

**EAST CAMBRIDGESHIRE LOCAL PLAN SINGLE ISSUE REVIEW – FOR ADOPTION**

Committee: Full Council

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**1.0 ISSUE**

1.1. The main issue is to consider the Inspector’s Report into the Single Issue Review (SIR) of the East Cambridgeshire Local Plan, and determine whether to accept the recommendations of the Inspector, and subsequently adopt the updated East Cambridgeshire Local Plan in accordance with those recommendations.

**2.0 RECOMMENDATION(S)**

2.1. That Full Council:

(A) Notes the report (Appendix 2a to this Agenda Report) of the independent Inspector who was appointed to examine the submitted Single Issue Review of the East Cambridgeshire Local Plan.

(B) Adopts with immediate effect the Single Issue Review amendments to the East Cambridgeshire Local Plan 2015, with such amendments comprising:

- (i) The changes as were set out in the SIR Consultation Document (May 2022) (Appendix 1 to this Agenda Report), other than those parts superseded by (ii) and (iii) below.
- (ii) The main modifications as recommended by the Inspector in his Inspector’s Report (Appendix 2b to this Agenda Report); and
- (iii) Other minor editorial modifications (‘Additional Modifications’) (as set out in Appendix 3 to this Agenda Report).

(C) Authorises the Strategic Planning Manager to incorporate the amendments arising in recommendation (B) above into an updated Local Plan for publication as soon as possible, with the new Local Plan to be referred to as the *East Cambridgeshire Local Plan, 2015 (as amended 2023)*.

**3.0 BACKGROUND/OPTIONS**

3.1. The preparation of the Single Issue Review (SIR) of the East Cambridgeshire Local Plan has reached its final stage. We have now reached the stage where Council has to decide whether to adopt the amendments to our Local Plan, 2015, those amendments being those arising from the SIR of the Local Plan which has been consulted upon and independently tested over the past few years.

- 3.2. Council will recall that on 21 April 2022, it was agreed that the contents of the SIR be subject to a final round of public consultation, followed by an examination of the Plan by an independent Inspector (the inspector subsequently appointed being Inspector P Lewis BA (Hons) MA MRTPI), and the publication of an Inspector's Report.
- 3.3. These events have now all taken place.
- 3.4. However, before coming to the Inspector's findings and recommendations, Council may wish to remind themselves as to the purpose, content and status of the Local Plan. If adopted today, the updated version of the Local Plan will become part of the statutory development plan for East Cambridgeshire, alongside the adopted Cambridgeshire and Peterborough Minerals and Waste Local Plan and all 'made' (or adopted) East Cambridgeshire based Neighbourhood Plans.
- 3.5. As a reminder, this update to our Local Plan is not a full update of the Plan's contents. At its meeting of 22 October 2020, Council approved 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 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 unaltered. This has remained the basis of the SIR throughout its preparation.
- 3.6. For a more detailed explanation of the rationale for the SIR and the various consultation stages, then Members should visit the Full Council papers of 22 October 2020, 21 October 2021 and 21 April 2022.
- 3.7. The SIR documentation has been subject to three rounds of public consultation, albeit the technical nature of the content has, understandably, primarily only drawn interest and representations from those who operate in the house-building industry.
- 3.8. Having proceeded to independent examination, the Council's proposed changes to the Local Plan as set out in the SIR, together with the representations received on it, have now been thoroughly tested by an independent Inspector, including via some 'hearing' days, whereby objectors had the opportunity to verbally press their case to the Inspector (as well as the Council having the opportunity to defend its case).

### **The Inspector's Report**

- 3.9. Attached at appendix 2a and 2b is the Inspector's Report and his Recommended Main Modifications received on 5 October 2023.
- 3.10. As can be seen, broadly speaking the Inspector has accepted the Council's approach set out in the SIR it consulted upon but is seeking some adjustments (or 'main modifications' to use the correct terminology) before Council adopts the changes to the Local Plan.
- 3.11. In the opinion of officers, the main modifications do not, in essence, change the fundamentals of what the Council proposed. In a practical sense, even after

accepting the Inspector's recommendations, it will deliver what the Council originally intended with the SIR, namely, bringing up to date the housing requirement figure in the Local Plan, and establishing such a housing requirement figure which is both reasonable and realistic to deliver.

- 3.12. Wider modifications required by the Inspector, whilst acknowledged as important, are somewhat detailed or technical, and do not fundamentally alter the basis of the Plan.
- 3.13. To be absolutely clear on the significant and sensitive issue of allocating new sites for development, the SIR never intended to tackle that point, and the Inspector is not requiring the Council to tackle that point (though it is worth noting that several objectors had sought such opportunities to promote new sites). Adopting the Plan today, therefore, does not either add or take away any sites allocated for new development.
- 3.14. On the important matter of 'five year land supply', and whether the Council can demonstrate that it is in a position to demonstrate that it has five years' worth of land available, the updating and adopting of the SIR (incorporating the Inspector's modifications) does not directly affect and alter the position the Council has, but is likely to assist the Council in demonstrating it has such a supply of land. *(Please note: the actual demonstration of a five year land supply is established through a separate reporting mechanism, due by the end of each calendar year, and is challengeable by any party at any time via a planning appeal. This is therefore done outside of the plan making system. However, by having an up to date and realistic housing requirement figure in the Local Plan will assist the Council making its continued case that we can demonstrate a healthy supply of housing land, should any party decide to challenge the Council's position in the future.)*
- 3.15. Overall, Officers consider that the Inspector's Report is fair and reasonable and see no reason other than to accept the recommendations within it.
- 3.16. It is important to point out at this stage that Council cannot 'pick and choose' which of the Inspector's recommendations it wishes to accept, and which it does not want to accept. Council must agree to them all if it wants to adopt the updated Plan. If Council does not want to accept them all, then legally it is able, but it must abandon entirely the updating of the Local Plan and revert to the 2015 Local Plan unaltered.

#### **Additional (or Minor) Modifications**

- 3.17. When adopting a new or updated Local Plan, the legislation also allows a local planning authority to prepare a schedule of 'additional (minor) modifications' and include such modifications in the final Local Plan which it adopts. These minor modifications are not considered or approved by the Inspectors, and do not require consultation.
- 3.18. The legislation (s23(3)(b)) makes it clear what could constitute a 'minor modification': in short, the minor modifications (taken together) must not materially affect the policies that would be set out in the Local Plan if it was adopted with the main modifications but no other modifications.
- 3.19. It is completely at the discretion of the local planning authority to prepare a list of 'minor modifications', and to take responsibility for ensuring that such modifications are indeed 'minor' (i.e. do not materially affect the policies).

- 3.20. In practice, 'minor modifications' tend to be very minor indeed. They are normally one of the following:
- a. Updating the introductory text, to explain it is the adopted version
  - b. Correcting typographical errors
  - c. Presentational improvements
  - d. Updating factual text
  - e. Minor wording changes, to make the text clearer
- 3.21. There are usually very few 'minor modifications' which apply to policies themselves within a Local Plan. They normally only apply to the supporting text. Where they do apply to policies, particular care needs to be taken that they are indeed 'minor'.
- 3.22. Attached at Appendix 3 is a schedule of recommended additional 'minor modifications'. Council is at liberty to reject all or some of them, and still proceed to adopting the Local Plan. It is also at liberty to include further additional modifications, subject to the guidance set out in the above paragraphs. However, no further changes are recommended.

#### **4.0 ARGUMENTS/CONCLUSION(S)**

- 4.1. It is important to emphasise to Council that the choice in respect of this agenda item is somewhat binary. Either the Local Plan is updated as recommended, or it is not. The ability to accept some of the changes but not others, or add new amendments, is not a legal option open to the Council, unless such changes were very minor indeed, and predominantly presentational rather than meaningful.
- 4.2. Updating the Local Plan as per this agenda report is recommended, so that the housing requirement is brought up to date and we can bring to a conclusion the SIR of our Local Plan.
- 4.3. Not updating the Local Plan is not recommended, as this will leave the Council with an out of date housing requirement figure, and at considerably higher risk of speculative development.

#### **5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT**

- 5.1. There are no additional financial implications arising from this report.
- 5.2. Equality Impact Assessment (EIA) and wider Strategic Environmental Appraisal (SEA) were all matters considered as part of the examination of the SIR and are available as examination documents on our website. In summary, no significant negative or positive implications are arising from the adoption of the amendments to the SIR.

#### **6.0 APPENDICES**

- Appendix 1: Single Issue Review – Regulation 19 consultation - May 2022
- Appendix 2a: The Inspector's Report
- Appendix 2b: Inspector's recommended Main Modifications
- Appendix 3: Additional Modifications