

TITLE: New East Cambridgeshire Local Plan: Commencement of Preparation

Committee: Council

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1.0 Issue

- 1.1. For Council to determine whether or not to commence a full update of its Local Plan.

2.0 Recommendations

- 2.1. That Council:
 - i. Agrees to the commencement of a new East Cambridgeshire Local Plan and approves with immediate effect the attached Local Development Scheme (LDS) (Appendix 1), which sets out the timetable for the production of the Local Plan.
 - ii. Agrees to establish a Local Plan Member Working Group, in the form as set out in Appendix 2.
 - iii. Agrees membership of the Working Group, in line with arrangements set out in paragraph 4.26 of this agenda report.

3.0 Background/Options

- 3.1. On 21st April 2015, Council adopted its current Local Plan for East Cambridgeshire. Council had intended to fully update such a plan by 2019, but reluctantly withdrew an almost final updated version due to recommendations being made by the independent Inspector which were not palatable to Council. Instead, a small partial update was later undertaken, concluding in 2023, which had the effect of updating our housing requirement figure but leaving the vast majority of the 2015 Local Plan unaltered.
- 3.2. Thus, our current local plan is known as the *East Cambridgeshire Local Plan, 2015 (as amended 2023)*.
- 3.3. Local Planning Authorities (LPAs) are required to regularly monitor the effectiveness of their local plan and keep it up to date as and when deemed necessary. There is presently no fixed timetable in law when a local plan must be updated. Instead, it is for an LPA to judge when they believe it appropriate for a new one to be prepared and adopted.
- 3.4. Council will be aware that the issue of whether to commence preparing a full local plan has been a matter of discussion over many years. In short, the council has

repeatedly indicated its position to be that a new local plan would commence when a new plan making system was brought in by Government.

- 3.5. Such a new plan making system has, unfortunately, been subject to several delays. First announced in summer 2020, and originally billed as potentially commencing by 2022, this has repeatedly slipped. First, we awaited the primary legislation (now in place, via the Levelling Up and Regeneration Act 2023). Second, we await the necessary secondary legislation and national guidance. This is still not in place, and the new national government has only stated (July 2024) that it is 'presently minded' to introduce it, but not before 'summer or autumn 2025' at the earliest. This is another additional year than previously announced, and some three years later than that originally suggested.
- 3.6. Separately, but linked, the new national government has also proposed (announced July 2024) to extend transitional arrangements for the preparation of a local plan under the current plan making legislation. The previous government stipulated that June 2025 was the deadline for such plans to be prepared and submitted for independent examination. If that deadline was not met, then the applicable LPA would only have the option to commence a new style plan. The new government has extended that date to December 2026.
- 3.7. As a consequence of these shifting dates, it is timely for Council to reconsider whether to commence a full local plan update now, under the current plan-making system; or whether to maintain its previous position of awaiting the new system.

4.0 Arguments/Conclusions

- 4.1. There is no clear answer to the question of whether to start now, with the current system, or continue to wait at least another year for the new system to be put in place.
- 4.2. Deciding should consider factors such as:
 - How necessary is an update
 - How long will it take, and will it fit government mandated timelines
 - Resourcing (staff, evidence base and Inspector fees)
 - Comparisons between the current and new style local plans
 - Uncertainty over the new style plan making arrangements and timing
 - Protecting our 'five year land supply'
- 4.3. Our current local plan is, on balance, still considered to be 'up to date' for the purpose of making decisions on planning applications, and broadly speaking planning application appeal inspectors of recent years have concurred with that view. However, we have to be mindful that the current local plan was predominantly prepared in the period 2012-14 (before being adopted in 2015), so is in effect already of ten years existence. Its official 'end date' is March 2031, so now little over 6 years away. And preparing any new local plan takes three years if done well and to a tight timetable – many LPAs take much longer than that. So, the very earliest we could adopt a new plan would be 2027, and that would require an immediate commencement.
- 4.4. It is clearly evident, therefore, that whilst not absolutely critical, there is a strong case in principle to argue that our local plan is in need of updating, and that case

strengthens each year. Awaiting the new system, which on the most optimistic basis is a year away from the Council being in a legal position to commence, places a much greater risk that our present local plan becomes deemed 'out of date' for decision making prior to adoption of a new plan. Whilst the council has in recent years acted in all reasonableness in terms of waiting for what was oft described as an 'imminent' new system being put in place, the latest delay and the lack of an absolute guarantee by the new government to introduce the new system, adds considerable weight to the council deciding to amend its position. Namely, instead of waiting for the new system, it decides to commence a current style plan immediately, taking advantage of the extended deadline to December 2026 to do so.

- 4.5. As part of the deliberation, it is very hard to judge whether a 'new' or 'current' style local plan is better for East Cambridgeshire, because there is still very little government guidance on what a new style local plan will be. We think, from indications by the previous government, that a new style local plan will likely be:
- shorter, with less locally specific policy
 - slightly quicker produced (2.5-3 years, rather than 3-3.5 years)
 - more focus on the map, including more interactive engagement
 - continued requirement to identify (and justify via evidence) sites to meet needs for housing, employment, nature conservation and similar, as is the case presently.
 - Slightly different consultation and examination arrangements, though these appear to be more technical tweaks rather than fundamental changes.
- 4.6. At this stage, it is difficult to see the new plan making arrangements being any cheaper (or more expensive) than the current system, or any substantially different timelines for preparation of evidence base requirements.
- 4.7. For the lay public, it is unlikely individuals will notice the difference between the two types of plan because generally speaking such individuals will focus on potential sites in their community, and a view whether they are comfortable with such proposed sites. Every signal to date indicates that the basic principle of a local plan allocating sites to meet a local need will remain unaltered, and the basic principle of an individual being able to object or support will remain.
- 4.8. Another important factor for Members to consider is the issue of 'five year land supply' (5YLS). In simple terms, every LPA is routinely tested to see if it can demonstrate five years' worth of deliverable housing sites in its area to meet its needs. Broadly speaking, if an LPA can demonstrate it, it is likely that its local plan (and its allocations and settlement boundaries) remain robust and speculative planning applications typically fall away. If an LPA can't demonstrate five years' worth, then there is a very high chance that speculative applications on unallocated sites will come forward across our district, much of which will be a struggle to resist. It is important to note that, even under such a latter scenario, developers will still have to meet essential planning policy around good quality design, infrastructure requirements and similar. However, the location of such development is no longer plan-led, and this can cause considerable upset in local communities, and cause considerable resourcing strain with development management teams.

- 4.9. At present, and for the past few years, this council has demonstrated a healthy 5YLS position and defended this successfully at recent appeals. This was not the case 5-8 years ago, when it was deemed we did not have such a supply, and consequently speculative applications arose across our district. This was especially so in our medium-large villages, and to some degree, albeit smaller scale sites, in our smaller villages. It was a very challenging period for the planning service to manage, and a very unsettling period for our communities.
- 4.10. Notwithstanding the current healthy position on 5YLS, there is always a risk of losing such a 5YLS, and that risk increases as the age of a local plan increases, the supply of undeveloped allocated sites within it decreases, and the end date of the plan creeps nearer.
- 4.11. The sooner a new plan is started, the greater the chance of maintaining a 5YLS in the medium to long term because a new pool of plan-led allocated sites will enter the system. On this ground, therefore, it adds weight to commencing a local plan now, rather than waiting for the new system. Put simply, losing our 5YLS is at greater risk if we wait for the new style planning system to be put in place.
- 4.12. Other beneficial reasons for commencing a new plan now include:
- Familiarity with the rules and procedures, which have been established over the past 20 years
 - Ability to reset/reconfirm our policy position on matters such as community-led development, climate change and nature recovery
 - Ability to align and update our local plan to our wider current corporate ambitions on matters such as economic development (including new sites to deliver economic growth), infrastructure requirements and community facilities
- 4.13. Overall there is, therefore, a strong case to justify commencing a new local plan straight away.
- 4.14. However, we should be mindful of the following issues, which weigh more in favour of awaiting a new style local plan.
- 4.15. First, whilst a new-style local plan could not start until the end of 2025 at the earliest, the council could do a more gentle run-in towards that start date, by doing informal evidence gathering and consultation prior to formally commencing. This might help build greater community consensus.
- 4.16. This benefit would be combined with steadily building up our staffing resource to a point of being fully capable of managing the demands of preparing a new local plan. At present, and a significant issue weighing against starting a new local plan straight away, is the lack of a fully resourced planning policy team within the council. Typically, as a minimum, 4FTE experience policy staff are needed for a planning policy team to prepare a local plan whilst also fulfilling wider statutory requirements (such as neighbourhood planning and 5YLS monitoring). We presently only have c1FTE such resource. Commencing a new plan straight away will therefore require a rapid staffing recruitment to take place, possibly through loaning staff in the short term if possible whilst a full team is recruited to. This issue is much more manageable if we wait a year for the new planning system to come into effect.

- 4.17. A new style plan would also hopefully have a longer ‘shelf life’ than a present style plan (albeit there will highly likely be some form of transitional arrangements put in place by government to avoid LPAs being forced to immediately start a new style plan on completion of a current one).
- 4.18. Overall, there is much to balance when weighing up which option is the most appropriate for East Cambridgeshire. **However, on balance, it is recommended that a new plan is started straight away, under the current plan making system.** This judgement is primarily made because:
- It presents the best chance to maintain an ‘up to date’ local plan, and with that maintain a healthy ‘five year land supply’
 - It avoids the risk and uncertainty of the new plan making system, the details of which are unknown, and the timing still uncertain.
- 4.19. Before members make a final decision, the following points are considered worthy of mention:
- Neither option has any immediate effect on neighbourhood plans, and to a considerable degree such plans remain protected for five years post their completion. As far as we know, neighbourhood plans are anticipated to continue even once the new national plan making rules are in place.
 - Neither option has a significant impact on the quantity of new sites to find or the scale of new housing to meet. Under both scenarios, very roughly the council will likely need to find new sites to accommodate 2,000-5,000 new homes, with a particular focus for such sites being for delivery in the 2030s (the final ‘to find’ figure and timelines will need to be determined as the plan progresses, though our best guess at present is that the most likely target ‘to find’ figure will be in the middle of the above range)
 - Both options will require a similar degree of evidence base material to be gathered and updated, similar consultation arrangements with our communities, and similar engagement with developers and landowners.
- 4.20. If Council does agree to start a new local plan straight away, then it is legally obliged to confirm as such in what is known as a Local Development Scheme (LDS). This is a simple document that sets out a timetable for the preparation of the plan, together with some other basic broad commentary on the scope of the plan to be prepared. This is attached at Appendix 1 for approval.
- 4.21. Members will note on pages 3-4 of that document a series of scheduled dates for consultation events to take place. Whilst these do not strictly have to be adhered to, there is an expectation that the council broadly does so.
- 4.22. Members may also find it helpful to understand the immediate first steps, should it be agreed to commence a new local plan. In summary, the headline first steps would be:
- Publish the LDS, and generally make key stakeholders aware we are commencing a new local plan. Inevitably this will raise both expectations and concerns, which will need managing appropriately.

- Establish a likely list of evidence documentation needed, an assessment of the degree we need to commission new evidence (in-house or external) and a timetable for such evidence preparation.
 - Prepare a detailed internal project plan, which establishes the precise details of what needs doing and when, including consultation stages
 - Commence recruitment
 - Prepare early consultation documents. This will include a ‘call for sites’ methodology and programme, for launch likely in early 2025. Initial sustainability appraisal scoping is also a legal requirement to be commenced early, with engagement with statutory consultees such as Natural England.
 - Broad discussions with Members (likely at the recommended Working Group) on some of the key principles the local plan should attempt to achieve, such as a very high level discussion on how growth could be distributed across the district and what policy areas we would be keen to focus special attention on.
- 4.23. Members should also note that the decision today is largely a binary one. Either a new plan is agreed to start immediately or we await the new system. This view is reached because it is highly unlikely that the aforementioned December 2026 cutoff date could be met if a current style plan is not commenced immediately. In effect, if we don’t start now, we default to waiting for the new style planning system.
- 4.24. Finally, and again if Council decides to commence a Local Plan, it is recommended that arrangements are put in place so that Members are involved in its preparation outside of formal Full Council decisions.
- 4.25. For the avoidance of doubt, key decisions on the Local Plan will remain with Full Council. However, some form of Member Working Group has proved helpful in the past and is recommended to be set up again. Attached at appendix 2 are the recommended arrangements.
- 4.26. As can be seen, it recommends five members sit on the Working Group. It is therefore recommended that three Conservative Members and two Liberal Democrat Members are appointed to the Working group.

5.0 Additional Implications Assessment

5.1 In the table below, please put Yes or No in each box:

Financial Implications Yes	Legal Implications Yes	Human Resources (HR) Implications Yes
Equality Impact Assessment (EIA) Yes	Carbon Impact Assessment (CIA) Yes	Data Protection Impact Assessment (DPIA) Yes

5.2. A summary of the implications is set out below:

(a) Financial implications

- 5.3. Preparing a local plan is an expensive commitment by a LPA. The total cost is not easy to quantify in advance, but is primarily made up of four main elements:
- Additional staffing resource, to prepare the evidence, manage consultation events, prepare the plan and defend the plan at independent examination. Typically, this resource is an additional 3FTE for 3 years.
 - Evidence base commissioning. Some evidence base material is very technical, and not able to be produced inhouse. For example, transport modelling and water resource modelling. The scale of this is hard to judge but is typically £100,000-£400,000 spread over four years. We would seek promoters of large sites to provide evidence as much as possible, but this would not stretch to district wide capacity studies for example.
 - Inspector fees. We are statutorily required to pay for the planning inspector to examine our plan. This is typically £60,000-£120,000.
 - Consultation costs. This cost heavily depends on the scale of consultation deemed appropriate.
- 5.4. Council has already agreed a special £1,000,000 budget for a local plan update, spread over four years starting in 2024/25. At this early stage, that is deemed reasonable to cover the costs outlined, so no additional budget is being sought today. Full Council will be kept informed on actual costs as the plan progresses.
- 5.5. It is also worth noting that by having an up-to-date local plan in place could help save ongoing running costs of the council (such as in the development management service, which typically runs more effectively and efficiently when an up-to-date plan is in place, rather than a 'planning by appeal' system which can arise when a plan is out of date). A new local plan may also help drive additional growth in the district, and with it increased Community Infrastructure Levy (CIL), Council Tax and Business Rates income.

Legal Implications

- 5.6. Preparing a local plan is a heavily regulated process. Indeed, as mentioned in the covering agenda report, it is a legal requirement to publish an LDS prior to commencing a new local plan, hence the recommendation today. A key task of officers will be to ensure that the local plan preparation proceeds in accordance with the regulations. Failure to do so would likely lead to an Inspector finding the plan unsound, and the process being abandoned.
- 5.7. On commencing a new local plan, the council retains the right to pause or stop its production at any time (though this might not be the case under the new plan making system).
- 5.8. Throughout preparing the plan, the current plan (and Neighbourhood Plans) remain the adopted development plan for making decisions on planning applications. Weight can be given to emerging plans, but in reality, this only takes meaningful effect towards the latter stages.

- 5.9. Once adopted, existing Neighbourhood Plans remain in force. However, if there is conflict between the new plan and the Neighbourhood Plan, then the provisions of the latest adopted plan must be applied by decision makers.

Human Resource Implications

- 5.10. If the recommendations are agreed, then the Director Community will proceed to add to the establishment of the council a number of planning policy posts deemed appropriate to meet the demand of preparing a new Local Plan. This is likely to be 3-4FTE. The cost of such staff will be met from the already set aside budget. Temporary staff might be engaged, if recruitment is not immediately possible.

Equality Impact Assessment

- 5.11. No such assessment has been done at this stage. However, preparing a local plan is subject to the full set of equalities legislation, and will be a matter of examination by an Inspector. As such, throughout preparing the plan, officers will be very mindful of such legislation, both in preparing the content of the plan, as well as in terms of how we engage and consult on the emerging plan. This will all be appropriately documented.

Carbon Impact Assessment

- 5.12. No such assessment has been done at this stage. However, preparing a local plan is subject to the full set of environment related legislation, and will be a matter of examination by an Inspector. As such, throughout preparing the plan, officers will be very mindful of such legislation. This will all be appropriately documented. Indeed, preparing a new local plan provides a considerable opportunity to strengthen our commitments and policies in respect of climate change and the natural environment.

Date protection impact assessment

- 5.13. No such assessment has been done at this stage. However, preparing a local plan can involve many 100s of stakeholders, including collection of some sensitive data. Whilst such data is not normally highly sensitive, and is predominantly details such as names, addresses, emails, contact numbers and signatures, there is occasionally a requirement to receive sensitive data for some vulnerable members of the community, or from people of certain protected characteristics. It will be necessary, therefore, for a proportionate data protection system to be put in place as part of the project planning of a new local plan. It is highly likely, therefore, that a DPIA will be prepared for this project.

6.0 Appendices

Appendix 1 – Local Development Scheme, October 2024

Appendix 2 – Local Plan Member Working Group Terms of Reference

7.0 Background documents

East Cambridgeshire Local Plan 2015 (as amended 2023)