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3<sup>rd</sup> June 2024

Dear Sir/Madam,

## **SOHAM & BARWAY NEIGHBOURHOOD PLAN REG.16 CONSULTATION – RESPONSE BY CAMBRIDGESHIRE COUNTY COUNCIL**

We are instructed by Cambridgeshire County Council, as landowner only, to respond to the Submission Draft Reg.16 Soham & Barway Neighbourhood Plan (draft S&BNP). Cambridgeshire County Council is a landowner with various land interests in Soham.

In summary, there is no robust evidence to justify the proposed key view designations on the western edge of Soham as shown on Map 5 (at Pg. 42) and referred to in Policy SBNP13, and it is requested that View No.9 (view from the footbridge at Soham Railway Station) is deleted. It is considered that some of the other policies in draft S&BNP either repeat adopted development plan policies, district-wide guidance or national policy which is not necessary.

It is requested that amendments are made to draft S&BNP before the document is subject to a referendum.

### **Basic Conditions for Draft S&BNP**

In due course draft S&BNP will be examined by an Independent Examiner who will determine whether the basic conditions for a neighbourhood plan have been met. The basic condition that will be referred to in this response is Basic Condition (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order. As explained in these representations, it is considered that draft S&BNP does not meet Basic Condition (a) in that it is inconsistent with national policy.

### **Representations to Draft S&BNP**

#### *Policy SBNP2 (Affordable Housing)*

#### **OBJECT**

Policy SBNP2 relates to affordable housing and includes a requirement for 30% affordable housing on sites of 10 or more dwellings. Policy HOU3 (Affordable Housing Provision) of the adopted East Cambridgeshire Local Plan 2015 (amended in 2023) also relates to affordable housing, with 40% affordable housing sought in the south of the district and 30% sought in the north. Soham falls within the north of the district where 30% affordable housing would be required. Policy HOU3 also includes criteria that relate to the viability of development, and allows for adjustments to the amount of affordable housing when justified on viability

grounds. Policy SBNP2 assumes that a site specific viability appraisal would be undertaken for all development sites where there are viability concerns.

Section 3 of the NPPF provides guidance on plan-making. Criteria (f) of Paragraph 16 states that plans should “serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)”. Policy HOU3 of the adopted Local Plan already provides policy on affordable housing requirements for development including for 30% affordable housing on qualifying sites within Soham, and therefore it is not necessary for Policy SBNP2 to repeat the existing affordable housing requirement in an adopted development plan document. It is concluded that Policy SBNP2 does not have regard to national policy, and as such would not meet Basic Condition (a).

In addition, it is noted that in 2019 East Cambridgeshire District Council adopted an Interim Policy for Viability Assessments, which concluded that a reduced affordable housing requirement of 20% should be applied to residential developments in Soham for viability reasons. The use of the Viability Assessment Report is explained in the following link: <https://www.eastcambs.gov.uk/local-development-framework/viability-assessment-report>. The Interim Policy does not seek to supersede the 30% affordable housing requirement in adopted Local Plan Policy HOU3, but it provides a practical approach to the determination of planning applications for major residential development and avoids the need for viability assessments to be prepared and submitted with those applications. It is concluded that Policy SBNP2 is inconsistent with interim district-wide guidance on viability and affordable housing requirements for Soham.

The need for additional affordable housing in Soham is acknowledged, and work to increase the supply of affordable housing is supported, but development needs to remain viable as reflected in the interim district-wide viability guidance.

**It is requested that the requirement for 30% affordable housing in Soham contained in Policy SBNP2 is deleted, because it repeats the existing affordable housing requirement in an adopted development plan document, and does not take into account the Interim Policy for Viability Assessments that applies a reduced affordable housing requirement for Soham.**

Policy SBNP10 (Health, Wellbeing and Health Impact Assessments)

COMMENT

Policy SBNP10 relates to health and wellbeing, and includes a requirement for a health impact assessment to be submitted with certain developments. The policy aspiration to ensure the delivery of healthy communities and reduce health inequalities is acknowledged and supported. Paragraph 96 of the NPPF identifies the range of factors that contribute towards healthy communities. Section Id.53 of the Planning Practice Guidance provides further guidance on the delivery of healthy and inclusive communities. The adopted East Cambridgeshire Local Plan includes policies to enhance health facilities in Soham and support the delivery of open space, green infrastructure and community facilities. It is considered that the first three paragraphs of Policy SBNP10 are broadly consistent with local and national policies on health and wellbeing matters.

Policy SBNP12 (Biodiversity and Wildlife Habitats)

COMMENT

Policy SBNP12 seeks to protect and enhance the natural and local environment. It is suggested that Policy SBNP12 is broadly consistent with Policy ENV 7 of the adopted East Cambridgeshire Local Plan, the East Cambridgeshire Natural Environment SPD (adopted September 2020), and with Section 15 of the NPPF.

It is proposed in Criteria (a) in Policy SBNP12 that a minimum 20% biodiversity net gain should be applied for all qualifying developments, rather than the mandatory 10% requirement as contained in the Environment Act 2021. The supporting text to Policy SBNP12 includes high level commentary on the impact of a higher

biodiversity net gain on the viability of development, and concludes that a 20% biodiversity net gain requirement would not affect the viability of development in Soham. The policy aspiration to increase biodiversity net gain is supported in principle. It should be noted that larger developments that provide biodiversity net gain on site can typically deliver net gains in excess of the mandatory 10% requirement. It is requested that viability evidence is prepared for draft S&BNP in order to determine whether a 20% biodiversity net gain requirement would affect the viability of different types and sizes of development in Soham. A higher biodiversity net gain requirement should not undermine the delivery of affordable housing or infrastructure at a site that is otherwise suitable for development.

It is noted that none of the other made or emerging neighbourhood plans in East Cambridgeshire include a policy requiring 20% biodiversity net gain from developments. A consistent policy approach should be applied for biodiversity net gain across the District.

It is suggested that biodiversity net gain requirements, including any higher requirements, should be set at a district-wide level rather than through individual neighbourhood plans.

**It is requested that viability evidence is prepared for draft S&BNP in order to determine whether a 20% biodiversity net gain requirement would affect the viability of different types and sizes of development in Soham.**

Policy SBNP13 (Landscape Character)

OBJECT

Policy SBNP13 relates to landscape character, and seeks to ensure that development is sensitive to the landscape and settlement character of the area. The policy identifies views of the landmark building of St Andrew's Church and key landscape features including the Green Loop and green infrastructure walks and wildlife connections. The policy refers to the design and landscape guidance for development provided in the Soham Design Guidance and Codes document. It is suggested that Policy SBNP13 is broadly consistent with the district-wide landscape policy in Policy ENV 1 of the adopted East Cambridgeshire Local Plan, but highlights particular local landscape character and features. It is noted that Policy SBNP13 does not seek to prevent development, but sets out policy to protect landscape character and where appropriate deliver landscape mitigation and enhancement within development.

Criteria (iii) of Policy SBNP13 refers to key views on the edge of Soham, both out to the countryside and from the countryside towards the settlement. The criteria requires development to respect and not adversely impact on those views. The identified views for Soham are shown on Map 5, and photographs of the key views are provided on pg.43 to 46. The Views & Vistas Topic Paper includes identical plans and photographs. The Soham and Barway Design Guide and Code does not identify or assess any viewpoints on the edge of Soham. Cambridgeshire County Council owns various parcels of land on the edge of Soham, including land on the western edge of the settlement that falls within View No.9.

Policy SBNP13 and the Views & Vistas Topic Paper do not identify any selection criteria for potential key views to be identified in draft S&BNP, and as such it is not clear what basis the proposed views have been selected. There is no robust landscape or any other evidence to explain why View No.9 represents a 'key' or 'locally valued' view that requires particular protection within policy. The photograph of View No.9 and associated text does not identify any landscape features or buildings of particular note within this viewpoint. Wicken is approximately 2.5km from Soham, and the settlement and notable buildings within the village are not prominent in View No.9. It is considered that View No.9 represents a general view of the countryside around Soham, and typical of other similar views on the edge of towns and villages elsewhere in East Cambridgeshire. It is noted that identified views in other made neighbourhood plans in East Cambridgeshire are supported by selection criteria and evidence, relate to specific identified landscape features or buildings, and do not include general views of the countryside. It is suggested that a consistent approach should be applied to protected view policies in neighbourhood plans within East Cambridgeshire.

Paragraph 041 (Ref ID: 41) of the Planning Practice Guidance states that “*It [neighbourhood plan policies] should be concise, precise and supported by appropriate evidence*”. Since there is no robust evidence put forward to explain or justify the proposed ‘key’ or ‘valued’ view at View No.9, this proposed designation does not have regard to national policy, and as such would not meet Basic Condition (a). It is requested that View No.9 is deleted from Map 5 and from the list of photographs on pg.46.

Despite the requested changed, it is considered that landscape character, including the landscape within View No.9, would be adequately protected by the other policy requirements in Policy SBNP13 and by the district-wide Policy ENV 1 in the adopted East Cambridgeshire Local Plan.

**It is requested that View No.9 is deleted from Map 5 and from the list of photographs on pg. 51.**

Policy SBNP18 (Sustainable Buildings Fit For A Net Zero Carbon Future)

COMMENT

Policy SBNP18 seeks to support the delivery of sustainable buildings and net zero carbon developments. Cambridgeshire County Council supports all of the principles contained in Policy SBNP18, however, Soham Town Council and the Neighbourhood Plan Group may want to review this policy against existing policy and regulations to ensure that they are not unnecessarily repeated in draft S&BNP. For example, the Building Regulations include standards for energy efficiency of new buildings. Section 12 of the NPPF relates to climate change, and includes paragraphs that refer to renewable and low carbon energy and reducing greenhouse gas emissions. The National Design Guide includes advice and guidance on the design and layout of buildings, the use of resources, the energy hierarchy, sustainable materials, and resilient buildings. Policy ENV 4 of the adopted East Cambridgeshire Local Plan includes an aim for reduced or zero carbon development, and refers to energy efficiency and sustainable design and construction. The East Cambridgeshire Climate Change SPD (adopted February 2021) includes policies and guidance on reducing carbon dioxide emissions, reducing energy demand, and resilient and adaptable design for new buildings. It is suggested that policies relating to sustainable design and net zero development are defined at a district level, rather than within neighbourhood plans.

Conclusion

In conclusion, Cambridgeshire County Council as landowner object to Policies SBNP2 and SBNP13 of draft S&BNP on the basis that these policies do not meet Basic Condition (a). Comments are made to Policies SBNP10, SBNP12 and SBNP18. It is requested that the changes identified in this response are made before the S&BNP is subject to a referendum.

Can you please add my contact details to your consultation database for draft S&BNP, and keep me informed of progress with the document including submission, examination and adoption stages.

Please let me know if you have any questions about the above response or require further information.

Yours faithfully

[Redacted Signature]

**Brian Flynn MRTPI**

Associate

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Cc Cambridgeshire County Council (Strategic Assets)