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1.0 Introduction

In his letter to all interested parties dated 16 October 2024, the Secretary of State also invites representations on the content of the following documents published since the DCO Examination closed on 17 April 2024:

- a. The Deputy Prime Minister's statement to the House of Commons entitled 'Building the Homes We Need';
- b. The Deputy Prime Minister's letter to all local authorities in England entitled 'Playing your part in building the homes we need';
- c. The publication of a revised draft of the National Planning Policy Framework ('NPPF') – noting that the Government has indicated an intention to respond to the consultation and publish NPPF revisions before the end of 2024; and
- d. The launch of a consultation entitled 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system.'

In particular, the Secretary of State has asked that these representations address:

- the extent to which the proposed revisions to national planning policy, in particular, as regards house building and green belt, are relevant to the determination of the Application; and
- the weight that a decision-maker should attach to the proposed revisions i) while they remain in draft; and ii) in the event they become adopted national planning policy.

This document provides the Applicant's comments on the documents published by the Government since the close of the DCO Examination.

2.0 Emerging Planning Policy

2.1 Relevance of these documents to the determination of the Application

The Deputy Prime Minister's statement to the House of Commons entitled 'Building the Homes We Need' takes the form of a Written Ministerial Statement (WMS ref. HCWS48)¹. It sets out the Government's plan and outlines the direction of travel for reforming the planning system "*to build the homes this country so desperately needs*" to address "*the most acute housing crisis in living memory*" by targeting reforms to improve housing affordability, turbocharge growth and build

¹ [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system)

the 1.5 million homes the Government has committed to deliver over the next five years to achieve sustained economic growth.

The WMS and the Deputy Prime Minister's letter to all local authorities in England entitled 'Playing your part in building the homes we need'² emphasises the "*moral obligation* [on Government and all local authorities] *to see more homes built*" and set out the principal elements of the Government's plan to achieve this. Those most directly of relevance to the determination of this Application are:

- **achieving universal plan coverage in this Parliament by driving "*sufficiently ambitious*" local plans to adoption as fast as possible** – Progression of the Greater Cambridge Local Plan ('GCLP') has been stalled pending the outcome of the Application. Consent for the Application will enable Cambridge City Council and South Cambridgeshire District Council to proceed to Reg 19 consultation and submission of the draft GCLP and the draft North East Cambridge Area Action Plan ('NECAAP') for examination and adoption without further delay (both being predicated on the relocation of the existing Cambridge WWTP as proposed in this Application); all in the interests of the proper planning of Greater Cambridge which is recognised³ as home to one of the UK's crucial economic assets that drives its international competitiveness. In contrast, rejection of the Application will result in the need for the Councils to revisit and substantially revise their spatial strategy, delaying Local Plan adoption and effective delivery of development.
- **planning for growth on a larger than local scale through cross-boundary strategic planning which will play "*a vital role in delivering sustainable growth and addressing key spatial issues*"** - The Proposed Development, which is supported by both Councils, is an exemplar of how cooperation between authorities on the sharing of unmet housing need, supported by Housing Infrastructure Funding (HIF) from Homes England, can deliver sustainable growth and address key spatial issues including meeting housing needs, delivering strategic infrastructure, building the economy, and improving climate resilience in the way advocated by the Government.
- **achieving its commitment to build 1.5 million new homes over the next five years by increasing targets across all regions (outside London) with targets in Mayoral Combined Authority areas on average growing by more than 30%** - The achievement of this commitment puts even greater emphasis on the need to unlock delivery on sites which need to be released to deliver planned growth. This specifically includes NEC (and, by association, the Application) which was referenced in the 'Case for Cambridge' as one of three key strategic sites that the Cambridge Delivery

² <https://www.gov.uk/government/publications/letter-from-the-deputy-prime-minister-to-local-authorities-playing-your-part-in-building-the-homes-we-need>

³ The Case for Cambridge, March 2024 (HMG)

Group is actively supporting to unlock and accelerate planned growth. Delivery of this housing/urban regeneration on the vacated site (if the DCO is approved) is secured through the contractual arrangements around the HIF award, and considerable confidence can be placed therefore on this delivery. This was affirmed by Peter Denton, Chief Executive of Homes England in ISH1 and in Homes England's submissions at REP1-159 and REP1-160. The weight that should be afforded to enabling housing delivery / urban regeneration as a benefit of the Proposed Development is on that basis substantial, if not very substantial/overriding.

- **Reforming Green Belt policy, requiring councils “to review boundaries and release Green Belt land where necessary to meet unmet housing or commercial need” and asking authorities to prioritise sustainable development on previously developed land and other low quality ‘grey belt’ sites** – the intent of the proposed policy change to recognise the role that some existing Green Belt needs to play in meeting unmet development needs to achieve the Government's housing delivery commitment in order to address “the most acute housing crisis in living memory” is relevant in this instance. Indeed, the prescience of the Councils to remove the existing Cambridge WWTP and immediately surrounding area (now a substantial part of North East Cambridge (‘NEC’)) from Green Belt [in the 2004 Cambridge City Plan], in order to regenerate and deliver a new city district immediately adjacent to the Cambridge Science Park to maximise the potential contribution that Greater Cambridge makes to the UK economy⁴, is in strategic terms, highly aligned to the Government's proposed planning reforms. The Councils were clear in their responses to the DCO Application and during Examination that if relocation does not take place here “both the District Council and Cambridge City Council would have to try and identify and allocate other land within Greater Cambridge to meet the area's strategic requirements for housing and employment” which would “likely include consideration of other less sustainable strategic locations including the Edge of Cambridge in the Green Belt” (SCDC relevant representations paragraph 25 – RR-004) which would likely need a substantial Green Belt release (pages 4-11, CCC Written summary of oral submissions made at Issue Specific Hearing 3 and responses to the Action Points raised – REP4 – 090 and repeated in similar terms in SCDC – REP4 - 094) as opposed to a more limited release which these proposals contemplate.
- **making it easier to build growth-supporting infrastructure and supporting new, expanded or upgraded public service infrastructure** – Recognition of the importance of delivering modern resilient infrastructure to support growth reinforces the weight that should be

⁴ an ambition confirmed by the Minister of State for Housing and Planning in his [letter dated 23 August 2024](#) to the Mayor of the Cambridgeshire and Peterborough Combined Authority and Greater Cambridge leaders

placed on the delivery by the Applicant of a modern, low carbon, waste water treatment facility capable of meeting population growth projections for Greater Cambridge (including an allowance for climate change), well into the 2080s. The facility's design, as currently proposed, is also future proofed beyond this period; with the capability for expansion within the proposed rotunda by modification, enhancement and optimisation of the built asset to accommodate anticipated flows into the next century. The many benefits provided by the new facility include, improved storm resilience and improved quality of the recycled water returned to the River Cam; restoration and enhancement of the surrounding environment; improved access to the countryside with new paths and accessible open spaces and enhanced recreational and educational opportunities (paragraphs 2.2.14 – 2.2.17 Planning Statement [REP1-049]). On this basis alone the SoS DEFRA s.35 Direction of 18 January 2021 recognises this project as “nationally significant” (Appendix 3, 7.5 Planning Statement [REP1-049]).

The WMS and the Deputy Prime Minister's letter to all local authorities in England were accompanied by the publication for consultation of a draft revised version of the National Planning Policy Framework ('NPPF') and the launch of a consultation entitled 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system.'

The revised draft of the NPPF, subject to the Government's response to consultation feedback, carries through the reforms identified as needed by the Government to achieve its 'Building the Homes We Need' plan and is intended to replace the previous version of the NPPF published in December 2023. The consultation indicates a direction of travel towards supporting increased housing delivery. It also proposes a new type of development strategy that would be not inappropriate in the Green Belt. In its draft form, the NPPF is a material consideration for planning applications and planning appeals from the day of publication, albeit that one cannot be certain that it will be finalised in its current form. It refines the presumption in favour of sustainable development (paragraph 11) more specifically to out-of-date policies for the supply of land, reinforces the Duty to Cooperate, adds significant weight to the importance of new, expanded or upgraded public service infrastructure when considering proposals for development, introduces significant changes to Green Belt policy and broadens the existing definition of brownfield land, setting a strengthened expectation that applications on brownfield land will be approved and that plans should promote an uplift in density in urban areas. The NPPF states that planning decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience (paragraph 85).

Under the heading 'supporting release of Green Belt land for commercial and other development', the document entitled 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system' (published by the Government to launch the consultation) proposes to support the release of Green Belt land to meet other development needs (alongside residential development) through both plan-making and decision-making routes in recognition of the important role commercial and other types of development play in supporting wider social and economic objectives. Whilst this may be intended to relate to 'Grey Belt' sites, emphasis is given on how to deliver the underlying objective of securing clear public benefits for non-housing development.

2.2 Weight that a decision-maker should attach to the proposed revisions

WMSs are specifically recognised as 'other statements of government policy [which] may be material when preparing plans or deciding applications' at paragraph 6 of the NPPF. Similarly letters from government ministers to decision-making bodies may be material as statements of government policy – see, for example, *Oxford Diocesan Board of Finance v SoS for Communities and Local Government and Wokingham BC* [2013] EWHC 802 (Admin)⁵.

In *The Queen on the Application of Cala Homes v. Secretary of State for Communities and Local Government & ANR* ([2011] EWCA Civ 639), the Court of Appeal handed down a judgement that looked inter alia at the weight and materiality of the then-draft NPPF. The Court found:

The prospect of a change in planning policy is capable of being a material consideration, and taking account of this particular prospective change would not be contrary to the Padfield principle because the policy and objects of the legislative scheme construed as a whole require those responsible for determining planning applications and appeals to look beyond the development plan, and to have regard to other material considerations.

[T]hose responsible for taking planning decisions are familiar with the general proposition that the weight to be given to emerging policy is contingent on its progress towards finality.

The weight to be given to any prospective change in planning policy will be a matter for the decision-maker's planning judgment in each particular case. In principle, the means by which it is proposed to

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effect a change in policy, by new legislation, by amendment under existing legislation, or by administrative action such as the publication of a new Planning Policy Statement (PPS), goes to the weight, not the materiality, of the prospective change.

Whilst the revised NPPF remains in draft, some weight can and should be attached to all of the documents referred to in the SoS's letter. In respect of the NPPF, this weight should increase in the event that it becomes adopted national planning policy prior to the SoS's decision on this application.

Indeed, it is evident that decision-makers are already giving weight to the proposed changes to national policy. For example, in a planning application (ref. 23/1049/OUT) determined by Hertsmere Borough Council at committee on 15 August 2024 for warehouse and storage development, the Officer Report noted:

Though primarily focussing on housing delivery, the WMS refers to taking a more strategic approach to Green Belt development and the prioritisation of development on brownfield and grey belt sites, as well as the economic importance of the logistics sector. The WMS is considered relevant in this regard, and is afforded some weight.

The challenges that this Government faces to address housing affordability, turbocharge and achieve sustained economic growth can only be overcome by radical and immediate measures to reform planning policy and increase housing delivery. The proposed reforms announced by the Deputy Prime Minister in the WMS and revised draft NPPF, supported by the mandate given to the new Government and the generally positive reaction reportedly received to the NPPF revisions, aim to support the delivery of new development through the planning system and to empower local authorities to think laterally by maximising opportunities for brownfield development and utilizing parts of existing Green Belt which would not fundamentally undermine the function of the Green Belt across the area of the plan as a whole. The Applicant has provided explanation of why the Proposed Development would not fundamentally undermine the continued function of Green Belt at paragraphs 4.8.37 – 4.8.45 of the Planning Statement (REP1-049).

By delivering growth-supporting infrastructure to meet development needs into the 2080s (with the capability for expansion to accommodate needs into the early 2100s) in a manner which minimises so far as possible its impact on the function of the Cambridge Green Belt, and by freeing up a strategically significant brownfield site within Cambridge to enable the delivery of a new low carbon city district ("North East Cambridge"), making a key contribution to the development of Cambridge, supporting growth in the economy and making an important contribution to meeting government housing objectives, this Proposed Development manifestly accords with the Government's objectives.

The latest documents referred to above therefore add further substantive weight to the Application and how that is expected to be met that was not before the ExA during the Examination. Recognising the very specific need for the Proposed Development to deliver a vacated brownfield site to unlock highly beneficial regeneration in accordance with the terms of the HIF award, the documents referred to in the SoS's letter signal that even greater weight should be given to the factors presented by the Applicant as very special circumstances sufficient to justify the Proposed Development in the Cambridge Green Belt.