

Turley's (on behalf of Queens' College) representations dated July 2023 (Regulation 14) and June 2024 (Regulation 16).

South Newnham Neighbourhood Forum have taken the opportunity to respond to Queen's College representations, as suggested by the Examiner. The Forum's comments are in blue font below:

Failure to consult

1. Turley wrote to the Forum in July 2023 in response to the Reg 14 Consultation, as follows:

"There has been a failure by the Neighbourhood Forum to consult and engage with key landowners on this matter. Queens' College, a significant landowner within the Neighbourhood Plan Area, was not invited to be involved in the preparation of the Neighbourhood Plan until this late point in the process. In fact, the first contact the College has had with the Forum regarding the Neighbourhood Plan was this consultation. Despite paragraph 4.9 of the draft Neighbourhood Plan stating that the Forum 'wrote to or met College bursars regarding their plans for student accommodation', there has been no previous contact with Queens' College from the Neighbourhood Forum on the preparation of the draft plan.

Other Colleges and their students form a large part of the population in the area, and similarly, there is no evidence of their involvement in the process.

This failure by the Neighbourhood Forum to properly engage means the draft plan is unlikely to meet the basic tests".

The Forum responded in a letter to Turley dated 3rd May, 2024.

"Your claim is not correct. Between March 2016 and February 2018, the Chair of the Forum sent multiple emails to nine Bursars of Cambridge University Colleges who own land and property in Newnham inviting them to attend the first community meeting on Neighbourhood Planning, a series of three Neighbourhood Plan Workshops, and the inaugural meeting of South Newnham Neighbourhood Forum. Of the nine Bursars, six either attended a Forum Workshop or met with Forum Committee members, and the Bursar of a further College sent a representative to a Workshop.

Specific to Queens' College, the Chair of the Forum had email exchanges with the Secretary to the Bursar of Queens' College on 8-9 March 2016, 4-5 May 2016, 22-23 May 2016, and 7 February 2018. The Chair of the Forum's email to the Secretary to the Bursar of Queens' College on 5th May 2016, advised that "South Newnham Neighbourhood Forum has been formed and we were starting the process of writing a Neighbourhood Plan. I am writing to the Bursar on behalf of the Forum to invite representatives of Queens' College to come along to our first workshop on Saturday 14th May". The Secretary to the Bursar replied to say that she would forward the invitation to the Bursars.

The first Workshop, "Getting to know your Community" was held on three occasions and attended by 129 people. This was followed on 3rd October 2016 by the second Workshop "Walkable catchment analysis" and "Principles of good Placemaking" that 34 people attended, and on 24 January 2017 the third Workshop "Popular Building Types" was held and 22 people attended.

Following the Workshops, the South Newnham Neighbourhood Forum website was set up in April 2017 as a tool to keep Forum members, Councillors, and the community up to date with progress in creating the Neighbourhood Plan.

In February 2018, the Forum leafletted all households in South Newnham, which would have included the houses owned by Queens' College in South Newnham, with a form proposing 7 elements of a vision for South Newnham and inviting comment and feedback".

2. Turley wrote to the Forum in June 2024 in response to the Reg 16 Consultation, as follows:

"In the previous representation reference was made to paragraph 47 of the National Planning Practice Guidance on Neighbourhood Planning ("the Guidance") which sets out that 'a qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:

- is kept fully informed of what is being proposed*
- is able to make their views known throughout the process*
- has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order*
- is made aware of how their views have informed the draft neighbourhood plan or Order'.*

Paragraph 48 of the guidance was also quoted which provides further direction on consultation, including landowners, which ensures that qualifying bodies are better placed to produce plans for sustainable development. Queens' College retain the view as set out to date that the SNNF have failed to engage with them. Furthermore, despite the offer and willingness from the College set out in the previous representation, no further contact has been received from the SNNF other than then the letter response, which is dated 3rd May 2024 and sent to the College on 4th May 2024. This was therefore issued following the submission of the Neighbourhood Plan to the local planning authority (15th April 2024), with no opportunity or offer to participate further prior to submission, further emphasising the College position on this matter.

In the SNNF's response letter, they have set out that the claim of lack of engagement is not correct. However, it is very clear that the direct approaches to the College were all made between 2016 and 2018. When the Regulation 14 consultation commenced five years later in June 2023, there was no direct contact with the College. This is despite the fact that the SNNF knew very well that Queens' College own property in the area, as they were contacted regarding the Owlstone Croft Planning Inquiry and made representations to it.

The College found out about the consultation from one of its Fellows who lives in the area and did receive a leaflet through their letterbox".

South Newnham Neighbourhood Forum comment

In the above letter, Turley claim that "when the Regulation 14 consultation commenced five years later in June 2023, there was no direct contact with the College" and "The College found out about the consultation from one of its Fellows who lives in the area and did receive a leaflet through their letterbox "

This is not true, the following letter was sent to Mr Spence, the Bursar of Queens' College on the 8th June 2023 by email. This was done at the same time and in the same manner as the

Forum wrote to 7 other Cambridge Colleges and 84 other statutory consultees. The email went to Mr. Spence's secretary, at [bursec@queens.cam.ac.uk](mailto:bursesec@queens.cam.ac.uk) who we had corresponded with between 2016 to 2018, and our 8th June 2023 email did not bounce back.

8 June 2023 at 16.01

Dear Mr Spence,

South Newnham Neighbourhood Plan - Consultation with Residents and Stakeholders, 12th June to 30th July 2023.

We are writing to you as Bursar of Queens' College to tell you that we have completed drafting a Neighbourhood Plan for South Newnham and will consult with South Newnham residents and stakeholders from 12 June to 30 July to seek their input on the draft Plan, before submitting it to Greater Cambridge Shared Planning. The consultation is being done in line with Regulation 14 of the Neighbourhood Planning (General) Regulations 2015 (as amended).

The draft Plan and its supporting documents describe South Newnham in detail and propose 15 development policies for the future whose implementation would help achieve a balance between our natural environment, our economic infrastructure and our mix and style of housing stock, support the transition to a low and ultimately zero carbon society, and make South Newnham a great place to live both now and for future generations.

The Plan can be found on the www.newnhamforum.co.uk website under the heading "Neighbourhood Plan", which includes the draft Plan itself, together with the Evidence Base and Street Appraisals which are supporting documents. The Plan has been developed by South Newnham Neighbourhood Forum, which was formally designated by Cambridge City Council in March 2017 to develop a Neighbourhood Plan and redesignated in July 2022. The development of the Plan was initiated from a series of community workshops where residents said what they valued about South Newnham, what they wanted to retain, and what they wished to improve. Subsequently, up to 35 volunteers have worked to collect information for the Evidence Base and Street Appraisals and draft the Plan and its policies, a process that was slowed down by the Pandemic.

If you would like to contact us about the Neighbourhood Plan, or share your views with us, please email us at southnewnhamforum@gmail.com.

Kind regards

*South Newnham Neighbourhood Form Committee
Mrs Jean Bevan, Chair*

The Forum acknowledges that the preparation of our draft Neighbourhood Plan has proved to be a lengthy process. The first draft was completed May 2019, but substantial changes were requested by Greater Cambridge Shared Planning that necessitated a re-write. The Covid pandemic stopped work on the Plan, and the Forum was also required to undergo re-designation requiring a six week Neighbourhood Area consultation. As a consequence, the draft Plan for Regulation 14 Consultation was not completed until October 2022. After working through revisions requested by Greater Cambridge Shared Planning, it was circulated for consultation in June 2023

Formal responses to the Regulation 14 consultation took considerable time. Cambridge City Council raised 120 points and we attended meetings with Greater Cambridge Shared Planning Services where they worked with us on re-wording some of the policies, which included addressing comments and policies that Turley had raised. We were not therefore able to respond to Turley before we had finalised our policy revisions in April 2024.

Specific Policy Comments

Turley wrote to the Forum in June 2024 in response to the Reg 16 Consultation, as follows:

1. “SNNP1 – Protecting and Enhancing Biodiversity

Within the previous representation, the College set out that there was no justification for including Owlstone Croft Gardens as a site of biodiversity value and that inclusion within the Green River Corridor is inappropriate as the habitats within the gardens do not add ecological significance to the corridor. The Neighbourhood Plan has not been amended to reflect this, with the SNNF response setting out that this is because the eastern boundary is alongside Paradise Nature Reserve and in a line of similar spaces along the River Cam. They also reference the Ecology Officer stating that ‘given the habitat and high bat activity recorded along the boundary of the site with the LNR, it would be considered of high suitability for foraging and commuting bats.’

However, Map 2 on p.34 of the submission document shows the entirety of the current open space at Owlstone Croft as falling into this designation as PG2. Despite this, there is no commentary on PG2 within the Evidence Base for Development Policies document setting out why this area has been designated as such.

Whilst Queens’ College therefore maintain their comments that this is inappropriate given the current modified grassland of low ecological value which does not contribute to the corridor, it is also of significance that this site now has planning permission for development. As evidenced by the submission of conditions applications, this scheme is moving forward, and as such this policy and accompanying plan is inconsistent with the permission and therefore provides an incorrect account of the site. Therefore, the College suggest that the Neighbourhood Plan should be updated to recognise the future development of the Owlstone Croft site”.

South Newnham Neighbourhood Forum comment.

The Cambridge City Council Ecology Officer has stated that given the habitat and high bat activity recorded along the boundary of the site with the Local Nature Reserve, it would be considered of high suitability for foraging and commuting bats, and we therefore considered the inclusion of Owlstone Croft Garden as appropriate.

Following the Appeal decision to grant planning permission to build on the gardens of this site, the Forum agree that the description of Owlstone Croft Gardens should be amended in the Neighbourhood Plan to reflect this decision.

The site of Owlstone Croft Gardens is a very sensitive location alongside Paradise Local Nature Reserve which is also a Protected Open Space. A section of land belonging to Owlstone Croft Gardens that borders Paradise Nature Reserve and includes trees and a ditch has been identified within the designation of Protected Open Space of Paradise Nature Reserve. We believe that this piece of land should be included in the Green River Corridor.

Queens College have proposed a larger area be turned into a wetland meadow with measures to enhance the biodiversity of the site, and we suggest that the wetland meadow adjoining the Protected Open Space should also be included in the Green River Corridor.

“In previous comments, the College set out that the hedgerow along the northern boundary of Owlstone Croft Gardens/Newnham Croft Primary School (AH2) is not ancient or species rich and the understorey comprises laurel and privet planted relatively recently. In response to this the SNNF have advised that following discussion with the local planning authority, the description as ‘species rich and protected’ has been revised on Map 1, but that the relevant hedgerow has been included again as ‘it contains five or more native woody species as noted in section 7.1.3’. Firstly, this is an incorrect reference as Map 2 shows the hedgerows, and this labels AH2 as ‘ancient hedgerows’. It is also noted on p.15 of the Evidence Base for Development Policies document that reference is falsely made to AH2 being ancient. The College therefore still maintain the position that this is an incorrect label to be given to the hedgerow.”

SNNF will correct the labelling.

“Finally on this policy, the College previously commented that it was inappropriate and unjustified under the commentary for ‘Owlstone Croft Gardens (PG2)’ to refer to the trees along the boundaries as being ‘important habitat’ for bats as there are likely to be far more important habitats for bats within the plan area, for example the River Cam or Paradise Local Nature Reserve. In response to this the SNNF have referred to three Poplar and two Ash trees along the area of Protected Open Space as well as previous survey work as part of their justification. However, as part of the approved development of Owlstone Croft, the trees referenced will be felled, therefore once again the document has failed to take this into consideration.”

Recent surveys from specialist ecologists, Bioscan UK Limited and the Queens’ College consultant MKA Ecology Ltd, have demonstrated that the trees along the boundary of Owlstone Croft Gardens and Paradise Nature Reserve are a flight path for bats and therefore an important habitat. The Nature Reserve narrows on the corner of Owlstone Croft Gardens and surveys at this point showed the highest levels of bat activity. Surveys have also shown bats forage along the boundary with Newnham Croft Primary School and thus both boundaries are important habitats for night foraging bats.

Queens have been given permission to fell the trees and have proposed planting a hedge which they say will reach 10 metres high, thus recognising the need for some screening at the interface between Owlstone Croft Gardens and Paradise Nature Reserve. The hedge will take years to mature and the felling of the trees will have an effect on the bat flight paths who forage for insects along the edge of Paradise Nature Reserve. The light sensitive Barbastelle bat will be particularly affected.

2. SNNP2 – Delivering Biodiversity Net Gain

“The College are pleased to see that revisions have been made to this policy following the previous representation, although would still query the need for this policy at all given that it is covered by legislation. The policy refers to householder applications and other proposals exempt from BNG still being expected to provide an element of biodiversity gain. It is suggested that to avoid confusion in terminology it would be more appropriate to refer to this as enhancement given the subsequent measures suggested are not counted under BNG. This would also be more consistent with the local planning authority approach.”

Policy SNNP2 remains appropriate as some applications, including householder applications, are exempt from the statutory requirements for BNG, and we believe that all developments should be required to protect or enhance biodiversity.

3. SNNP3 – Reduce and maintain low levels of light pollution

“Although it is noted that revisions have been made to this policy, the College remain of the view that the suggestions within the policy of certain measures for external lighting are not based on evidence and go further than any existing requirements in local or national policy without justification. The Evidence Base for Development Policies document does not provide any elaboration as to why the specific measures suggested are included and the Basic Conditions Statement does not set out in any detail why the SNNF feel that the specific measures accord with relevant policies. In their response the SNNF refer to the appeal case at Owlstone Croft, but this does not provide adequate justification for the whole plan area and the College are of the view that the policy remains too prescriptive.

The College also remain of the view that it is unclear how the ‘harm’ referenced is measured and who deems whether lighting is ‘necessary’, therefore the policy is unworkable, unduly restrictive and does not adequately address circumstances where lighting is necessary, but harm cannot be avoided. In line with the NPPF, in such circumstances, if harm cannot be avoided, it should be adequately mitigated or, as a last resort, compensated for.”

Policy SNNP3 aims to protect wildlife and especially bats, both within and adjacent to the Green Infrastructure Network. With advice from Greater Cambridge Shared Planning Service, SNNF has revised the wording of this policy to align with Guidance Note 8 Bats and Artificial Lighting published by the Institute of Lighting Professionals.

For background, in the Planning Application for the Owlstone Croft Garden site, evidence of the norm of a dark site that was a flight path for bats was submitted during the planning application. As part of the Appeal, APP/Q0505/W/3323130, The Principal Lighting Consultant of the Building Research Establishment submitted a Proof of Evidence of Lighting on Paradise Nature Reserve along the boundary with Owlstone Croft on 22nd August 2023.

At the Inquiry held 26-29 September and 3–6 October 2023 The Planning Inspector in his decision made the following points:

“ 37. It was not disputed that the levels of lighting once operational are determinative as to whether harm would arise to protected species of bats.

38. In order to ensure the proposed development would not harm ecology as a result of lighting, a condition has been suggested which would require the proposal to not exceed 0.4 lux at the boundary”.

4. SNNP6 – Improving and Enhancing Neighbourhood Community Assets

“The College previously expressed concerns that there was inconsistency between this policy and Policies 72 and 73 of the Cambridge Local Plan (2018). SNNP6 refers to proposals for the change of use of shops or commercial units being resisted unless their continued use is no longer viable in accordance with the methodology under Policy 72. However, Policy 72 relates specifically to development and change of use in district, local

and neighbourhood centres of which there is only a small part of the Neighbourhood Plan Area subject to this designation on the Local Plan Policies Map. The tests for loss are also different to those set out under Policy 73 which could lead to uncertainty,

For example, Policy 73 allows loss where the facility will be reprovided or where it is no longer needed whilst SNNP6 requires a use to be unviable - a more significant test which is overly restrictive.”

In their response the SNNF have set out that the purpose of the Neighbourhood Plan is to develop policies that are specific to the neighbourhood whilst being aligned with national and local policies. Whilst the College do not dispute this, basic condition e. is clear that there should be ‘general conformity’ with the development plan. It is considered in this case that the inconsistency would provide a confusing policy context for applicants, and indeed the local planning authority in determining applications. In the Basic Conditions Statement the SNNF set out that the policy intent is to improve and enhance community assets and therefore suggest this conforms to local and national policies, but in actual fact SNNP6 has an emphasis on protection, which may not always be sustainable.

There is also still a lack of justification provided as to why the SNNF feel that this variation from the development plan is appropriate. It is highlighted that the Evidence Base for Development Policies document only lists the facilities within the area and does not provide any commentary on the policy direction on loss.

Furthermore, the policy, its subtext and Map 4 do not have any regard for the approved development at Owlstone Croft, which would result in the relocation of the nursery to the new nursery approved at 26 Barton Road (ref. 22/04976/FUL). Therefore, the College reiterate the suggestion that the Neighbourhood Plan should recognise recent permissions to ensure the mapping and policies are up to date.”

As expressed in our response to Turley’s Regulation 14 representation, our view remains that Policy SNNP6 is specific and unique to South Newnham neighbourhood area and applies to those neighbourhood community assets identified on Policy Map 4.

5. SNNP10 – Responding to Climate Change and the Risk of Local Flooding

“The policy intent continues to reference the fact that the policy is ‘focused on addressing surface water flood risk in the plan area as opposed to fluvial flood’ on the basis that there are national policy requirements on fluvial flooding. It is reiterated by the College that national and local policy also address issues of surface water flood risk so it is unclear why there is a need for an additional policy on surface water management. In their response the SNNF refer to ‘good local rationale for including a policy on local surface water flood risk’ although it is unclear what this rationale is.

The College are pleased to see that the SNNF have taken on board previous comments and have revised the wording related to hard surfaces using permeable paving ‘where reasonably practicable’ and adding clarification that it is ‘flat roofs that should explore opportunities for green, brown or biodiverse roofs. With regards to the College’s previous comments on flood prevention barriers and loss of vegetation, changes have also been made to this wording which are supported, although allowing mitigation where appropriate could still be added as previously suggested to permit greater flexibility.

The supporting text to assist in implementation states ‘in line with national policy, land which falls within the functional floodplain will be kept free from development, other than essential

infrastructure and water compatible development'. It goes on to state that 'for avoidance of doubt, the functional floodplain is defined as land where water has to flow or be stored in times of flood'. Whilst this is correct (and reference is made to the Greater Cambridge IWMS maps) the College remain of the view that further clarity should be provided in the policy text to specify that the functional floodplain is classified as the 1:20 year flood event. This may avoid any future misinterpretation relating it to more extreme events (flood zones 2 and 3[a]), for which other development types are appropriate."

As the flood risk maps included in the Plan show, and as the Lead Local Flood Authority noted in their response to the Consultation, "some areas of South Newnham are at high risk of surface water flooding". While potential developers and property owners/house holders in South Newnham will not affect fluvial flooding, they can affect surface water flooding both positively and negatively. During our consultations with residents, we were reminded that properties on the Gough Way Estate were flooded in 1978 and 2001, so a Neighbourhood Plan policy that addresses flood risk and includes measures to reduce surface water flooding has meaning and was welcomed by them. As a result, we believe that Policy SNNP10, which focuses on surface water flooding, adds value to the Neighbourhood Plan by being locally relevant and specific to South Newnham, whilst remaining aligned with Cambridge Local Plan policies.

We note too that the LLFA is supportive of the Plan's promotion of permeable paving and green/brown roofs as they help control the rate of surface water leaving the site, and they would like us to encourage above ground SuDS, such as attenuation basins, in Policy SNNP10. We have undertaken to do this when we revise the Neighbourhood Plan following Regulation 16 Consultation.

6. SNNP11 – Protecting and Enhancing Local Character Through Design-led Development

"As set out in the previous representation, the phrase 'design-led' in this policy is considered to be meaningless as any proposal based on a drawing could be said to be 'design-led'.

The College are pleased to see that under principle (a), the need to follow a building line will only be 'where there is a prevailing building line' which now allows for flexibility and the need for this to be on the basis of character and context.

Part (d) relates to flat roofs stating that those 'beyond the original building line and above ground floor level will be opposed except in exceptional circumstances' and the College continue to take the view that this makes little sense, as well as being unduly prescriptive.

Furthermore, under (e) and (f) requirements continue to be set out for materials but these are considered to be too limiting for the entire Neighbourhood Plan area which exhibits a range of materials.

The College would also like to reiterate that the wording of this policy is still very much focused on replicating existing design rather than allowing scope for respectful innovative design, which is inconsistent with national and local planning policies. This is evidenced by the comments in the Basic Conditions Statement which set out that the intention of the policy is to provide clarity on 'design expectations'."

During Regulation 14 Consultation, SNNF received comments from a number of consultees, including Queens College, and as a consequence revised the wording of Policy SNNP11 to

address the varied comments received. In revising this policy, we consulted with Greater Cambridge Shared Planning Service to keep the policy locally-distinctive.

“It is further highlighted that the Owlstone Croft site is situated within Street Appraisal Area A. On p.12 specific commentary is provided on Owlstone Croft, but again the document fails to acknowledge the planning permission on the site. It would be appropriate for it to make reference to this future development given that these appraisals are intended to assess context and guide development “

SNNF agree that the description of Owlstone Croft be changed to reflect the planning permission granted to build 4 student accommodation blocks.

7. SNNP12 – Protecting Residential Amenity in South Newnham

The College remain of the view that the multiple references to ‘*unacceptable*’ within the policy wording are considered to be very subjective and unmeasurable. The SNNF have responded to state that this type of wording is consistent with the Cambridge Local Plan (2018). Whilst a couple of references are noted in relation to noise, the most consistent wording states ‘*significant adverse effects*’ which is noted by the SNNF in their response. As such this is considered to be a more appropriate measure.

SNNF take note of suggested alternative wording and will consider this when revising the Plan following Regulation 16 Consultation.

8. SNNP14 – Protecting the Character of Neighbourhood Garden Boundaries

The relevance and enforceability of this policy wording is queried given the works to boundary treatments that can be done under permitted development and without the need for planning permission. With specific reference to the text that ‘*all existing vegetated boundaries (hedgerows, trees and front gardens) shall be retained or enhanced*’ this does not allow for any flexibility, for example where such boundaries are in a poor or unsafe condition, which is therefore overly and unnecessarily restrictive.

SNNF has also received comments from Cambridge City Council about this policy and we will revise the wording.

9. SNNP15 – Conserving and Enhancing Existing Views and Street Scenes

The SNNF have commented in their response that no changes have been made to this policy. The College therefore remain of the view that given the locations and number of ‘*communal views*’ identified on Map 8, this policy is very restrictive of development within the area with an apparent blanket protection. Furthermore, there continues to be a lack of evidence as to why these views have been identified as important and therefore no justification for their inclusion, with no explanation provided in the supporting Evidence Base for Development Policies document other than to simply list views in each area. Indeed Map 8 is not referenced in the document. The supporting text of SNNP15 refers to the fact that the views have been selected due to ‘*uniqueness*’ and value for ‘*leisure and recreation*’ as well as ‘*ecological*’ value but there is no evidence as to why each view exhibits these values.

As expressed in our Regulation 14 Consultation response to Queens’ College, we remain of the view that by virtue of being a Conservation Area that is surrounded by open green

spaces, most of which is green belt land, there are many communal views that are valued by residents, visitors, and people working in Newnham and living elsewhere. SNNP15 and Map 8 documents these views, with Appendix D detailing each view.

We disagree with Queens' comments that the policy is very restrictive of development within the area and with an apparent blanket protection. This is not at all the case; the Plan seeks to support "appropriate" development in an area where the majority of the land is either Conservation Area or Green Belt and recognises the many unique features of South Newnham.