Policy WS/NC (Meeting the needs of new and growing Communities)

Railpen objects to Policy WS/NC as unsound and considers its drafting raises legal compliance concerns under section 19(2) of the Planning and Compulsory Purchase Act 2004 (regard to national policy). The objection is tested against the same four soundness tests as before: positively prepared, justified, effective, and consistent with national policy.

Criterion 4 requires "employment development of over 5,000 square metres" to be "informed by detailed assessments of both sports, recreation, culture and community needs, and include strategies that address identified needs," evidenced by demonstrated community and stakeholder engagement. This is a new procedural and evidential requirement imposed on commercial applicants for needs with a materially weaker link to office/R&D floorspace than to housing, without justification specific to commercial development.

Criteria 5–6 confirm contributions will be secured "through planning obligations or through a Community Infrastructure Levy (CIL) as appropriate," (CIL is not at the time of writing applicable in Cambridge) applying a standard of "100 square metres per 1,000 additional population and 1.5% of Net Internal Area commercial space", which is a flat floorspace-based levy on commercial development, unrelated to population growth, "secured through Section 106 agreements." Obligations of this kind must satisfy Regulation 122 of the CIL Regulations 2010, necessary, directly related to the development, and fairly and reasonably related in scale and kind. A flat percentage charge, untethered to demonstrated need, defies that test. Commercial schemes and the context they sit within varies significantly across Greater Cambridge, yet the policy is a blanket one-size-fits-all approach.

What a given commercial scheme will actually be required to fund turns on criteria 2–3's case-by-case "appropriate to the level of need" test, agreed "in consultation with service providers," with a further review and clawback mechanism (criterion 10) if viability later improves. NPPF policy PM13(1) requires quantitative development plan standards to "provide clarity and a high degree of certainty about the requirements that relevant development proposals are expected to meet." As drafted, WS/NC does not, which is an Effective test failing and a real impediment to land acquisitions.

Even set against Railpen's own strong amenity commitment in its schemes, requiring commercial floorspace to fund community development workers, cultural floorspace and sports facilities at this scale goes beyond what NPPF policy DM5 anticipates the plan-wide viability assessment tested, which must cover the specific development type in question. If commercial typologies were not robustly tested, WS/NC risks undermining delivery of Policy S/JH's own 73,300 jobs requirement.

Railpen requests that criterion 4's threshold and evidential burden for commercial schemes be reviewed, that criterion 6's commercial floorspace standard be justified against CIL Regulation 122 and withdrawn or evidenced if it cannot be, and that criteria 2–3 set objective, scheme-size-linked contribution bands to restore certainty for site appraisal.

Summary of why Railpen consider the plan is not legally compliant or is unsound

Railpen considers Policy WS/NC unsound and potentially legally non-compliant because it imposes unjustified and uncertain obligations on commercial development. Criterion 4 requires major employment schemes to assess and address community, cultural, recreation and sports needs despite a weaker relationship with commercial floorspace. Criteria 5–6 introduce a flat commercial contribution standard that may not satisfy CIL Regulation 122 requirements for necessity, direct relationship and proportionality. The policy also lacks certainty over contribution levels, undermining effective site appraisal and potentially development viability. Railpen therefore seeks clearer, evidence-based

thresholds, justified commercial standards and objective, scheme-size-linked contribution bands to provide greater certainty for applicants.

Railpen proposes the following amended wording to replace the existing text in the draft Local Plan:

4. Proposals for residential sites of 200 or more dwellings (or groups of smaller sites which cumulatively exceed this figure) and employment development of over 5000 square metres must be informed by detailed assessments of both sports, recreation, culture and community needs proportionate to the number of net additional employees the development is reasonably expected to generate and include strategies that address identified needs relevant to the development proposal. Submitted strategies to meet community and cultural needs must demonstrate that the local community, and stakeholders have been engaged to guide the provision of community facilities to be introduced as part of the site-wide development strategy. Measures may be required to assist the development of a new community, such as through community development workers.

6. Contributions for community facilities will be based on a standard of 129 square metres of such floorspace per 1,000 additional population. Contributions for cultural facilities will be 100 square metres per 1,000 additional population and for commercial schemes a contribution proportionate to the evidenced net additional local demand arising from the specific development, up to a maximum of 1.5% of Net Internal Area commercial space. This is based upon a combination of the Arts Council England benchmark and Museums, Libraries and Archives (MLA) Standard applied to the local context (using the Department for Culture, Media and Sport Participation Survey). For all applicable proposals, Community and Cultural Plans will form part of the planning submission process and these must demonstrate a robust, evidence-led and locally responsive approach for their provision and long-term viability. All plans should: identify the needs generated by the proposal; detail the provision required including their specification and delivery schedule; and provide details about their funding, stewardship and monitoring, to ensure their successful imple

11. The cumulative requirements of this policy, taken together with other Local Plan policies, will not be applied where it is demonstrated that to do so would render a commercial development unviable

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary

Railpen wishes to participate in the relevant hearing session(s) because its representations raise a number of concerns regarding the soundness, effectiveness and deliverability of policies across the Plan. These concerns relate to matters including policy justification, proportionality, flexibility, implementation and the practical implications of applying the proposed policy framework to development sites at different stages of the planning and delivery process.

Participation in the hearings would allow Railpen to explain these concerns in greater detail, respond to the Council's evidence and clarify how particular policy requirements may operate in practice. It would also provide an opportunity to discuss potential modifications that could improve the clarity, effectiveness and deliverability of the Plan while still achieving its overarching objectives.

Given the breadth of Railpen's representations and its direct interest in the implementation of the Plan, participation would assist the Inspector by providing a landowner and development perspective on the practical consequences of the proposed policies. Railpen therefore considers that its involvement in the relevant hearing sessions would make a useful contribution to the examination of whether the Plan has been positively prepared, is justified, effective and consistent with national policy.