

Our ref: MLP/[REDACTED]
Your ref:

22 November 2021

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



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EMAIL ONLY

Dear Sir/Madam,

GAMLINGAY NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION

We are instructed to submit the following representations on behalf of [REDACTED]. [REDACTED] is a major landowner around Gamlingay and over the years it has actively assisted the local community in realising benefits, such as the sale of Gamlingay Wood to the Wildlife Trust that provides public access and the provision of land for new open space and footpath links around the village.

[REDACTED] welcomes and supports the village in influencing future development shaped through the proposed Neighbourhood Plan and the College hopes that it can continue to work with the local community in realising its future aspirations.

The College 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 on the emerging plan have been consulted?

Although several matters previously raised by the College have been addressed in the Regulation 16 document, the College wishes to raise the following issues that require further explanation and/or 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 designation 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, it is questionable whether more affordable 1 or 2-bedroom dwellings or bungalows can be expected to come forward in the plan period?

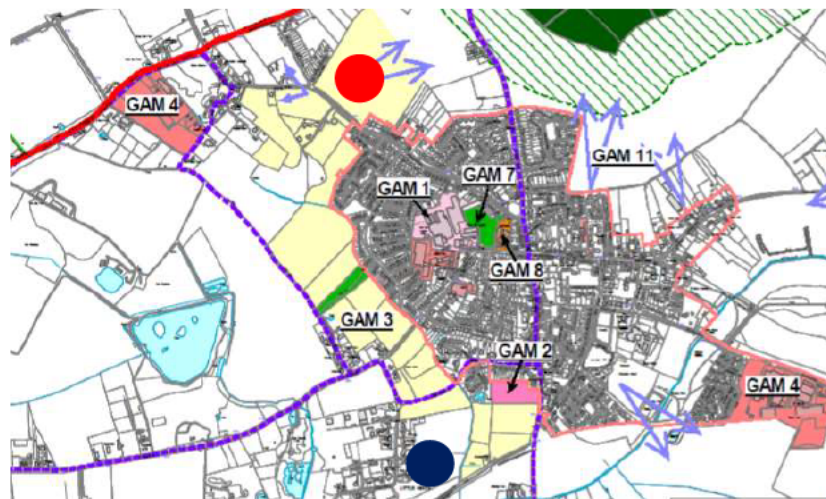
The policy states applications made for a single property at a time will be expected to provide a mix of homes, in particular one or two-bedroom dwellings. However, how can a planning application for a single dwelling include such a mix?

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).

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.

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| 59 | 4.77 | Refers to the fact the Parish Council have " <i>commissioned Sustrans to assess the feasibility of a shared use cycle route between Gamlingay and Potton – the Cycle and Footway Improvement Plan (CFIP) (2019)</i> ". 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 ' <i>...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...</i> ' 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—

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) 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 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.

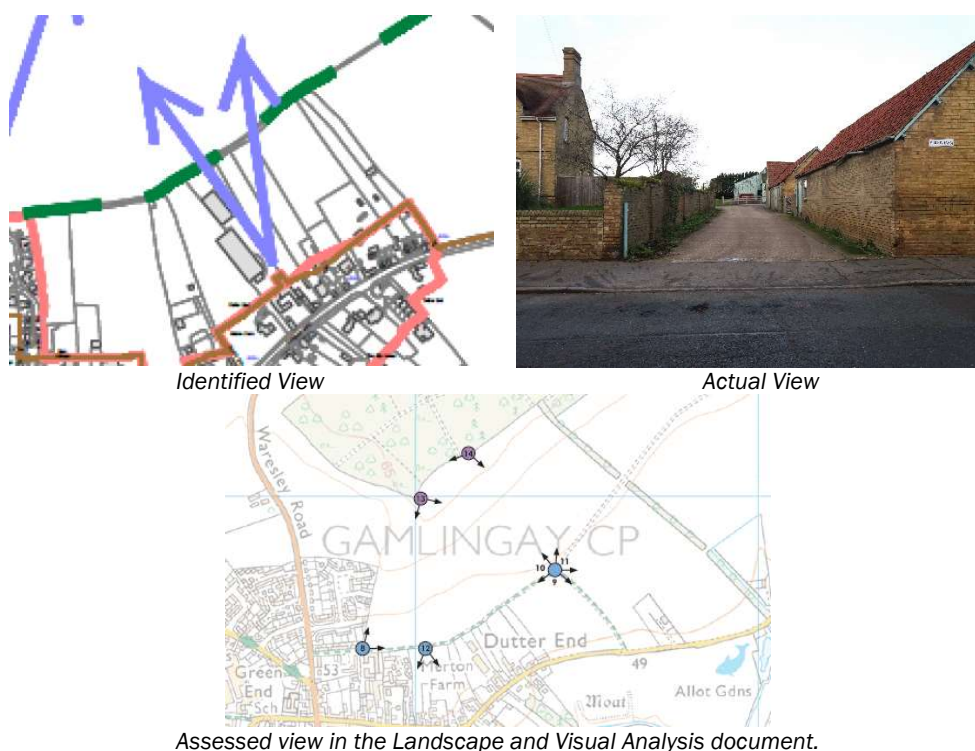
In the response to the previous draft document, it is highlighted SCDC noted "*Policy GAM10 requires contributions of £21 per m² of floor space (for business developments), and £10 per m² of floor space (for housing developments). We would suggest the plan should seek to explain how these contributions 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.

As regards the second paragraph of Policy GAM11 that housing and employment developments must not obstruct or otherwise harm protected views and vistas, we have

highlighted the absence of any objectively assessed criteria for the views identified in the Village Design Guide SPD.

Whilst acknowledging the supporting Landscape and Visual Analysis document commissioned by the Parish Council, it is noted there is inconsistency with some views assessed in the Landscape and Visual Analysis document but not being included in the consultation Neighbourhood Plan, whilst other views not assessed in the supporting Landscape and Visual Analysis document are included in the consultation Neighbourhood Plan. Overall, this highlights an apparent absence of any clearly stated objective criteria for preparing the plan. For example, the consultation plan includes a view from Church End towards Gamlingay Wood, however this view does not exist, and the Landscape and Visual Analysis document assesses the view towards the Gamlingay Wood from the public footpath that lies to the north.



Following from the above it is highlighted there is inconsistency between the views identified in the Policy Areas Map and those listed in Appendix 2, with the following examples missing from the maps:

- Gamlingay Wood south west to Cinques Rd;
- Gamlingay Wood to Grays Rd;
- Gamlingay Wood to Dutter End/Church End

For consistency and clarity the maps should reflect the Appendix 2 views and vistas.

67 4.97 Policy GAM12 – Gamlingay Wood states “Development will usually not be permitted within a 200m cordon from the edge of Gamlingay Wood Site of Special Scientific Interest.....” It is highlighted the consultation plan contains no justification or evidence to substantiate the need specifically for a 200m cordon.

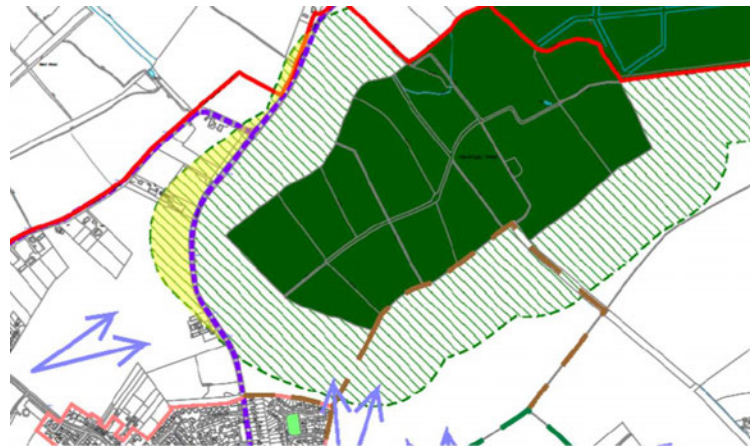
It is understood the 200m cordon has emerged from engagement with the Wildlife Trust and the conclusion of the Neighbourhood Steering group that any development closer than the existing village development framework would be detrimental for biodiversity

and impact on the wood by increased footfall, and the importance to retain landscape views/vistas. We must highlight the footfall justification is at odds with the aspiration to create a cycleway link to Waresely, identified on Map 10, that will improve pedestrian accessibility in the vicinity of Gamlingay Wood.

It is further understood the 200m cordon was chosen because the closest housing is currently just over 200m away, although as highlighted below this is in fact not the case. To ensure the soundness of the Plan the 200m cordon needs to be justified in terms of its nature conservation significance or value and why/how development within the proposed cordon would be detrimental for biodiversity and unacceptably impact on the wood. The Plan should also explain why the existing Local Plan countryside protection polices identified above are considered inadequate.

It is noted that in response to the previous draft document SCDC noted *“The 200m cordon we understand is to allow for countryside uses for those using the woodland. This should be explained more clearly in the supporting text rather than simply stating it is for the enjoyment of future generations but then mentioning in the policy that it is to allow for small scale sustainable construction for the traditional woodland industry. This needs to be explained. (BC test)”* (para 125). This is not considered to have been addressed.

The arbitrary nature of the 200m cordon is reflected in the fact this includes land physically separated from the Gamlingay Wood by the B1040 and existing built development within 200m, as shaded yellow below.



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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 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 potentially sustainable developments and revisions to address the above points are necessary.

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.

Yours faithfully



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

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