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Dear Stephen

**Re: South Cambridgeshire District Council Planning Committee Meeting 13 May 2019 –
Comments on Report for the Consideration of Application S/0559/17/OL - Waterbeach and
Landbeach Barracks and Airfield Site, Waterbeach, Cambridgeshire**

I write on behalf of RLW Estates to offer comments and observations on the above Committee report to assist in Members' consideration of this Application.

I have concentrated on matters that concern the interpretation of Policy SS/6 in the adopted Local Plan and the adopted SPD for Waterbeach New Town, to ensure the delivery of a development that meets all the requirements set out in Local Plan policy.

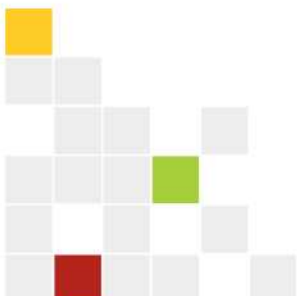
Site Constraints

An assessment of site constraints is set out in paragraphs 25 – 29 of the report. We are concerned that the report has failed to mention a constraint that must be acknowledged and assessed if this application is to be determined based on all the relevant facts.

We are referring here to the documented fact that U&C are seeking a ransom value from RLW Estates for the grant of access rights across the boundary between the two landholdings.

Ransom is a constraint on development and is recognised as such in the Government's Planning Practice Guidance. Moreover, there can be no doubt that this will prejudice delivery of the development and Waterbeach new town in accordance with adopted Local Plan policy requirements.

The Council has in fact obtained legal advice on the existence of this constraint from Douglas Edwards QC and there are also legal opinions from David Elvin QC for U&C and Richard Harwood for RLW.



Indeed, Mr Edwards (for the Council) confirmed that in his view there was, as we always said, no legal bar to the Council preventing one party from ransoming the other, but that it was a planning matter. In reporting to Cabinet in respect of the Waterbeach New Town SPD, it was clearly inferred that the advice from Mr Edwards related to the inappropriateness of the SPD acting on ransom, with an understanding that the matter would be dealt with at the application stage. Since then the basis on which the advice was given has also seemingly changed in that it was said to be predicated on Gerald Eve's reported view that there would be no effect on viability. That clearly is not now the case with U&C, Gerald Eve and SCDC acknowledging that ransom payments will be recycled to provide affordable housing and therefore that ransom does have an impact in this regard (as set out further below).

It therefore cannot be right that this matter of central planning importance is not reported to Members in determining this application, so that they can reach an appropriate conclusion, which in our view is that the plainly harmful effects of ransom should be ruled out so that development can proceed in a seamless manner and without monies being unnecessarily lost from the purse which could have secured affordable housing.

The limited tangential reference that is made to the ransom issue in the report is partial and misleading. Some reference is made to market value being attached for access rights (see paragraph 292) but this does not report the true financial and viability impact of ransom on both applications submitted in pursuance of the Policy SS/6 Local Plan allocation.

In paragraph 577 it is suggested that landowner contributions from the eastern part of the allocation for the granting of access rights will be converted to the delivery of additional affordable housing (through the viability review mechanism). There is, therefore, recognition that "*adjoining landowner contributions from the granting of access rights*" may result in material sums being secured but there is no consideration in the report given to the effect on the RLW proposals of securing those contributions as if they can be secured with no adverse planning consequences. There are in fact fundamentally important and material consequences which could include, in brief:

- Delay to the RLW development due to consequent concerns over viability (without certainty, investors may not be prepared to commit);
- An impact on what the RLW development may be able to deliver by way of physical and social infrastructure (including affordable housing);
- A net reduction in, and an uneven distribution of, affordable housing across the allocation area as a whole;
- The consequence that acceptable development would not come forward in a comprehensive planned manner as required by Policy SS/6 (we expand on this point further below).

Moreover, the declaration of an intention by the applicants to attach a ransom value to movement across landownership boundaries impacts on the deliverability of the U&C application which as a proposal for 6,500 dwellings cannot progress beyond 1,600 dwellings without access to the relocated station.

Members should also be aware that whilst U&C is offering that ransom payments extracted will be taken into account in the operation of their viability review mechanism which holds out the potential for an increase in the amount of affordable housing to 40%, (1) Gerald Eve have reported that only half of the payments extracted will indeed be treated in that way; and (2) plainly, once the 40% figure has been

reached on the U&C site, the balance of payments extracted, U&C will be able to retain any excess whilst there will have been a disproportionate impact on RLW's ability to proceed or deliver affordable housing.

Against the background of the objectives of SS/6, requiring a comprehensive, sustainable, development and against the background of the ransom potential only arising through the allocation itself, and against the background of a decision by members to require an anti-ransom provision in U&C's and RLW's section 106 agreements, I urge you to ensure that this matter is given proper consideration at the Planning Committee meeting.

Phasing

We are concerned that the Section of the report on phasing fails to consider phasing of development across the allocation as a whole. We note the statement in paragraph 270 that the extent of "Key Phase 1" (KP1) has been amended in response to concerns raised during the public consultation that it should be more integrated with the existing village and less isolated. However, this section on phasing does not refer to vital cross boundary connections to ensure access to the station and a properly integrated comprehensive development.

Members need to be certain that the proposals will assist in, rather than prejudice, delivery beyond the initial Key Phase 1 of 1,600 homes. The report should be careful to understand the views of Highways England and the County Council in that respect. At present KP1 remains isolated and does not even extend to the boundary between the two landholdings. There are three possible major adverse consequences:

- That housing delivery will stall, potentially permanently, at 1,600 homes; or
- That development beyond 1,600 dwellings occurs in an unsustainable and unsatisfactory basis, lacking integration and east-west connectivity; or
- If approved, that the definition of the 1,600 homes within KP1 and the associated section 106 provisions within a planning permission do not provide the basis for a wider site build out and sustainable travel via the relocated station, making it very difficult for the authorities to insist on adequate and sustainable arrangements ahead of further phases coming forward.

We consider more time is required to co-ordinate the section 106 provisions and phasing of both U&C and RLW applications to give sufficient confidence that the new town will indeed be delivered in a comprehensive manner, as Policy SS/6 requires. We consider this matter further below.

Section 106

The RLW application is now sufficiently advanced for the Planning Committee to consider how the section 106 agreements relating to each scheme are best co-ordinated. We therefore urge the Committee not to circumscribe the section 106 to the matters in the Heads of Terms listed in Appendix H of the report.

If, notwithstanding our concerns, the Committee resolves to grant permission subject to the completion of a section 106 agreement we urge Members to ensure there is sufficient control over and scrutiny of its final provisions.

Given the scale and complexity of the proposed development and the prescriptions within SS/6 and the SPD, we strongly suggest the Committee resolution requires that the final draft of the Section 106

agreement be brought back before them for sign off. This will ensure Members can be confident that the detailed provisions will meet the requirements of Policy SS/6, that the concerns of Highways England and the County Council have been addressed and that the “access rights” issue has been addressed in a way which does not prejudice delivery of the new town in accordance with the terms of SS/6.

If, by that stage, the RLW application is also subject to resolution to approve, the draft RLW agreement should be considered at the same meeting to ensure consistency of approach and that the arrangements fully dovetail.

The Relocation of Waterbeach Station

One of our primary concerns is that the Policy SS/6 requirement to relocate the railway station and the requirement in the adopted Waterbeach SPD for its early delivery, do not form part of KP1 or figure within the phasing provisions set out in this report.

Paragraph 291 makes clear that an east-west link road to provide access to the relocated station and to integrate the two halves of the allocation site, does not form part of KP1. Instead it constitutes “*out of phase infrastructure*” with particular conditions necessary to secure its provision as an exception before 1,600 homes are built. Without provision for a link road and station access within KP1, this phase remains isolated and could take many years to build out so that the requirement to provide access is delayed indefinitely.

Paragraph 290 suggests that the delivery of the relocated station “*will be subject to agreement of a funding scheme with Network Rail and other potential funding agents*”. This misrepresents the funding position. As a clear Policy SS/6 requirement, the relocation of the station must form part of the section 106 for the funding of essential infrastructure and for this funding to be subject to a trigger within KP1.

We consider this essential to guarantee the principle of sustainable development at Waterbeach. This is at a time when there is acute national concern about the environmental impact of private motor vehicles and the need to secure a shift away from this mode of travel as part of the approval of development proposals.

A further key requirement is to avoid construction traffic impacts on Waterbeach village. Paragraph 297 of the report states: “*Routing of construction traffic through the existing village would result in unacceptable adverse impacts on existing amenity and highway safety and therefore the applicant proposes to enter the site directly off the A10 with complete segregation from the village*”. This does not provide a solution for construction traffic for the building of the relocated station which will impact upon the village unless KP1 is required to provide the necessary access from the A10.

Conclusion

There are significant omissions in the reporting of this application to Committee with important matters and issues not being acknowledged, reported on or properly considered. We consider these omissions must be addressed if the application is to be determined on an informed basis.

Yours sincerely



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