



The Planning
Inspectorate

Report to Peterborough City Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE
PETERBOROUGH SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 4 May 2011

Examination hearings held between 4 and 13 October 2011

File Ref: PINS/J0540/429/5

Abbreviations used in this report

The 2004 Act	The <i>Planning and Compulsory Purchase Act 2004</i> , as amended
AMR	Annual Monitoring Report
AW	Anglian Water
COULD	Core Document
CS	Core Strategy
The CS	The Peterborough Core Strategy
The Council	Peterborough City Council
DPD	Development Plan Document
The DPD	The Peterborough Site Allocations DPD
EA	Environment Agency
FRA	Flood Risk Assessment
FZ	Flood Zone
IGS	<i>Integrated Growth Study</i>
KSC(s)	Key Service Centre(s)
LDS	Local Development Scheme
LGV(s)	Limited Growth Village(s)
NPPF	National Planning Policy Framework
PPG	Planning Policy Guidance
PPG17	<i>PPG17: Planning for Open Space, Sport and Recreation</i>
PPS	Planning Policy Statement
PPS1	<i>PPS1: Delivering Sustainable Development</i>
PPS3	<i>PPS3: Housing</i>
PPS4	<i>PPS4: Planning for Sustainable Economic Growth</i>
PPS5	<i>PPS5: Planning for the Historic Environment</i>
PPS12	<i>PPS12: Local Spatial Planning</i>
PPS25	<i>PPS25: Development and Flood Risk</i>
RS	Regional Strategy – <i>The East of England Plan (May 2008)</i>
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SFRA	Strategic Flood Risk Assessment
SuDS	Sustainable Drainage Systems
VDS	Village Design Statement

Non-Technical Summary

This report concludes that the Peterborough Site Allocations Development Plan Document provides an appropriate basis for the allocation of development sites in the Peterborough City Council area (excluding the city centre) over the period to 2026, provided that a number of modifications are made to it. The Council have specifically requested that I recommend any modifications necessary to enable them to adopt the plan.

The modifications can be summarised as follows:

- Deletion of one housing site allocation, and its replacement by three smaller site allocations;
- Deletion of the cemetery site allocation;
- Adjustment of the boundary of the Norwood Urban Extension; and
- Alterations to the wording of some policies and their reasoned justification to bring them into compliance with the Core Strategy and national planning policy, to ensure the adequate provision of infrastructure and to ensure that the allocated sites are deliverable.

Introduction

1. This report contains my assessment of the Peterborough Site Allocations Development Plan Document [DPD] in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, as amended [the 2004 Act]. It considers whether the DPD is sound and whether it is compliant with the legal requirements. Planning Policy Statement 12 [PPS12], paragraphs 4.51 to 4.52 makes it clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Council have submitted what they consider to be a sound plan. The basis for my examination is the DPD submitted in May 2011.
3. My report deals with the main modifications that are needed to make the DPD sound and legally compliant. They are identified in bold in the report, with the prefix **MM**, and set out in full in the Appendix. In accordance with section 20(7C) of the 2004 Act the Council requested that I recommend any modifications needed to rectify matters that make the DPD unsound and thus incapable of being adopted.
4. The main modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal [SA] and I have taken the consultation responses into account in writing this report. Apart from those numbered MM13, 14, 15 & 21, the main modifications were proposed by the Council in response to representations on the DPD and discussion at the hearing sessions. Under section 23(3) of the 2004 Act, it is open to the Council to make additional modifications to the DPD as long as they do not materially affect its policies.
5. On 23 March 2011, the Minister for Decentralisation made a Written Ministerial Statement on *Planning for Growth*. This followed the Chancellor of the Exchequer's Budget Statement which included reference to a *Plan for Growth* involving, among other things, proposals to reform the planning system. As these statements were only made available shortly before consultation closed on the Proposed Submission version of the DPD, I asked the Council to invite additional representations on them, and I have taken those representations into account in my report.

Assessment of soundness

Preamble

6. The consultation draft of the *National Planning Policy Framework* [NPPF] was issued in July 2011, while the DPD was under examination. The NPPF is intended to bring together Planning Policy Statements [PPSs], Guidance Notes [PPGs] and some Circulars together into a single consolidated document. As a consultation document, it is subject to potential amendment until issued in its final form, and the current PPSs, PPGs and Circulars remain in place until they are cancelled.

7. The Programme Officer explained the status of the NPPF in a letter to examination participants¹ in advance of the hearing sessions. In compiling my report I have taken account of references in the representations to the draft NPPF, particularly where it differs significantly from current national policy guidance. However, as the draft NPPF remains subject to potential amendment, it carries only limited weight at this stage.

Main Issues

8. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 13 main issues upon which the soundness of the plan depends. Each main issue is dealt with in turn below. In the context of each issue, I consider those policies and sites which give rise to questions over the soundness of the DPD. Policies and sites which do not raise questions of soundness are not specifically considered in the report.

Issue 1 – Is the coverage of the DPD appropriate and consistent with national policy?

Peterborough City Centre

9. The Council intend to prepare a separate DPD for Peterborough city centre, focussing on the identification of development sites and the establishment of policies to regenerate and enhance the city centre. Accordingly, development sites are not allocated in the city centre area by this Site Allocations DPD. This approach is outlined in the *Peterborough Local Development Scheme [LDS] 2007-2010*, which was approved by the Government Office for the East of England on behalf of the First Secretary of State, and is reiterated in the most recent version of the LDS, for 2009-2012².
10. Similarly, the adopted *Peterborough Core Strategy [CS]*³ refers to this approach, including in policies CS2, CS3 and CS4, which set out the spatial strategy for the location of residential and employment development in the Peterborough administrative area, and for development in the city centre. The use of Area Action Plans to provide the planning framework for areas like Peterborough city centre where significant change is needed is advocated in paragraph 5.4 of PPS12, albeit that it is likely that the specific term "Area Action Plan" will be discontinued by virtue of the forthcoming *Local Planning Regulations*⁴.
11. Accordingly, the Council's approach is consistent with national policy and with the Core Strategy. It may be unfortunate that the timetable for preparing the City Centre DPD has slipped significantly from that contained in the LDS, but the slippage does not render the Site Allocations DPD unsound. The Core Strategy and the saved policies of the *Peterborough Local Plan (First*

¹ Inquiry Core Document [CD]134

² CD030

³ CD022

⁴ The *Town and Country Planning (Local Planning) (England) Regulations [2012]*, published in draft in July 2011. The Council intend to make additional modifications to the DPD to take account of the likely disappearance of the term "Area Action Plan".

Replacement)⁵ will continue to guide development in the city centre until the City Centre DPD is adopted.

Mixed-use development

12. The CS seeks to create mixed-use communities, including through the development of dwellings on wholly residential or mixed-use sites, or in mixed-use buildings (policy CS2). It encourages mixed-use developments which incorporate employment together with residential, leisure and/or retail uses wherever appropriate within the urban area of Peterborough (and, in particular, in the city centre, district and local centres), the proposed urban extensions and the villages (policy CS3). This emphasis on creating mixed-use communities is consistent with national planning policy for sustainable development⁶.
13. The Site Allocations DPD follows this approach by allocating all five urban extensions (three committed and two proposed) for mixed-use development (policy SA1) and by identifying four of the five district centres as areas where a significant amount of new housing will come forward through master-planning (policy SA2). In the district centres, this will lead to a substantial intensification of residential development in and around areas which are presently mainly commercial in character.
14. Hence the DPD makes provision for mixed-use development in and around the major development areas and the main concentrations of retail development (outside the city centre) in the Peterborough urban area. Only two other sites, SA3.45 (which is in a local centre) and SA6.10, are specifically allocated for mixed-use development. But the other residential development sites are allocated in the Peterborough urban area or in villages where shops and other amenities and, in many cases, employment premises are also found. Similarly, the employment allocations are situated in or close to centres of population. In this way these other site allocations contribute to the CS objective of creating mixed-use communities.
15. For these reasons it is unnecessary, in the interests of soundness, for the DPD to include a policy allocating further sites for mixed-use development.

Prestige Homes

16. Policy SA8 identifies a number of residential sites on which a proportion of "top of the market" or "prestige" homes are to be provided. The need for such homes in the Peterborough administrative area was demonstrated in a report published by the Council in March 2009⁷. No detailed evidence has been presented to challenge that report's conclusions. The provision of "prestige" homes is consistent with the requirement in CS policy CS8 to secure a wide choice of high quality new homes that meet the needs of all members of the community. National planning policy contains similar objectives⁸. On this basis, the inclusion of policy SA8 contributes to the soundness of the DPD.

⁵ CD034

⁶ See, for example, PPS1: *Delivering Sustainable Development*, paras 16 and 27.

⁷ CD057

⁸ See, for example, PPS3: *Housing*, para 9.

Special Character Areas

17. Policy SA19 does not allocate sites for development, but identifies three Special Character Areas within which certain criteria will be used to assess proposals for development. There is nothing in PPS12 or the CS to suggest that including a policy of this type in the DPD would render it unsound. Nor did any of the consultation responses question the principles underlying the policy, which are consistent with national policy advice on good design contained in PPS1: *Delivering Sustainable Development*⁹. However, I consider that a modification to its wording (**MM1**) is necessary in the interests of soundness, to clarify the intention of the policy and make it less prescriptive. With this modification, the inclusion of policy SA19 contributes to the soundness of the DPD.

Conclusion on Issue 1

18. Subject to modification MM1, the coverage of the DPD is appropriate and consistent with national policy.

Issue 2 – Is the overall approach to the selection and allocation of sites in the DPD soundly based, and consistent with national policy and with the Core Strategy?

The approach to flood risk

19. Annex D of PPS25: *Development and Flood Risk* advises that the aim of the risk-based Sequential Test is to steer new development to areas at the lowest probability of flooding (Flood Zone [FZ] 1). The basis for the application of the Sequential Test will be the Strategic Flood Risk Assessment [SFRA]. Only where there are no reasonably available sites in FZ1 should sites in FZ2 be considered, applying the Exception Test if required. Similarly, sites in FZ3 should only be considered where there are no reasonably available sites in FZ1 or FZ2, again applying the Exception Test if required. This guidance is reflected in the requirements of CS policy CS22¹⁰.
20. On the basis of the Level 1 and Level 2 SFRA for the Peterborough administrative area¹¹, the Council's *Flood Risk Sequential Test*¹² demonstrates that sufficient reasonably available housing sites in FZ1 can be allocated to meet the requirements set out in the CS, without the need to allocate any housing development land in FZ2 or FZ3¹³. The allocated gypsy and traveller transit site also lies in FZ1. Hence the guidance in PPS25 and policy CS22 is met, and there is no need to apply the Exception Test to other sites.
21. On the other hand, the Council were unable to identify sufficient reasonably available employment sites in FZ1 or FZ2, in and adjoining the Peterborough urban area, or in the villages, to meet the CS requirements. As a result, the

⁹ See PPS1, paras 33-39.

¹⁰ Reference was made at the hearing sessions to House of Commons Standard Note SN/SC/4100 *Planning and Flooding*, but that note does not alter the guidance in PPG25.

¹¹ CD050 & CD051

¹² CD012

¹³ Part of each of two allocated residential sites (SA3.28 and SA6.11) lies in FZ2, but their indicative housing figures are based on the part of each site lying within FZ1.

sites at Red Brick Farm (SA11.4) and Station Road, Thorney (SA14.3), which respectively lie partly and wholly in FZ3a, were allocated in the DPD. No Exception Test is required for the allocation of employment land uses in FZ3a, but PPS25 advises that a site-specific Flood Risk Assessment (FRA) should accompany any planning application.

22. Whether or not it was appropriate to allocate these particular FZ3 sites for employment development, and reject other particular sites, is considered further under Issue 9 below. But the overall approach taken by the Council in allocating some land for employment development in FZ3a is consistent with the guidance in PPS25 and policy CS22.

The scale and distribution of development

23. CS policy CS2 sets out a broad distribution of new dwellings, including commitments, for the period to 2026 as follows: approximately 4,300 in Peterborough City Centre; approximately 20,100 in and adjoining the Peterborough Urban Area; approximately 1,050 in the Rural Area, provisionally divided between 600 in the Key Service Centres (KSCs) and 450 in the Limited Growth Villages (LGVs); and approximately 50 in the Small Villages. The CS distribution figures, which were found to be sound by the examination held in 2010¹⁴, supersede any corresponding figures contained in the Council's *Integrated Growth Study* [IGS], published in 2007¹⁵.
24. The rationale for the distribution is set out in policy CS1 and its reasoned justification. Most development is to be focussed in and around the city of Peterborough, which occupies the highest tier in the settlement hierarchy¹⁶ and offers the greatest concentration of existing employment, shops, services and other facilities. In the rural areas, planned growth is to be focussed on the KSCs and, to a lesser extent, the LGVs. These are defined, respectively, as large villages containing a wide range of services and facilities to meet people's daily needs, and villages which include some, but not all, of the services and facilities that are characteristic of KSCs. No sites are to be formally allocated in the Small Villages, which have only a limited range of services and no primary school.
25. In the event, including completions and commitments, the Site Allocations DPD allocated sites for a total of 20,372 dwellings in and adjoining the Urban Area, 578 dwellings in the KSCs and 470 in the LGVs. Hence the CS's broad distribution figures for the Urban Area and LGVs were exceeded, by 262 and 20 dwellings respectively, while the figure for the KSCs was undershot by 22 dwellings. A number of respondents drew attention to the discrepancies in the KSC and LGV allocation figures as evidence that the DPD was out of compliance with the CS.
26. The distribution figures in policy CS2 are twice qualified: by the adjective "broad" which applies to the distribution of 1,050 dwellings to the Rural Area, and by the phrase "provisionally divided" which introduces the respective figures for the KSCs and LGVs. These qualifications indicate that the distribution figures in CS2 are not to be implemented with mathematical

¹⁴ See CD023, paras 45-55.

¹⁵ CD139. The IGS was not a statutory planning document.

¹⁶ See CD047a, CD047b and CD022, section 5.2.

precision, and that minor variations from them may be acceptable. However, in view of the emphasis in PPS3: *Housing* on delivering a flexible and responsive supply of land for housing¹⁷, it is desirable that the distribution figures in the CS should be met, unless there are sound reasons why this is not possible.

27. Under Issues 3, 5, 6 and 7 below I assess whether or not each individual housing allocation site is soundly based, and recommend a number of modifications. The result is to bring the housing allocation figure in the KSCs into line with the broad distribution figure in the CS, with the figures for the urban area and the LGVs remaining unchanged. While the latter figures exceed the CS's broad distribution figures, I consider the discrepancies to be within the range of tolerance allowed for by policy CS2.
28. In particular, the 20 additional dwellings allocated in the LGVs represent a surplus of only about 4% over the CS distribution figure. This small discrepancy would not materially distort the overall distribution of housing across the settlement hierarchy, nor undermine the spatial strategy set out in the CS. As with the proportionately small surplus allocation in the Urban Area, it allows for a little flexibility should some allocated sites not come forward as expected.
29. In terms of the broad distribution of residential development, therefore, I find the DPD sound. In allocating over 95% of future residential development to the Peterborough Urban Area¹⁸, it is fully consistent with the objectives of sustainable development set out in PPS1 and in the Regional Strategy [RS]¹⁹.
30. The amount of employment land allocated in the DPD for the urban extensions and the villages exactly mirrors the broad distribution set out in CS policy CS3, while the figure for sites in and adjoining the Urban Area is towards the upper end of the policy CS3 range. Hence the DPD is sound in respect of the broad distribution of employment land. The soundness of the individual allocated employment sites is considered under Issue 9 below.

The identification of locations for development

31. The *Localism Act 2011* and the proposed *Neighbourhood Planning Regulations*²⁰ introduce a system of neighbourhood development plans, under which parish councils or community-based neighbourhood forums will be able to draw up plans for their local area which are consistent with the development plan. However, no neighbourhood development plans have yet been produced in the Peterborough administrative area. Existing parish plans, parish-based landscape assessments and village design statements, while providing valuable guidance (especially on design), do not provide a sufficient evidence base for the allocation of sites in a statutory DPD.

¹⁷ See PPS3, paras 52-53.

¹⁸ This calculation takes account of the 4,300 dwellings allocated to the city centre, and 50 to the Small Villages, by the CS.

¹⁹ See PPS1, para 27 and the *East of England Plan* [CD138], policies SS2, SS3 and SS4.

²⁰ Published for consultation by the Department for Communities and Local Government in October 2011.

32. The Council have prepared the DPD in accordance with the regulations currently in force and in consultation with the community and stakeholders, in accordance with their adopted *Statement of Community Involvement*²¹. In this way, Parish Councils and other community bodies have had the opportunity to influence the selection of sites for allocation in the DPD, and many have entered vigorously into the process. The process has continued through the examination itself, with further consultation taking place on the proposed main modifications.
33. While some respondents have suggested that the allocation of development sites, especially in the villages, should await the introduction of neighbourhood development plans, that would not be appropriate as it would create delay and uncertainty in the planning process, as well as making redundant much of the work that has gone into preparing the DPD. It may well be, however, that future revisions of the DPD will be influenced by the development of neighbourhood development plans.
34. Local Centres have been identified in the DPD on the basis of the analysis in the *Peterborough Retail Centres Hierarchy Study*²², which is an appropriate evidence base for this purpose. The Council have followed PPS3 guidance²³ by reallocating some former employment sites for residential development – for example SA3.42 and SA5.4. The projected delivery of housing completions has been updated in the Council's *Annual Monitoring Report [AMR]*²⁴, and remains consistent with the housing trajectory shown in Figure 2 of the CS. The contribution of the allocated sites in the DPD to the Council's five-year housing land supply is set out in Table 8 of CD059. Both the latter document and the AMR are updated annually, and will thereby take account of any changes to the calculation of the five-year housing requirement that may be required by the NPPF.
35. A modification (**MM2**) is needed to paragraph 3.7 to make it clear that the indicative dwelling number figure given in the DPD for each allocated housing site does not necessarily constrain the total number of dwellings to be provided. Developers are encouraged to produce the most appropriate design-led solution for each site. This change, which is necessary in the interests of deliverability and consistency with national policy, is consistent with the existing text of paragraph 3.7, which explains that the indicative figures are estimates based on various assumptions and do not represent fixed policy targets.

Conclusion on Issue 2

36. Subject to the modification MM2, the overall approach to the selection and allocation of sites in the DPD is soundly based, and consistent with national policy and with the Core Strategy.

²¹ CD031

²² CD060

²³ PPS3, para 44

²⁴ See CD032, p52.

Issue 3 – Are the Urban Extension and District Centre policies and allocations soundly based, and consistent with the Core Strategy?

Great Haddon Urban Extension

37. Great Haddon is identified in the CS as the location for an urban extension, containing approximately 5,300 dwellings, 65ha of employment land, and an appropriate level of retail, leisure, social, cultural, community and health facilities to meet local needs²⁵. The village of Yaxley, which falls almost entirely within the adjacent Huntingdonshire District of Cambridgeshire, lies alongside the proposed eastern boundary of the Great Haddon urban extension. The current proposals for the development of this part of the urban extension²⁶ involve retaining existing woodland and creating areas of open space which would, with one exception, provide generous separation distances between buildings forming part of the urban extension and existing development in Yaxley.
38. The exception would be a small area of new housing alongside and behind a short row of existing buildings running westwards off the A15 London Road in Yaxley. However, that new housing would itself be well separated by open space from the other development in Great Haddon, and it would be possible through development management to ensure that it fitted in satisfactorily with the character of development in Yaxley itself. The current proposals thus demonstrate that the urban extension is capable of being developed within its proposed boundary, without threatening the separate identity and character of Yaxley.
39. To the south-west of Yaxley, where the proposed urban extension boundary runs along the north-western side of the A15, facing open countryside on the opposite side of the road, the proposals include an open space strip some 30m or more deep between the highway boundary and the nearest residential development zones. On this basis, and taking into account also the existing verges, trees and hedges along the road, I consider that it would be possible to achieve the successful assimilation of the new development into views both from the A15 and from the countryside beyond, in accordance with the requirements of CS policy CS5.
40. Similarly, I consider that a successful relationship between the new development and both the adjacent Old Great North Road and the Napoleonic War prison camp site at Norman Cross (a Scheduled Ancient Monument) is capable of being achieved without altering the proposed boundary for the urban extension. Specific landscaping, building height and layout proposals are, of course, a matter for the development management process. Outline planning permission for the employment element of Great Haddon, on the proposed site boundaries for that part of the urban extension, was granted in May 2011.
41. Concerns were expressed about the effect of the urban extension on the capacity of nearby junctions onto the A1(M) trunk road, and on traffic flows and other movements on local roads, including the A15 and minor rural roads to the west. But there was no substantial evidence to show that such effects

²⁵ See CS policies CS2, CS3 and CS5.

²⁶ Submitted to the Council in connection with planning application Ref 09/01368/OUT.

would be incapable of resolution through negotiations as part of the planning application process.

42. Accordingly I find that no changes to the proposed boundary for the Great Haddon urban extension, or to the amount of development proposed for it, need to be made in order to make the DPD sound. Nor is it necessary for a Green Wedge or buffer strip to be designated between the urban extension and the settlement of Yaxley.

Norwood Urban Extension

43. A modification (**MM3**) is needed to the Norwood Urban Extension, to take in a triangular piece of land lying to the south of the A47. That area of land was excluded from the urban extension when the DPD was submitted, as it had been included in the submitted *Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD* as part of an allocated waste management site. However, the inspector examining that DPD has recommended removing it from the waste site allocation. Since the land in question lies between the proposed urban extension and the existing urban area boundary²⁷, it is necessary for soundness to include it within the urban extension boundary, rather than leaving its planning status uncertain.
44. A further modification (**MM4**) is required in the interests of deliverability, to make it clear that Green Wedges may, where appropriate, accommodate new woodland planting or open uses such as SuDS, landscaping and open spaces associated with an adjoining allocated site, provided that these uses do not harm the separation of settlements. This modification involves no conflict with the primary purpose of Green Wedges²⁸ and overcomes any need to extend the Norwood Urban Extension boundary to take in some of the designated Green Wedge land to the east, as would otherwise be necessary. The Green Wedge boundary should remain as shown on the Proposals Map, since it follows a clearly-identifiable alignment beside the recently-constructed A16 road.

District Centres

45. CS policy CS2 says: *In and adjacent to ... District Centres, the Council will encourage schemes for residential intensification ...* This policy appears to have been misquoted in paragraph 3.12 of the DPD, as the latter says *The CS proposes intensification (such as retail, housing and leisure) in and adjoining the five existing district centres ...* Consequently, a modification (**MM5**) is needed to bring the paragraph into conformity with the CS policy.
46. Policy CS2 also makes it clear that approximately 1,300 dwellings are expected to be developed in and around the district centres over the DPD period. The figures given in the DPD for residential development at each of the individual district centres, much of which is to be achieved through master-planning facilitated by the council's urban regeneration company, are consistent with that requirement. There is no need, in policy terms, to extend the centres' boundaries to accommodate this new housing, as policy CS2

²⁷ As designated in the Local Plan First Replacement.

²⁸ See paras 5.7-5.8 and policy SA17 of the DPD.

specifies that such development may take place in and adjacent to the district centres [*my emphasis*].

47. Similarly, it is unnecessary to extend the Orton District Centre boundary to accommodate a relocated medical centre on an adjacent, disused bowling green. The Council are supportive of the relocation, which would facilitate the construction of a new supermarket in the district centre, and there is no national or local policy requirement that a medical centre must be located within a designated centre.
48. It was argued that because the Hampton District Centre's boundary is drawn tightly around the existing shopping centre and car-parks, it should be extended so as to enable mixed-use developments of housing and district centre uses (such as retail and leisure) to take place outside the confines of the existing centre. Alternatively, it was suggested that the DPD could encourage the development of district centre uses adjacent to the designated centres. Such changes, it was suggested, would support the delivery of the additional housing required by the CS, and help to contain new district centre uses in and around the centres rather than on out-of-centre sites.
49. Such changes would, however, run counter to the thrust of CS policy CS15, which seeks to direct comparison goods retail development to the City Centre as first preference, and does not identify Hampton as a centre where new or additional convenience floorspace is a priority. Moreover, there is no substantial evidence that mixed-use schemes at district centres are needed to deliver the additional housing required by the CS. Hence I find that neither suggested change is necessary in order to make the DPD sound.
50. CS policy CS5 is explicit in stating that the urban extensions at Great Haddon and Norwood should *make provision for an appropriate level of retail, leisure, social, cultural, community and health facilities to meet local needs without having an unacceptable impact on the vitality and viability of existing centres* [*my emphasis*]. Policy CS15 adds that *the scale of new retail floorspace should be appropriate to serve the retail needs of the new communities created, and that [d]ecisions about the scale of new retail provision ... will take into account quantitative need (as identified in an up to date retail forecast study) plus evidence related to qualitative and local catchment needs.*
51. These CS policies provide an adequate basis on which to control the extent and scale of retail development at Great Haddon, so as not to harmfully affect the vitality and viability of other centres. It would not be appropriate for this DPD to seek to usurp the development management function of determining the specific extent or scale of retail provision, which should properly be done in the context of a planning application. Consistent with this position, policy CS15 does not include Great Haddon or Norwood in the list of centres whose extent the Site Allocations DPD is required to define.
52. I have also considered whether the DPD should include a definition of the role and purpose of district centres more generally. However, existing policies of the CS (particularly CS2, CS5, CS6 and CS15), and their reasoned justification, together with policy SA2 of the DPD provide adequate guidance, within the framework of national planning policy, in this respect.

Conclusion on Issue 3

53. Subject to modifications MM3, 4 & 5, the Urban Extension and District Centre policies and allocations are soundly based, and consistent with the Core Strategy.

Issue 4 – Are the policy provisions for the East of England Showground justified and effective?

54. The Peterborough Urban Area boundary is drawn so as to exclude the Showground from the defined urban area. While this would normally mean that countryside planning policies would apply to the Showground, the Council recognise that it is a unique facility and that further development within it relating to sporting, social and recreational events and other appropriate uses will be acceptable, provided that there is no unacceptably adverse impact on surrounding land uses and that the character of the area is maintained.
55. Modifications (**MM6, 7 & 8**) to policy SA18 and its reasoned justification are necessary to ensure that the policy is sufficiently flexible to achieve its intended objective of permitting appropriate forms of development on the Showground. The modifications were drawn up in consultation with the owners and operators of the Showground. With those modifications, it would be clear from the policy and reasoned justification that different considerations apply to development proposals in the Showground than apply to development elsewhere in the countryside.
56. I therefore find no grounds on which to conclude that the urban area boundary needs to be extended to include the Showground, in order to make the DPD sound. Indeed to do so could lead to confusion by blurring the distinction between the specific policy approach applying to the Showground, and the policies which apply to the rest of the urban area as a whole.

Conclusion on Issue 4

57. Subject to modifications MM6, 7 & 8, the policy provisions for the East of England Showground are justified and effective.

Issue 5 – Are the residential site allocations in the Peterborough Urban Area soundly based?

Allocated sites SA3.17 and SA3.42

58. Policy SA3 allocates a series of sites in the Peterborough Urban Area for housing development. Sites SA3.17 and SA3.42 involve the development of land currently or last used as a playing field. Site SA3.17 is a committed site with outline planning permission, and the permission includes compensatory provision for the loss of the playing field.
59. Site SA3.42 is a former private playing field used by employees of the Perkins Engines factory, but it has been disused since 2008. Perkins now operate a sports and social fund giving financial support to employees to use recreational facilities elsewhere, rather than continuing to provide their own. Moreover the site has been allocated for employment development since 2001, in the Local

Plan First Replacement and its predecessor. It has been re-assessed and reallocated for housing in the DPD in accordance with guidance in PPS3²⁹.

60. In these circumstances, I consider that the objective of maintaining an adequate supply of open space and sports and recreational facilities, set out in PPG17: *Planning for Open Space, Sport and Recreation*, would not be compromised by the allocation of these sites for housing development.

Allocated site SA3.30

61. A modification (**MM9**) is needed, in the interests of deliverability, to add this site to the list in policy SA8 of sites suitable to include a proportion of "prestige" homes.

Allocated site SA3.40

62. This site comprises land in three separate ownerships. As submitted, policy SA3 is unduly restrictive in requiring that any development proposals must come forward with the benefit of an agreed master-plan for the whole site. To ensure the deliverability of the site, it is necessary to modify the policy (**MM10**) so that, instead, it requires a co-ordinated approach which ensures that individual development proposals do not prejudice the delivery of high-quality schemes elsewhere on the site, or the provision of satisfactory access(es) to the highway.
63. The northern part of the site lies on the opposite side of Buntings Lane from a County Wildlife Site, which has a population of great crested newts and other amphibians and reptiles. However, two separate ecological assessments for different parts of the site, published in May 2011, found no evidence of newts or other protected species using them. Both assessments were conducted by experienced consultants³⁰ who would have taken account of newt breeding patterns. In any case, any development proposals for the site would be subject to the statutory provisions which prevent harm to protected species and their habitats. Although the site is next to a former household waste landfill site, there is no evidence of contamination affecting the site itself.
64. The southern boundary of the site is some 70m north of the dual-carriageway Stanground by-pass, which separates this part of Peterborough Road from the village of Farcet to the south. The landowner wishes to move the allocated site boundary southwards, to within about 13m of the bypass, pointing out that committed residential development on the opposite (eastern) side of Peterborough Road would be a similar distance from the by-pass. However, even if the part of the extended site nearest to the bypass were left undeveloped, the suggested extension would still significantly reduce the depth of the Green Wedge separating Stanground and Farcet. The same situation does not arise on the eastern side of the road, because there is a much greater gap on that side between the southern edge of the by-pass and existing buildings in Farcet.

²⁹ See PPS3, para 44.

³⁰ The Robert Stebbings Consultancy for Barker Storey Matthews, and Green Environmental Consultants for Persimmon Homes and Hallam Land Management.

65. Hence the suggested extension of site SA3.40 would conflict with the objective of policy SA17 (Green Wedges) by reducing the degree of physical separation between settlements. Moreover, the DPD allocates sufficient land to meet the Urban Area housing requirements identified in the CS, without requiring the extension of this site. I therefore find that the extension of the site is not needed to make the DPD sound.

Allocated sites SA3.46 and 3.47

66. A modification (**MM11**) is needed to the reasoned justification to policy SA3 to make it clear that development on these sites must take account of the statutory protection afforded to the adjacent Orton Pit Special Area of Conservation.

Conclusion on Issue 5

67. Subject to modifications MM9, 10 & 11, the residential site allocations in the Peterborough Urban Area are soundly based.

Issue 6 – Are the residential site allocations in the Key Service Centres [KSCs] soundly based?

Infrastructure provision

68. CS policy CS1 advises that the two KSCs, Eye (including Eye Green) and Thorney, form the second tier of the settlement hierarchy in the Peterborough administrative area. In the rural areas, planned growth is to be concentrated in the KSCs and, to a lesser extent, in the Limited Growth Villages (LGVs). On this basis, CS policy CS2 distributes approximately 600 dwellings to Eye and Thorney. The 47 dwellings completed in 2009-10 reduce this figure to 553. Existing commitments in the KSCs amount to 256, and the Site Allocations DPD, as submitted, proposes to allocate sites for a further 275: 190 in Thorney and 85 in Eye³¹.

69. It is clear from the many hundreds of written representations received on the subject (including from the local MP, city councillor and Parish Council), and from the oral representations made at the hearing sessions, that there is a substantial body of opinion among Eye residents that is opposed to any further development in the village. The Council's published figures³² show that the population of Eye parish rose by about 9% between 1991 and 2009. Dwelling stock estimates indicate a rise of some 30% in Eye over the same period³³. Both figures will be further increased by development which has occurred since 2009, and by development which is already committed.

70. Residents' concerns about further growth focus particularly on the impact of additional development and population on traffic levels, both on the A47 trunk road and in the village itself, where there is evidence of peak-hour "rat-running" past the village school; on the availability of school places; and on other facilities such as pre-school centres, youth clubs, doctors' surgeries and sewers.

³¹ See SA DPD, Table 1.

³² CD133, Table 8

³³ CD133, Table 13

71. At a strategic level, it is clear from the CS examination report that the availability of adequate infrastructure was taken into account in the preparation of the CS and in setting the overall housing requirements, including for the KSCs³⁴. Moreover, CS policy CS12 makes it clear that planning permission will only be granted for development if there is, or will be, sufficient infrastructure capacity to meet all the requirements arising from it. Infrastructure includes transport, flood defences, education and medical facilities, sports and recreation, open space, affordable housing and utilities³⁵. Policies CS12 and CS13 also set out the mechanisms by which development will contribute to the provision of the necessary infrastructure.
72. There is no substantial evidence to show that additional infrastructure provision to serve the additional development proposed for the KSCs could not be made. For example, the proposed housing and employment distribution in the CS was tested through the Peterborough Transport Model before its adoption. The Highways Agency's written representation on the DPD³⁶ draws attention to the likely impact of development in the KSCs on the A47 Eye bypass and advises that some improvement to junctions is likely to be needed to achieve nil detriment. But the HA made no objection in principle to the proposed level of development. Similarly, the Council, as the local education authority, do not regard school capacity as a constraint on the planned development in the KSCs³⁷.
73. I consider that a modification (**MM12**) to the reasoned justification for policy SA5 is required to emphasise the importance of securing the necessary infrastructure provision alongside further development in the KSCs. The modified wording also advises that there is likely to be a need for the pooling of financial contributions from the allocated development sites and any windfall development. This should be more effective than a site-by-site approach in ensuring that adequate additional provision is made of the facilities – such as road-space and school places – which those developments will make necessary.
74. With this modification in place, the necessary mechanisms will exist to ensure that the amount of residential development required in the KSCs is provided with adequate infrastructure. While I acknowledge the strength of feeling in Eye, therefore, concerns over infrastructure provision would not in itself be a reason to consider proposed development in the KSCs (at the level required by the CS) to be unsound.

Committed site SA5.1 – Land off Thorney Road, Eye

75. This site is listed as "Under Construction" in policy SA5. The Council explained that the figure of 158 dwelling units allocated to it corresponds to the development which is under way. 64 of the units take the form of a 52-unit close-care facility and 12 close-care bungalows, specifically for older residents, and are described in the planning application as falling within the C2 use-class. Nonetheless, I was informed that each of those 64 units has its own front door and letterbox, and contains all the facilities normally required for day-to-day

³⁴ See CD023, paras 77-87.

³⁵ See CS, para 6.6.3.

³⁶ CD116a

³⁷ Statement by PCC representative at the hearing session on 11 October 2011.

living, notwithstanding that additional facilities including a warden's office are also provided on the site. In view of this, and in the absence of any other evidence to the contrary, I consider that it is reasonable for the Council to regard the 64 close-care units as dwellings for the purposes of the DPD.

Allocated site SA5.4 – Land South of Nature Reserve, Eye Green (35 dwellings)

76. This site is previously-developed land within the existing village envelope. Much of it had been allocated for employment development in earlier development plans for more than 20 years. As no employment development has come forward, the Council have reassessed the site in accordance with national policy guidance³⁸ and propose to reallocate it for housing. The site is in FZ1 and is adequately separated from the nature reserve to the north. It lies adjacent to the A47, but the relatively modest allocation of 35 dwellings would allow noise attenuation measures to be provided. Shops and other facilities in Eye are within close walking distance, via a ramped pedestrian footbridge over the A47. The landowners support the principle of housing on the site and there is no evidence of any substantial constraints on its development.

Allocated site SA5.5 – Land North of Thorney Road, adjacent to Dalmark Group, Eye (50 dwellings)

77. At the *Preferred Options* stage, this formed part of a large mixed-use site (H150), including 250 dwellings and extending both north and south of Thorney Road. Most of the much smaller site now proposed for allocation lies adjacent to the existing village boundary, between the housing currently under construction along Thorney Road (on committed site SA5.1) and the Dalmark Group premises. Existing restrictions on Dalmark's operating hours would appear adequate to obviate harm to the living conditions of future residents. The site is in FZ1 and residential development is supported by the landowners. There is no evidence of any substantial constraints on development.

Allocated site SA5.6 – Land off Whittlesey Road, Thorney (130 dwellings)

78. The main body of this site is an irregularly-shaped piece of arable land south of Thorney Park, and is bordered by the existing village development boundary along its northern edge, and by the Thorney Conservation Area boundary to the north and west. To the west of this arable land the site also includes a grassed paddock, which lies within the Conservation Area boundary and through which vehicular access to the residential development would be provided. The whole site lies in FZ1.

79. From the evidence submitted I am satisfied that a vehicular access could, in principle, be provided from Whittlesey Road. It is reasonable to expect that the access point would be brought within a 30mph or 40mph speed limit as a result of the development, and adequate visibility splays could be provided on this basis without crossing third-party land. From what I saw during my site visit, I consider it unlikely that there would be any need to widen Whittlesey Road or its pavement to provide for pedestrians and cyclists from the development, especially as direct pedestrian and cycle links to the village centre could also be provided through Thorney Park.

³⁸ PPS3, para 44

80. However, the Highways Feasibility Study³⁹ prepared for the site shows that providing a vehicular access from Whittlesey Road would involve cutting down two of the existing six trees along the site frontage and constructing a new access road across the paddock and into the main body of the site.
81. Whittlesey Road is identified in the *Thorney Conservation Area Appraisal Report and Management Plan*⁴⁰ as the approach to the village which is most reminiscent of the pre-19th century relationship between the village and landscape. The document makes reference to *a sense of anticipation* generated by *the railings and other obvious signs of settlement* as one rounds the bend by the cemetery. *This is increased [the document continues] as the brick and stone wall to Abbey Fields and mature trees on each side of the road focus the eye towards glimpses of buildings in the distance.*
82. This assessment closely matches the view I formed during my site visit, when I both drove and walked along Whittlesey Road from the cemetery entrance past the site and on into the village. As one enters the Conservation Area, the large 19th-century house at Thornycroft, with its mature planting in front, the undeveloped paddock alongside it, and the tall trees and the wall to Abbey Fields opposite which enclose the road, all combine to produce a highly attractive approach to the historic centre of the village. Apart from Tracey House to the north of the paddock, which is set back from the road and partly screened by trees, there are few prominent signs of 20th- or 21st-century development.
83. As a result, there is a strong sense of harmony between the approach into the village and the groups of historic buildings which are encountered after passing the site. These include a row of 18th- and 19th-century roadside cottages, some of which are listed, followed by the strikingly attractive open space of The Green, surrounded by numerous listed buildings including the Grade I parish church and Thorney Abbey/Abbey House.
84. It is clear from the material submitted in support of the allocation⁴¹ that 130 dwellings could be accommodated on the eastern part of the main body of the site, leaving the roadside paddock, together with a sizeable area to the east of it, clear of buildings. Notwithstanding the views of English Heritage and of Mr Hopwood⁴², my view is that building on this eastern part of the site would not harmfully detract from the setting of the Thorney Conservation Area or of any listed buildings. The strong tree belt along the northern boundary of the main body of the site effectively separates it visually and contextually from Thorney Park, Park House and other listed buildings within the Conservation Area to the north, while development on this eastern part of the site would have little direct impact on views from inside the Conservation Area along Whittlesey Road.
85. On the other hand, however, I consider that the access road across the paddock, even with planting along both sides of it, would appear as a harsh, modern intrusion into the highly attractive approach to the village along

³⁹ CD126

⁴⁰ CD141

⁴¹ See, in particular, CD126 and CD127.

⁴² The latter supported by a Landscape Appraisal, dated 23 March 2011 and submitted at consultation stage.

Whittlesey Road. Its harsh appearance would be exacerbated by the removal of the two trees on the site frontage, which would open up views into the site and make the access road appear particularly prominent. At night, street lighting along the access road would further emphasise its modern and intrusive character.

86. In reaching this view I have taken account of the Arboricultural Assessment⁴³ which classifies one of the two trees to be removed as needing to be felled in any case, for public safety reasons – a view with which the Council's landscape officer generally concurs. But because it stands in a Conservation Area, the Council could require its replacement with a new specimen if its removal was proposed purely for public safety reasons, and not required in order to facilitate development.
87. For these reasons, I conclude that the construction of the access road across the paddock at the western end of site SA5.6 would significantly detract from the character and appearance of the Thorney Conservation Area and from the setting of the listed buildings to the north, along the eastern side of Whittlesey Road and around The Green. This would conflict with national planning policy guidance in PPS5: *Planning for the Historic Environment*, in particular policies HE3 and HE9, as well as with CS policy CS17.
88. I have taken into account that the site is deliverable in the near future, and that it would be capable of providing on-site public open space as well as high-quality housing. But these benefits would be outweighed by the harm which I have identified. As there is no evidence that vehicular access to the site, as allocated, could be gained in any other way, the resulting conflict with national policy and with the CS renders the site allocation unsound. I therefore recommend its deletion from the DPD (**MM13**).

Allocated site SA5.7 – Land off Sandpit Road, Thorney (60 dwellings)

89. This site lies on the south-eastern edge of the village, next to the existing village development boundary and adjacent to existing dwellings to the west and north. It is in FZ1 and its development for housing is supported by the landowners. There is no evidence of any substantial constraints on its development.

Need to allocate other sites in the KSCs

90. The deletion of site SA5.6 would leave a significant shortfall in the number of dwellings allocated in the KSCs compared with the CS requirement, and so there is a need to consider the soundness of allocating of other KSC sites. Ten other possible housing sites – five in Thorney and five in Eye – whose suitability had been assessed by the Council (including in the Sustainability Appraisal⁴⁴), but which had not been included in the submission version of the DPD, were discussed at the relevant hearing session.

⁴³ CD131

⁴⁴ CD005 – see also the updated version CD155.

Other sites in Thorney

91. Four of the other Thorney sites lie wholly or partly in FZ3: Horlock Land, Station Road, Thorney (site SA14.3 / H076)⁴⁵, Land adjacent to Dark Close and Park Crescent, Thorney (site H079), Land off Gas Lane, Thorney (site H080), and Land north of Wisbech Road, Thorney (sites M009/M009a/M009b)⁴⁶. On the basis of the Flood Risk Sequential Test⁴⁷, and notwithstanding any on-site measures that could potentially be taken to reduce flood risk⁴⁸, it would be inappropriate to allocate these sites for residential development unless there are no reasonably available sites in FZ1 or FZ2.
92. In reaching this view on sites M009/M009a/M009b, I have taken into account the Flood Risk Assessment [FRA] carried out for site M009a and the response to it from the Environment Agency [EA]. However, as paragraph D9 of PPS25 makes clear, the FRA would only come into play in the context of an Exception Test. It does not change this site's position, or that of M009 and M009b, in respect of the Sequential Test. Moreover, sites M009 and M009a have another disadvantage, in they are highly visible on the approach to Thorney from the east, and lie very close to houses within the Conservation Area forming part of the 19th-century model village. It has not been demonstrated that development on the scale envisaged for either of these sites could be undertaken without harming the setting of the Conservation Area.
93. In considering whether or not there are other reasonably available sites in FZ1 or FZ2 to meet the housing shortfall arising from the deletion of site SA5.6, it is appropriate to assess sites in both Thorney and Eye, since the CS housing requirement for the KSCs applies to both villages. As paragraph 23 above makes clear, any distribution figures contained in the 2007 IGS were superseded by the CS figures.
94. The fifth Thorney site, Land at Woburn Drive (site H081) lies in FZ1. From the main road through Thorney, Wisbech Road, the site is approached down Woburn Drive, which terminates in a cul-de-sac with a field gate at the end leading into the site. To the east, two other short culs-de-sac (St Botolph's Way and St Peter's Way) also lead down to the site's northern boundary. Evidence was provided to show that these roads are technically capable of accommodating the traffic generated by the 77 dwellings proposed for site H081. In particular, Woburn Drive meets the definition of a "Main Street" in the classification contained in the *Peterborough Residential Design Guide*⁴⁹. The Parish Council have suggested that access could also be gained from Sandpit Road, albeit that this suggestion was not supported with technical evidence.

⁴⁵ Site SA14.3 is an allocated employment site which, it was suggested, could be wholly or partly re-allocated for housing. It is part of larger site H076 which was rejected before the DPD reached the Preferred Options stage.

⁴⁶ Site reference numbers with the prefix "H" or "M" derive from pre-submission versions of the DPD and its associated Evidence Base documents (CD10a & 10b).

⁴⁷ See paras 19 to 22 above.

⁴⁸ Such as those recommended by Water Environment Ltd in representation SAIC430.

⁴⁹ See the Bidwells *Transport Accessibility Appraisal*, provided as Appendix A to their representation Ref SAPS 557.

95. The structural condition of the roads and the need for any upgrading, together with any necessary parking management or traffic-calming works, are matters which would need to be taken into account when considering any future planning application for the site. While I understand that neighbouring residents have experienced problems with sewerage in the area, neither Anglian Water [AW] nor the EA have made any objection in principle to the allocation of the site, and AW state specifically that *localised foul sewerage upgrades and appropriate surface water management ... are not considered to be insurmountable*⁵⁰. Any future developer of the site would need to demonstrate that adequate provision would be made for surface water and foul water disposal, with the existing facilities upgraded as necessary.
96. There would be a potential benefit from the site's development, in that landscaping treatment could be provided along its western, southern and eastern edges to soften what is currently an unattractively hard urban edge to Thorney, facing open countryside to the south.
97. Taking all these points into account, I find that site H081 is justified and deliverable, and could, in principle, be allocated to make up part of the shortfall in housing allocations resulting from the deletion of site SA5.6.
98. It was suggested that access could be provided through site H081 to the eastern part of allocated site SA5.6, so as to permit some or all of the 130 dwellings proposed for that site to be developed without the need for an access onto Whittlesey Road. At least 53 more dwellings would be needed, in combination with the 77 proposed for site H081, to compensate for the 130 lost through the deletion of allocated site SA5.6.
99. No sustainability appraisal or formal transport assessment of such a combined development has been carried out. Moreover, the considerably greater impact of traffic movements generated by a combined development on that scale would be likely to have a harmfully intrusive effect on the living conditions of existing residents. Hence the combined allocation has not been shown to be justified or deliverable.

Other sites in Eye

100. One of the other housing sites in Eye – Land at Edgerley Drove, Eye (site H074) – lies partly in FZ3 and so would fail the Sequential Test if there are sufficient reasonably available KSC sites in FZ1 or FZ2 to meet the CS housing requirement. It is also unsuitable for development because it lies in a designated Green Wedge and is located at the western edge of the village, with open countryside on two sides. The remaining four sites all lie in FZ1.
101. Land off Crowland Road, Eye Green (site H070), originally proposed as a site for 86 dwellings, was rejected by the Council for two reasons: it would encroach onto the Eye Green Gravel Pit SSSI, and it would represent too large a scale of development for the village of Eye Green. At the hearing session, however, it was confirmed by the landowner's agent that a significantly smaller area of land within the original site could be developed for 25 dwellings. The smaller site would avoid any harmful encroachment onto the SSSI, and would project no further into the surrounding countryside than the

⁵⁰ See consultation response Ref SAIC 594.

adjacent development on the Baxter's warehouse site to the south. At this reduced scale, therefore, it would appear in keeping with the form of existing development in Eye Green.

102. The extra traffic generated by the 25 dwellings would not be so significant as to harm highway safety or result in unacceptable delays in Crowland Road, particularly in view of the relief which has recently been provided by the opening of the new A16 to the west. Although it lies towards the northern end of Eye Green, the site is within walking distance of the main facilities in Eye village, via a ramped footbridge over the A47. No other substantial obstacles to its development were raised, and so it could, in principle, be allocated to make up part of the shortfall resulting from the deletion of site SA5.6.
103. Land between Car Dyke and the A1139 (site H072) lies at the western end of Eye village. The A1139 forms the site's western boundary and it is otherwise enclosed by the curving alignment of Car Dyke, originally the line of a Roman canal and now a watercourse maintained by the EA. I do not regard the Dogsthorpe waste management site to the west as a substantial constraint on development, even though site H072 lies within its Waste Consultation Area, as the operational area of the Dogsthorpe site is more than 1km away to the west. There appears to be potential for development of site H072 to open up access to the land around Car Dyke itself for use as public open space.
104. However, both vehicular and pedestrian/cycle accesses would have to be provided across the Car Dyke watercourse – the former is proposed onto Peterborough Road to the south and the latter onto Beech Lane to the east. There is no evidence that any substantial assessment of the implications of the EA's technical requirements (including access and headroom to maintain the watercourse) for the feasibility of providing those accesses has been undertaken. Consequently there is doubt as to the deliverability of the site, and on this basis its allocation in the DPD would be unsound.
105. The remaining sites at Eye lie in the eastern part of the village. Land at Eyebury Road (site H136) lies to the south and east of the primary school and could accommodate about 200 dwellings. Part of this site was included in former site H150 at the *Preferred Options* stage⁵¹. Immediately to the east lies an area of land originally forming part of the very much larger site H142, and also partly included in former site H150 at the *Preferred Options* stage. The element of site H142, lying between Fountains Place and the Pioneer Caravan site, which is now promoted for development amounts to some 6.5ha and could accommodate about 130 dwellings. The landowner's agent further suggested at the hearing session that the site could be sub-divided into three parcels extending southwards from Thorney Road.
106. The Council's reason for rejecting former sites H136, H142 and H150 (in its original 250-dwelling format) from the submission version of the DPD was that *the number of dwellings (and therefore the amount of land) needed in Eye has been reduced, and the sites that are to be allocated are all more suitable*. An additional reason for rejecting site H142 was that, at its full capacity of 672 dwellings, it *would deliver development on a scale far greater than needed*,

⁵¹ See para 77 above.

*contrary to the CS*⁵². There is no evidence of any substantial constraints on the development of either site, however, and so any part of this land could, in principle, be allocated to help meet the shortfall in housing provision in the KSCs arising from the deletion of site SA5.6.

Replacement sites for deleted site SA5.6

107. Given the number of stages of consultation through which the DPD has passed and the emphasis which PPS12 places on community engagement, I consider it necessary to recommend no more than the minimum change in the allocation of housing sites in the KSCs that is necessary to achieve soundness. Sites should therefore be found in Thorney for as many as possible of the 130 dwellings on deleted site SA5.6. On this basis site H081, for 77 dwellings, should be allocated, as it lies in Thorney and is justified and deliverable.
108. However, there are no other reasonably available FZ1 sites in Thorney. In accordance with the Sequential Test, therefore, one or more FZ1 site(s) need to be found in Eye, for the remaining balance of at least 53 dwellings that are required in the KSCs. The reduced 25-dwelling site H070, off Crowland Road, is available and suitable to meet part of this requirement. Of the sites in the eastern part of the village, the northernmost parcel of former site H142, lying closest to Thorney Road, is best related to the existing development pattern. It extends no further into the countryside than the existing housing at Fountains Place to the west, and it is contained to the east by the Pioneer Caravan Park. With a site area of some 2.4ha, the landowner estimates that it could accommodate about 50 dwellings.
109. While other land in former site H150 to the south and south-west of this parcel could, in principle, be allocated along with it, this would mean that development would protrude further into the undeveloped countryside. Unless it were necessary to meet the shortfall, therefore, I find that the allocation of additional development land here would not be justified. (The potential for some land to be made available from it to Eye primary school does not alter my view on this point, as it has not been demonstrated that this is necessary to meet any need for the school's expansion.) The remaining parts of sites H136 and H142 extend even further into the countryside to the south of the village and so fail to be justified for the same reason.
110. At the hearing session, the Council's representatives advised that, should I conclude that additional housing land needed to be allocated in Eye or Thorney, their preferred sites would be H070, H081 and/or elements of former site H150.
111. Drawing all these points together, therefore, I find that the following sites are each justified and deliverable, and are best suited to meet the shortfall arising from the deletion of site SA5.6. Plans of the sites can be found at Annexes 2 and 3.

- Land at Woburn Drive, Thorney (site H081): 77 dwellings;
- Land off Crowland Road, Eye Green (part of site H070): 25 dwellings;

⁵² See CD010a, pp 310, 326 & 340.

- Land south of Thorney Road, Eye (part of site H142 / H150): 50 dwellings.

112. In total, 152 dwellings are capable of being provided on these three sites. While this is 22 more than the number to be lost with the deletion of site SA5.6, the addition of those 22 dwellings would bring the number allocated to the KSCs into line with the CS requirement⁵³. In the absence of any demonstrated impediments to achieving that figure, I consider that this would make the DPD sound.

113. The Council have revised the SA of the DPD to take account of the proposed deletion of site SA5.6 and the allocation of these three replacement sites⁵⁴. All three replacement sites score a number of significant positive effects, and while site H081 scores a significant negative for loss of agricultural land, this is the same as for site SA5.6 which is to be deleted. Consequently there is no overall change in the results of the SA process.

114. I therefore recommend the allocation of these three sites in the DPD (**MM14 & 15**).

Conclusion on Issue 6

115. Subject to modifications MM12, 13, 14 & 15, the residential site allocations in the Key Service Centres are soundly based.

Issue 7 – Are the residential site allocations in the Limited Growth Villages [LGVs] soundly based?

Preliminary points

116. CS policy CS2 distributes approximately 450 dwellings to the eight LGVs. Two dwellings were completed in the LGVs in 2009-10, reducing this requirement to 448. Existing commitments amount to 145, and the Site Allocations DPD proposes to allocate sites for a further 323, bringing the total to 468, or 20 over the CS distribution figure⁵⁵.

117. CS paragraph 5.2.6 paraphrases relevant RS guidance as follows: *Other villages should be nominated to tiers in the hierarchy below that of Key Service Centres, with relatively limited new development, and in a form that helps to meet local needs.* That guidance was taken into account in drawing up the housing distribution figures in the adopted CS, and it would not be appropriate in this examination to seek to unpick those distribution figures.

118. To read the CS requirement for development to be “in a form that helps to meet local needs” as meaning that development in LGVs should be confined to meeting local needs (however those are defined) would in my view be a misinterpretation. The point being made in the CS is rather that housing development in the LGVs should take account of local needs in terms of the mix of dwelling types, sizes and tenures provided.

⁵³ See paras 23 to 29 above.

⁵⁴ See CD155, p30.

⁵⁵ See SA DPD, Table 1.

119. Having said that, however, there is clearly substantial concern – demonstrated by the number of representations received – in some LGVs at the cumulative effect of the new DPD housing allocations when combined with the growth that has already occurred in the past two decades. I take account of this when considering the individual site allocations below. I would also observe that the concern may have been reinforced by the choice of term “Limited Growth Village”, which could have been taken to imply that only a very small amount of growth ought to take place in the LGVs. In fact, they form the third tier in the settlement hierarchy in the Peterborough administrative area, and the overall allocation of 450 dwellings to them in the CS is consistent with that status. It is in Small Villages, not LGVs, where the CS advises that *the scale of residential development will be very modest*⁵⁶.

120. For similar reasons to those I have given for the KSCs⁵⁷, unless there are particular site-specific constraints, concerns over infrastructure provision would not be a reason to consider proposed development in the LGVs (at the level required by the CS) to be unsound.

Allocated sites

121. Two of the allocated LGV sites are in Helpston – SA6.6 and SA6.12, for six and 34 dwellings respectively – and gave rise to a large number of representations from local residents. There was particular concern at the cumulative effect of this growth on top of previous and current residential development in the village.

122. The Council’s own figures show that the number of dwellings in Helpston parish increased by 100, from 310 to 410, between 1991 and 2009⁵⁸. The 40 new dwellings allocated in the DPD, together with the 42 committed dwellings on the Arborfield Mill site, would bring the total to 492. But while this would represent a 59% increase on the 1991 figure, even with these additional dwellings Helpston would remain only the fifth largest of the LGVs in terms of dwelling numbers.

123. Unlike the KSCs and the other LGVs, Helpston has no piped mains gas. Nonetheless, the new developments here will be subject to the same Building Regulations energy efficiency requirements as those elsewhere. There are already considerable delays for traffic at the railway level crossings to the east and north of the village, particularly during peak periods when the barriers are closed for up to 45 minutes in an hour. There is no substantial evidence to show that the delays, or any resulting pollution, will be significantly worsened by the traffic from the additional 40 dwellings allocated in the DPD. Moreover, other routes into and out of the village are available, particularly to the west where the larger of the two sites would be located.

124. That site (SA6.12) lies alongside existing housing in Woodland Lea on its eastern boundary, and the grounds of the John Clare Primary School to the north. A ribbon of existing development continues along West St well beyond the line of its western boundary, and it is separated from open countryside to the south by Broad Wheel Road. The other site (SA6.6), on Maxey Road, is

⁵⁶ At para 5.4.19

⁵⁷ See paras 70 to 72 above.

⁵⁸ CD133, Table 13

located alongside existing houses to the south, and development extends northwards beyond it on the opposite side of the road.

125. Hence I consider that both sites are well related to the existing built form of the village. Ensuring that the design of the houses is compatible with adjacent development is a matter to be considered at planning application stage. While development of the Broad Wheel Road site would restrict existing views of the countryside from the school grounds, suitable boundary landscaping could also be secured at that stage.
126. There is no other substantial evidence of any constraints, including ground contamination or the presence of protected species, on the development of either site. I understand that the prospective developers of the Arborfield Mill site are seeking to be released from the planning obligation they have entered into, but that does not necessarily mean that similar circumstances are likely to arise with the sites which are now proposed. Drawing all these points together, therefore, while I acknowledge the level of concern in Helpston over the proposed allocations, there is no basis on which to consider them unsound.
127. Site SA6.7 is a paddock between Helpston Road and Main St, at the northern end of the village of Ailsworth. The eight dwellings proposed there would be a relatively small addition to the current number of houses in the village. There is existing housing immediately to the south, and on the opposite side of Main St to the west, while a track along the site's northern boundary separates it from the fields to the north. Development of the site would therefore represent a rounding-off of development in this part of Ailsworth.
128. The reference in the Castor and Ailsworth Village Design Statement [VDS] to an *open space beside the cross street to Helpston Road which provides an important connection to the surrounding fields* appears to mean the open land further south along Main St, as that land lies immediately to the north of a paved street, whereas site SA6.7 lies alongside an unmade-up track. Development of the site would not significantly affect any of the important views identified in paragraph 10.4 and Figure 2 of the VDS. Moreover, while the VDS was adopted as supplementary planning guidance by the Council in 2004, it has since been superseded in that capacity by the Supplementary Planning Document *Design and Development in Selected Villages*⁵⁹.
129. The site lies within the Ailsworth Conservation Area, and it is enclosed on both sides by attractive rows of poplars and other trees. Any development of the site would need to be carefully considered at planning application stage, to ensure that it would preserve or enhance the character or appearance of the Conservation Area. But there is no substantial evidence to demonstrate that this could not be achieved, nor of any other significant constraints on the site's development. Legislation exists to protect wildlife and wildlife habitats from the effects of development.
130. The allocated site (SA6.8) at Clay Lane, Castor is now under construction, planning permission for 25 dwellings having been granted. Site SA6.9, adjacent to the surgery at Glinton, is within the existing village envelope and there is no evidence of any significant constraints on its development.

⁵⁹ CD136

131. Land off Lawrence Road, Wittering (site SA6.10) is proposed for allocation for 160 dwellings, but the Highways Agency raised concerns about the impact of the scheme on the nearby A1, should funding not be available for the planned new grade-separated junction⁶⁰. In response to these concerns, there is a need for a modification (**MM16**) to the reasoned justification. This is to make it clear that the developer of the site will be required to fund any improvements to the existing junction which are necessary to enable development to proceed; and that if such improvements are insufficient to enable all of the proposed development to proceed without the grade-separated junction, it will be phased accordingly.
132. No central government funding for the new junction is available in the current funding period up to 2015, but since the DPD period runs until 2026, and planned future developments at RAF Wittering appear likely to enhance the case for the new junction, I consider that the approach outlined in the modification is a reasonable one. The site occupies generally flat farmland, adjacent to existing housing to the north and the A1 to the east. It is within reasonable walking distance of facilities in the village centre, and no other substantial constraints on its development were demonstrated.
133. Site SA6.11, on St Martin's Road, Newborough, is an L-shaped site in the north-west corner of the village, bounded by development on its southern and eastern sides. Development here would relate well to the village's cruciform shape, so that it would appear as a logical rounding-off. A small part of the site is in Flood Zone (FZ) 2, but development would be confined to the majority of the site, which is in FZ1.
134. Although the site lies in a Minerals Safeguarding Area, it is too small to be effectively worked for minerals and there is no evidence of demand for it for that purpose. Legislation exists to protect wildlife, and there is no substantial evidence to show that the presence of any protected species would prevent development of the site. The 62 dwellings proposed would represent a 9% increase on existing and committed development in the village, but there is no evidence of any significant infrastructure constraints, or other constraints on its development.

Other sites

135. Notwithstanding its location, residential development on land at Towns End, Wittering (site H097) would also need to be subject to phasing in the event that the existing A1 junction could not be upgraded sufficiently to accept all the additional traffic generated. Moreover, there are significant differences between the promoters of the site and the Council over the proposed access arrangements contained in the supporting Access Assessment⁶¹. These include a junction onto Townsend Road, and improvements to that road (including provision for pedestrians and cyclists) between the site access and the village. It has not been clearly demonstrated that safe access arrangements could be made in a manner consistent with the attractive rural character of this approach into the village.

⁶⁰ Land for the A1 junction improvement is safeguarded by policy SA15.

⁶¹ PTPlanners, *Land at Townsend Road, Wittering, Peterborough: Access Assessment*, dated 10/05/10, and *Addendum Report*, dated 16/03/11.

136. Each of the other LGV sites suggested – between Mill Lane and Peterborough Road, Castor (H090), off Lincoln Road, Ginton (H093), and at 7 Heath Road, Helpston (H133) – would be separate from, or on the edge of, the village in question. Consequently, each would relate less well than the allocated site(s) to the existing form of the village. The same applies to the suggested inclusion of a group of dwellings on the west side of Gunton's Road, Newborough into the village envelope in order to facilitate development of a single-dwelling site within the group.

137. In any event, the residential allocations in the submitted DPD are sufficient to meet the CS requirement for the LGVs, with a modest surplus of 20 dwellings. I have found each allocated site to be justified and deliverable, and so there is no need to allocate any other housing sites in the LGVs in order to make the DPD sound.

Conclusion on Issue 7

138. Subject to modification MM16, the residential site allocations in the Limited Growth Villages are soundly based.

Issue 8 – Are the village envelopes for the Small Villages soundly based?

139. Paragraph 3.19 of the DPD refers to village envelopes as setting the limit of the physical framework of the built-up area for each village in the DPD area. In September 2010, the Council published a *Report into Suggested Changes* to the then existing village envelopes⁶². The Report explains at paragraph 1.2 that village envelopes are defined on the basis of physical features on the ground, including walls, field boundaries and property curtilages. It goes on to consider a number of changes to village envelopes that had been suggested as part of the *Issues and Options* consultation for the forthcoming Planning Policies DPD, and concludes that none should be made.

140. In the case of site Wothorpe 02⁶³, the reason for that conclusion is that the proposed alteration would not make a logical boundary change, since the existing village envelope line follows a series of well-defined hedges. Although there are gaps in those hedges, as I saw during my site visit, they are not so wide as to make the existing line hard to discern on the ground. Moreover, I understand from what was said at the hearing that the line follows property boundaries around site Wothorpe 02.

141. There is no reason why the village envelope needs to be coterminous with the defined village character area, as the two serve different purposes. It may well be that a logical alternative boundary could, in principle, be drawn along a tree line which is already followed in part by the existing village envelope, but that fact does not make the existing boundary illogical. While bringing site Wothorpe 02 inside the village envelope would facilitate its development for housing, that is not necessary in order to meet the housing requirements identified in the CS.

⁶² CD029

⁶³ See CD029, p22.

Conclusion on Issue 8

142. I find no grounds on which to conclude that the DPD's definition of the Wothorpe village envelope is unsound. Nor is there any evidence that the other small village envelopes shown in the DPD are unsound.

Issue 9 – Are the employment land allocations in the DPD soundly based?

Red Brick Farm

143. The Red Brick Farm site (SA11.4), on the eastern edge of the Peterborough urban area, accounts for some 30ha of the 71ha of employment land allocated by policy SA11. Paragraph 4.17 of the DPD explains that the site has a number of detailed issues that warrant an additional policy (SA12) to ensure appropriate delivery of the site.

144. The site lies mainly in FZ3a, as it would be affected by a breach in, or overtopping of, the River Nene flood defences. PPS25 advises that sites for "less vulnerable" development, including offices, general industry, and storage and distribution uses, may be allocated in FZ3a without the need for an exception test, if a sequential test shows there are no reasonable alternatives in FZ1 or FZ2. This has been demonstrated by the Council's *Flood Risk Sequential Test* (January 2011)⁶⁴, which in turn took into account the Level 1 and Level 2 SFRAs for the Peterborough administrative area⁶⁵.

145. A more detailed consideration of the flood risk affecting the Red Brick Farm site, and potential mitigation measures, is contained in an August 2011 report commissioned by the Church Commissioners⁶⁶. This proposes raising floor slabs and main access roads above the predicted flood level, with excavation elsewhere on the site to compensate for this land-raising. Having considered the EA's comments on the report, my view is that it demonstrates that there are, in principle, technically feasible options to manage flood risk on the site safely while not adversely affecting flood risk elsewhere. Further work, in the form of a site-specific flood risk assessment, would need to be done at planning application stage to flesh out those options. This is reflected in a necessary modification to paragraph 4.18 (**MM17**).

146. In view of the distance between the two, development of Red Brick Farm would have no significant harmful impact, in visual terms, or in terms of noise, vibration and dust, on the Flag Fen Bronze Age archaeological site. The main concern in respect of archaeological impact is that development of Red Brick Farm could affect the hydrology of the area and so lead to drying-out of the waterlogged soil in which the Flag Fen deposits are preserved. Flag Fen has equivalent status to a Scheduled Ancient Monument, and policy HE9.1 of PPS5 advises that substantial harm to such important heritage assets should be wholly exceptional, while policy HE9.4 makes it clear that less than substantial harm must still be outweighed by the public benefits of any development proposal.

⁶⁴ See CD012, Stage 3, Part B.

⁶⁵ CD050 and CD051

⁶⁶ CD121

147. With this in mind, the archaeological Statement of Common Ground (agreed between the majority landowner, English Heritage and the Council) recommends a two-year monitoring period to establish baseline data on groundwater and surface-water flows, together with an on-site archaeological evaluation and investigation of groundwater and surface water on the Red Brick Farm site itself. These would form the basis for the design of any necessary groundwater recharge mechanisms, and on-site archaeological mitigation and management arrangements, to be provided in conjunction with the development of the site.
148. These requirements are reflected in necessary modifications to the third bullet point of policy SA12 and to the reasoned justification (**MM17 & 18**). On this basis I find that, in principle and subject to more detailed assessment at planning application stage, no unacceptable archaeological harm would be caused by the development of the Red Brick Farm site.
149. Further modifications to policy SA12 and its reasoned justification, as set out in **MM17 & 18**, are needed to bring the policy wording into line with policy SA11, to reflect the provisions of the adopted Minerals and Waste Core Strategy⁶⁷, and to clarify the relevant requirements of the Habitats Regulations. With all these necessary modifications in place, I consider that the allocation of the Red Brick Farm site for employment development is justified and deliverable.

Other employment sites

150. For similar reasons to those given for allocated housing site SA3.42 at paragraphs 59-60 above, I consider that the objective of maintaining an adequate supply of open space and sports and recreational facilities, set out in PPG17: *Planning for Open Space, Sport and Recreation*, would not be compromised by the allocation of site SA11.3 for employment development.
151. Land at Dogsthorpe (site E005) was promoted for employment development at the *Issues and Options* stage. However, it lies in the designated Green Wedge which separates Peterborough from Eye and development of the site would conflict with the objective of policy SA17 by reducing the degree of physical separation between settlements. The Green Wedge between the two settlements is at its narrowest at this point, and development on the site would be perceptible from Eye Road, notwithstanding the roadside vegetation.
152. It was suggested that the allocated employment site at Thorpe Wood (SA11.15) should be re-allocated for mixed-use development, including residential and/or retail, or for a development of prestige homes. Notwithstanding its location next to a business park, a golf course and open space, however, the site is some considerable distance away from shops and other facilities, and accordingly would not be suitable for housing. Nor is it located in an existing centre where retail development would be in accordance with CS policy and with national policy in PPS4: *Planning for Sustainable Economic Growth*. The site has not been developed despite having been available for some 16 years, but that was at least in part due to access

⁶⁷ CD140. The Minerals and Waste Core Strategy was not yet adopted when the submission version of the DPD was published in May 2011.

difficulties which have now been resolved. There is no other substantial evidence that it is inappropriate for employment use.

153. My findings in paragraph 135 above on the suggested residential allocation of site H097, at Towns End, Wittering, also apply to the suggested 1ha employment allocation on that site. In any event, there is no evidence that employment development there would be viable on its own.

154. Moreover, the DPD allocates sufficient land to meet the employment requirement identified in the CS, without requiring any additional sites.

Conclusion on Issue 9

155. Subject to modifications MM17 & 18, the employment land allocations in the DPD are justified and deliverable, and are therefore soundly based.

Issue 10 – Are policy SA10 and the related Regional Freight Interchange [RFI] site allocation (SA10.1) soundly based?

156. CS policy CS7 says that the Council will support the principle of the development of a strategic regional road/rail freight interchange on land to the north-east of Stanground, subject to completion by the prospective developers of a clear evidence base which addresses all the relevant issues. If the Council is satisfied with that evidence, it continues, the precise boundaries of the site will be determined in the forthcoming Site Allocations DPD. The policy goes on to list a series of issues which will be particularly relevant to the site allocation and the consideration of any future planning application (or application for a development consent order).

157. Much of the detailed evidence on those issues will come forward with an application for planning permission or a development consent order. The issue at this stage is whether sufficient evidence exists to justify the proposed definition of the boundaries of the RFI site within the Peterborough administrative area. Definition of the boundaries within the Fenland District Council area is, of course, a matter for that authority's development plan process.

158. The developer promoting the RFI is an established provider of large-scale logistics and warehousing development, and has an agreement with Network Rail to undertake development work on the project, including the provision of sidings and signalling, and connection to the national rail network. The latest illustrative layout plan prepared by the developer forms the basis for the allocation of the site boundaries in the DPD (site SA10.1). It was made clear at the hearing session that these boundaries represent the maximum land-take for the RFI within the Peterborough administrative area, and that further detailed evidence in connection with a future application might lead to a reduction in the area required. This is an appropriate approach to take at this stage of planning the RFI, and it is necessary to modify the reasoned justification (**MM19**) to make the position clear.

159. The Council's proposed change also advises that a working group of relevant local authorities will be set up to determine and consider the further evidence needed to address the issues identified in the CS. In their hearing statement, Fenland District Council referred to the need for an up-to-date flood risk

assessment, and for further evidence on a number of transport issues and on how the RFI can support jobs for local people. These are topics which should most appropriately be addressed, at the level of detail suggested, at planning application or development consent application stage. There is no strategic objection to the proposed allocation from the Highways Agency, and the EA consider the allocation overall to be justified.

160. I see no need for policy SA10 to expand on policy CS7, which clearly sets out the matters (including flood risk and flood safety issues) that need to be addressed in connection with any specific development proposal. It would be inappropriate for the DPD to safeguard land for improvements to the A605 to the south of the RFI site, because no detailed transport assessment justifying the need for the improvements has been submitted, nor have the proposed improvements been the subject of sustainability appraisal.

Conclusion on Issue 10

161. Subject to modification MM19, policy SA10 and the related RFI site allocation (SA10.1) are justified and deliverable, and are therefore soundly based.

Issue 11 – Are policy SA7 and the related Gypsy and Traveller transit pitch site allocation (SA7.1) soundly based, and consistent with national policy and with the Core Strategy?

162. CS policy CS9 says that *The Council has identified a clear need for a Gypsy and Traveller transit site, and therefore intends to safeguard a site for such purposes in the Site Allocations DPD ...* There is no substantial evidence that the need has reduced in the relatively short time since the CS was examined and adopted. Based on figures for the first quarter of 2011-12, unauthorised encampments of up to 10 days on Council-owned land appear to be occurring at or above the rate which has prevailed for the past five years.

163. No locations for a Gypsy and Traveller transit site came forward when the Council issued their "call for sites" in June 2007, as the first stage in the production of the DPD⁶⁸. In order to meet the requirement identified in the CS, therefore, the Council carried out a comparative assessment of sites on their own land⁶⁹. The criteria used in this assessment, while different from those used to assess sites in other land-use categories, were directly relevant to this particular use. At the hearing session, the assessment process was criticised for giving undue weight to the opinions of Council departments and the police. But even if the scores given to those opinions are removed from the assessment, the site at Norwood Lane, Paston which DPD policy SA7 proposes to allocate still achieves the highest total.

164. The Norwood Lane site was shown as a proposed allocation in the 2010 *Preferred Options* version of the DPD, as well as in the *Proposed Submission* and submission versions. It lies adjacent to an existing permanent Gypsy and Traveller site, and the two are surrounded on three sides by the committed Paston Reserve urban extension. Policy CS9 sets out five criteria to guide the selection of new Gypsy and Traveller sites, and indicates that the selection of the required transit site should be guided by them. The earlier assessment

⁶⁸ See CD004, Appendix 1a.

⁶⁹ See CD10a, pp361-362.

process demonstrated that the Norwood Lane site meets criteria (a) to (d), and, in particular, that it lies within walking distance of a local centre and primary school.

165. In respect of criterion (e), concern was expressed at the hearing about the site's impact on the amenities of neighbouring occupants of the permanent Gypsy and Traveller site, and on future residents of proposed housing at Paston Reserve. However, this concern was not supported by direct evidence, but by the reported opinions of the neighbouring Gypsy and Traveller site residents and by unsubstantiated allegations, to which I give little weight, about the activities of those existing residents and of future occupants of the transit site.
166. It was also suggested that the deliverability of the Paston Reserve urban extension could be hampered by the allocation of the transit site. But the letter from one housebuilder which was produced in support of this suggestion is not necessarily representative of the views of the industry as a whole. I see no reason why it would not be feasible to devise a layout of the Paston Reserve allocation which is compatible with this proposed land-use.
167. Nonetheless, I recommend a modification (**MM20**) to policy SA7 which, while retaining the allocation of the Norwood Lane site, would allow for it to be revoked if a suitable alternative site is provided, or an alternative way of providing for the need identified by policy CS9 is implemented. This necessary modification will make the policy more flexible while retaining the certainty of an available and deliverable site allocation in the DPD.

Conclusion on Issue 11

168. Subject to modification MM20, policy SA7 and the related Gypsy and Traveller transit pitch site allocation (SA7.1) are soundly based, and consistent with national policy and with the Core Strategy.

Issue 12 – Are policy SA20 and the related cemetery site allocation (SA20.1) soundly based?

169. The CS contains no policy or reference to cemetery provision, and cemeteries were not a land use identified in the Council's letter of 14 June 2007 inviting the submission of new sites for development⁷⁰, as the first stage in the production of the DPD. Accordingly, the *Issues and Options* document published for public comment in October 2008⁷¹ did not include any cemetery sites. Under the heading *Other Uses*, it contained one paragraph, 12.2, identifying cemeteries as a key form of infrastructure that would need to be provided in tandem with the growth of the city, and referring to a currently-identified shortage of land for burials. If no site allocations were made in the DPD, it continued, provision would be secured through the submission of a planning application once the provider had identified a site.
170. Similarly, there are no new cemetery sites identified in the *Preferred Options* version of the DPD, published for consultation in March 2010. However, in August 2010, following representations by their Bereavement Services

⁷⁰ See CD004, Appendix 1a.

⁷¹ CD021a

division, the Council published a separate document entitled *Cemetery Provision Options Consultation*.

171. This set out the limited remaining provision at the Council's existing cemeteries, and the constraints on their expansion. It stated that a *basic assessment of land throughout the authority* [had been] *carried out to identify suitable options* and listed the criteria used, but gave no further details of the assessment process, nor of any sites that had been rejected by it. The document then identified three potential sites for a new cemetery and invited comments on them. Following that consultation, the Council selected the site on land north of the A47 and west of Marholm Road (SA20.1) which appears as a proposed allocation in the DPD.
172. Thus the process of identifying the proposed cemetery site was considerably abbreviated when compared with the process which led to the identification of proposed sites for other land uses in the DPD. In particular, there is no evidence that a number of spatial options for cemetery provision were properly considered and consulted upon, as was done for other land uses during the preparation of the CS⁷². Instead, the Council gave detailed consideration to only one of the possible spatial options, a single site large enough to accommodate all forecast burial needs for the next 100 years⁷³. It was explained that the requirement for 100 years' provision was a political decision made by the cabinet member responsible.
173. This meant that the process was too narrowly focussed. There was no consideration of whether a more decentralised form of cemetery provision, involving a number of sites, might be more appropriate. By comparing only sites which met the 100-year requirement, any sustainability benefits that might arise from having two or more smaller cemeteries in different parts of the Peterborough administrative area would not have been captured in the site assessment process or the sustainability appraisal. The fact that cemeteries were not identified as a land use in the initial "call for sites" in 2007 may also have prevented other potentially suitable sites from coming forward for assessment.
174. For these reasons I find that the allocation of site SA20.1 was founded on an unjustified assumption – that a single site providing 100 years' capacity was necessarily the best spatial option – and consequently that it has not been demonstrated to be the most appropriate site given the reasonable alternatives. Hence the allocation, to which policy SA20 gives effect, is not justified and is therefore unsound. Accordingly, I recommend its deletion from the DPD (**MM21**).
175. In reaching this conclusion, I do not seek to dictate what form of future cemetery provision (a single site, a number of sites, or some other possible solution) would be most appropriate for Peterborough. A justified answer to this question could only be arrived at after a full and thorough process of consideration of, and consultation on, all the reasonable options. Such a process has not yet occurred. Hence it would also be inappropriate to

⁷² See CD022, para 2.14.5.

⁷³ See CD020, para 4.3.

comment at this stage on the alternative cemetery sites which have been suggested.

176. The question of whether the consultation process on the options for cemetery provision was itself legally compliant was also raised. My view on this is that, within the limited terms of reference which the Council had decided upon, the consultation process itself was compliant with their Statement of Community Involvement. It is most unfortunate that, owing to a clerical error, the response by the landowner of the allocated site was not published until August 2011, but that error was discovered in time for the landowner's representative to appear at the hearing session, and does not invalidate the process. Hence the consultation process was legally compliant in its own limited terms, but that does not overcome the lack of justification provided for the selection and allocation of the cemetery site.
177. The deletion of policy SA20 would not render the DPD out of compliance with the CS or national planning policy, as there is no requirement in either for cemetery provision to be made in the Site Allocations DPD. The Council's revised SA concluded that the deletion would have a neutral effect in terms of sustainability⁷⁴.

Conclusion on Issue 12

178. In accordance with modification MM21, policy SA20, site allocation SA20.1 and paragraph 5.18 should be deleted from the DPD in order to ensure its soundness. These deletions will as a consequence require the deletion of paragraphs 2.12-2.14 from section 2 of the DPD, and the Implementation and Monitoring Table for policy SA20 from section 6.

Issue 13 – Has the DPD clear and effective mechanisms for delivery, implementation and monitoring?

179. Section 6 of the DPD (entitled *Implementation and Monitoring*) sets out, for each DPD policy, the key organisations responsible for the policy's delivery and outlines the means by which the policy will be implemented and the factors upon which its delivery will depend. Delivery indicators and targets, with dates where appropriate, are also identified, along with risks to successful delivery and contingency actions to deal with those risks. Monitoring of policy implementation, including impact on sustainability, is to be carried out through the Council's Annual Monitoring Report. A modification (**MM22**) is needed to expand and clarify one of the contingency actions proposed for policy SA18 (East of England Showground).
180. Section 6 also states that there will be no specific restrictive phasing policies for either the housing or the employment site allocations in the DPD. This statement is consistent with the absence of restrictive phasing for the corresponding CS policies (CS2 and CS3)⁷⁵. Nor does the CS propose specific restrictive phasing for its urban extensions or retail policies (CS5 and CS15). However, for the urban extensions, it recognises that at planning application stage a phasing condition may be attached.

⁷⁴ See CD155, p46.

⁷⁵ See CS Section 7, *Implementation and Monitoring*.

181. The case was made by one respondent for a restrictive phasing policy for the urban extensions that would ensure the delivery of planned district and local centres only in line with identified demand, would take into account existing centres that already offer facilities and services, and would encourage the completion of existing incomplete centres before the commencement of new planned centres. This would particularly apply to the Great Haddon urban extension, for which a district centre and two local centres are proposed. Great Haddon lies to the south of the existing Hampton urban extension which has its own, incomplete district centre.

182. In my view, the need for any such phasing arrangements should be considered in the context of a planning application for the urban extension, as indicated in the CS. It is at that stage that decisions are best taken about the likely impact of a proposed centre on existing centre(s), in the light of circumstances prevailing at the time. This is recognised in policy CS15, which advises that decisions about the scale of new retail provision will take into account, among other things, quantitative need as identified in an up-to-date retail study [*my emphasis*]. Attempting to set specific restrictive phasing policies in this DPD would conflict with the advice in policy EC3.1a of PPS4 that local planning authorities should set flexible policies for their centres which are able to respond to changing economic circumstances.

Conclusion on Issue 13

183. Subject to modification MM22, the DPD has clear and effective mechanisms for implementation and monitoring. There is no need, in order to achieve soundness, for a specific phasing policy for the delivery of planned centres in the urban extensions.

Legal Requirements

184. My examination of the compliance of the DPD with the legal requirements is summarised in the table below. I conclude that the DPD meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme [LDS]	The DPD is identified in the LDS dated January 2010 which sets out an expected adoption date of December 2011. The DPD's content and timing are broadly compliant with the LDS.
Statement of Community Involvement [SCI] and relevant regulations	The SCI was adopted in 2008 and consultation has been compliant with the requirements therein, including the consultation on the Council's post-submission suggested changes and the inspector's proposed changes.
Sustainability Appraisal [SA]	SA has been carried out, including on the Council's post-submission suggested changes and the inspector's proposed changes, and is adequate.
Appropriate Assessment [AA]	The Habitats Regulations AA Screening Report (February 2011) sets out why AA is not necessary.
National Policy	The DPD complies with national policy except where indicated and modifications are recommended.

Regional Strategy [RS]	The DPD is in general conformity with the RS.
Core Strategy [CS]	The DPD complies with the CS except where indicated and modifications are recommended.
Sustainable Community Strategy [SCS]	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The DPD complies with the Act and the Regulations.

Overall Conclusion and Recommendation

185. The DPD has a number of deficiencies in relation to soundness for the reasons set out above, which means that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored under the main issues set out above.

186. The Council has requested that I recommend main modifications to make the DPD sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Peterborough Site Allocations DPD satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in PPS12.

Roger Clews

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

Appendix – Main Modifications

In the tables below, the reference number of each main modification is given in bold, with the previous reference number that was used during consultation in brackets underneath. The page numbers and paragraph numbering refer to the submission DPD, and do not take account of the deletion or addition of text.

Ref No	Page	Policy/ Paragraph	Main Modification
MM1 (SC/28)	36	Policy SA19	In the first bullet point of the policy, delete "established pattern of development (such as creating plots significantly smaller than the average for the Area)" and replace with "character of the area".
MM2 (SC/12)	11	Para 3.7	At the end of the paragraph, insert: "Developers are encouraged to produce the most appropriate design-led solution, taking all national policies and Peterborough LDF policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column headed 'Indicative Number of Dwellings'."
MM3 (SC/14)	12	Policy SA1	In the table in policy SA1, change the site area figure for site SA1.5 Norwood from "76.12" to "79.47". A corresponding change will need to be made to the Proposals Map, as shown in Annex 1 below.
MM4 (SC/29)	34	After para 5.8	Insert a new paragraph after paragraph 5.8, as follows: "Although primarily areas for agriculture and woodland, Green Wedges may, where appropriate, accommodate new woodland planting or open uses such as SuDS, landscaping and open spaces associated with an adjoining allocated site, provided that they do not harm the separation of settlements."
MM5 (SC/30)	12	Para 3.12	In the first sentence of the paragraph, insert the word "residential" before "intensification", and delete the words "(such as retail, housing and leisure)", so that the sentence begins: "The Core Strategy proposes residential intensification in and adjoining the five existing district centres ..."
MM6 (SC/22)	34	Para 5.9	Delete the first four sentences of paragraph 5.9 and replace with the following: "It is recognised by the City Council that the East of England Showground is a unique facility and that its operations cover a variety of land

Ref No	Page	Policy/ Paragraph	Main Modification
			uses. Further development relating to sporting, social, recreational events and other appropriate uses will be acceptable."
MM7 (SC/23)	35	Policy SA18	Delete the entire policy after the title and replace with the following: "Within the East of England Showground, as shown on the Proposals Map, planning permission will be granted for development for sport, leisure, social and other uses which would be appropriate to the existing Showground and which would not impair its continued use for that purpose. Proposals for development should not have an unacceptable adverse impact on the surrounding uses, and all development should ensure that the character of the area is maintained."
MM8 (SC/24)	35	After policy SA18	After policy SA18, insert a new paragraph as follows: "The City Council will work closely with the East of England Agricultural Society to help enable future proposals to be delivered and ensure the future success of the Showground. In this way, the Showground is able to help implement the objectives of Core Strategy policy CS18."
MM9 (SC/16)	23	Policy SA8	Insert a new third bullet point into the list of sites in the policy, as follows: "SA3.30 - Land South of Oundle Road, Alwalton".
MM10 (SC/31)	18	Policy SA3	In the second column of the entry for site SA3.40, delete all the existing text in the box below the site name, and replace with the following: "A coordinated approach is to be taken to the development of this site to ensure that individual applications which come forward are not prejudicial to the delivery of high-quality schemes across the site as a whole, or to the provision of satisfactory access(es) from the public highway."
MM11 (SC/32)	18	After policy SA3	After policy SA3, insert a new paragraph as follows: "Planning permission will only be granted on site SA3.46 and site SA3.47 if it can be ascertained that the development which is proposed will not have an adverse effect on the integrity of the adjacent Orton Pit SAC."
MM12 (SC/35)	19	After para 3.21	After paragraph 3.21, insert a new paragraph as follows: "In bringing forward allocated or windfall sites in Eye and Thorney, it will be important that very

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			careful consideration is given to Core Strategy policies CS12 (Infrastructure) and CS13 (Developer Contributions to Infrastructure Provision), or any superseding policies, in order to ensure that highway, sewerage and/or any other necessary and appropriate infrastructure is provided alongside development. This will include consideration of the infrastructure requirements of not only the site under consideration but also of all other relevant allocations. Following this consideration, and in accordance with Core Strategy policies CS12 and CS13, it is likely there will be a need for the pooling of financial contributions, potentially the phasing of development and potentially the provision of other conditions and/or legal agreement(s) which will ensure the delivery of necessary and appropriate infrastructure."
MM13 (IPC1)	20	Policy SA5	Under the heading "Thorney", delete the entire entry for site SA5.6, "Land off Whittlesey Road, 6.25ha, 130 dwellings". A corresponding change will need to be made to the Proposals Map.
MM14 (IPC4&5)	20	Policy SA5	Under the heading "Eye", insert the following two new site entries: "Land off Crowland Road, 1.13 ha, 25 dwellings"; and "Land south of Thorney Road, 2.62 ha, 50 dwellings". Number these entries and re-number the other site entries as necessary. Corresponding changes will need to be made to the Proposals Map, as shown in Annex 2 below.
MM15 (IPC3)	20	Policy SA5	Under the heading "Thorney", insert the following new site entry: "Land at Woburn Drive, 3.41 ha, 77 dwellings". Number this entry and re-number the other site entries as necessary. A corresponding change will need to be made to the Proposals Map, as shown in Annex 3 below.
MM16 (SC/36)	21	After policy SA6	Immediately after Policy SA6, insert a new paragraph, as follows: "Any planning application for the development of site SA6.10 must be accompanied by a Transport Assessment, including a Residential Travel Plan. Subject to the conclusions of that Assessment, it is likely that the development will require improvements to the existing junction of Townsend Road and the A1 Great North Road, unless improvements or a

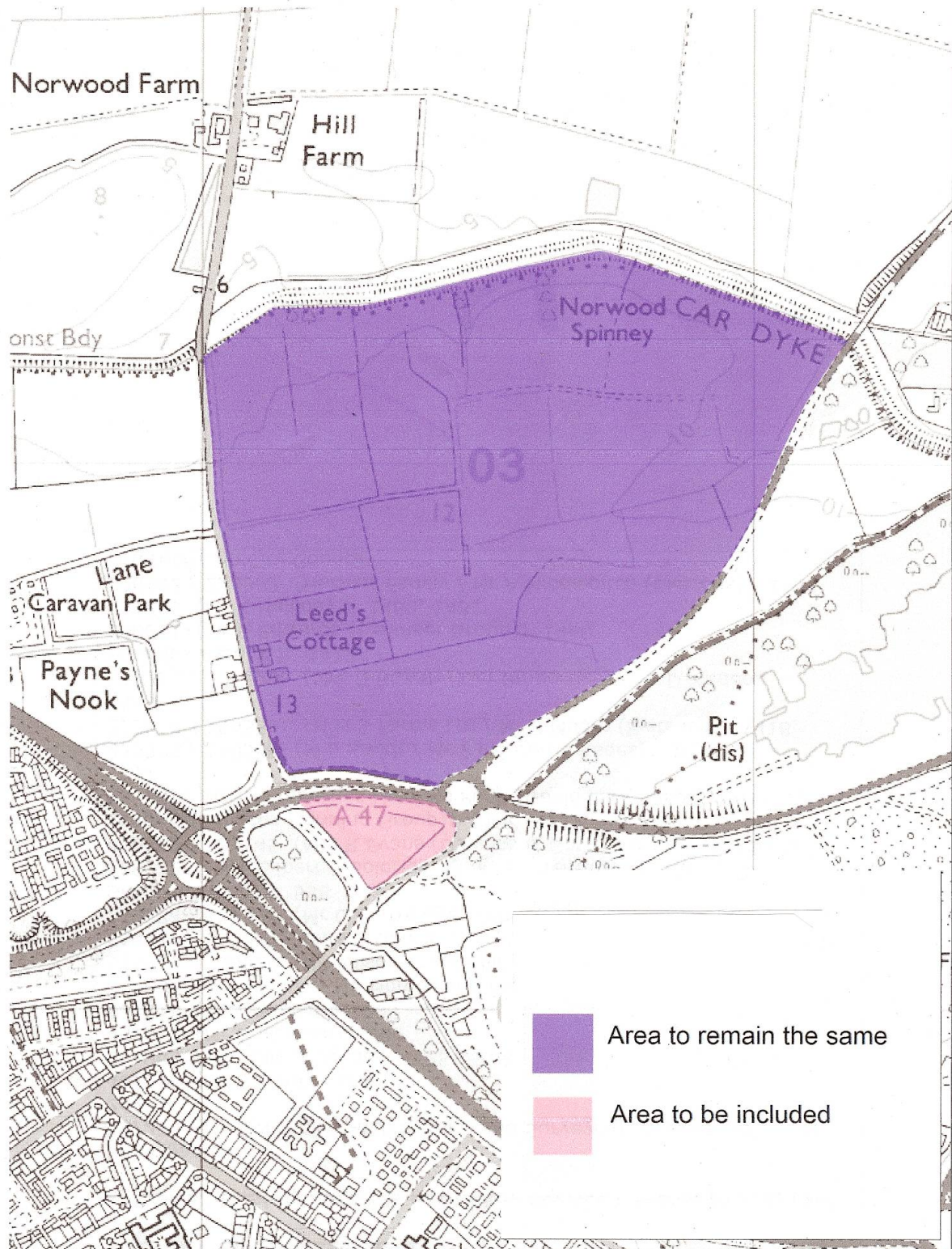
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			<p>replacement grade-separated junction in accordance with policy SA15.4 have already been implemented. Any improvements required to enable the development to proceed will need to be funded by the developer and the works completed before occupation of the first dwelling, in order to comply with Core Strategy policy CS12. It is possible that improvements to the existing junction will not be sufficient to enable all of the development envisaged for this site. In that case a phased development would be necessary, with later phases relying on the prior provision of the grade-separated junction."</p>
<p>MM17 (SC/5, 19, 20 & 39)</p>	<p>31</p>	<p>Policy SA12</p>	<p>In the first sentence of Policy SA12, delete the word "only".</p> <p>Delete the whole of point (3) of the policy and replace with the following: "Historic environment issues, in terms of the impact of development on archaeology within the site boundary and on the setting and condition of nearby heritage assets including Flag Fen."</p> <p>Delete the whole of point (4) of the policy.</p> <p>Delete the final paragraph of the policy and replace with the following: "The Council will require the submission of sufficient information from the applicant to enable it to complete a project-level screening exercise under the Habitats Regulations, and, if that screening concludes that full Appropriate Assessment is needed, sufficient information to enable it to complete that Appropriate Assessment. This process will need to demonstrate that the development will not have an adverse effect on the integrity of the Nene Washes."</p>
<p>MM18 (SC/5 & 38)</p>	<p>31</p>	<p>Para 4.18</p>	<p>Delete the whole of paragraph 4.18 and replace with the following three paragraphs: "The Site Specific Flood Risk Assessment (FRA) will need to demonstrate that the development can be made safe and not adversely affect flood risk elsewhere. This should be achieved through a sequential approach to site layout and the use of appropriate flood risk management and mitigation techniques. As part of the FRA, a surface water drainage strategy will need to have regard to existing flood risk information,</p>

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			<p>and the need to protect ambient ground water levels linked to archaeology.</p> <p>“For point 3 of the policy, a full assessment and evaluation of the impact of development should take place as part of any planning application. It should include archaeological, palaeoenvironmental, hydrological and geo-archaeological analysis, and an assessment of the impact on the setting and condition of Flag Fen. The latter should include suitable monitoring and assessment of ground water levels. The hydrological status of Flag Fen should be assessed to establish a baseline from which to determine the potential impact of development and any mitigation measures.</p> <p>“The allocation lies on land where there are mineral resources that are considered to be of current or future economic importance. Whilst not a policy requirement, the developers of the site should give consideration to the opportunity to utilise the resource on site, possibly in conjunction with any flood risk management and/or water management measures.”</p>
MM19 (SC/37)	27	After para 4.13	<p>After paragraph 4.13, insert three new paragraphs as follows:</p> <p>“The boundaries of the site falling within the administrative area of Peterborough have been identified on the Proposals Map, with a possible additional 33 hectares in the neighbouring district of Fenland. It should be noted, however, that these boundaries represent the maximum extent of a possible Regional Freight Interchange.</p> <p>“As a scheme is designed, it must take account of all the issues listed in Core Strategy Policy CS7 (and any corresponding policy in the Fenland Development Plan). A working group between the relevant local authorities will be set up from the start of any pre-application stage, prior to the submission of a formal planning application. The developer will be encouraged to attend appropriate meetings. The purpose of this working group will be to determine what the authorities regard as appropriate evidence to address all of the specific issues. This will include wider issues relating to the potential impact on the City of Peterborough, Whittlesey</p>

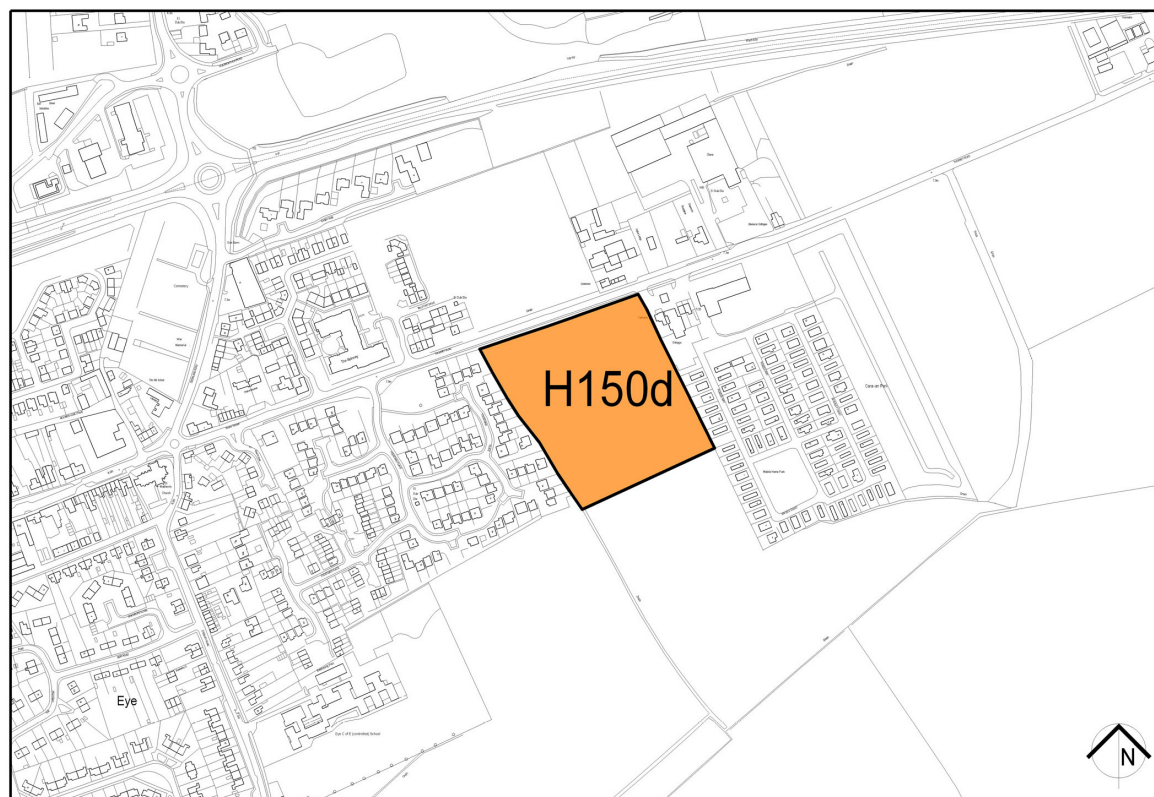
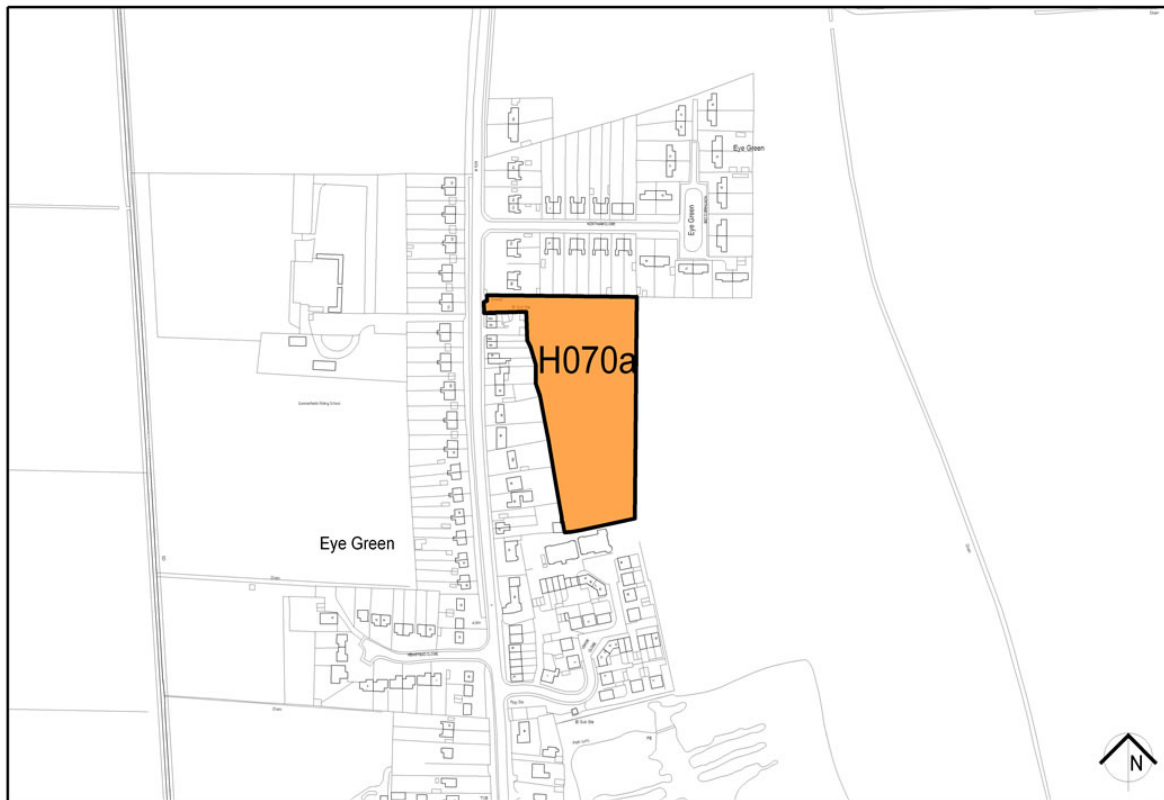
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			<p>and the Kings Dyke area. It is expected that this joint working will be ongoing throughout the pre-application stage and beyond.</p> <p>"It is possible that upon completion of the evidence base the full extent of the allocated site is not appropriate for an Interchange, or that mitigation measures are required in Fenland, to make the development acceptable in, for example, strategic transport terms. The actual detailed Interchange development boundary (i.e. a boundary incorporating the land required for the Interchange itself plus land required to address all the issues such as flood risk, strategic transport and biodiversity) will, therefore, be established through the determination of any planning application or in making comments to Ministers via the Major Infrastructure Planning Unit."</p>
<p>MM20 (SC/15)</p>	<p>22</p>	<p>Para 3.26 and policy SA7</p>	<p>Delete the third sentence of paragraph 3.26 and replace with the following two sentences: "However, there is an identified need for land to be made available for short-term use by Gypsy and Traveller families on a temporary basis whilst transiting through or visiting the area. The Council is committed to meeting this need. In this regard, the Council has safeguarded a parcel of land at Norwood Lane for a fixed permanent transit site until provision is made there or elsewhere, or until the need is addressed through some other appropriate mechanism."</p> <p>Delete the first two sentences of policy SA7 and replace with the following three sentences: "To meet an identified need, the Council is committed to identifying land which will be made available to Gypsy and Traveller families on a temporary basis whilst they are transiting through or visiting the area.</p> <p>"The following site is safeguarded on the Proposals Map as a potential Gypsy and Traveller transit site with the potential to make provision for approximately 10 pitches. However, if an alternative mechanism is implemented which adequately and demonstrably addresses the identified need, or if a permanent, appropriately-sized transit site is provided elsewhere in Peterborough, then the</p>

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			safeguarding applied to the following site is automatically revoked (and a statement confirming such revocation will be placed on the Council's website)."
MM21 (IPC2)	37, 7 & 49	Para 5.18 and policy SA20; Paras 2.12-2.14; Section 6: Implementation and Monitoring Tables	Delete the whole of paragraph 5.18 including its heading "Cemetery Provision". Delete the whole of policy SA20 and site allocation SA20.1 (Land north of A47 and west of Marholm Road, 15ha). Delete the whole of paragraphs 2.12-2.14 and the heading "Cemetery". Delete the whole of the box headed "Cemetery Provision (Policy SA20)" from Section 6: Implementation and Monitoring Tables. A corresponding change will need to be made to the Proposals Map.
MM22 (SC/26)	47	Section 6: Implementation and Monitoring Tables	In the "Contingencies" box of the table for policy SA18 (East of England Showground), at the end of the first sentence insert the following: "by means of a close working arrangement to identify and consider future proposals to achieve positive solutions".

Annex 1 – Change to Norwood Urban Extension boundary

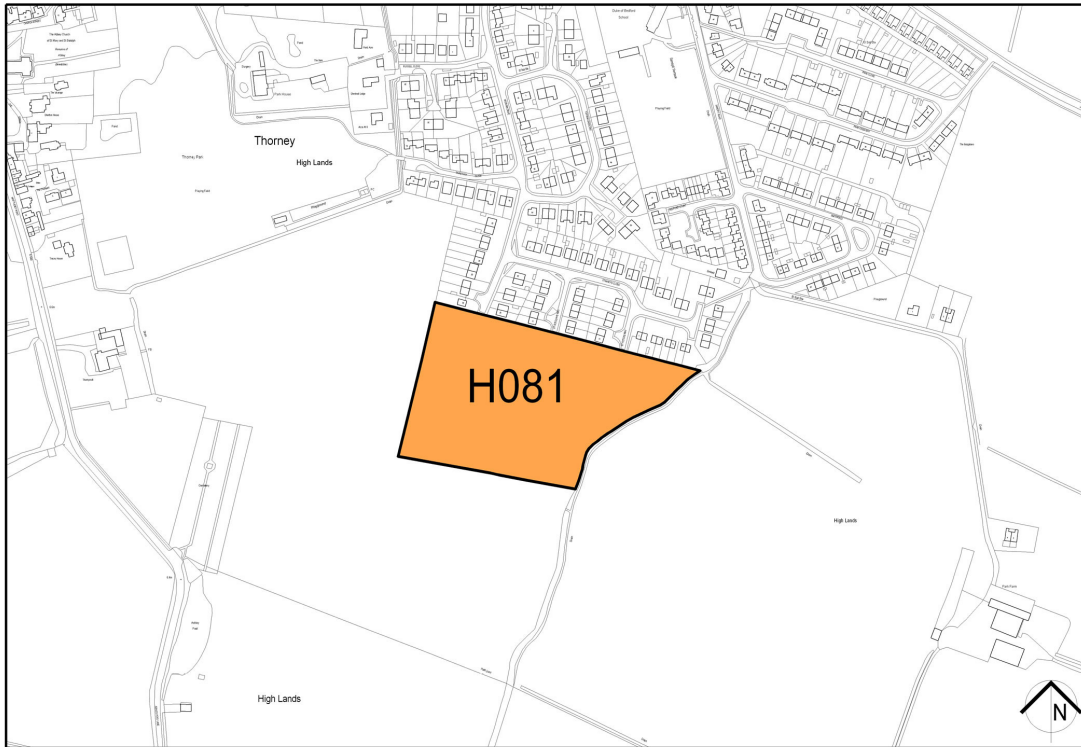


Annex 2 – Additional housing sites to be allocated at Eye



NB: The site reference numbers shown on the drawings are derived from pre-submission versions of the DPD. They will need to be replaced with appropriate reference numbers with the prefix "SA5." when the sites are inserted into the DPD.

Annex 3 – Additional housing site to be allocated at Thorney



NB: The site reference number shown on the drawing is derived from pre-submission versions of the DPD. It will need to be replaced with an appropriate reference number with the prefix "SA5." when the site is inserted into the DPD.