POLICY J/AW (AFFORDABLE WORKSPACE AND CREATIVE INDUSTRIES)

Railpen objects to Policy J/AW 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. The objection is supported by the appended Affordable Workspace Viability Assessment prepared by Bidwells Land and Development.

Criterion 1 catches office and R&D development "over 1,000 square metres" with a minimum 30% (or 20%) rent discount "in perpetuity." The 30% tier alone applies across the Defined Development Extent of Cambridge and sixteen named science and business parks (para 8.50), which is the knowledge-intensive floorspace Policy S/JH relies on. Unlike affordable housing, which has extensive, tested national policy behind it, NPPF contains no equivalent mandate for discounted commercial floorspace held in perpetuity, this is a locally invented obligation with no defined review or release mechanism if the identified need reduces over a building's life. It permanently impairs asset value, not merely development-stage viability, and the evidence base does not appear to model that long-term effect.

Criteria 3(b)(ii) and 3(c) turn on matters "demonstrated to the satisfaction of the Council", which is an undefined test. Criterion 3(b)(i)'s route via an "approved list" of providers cannot presently be relied on, since paragraph 8.55 confirms the list "will be developed ahead of adoption" and so does not yet exist. Payment in lieu is restricted to four narrow circumstances (criterion 4), with any general viability case requiring a full independently assessed open-book assessment, the one general discount for high fit-out typologies like R&D (para 8.53) is confined to supporting text, undefined in amount, and purely discretionary.

This is a further, cumulative burden on scheme delivery, and Railpen understands it is not alone in that view. J/AW's 10% floorspace-in-perpetuity obligation, plus an annual monitoring requirement for the life of the building, sits on top of Policy WS/NC's community needs assessment and contributions, Policy BG/EO's 2.0 hectares per 1,000 employees open space standard, and Policy CC/CE's compliance costs, all capable of applying to the same office or R&D building. Unless the whole-plan Viability Assessment (para 2.27) has modelled this cumulative effect on representative office and R&D typologies, rather than testing J/AW in isolation, the policy risks being neither justified nor effective, undermining delivery of Policy S/JH's own 73,300 jobs requirement.

A concern is raised that the 1,000sqm threshold is arbitrary and risks creating a cliff-edge for development required to provide affordable workspace. A transitional and graduated approach should be introduced rather than a cut off at 1,000sqm which may discourage developers from pursuing schemes which may trigger the 1,000sqm threshold but do not benefit from the economies of scale of large and strategic schemes which may be better placed to absorb affordable workspace requirements. Introducing such a low threshold with such severe policy implications will create a two-tier offer in the commercial market, with those schemes consented after the policy is adopted having a commercial disadvantage in an already competitive market. If the policy principle is supported, then a much higher threshold will support a softer transition such that only larger schemes that are more able to accommodate the impacts of the policy are first asked to accommodate affordable workspace.

Please provide your comments below (100 words max) (give details of why you consider the plan is not legally compliant or is unsound.)

Railpen considers Policy J/AW unsound and potentially legally non-compliant because it imposes substantial, uncertain and potentially permanent obligations on office and R&D development. The requirement for discounted commercial floorspace in perpetuity lacks an equivalent national policy basis, clear review mechanisms and evidence of long-term viability impacts. Several criteria rely on undefined Council discretion, while key implementation mechanisms remain

undeveloped. Railpen also raises concern about the cumulative burden of J/AW alongside other emerging policies affecting commercial development. Unless whole-plan viability evidence robustly tests these combined requirements on representative office and R&D schemes, the policy risks undermining delivery and economic growth.

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

Railpen requests that the 1,000 sqm threshold be raised and aligned with the Plan's other commercial thresholds, that the in-perpetuity requirement be replaced with a defined review period, and that the cumulative viability impact of J/AW alongside WS/NC, BG/EO and CC/CE be tested and reported.

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.