

Our ref: MLP/[REDACTED] 029245

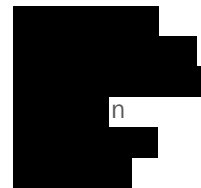
Your ref:

22 November 2021

Greater Cambridge Shared Planning Policy Team,
South Cambridgeshire District Council,
Cambourne Business Park,
Cambourne,
Cambridge,
CB23 6EA



St Neots Office



E [REDACTED]
T [REDACTED]
W brown-co.com

EMAIL ONLY

Dear Sir/Madam,

GAMLINGAY NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION

We are instructed to submit the following representations on behalf of [REDACTED]

[REDACTED] has previously contributed to the preparation of the Neighbourhood Plan at various stages, including the Regulation 14 consultation. This does raise a procedural point that despite the earlier involvement, no formal notification was received from the South Cambridgeshire District Council of the latest consultation exercise, and it was purely by luck that we became aware of this. This gives rise to the question whether all parties who have previously commented have been consulted?

[REDACTED] raise objections in respect of the following elements of the Regulation 16 consultation plan that require further explanation and consideration:

Page	Para.	
11	1.8	The paragraph states ‘Once the Plan has secured the consent of local people via a referendum, the community will be in a position to benefit from 25% of the Community Infrastructure Levy (CIL).....’ It is highlighted that any benefit is firstly dependent on the South Cambridgeshire District Council adopting a Community Infrastructure Levy and this is by no means certain. Secondly, the ability to realise CIL proceeds is reliant on new additional development permissions coming forward after the CIL is introduced. Given the Neighbourhood Plan does not allocate new housing development, and this concludes the village has already exceeded its quota of new windfall housing for the period to 2031 (Para 4.10), it is questionable whether and what level of CIL receipts could be realised. Although new employment development is encouraged, this may not attract any CIL receipt. Therefore, the statement of benefiting from CIL proceeds may be construed as misleading.
21	2.13	States “Land at North, South and East of Tempsford (6 miles away from Gamlingay) has been safeguarded in the Central Bedfordshire Local Plan for future development, to be assessed further in the Partial Plan Review to consider the potential capacity for 10,000+ homes”. However, it is highlighted that the corridor option was removed in the Central Bedfordshire Local Plan 2015 - 2035 document adopted in July 2021.
40	4.24	Policy GAM1 – New buildings and employment buildings states “New housing developments (including applications made for a single property at a time)

will.....provide a mix of homes, in particular one or two-bedroom dwellings and bungalows". We must query the justification for this policy bearing in mind that 47% of those who responded to the Housing Needs Survey questionnaire (Q17) expressed a desire for 3+ bedroom accommodation.

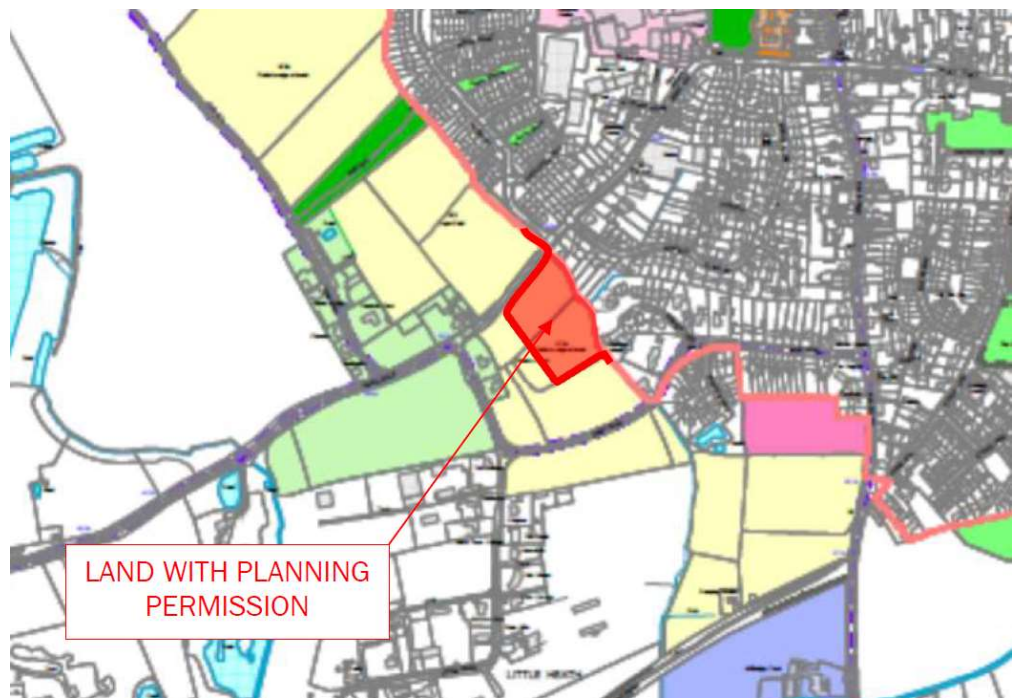
Additionally, given the Neighbourhood Plan does not allocate new housing development and concludes the village has already exceeded its quota of new windfall housing for the period to 2031 (Para 4.10), and that planning permission already exists for the Green End Industrial Estate site and West Road allocations and land off Heath Road, it is questionable whether more affordable 1 or 2-bedroom dwellings or bungalows can be expected to come forward in the plan period?

The policy states applications made for a single property at a time will be expected to provide a mix of homes, in particular one or two-bedroom dwellings. However, how can a planning application for a single dwelling include such a mix?

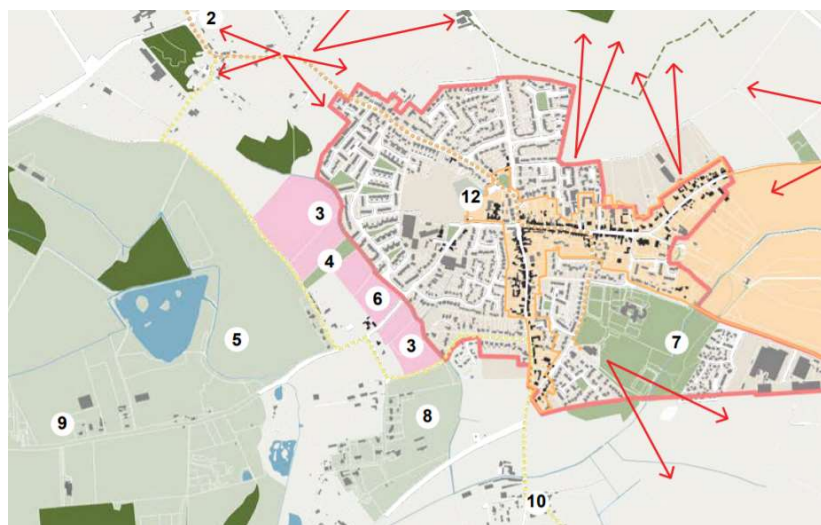
The Policy states new housing developments include *"dwellings that exceed the baseline policy requirements for environmental sustainability set out in the Local Plan. In order to respond to the Climate Emergency all new housing should be insulated to Energy Performance Certificate rating A"*. Whilst supporting these 'green' initiatives, it is highlighted this will have financial consequences and potentially impact on the viability of developments and there is no evidence that the financial consequences been fully evaluated and considered. The additional cost could also conflict with the parish aspiration for smaller more affordable housing (para 4.22).

- 4.25 The paragraph states that *"Since the adoption of the Local Plan in 2018, planning permission has been granted (in both case on appeal) for a further 29 dwellings south of West Road in Gamlingay and for nine self-build dwellings adjacent to Heath Road. The Neighbourhood Plan Steering Group have been advised that the West Road site should now be allocated in the Neighbourhood Plan because by allocating sites and meeting the identified housing requirement, the Neighbourhood Plan fully accords with the requirements of paragraph 14 of the NPPF in meeting the identified housing requirement in full and providing some certainty in determining proposals for new housing should the District Council not be able to demonstrate a five-years supply of housing sites in the near future. There is no requirement for the Neighbourhood Plan to bring forward further sites for development for the period 2020 – 2025"*. The plan then proceeds to allocate the land at West Road under Policy GAM2.

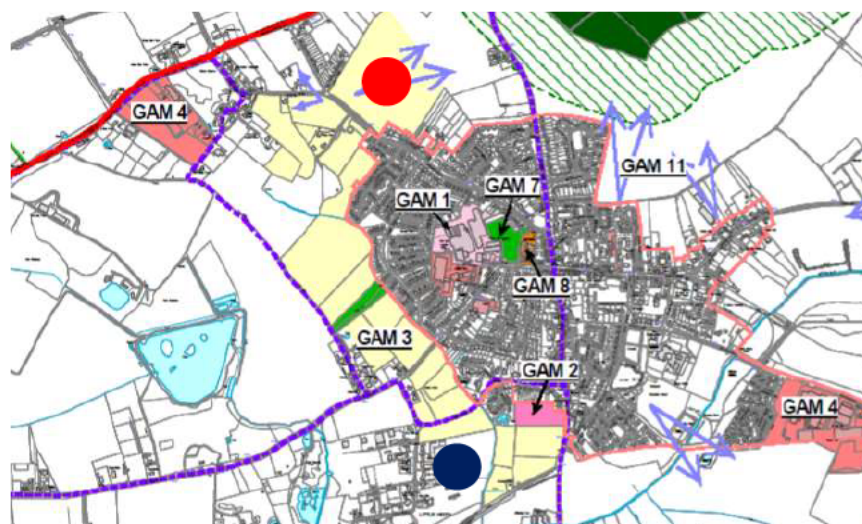
However, the West Road circumstances are not dissimilar to the land off Heath Road, where permission was granted on appeal in September 2019 for the development of up to 9 self build/custom build plots (LPA Ref S/3170/17/OL). This was granted as a departure from the adopted Local Plan considering the need to ensure sufficient self-build plots to meet the statutory duty under Section 2A of The Self Build and Custom Housebuilding Act 2015 (as amended). A reserved matters submission for the Heath Road site is currently being prepared and this development contributes to meeting the Council's housing need and forms part of its 5-year housing land supply. The failure of the Neighbourhood Plan to acknowledge the existing permission is therefore inconsistent, illogical and erroneous. For clarity the plan and maps should amended to include this now committed area, as identified below.



43 4.32 It is stated the “The Village Design Guide identified a ‘sensitive village edge’ bounded by the brook and Great Heath and including the Lupin Field and Log Field to the south west of the village. It also advised maintaining the integrity of the hamlets, in particular the separation of The Cinques and Little Heath, by retaining the open landscape character between these and the village. This ‘settlement gap’ between the village, The Cinques, Dennis Green and Little Heath is coloured yellow on Map 4 showing landscape setting and Map 7 the policy areas”. The inference is that the yellow shaded areas on the Key Policy Areas Map and maps 2, 4 and 5A are derived from Village Design Guide SPD, which has not been subject to examination. However, it is highlighted the Neighbourhood Plan includes additional ‘sensitive village edge’ areas not included in the Village Design Guide, as seen in the extracts below.



Extract from the Village Design Guide SPD with the ‘sensitive village edge’ areas shaded pink.



Extract from the consultation Plan with the 'sensitive village edge' areas shaded yellow.

The consultation plan document provides no explanation for the identification of the yellow character areas in terms of their particular significance and qualities, how they were selected and their specific justification. For example, why is the field identified with the red dot above selected, yet the field identified by the blue dot (which has more significance to the Little Heath separation) is not?

Noting that some of the 'sensitive village edge' areas are incorporated within the Village Design Guide SPD, it is pointed out representations were submitted in respect of the Village Design Guide querying the criteria against which these were assessed. This query was not addressed by the South Cambridgeshire Council when the Design Guide was adopted and having subsequently raised this it has been highlighted by the District Council that the Design Guide "is a supplementary planning document and not a development plan document". The explanation highlights that the Neighbourhood Plan, which will be a development plan, should explain the criteria for the selection of the 'sensitive village edge' areas, and how these have been objectively assessed.

Within the Plan there is ambiguity whether the yellow areas are 'sensitive village edge' areas (as referred to in paras 4.28 & 4.32 and the key to the maps) or a 'settlement gap' (paras 4.32, 4.33, 4.35 and GAM3). What is it? Policy GAM3 states "*Housing will be located within the boundary of Gamlingay village (its development framework) to prevent the village, the hamlets and smallholdings from joining up, to preserve the visual quality of the landscape and retain the separate identities of the settlements. Particular emphasis is placed on the settlement gap between Cinques, Dennis Green and Little Heath identified in the Policies Map*". Considering the explanation surely the 'gap' should embrace all the land between the village, and The Cinques, Dennis Green and Little Heath, and not just some of the fields on the edge of the village?

Acknowledging the aim to protect the countryside, it is pointed out there is already adequate policy protection in place through the adopted Local Plan due to:

- Policy S/7: Development Frameworks clarifies that outside of development frameworks, only allocations within Neighbourhood Plans and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in the plan will be permitted.

- Policy NH/2: Protecting and Enhancing Landscape Character requires development to respect, retain or enhance the character and distinctiveness of the local landscapes and national character areas;
- NH/3: Protecting Agricultural Land clarifies planning permission will not be granted for development which would lead to the irreversible loss of Grades 1, 2 or 3a agricultural land;
- Policy NH/13: Important Countryside Frontage identifies important countryside frontages and states that planning permission for development will be refused if it would compromise important countryside frontages;
- Policy NH/14 Heritage Assets supports development that will enhance and sustain heritage assets such as buildings, monuments, sites, places, areas or landscapes which are significant because of their historic interest.

Considering the advice that neighbourhood plans should not repeat policies of the Local Plan and the policy measures that are already in place to protect the open countryside from harmful development, there is no justification or necessity for the designation of the 'sensitive village edge' character areas.

Further, as already highlighted, planning permission has been granted on appeal for the development of up to 9 self build/custom build plots on land off Heath Road, which the consultation plan proposes to designate a 'sensitive village edge'. As already noted, the failure of the Neighbourhood Plan to acknowledge the existing commitment is illogical and erroneous. Additionally, when considering the appeal, the Inspector had regard to the Parish Council's desire to ensure separation between the edge of Gamlingay and the hamlet of Dennis Green. In paragraph 17 of the decision letter, he noted *"In the wider context, the appeal site sits in between the edge of Gamlingay and the hamlet of Dennis Green. The separation between them is recognised by the Parish Council in its Village Design Guide as serving an important spatial function, keeping the settlements from merging. It is desirable to maintain this separation to preserve the historic character of the hamlets and to respect their identity"*.

However, the Inspector went on to conclude *"The development of the appeal site would maintain a reasonably substantial area of open land in between the two settlements"*. Also, acknowledging further land owned by the applicant and outside of the site, the Inspector concluded this *"area of land that would continue to serve the purpose of keeping Gamlingay and the nearby hamlets physically separate. Whilst the proposals would bring the built form of the hamlets closer, for the reasons outline above, the development would not encroach upon the character or landscaped setting of the hamlets to a significant degree"* (para 18). In light of the Inspector's assessment the inclusion of the land south of Heath Road as a 'sensitive village edge' is inappropriate and not justified. The Inspector's assessment also highlights that beyond the areas identified as 'sensitive village edge' in the Plan there will remain open land that will continue to serve the purpose of keeping Gamlingay and the nearby hamlets physically separate and this further undermines the purpose of the identified yellow areas.

- 45 4.35 Paragraph 4.26 of the Regulation 14 consultation plan noted *'There is an appetite for self-build housing in the Parish, in the right place'*. In response to this SCDC noted *"Paragraph 4.26 mentions that there is an appetite within the village for self-build housing in the Parish but does not then go on to include a policy to support these. This could be a missed opportunity to promote such development within the parish. Are*

there any suitable sites that were considered other than that which already has permission at the Green End site? Could you include a criteria-based policy to help a future self-build site come forward – what criteria would a site require to be suitable? Near the village centre?” (Non-BC test) (para 66). Disappointingly, in the Regulation 16 consultation the plan now states *“While there is an appetite for self-build housing in the parish, the high cost of land means it is only affordable for a small number of people.....”* This dismissal of the merits of self build and custom build development is clearly at odds with National Planning Policy Framework, the national planning guidance and the statutory duty under Section 2A of The Self Build and Custom Housebuilding Act 2015 (as amended), which require local planning authorities to ensure sufficient land is allocated to meet the self build need. As of 31st October 2021 the SCDC was required to have granted permission for a minimum of 298 serviced plots to meet its duty, which it had not achieved and the high demand for serviced plots has been reflected in enquires that have been received for the Heath Road site, and the take up of a 9 plots self build development in Caxton. The Neighbourhood Plan dismissal of self build development therefore seems to be ‘out of kilter’ with the high level of interest in such schemes.

59 4.77 Refers to the fact the Parish Council have *“commissioned Sustrans to assess the feasibility of a shared use cycle route between Gamlingay and Potton – the Cycle and Footway Improvement Plan (CFIP) (2019)”*. However, this plan has no formal status and surprisingly the delivery of the cycle and footway improvements do not form a specific objective or policy within the Neighbourhood Plan. As a result, the Cycle and Footway Improvement Plan has no formal policy delivery strategy.

61 4.81 Policy GAM9 – Transport provision on developments states *‘...new housing will be located within convenient walking or cycling distance to village facilities. All developments (including employment sites) should provide new pavements and shared use paths/cycleways where there is poor or no existing provision....’* It is considered the policy is ambiguous and this should clarify when and how a path/cycleway is ‘poor’ and whether the required improvement will be limited to the site frontage or more distant connections and to what destinations? This should also be proportionate to the needs and demands of the particular development. For example, a single new dwelling will be unlikely to have a material impact on footway or cycleway needs or what if improvements are not achievable within the available public highway, or these would have a harmful impact on heritage assets?

The policy states *“Housing developments are expected to provide enough car parking for residents and visitors within the development envelope”*. What level of parking provision is intended? Considering the advice that neighbourhood plans should not repeat policies of the Local Plan it is highlighted Local Plan Policy TI/3 already requires car parking provision should be provided through a design-led approach in accordance with the indicative standards set out in the Local Plan. Regarding the parking element of Policy GAM9 this is considered unnecessary, unless the Neighbourhood Plan is seeking a different level of parking provision?

62 4.82 Policy GAM10 – requires *“New residential and business units are expected to help mitigate their impact on the local road network by contributing £21 per m2 of floor space (for business developments), and £10 per m2 of floor space (for housing developments) towards the provision and maintenance of new paths (see Map 10) for the purpose of cycling, walking and horse riding between the village, hamlets,*

employment sites and neighbouring villages". However, as already noted, there is no specific policy strategy within the consultation Neighbourhood Plan in respect of securing the provision and maintenance of new paths for the purpose of cycling, walking and horse riding between the village, hamlets, employment sites and neighbouring villages. Whilst acknowledging the Sustrans Gamlingay Cycleway Improvement Plan, it is highlighted this did not address horse riding routes and the greater part of the proposed improvements in fact lie within the Central Bedfordshire authority and the parish of Potton to the south of Gamlingay.

It is highlighted that in response to the previous draft document SCDC noted *'The Gamlingay Cycle and Footway Improvement Plan states it is estimated that the construction costs for the path alone will be at least £1M. This excludes land acquisition costs and any bridge works. However only part (around half) of the cycle route is within Gamlingay. To justify the level of contribution sought it may be necessary to understand the cost associated with the part of the route that is within Gamlingay Parish Council boundary'*. (BC test) (para 117). This is not considered to have been addressed.

Section 122 of the Community Infrastructure Levy Regulations 2010 clarifies that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Additionally, the National Planning Guidance is clear that planning obligations can only be required to mitigate the impact of unacceptable development that will make it acceptable in planning terms (Paragraph: 002 Reference ID: 23b-002-20190901). It is clearly the case that for example a development on one side of the village cannot reasonably be directly related to providing a horse-riding route on the other side of the village. Also providing a horse-riding route will not reasonably be necessary or the difference between an acceptable and unacceptable development. Consequently, Policy GAM10 is not in accordance with the Community Infrastructure Levy Regulations 2010.

Paragraph: 011 Reference ID: 23b-011-20190315 of the National Planning Guidance also clarifies *"Plans should be informed by evidence of infrastructure and affordable housing, and a proportionate assessment of viability that takes into account all relevant policies"*. Reviewing the consultation plan and supporting documents there is no evidence that the required assessment of viability has been undertaken.

The National Planning Policy Guidance further clarifies plan makers should ensure that policy requirements for contributions from development are deliverable. The Sustrans Gamlingay Cycleway Improvement Plan identifies the construction cost of the proposed improvements would be at least £1M just for the path itself, excluding land acquisition costs. Bearing in mind the routes identified on the Map 10 Walking Cycling and Horse-Riding Routes include additional schemes not identified in the Sustrans Plan, the costs will clearly be even greater. Considering the Neighbourhood Plan does not allocate new housing development, and this concludes the village has already exceeded its quota of new windfall housing for the period to 2031 (Para 4.10), and that planning permission already exists for the Green End Industrial Estate and West Road allocations, the reality is the very restricted further future development scope can be expected to deliver only limited funding. For example, if 10 further properties were to come forward in the plan

period this could potentially deliver £29,410 using the Parish Council's methodology with an average household size of 100 m². This will be likely to cover no more than the engineering design costs for the improvements and it will not realise a sufficient fund to enable the improvements to be delivered. Regardless of funding, there is also no certainty the improvements are deliverable as these are dependent on securing the necessary land.

In the response to the previous draft document, it is highlighted SCDC noted "*Policy GAM10 requires contributions of £21 per m² of floor space (for business developments), and £10 per m² of floor space (for housing developments). We would suggest the plan should seek to explain how these contributions have been arrived at and also estimate the likely level of contribution that may be secured over a period of time (say 10 years) in order to provide some certainty that the scheme will be delivered. If the estimated level of contributions are unlikely to be paid for by new developments alone then we would suggest the plan should set out potential alternative funding schemes that may be available in order to achieve its delivery.* (BC test)" (para 118). This is not considered to have been addressed.

- 67 4.95 States "*New development should not obstruct or harm the special views and vistas identified by the Village Design Guide*". However, as previously noted, the Design Guide is a supplementary planning document and not a development plan document, and this has not been subject to examination. Additionally, the Design Guide provides no explanation for the identification of the views or vistas in terms of their special qualities or how these were assessed against any objectively assessed criteria. This was highlighted during the Village Design Guide consultation, but no explanation or consideration of the objection was provided by the District Council.
- 67 4.96 Policy GAM11 – Landscape and natural environment requires that developers deliver "*measurable, proportionate and appropriate biodiversity net gains (in line with national policy.....*". Given the provisions within the Environmental Act and the acknowledgement the policy is in line with national policy, the first paragraph of policy GAM11 is unnecessary.
- 74 Appendix 3: Developer contributions, aims to provide clarity for the infrastructure costs and contributions sought through policy GAM10, however, this is inadequate in the following respects:
- It is stated that providing the 12.5km of new cycleway is costed at £5 million **excluding land costs**. However, the greater part of the proposed improvements in fact lies within Central Bedfordshire, a different local authority to the south of Gamlingay and it would be unreasonable to require development in Gamlingay to fund improvements in a different authority;
 - The explanation pro ratas the costs over the Gamlingay housing stock number, however it does not acknowledge the element of works within the adjoining parish of Potton and the housing stock in that settlement. This has the consequence of inflating the cost in the methodology used by the Parish Council;
 - The explanation does not address how the £21 per m² for new employment development has been arrived at. This could put a significant barrier in the way of delivering new business growth.

- There is no evidence that the required assessment of viability has been undertaken.
- It is inescapable that the delivery of the improvements is very unlikely given the limited quantum of new development that is expected and could be required to make contributions.

For the above reasons proposed policy GAM 10 is not justified or sound, and it does not comply with the Community Infrastructure Levy Regulations 2010 nor national planning guidance.

It is highlighted that financial contributions sought through policy GAM10 will have to be secured through a S106 agreement between the Parish Council and the applicant/developer, adding costs and delay to the development process. To address this the Plan proposes a standardised template legal agreement for individual/small scale property development, like the one in use by Huntingdonshire District Council. However, we highlight the Huntingdonshire Unilateral Undertaking arrangement is only used by the authority to address the provision of wheeled bins and this does not address financial payments for infrastructure improvements. The National Planning Guidance (Paragraph: 021 Reference ID: 23b-021-20190315) clarifies *“Local planning authorities are expected to use all of the funding received by way of planning obligations, as set out in individual agreements, in order to make development acceptable in planning terms. Agreements should normally include clauses stating when and how the funds will be used by and allow for their return, after an agreed period of time, where they are not”*. To enable this developers will expect the Parish Council to enter an obligation that will commit it to spend the money appropriately and to refund any unspent money, which can only be secured through a formal much more costly and protracted S106 agreement.

Conclusions

For the reasons explained above it is considered the plan as currently drafted does not meet the basic conditions of being compliant with national policies and advice, and elements are not in conformity with the adopted development plan. Overall, this will frustrate the delivery of some sustainable developments.

We would be grateful to receive an acknowledgement in respect of the above representation and to be kept advised on the consideration of our points and the progress of the Neighbourhood Plan.

Y
[Redacted Signature]

MARTIN PAGE MRTF

For and on behalf of Brown & Co - Property and Business Consultants LLP
t/a Brown & Co Barfords

Mob: [Redacted]
DDI: [Redacted]