

**HUNTINGDONSHIRE LOCAL  
PLAN EXAMINATION**

**MATTER 1: PROCEDURAL/LEGAL  
REQUIREMENTS**

**REP ID: 1118661**

**HEARING STATEMENT**

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## MATTER 1 – PROCEDURAL/LEGAL REQUIREMENTS

### Introduction

- 1.1 This Matter 1 Statement has been prepared by Carter Jonas LLP and Peter Brett Associates on behalf of Hallam Land Management (HLM), who are promoting land at Gifford's Park in St Ives for a residential-led mixed use development. Representations were submitted to Paragraph 1.22 of the Proposed Submission Huntingdonshire Local Plan 2036 (PS HLP2036) relating to the Sustainability Appraisal (SA) process – see Rep Id. 342.

### Issue

*Whether the Council has complied with relevant procedural and legal requirements.*

### Questions

#### Plan Preparation

*2) Have requirements been met in terms of the preparation of the Local Plan, notification, consultation and publication and submission of documents?*

- 1.2 Interpretation of the Cambridge Sub Regional Model version 2 (CSRM2) has influenced the selection and evolution of development scenarios tested. Access to the CSRM2 is, therefore, essential to obtain assurance that development scenarios have been correctly represented.
- 1.3 However, access to CSRM2 has been and is still restricted with no clear indication when access will be available for either a review or developer funded model runs. Contact was made with CCC Highways to both request access to and confirm use of CSRM2 for inclusion in a Transport Assessment for Gifford's Park. CCC Highways have to date made the following two responses by email (dated 24th July 2017 and 12th August 2017, respectively):

*“At the current time the Cambridge Sub Regional Model (CSRM) is not available for use by developers. This is due in part to the forward work programme dealing with various local plan and Greater Cambridge Partnership Schemes. In addition, the refreshed CSRM has so far been validated for use in the assessment of local plan and corridor scheme assessments and therefore is not necessarily suitable for use in the assessment of individual development sites. To this end [CCC] will be undertaking an assessment over the coming months to test the suitability of the CSRM (or elements of it) for use in the assessment of individual development sites. Only once the outcome of this exercise is known will a decision be taken on allowing developers access to the model”<sup>1</sup>.*

*“There is a full model program for at least the next 12 months so CSRM2 will not be available until at least that point. The CCC modelling team is still assessing whether any aspects of CSRM2 will be made available to developers after that”<sup>2</sup>*

- 1.4 Since these emails were received it is now understood, through verbal communication, that access to CSRM2 is not planned for any developer in the foreseeable future and therefore access will not be made available within the Local Plan programme.
- 1.5 The lack of access to CSRM2, therefore, unnecessarily and unfairly constrains the local plan process. Currently, the only information within the public domain, upon which to understand development impacts and establish mitigation on the highway network, is in the form of a superseded CSRM1 and/or manual

<sup>1</sup> Response from CCC Transport Modelling Team Manager (24<sup>th</sup> July 2017)

<sup>2</sup> Response received from CCC Transport Assessment Team Leader (1<sup>st</sup> June 2017)

assessments. Given that the impact of future development will be strongly influenced by the A14 diversion and significant levels of traffic re-distribution, access to CSRM2 should not, therefore, be withheld.

- 1.6 Going forward, this could lead to significant discrepancies between Local Plan evidence and individual developer planning applications. Without having access to CSRM2, developers are unable to have a full understanding of or confidence in the soundness of the 'Huntingdonshire Strategic Transport Study (HSTS) Development Scenario Comparative Assessment', which is used to support PS HLP2036. This means alternative sites or allocations cannot be properly assessed.
- 1.7 Also, given the restricted access to CSRM2, it is unclear whether the sustainability attributes of each alternative site have been fully taken into account as part of the HSTS, when formalising and assessing the development scenarios. The existing sustainable attributes of Gifford's Park are key to the benefits offered over other developments considered as part of the HSTS, and therefore the Draft Local Plan. While the limitations of a strategic model are understood, it is fundamental that these sustainability benefits are considered when assembling evidence for PS HLP2036. For example, as access to CSRM2 has not been granted to developers, it has not been possible to determine whether or to what extent a higher sustainable travel mode share has been applied to Gifford's Park, when assessing its impact as part of the HSTS. Also, the quantum of development assumed for Gifford's Park within the HSTS is greater than the full buildout proposed, which will plainly skew the outputs.
- 1.8 Restricting access by developers to CSRM2, with no clear indication as to when access will be made available for individual and /or alternative development mix scenarios, significantly limits the opportunity for representations to be made on the soundness of the model and its application. Also the ability for planning applications to be defended or opposed (post submission or at appeal) is restricted when there are so many unknowns and alternative methodologies relating to traffic redistribution around St Ives.
- 1.9 In addition, it is not clear what procedural process was undertaken regarding stakeholder involvement to determine the range of development scenarios and mitigation packages that were run through CSRM2. Limited engagement was undertaken by the Council to determine and recommend the preferred development package. This lack of engagement is discussed further in Matter 2.

## Sustainability Appraisal

6) *Has the methodology for the SA been appropriate? What concerns have been raised and what is the Council's response to these? Have the requirements for Strategic Environmental Assessment been met?*

- 1.10 A key aim of the SA process is to make a plan more sustainable. It tests the social, economic and environmental impacts of various plan options, to help choose the most sustainable options. It also seeks to determine the extent to which the principles of sustainable development are integrated into the plan and its policies. The main concern we have with the SA process for PS HLP2036 is that the findings of the assessment for some sites are not robust or consistent, including for Gifford's Park and St Neots East, and as a result the outcome of the site selection process cannot be justified. In addition, we identified amendments which should be made to the assessment for Gifford's Park in our representations to the Consultation Draft HLP2036 in August 2017, but those representations were not taken into account or addressed by the Council.
- 1.11 The requirements for Strategic Environmental Assessment are contained in the SEA Directive (2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.12 Paragraph 14 of the SEA Directive states:  
*"Where an assessment is required by this Directive, an environmental report should be prepared containing relevant information as set out in this Directive, identifying, describing and evaluating the likely significant environmental effects of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme;...."*
- 1.13 Paragraph 17 of the SEA Directive states:  
*"The environmental report and the opinions expressed by the relevant authorities and the public, as well as the results of any transboundary consultation, should be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure."*

- 1.14 Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004 sets out the information to be included in environmental reports. Paragraph 6 states:  
*“The likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects, on issues such as—*  
*(a) biodiversity;*  
*(b) population;*  
*(c) human health;*  
*(d) fauna;*  
*(e) flora;*  
*(f) soil;*  
*(g) water;*  
*(h) air;*  
*(i) climatic factors;*  
*(j) material assets;*  
*(k) cultural heritage, including architectural and archaeological heritage;*  
*(l) landscape; and*  
*(m) the inter-relationship between the issues referred to in sub-paragraphs (a) to (l).”*
- 1.15 It is clear that the assessment of policies and sites and taking into account consultation response to the assessment process are legal requirements under the SEA Directive and SEA Regulations. Therefore, the assessment of potential site allocations in the SA for PS HLP2036 must be based on robust evidence to determine the selected option, and the assessment process must take into account consultation responses including comments on the likely significant effects arising from potential site allocations.
- 1.16 We set out below a summary of the assessment for Gifford’s Park against the SA objectives where amendments are required (a full assessment is contained in Rep Id. 342):
- The overall density of development at Gifford’s Park would be 38 dwellings per hectare, and as such the site can accommodate higher density development (SA1);
  - The proposed development at Gifford’s Park does not locate built development within areas at risk of flooding and includes flood attenuation areas and SuDS (SA3);
  - The proposed development at Gifford’s Park includes a significant amount of land for green infrastructure including woodland planting and tree belts, and new ecological habitats (SA4);
  - The proposed development at Gifford’s Park would seek to protect and retain existing ecological features in the site, and includes new ecological habitats to enhance biodiversity (SA5);
  - The proposed development at Gifford’s Park includes a landscape buffer on the eastern boundary, and a large area of open space, sport and recreation facilities at the northern boundary to take into account the surrounding landscape (SA6);
  - The proposed development at Gifford’s Park is not affected by waste or sewage treatment facilities, and it would include waste collection and recycling facilities (SA11);
  - The proposed development at Gifford’s Park will accommodate appropriate measures to reduce and prevent crime, anti-social behaviour and the fear of crime (SA16);
  - The proposed development at Gifford’s Park includes a primary school, supermarket, neighbourhood centre and health care facility, which would meet the needs of residents of the development and the surrounding area (SA17); and,
  - The site at Gifford’s Park is accessible to the services, facilities and employment opportunities in St Ives by walking and cycling and it is within close proximity of the Cambridge Guided Busway providing access to Cambridge and Huntingdon. The close proximity of Gifford’s Park to the Cambridge Guided Busway, associated Park & Ride facility, and fast dedicated busway track into Cambridge has been ignored in the assessment (SA21).
- 1.17 The proposed development at Gifford’s Park should score ‘green’ for all of these SA objectives.
- 1.18 In our representations we also compared the assessments for Gifford’s Park and St Neots East in the SA in order to check for a consistent approach. The SA objectives where inconsistencies exist between the assessments for each site are as follows:

- agricultural land (SA1);
- access to green infrastructure (SA4);
- biodiversity (SA5);
- access to services and facilities (SA17); and,
- accessibility by sustainable modes of transport (SA21).

- 1.19 The proposed development at Gifford's Park scores as well or better than St Neots East for each of these SA objectives.
- 1.20 We highlighted where amendments were required to the assessments in the SA for some sites, including Gifford's Park, but those comments were not taken into account and the assessments were not updated.
- 1.21 In conclusion, the findings of the assessment process for the SA are not robust and the outcomes are inconsistent, which is relevant because the SA has informed decisions to allocate or reject potential strategic sites; this particularly affects the Gifford's Park site. The consultation on the SA has not been taken into account and has not informed decisions. Therefore, overall, we conclude that the requirements of the SEA Directive and SEA Regulations 2004 have not been met.
- 1.22 We request that Table 6.75: SA of Gifford's Park is amended to reflect the above comments. The SA needs to be robust and consistent because it has informed the decision about which strategic sites to allocate and reject.

