellings for the Plan period<sup>44</sup>. This is somewhat less than the anticipated supply of affordable housing, which is estimated at some 3,430 dwellings taking into account the likely provision of affordable housing through open market schemes and rural exception sites. On balance, it therefore appears that an adequate supply of affordable housing will be available over the Plan period.

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<sup>40</sup> See for example document FPH/14.

<sup>41</sup> Document HE/8.

<sup>42</sup> This figure takes into account homeless households, overcrowded households, concealed households and housing register information.

<sup>43</sup> Document ref. HE/15.

<sup>44</sup> This figure excludes any reduction that may arise from the apportionment of some of the District's overall housing need elsewhere in Cambridgeshire and Peterborough, as described above.

41. It is recognised that actual affordable housing delivery has been below the expected target in some recent years. However, levels of provision are subject to annual monitoring. The proposed Local Plan review will provide an opportunity to assess whether any alteration to policy is required in the future in respect of this matter. The above-noted figures represent a change from those set out in the Plan as submitted and the Council suggests revised wording to accord with its updated housing evidence **MM5-6**: these changes are needed for reasons of justification and effectiveness.
42. Local Plan policy HOU3 sets out requirements for the provision of affordable housing in association with open market housing developments. This takes forward the proportions of required provision (minima of 40% in the south of the District and 30% in the north) that were set out in the Core Strategy (CS). A number of the Plan's detailed site allocation policies are inconsistent with these figures (for example the Fordham sites quote 30% not 40%): however, as these clearly represent drafting errors, I leave it to the Council to address these through additional (i.e. minor) modifications.
43. While the CS proportions remain unchanged, it is proposed to raise the threshold for applying the requirement from 3 or more dwellings to 5 or more dwellings. Although subject to viability testing<sup>45</sup>, this threshold conflicts with national policy on small-scale developers set out in a Written Ministerial Statement dated 28 November 2014. This requires that provision for affordable housing is not made on sites of 10-units or less. Although not proposed in the Council's schedule, I therefore have recommended a change (**MM50a**) in order to be consistent with national policy. In addition, policy HOU3 makes provision for the viability of developments, including any exceptional costs, to be taken into account in negotiations. This provides appropriate flexibility in line with the Framework's requirements.

#### *Housing Mix and Types*

44. A number of other concerns have been raised about the Plan's requirements in respect of housing type and mix. The Council accepts that some of the Plan's detailed references are unduly prescriptive, for example the objective that all new housing should 'match' local needs in terms of type, size and tenure, and proposes a change (**MM1**) accordingly. Revised text is proposed to clarify that the final mix of housing schemes will be a matter for negotiation (**MM45, MM47**). References to Lifetime Homes standards are proposed to be updated in line with the Ministerial Statement on Building Standards<sup>46</sup> (**MM44, MM50, MM64-65**). These changes are needed for reasons of effectiveness.
45. The Council also proposes a change to policy GROWTH1 (**MM46**) to recognise that some allocations elsewhere in the Plan include specific housing mix requirements. A change to the requirements for an allocation in Cheveley is proposed to ensure that local needs are addressed (**MM123**). Amended wording to the Plan's text is also needed to provide clarification about the approach towards, and justification for, the inclusion of an exception policy for care or nursing homes adjoining or close to a settlement, bearing in mind the level of provision in the county as a whole (**MM51**). These changes are

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<sup>45</sup> See documents SE/4 and SE/5.

<sup>46</sup> Dated 13 March 2014.

needed for reasons of effectiveness.

*Conclusion – Main Issue 1*

46. Taking the above matters together, and subject to the above-noted main modifications, I conclude that the Local Plan's housing policies are based on adequate and up-to-date evidence and a clear understanding of housing needs in the market area, as required by the Framework, that an adequate supply of housing land exists to meet the requirements of the Local Plan and the Framework and that the Local Plan's approach to affordable housing is effective, justified, with particular regard to effects on viability, and consistent with national policy.

**Main Issue 2: Is the Local Plan's spatial strategy and distribution of development sufficiently justified and consistent with the local evidence base and national policy? Are the boundaries of development envelopes correctly located and adequately justified?**

47. The Plan's locational strategy, which is set out in policy GROWTH2, broadly seeks to focus the majority of development on the market towns of Ely, Soham and Littleport<sup>47</sup>. More limited growth is proposed in the villages, while development in the countryside is restricted to a somewhat lengthy list of exceptions<sup>48</sup>. While the District's settlements are not formally ranked in terms of a hierarchy, it is clear from the amount of development that is being proposed – which is summarised in policy GROWTH4 – that Ely represents the main focus for growth, with Soham and Littleport accommodating significantly more development than the villages. I accept the Council's view that a more detailed hierarchy such as the 'Limited Service Centres' and 'Small Villages' set out in the CS is unnecessary. In practice, this hierarchy was apparently little used in decision-making, while the revised approach – with clearly identified site allocations and development envelopes to guide and limit the scope of development in specific settlements – provides greater certainty for all parties.
48. Furthermore, the definition of development envelopes and the identification of specific development opportunities within villages within the District have involved a significant amount of consultation and local input. Given this approach, I accept the Council's view that it would be inappropriate to attach development 'targets' to specific settlements. However, I agree with the Council that it would be useful to continue to monitor the proportion of development in each category of settlement over the Plan period.
49. The detailed figures in policy GROWTH4 need to be updated to take account of the Council's revised approach to housing provision, described above. In addition, by undertaking further work during the examination period and taking account of recently granted planning permissions, the Council has been able to provide greater clarity about scale of anticipated development in some of the proposed allocations (replacing 'yet to be determined' notations in the submitted Plan). These changes, which are needed for reasons of effectiveness, are included in **MM30-38**. For the reasons set out below, I do not recommend the deletion of a site in Fordham (FRD3) that is now

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<sup>47</sup> While the fringes of Newmarket also lie within the District, additional development in this location was precluded by availability constraints.

<sup>48</sup> Some 19 categories of exceptions are set out in policy GROWTH2.



suggested by the Council. This will require additional consequential (minor) changes to some of the Council's proposed modifications to retain the Plan's existing provisions for this site.

50. Some objections have been made to the approach of focussing development in market towns while allowing only limited growth elsewhere. Alternative strategies suggested include placing a greater focus on development in the villages. However, it is clear from the SA work undertaken by the Council during the Plan's preparation<sup>49</sup> that the option that has now been taken forward (Option 1) scored better in sustainable development terms than the three other options that were considered and rejected<sup>50</sup>. The difference was least marked in terms of Option 2 (development focussed on market towns only): however the preferred option scored more highly as it would allow the delivery of additional affordable housing in villages where it was needed as well as supporting the retention of key services and facilities. While concern was raised by some parties about the potential deliverability of large housing sites, I am satisfied (as set out above) that an adequate supply can be demonstrated over both the five year and the overall Plan periods.
51. It is noted in this context that the identification of broad locations at Soham and Littleport now proposed, along with the allocation of new sites at Soham, is consistent with the broad strategy described above. These changes have been the subject of updated SA and additional justification is also provided in the Council's Assessment of Deliverability in Market Towns paper<sup>51</sup>, which sets out the criteria and methodology that were used to select the additional site allocations: in summary, these relate to site suitability, availability and deliverability.
52. Some of the detailed assessments in the Council's SA documents, which include updates to take account of the changes proposed before and during the examination, have been subject to criticism. However, sustainability appraisal is by its very nature an iterative and broad-brush exercise. Adopting an unduly forensic approach would be at odds with the need to apply a proportionate approach to this part of the evidence base. Bearing in mind the additional evidence that has been submitted in support of options development and site selection, including the updated approach to flood risk assessment described below, I am satisfied that the Plan's locational strategy and site selection decisions have been subject to adequate SA.
53. As already noted, the definition of development envelopes for specific settlements provides greater certainty to developers and local residents. Establishing boundaries enables the countryside around settlements, and the setting of the settlements themselves, to be protected. The boundaries proposed in the Plan have been tested through public consultation and, with some exceptions (see later on in this report), have gained broad local support. Given that allocations for development are proposed within these envelopes, and that other potential opportunities exist within settlements, I do not accept the view of some representors that the existence of development envelopes would act to stifle development. To my mind, their identification, as a matter

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<sup>49</sup> Notably document SD/27.

<sup>50</sup> Namely: development focussed on market towns only; development spread more evenly between settlements; and development focussed in a new settlement.

<sup>51</sup> See documents FPH/2 and FPH/5.

of principle, is consistent with the plan-led approach set out in the Framework.

54. However, there are several anomalies and inconsistencies in the development envelopes as submitted. Several allocations, notably sites in Burwell (BUR1) and Soham (SOH3), lie either wholly or partly outside the development envelope for the settlement concerned. Development envelopes also exclude employment areas and allocations located in close proximity to settlements. Given that the justification for identifying development envelopes relates to protecting the countryside and the setting of settlements (rather than safeguarding employment land), such exclusions are unjustified. As described below, the Plan includes policies aimed at retaining land or premises in employment use where appropriate.
55. The Council has responded to these concerns by reviewing its development envelope boundaries. I accept its view that there are some cases where the establishment of development envelopes would be clearly inappropriate for isolated sites lying within the countryside. I also agree that policy GROWTH2 (and supporting text) should be amended to include specific reference to policies for the protection of employment uses and community facilities. Accordingly, I recommend that its proposed changes are made in order for the Plan to be both effective and justified. These changes, which also take into account reviews undertaken during the examination in response to representations, are contained in the following modifications: **MM10-12, MM95-96, MM99, MM110, MM119-122, MM169-170, MM175, MM177, MM179-180, MM196, MM198, MM202-205, MM228-229, MM231-233, MM235**. The changes to policy GROWTH2 also include a Council proposal to amend 'adverse effect' (on character and appearance) to 'significant adverse effect': this change accords with its development management approach and is therefore necessary for reasons of effectiveness.
56. As already mentioned, I am satisfied that the Council has responded positively in seeking opportunities to meet the development needs of its area, as is required by the Framework. Policy GROWTH5 sets out the presumption in favour of sustainable development in more explicit terms. I agree with the Council that, given that the relevant context relates to circumstances where policies are deemed to be out of date, the last bullet point of this policy could be phrased more clearly to refer to strategic objectives rather than the detailed policies that are set out within the Plan's town and village visions. This change (**MM40**) is needed for reasons of effectiveness and consistency with national policy.

### *Conclusion – Main Issue 2*

57. Subject to the above-noted main modifications, I conclude that the Local Plan's spatial strategy and distribution of development is sufficiently justified and consistent with the local evidence base and national policy and that the boundaries of development envelopes are correctly located and adequately justified.

**Main Issue 3: Are the Local Plan's proposals for the provision of employment, retail and community services uses sufficiently justified and consistent with the evidence base and national policy?**

58. The Plan's employment policies are based on the East Cambridgeshire Jobs Growth Strategy (2012)<sup>52</sup> which identifies a target of 9,200 jobs over the Plan period. It takes account of natural growth trends and recommends that employment growth should be focussed in or near to main settlements and key transport interchange points. Given that there is currently a low jobs-density ratio within the District, and in view of the broad aim of reducing the level of net out-commuting, the Council has set a jobs target that is in excess of the baseline East of England Forecasting Model. The resulting supply of employment land (including new allocations) exceeds the identified need. While some parties raise concern that this would result in an unacceptable level of oversupply, I accept the Council's view that this is justified by the particular circumstances noted above, as well as by the Council's aim of providing a portfolio of sites across a variety of settlements. This approach is consistent with the Council's positive approach towards seeking development opportunities in its area.
59. As with housing provision (see above) the Plan does not seek to impose targets for new employment development on a settlement-by-settlement basis. While policy GROWTH4 sets out minimum jobs growth targets for particular allocations, additional text is proposed by the Council to clarify that in mixed use schemes this is only a guide – a change (**MM25**) that I recommend for reasons of effectiveness.
60. The Council's employment land supply information<sup>53</sup> has been updated during the examination to take account of the up-to-date position on specific sites and proposals, including more recent master-planning work. Amended employment land targets are also included for a number of sites notably North Ely (ELY1), Ely Station Gateway (ELY7/8) and the Octagon Business Park (ELY9). These changes (**MM7, MM26, MM31, MM33-35, MM130, MM132-134, MM136**) are needed for reasons of effectiveness.
61. As described above, development envelopes have been amended to include employment areas and allocations lying on the edge of settlements. This will allow them to be treated consistently with those employment areas already lying within development envelope boundaries. The Council proposes changes (**MM59-60**) to the Plan's employment protection policy (policy EMP1) and supporting text in order to accord with paragraph 22 of the Framework: I recommend these as being necessary to ensure consistency with national policy. The Council also proposes changes to employment and retail policies, along with supporting text, to take account of recent changes to permitted development rights. While these changes are broadly endorsed, they do not amount to main modifications that are necessary to make the Plan sound and are not therefore included in the Appendix to this report.
62. The Plan's retail policies are supported by the East Cambridgeshire Retail Study (2012)<sup>54</sup>. The retail floorspace targets in the Plan as submitted were

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<sup>52</sup> Document EE/1.

<sup>53</sup> Employment Land Study Update 2011 – document EE/3.

<sup>54</sup> Document EE/6.

based on the levels of housing growth that were set out in that document. However, as described above, housing growth levels have now increased. The Retail Study included a series of sensitivity tests to explore the outcomes of alternative scenarios. The higher level of housing growth now envisaged is broadly comparable to the estimated population increase tested in the Study's 'optimistic' scenario<sup>55</sup>. The Council proposes to increase the Plan's retail targets accordingly. In order to ensure that the Plan is justified, I recommend that the proposed changes (**MM8-9**), which have been the subject of public consultation and SA during the examination period, are made. However, the figures proposed by the Council (3,011m<sup>2</sup> and 10,064m<sup>2</sup> (net) for convenience and comparison floorspace respectively) are unduly precise: I have therefore rounded them to 3,000m<sup>2</sup> and 10,000m<sup>2</sup> for reasons of effectiveness.

63. As with the Plan's employment evidence, further information on the supply of retail floorspace has been made available during the examination period. This includes the approval (in principle) of a planning application for retail development at the Octagon Business Park (ELY9) and updated master-planning on sites such as North Ely (ELY1). The resulting changes are set out in modifications (**MM27-29, MM32-35, MM137**) which I recommend in order to be justified. In summary, the amount of supply clearly exceeds the above-noted development targets: as such, I have seen no evidence that land supply would prevent these targets from being achieved over the Plan period.
64. Concern was raised that the wording of policy GROWTH2 (and associated text) was inconsistent with the Framework (paragraph 24) in that it referred to 'out-of-town' sites rather than 'out-of-centre' sites. The Council accepts this and proposes changes (**MM12, MM87**) which I recommend for consistency with national policy. A change is also required to paragraph 7.3.5 to remove an inconsistency with the requirements of policy COM2 (**MM88**): this is recommended for reasons of effectiveness.
65. The Plan's approach to the provision and protection of sports, recreation and other community uses is underpinned by various assessments and audits<sup>56</sup>, as well as by the Investment Infrastructure Plan (IIP)<sup>57</sup>. Detailed work in respect of site allocations, including North Ely (ELY1) and Burwell (BUR1), has also informed the relevant requirements and the modifications now proposed. Specific provision is made for a sports and leisure hub at Downham Road, Ely (ELY10), where a leisure centre has been granted planning permission. Outdoor sports and recreational provision is proposed in association with a number of allocations, including 2.5 hectares of outdoor sports provision in Burwell (BUR1). While it is accepted that the District does not have an up-to-date playing field strategy, I am satisfied that – taken as a whole – the submitted evidence provides adequate justification of the Council's approach.
66. Concerns about the scope and effectiveness of the Plan's approach to protecting community facilities (COM3) have been raised by Sports England. The Council accepts that this could be strengthened to bring it more closely in line with paragraph 74 of the Framework and proposes changes accordingly (**MM89-91**). These are recommended to be consistent with national policy.

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<sup>55</sup> Table 36 of document EE/6.

<sup>56</sup> Notably documents CE/1, CE/3 and CE/4.

<sup>57</sup> Document SE/3 (February 2013), updated in September 2013 (document SE/15).

### *Conclusion – Main Issue 3*

67. Subject to the above-noted main modifications, I conclude that the Local Plan's proposals for the provision of employment, retail and community services uses are sufficiently justified and consistent with the evidence base and national policy.

### **Main Issue 4: Does the Local Plan provide satisfactorily for the delivery of development?**

68. As noted above, the Local Plan is supported by an Infrastructure Investment Plan (IIP) which was updated in September 2013 to take account of the additional growth levels that the Council now proposes in line with the MoC. The IIP is based on a review of the plans and priorities of stakeholders, as well as various studies of infrastructure capacity and constraints. These include a Water Cycle Strategy, Transport Modelling Report and Green Infrastructure Strategy<sup>58</sup>, as well as the open space and recreation assessments referred to above. Taken together, these demonstrate that there is no overall infrastructure constraint to development within the District. As also described above, monitoring of the implementation of CS policies and proposals has taken place through the Council's Annual Monitoring Reports. The Council proposes to continue this approach in respect of the Local Plan, and has published a list of proposed monitoring targets accordingly<sup>59</sup>.
69. Arising from the above exercise, a list of required infrastructure projects is set out in policy GROWTH3 of the Plan. As with other aspects of the Plan, some matters have moved forward during the examination period. The Council has agreed position statements with relevant stakeholders in respect of the Ely Southern Bypass, educational infrastructure (both CCC) and water recycling centres (Anglian Water and the Environment Agency [EA])<sup>60</sup>. As already noted, further work has been undertaken in developing masterplans for site allocations. As a result, the Council proposes several changes to the Plan's infrastructure requirements. In summary these:
- reflect the updated position in respect of major road improvements to the A142 between Angel Drove and Stuntney Causeway (**MM18, MM126, MM129, MM146-147, MM156, MM163-166**);
  - clarify a number of other transport requirements in respect of several site allocations (**MM97-98, MM116, MM157-158, MM178, MM181-182, MM185, MM188, MM197, MM201**);
  - update educational infrastructure requirements (**MM16, MM37, MM39, MM117-118, MM134-135, MM167, MM176, MM192-195, MM210-211, MM227**);
  - update requirements with regard to open space and green infrastructure (**MM17, MM93, MM105**);
  - add a viability caveat in respect of site numbers and employment

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<sup>58</sup> Documents ENE/1, TE/1 and ENE/3 respectively.

<sup>59</sup> Appendix to the Council's matter 5 statement (document ECDC/7).

<sup>60</sup> Documents PST1-3.

development area at land to the west of Woodfern Road, Littleport (LIT1) (**MM184, MM186**); and

- clarify that telecommunications infrastructure will also be supported in policy GROWTH3 (**MM19**).

70. These changes are all recommended for reasons of effectiveness.
71. As already noted, the viability of development has been tested through the Council's preparation of a Community Infrastructure Levy (CIL) Schedule<sup>61</sup>. More detailed viability work has been undertaken in respect of a number of sites<sup>62</sup>. I have seen no substantive technical challenge to the methodology or conclusions of these assessments and I am satisfied that they support the Council's view that they demonstrate the broad delivery of the Plan as a whole and the specific viability of particular sites and proposals. Given that the Council proposes to update its CIL Regulation 123 list and review its CIL Charging Schedule, I do not consider that policy GROWTH3 should be amended to be consistent with the Council's current CIL priorities. However, the Council does propose changes (**MM13, MM15**) to give more detail on what s106 payments would be spent on and to clarify scope of GROWTH3. These are recommended for reasons of effectiveness.
72. The Council now proposes, in line with representations from the County Council as local highway authority, to set a 50 dwelling threshold for the submission of Travel Plans. However, bearing in mind that the likely generation of traffic (and the impacts of that traffic) can depend on the particular circumstances of the scheme, I do not feel that the particular threshold now proposed has been adequately justified: the text as set out in the Plan is adequate for the purpose and does not need to be altered.
73. The Council proposes to amend the text supporting policy COM6 to remove the justification of need in respect of telecommunications developments (**MM94**) in line with paragraph 49 of the Framework. It also proposes to amend policy ENV6's requirements in respect of measures to remediate adverse impacts arising from renewable and low carbon energy developments to accord with paragraph 98 of the Framework (**MM67**). I recommend these changes for reasons of consistency with national policy.
74. Policy GROWTH6 encourages community-led development. Although the principle of the policy is generally supported, some concerns are raised about the detail of the approach to the inclusion of open-market housing within such schemes. These are broadly accepted by the Council, which proposes changes (**MM41-43**) to that requirement and in order to ensure that non-housing elements of such development broadly accord with the policy's criteria relating to community support and community benefit. These are recommended for reasons of effectiveness.

#### *Conclusion – Main Issue 4*

75. Subject to the above-noted main modifications, I conclude that Local Plan provides satisfactorily for the delivery of development.

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<sup>61</sup> Documents SE/4-SE/6.

<sup>62</sup> For example, documents OD/17, OD/29, OD/11 and EE/9.

### **Main Issue 5: Does the Local Plan provide satisfactorily for the needs of Gypsies and Travellers, consistent with national policy?**

76. The Plan's provisions for Gypsies and Travellers (policy HOU9), broadly derive from the sub-regional Gypsy and Traveller Accommodation Needs Assessment 2011 (GTANA)<sup>63</sup>, an exercise that pre-dated the publication of the national Planning Policy for Traveller Sites (PPTS) in 2012. Concern was raised by a number of parties, including representatives from the Traveller community, that the GTANA underestimates the true level of need within the District. The matter was debated at the relevant hearing session. I share some of the concerns that were raised by representors: these were detailed in my post-hearings note<sup>64</sup> and can be summarised as follows:

- The GTANA is not based on new primary research (such as survey information), referring instead to the 2007 Sub-District Gypsy and Travellers Needs Assessment<sup>65</sup>, which is now dated. The GTANA's analysis of a number of factors appears less detailed than that undertaken in the 2007 document. Furthermore, the GTANA explicitly states that the figures provided 'are not intended to be taken as targets for local authorities to provide or enable provision'.
- Although the GTANA has benefitted from the input of Travellers Liaison Officers (TLOs), it has not been the subject of specific consultation with the Traveller community in East Cambridgeshire. This conflicts with the requirements of the PPTS, particularly the need to pay particular attention to early and effective engagement and to co-operate with Travellers and relevant groups. While the GTANA refers at several points to 'TLO evidence' or 'TLO knowledge' such evidence is generally neither quantified nor described in detail.
- In the absence of more detailed evidence-gathering consistent with the PPTS, I was not satisfied that the Plan's target of 38 permanent pitches (2011-2031) is robustly justified. Several factors suggested that this may be an under-estimate – notably (1) the reliance on a limited number of caravan counts in several inputs; (2) the application of a 40% discount in respect of unauthorised caravans (the exact justification for this figure remains unclear); and (3) sufficient allowance may not have been made for suppressed need from Travellers in conventional housing within the District.

77. In the light of these factors, I concluded that further work was needed. However, given that there is evidence of a short term supply of sites in the District, and noting that the Plan itself proposes the allocation of two sites, I suggested that there would be little benefit in delaying the examination in order for such work to be undertaken. The Council is committed to carry out a review of the GTANA and to take account of the findings of such an exercise in its proposed Local Plan review. It suggests changes in the light of my concerns about the submitted evidence base and to clarify its future policy intentions. Updated information on the supply of sites is also included. I recommend that these modifications (**MM53-MM56**) are made in order for

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<sup>63</sup> Document HE/6.

<sup>64</sup> Dated 19 February 2014.

<sup>65</sup> Document HE/7.

the Plan to be justified, effective and consistent with national policy. However, I do not consider that the Council's suggested wording fully reflects my conclusions about the GTANA and I have therefore made an addition to the Council's wording in modification **MM55** to clarify that, for the reasons set out above, I consider that the assessment is not robustly justified.

78. As already noted, policy HOU9 proposes the allocation of two Traveller sites. I am satisfied that both are appropriately justified, in line with the PPTS. While objections have been raised to the allocation at Muckdungle Corner, Bottisham, which lies within the Green Belt, I have no reason to disagree with the Council's view that the proposal would have beneficial effects on openness and character and appearance, taking into account the site's current authorised use. However, the Plan does not propose to remove this site from the Green Belt, an approach that conflicts with PPTS policy E. If this site were to remain within the Green Belt then its subsequent development as a Traveller site would be inappropriate development. There would be no certainty that the very special circumstances necessary to approve inappropriate development could be demonstrated. The Council accepts this and proposes modification **MM58** accordingly. For the reasons set out above, I am satisfied that exceptional circumstances exist to justify changing the Green Belt boundary in this regard. I therefore recommend this modification for reasons of effectiveness and consistency with national policy.
79. Policy HOU9 includes criteria for assessing proposals in respect of Traveller sites. These are broadly consistent with the requirements for general housing set out in policy HOU2, while providing specific guidance that is relevant for Traveller sites. Bearing in mind the particular vulnerability of caravans to flooding, the Council proposes (in line with advice from the EA) that the relevant criteria in policy HOU9 and policy HOU7 (which deals with mobile homes and residential caravan parks) be strengthened: I recommend that these changes (**MM52, MM57**) are made for consistency with national policy.

#### *Conclusion – Main Issue 5*

80. Subject to the above-noted main modifications, I conclude that the Local Plan provides satisfactorily for the needs of Gypsies and Travellers, consistent with national policy.

#### **Main Issue 6: Does the Local Plan take adequate account of the effects of development on the natural, built and historic environment?**

##### *Flood Risk*

81. Given the District's topography and the presence of a number of major rivers, the Plan recognises that the risk of flooding is an important issue. As already noted, the Council has carried out further consultation with stakeholders during the examination period – notably the EA, the Marine Management Organisation<sup>66</sup> and the Ely Group of Internal Drainage Boards. As a result of these discussions, it proposes a number of modifications to recognise the importance of relevant policies and strategies including the Water Framework Directive, Anglian River Basin Management Plan (RBMP), and the EA's Tidal River Strategy. Changes are also proposed to clarify the Council's intention to

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<sup>66</sup> In respect of the tidal reaches of the Old Bedford River.



prepare a Flood and Water SPD following the Plan's adoption, to require the inclusion of a pollution management plan in association with relevant development proposals and – in respect of certain allocations – to require that development is consistent with the objectives of the RBMP. I recommend that these changes (**MM69-75, MM115, MM151**) are made in order for the Plan to be justified, effective and consistent with national policy.

82. Paragraph 101 of the Framework requires that development should not be allocated or permitted if there are reasonably available appropriate sites in areas with a lower probability of flooding: this is referred to as the Sequential Test. Paragraph 102 of the Framework requires that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. The Council's background paper in respect of the Sequential and Exception Tests<sup>67</sup> was submitted over 5 months after the Local Plan was submitted for examination. On its receipt, I raised a number of concerns about its approach to the assessment of sites<sup>68</sup>. In summary, these related to a lack of explicit consideration of alternatives to sites (notably housing sites) proposed outside Flood Zone 1<sup>69</sup>.
83. The Council responded to these concerns by submitting further evidence including a revised version of its Sequential and Exception Test background paper<sup>70</sup>. This presents more detail about the methodology that the Council has used in applying these tests and demonstrates that allocations can be developed with minimal flood risk or that any flood risk can be adequately managed. The updated paper was prepared in consultation with the EA, which supports the methodology that was used and raises no objections to the principle of relevant allocations on flood risk grounds. I have no reason to take a different view. As noted in the previous section of this report, new or amended criteria on flood risk are proposed in respect of developments involving caravans. Further modifications are proposed to highlight a specific flood risk concern at Prickwillow (**MM199-200**) and to ensure that adequate surface water drainage and discharge arrangements are put in place, in liaison with the EA and relevant internal drainage board (**MM14**). I recommend these for reasons of effectiveness.

### *Nature Conservation*

84. A Habitats Directive Assessment Screening Document<sup>71</sup> was prepared to support the Submission Draft Local Plan in September 2013. This concluded that in the opinion of the local planning authority the Plan, alone or in combination with other plans and projects, is unlikely to have any significant effects on any of the Natura 2000 or Ramsar Sites that were considered. This document has been updated to take into account the subsequent changes that have been proposed to the Plan. Natural England accepts these documents as providing a proper basis for undertaking the required assessments and I have no reason to take a different view.

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<sup>67</sup> Document OD/27.

<sup>68</sup> Inspector's note dated 3 February 2014 (document IN/9).

<sup>69</sup> As defined in the Technical Guidance to the National Planning Policy Framework.

<sup>70</sup> Document OD/29. A number of site-specific flood risk assessments were also added to the evidence base (documents OD/21, OD/23 and OD/26).

<sup>71</sup> Document SD/28.

85. The District contains a range of designated sites, including sites of international and national importance as well as various sites of local interest. While policy ENV7 seeks to protect biodiversity and geological value, its provisions in respect of international and national sites do not fully reflect the requirements imposed by the Framework<sup>72</sup> and relevant legislation. The Council proposes revised wording (**MM68**) which I recommend in order to be consistent with national policy. For the same reason, I also recommend changes proposed by the Council (in consultation with Natural England) to address the potential effects of development, including site allocations, on various sites of nature conservation interest: **MM131, MM142-143, MM171-172, MM189, MM191**. While there are inconsistencies in the listing of relevant sites between table 6.1 and Appendix 2 of the Plan, these are matters of fact that can be corrected without a main modification.

#### *Strategic Green Infrastructure*

86. Policy COM5 seeks to protect and, in certain cases, expand and improve existing strategic green infrastructure. These projects, which are of landscape or strategic (rather than local) scale, are listed in paragraph 7.6.2 of the Plan. As already noted, the Council proposes a change to add an important project (at Block Fen) to this list. Other Council-proposed changes, which are recommended for reasons of effectiveness, are to include a map showing the present extent of the strategic green infrastructure network and to clarify that new open space proposed at Littleport should link to countryside and form part of the wider green infrastructure network: **MM92, MM187, MM190, MM237**.

#### *Built and Historic Heritage*

87. The Council proposes changes to policy GROWTH2 and other text in the Plan to reflect importance of heritage assets and local architectural traditions and to reflect relevant provisions in the Framework (**MM48, MM62-63, MM66, MM76-79, MM81-86**). These are recommended for the Plan to be effective, justified and consistent with national policy. For similar reasons, I recommend changes proposed by the Council, also in consultation with EH, to recognise the special significance of Ely (**MM61, MM124-125, MM127-128**) in this context. While it is noted that the Council's Ely Environmental Capacity Study is due to be updated and adopted as a Supplementary Planning Document, this is a procedural matter that does not require a main modification to be recommended. Changes are also proposed to remove the potential for confusion between the statutory list of buildings and the local register (**MM80**): these are recommended for reasons of effectiveness.

#### *Conclusion – Main Issue 6*

88. Subject to the above-noted main modifications, I conclude that the Local Plan takes adequate account of the effects of development on the natural, built and historic environment.

**Main Issue 7: Is the Plan's site selection methodology robust and transparent? Are the allocated sites appropriate and deliverable, having regard to the provision of the necessary infrastructure, affordable housing and other facilities, and taking account of environmental constraints? Are**

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<sup>72</sup> See paragraph 118 of the Framework.

**the detailed requirements for the allocations clear and justified? Have site constraints, development mix and viability considerations been adequately addressed? Are the boundaries and extent of the sites correctly defined?**

*General comments*

89. The Council's site selection exercise has been undertaken in the context of the spatial strategy and approach to the distribution of development described above. This work initially was intended to inform preparation of a Site Allocations Development Plan Document and Ely Area Action Plan, for which Site Allocations Options Papers were prepared in July 2010<sup>73</sup>, before being carried forward to support the present Plan. In line with the focus on market towns, master-planning identified significant opportunities for growth in the settlements of Ely, Soham and Littleport<sup>74</sup>. As already noted, these specific opportunities (including land at North Ely, Ely Station Gateway and Soham Eastern Gateway) have been the subject of further studies before and during the examination period<sup>75</sup> and new allocations have been proposed in Soham.
90. Consideration has also been given to the potential for development in the District's villages. An overview of this process is set out in Settlement Summaries and Site Assessment Results background papers (2013)<sup>76</sup>. These documents present a comprehensive assessment of development opportunities in and around settlements. They take account of the above-noted studies and masterplans, as well as similar exercises that have been undertaken in some of the larger settlements (notably Burwell and Bottisham<sup>77</sup>). Sites are appraised in terms of a range of criteria, notably: accessibility, environmental impact, physical constraints, infrastructure capacity, market demands/viability and availability.
91. The Settlement Summaries paper draws a distinction between 'growth' and 'low-growth' settlements: in the former, new allocations are proposed, while in the latter development envelopes are retained largely unchanged. Vision statements for some 46 settlements are contained within Part 2 of the Local Plan, presenting a significant amount of detail in terms of key statistics, development opportunities, infrastructure needs and community facilities. The new allocations now proposed for Soham are considered in an annex to the Site Assessment Results Paper<sup>78</sup> as well as revised versions of the supporting SA, HRA and Flood Risk Sequential Test documents<sup>79</sup>.
92. It was clarified at the relevant hearing that the distinction between 'growth' and 'low-growth' settlements does not represent a formal hierarchy in terms of the Plan's spatial strategy. Rather, it represents the outcome of consultations with the communities concerned, which have generally taken place in association with the relevant Town or Parish Council. The Council describes this as 'a truly bottom-up approach'<sup>80</sup>. While there are cases where local

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<sup>73</sup> Documents OD/5 and OD/6.

<sup>74</sup> See documents OD/7-OD/9.

<sup>75</sup> Notably documents OD/11-13, OD/15-18 and OD/25.

<sup>76</sup> Documents SE/1 and SE/2.

<sup>77</sup> See documents OD/10 and OD/14.

<sup>78</sup> Document FPH/2.

<sup>79</sup> Documents FPH5-7.

<sup>80</sup> Document SE/1, paragraph 1.1.1.

objections remain to either the scale of growth or specific sites in settlements (some of which are discussed in more detail below), I broadly share the Council's assessment of the process as a whole. Indeed, many of the Plan's site allocations have received little or no objection from local communities. Subject to my comments below, and notwithstanding the criticisms of this approach that have been made by some parties, the Council has made significant efforts to empower local people to shape their own surroundings through a plan-led system – in line with the first core principle of paragraph 22 of the Framework.

93. Furthermore, and again subject to my comments about specific sites below, I am satisfied that the above-noted process, underpinned by SA, represents a robust assessment of alternatives that is consistent with the spatial strategy already outlined. While some objections have been made to the detailed comments or scoring given to specific criteria in certain cases, I do not feel that these are sufficient to call into question the broad thrust of the overall methodology or its conclusions.
94. Given my view (see above) that an adequate supply of sites for housing, employment and retail uses has been demonstrated by the Council, and bearing in mind the action that the Council has carried out in allocating additional sites at Soham, there is no need for additional land to be identified over and above the changes that are recommended in this report. For these reasons, this report does not address the merits of the alternative sites that have been brought to my attention by landowners and developers.
95. The following sections of this report address several site-specific issues that have arisen during the examination. For the avoidance of doubt, they do not respond to each individual representation that has been made in respect of proposed site allocations. Furthermore, they do not repeat all of the site-based modifications that are mentioned above.
96. It is first however necessary to make a general comment. In several of the proposed allocations (including policies BOT1, BUR1, ELY1, ELY7/8 and SUT1), the Plan seeks to effectively 'delegate' policy decisions about significant matters to supplementary guidance such as SPDs or masterplans. While there is clearly scope for such documents to provide guidance on development proposals, this scope is limited both by the requirements of the regulations<sup>81</sup> and by the status of supplementary guidance – which does not form part of the development plan. For example, an SPD or masterplan cannot determine the position of a site boundary – or, in the case of policy BOT1, a Green Belt boundary – that is properly defined on the Policies Map. The Council accepts this concern and proposes changes accordingly: these are addressed in the relevant sections below.

#### *Bottisham Sites*

97. Bottisham village is wholly enclosed by the Green Belt. Three sites allocations are proposed in the village, two of which (BOT1 and BOT3) represent Green Belt deletions. While the third site, land at Crystal Structures (BOT2) was included in the Plan as a mixed use allocation, the Council now proposes its

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<sup>81</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012.

deletion as it considers that proposals for the future of that site can appropriately be considered in the context of policy EMP1 – in line with the approach that has been adopted to other employment sites within the development envelope. I have no reason to disagree and I therefore recommend this change (**MM106-108**) for the Plan to be effective.

98. In respect of sites BOT1 and BOT3, and notwithstanding that both sites have been the subject of significant levels of local objection, I am satisfied that there are exceptional circumstances to justify their removal from the Green Belt, as required by paragraph 83 of the Framework. Both sites were identified as potential broad locations for development in the adopted CS: as such, the principle of growth has been explored at a previous examination. Their potential has been re-examined through the site selection process described above, which I consider to be robust. Given the evidence of local facilities and public transport linkages in Bottisham, I accept the Council's view that expansion of the village on the scale proposed is supported on sustainability grounds.
99. As already mentioned, it is for Local Plans to set the Green Belt boundary<sup>82</sup>. The Council accepts that the approach proposed for the Bell Road site (BOT1) in the Plan as submitted, which defers the detailed boundary to a masterplan, conflicts with that approach. It proposes a change accordingly, along with other changes to the site allocation requirements that derive from subsequent master-planning work<sup>83</sup>. These include a redefinition of the site boundaries, clarification about the role of the buffer zone that is identified in respect of the nearby scheduled ancient monument (a former mediaeval moated site and fishponds) and additional detail on the location of landscaping. These changes (**MM100-104, MM109**) are recommended in order to be effective and consist with national policy.
100. Land within the Green Belt is proposed for an extension to the Tunbridge Lane Business Park (policy BOT3). In response to my questions during the examination, and in the light of representations suggesting that there is already a good supply of rural office units in the locality, the Council prepared a paper setting out additional justification for the proposal<sup>84</sup>. I accept the Council's assessments (1) that office development is more deliverable in the south of the District (including Bottisham) and that appropriate sites within that area are limited, (2) that proposal BOT3 would represent the expansion of an already successful business park (and is well related to the settlement), (3) that the proposal would be consistent with national policy seeking to encourage growth in rural areas, (4) that the site offers a greater potential for the development of B1 and B2 uses than the Crystal Structures site mentioned above and (5) that identification of additional employment land in the village is consistent with the Plan's aspirational employment development strategy described in an earlier section of this report. Bearing in mind the particular advantages that apply to a site adjoining an established business park, I am satisfied that exceptional circumstances have been demonstrated to support the proposed Green Belt boundary deletion.

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<sup>82</sup> See paragraph 83 of the Framework.

<sup>83</sup> Document OD/14.

<sup>84</sup> Document OD/31.

### *Burwell Sites*

101. The Plan's allocations in Burwell, particularly the housing site proposed off Newmarket Road (BUR1), were also subject to a considerable amount of local objection. For the reasons set out above, I am however satisfied that the methodology supporting their identification is robust. Nevertheless, the Council proposes a number of changes in respect of BUR1 to take account of matters raised during the examination and further master-planning work that has been carried out<sup>85</sup>. Specifically, these include the definition of a site boundary, the requirement of archaeological evidence to be submitted and the addition of greater flexibility in terms of outdoor sports provision requirements. I am satisfied that these changes are sufficiently justified and I recommend them **(MM111-114, MM119)** for reasons of effectiveness.

### *Ely Sites*

102. As described above, Ely represents the main focus of the Plan's development strategy. As also described, changes have been proposed by the Council to recognise the particular importance and sensitivity of the city's historic environment and to reflect the updated position regarding improvements to the A142.

103. I have seen no substantive evidence to dispute the Council's view that the proposed North Ely urban extension (ELY1) represents the only significant opportunity to accommodate large scale growth on the edge of the city. As discussed above, the project has evolved through master-planning work since being identified as a preferred broad area of growth in the CS. In response to matters discussed during the examination, the Council proposes a number of changes to policies GROWTH4, ELY1 and relevant text. Among other matters these clarify the status of the North Ely SPD (in line with my comments above), provide an update on the site's infrastructure, retail and employment land requirements and include requirements for project-level Habitat Regulations Assessment screening and consideration of effects on designated nature conservation sites<sup>86</sup> (in line with comments from Natural England). These changes **(MM33, MM134-145, MM236)** are recommended for the Plan to be effective, justified and consistent with national policy.

104. Further master-planning work has also been undertaken in respect of Ely Station Gateway (ELY7/8) – a site that has been assessed in the revised Flood Risk Sequential and Exception Test background paper<sup>87</sup>. This clarifies that while some 40% of the area lies within flood zones 2 and 3a, the mixed use nature of the allocation means that it will be possible to ensure that more vulnerable uses are located in areas of lower risk to flooding or where residents would be less vulnerable to flooding. The requirement that any flood risk can be adequately mitigated is already contained within policy ENV7.

105. The Council proposes further changes to policies GROWTH4, ELY7/8 and relevant text to clarify the status of the SPD, provide more detail about the uses that are proposed within the site, to ensure that development is consistent with the RBMP, and to cross-refer to the potential for the Tesco

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<sup>85</sup> Document OD/30.

<sup>86</sup> Notably the Ely Pits and Meadows SSSI.

<sup>87</sup> Document OD/29.

supermarket to be relocated within the Octagon Business Park (ELY9). These changes (**MM34, MM146-153**) are recommended for the Plan to be effective, justified and consistent with national policy.

106. Representations have been made suggesting that this site be extended to include land identified as a County Wildlife Site (CWS) at Angel Drove. However, a phase 1 habitat survey undertaken in August 2013 supports the continued designation of this site as a CWS on the basis of species-rich hedgerows along the drains and the southern boundary to the site, in association with the drain and tall herb fen habitats. A subsequent walkover survey in 2014 supports the inclusion of the ditch and hedgerow in the CWS but queries the significance of the remainder of the site. However, I attach greater weight to the recommendations of the rather more comprehensive phase 1 habitat survey. Bearing in mind the site's role as providing semi-natural greenspace on the edge of the built-up area, I agree with the Council that the Station Gateway site should not be extended into this area.
107. Modifications in respect of the Octagon Business Park (ELY9) are proposed by the Council to clarify the range of acceptable uses, bearing in mind a recent decision on a planning application (**MM154-155**). Changes are also proposed to clarify the boundary of the sports and leisure allocation at Downham Road (ELY10) and address the site's accessibility (**MM157-158, MM168**). More detail about the identification of this site, which occupies an out-of-centre location, was provided by the Council during the examination<sup>88</sup>. This demonstrates that sequentially preferential sites for the proposed mix of sports and leisure uses are not available. Changes are also proposed in respect of the Lancaster Way (ELY11) employment allocation, to clarify the nature of existing uses and the approach to future proposals (**MM159-60**), and to the Ely Road and Rail Distribution Centre (ELY12) to ensure consistency with the Cambridgeshire and Peterborough Waste Plan (**MM161-162**). All of these changes are recommended for reasons of effectiveness.

#### *Fordham Sites*

108. Of the three small housing sites proposed in Fordham, one – land east of 67 Mildenhall Road (FRD3) – has proved to be particularly contentious. Local objections to the site and concerns about the evidence base supporting its allocation<sup>89</sup> were voiced during the main examination hearings. My post-hearings note (February 2014) emphasised the need for the allocation to be robustly justified. As a result, the Council reconsidered its position in a review of Fordham housing options<sup>90</sup> and proposed that the site should be deleted. However, this proposed change was itself the subject of objections and the matter was discussed again at the resumed hearing session in June 2014.
109. I have considered this matter carefully in the light of all of the comments received. It seems to me that this is an example of a case where there are genuine differences of opinion within the local community. However, while policy FRD3 is not supported by the Parish Council, it was the most popular of the development options that were considered in the (District) Council's village

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<sup>88</sup> See the Council's matter 9 (9.7-9.8) statement (document ECDC/15).

<sup>89</sup> Notably with reference to document SE/2.

<sup>90</sup> Document OD/32 (March 2014).

vision consultation<sup>91</sup>. Having revisited the site (and other alternatives) after the resumed hearing session, I agree with those representors supporting the site's inclusion in the Plan that the potential harm that would be caused to the area's character and appearance by the site's development<sup>92</sup> has been overstated. Proposal FRD3 represents only a small part of the gap that was identified as site 11 in the site selection process. As such, views to the north, where not already obscured by a hedge, would be maintained across the remainder of the gap. The resulting development would appear as an addition to the existing housing to the west. For these reasons, I do not therefore feel that the site's deletion from the Plan is necessary for soundness reasons. The Council's suggested change is not therefore recommended.

110. In consultation with National Grid, the Council proposes changes to policies for employment sites FRD6 and FRD7 to ensure that the location of a gas transmission pipeline is taken into account in development design (**MM173-174**). As already noted, changes are also proposed to take account of the proximity of proposals FRD5 and FRD6 to the international nature conservation site at Chippenham Fen (**MM171-172**). These changes are recommended for reasons of effectiveness and consistency with national policy.

#### *Littleport Sites*

111. As already described, the Council's updated approach to housing provision identifies broad locations on the edge of Littleport to accommodate development during the latter part of the Plan period. However, unlike Soham, where new site allocations have been proposed, these locations remain indicative only. The allocations that have been proposed for Littleport attracted relatively little comment during the examination. Changes have been proposed by the Council to the details of the requirements set out in policies LIT1 and LIT2 in respect of transport requirements, infrastructure needs and the need to undertake project-level HRA screening. These changes [**MM184-191**] are recommended for reasons of effectiveness and consistency with national policy.

#### *Soham Sites*

112. As also described above, the Council's updated position on housing requirements and supply identifies broad locations and a number of new housing allocations at Soham. For the reasons already discussed, the proposed allocations are consistent with the Plan's overall spatial strategy and justified by the Council's site selection methodology.

113. In respect of the Soham Eastern Gateway (SOH3) the Council proposes changes to clarify detailed aspects of the scheme, including infrastructure needs, and to provide further guidance on the approach to be taken to allotment relocation. These changes (**MM209-213**) are recommended for reasons of effectiveness, as is an amendment to the requirements to policy SOH5 (West of The Shade) in order to ensure a satisfactory relationship with Soham Waste Water Treatment Works (**MM224-225**). A change to clarify that the boundaries of the site allocation proposed to the East of the A142 bypass (SOH6) have been determined in this Plan and not through a future

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<sup>91</sup> See document SE/1.

<sup>92</sup> In both documents SE/2 and OD/32.



master-planning process (**MM226**) is needed to be effective and consistent with national policy. However, references that are now proposed to a recent planning permission granted for a public house on site SOH4 (East of The Shade) are factual in nature and do not therefore require to be promoted as a main modification.

#### *Sutton Site*

114. The Council proposes a change to clarify that the boundaries of the site allocation proposed on land north of The Brook (SUT1) have been determined in this Plan and not through a future master-planning process. This change (**MM230**) is needed to be effective and consistent with national policy.

#### *Wicken Site*

115. The Council proposes to modify the boundary of the site allocation proposed to the north-west of The Crescent, Wicken (WIC1) to include land adjacent to the site up to the field boundary and to remove a strip of land from the rear of site. This change (**MM234**) is recommended for reasons of effectiveness.

#### *Conclusion – Main Issue 7*

116. Subject to the above-noted main modifications and the site-specific modifications that are recommended elsewhere in this report, I conclude that:

- the Plan's site selection methodology is robust and transparent;
- that the allocated sites are appropriate and deliverable, having regard to the provision of the necessary infrastructure, affordable housing and other facilities, taking account of environmental constraints;
- that the detailed requirements for the allocations are clear and justified,
- that site constraints, development mix and viability considerations have been adequately addressed; and
- that the boundaries and extent of the sites are correctly defined.

## Assessment of Legal Compliance

117. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan is identified within the approved LDS (adopted July 2013) which sets out an expected submission date of August 2013. The Local Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in April 2012 and consultation has been compliant with the requirements therein, including the consultations that have taken place on various post-submission changes from which the main modifications are derived.
Sustainability Appraisal (SA)	As described in this report, SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Directive Assessment Screening Report (September 2013) with subsequent updates set out why AA is not necessary.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty	The Local Plan complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

**118. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**

**119. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the East Cambridgeshire Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*M J Hetherington*

Inspector

This report is accompanied by the Appendix containing the Main Modifications