

South Newnham Neighbourhood Development Plan

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt, matters of clarification are entirely normal at this early stage of the examination process.

South Newnham Neighbourhood Forum thank the Examiner for his comments and for seeking clarification on a number of areas of the Plan. The Forum has responded in blue font below.

As you have suggested, we have commented on the Queens' College and Cambridgeshire County Council representations, and on the suggested revisions from Cambridge City Council.

Initial Comments

The Plan provides a clear and concise vision for the neighbourhood area. The relationship between the Vision, the topics of concern and the policies is helpfully captured in Figure 8.

The presentation of the Plan is very good. The difference between the policies and the supporting text is clear. The maps are of a high-quality.

The Plan is underpinned by detailed appendices. The Local Green Space Assessment (Appendix C) and the Views across Open Green Spaces (Appendix D) are particularly important. This approach is best practice and provides assurance to all concerned that the Plan is supported by appropriate information and evidence.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now able to raise issues for clarification with the Neighbourhood Forum.

The comments made on the points in this Note will be used to assist in the preparation of the examination report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Community Engagement

The Consultation Statement is very comprehensive.

The representation from Queens' College, Cambridge comments that the Forum has failed to engage with the College. I would appreciate the Forum's observations on this representation.

We believe the Forum has engaged appropriately with Queens' College and with other Cambridge Colleges and stakeholders. Queens' College is alone in responding to the Regulation 16 consultation to say that the Forum has failed to engage.

In Turley's representation on the Regulation 16 Consultation on behalf of Queens' College, they say: "When the Regulation Consultation commenced five years later in June 2023, there was no direct contact with the College.", and further that: "The College found out about the consultation from one of its fellows who lives in the area and did receive a leaflet through his letterbox."

The Forum Chair wrote to the Queens' College Bursar, Mr Spence, by email on 8 June 2023 to advise him of the South Newnham Neighbourhood Plan Regulation 14 Consultation from 12 June to 30 June 2023. We have the email on file. It was addressed to Mr Spence and sent to his secretary at bursec@queens.cam.ac.uk, which was the email address used for correspondence between the Forum Chair and Mr Spence's secretary between 2016 and 2018. Our 8 June 2023 email did not bounce back.

In late 2016 and early 2017, the Forum invited residents and local stakeholders, including 9 Cambridge University Colleges, to participate in a series of 3 Workshops and the Forum's inaugural meeting. Six Colleges attended Workshops, and the Forum Chair met with three Bursars, two having also attended a Workshop, so the Forum had personal engagement with seven of the nine Colleges contacted. Queens' College did not participate in any events, though the Forum Chair sent emails of invitation to Mr Spence via his secretary on 8-9 March 2016, 22-23 May 2016 and 7 February 2018, all of which his secretary replied to. The Forum website was set up in April 2017 and thereafter used to update Forum members, stakeholders, and the community in general on progress with the Plan.

The key output from the Workshops was a vision for South Newnham, which was first articulated in February 2018, after which the Forum started to draft the Neighbourhood Plan. A draft was completed in May 2019, but with substantial changes requested by Greater Cambridge Shared Planning that necessitated a re-write, the Covid Pandemic, and the requirement to redesignate the Neighbourhood Forum, it took until October 2022 to complete the draft Plan that was circulated to residents and stakeholders, including the Bursar of Queens' College, for Regulation 14 Consultation in June 2023. This draft delivered a Plan to achieve the vision that residents and stakeholders had developed in the Workshops.

Policy SNNP1

As submitted, the policy sets out the details to be included with planning applications and defers to Policy 69 in the Local Plan. In this context, I am minded to recommend that the policy is recast so that it sets out the specific areas to which the Local Plan policy will apply and the associated information requirements.

Does the Forum have any comments on this proposition?

The intention of Policy SNNP1 is to build on Local Plan Policy 69 and be more specific, firstly in terms of the required obligations on a potential developer, and secondly in terms of listing the potentially affected sites and features of biodiversity value in the plan area. Perhaps our wording in SNNP1 has not communicated this intention clearly enough.

Policy SNNP1 was written to add the following requirements which are additional to Local Plan Policy 69:

- 1) Developers are required to accompany any development proposals with "an assessment appropriate to the nature of the development that identifies their impact on sites and features of biodiversity value in the plan area". We view this as critical.
- 2) Step i) in the SNNP1 hierarchy of mitigation requires proposals to "avoid negative impacts", rather than "minimise harm" as in Policy 69, point a.
- 3) We view SNNP1 hierarchy of mitigation steps ii) and iii) as more specific than Policy 69, point b.

We have assumed that Local Plan Policy 69, point c. would apply.

Given the recent grant of planning permission on appeal, is it appropriate for the Owlstone Croft Gardens (1c) to be identified within the Green River Corridor for the purposes of this policy?

Given the grant of planning permission on Appeal to build on the gardens of Owlstone Croft, we will adjust the description of Owlstone Croft Gardens. At Appeal, it was learnt that a piece of land along the Owlstone Croft Gardens boundary had previously been designated a Protected Open Space by Cambridge City Council, and separately, Queens' College proposed a wetlands area with measures to enhance the biodiversity on the edge of the site. We suggest that the area of Protected Open Space and the Queens' College proposed wetlands area be included in the Green River Corridor.

Policy SNNP2

This policy repeats national planning policy and the Environment Act. Has its purpose now been overtaken by recent events and legislation?

As some applications, including householder applications, are exempt from the statutory requirements for BNG, we do not believe that Policy SNNP2 has been overtaken entirely, and all developments should be required to protect or enhance biodiversity. Almost all South Newnham Neighbourhood Area comprises residential streets with some retail premises, public parks, flood plain and green belt land. Consequently, there is virtually no land free for development, so most developments that take place are extensions to and rebuilding of residential properties. If these developments are not required to protect or enhance biodiversity, biodiversity will inevitably suffer in South Newnham, and based on Forum consultations, we believe that this is the wish of South Newnham residents. The Forum's view is underpinned by fact that the last two local government elections in May 2023 and 2024 both returned Green Party Councillors.

Policy SNNP3

The policy comments in several places about the need for lighting. How would the City Council be able to determine need and does such an approach have the clarity required by the NPPF?

Policy SNNP3 only applies to proposals for additional lighting 'within and adjacent to the Green Infrastructure Network'. We could make this clearer and facilitate the City Council's development management by adding a reference to Map 2, and by designating areas for protection under this policy as there are clear locations and footpaths/cycleways within the Green Infrastructure Network where protection from light pollution is required to protect wildlife. We could also adjust SNNP3 and its supporting text to better reflect Guidance Note 8 on Bats and Artificial Lighting in UK as referred to in para 7.1.7, a point requested by Cambridge City Council. Making these changes would provide the clarity required by the NPPF.

What is meant by 'the edge of Cambridge' in the second part of the policy?

'The edge of Cambridge' referred to is where lighting extends from residential streets and developments into adjacent open spaces and open country. Examples are lighting on the edge of Paradise Nature Reserve, down the Driftway, across Lammas Land and Sheep's Green, and down Skaters' Meadow Footpath.

Policy SNNP4

The approach taken towards the designation of local green spaces is underpinned by the details in Appendix C (based on an assessment of each space against paragraph 106 of the NPPF).

However, has the Forum considered the additional local benefits of the proposed designations beyond the protection already provided by their locations (where relevant) in a conservation area (Planning practice guidance ID:37-011-20140306)?

We are conscious that some of the proposed Local Green Spaces are located in Conservation Areas (Skaters' Meadow Footpath, the Secondary Woodland at Pembroke Allotments, Newnham Croft School Wilderness Area, and parts of the Barton Road Verges), but being located in a Conservation Area has not helped residents protect either the trees, hedges and verges along Skaters' Meadow Footpath, or the wide green verges along Barton Road.

The damage along Skaters' Meadow Footpath has largely resulted from increased car and van parking on the verges during and since the Covid pandemic. Damage has included killing one tree and 20 saplings, and widespread destruction of the verges (see 2019 photos on page 21 of the Evidence Base). Since 2020, residents have been actively raising the issue and asking both Cambridge City Council and Cambridgeshire County Council for help in protecting the trees, hedges and verges. Only in 2024 has some protection been afforded to an ancient willow tree and 3 of the remaining 4 saplings planted by the County Council, and this is the result of residents applying for and getting Environmental Improvement Grants.

As part of Barton Greenway, the Greater Cambridge Partnership plan to remove a tree and verges (see 2019 photos on page 22 of the Evidence Base) along the boundaries of homes on the north side of Barton Road. This is against the wishes of local residents.

Each of the designated Local Green Spaces is special to members of the South Newnham community because of their varied beauty, historic significance, recreational value, tranquillity and contribution to local biodiversity. The Local Green Space designation will give each a status and visibility that will facilitate their protection that is not otherwise assured.

The proposed designation of the Skaters' Meadow footpath (LGS2) has attracted a significant degree of commentary. Appendix C indicates that the verges and trees are vulnerable, risk being damaged, and that designation as a local green space will help protect it and will facilitate re-wilding of the verges to retain its biodiversity and wildlife. In this context, has the Forum proposed the local green space to enhance the footpath rather than based on its current performance against the three criteria in paragraph 106 of the NPPF?

For clarity, when the Plan refers to 'Skaters' Meadow Footpath', it means the piece of land from the end of Grantchester Meadows road in the east, to the City boundary in the west, and from the fence with St Catharine's College playing fields on the north, to the fence with Skaters' Meadow on the south. This land comprises the Cambridgeshire County Council Public Right of Way 39/32, which is legally a footpath, and the verges, hedges and trees, including the ancient willow, on either side of the public right of way.

The Forum is very conscious of the differing opinion amongst residents as to whether parking should or should not be allowed along the public right of way. As there is no consensus among residents on this, the Neighbourhood Plan does not take a position either way on the parking of vehicles, and there is space to park away from the verges that does no damage to them. The Plan is concerned about protecting the verges, hedges and trees on either side of the public right of way, and it is this that the Local Green Space designation seeks to protect and

rewild to enhance the ecological value of the site and contribute to the objectives and purpose of the Green Infrastructure Network defined and described in the Neighbourhood Plan. It is these verges, hedges and trees that local residents have sought to rewild since late 2019 so that the hundreds of residents and visitors using the public right of way each day can once again enjoy a green leafy transition from Newnham to Grantchester Meadows that is rich in biodiversity. Perhaps it would be helpful to show the map of LGS2 at a larger scale so that LGS2 is seen to apply specifically to the verges, hedges and trees. Where the details entered against LGS2 in Appendix C use the term ‘footpath’, we are referring to the piece of land we have called Skaters’ Meadow Footpath in the Plan and on Map 2, and specifically to the verges, hedges and trees, but the scale used does not allow a distinction to be made between these and the right of way. We recognise that the scale of the map for LGS2 and the use of the word ‘footpath’ in the detailed wording for LGS2 in Appendix C are both confusing and should be revised to make the meaning clearer. We hope that we have made our intention clear in this explanation.

On the criteria shown in Appendix C: LGS2 on the west edge of South Newnham is in close proximity to the community it serves and is local in nature and not an extensive tract of land. The contentious question is whether or not it is “demonstrably special”. The public right of way and its verges, hedges and trees are together historic, existing since Tudor times as a green transition to Grantchester Meadows and was included on early maps of Cambridge and all Ordnance Survey maps since Cambridgeshire was first mapped by the Survey in 1886. In Spring 2020, a Friends group was established for Skaters’ Meadow Footpath with 75 members. Recognising its ‘special’ nature, members of the Friends group worked to rewild the verges on either side of the public right of way, sowing wildflower seed and planting shrubs in the south verge, and native saplings and hedging plants in the wider north verge to return both to their natural condition. Regrettably, post Covid, car and van parking has significantly increased, destroying the work done in 2020/2021 and eliminating much of the southern verge, so that the land today does not bear relation to what it has been previously.

In 2024, the City Council installed a protective bank for saplings planted by the County Council in the southern verge, and also for the ancient willow in the northern verge. This was under a Cambridge City Council Environmental Improvement Grant applied for by South Newnham residents who would like to use the protection provided to restart the rewilding programme on and behind the banks. The Forum contends that the land designated LGS2 (specifically the verges, hedges and trees) is special because of its history, has been damaged by recent uncontrolled car parking, and now the City Council has installed some protection, is able to be rewilded and the biodiversity restored by volunteers working recreationally, making it special once again. Successful designation as a Local Green Space will enable the verges, hedges, trees and their biodiversity to be protected and improved in the long term for people to enjoy, both walking along the public right of way and working recreationally to rewild the verges, hedges and trees and increase biodiversity.

Turning to a second contentious point, the land’s ownership, the Land Registry has no recorded ownership of the land labelled LGS2 on Neighbourhood Plan Map 2. Representatives of the Forum met Simon Summers, former Bursar of St Catharine’s College, in early 2019. He had sought to find out who owned the land, was clear that St Catharine’s did not own it, and had been unable to establish if anyone did. Cambridge City Council, seeking to control the parking, asked their legal department to investigate the ownership in winter 2019/2020, and talked to all possible parties and could find no owner. James Littlewood’s statement in CPP&F’s representation “We have been advised that the de facto landowners of the site are Cambridge Past, Present & Future and St Catherine’s College.”, is a statement of opinion, not fact. It remains the fact, that despite well-advertised

local attempts to find out if the land has an owner, no one to date has stepped forward, claimed and proved ownership, and taken responsibility for the land.

Following CPPF's response to the Regulation 14 Consultation, Forum representatives met with James Littlewood, CEO of CPPF, who own Skaters' Meadow on the south side of LGS2, on Friday 20 October 2023. At that meeting, James shared a vision of CPPF establishing a "small, rural, rustic and landscaped" pay and display car park for 10 cars at the bottom end to serve visitors to the Meadows, and working collaboratively with residents. He expressed his support for protecting the verges and for residents continuing to seed and plant the verges. Since neither a Local Green Space designation nor the wording of SNNP4 preclude car parking, no change has been made to the wording of Policy SNNP4, since the vision that James shared with the Forum to establish a car park could be achieved within the scope of the Neighbourhood Plan. Minutes of the meeting were kept, exchanged and agreed.

Policy SNNP5

In general, the first part of the policy reflects the network in the neighbourhood area. However, is 'insensitive resurfacing' a land use matter which can be controlled by a planning policy?

We note that under Local Plan Policy 55, Responding to Context, planning policy has a say on materials used on development projects, and should draw "inspiration from the key characteristics of its surroundings". As such, we believe that the surfacing used on alleyways has an effect on the character of an area and that a Neighbourhood Plan is where local requirements should be recognised that would otherwise be missed in the Local Plan.

Policy SNNP6

Is the second part of the policy intended to apply only to the retail facilities identified in the schedule of community facilities identified in 7.4.1 of the Plan?

Yes, the second part of the policy is intended to apply to the retail and commercial units listed as item R1 – R13 in section 7.4.1 of the Plan.

If not, is it appropriate for the Plan to apply a very general approach towards the protection of retail units when the approach taken in the Local Plan is more targeted to defined areas?

Policy SNNP8

This is a good policy which is underpinned by the details in Appendix A. It is a very good local interpretation of national planning policy on non-designated heritage assets.

Policy SNNP10

The City Council questions the extent to which the policy brings any added value to national and local planning policies on climate change and the risk of flooding. Does the Forum wish to expand about the reasoning for including this policy in the Plan beyond the information contained in paragraph 7.7.7 of the Plan?

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.

Policy SNNP11

This is a good, locally-distinctive policy. Principle g) reads in a very matter-of-fact way. I have noted the detailed work undertaken on Character Areas. Is this element of the policy appropriate for the whole neighbourhood area, or should it apply within certain character areas?

We had initially proposed that the policy apply only to those streets in the Conservation Area and received strong pushback from residents in other areas of South Newnham who felt that such an approach was not equitable across the Neighbourhood Area. We therefore revised points a) to g), requiring developments to respond appropriately to neighbouring properties, making the policy applicable throughout South Newnham. The change received positive feedback.

Policy SNNP12

Does this policy bring any added value beyond the relevant policies in the Local Plan?

Protecting residential amenity is a big issue in South Newnham. Many properties are terraced houses with small back gardens/yards. The properties are expensive to buy, so owners often seek to develop their property to maximise family accommodation. The most common developments are loft extensions and kitchen extensions. Loft extensions frequently include flat roofed dormers with windows at the back. Submitted plans can have very large dormers that are out of scale and look down into the neighbours' gardens, resulting in objections on the basis of scale, massing and overlooking. Kitchen plans can push out both to the side boundary and into the back garden/yard. Extensive glazing along the boundary has resulted in residents with extensions looking directly into neighbouring kitchens just feet away across the neighbour's side passage. The overlooking and inward looking from large invasive loft and side extensions have proved very intimidating for some elderly residents, and we have had cases where elderly residents feel ill equipped to fight such planning applications, have suffered ill-health, and have felt compelled to sell and move because life was made unbearable for them. We encourage residents planning to submit applications for development to engage with neighbours at an early stage, identify potential impacts and develop a scheme that respects the interests of neighbours, but regrettably this does not always happen.

Whilst the Forum supports improvements to the housing stock, we do not support doing this at the expense of neighbours' quality of life and therefore have proposed Policy 12 with its specific wording. This is very much a South Newnham issue resulting from the cost and layout of the terraced Victorian/Edwardian housing stock and as such, Local Plan Policies do not always provide the appropriate protection. In our response to Cambridge City Council,

we have said that we would be happy to revise the wording on glazing, so long as it properly protects potentially affected residents as this is a material issue in South Newnham.

Policy SNNP13

The policy relies heavily on the definition of a family. It would be helpful if the Forum expanded on the reasoning for the policy and the extent to which it could be made more general rather than applying specifically to families.

The intention of the policy is to allow a South Newnham resident or South Newnham residents who is an owner occupier or are owner occupiers and own a detached or semi-detached house that is too large for his/her/their needs to subdivide the house onto more than one separate housing unit so that he/she/they can continue to live in a part of the house that meets his/her/their needs (ie downsizing), and rent out or sell the separate housing unit that has been created and that is not required by the owner occupier. It is well documented that UK family sizes have become smaller than historically, particularly given the growth in single parent families, and there is a mismatch between available housing stock and demand. Allowing subdivision of detached and semi-detached houses into more than one separate housing unit where this is practical, and where the conversion provides at least one larger family sized home (two bedroom plus) with garden access would increase the flexibility of existing housing stock, and retain family housing while making more residential accommodation available.

The policy is not intended to facilitate residential landlords buying up and subdividing houses in South Newnham into single occupier units, reducing the availability of family housing. Such activity that would reduce the availability of family housing would not be in the interests of the South Newnham community, whose school, church, shops and professional services all need a vibrant base of families.

We understand the definitional problem associated with the use of the word 'family', and have therefore used the longer form, 'his/her/their' in our explanation of the policy intent above. We have suggested to planning that if they feel that the current wording of SNNP13, including use of the word 'family' is inadequate, we would value their suggestions as to how it could be better worded to achieve the objectives outlined above.

Policy SNNP14

Does the second sentence relate to boundaries associated with development sites?

Yes, the second sentence proposes that vegetated boundaries be retained or enhanced during and after any development.

Policy SNNP15

This is a good policy which is underpinned by the details in Appendix D.

Community Actions

The various Actions address a series of important local issues and, in several cases, complement the land use policies in the Plan.

Representations

Does the Neighbourhood Forum wish to comment on any of the representations made to the Plan?

It would be helpful if the Neighbourhood Forum responded to the representations from Queens' College Cambridge, and Cambridgeshire County Council.

The City Council proposes a series of revisions to the Plan. It would be helpful if the Neighbourhood Forum commented on the suggested revisions.

[We have responded to the representations from Queens' College and Cambridgeshire County Council and have also responded to Cambridge City Council's comments. We have sent all to Greater Cambridge Shared Planning for them to forward to you.](#)

Protocol for responses

I would be grateful for responses to the questions raised by 22 August 2024. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

If certain responses are available before others, I would be happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from the City Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

South Newnham Neighbourhood Development Plan

24 July 2024