



Report To: Planning Portfolio Holder
Lead Officer: Director of Planning and New Communities

9 September 2014

**South Cambridgeshire Local Plan: Memorandum of Understanding between
Cambridge City Council and South Cambridgeshire District Council - Greater
Cambridge Housing Trajectory**

Purpose

1. To agree a Memorandum of Understanding with Cambridge City Council that as part of the two Local Plan examinations the housing trajectories for the two areas should be considered together as a joint trajectory for the purposes of housing supply, including 5-year land supply.
2. This is not a key decision because it is consistent with the development strategy included in the submitted Local Plans for Cambridge and South Cambridgeshire and with the City Deal signed on 19 June 2014. It was first published in the August 2014 Forward Plan.

Recommendations

3. It is recommended that the Portfolio Holder approves the Memorandum of Understanding between Cambridge City Council and South Cambridgeshire District Council at Appendix 1.

Reasons for Recommendations

4. Changes in circumstances since the submission of the Local Plan, including the signing of the City Deal, the publication of the National Planning Practice Guidance and the recent Waterbeach appeal decisions, indicate that a Memorandum of Understanding between the Councils will demonstrate the soundness of the plans at the examination.

Background

5. The South Cambridgeshire Local Plan was agreed by Council on 13 March 2014 and submitted for examination alongside the Cambridge Local Plan on 28 March 2014. The plans together provide a coherent development strategy for the Greater Cambridge area. Both Councils have committed to meeting their objectively assessed housing development needs in full in their respective areas. The phasing of development outlined in the submitted plans follows the development sequence and carries forward the development strategy from adopted plans. As expected, development is coming forward within the urban area of Cambridge and on the edge of Cambridge early in the plan period with new settlements following later in the plan period as they have a longer lead-in time before the start of delivery. In particular, the fringe sites that were released from the Green Belt in the last round of plan making are now well underway and delivering new homes, jobs and associated infrastructure on the ground. These cross-boundary sites are logically building out from the edge of the existing built-up area with more homes being built in Cambridge in the early part

of the plan period and then moving into South Cambridgeshire later on. This is a logical and appropriate way of delivering sites to meet the combined objectively assessed housing need across the Greater Cambridge area.

6. The Councils are party to a Memorandum of Co-operation agreed in May 2013, under the duty to co-operate, that sets out the continued support of all the Councils in the wider Cambridge Sub Region housing market area (HMA) to the development strategy for the area, including the development sequence. It also confirms those Councils' commitment, together with Peterborough Council, to meet in full the objectively assessed needs of the housing market area, as identified in the Cambridge Sub Region Strategic Housing Market Assessment.

Considerations

7. Since the Local Plans were submitted, there have been four significant changes in circumstances that together have indicated the need for an additional agreement under the duty to co-operate between the two Councils:
 - i. The Councils signed up to a City Deal agreement on 19 June 2014, along with Cambridgeshire County Council, Cambridge University and the Cambridgeshire and Peterborough Local Enterprise Partnership. This defines the area covered by the two districts as 'Greater Cambridge' and recognises the strong inter relationship between the two areas. In particular it acknowledges that Cambridge City and South Cambridgeshire District Councils, along with Cambridgeshire County Council as the Transport Authority, "have worked closely together on new local plans and associated transport strategy and have aligned plan making processes to achieve the benefits of what amounts to a single overarching development, infrastructure and delivery strategy for Cambridge" (City Deal document page 7¹). Furthermore, as part of the City Deal arrangements, the Councils have agreed to prepare a joint Local Plan and Transport Strategy starting in 2019.
 - ii. Two section 78 planning application appeals were allowed on 25 June 2014 for sites in Waterbeach village in South Cambridgeshire on the basis that the Inspector concluded that the Council was not able to satisfactorily demonstrate a 5-year supply of housing land as required by the National Planning Policy Framework (NPPF). The Inspector did not consider that it would be the correct approach to take account of the housing supply situation in Cambridge. He commented that this approach is 'without precedent'. The Inspector also concluded that there was no sound basis for taking the Greater Cambridge City Deal into account in the current 5-year housing land supply, which was at that time still to be signed.
 - iii. The National Planning Practice Guidance (NPPG), published on 6 March 2014 and therefore too late to influence the Local Plans submitted on 28 March, provides for the circumstances that where a local planning authority cannot demonstrate a 5-year housing land supply that it can seek agreement with its neighbours under the duty to co-operate to meet that shortfall (paragraph 035).
 - iv. The Councils note that the East Cambridgeshire Local Plan Inspector has endorsed the 2013 Memorandum of Cooperation in his interim conclusions of 14 July 2014². He comments in respect of the approach to part of East Cambridgeshire's objectively assessed needs being met in Peterborough under the duty to co-operate, that he has "seen no substantive evidence that

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/321722/Greater_Cambridge_City_Deal_Document.pdf

² <http://www.eastcambs.gov.uk/sites/default/files/IN14%20ECLP%20Inspector%27s%20Interim%20Conclusions.pdf>

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, the intended arrangement would broadly accord with general sustainable development principles" (paragraph 23) and that "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 allows for circumstances where development requirements from one local authority area will be met in another" (paragraph 24).

8. The proposed Memorandum of Understanding is set out in Appendix 1 and will supplement the Memorandum of Cooperation of May 2013, under which the Councils have committed to meeting in full their objectively assessed needs within their respective areas, as required by the NPPF.
9. This Memorandum of Understanding concerns the phasing of the objectively assessed needs for development in the Greater Cambridge area during the plan period. It formalises the development strategy contained in the submitted Local Plans. It will also ensure that both Councils can demonstrate a continuous 5-year housing land supply as required by the paragraph 47 of the NPPF.
10. The statement would be made without prejudice to the consideration of the housing supply issues at the examination, but with the aim of demonstrating sound plans and appropriate and on-going collaboration in planning across the Greater Cambridge area. The agreement will support the joint development strategy and sequence and is about when (not where) the identified objectively assessed needs will be met.
11. As part of the process for agreeing this Memorandum of Understanding, the Joint Strategic Transport and Spatial Planning Group (JST&SPG) will be meeting at 9.30am on 9 September 2014 to consider this ahead of the Portfolio Holder meeting beginning at 2pm on 9 September 2014. Following on from this, the Memorandum of Understanding will be considered by Executive Councillor for Planning Policy and Transport and Development Plan Scrutiny Sub Committee at Cambridge City Council at 4.30pm on 9 September 2014. The outcome of the JST&SPG will be reported verbally to both meetings to inform discussions.

Options

12. The Council could decide not to sign up to a Memorandum of Understanding. This option is not preferred in the light of the changed circumstances identified in paragraph 6.

Implications

13. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Legal

14. The Memorandum of Understanding is not a legally binding document but would form part of the Council's evidence to the Local Plan Inspector on how the Council is meeting its legally required duty to co-operate. The Council's legal service supports

the signing of a Memorandum of Understanding and it also reflects independent legal advice received.

Risk Management

15. In light of the changes in circumstances identified at paragraph 6, there are risks to the Council's Local Plan through the examination process that will be mitigated as far as possible by the agreement to the Memorandum of Understanding.

Consultation responses (including from the Youth Council)

16. This is a technical document that reflects previous Council decisions and no additional consultations have been undertaken. It is envisaged that consultation on the proposed modifications be undertaken at an appropriate point in the examination.

Effect on Strategic Aims

Aim 1 - Ensure that South Cambridgeshire continues to offer an outstanding quality of life for our residents

17. The development strategy included in the submitted Cambridge and South Cambridgeshire Local Plans aims to meet the housing and employment needs of the Greater Cambridge area while ensuring that the district remains an attractive place to live, work and study.

Background Papers

[Cambridgeshire and Peterborough Memorandum of Co-operation: Supporting the Spatial Approach 2011-2031.](#)

[Greater Cambridge City Deal](#)

[East Cambridgeshire Local Plan Examination – Inspector's Interim Conclusions 14 July 2014](#)

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