

## Town Council Response to Examiner's Questions 4 July 2024

The Town Council welcomes the Examiner's supportive comments on the Soham and Barway Neighbourhood Plan and its locally distinctive approach. The Town Council has worked closely with the District Council and other stakeholders during the preparation of this Neighbourhood Plan. It has taken on board comments and representations, where appropriate, during the community and stakeholder engagement. We are particularly pleased to note that the District Council has no fundamental concerns with the content of the Plan and its policies and is comfortable with its approach and proposals.

This letter sets out Soham Town Council's response to the clarification note published by the Examiner on 19th June 2024. The Examiners questions are shown in italics for reference.

### Policy SBNP2

*I understand the mathematical breakdown in the second part of the policy. Nevertheless, will such an approach be practicable for housing developments which would deliver homes just above the size threshold?*

*It would be helpful if the Town Council commented on Cambridgeshire County Council's assertion that Policy SBNP2 is inconsistent with interim district-wide guidance on viability and affordable housing requirements for Soham.*

**Response 1:** The policy seeks to reflect the national policy for First Homes and the outcomes of Soham's Housing Needs Assessment by providing a distinctive and up to date approach for the parish which is not currently reflected in Local Plan Policy HOU 3. The Neighbourhood Plan policy secures broadly two thirds of affordable housing as social / affordable rented and one quarter as First Homes. For First Homes and Social / Affordable rented, the calculations are relatively straight forward and practicable for sites over 10 units.

The Town Council recognises that on sites of between 11 and 30 dwellings, the calculation of shared ownership homes would equate to less than 1 shared ownership unit. Such an issue is not uncommon in the interpretation of Local Plan policies. However, the Town Council consider that it is appropriate to reflect policy wording from Local Plan policy HOU 3: Affordable housing provisions and add practicality to the policy by providing a a degree of flexibility as shown underlined. This is aligned with Policy HOU 3:

To meet the needs of the existing and future community, unless otherwise identified in an up to date Housing Needs Assessment or Housing Needs Survey, affordable housing provision should be delivered, subject to negotiation with the applicants.

**Response 2:** A key objective of the Neighbourhood Plan is to ensure additional housing meets the needs of local people. The 'Interim Policy Support – Viability Assessment Information', April 2019 was recognised as a threat by the community early in the Neighbourhood Plan journey (see SWOT analysis). Representations during the pre-submission consultation highlight how the report is being used to avoid Viability Testing where proposals propose less than the required Local Plan policy requirement of 30%. The submissions state:

'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.

The adopted district wide policy is set out in Local Plan policy HOU 3 which requires a minimum of 30% affordable housing on sites of more than 10 dwellings. The interim guidance, which was prepared between 2016 and 2019, is inconsistent with the adopted Local Plan policy and the emerging Neighbourhood Plan. The Interim Policy Support report is not considered robust or appropriate in providing guidance on the level of affordable housing in Soham. It is not up to date and should not be used as a 'bottom drawer' plan to support a lower affordable housing provision in Soham. It is important to note:

- Between 2010 and 2020 the lower quartile house price in Soham rose by 63% (from £125,000 to £203,750). Prices have continued to increase since 2020.
- The median price of each house type shown in the Demographic, Social and Economic Report (DSER) in 2020 is comparable to the upper price of a new build property in the 2019 Viability Report (page 21 Test Area 3). Additionally, new build properties command a price premium over the general housing market – some commentators suggest a 33% premium (ref: Landtech). The data used in the report is now outdated and does not reflect current market house prices.
- The report is inconsistent. The median price of a terraced property in Soham at 2020 is higher than the median price in other locations such as Stretham, Burwell, Fordham and Isleham (DSER figure 3.1). These other locations still require 30% affordable housing.
- The report fails to distinguish between the house prices difference in Soham North and Soham South (DSER figure 3.2) and does not account for the impact of the higher number of smaller properties in Soham, and therefore a lower price per unit.

The District Council has not adopted the report as Supplementary Planning Guidance but advises on its website that it will be used to inform planning decisions. No consultation on the document has been completed and therefore it has not been tested appropriately. Historic and recent planning applications and appeals have demonstrated that 30% affordable housing is viable on sites in Soham, in contrast to the conclusions made in the 2019 Viability Report.

Notably:

- In the most recent appeal at Broadpiece for 175 dwellings, the Inspector agreed that 30% housing is necessary with CIL compliant obligations. Indeed, the appellant offered 36% affordable housing, but it was not required to make the development acceptable. (APP/VO510/W/21/3282499 dated 11<sup>th</sup> February 2022).
- Similarly, an application for 210 dwellings at Downfield Farm, Fordham Road, Soham (Application 21/00291/OUM) was approved on 31<sup>st</sup> October, 2023, by the District Council which has secured 30% affordable housing.
- Indeed, even at the time of preparing the 2019 report, an application for 78 dwellings to the rear of 55 to 69 Fordham Road, Soham, was approved at East Cambridgeshire's Planning Committee on 12<sup>th</sup> June 2019, subject to the provision of 29% affordable housing.

The Housing Needs Assessment and the supporting text to Policy SBNP2 clearly demonstrate there is a significant and growing affordable housing need. The policy is needed to remove the ambiguity created by the 2019 Viability Assessment Report, to reinforce the adopted Local Plan policy, reflect current national policy and reflect current planning decisions in the parish.

It is the Town Council's view that due to the demonstrated demand for affordable housing, 30% should be secured on sites of more than 10 dwelling unless demonstrated by an up to date and appropriate viability assessment relevant to the site.

### Policy SBNP3

*The ambition of the policy is clear. However:*

- *is the allocation of affordable housing a land use issue?*
- *is it appropriate for a qualifying body to seek to vary a local planning authority's housing allocation policy through the production of a neighbourhood plan?*

**Response 3:** Yes, the allocation of affordable housing is a land use issue and an approach adopted and made in other Neighbourhood Plans. It is essential that the Town Council meets the needs of households with a local connection to Soham and Barway through the allocation of part of the total affordable housing provision built in the parish.

The Neighbourhood Plan has been informed by the approach successfully utilised by Soham's Community Land Trust Housing and demonstrated in AECOM's Housing Needs Assessment. These evidence a local housing need of 252 units of affordable rented and 656 units of affordable home ownership. At October 2022, there were 278 households on the housing register currently living in Soham and Barway.

The Town Council considers it is justified to apply a policy that would ensure that a part of the affordable housing provision in Neighbourhood Plan areas would be first allocated to those in housing need within the Parish. As a principle, there is nothing in this approach that would be contrary to the Basic Conditions and, indeed, it supports the broader aim of sustainable communities.

The Town Council would refer you to Policy WAT 23 – Allocation of affordable housing at Waterbeach New Town on page 121 of the Waterbeach Neighbourhood Plan which is within South Cambridgeshire. The Plan is available here: [Waterbeach Neighbourhood Development Plan 2020 to 2031 Regulation submission version \(scambs.gov.uk\)](https://www.scambs.gov.uk/planning-and-development/planning-policy-and-proposals/waterbeach-neighbourhood-plan-2020-to-2031-regulation-submission-version)

The approach is used widely. You may also wish to review a Neighbourhood Plan in Solihull which similarly includes the allocation of affordable housing to those households with a strong local connection. See Policy H2 to the Solihull Neighbourhood Plan on page 38. The plan is available here: [Planning\\_KDBH\\_NP\\_Final\\_webversion.pdf \(solihull.gov.uk\)](https://www.solihull.gov.uk/planning-and-development/planning-policy-and-proposals/salihull-neighbourhood-plan-2018-to-2036-regulation-submission-version)

### Policy SBNP4

*This is a good policy*

*I note that the final part of the policy is underpinned by the commentary in paragraph 5.42. Nevertheless, is there any detailed justification for the requirements in that part of the policy?*

**Response 4:** Paragraph 63 of the NPPF states that within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups include older people including those who require retirement housing, housing with care and care homes.

Forecasts from Cambridgeshire County Council suggest that Soham's population is set to age over the period 2018-2036. Numbers of people living in Soham are expected to increase across all age groups. Population is expected to increase most in absolute terms among 25-44 year olds (+630) and 25-64 year olds (+770) but most in percentage terms among 65-74 year olds (+49%), 75-84 year olds (+81%) and 85+ year olds (+141%). The share of population aged 65 and

above is therefore expected to increase from 16% to 21%, while the shares of people in younger age groups are forecast to fall. This information is detailed in the DSER at figure 2.1.

The Soham Housing Needs Assessment also considered the specialist housing needs of older people and disabled people in Soham and Barway. It identifies that 24.2% of all those aged over 65 years have mobility issues which impact day to day activities a lot. A further 28.5% have issues that impact day to day activities a little. It also considered the level of population increase in older age groups. Using their methodology, AECOM calculates that between 127 and 188 specialist accommodation units might be required during the plan period in the parish to meet the needs of the ageing population.

The Housing Needs Assessment concludes that given there is unlikely to be a large volume of additional specialist supply during the plan period, the evidence can be used to influence Local and Neighbourhood Plan policies. The report states (page 70) that it is relatively common to require that all or a majority of new housing meets Category M4(2) ('accessible and adaptable dwellings') standards in response to demographic shifts being observed nationwide, and the localised evidence here would further justify this. This is also in line with current health and social care agenda, which promotes independent living, rather than institutional care, aiming to enable people with health and social care needs to live within the wider community.

The Local Plan does not include such an accessible and adaptable homes policy. The latest Government response to its consultation on raising accessibility standards (22<sup>nd</sup> July 2022 <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response>) confirms that it is committed to raising accessibility standards for new homes by mandating the M4(2) standards as a minimum Building Regulations requirement. However, the necessary legislative changes are still awaited.

The Housing Needs Assessment highlights an approach in the Witchford Neighbourhood Plan which is within East Cambridgeshire. The details of the policy are included in the Housing Needs Assessment and the Witchford Neighbourhood Plan can be viewed here: [Witchford Neighbourhood Plan 2019 – 2031 \(eastcamb.gov.uk\)](http://www.eastcamb.gov.uk/Neighbourhood-Plan-2019-2031). A similar approach is adopted in the Soham and Barway Neighbourhood Plan.

At paragraph 5.6, the Neighbourhood Plan confirms that Soham and Barway will contribute to the total housing growth in the district to 2031 through unimplemented planning permissions and outstanding housing allocations which total 1,781 dwellings units. The total supply for 2011 to 2031 totals 2,544 homes. The total specialist need, in quantitative terms, represents approximately 10% of this pipeline supply. This would also enable those in the parish who are in existing accommodation that does not meet their needs to remain in the town. The policy broadly supports provision of wheelchair adaptable dwellings M4(3) enabling people to stay in the parish at different stages of their lifetime unless it would make the development unviable.

### **Policy SBNP 7**

*This is an excellent policy*

*However, is the use of 'Modest' in the opening part of the policy necessary given the contents of criteria ii, iii and iv?*

**Response 5:** It is important that the policy promotes development which is appropriate to the scale and character of Soham. The word 'modest' highlights and reflects the aspirations of the

community. The Town Council consider that the word does not need to be removed to meet the Basic Conditions.

### **Policy SBNP 10**

*In general terms the policy takes a good approach.*

*I am minded to recommend that the third part of the policy should apply as appropriate to the scale and nature of proposals and where it is practicable to do so.*

*Does the Town Council have any comments on this proposition?*

*Is the fourth part of the policy supporting text (describing a process) rather than a land use policy?*

**Response 6:** The Town Council has no objections to the policy applying ‘as appropriate to the scale and nature of the proposals and where it is practicable to do so’. For clarity proposed amendments are shown as underlined which switch parts 3 and 4 of the policy as follows:

For major development proposals of over 50 homes or the provision of a building or buildings where the floor space to be created by the development is 5,000 square metres or more, the development’s contribution to healthier communities and reducing health inequalities should be demonstrated through a Health Impact Assessment ~~should be submitted~~, which should include details of implementation and monitoring.

For other developments, measures that will help contribute to healthier communities and reduce health inequalities must be incorporated in a development as appropriate to the scale and nature of the proposal and where it is practicable to do so.

### **Policy SBNP12**

*Is the fourth part of the policy supporting text (describing a process) rather than a land use policy?*

**Response 7.** The following amendments are proposed for clarity:

To ensure that the natural and local environment is enhanced, development proposals shall identify and assess any potential impact on a Site of Special Scientific Interest, by taking into account of Natural England’s Impact Risk Zones.

### **Policy SBNP13**

*This is another distinctive policy. In this case it is underpinned by the Assessment of Views. It would be helpful if the Town Council commented on Cambridgeshire County Council’s representation on the policy.*

**Response 8.** Following representations by Cambridgeshire County Council at Regulation 14, the Town Council had revisited its consideration of View 9. As stated in the Views and Vistas Topic Paper, the flatness of the surrounding land may seem to some a featureless and uninteresting landscape. In fact, it provides the opportunity to enjoy wonderful skylines from all directions around the town and enables some wonderful views stretching for many miles across the farming landscapes which are so important to the town and its history.

View 9 : This view from the footbridge above the track at Soham Railway Station faces south-westerly across the tracks towards Wicken. The station was reopened in December 2021 after being closed in 1965. This view towards Wicken clearly shows the fen like and the wide open

views from Soham landscape character of the agricultural land surrounding Soham. By identifying valued views and vistas, it highlights those areas that have particular sensitivities to be considered as development proposals come forward. The View is a relatively new, a positive benefit of the new rail station bridge.

As stated in the representation, it is important to note that the policy does not preclude development but requires proposals to protect the landscape and set out mitigation and enhancement.

#### **Policy SBNP14**

*This is another good policy. In this case it is underpinned by the Local Green Space (LGS) Topic Paper.*

*As I highlighted earlier in this note, the importance of the Fen and Common areas in the parish is self-evident. I am satisfied that the proposed local green spaces affecting these areas meet the first two criteria in paragraph 106 of the NPPF. However, the following proposed LGSs would traditionally be regarded as extensive tracts of land and not local in character (NPPF paragraph 106(c):*

- *LGS8 Qua Fen Common - 20.2 ha*
- *LGS9 East Fen - 21 ha*
- *LGS10 Angle Common - 14 ha*
- *LGS11 South Horse Fen - 33.8 ha*
- *LGS12 North Horse Fen - 11.9ha*
- *LGS15 College Playing Fields - 7.5 ha*

*Does the Town Council wish to comment further on the extent to which these proposed LGSs are local in character and/or if any specific circumstances justify their proposed designation? Are the Commons already protected under separate legislation?*

*In addition, does Policy SBNP11 of the Plan already provide appropriate local protection for the areas listed above?*

**Response 9.** The Town Council has been guided by East Cambridgeshire District Council's published advice on Local Green Spaces which states that there is no specific size limit but Local Green Spaces should avoid swathes of open countryside. National Planning Policy Guidance states that 'There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed'. *Paragraph: 015 Reference ID: 37-015-20140306*

The College Playing Fields site is well defined within the built up part of the town. Similar spaces are included in other Neighbourhood Plans and is considered local in character and not an extensive tract of land or an open swathe of land in the countryside.

Each of the Commons are well defined areas and not considered to be large swathes of land in the open countryside.

Discussions with East Cambridgeshire District Council policy officers have suggested that there are additional benefits of securing protection on such spaces including the Commons given the changes that have occurred to the boundaries of the Common, the impacts of development and development proposals on the Commons and the need to ensure their longer

term management. National Policy Guidance states that different designations serve different purposes.

The Soham Commons Recreational and Biodiversity Study Enhancement Study 2017 estimates that additional new housing could result in an increase in recreational use of between 57% and 69%. Urban development is proposed to abut the commons and there will be a marked increase in local housing density. This will bring a range of challenges and issues for the long term management of the commons. Identifying the Commons as Local Green Space provides strong recognition of the sites importance to the local community set out in the Local Green Spaces report beyond the right for 'Commoners to take enough turf, peat, fish, soil or minerals for the property to which their right of common is attached'.

The Town Council consider that the additional benefits of Local Green Spaces which recognises the local community importance of these site is distinct from Policy SBNP11.

**Response 10.** The Town Council believes that despite the Commons Act of 1965 and the most recent one of 2006; it is still not really clear that areas registered under this act are fully protected.

Soham's commons and horse fens are still used for grazing. However, there are fewer graziers in our area and owners of commons are sometimes looking to enter their land into the new agricultural and environmental schemes to boost their income. This means that changes to the commons may be made in order to fulfil the requirements of these and other schemes, therefore altering their historical, biological and recreational value.

The Town Council is mindful of the costs of maintaining these areas and would be flexible about plans to change these areas if their biodiversity and amenity value was not compromised. The Town Council wishes to ensure that all our horse fens and commons remain fully protected from destruction of environment, history and public access.

The 2006 Commons Act lays out the use, rights and legalities by which commons should be maintained and protected.

2006 Commons Act and legislation link:

[www.legislation.gov.uk/ukpga/2006/26](http://www.legislation.gov.uk/ukpga/2006/26)

### **Policy SBNP21**

*Could most of the opening section of the policy be repositioned into the supporting text?*

**Response 11.** The references have been included in response to stakeholder engagement. Cambridgeshire County Council as Local Lead Flood Authority have supported the policy as it covers the importance of managing surface water runoff in new developments using sustainable drainage systems. (See page 83 of Consultation Statement Appendix Bundle 2).

A similar approach has been adopted in Policy 8 of Saham Toney's Neighbourhood Plan 2021. See page 173 of <https://www.breckland.gov.uk/media/19567/Saham-Toney-Neighbourhood-Plan/pdf/Saham-Toney-Neighbourhood-Plan-Final-Version-Optimized-for-Web3.pdf?m=1639155180940> .

### **Policy SBNP22**

*I am minded to recommend that:*

- *the first part of the policy is relocated into the supporting text; and*
- *the final part (on EV charging) is deleted (as the issue is now addressed nationally in the Building Regulations).*

*Does the Town Council have any comment on these propositions?*

**Response 12.** Agreed. The Local Plan set out the quantitative requirement for off street parking and the Neighbourhood Plan has raised no issues in the Neighbourhood Plan with those standards. The supporting text should include reference to support for EV charging and the Building Regulations in the supporting text.

The Town Council hope that the Examiner finds these responses helpful and informative and of course would be pleased to assist if further clarification is needed.

## **Town Council Comments on Regulation 16 Representations**

### **Cambridgeshire County Council**

The representation by Cambridgeshire County Council rehearses submissions made to the Town Council at Regulation 14 consultation. Each of the representations have been considered fully and reported in Appendix 22 to the Consultation Statement.

The Town Council has addressed the representations on SBNP2 Affordable Housing and SBNP 13 Landscape Character in its response to clarifications required by the Examiner.

#### Policy SBNP12 Biodiversity and Wildlife Habitats.

The Town Council has set out in detail within the Topic Paper – Wildlife and Biodiversity its evidence on the costs and viability of higher rates of Bio-diversity Net Gain which has been made available through the Local Government Association. The evidence demonstrates that the uplift from 10% BNG to 20% BNG has very limited impact upon the viability of development.

It should be noted that Cambridgeshire County Council is a partner organisation of Natural Cambridgeshire who have adopted the strategy ‘Doubling Nature 2018 – A Vision for the Natural Future of Cambridgeshire and Peterborough to 2050’ noted in the Topic Paper. The Town Council has no further comments to make in this respect.

#### Policy SBNP18 Sustainable buildings fit for a net zero economy.

The representations suggest that the policy duplicates existing policy and guidance.

Following the representations on Policy SBNP18 at Regulation 14 stage, the Town Council reviewed the policy and is satisfied that it does not duplicate existing policy or regulations. Existing advice is provided in Policy ENV4 of the Local Plan which makes limited reference to the energy hierarchy and the Code for Sustainable Homes. The policy provides detailed advice on what is meant by the energy hierarchy – this is not provided elsewhere in planning policy. The Code for Sustainable Homes was withdrawn by the Government in 2015. Building Regulations set minimum energy efficiency requirements for new development to be more energy efficient. Exceeding the minimum requirements will be necessary if emission reduction targets are to be met. There is currently a policy vacuum being addressed by this policy.

As part of the Levelling Up and Regeneration Bill, Neighbourhood Plans will be required to demonstrate how they contribute to addressing the impacts of climate change. This policy is critical in demonstrating how it is addressing climate change and ensuring the parish reduces greenhouse gas emissions by moving to a net zero carbon future.

### **Ministry of Defence**

The representation seeks to ensure the Neighbourhood Plan considers the aircraft safeguarding areas for nearby airfield (Mildenhall and Lakenheath).

#### Policy SBNP19 – Renewable Energy

Neighbourhood Plan policy SBNP19 specifically refers to the criteria set out in Local Plan policy ENV6. ENV6 includes provision to assess the adverse effect on safeguarding areas for nearby airports. Therefore, no further reference needs to be added to the Neighbourhood Plan policy.

### Policy SBNP12 Biodiversity and Wildlife Habitats.

The Town Council would have no objections to including an additional provision in policy to ensure proposals 'Consider the safeguarding areas for nearby airfields and are compatible with aircraft safety'. It would recommend that it is added in the final sentence of Policy SBNP12 – Biodiversity and Wildlife Habitats.

### **Total Planning**

#### Policy SBNP23 Pedestrian, Cycle and Bridleway Priority Routes

Total Planning would like to include their 'Key Pedestrian and cycle routes plan' in the Neighbourhood Plan.

Policy SBNP23 supports proposals which help to create and maintain pedestrian, cycle and bridleway priority routes to and from key destinations between housing developments etc. The policy lists key routes from locations around Soham. The level of detail provided by the representation, although supporting the implementation of Policy SBNP23, is site specific to Housing Allocation SOH2. This level of detail is not consistent with the Neighbourhood Plan's identification of priority routes.

#### Policy SBNP17 – High Quality Design

The representation seeks to support 3 and 3 ½ storey development in sustainable locations. The claim is that the policy is too rigid and inflexible. It is important to note that the character of the area at allocation SOH2 is predominantly bungalows and two storey cottages.

The policy as drafted highlights the key the conclusions of the Soham Design Guidance and Codes, but not all. It states that throughout the town there is a mixture of two-storey and one storey dwellings with some three-storey buildings in the town centre. Furthermore, some of the more recent development in the town has buildings up to four storeys in height, however they are generally not in keeping with the character of the town giving some areas a more urban feel which is out of character. Therefore, some design considerations for building heights are:

- New development should not exceed two and a half storeys in height to reflect the existing character of the town.
- Taller buildings up to three storeys in height can be used at key nodes and locations to aid legibility, however the buildings should not dominate the streetscape.

To allow a degree of flexibility the Town Council would consider amending point ii in the residential development criteria to:

Ensuring the height of new development reflects the area's characteristic roofscape and be no more than two and half storeys in height. Up to three storey development will only be supported where it is located at key locations to aid legibility and where the proposal would not dominate the streetscape;

The representation also seeks to secure flexibility in adopting National Space Standards.

The Town Council is absolutely clear on this issue. Analysis completed for Greater Cambridge 'New Housing Developments and the Built Environment' using quantitative analysis noted the importance of adequate space in providing personal privacy, reducing depression, anxiety and stress, giving children room to play and a good night's sleep. It concludes that cramming

different activities (studying, socialising, and relaxing) into limited space may adversely affect family life, creating a difficult dynamic which may play a part in the breakdown of relationships.

Given the high prevalence of smaller homes in the town, it is essential that new properties are constructed to the National Space Standards. The Town Council has seen developments come forward which do not meet the standards. Families are living in newly constructed accommodation without proper kitchen facilities and in cramped environments. Soham Town Council does not support such developments coming forward and wishes to secure the wellbeing and health of its future residents.