

EAST CAMBRIDGESHIRE LOCAL PLAN (SINGLE ISSUE REVIEW) – PROPOSED SUBMISSION VERSION

Committee: Full Council

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[W177]

1.0 ISSUE

1.1 To update Members on progress with the very limited update of our Local Plan; seek agreement to proceed to final consultation; seek agreement to submit the update of our Local Plan to the Planning Inspectorate for independent examination; and seek agreement to approve an update to our Local Development Scheme (Local Plan timetable).

2.0 RECOMMENDATION(S)

2.1 That Council:

- I. Authorises the final round of consultation (known officially as a Regulation 19 proposed submission publication draft plan) to take place on the very limited partial update of the 2015 Local Plan, as set out at Appendix 1, for six weeks (likely during May-June 2022); AND its subsequent submission to the Secretary of State for the purpose of independent examination;
- II. Approves the updated Local Development Scheme, set out at Appendix 3.
- III. Delegates to the Strategic Planning Manager the ability to agree and consult upon a set of proposed modifications during the examination process (most likely at the very end of the examination process), if asked by the Inspector to do so.

3.0 BACKGROUND/OPTIONS

Introduction

3.1 Previous reports to Full Council (such as in February and October 2019, October 2020 and October 2021) provided detailed background as to Council's position in respect of planning policy, but in short, the current main 'framework' of planning policy in the district is as follows:

- East Cambridgeshire Local Plan – April 2015
- Adopted Neighbourhood Plans for Fordham, Sutton and Witchford (with other Neighbourhood Plans at emerging stages)
- A collection of Supplementary Planning Documents (SPDs) covering a variety of thematic areas.

- 3.2 One decision arising from the 22nd October 2020 Full Council meeting was approval for the Council to prepare a very limited update of a small part of its 2015 Local Plan. Where just a small part of a Local Plan is to be updated (rather than a completely new plan), it is often referred to as a 'Single Issue Review' (SIR). In our case, the SIR is focussed solely on the housing requirement (or housing 'target') that East Cambridgeshire should plan for, for the period 2011-31. For a number of reasons, it was determined that the housing requirement figure in the 2015 Local Plan was now 'out of date' and in need of updating. The SIR would achieve this update, but leave the rest of the Plan (other than some of its explanatory text) unaltered.
- 3.3 It is important to bring the housing requirement figure up to date because it is fundamental to assessing whether or not the Council can demonstrate it has a sufficient supply of housing sites to meet nationally prescribed requirements (the 'five year land supply test') as well as demonstrate whether the district has built a sufficient number of homes in the past 3 years (the 'housing delivery test'). If the Council fails either of those national tests, then there are significant consequences as to how the Council must consider planning applications, with speculatively applications on unallocated sites much more likely to be submitted by developers, and in turn such applications have a stronger likelihood of being approved (whether by the Council or on appeal).

Single Issue Review (SIR) of the 2015 Local Plan

- 3.4 The Council's Local Plan remains its 2015 version, having reluctantly withdrawn its emerging replacement one in 2019.
- 3.5 As reported to Full Council in October 2020, being greater than five years old it is necessary (by law) to regularly review its content to determine how 'up to date' it is. The Council undertook, and published, its last formal Review in April 2020. That Review, in summary, concluded that the:

"...Local Plan 2015 does require to be revised, but only partially and only in respect of its strategic housing policies. Of those policies, Policy GROWTH1 needs to be revised, because it has an out of date housing requirement. Other strategic housing policies may also be updated during the course of updating GROWTH1, should that be necessary.

The rest of the Local Plan is considered to not, at the present time, be in need of updating, therefore a full update of the Local Plan is not considered necessary.

However, whilst only one policy has been identified in need of updating, this does not prevent the council from commencing preparation of a new Local Plan, in whole or part, on matters as it sees fit."

- 3.6 Having reached the above conclusion, Full Council subsequently agreed in October 2020 to commence preparation of a limited update of the Local Plan, focussing on the matters identified in the Review, namely GROWTH1 and its housing requirement, and possibly, consequentially, other policies if strictly necessary. The

options to 'do nothing' or undertake a more comprehensive Local Plan update (including new allocations) were rejected by Full Council.

- 3.7 In essence, the update of Policy Growth 1 and the housing requirement figure it contains is arguably a largely factual update. This is because national policy stipulates the rules in terms of what the housing need should be for a local area (known as the 'local housing need' (LHN) for an area) and the method for working it out (the 'national standard method'). The variables and data used in the standard method are all based on nationally published formula and statistics, so there is no scope to arrive at any local housing need figure other than one derived by the standard formula using government published data. Theoretically, a local area could set its housing requirement figure (i.e. the target number of homes it actually is to be tested against) as being different from the local housing need figure, but in reality, the vast majority of councils seem to simply use the local housing need figure as their housing requirement figure.
- 3.8 Exceptions to this rule could be if a council administrative area:
- was to offload any housing need on to a neighbouring council area (and hence lower its own housing requirement);
 - was to received additional housing need from a neighbouring council (and hence increase its own housing requirement); or
 - was to adjust its housing need figure due to 'exceptional circumstances' such as increasing the number in order to match high employment growth or infrastructure investment programmed in the area (and hence its housing requirement figure would be set higher than its housing need).
- 3.9 There continues to be no significant evidence to suggest that East Cambridgeshire should apply any such exceptions listed above, therefore the housing requirement figure should, officers recommend, be set at the local housing need figure (note: some representors object to this approach, predominantly those from the development industry seeking a higher housing target – they believe there is evidence to suggest the housing requirement should be higher than the housing need. See Appendix 2 for further details on their arguments, but officers do not agree the points made warrant an increase to the housing requirement figure).
- 3.10 A first round (of three) consultation took place in March-May 2021, and generated a relatively small number of responses. A second round consultation took place in Dec 2021-Feb 2022. A summary of the second round responses, and the officer recommended position, is attached at Appendix 2 (responses to the first round were published on the website in 2021, and remain available to view). Unsurprisingly, considering the very limited and technical update of the Local Plan, the responses continue to be primarily from the development industry, and the volume of responses remains low.
- 3.11 Whilst the responses have been carefully considered, officers do not recommend that the proposed SIR be fundamentally amended in approach to that set out in the second round consultation document. For example, we see no reason to meet some representor requests to: extend the plan period; undertake wider policy update; or include new site allocations in the updated Plan. These are all matters

which can await a full review of the Local Plan. Further and more detailed responses to the representations received can be seen in Appendix 2.

SIR Third (and Final) Round consultation

- 3.12 Attached at Appendix 1 is a recommended 'Proposed Submission' third and final round consultation document, for Full Council approval. The proposals of the first and second round are largely taken forward, though the housing requirement figure has been updated again to meet the latest government data (the new data brings the housing need figure down slightly, to a headline 600 dwellings per year, for 2022 onwards). In addition, there has been some updating of the supporting text in the Local Plan in relation to the Broad Areas (or Broad Locations), following the recent appeal decision at Broad Piece, Soham, a site which falls within a Broad Area.
- 3.13 Full Council is asked to approve the third round consultation document, and authorise it for consultation, and subsequent submission to the Secretary of State for examination, as explained below.

Next Steps

- 3.14 If Full Council approve the recommendations, then a number of important steps will take place:
- 3.15 First, the SIR Local Plan (and associated supporting material) will be subject to public consultation for six weeks, during May-July 2022 (hopefully within May-June).
- 3.16 In simple terms, the consultation is open to everybody (including those who have not made any representations to date), but the crucial aspect to understand is that all representations received are not subsequently considered by officers or the Council, but instead are considered by an independent Inspector.
- 3.17 Second, after the close of the consultation in June or July 2022, officers will thereafter upload all representations on to our website, summarise the key issues raised, publish all evidence base material and 'submit' the SIR Local Plan and associated material to the Secretary of State (or, in practice, to the Planning Inspectorate). This is scheduled to all happen by the end of July or August 2022.
- 3.18 Third, as soon as the SIR Local Plan is 'submitted', the SIR is taken out of the hands of the Council and its officers, and is in the hands of an Inspector appointed to 'examine' the SIR Local Plan.
- 3.19 Fourth, that Inspector will examine the SIR Local Plan and consider all representations received, and will likely hold a 'Hearing' session as part of the examination, whereby those who wish to verbally raise their objections with the Inspector will get their chance to do so. Officers will sit at all days of the 'Hearing', to defend the contents of the SIR Local Plan.

- 3.20 Fifth, ultimately, the Inspector will prepare an Inspector's Report, which will contain a list of 'main modifications'. Main modifications are further changes that the Inspector considers necessary, before the Plan can be updated and adopted. These are binding on the Council, if it wants to adopt the Local Plan.
- 3.21 Throughout this examination process, there may be times when the Inspector will indicate that he/she is considering recommending a particular modification, and will normally ask officers whether it could offer a set of suggested wording to meet the concern. As such, Full Council needs to delegate authority to the Strategic Planning Manager to negotiate such possible modifications with the Inspector during the examination process, to enable the smooth running of the examination. These modifications are in effect owned by the Council as the examination proceeds i.e. they are not formally agreed by the Inspector at this stage (though, in practice, they are informally agreed by the Inspector, as it would be pointless coming up with a modification which the Inspector clearly had fundamental objections to).
- 3.22 Such modifications are normally subject to a round of light-touch consultation, before the Inspector formally considers them (though all of this is a matter for the Inspector to decide, and is not set down in regulation). What happens next is that the Inspector normally then uses such a set of draft modifications to complete the Inspector's Report, though the final set of modifications is entirely in the hands of the Inspector. This is all a rather complex process, both technically and legally, but can be explained in more detail should this be necessary.

Local Development Scheme (LDS)

- 3.23 The timetable for preparing a Local Plan (including an SIR Local Plan update) must, by law, be advertised via a document known as a 'Local Development Scheme' (LDS). Our current version was approved by Full Council in 2020, and we have aligned accurately to the forecast timetable it set out. However, due to the low level of representations received to date, officers consider the timetable can be speeded up slightly for the period from now to adoption, and therefore an updated LDS is attached for Full Council approval. The updated timetable forecasts that the final consultation round can take place May-July (for 6 weeks in that period) and the SIR be adopted by February 2023, though this is subject to the length of the examination period.

Programme Officer

- 3.24 It is a requirement of the examination process to have a Programme Officer in place. Whilst appointed and paid for by the Council, the Officer reports to and acts on behalf of the Inspector. Due to the nature of this very limited SIR, the role will be a very limited part time role, with tasks set by the Inspector.
- 3.25 All communication with the Inspector, whether by ourselves or any objector, must go through the Programme Officer. No direct communication with the Inspector is permitted, except of course during the formal 'hearing' sessions of the examination, which is chaired by the Inspector.

- 3.26 Officers are in the process of securing a part time Programme Officer, which is likely to be in-house.

Future Full Council involvement in the Local Plan

- 3.27 Reflecting the stage we are at, if Full Council approves the recommendations set out, then in reality it is unlikely that Full Council will receive an agenda item which requires a decision relating to the Local Plan for a few months, and unlikely before early 2023 (there's a small chance it could be late 2022). Of course, Members can be kept informed of progress throughout those months, but it is not envisaged that decisions will need to be made.
- 3.28 If all goes well, the next formal decision Full Council will need to make will be when the Inspector's Report is received, and the final SIR proposals can, if Full Council agree, be incorporated into the 2015 Local Plan.

4.1 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 4.1 The financial implications which arise from approval of the recommendations are mostly in two parts. First, the costs associated with the ongoing consultation and preparation of the Local Plan. These costs can be met from existing budgets. Second, by proceeding to submission and examination of the Local Plan, the Council has to commit to resourcing a Programme Officer and an Inspector. Whilst the Programme Officer is relatively low cost (a very limited part time, experienced administrative role, likely secured from within the Council), the Inspector fees can be more significant. Such fees are charged on a day basis, set by legislation, and the Council must sign an agreement in advance stating it will pay such fees, whatever the outcome. Arrangements are being put in place to meet these costs.

4.2A Carbon Impact Assessment (CIA) concluded the following:

Directly, the recommendations in the agenda report will have a neutral effect. This is because the recommendations do not directly make decisions which subsequently have a carbon impact. Future decisions which flow from the recommendations (i.e. by this Council on the contents of an updated Local Plan) could have a negative or positive effect, but that will be a matter to assess and determine at the point of making those decisions.

- 4.3 An Equality Impact Assessment (INRA) is not required, for the same reasons as above.

5.0 APPENDICES

Appendix 1 – Local Plan SIR Round 3 ‘Proposed Submission’ consultation

Appendix 2 – Consultation Report on Round 2 consultation

Appendix 3 – Updated Local Development Scheme

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
East Cambridgeshire Local Plan, April 2015	Room12A The Grange Ely	Richard Kay Strategic Planning Manager (01353) 616245 E-mail: richard.kay@eastcambs.gov.uk