

## INDEPENDENT EXAMINATION OF THE OAKLEY NEIGHBOURHOOD PLAN

EXAMINER: Wendy Burden BA (Hons) DipTP MRTPI

Mrs Ann Paice  
Clerk to Oakley Parish Council

Sonia Gallaher  
Bedford Borough Council

Examination Ref: 02/WB/ONP

27 August 2019

Dear Mrs Paice and Ms Gallaher

### OAKLEY NEIGHBOURHOOD PLAN EXAMINATION

Further to my letter of 20 August 2019, I have identified a number of matters on which clarification from the Qualifying Body (QB) and Bedford Borough Council (BBC) would assist me in my examination of the Oakley Neighbourhood Plan (ONP). May I request the submission of responses to my questions below **within two weeks** of the date of this letter, although an earlier response would be most welcome.

- 1 Can the QB confirm that the boundary of the ONP follows the Parish Council boundary as shown on the map on page 32?
- 2 The final paragraph of page 10 states that “no new organisations or expansions to existing organisations requiring additional parking should be permitted if they require access in or through the village or are likely to increase the volume of traffic within it”. A statement made within the text of the ONP does not have the status of a policy, but nevertheless it provides an indication of the approach to be taken towards certain types of development. In this case, the form of words is over prescriptive.

The National Planning Policy Framework (NPPF) indicates that there are three overarching objectives to sustainable development which include an economic as well as an environmental objective. To make such a prescriptive statement within the text of the ONP would prejudge a development proposal on the basis of just one of the three objectives without taking into account any benefits which might contribute to economic or social objectives. I would therefore welcome the QB’s comments on the following form of words in substitution for this sentence:

“In considering proposals for new organisations or the expansion of existing organisations which require additional parking and access through the village, the impact of the proposal on traffic congestion and parking will be an important consideration to be weighed against any economic or social benefits.”

- 3 It is not clear what is intended by the final paragraph of page 11. Can the QB please explain?
- 4 There are a number of pages within the ONP in which sections of the NPPF are recited. It is not necessary to include extracts from the NPPF within a development plan document since

it is widely available for the public to access. Can the QB provide any reason why these extracts should not be removed? (These include pages 15-16, 21, 26, 32-33, 39-40, 43).

- 5 For the same reason, it is not necessary to include extracts from the Bedford Borough council's development plan documents. Is there any reason why these should not be removed? (These include pages 21-22).
- 6 For completeness, you may wish to note that the NPPF published in February 2019 was subject to a discrete update in June 2019 (see ONP page 16 penultimate paragraph).
- 7 I note that the ONP takes into account the emerging policies of the Bedford Borough Council Local Plan 2030 (BBCLP). Policy 3S indicates that sites should be allocated to accommodate between 25-50 houses in the ONP. Following the hearings sessions in the examination of the BBCLP, the Inspector indicated by letter that Policy 3S should be amended to enable neighbourhood plans to allocate more than 50 houses if local circumstances indicate that this is appropriate. Has the QB considered whether local circumstances in Oakley would be appropriate for the allocation of land to accommodate a higher number of houses? If so, please provide references to evidence which would support the conclusions.
- 8 Policy 3S states that neighbourhood plans will allocate sites for new housing. ONP Policy HG1, which deals with housing growth in Oakley, deals only with new housing which is not on allocated sites. Whilst there is clear reference in the ONP to the two new housing sites, these need to be formally allocated in an ONP policy. It would seem appropriate to incorporate the allocation of the sites proposed for housing in the ONP within Policy HG1. I suggest changes to the Policy to incorporate the allocation of the two sites; to provide more clarity in the wording of the Policy; and to avoid an approach which would be over prescriptive and in conflict with national policy. I would welcome the views of the QB and of BBC on the following amended Policy.

#### **"ONP HG1: Housing Growth in Oakley**

To meet the requirement for new housing within Oakley the following sites are allocated for residential development:

Land at Station Road to accommodate about 30 dwellings (Site 170)

Land to the rear of High Street to accommodate about 10 dwellings (Site 171)

The development of these allocated sites should be carried out in accordance with the Housing Site Design Brief set out in Annex 4.

In addition to the allocated sites, housing development will be supported on sites located within the Settlement Policy Area and where it would not cause harmful impact on the adjoining rural area.

Housing development outside of the settlement policy area will be supported where it meets the following requirements:

- It would comprise infill development within an existing housing row or cluster.
- It would complement the existing housing and not lead to any harmful change to the established character of the locality.

- It would result in existing housing or the proposed housing having adequate garden space to support outdoor seating, drying of clothes, play and other typical garden uses.
- It would avoid the creation of further linear or ribbon development along roads in and around the settlement.

Proposals to bring forward sites as an exception to this policy will be dealt with in accordance with the relevant policies of the Bedford Borough Council.”

9 Reference is made in Policy HG2 to the Government’s March 2015 Technical Housing Standards. In the emerging Local Plan, BBC states (paragraph 10.36) that it has not identified a particular need for the national standard to become a policy requirement in Bedford Borough. Can the QB provide evidence to demonstrate that there is a need for the national standard to be included in the ONP policy?

10 Policy BE1 restricts the ONP to supporting B1 development only on existing business or industrial sites. The reasons given for such a restriction relate to the potential for the generation of heavy traffic. There is no such restriction to B1 development provided in national policy or in the emerging BBSLP Policy 73, which deals with key employment sites. In these circumstances, therefore, the ONP is seeking to impose more onerous requirements in the assessment of employment development than that set out in national and emerging policies. To secure the compliance of Policy BE1 whilst recognising the importance of the highways issues in the consideration of B class proposals I suggest the following form of words on which I would welcome comments from BBC and the QB:

**“ONP BE1: Business**

Employment development (as defined by Use Class B1, B2 and B8 of the General Development Order) will be supported in the following locations:

- Within the Highfield Park, Willow Vale and Station Road business parks.
- Within existing business or industrial sites.

Providing there is no significant harm to the amenities of nearby residents or to local landscape and rural character; and  
Subject to an assessment of the impact of any new employment development on the highway network to demonstrate that the proposals would not result in any unacceptable increase in traffic congestion, noise or vibration and would not cause harm to road safety or the air quality of residents.”

11 National and emerging Local Plan policies encourage the identification of locally important green spaces and valued local landscapes by rural communities. Policy ONP LE1 is headed “Significant Landscape Areas”. It needs to be clear that these landscape areas are of local rather than strategic value, and unless the QB wishes to suggest any other form of words this could be achieved through the insertion of the word “locally” before “significant” in the heading and throughout the text of the policy and subsequent supporting text.

In addition, through the requirement of “must preserve or”, the third paragraph seeks a higher standard of protection than that provided through national policy. This should be

changed to “should contribute to and” to have regard to national policy, unless BBC and the QB have any other suggestions to make.

- 12 With regard to the map on page 30, can it be amended by the QB to identify the locally significant landscape areas (LSLA) listed in the Policy? The LSLAs may need to be listed by number in Policy LE1 with the numbers then identified on the Map. In addition, to what extent do the arrows shown on this map encroach outside the boundaries of the ONP and is there policy justification for all the “Significant Landscape Views”?
- 13 Does the QB rely on Policy AD42 of the Bedford Borough Council Allocations and Designations Local Plan (BBCADLP) to justify the ONP Policy LE3? The only local gap identified for Oakley in the BBCADLP is between Oakley and Clapham. What justification is provided for the application of ONP LE3 to the gaps between Oakley and the villages of Bromham, Stevington and Pavenham?

In addition, the map which accompanies Policy ONP LE3 shows the arrows which represent areas in which coalescence should be resisted to be outside the boundaries of the ONP. The Neighbourhood Plan policies can only be applied within the boundaries. On the eastern half of Oakley, should the gap be limited to the land east of the railway line and west of the A6 which falls within the boundary of the ONP?

- 14 Can the QB provide evidence to support the identification of the three areas to which Policy ONP DH3 is proposed to apply? Would the provisions of Policy 42S in the emerging BBCLP provide adequate protection to non-designated heritage assets?
- 15 BBC and the QB are familiar with the criteria which national policy applies in the identification of Local Green Space (LGS). The NPPF sets out the list of criteria for LGS designation in paragraph 100, which states that LGS designation should only be used where the green space is “demonstrably special to a local community” and is “not an extensive tract of land”. Further detailed guidance for the designation of LGS is set out in Planning Practice Guidance (PPG). In these circumstances, careful consideration is required to ensure that LGS designation is justified.

Having regard to the NPPF and advice in the PPG, Site 7 is a playing field for Linford Academy. The NPPF at paragraph 97 provides protection from development for playing fields and the PPG states that where land is already protected by a designation, consideration should be given to whether any additional local benefit would be gained by designation as LGS. Can the QB provide reasons why the additional protection as LGS is required?

Similarly, Site 8 is subject to a TPO. Why is the additional protection of LGS justified here?

Sites 9 and 10 comprise substantial areas of land. Does the QB wish to provide any further justification for the designation of these areas?

I will visit each of the sites proposed as LGS and may have further questions to raise following my visit.

- 16 Changes to Policy HG1 are suggested to incorporate the allocation of the two residential development sites. With the allocation of the sites within the policy, does the QB consider it necessary to include the section headed "Proposed Development Sites" on pages 50 -51 within the Neighbourhood Plan?
- 17 Page 52 deals with changes to the Settlement Policy Area (SPA). Would the QB consider it appropriate to move the whole page forward and insert either before Policy HG1 or immediately after the HG policies on page 20/21?
- 18 Annex 2 lists Village Assets designated by the ONP. Is there any policy in the ONP or in any other development plan document which supports the designation of Village Assets? If there is no policy justification, can the QB provide a purpose of the list?
- Is it appropriate to include Milford House and the domestic curtilage within Area 3?
- 19 Can the QB confirm if it would be appropriate to include the housing numbers for each of the development sites in Annex 4? In addition, should the briefs include matters such as ecology, surface water, impact on listed buildings, and traffic management measures where these are relevant to each site?

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on both the Parish Council and local authority websites.

Thank you in advance for your assistance.

Your sincerely

*Wendy Burden*

Examiner