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Report on Oakley Neighbourhood Plan 2019-2030

An Examination undertaken for Bedford Borough Council with the support of Oakley Parish Council on the March 2019 submission version of the Plan.

Independent Examiner: Wendy J Burden BA(Hons) DipTP MRTPI

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Intelligent Plans and Examinations (IPE) Ltd, 29 Monmouth Street, Bath BA1 2DL

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Main Findings - Executive Summary

From my examination of the Oakley Neighbourhood Plan (the Plan/ONP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body (QB) – Oakley Parish Council
- The Plan has been prepared for an area properly designated – the Parish of Oakley as shown on the Map on page 3 of the Neighbourhood Plan;
- The Plan specifies the period to which it is to take effect – 2019 - 2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Oakley Neighbourhood Plan 2019-2030

- 1.1 The Neighbourhood Area covers the Parish of Oakley which is located within Bedford Borough Council (BBC) and encompasses the village of Oakley and its rural setting. Some 2,500 people reside within the Parish boundary. The Parish lies within a large loop in the river Great Ouse which forms the northern, western and much of the southern Parish boundaries. The eastern boundary is formed by the main A6 trunk road which separates the village of Oakley from the neighbouring village of Clapham.
- 1.2 The village of Oakley is some four miles north west of Bedford. The village dates back to pre-mediaeval times and is characterised by its historic built environment. Set within the Great Ouse Valley, it lies within an attractive area of rural character with many distinctive features including the river frontage with its permissive walks and ancient woodland.
- 1.3 The Bedford Borough Council Core Strategy and Rural Issues Plan 2008 (CSRI) covers the period to 2021 and is currently under review. The emerging Bedford Borough Local Plan (BBC LP 2030) covers the period to

2030 and is currently the subject of independent examination. Hearing sessions on the BBC LP 2030 were held in May, June and October 2019 and Main Modifications were published in August 2019. The Council is currently awaiting the Inspector's report.

- 1.4 Whilst the Oakley Neighbourhood Plan is required to be in accordance with the statutory development plan, the QB has sought to align the ONP with the policies of the emerging BBC LP 2030 which has reached an advanced stage. This is to ensure that the ONP will support the growth of the village whilst enabling the people of Oakley to shape their surroundings through actively sustainable development.

The Independent Examiner

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the ONP by BBC, with the agreement of Oakley Parish Council (OPC).
- 1.6 I am a chartered town planner and partially retired government Planning Inspector, with more than 40 years of experience in the private and public sectors. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.7 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:

- it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.9 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.10 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for BBC, not including documents relating to excluded minerals and waste development, is currently made up of the following documents which apply to the ONP area:
- Saved Local Plan 2002 (LP 2002) policies
 - The Core Strategy and Rural Issues Plan (CSRI) 2008 (to 2021)
 - The Allocations and Designations Local Plan (ADLP) 2013
- 2.2 The emerging BBC LP 2030 rolls forward the development period beyond 2021 and consultation on main modifications as part of the independent examination of the BBC LP was completed on the 1 October 2019. Most of the policies of the ADLP 2013 are still relevant and are not intended to be replaced by the BBC LP 2030, but the emerging plan is expected to replace most of the policies in the remaining documents.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 and has been subject to further amendment. All references in this report are to the 2019 NPPF and its accompanying PPG.²

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Oakley Neighbourhood Plan 2019-2030, March 2019;
 - the Map on page 3 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, March 2019;
 - the Basic Conditions Statement, March 2019;
 - all the representations that have been made in accordance with the Regulation 16 consultation;

¹ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

² See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

- the Strategic Environmental Assessment Screening Opinion prepared by OPC, February 2019;
- the Oakley Neighbourhood Plan Habitats Regulations Assessment prepared by Bodsey Ecology Limited, January 2019; and
- the request for additional clarification sought in my letter of 27 August 2019 and the responses dated 9 September from BBC and 19 September 2019 from the QB which are available on the Borough Council's website.³

Site Visit

2.5 I visited the Neighbourhood Plan Area unaccompanied by any interested party on the 2-3 September. I carried out a general review of the area in terms of its setting and character in order to familiarise myself with it and visited relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.6 This examination has been dealt with by written representations. There were some requests to be heard in representations received as a result of the Regulation 16 Consultation, and a further request was received by letter dated 4 September. I responded to this request by letter dated 11 September 2019.⁴

2.7 The Regulation 16 consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. I have received further clarification from both BBC and the QB of matters raised in my letter of the 27 August 2019. As a result, in terms of the appropriate level of scrutiny for the ONP, I consider hearing sessions to be unnecessary. I have carried out the examination on the basis of the written submissions.

Modifications

2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

³ View at: <https://www.bedford.gov.uk/planning-and-building/planning-policy-its-purpose/neighbourhood-planning/oakley-neighbourhood-development-plan/>

⁴ View at: <https://www.bedford.gov.uk/planning-and-building/planning-policy-its-purpose/neighbourhood-planning/oakley-neighbourhood-development-plan/>

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Oakley Neighbourhood Plan has been prepared and submitted for examination by OPC, which is the QB for an area that was designated by BBC on 14 November 2013.
- 3.2 It is the only Neighbourhood Plan for Oakley Parish, and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2030.

Neighbourhood Plan Preparation and Consultation

- 3.4 A launch event was held for the preparation of the ONP in October 2014. A website was opened in 2014, and regular updates on the emerging ONP have been provided in the quarterly Oakley Village Newsletter. There followed two questionnaires with updates in the 2015 and 2016 Oakley Directory, together with updates at the Parish Council Annual Meetings in 2016, 2017 and 2018. A Housing Needs Survey was carried out in March 2016, with a consultation exercise on the draft policies in January 2017, followed by a further consultation exercise at the Village Hall in May 2018.
- 3.5 As a result of engagement with the community, the key areas of concern were identified as transport, housing and the preservation of Oakley as a rural community with green spaces for the enjoyment of all. Residents were also consulted on their views as to the landscape features that they considered to be important and five landscape areas were identified.
- 3.6 Having identified the key priorities for residents when considering future developments, an exercise was carried out to identify the location and size of potential housing sites. The consultation exercise in May 2018 focussed primarily on the proposed housing sites.
- 3.7 Local residents, businesses and key stakeholders such as service providers and adjacent parish councils were targeted in the consultation process. Feedback was provided on the outcome of community engagement in the Village Newsletter and on the Village Website and was discussed at Steering Group meetings.
- 3.8 The Regulation 14 pre-submission consultation took place over 6 weeks in September/October 2018. The process was explained in the Village Newsletter, and feedback forms were enclosed with the newsletter which is delivered to every resident of the Village. Access to the draft Plan was available in the village Post Office, Churches, local public house and

available to download from the website. Copies were also available by post from the Parish Clerk.

- 3.9 Issues raised at Regulation 14 stage were considered by the Steering Group and final amendments to the ONP and its policies were made to produce the Submission Version of the ONP.
- 3.10 The Submission Version of the Plan was then the subject of a further round of consultation, as required by Regulation 16 of the 2012 Regulations, which closed on 25 July 2019. This led to 17 responses all of which I have had regard to in preparing this report. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the ONP. Advice in the PPG on plan preparation has been followed and the ONP is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.11 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.12 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.13 No issues have been raised in relation to any potential for a breach of Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to find otherwise.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by OPC, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Opinion, I support this conclusion.
- 4.2 The ONP was further screened for Habitats Regulations Assessment (HRA). This identified the potential for likely significant effects on two European sites, the Ouse Washes Special Area of Conservation/Special Protection Area/Ramsar and Portholme Special Area of Conservation. Appropriate Assessment (AA Stage 2) showed that the policies of the ONP offer protection to the European sites and the HRA concludes that the ONP can proceed as it will not have adverse impacts on any European sites,

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the qualifying features and/or the integrity of those sites itself or in combination with other plans which currently have been adopted.

- 4.3 I have read the HRA and the AA and have no reason to disagree with this conclusion.

Main Issues

- 4.4 I have approached the assessment of compliance of the ONP with the remaining Basic Conditions as two main matters:
- General issues of compliance of the Plan, as a whole; and
 - Specific issues of compliance of the Plan policies.

General Issues of Compliance of the Plan as a whole

Regard to National Policy and Advice

- 4.5 The ONP sets out the background and context to its preparation and provides a broad description of the character and appearance of the Plan area with its attractive village and rural setting. Aspirations for sustainable development for Oakley and the vision and objectives of the ONP are clearly identified. The policy sections then cover five broad areas:
- 1) Housing (HG1 and HG2)
 - 2) Business and employment (BE1 to BE4)
 - 3) Landscape (LE1 to LE3)
 - 4) Design and Heritage (DH1 to DH3)
 - 5) Transport (TR1)
- 4.6 In seeking to make clear its regard to national policy the ONP includes lengthy quotations from the NPPF. Paragraph 16 f) of the NPPF states that plans should avoid the unnecessary duplication of policies which apply to a particular area, including the policies of the NPPF. Whilst I accept that it may be helpful to users of the ONP to refer to the relevant part of the NPPF in the rationale, I consider that it is not necessary to include the lengthy quotations of its content. Therefore, in order to have regard to national policy, I recommend that all quotations of the NPPF be deleted from the ONP (**PM1**).
- 4.7 The ONP refers to the Bedford Borough Council's CSRI at page 21 – 22. To help provide rationale for the text and policy, a reference may be included to the relevant part of the CSRI, but it is not necessary to include the quotation (**PM2**).
- 4.8 Since there have been some updates to the 2019 NPPF since its first publication in February 2019, it would be appropriate to simply refer to the "NPPF 2019" throughout the text to the ONP (**PM3**). There is a lack of

clarity in the final sentence on page 11. The OPC has confirmed the intended meaning of the sentence and I have included that as **PM5**.

- 4.9 The designation of sites as Local Green Space (LGS) through **Policy ONP LE2** is clearly well supported within the local community. However, the NPPF sets a significantly high bar for LGS designation given the list of criteria in paragraph 100 which state that it should only be used where the green space is “demonstrably special to a local community” and is “not an extensive tract of land”. LGS are to be managed in line with Green Belt policy where new development is ruled out “other than in very special circumstances” and the designation is expected to endure beyond the end of the Plan period. Further detailed guidance for the designation of LGS is set out in PPG. In these circumstances, careful consideration is required to ensure that LGS designation is justified.
- 4.10 I consider the designations listed in pages 44 to 49 of the Plan against the policy and guidance set out in NPPF and PPG later in the report. Those which do not meet the criteria in national policy and advice are listed for deletion in **PM11**.

Contributes to the Achievement of Sustainable Development

- 4.11 The approach to sustainable development is set out from page 8 under the heading “Sustainable Development for Oakley”. This recognises the three dimensions of sustainable development and sets out how the goals of economic, social and environmental policy have been taken into account in the preparation of the ONP.
- 4.12 Having regard to the policies of the emerging BBC LP 2030, the ONP has sought to meet requirements for residential and employment land in Oakley. The OPC has undertaken its own housing needs survey, which has also guided the provision made in the ONP.
- 4.13 Two allocations are made for residential development to accommodate some 40 dwellings. This lies within the range of new housing provision identified for Oakley in the BBC LP 2030 Draft Plan for Submission (September 2018). Submitted Policy 3S identifies a level of 25-50 new homes in Oakley.
- 4.14 The ONP accords with paragraph 29 of the NPPF since it does not promote less development than set out in the strategic policies for the area or undermine those strategic policies. When the ONP becomes part of the BBC Development Plan, its policies will take priority over existing relevant non-strategic Development Plan policies should any conflict arise (notwithstanding they may be superseded by strategic or non-strategic policies that are adopted subsequently in the BBC LP 2030, such as, for

example, a requirement for a higher level of residential development for Oakley).

- 4.15 With regard to employment development, there is a reference in the final sentence of the last paragraph on page 10 to the approach to be taken to proposals which require additional parking. 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.
- 4.16 The three overarching objectives to sustainable development include an economic as well as an environmental objective. To make such a prescriptive statement within the text of the ONP would prejudice 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 recommend a modification to the text (**PM6**).
- 4.17 The ONP makes provision for the conservation and enhancement of the natural and built environment. Subject to the detailed comments and modifications which I set out below for individual policies I am satisfied that the Plan makes a positive contribution to the achievement of the economic, social and environmental aspects of sustainable development.

General Conformity with Strategic Policies in the Development Plan

- 4.18 The ONP has been developed with proper regard to the strategic direction and policies of the BBC development plan documents which I identify in paragraph 2.1 above. In addition to these documents, the ONP demonstrates general conformity with the saved policies of the BBC LP 2002 in so far as they apply to Oakley. BBC has been involved throughout the preparation of the ONP, and subject to some minor modifications, is generally supportive of its policies. Subject to some detailed comments and modifications which I make to the Plan's policies below, I am satisfied that the ONP is in general conformity with strategic policies of the Development Plan.
- 4.19 Proposed main modifications to the emerging BBC LP 2030 were published for consultation in August 2019. It is not a statutory requirement for a neighbourhood plan to be in conformity with the policies of an emerging Local Plan⁵, and I make no recommendations to change the ONP in response to those proposed modifications. It is appropriate that the ONP has had regard to the policies and proposals of the emerging BBC LP 2030. This ensures that the ONP is as up to date as possible in its proposals.

⁵ PPG Reference ID: 41-009-20190509.

Specific Issues of Compliance of the Plan Policies

- 4.20 Although the ONP makes very clear reference to the designation of new housing sites for Oakley, the Plan omits to explicitly allocate the sites through a formal ONP policy. It would be appropriate to incorporate the allocation of the sites proposed for housing in the ONP within **Policy ONP HG1** which deals with housing growth in Oakley. I suggest changes to the Policy to incorporate the allocation of the two sites; to provide more clarity in the wording of the Policy⁶; and to avoid an approach which would be over prescriptive and in conflict with national policy (**PM7**).
- 4.21 In terms of the suitability of the proposed sites for designation in the ONP, The OPC has given considerable thought to the identification of appropriate locations for residential development which have been tested through public consultation. Issues relating to highway access, layout and design can be assessed in detail in a future planning application. I am satisfied that the allocations are justified.
- 4.22 The OPC suggests that a site which has recently been granted planning permission should be added to the two allocated sites in the modified policy. However, this is not necessary since the Policy as modified deals specifically with sites allocated in the ONP. The Policy should also refer to the BBC Development Plan since this comprises the statutory policies, which will be largely replaced by the emerging BBC LP 2030 when it is adopted.
- 4.23 In the written ministerial statement of March 2015, it is stated that neighbourhood plans should not be used to apply the new national technical standards⁷. In the emerging Local Plan 2030 as submitted, BBC states (paragraph 10.36) that it has not identified a need for the national standard to become a policy requirement in Bedford Borough. I understand the OPC's desire to provide new dwellings which are fit for purpose in Oakley, but this is not sufficient reason for the requirement in paragraph 3 of **Policy ONP HG2** to be included in the ONP in conflict with national policy. I recommend its deletion (**PM8**).
- 4.24 **Policy ONP BE1** restricts the ONP to supporting B1 development only on existing business or industrial sites. The reasons given for such restrictions relate to the potential for the generation of heavy traffic. There are no such restrictions to B1 development provided in national policy or in the emerging BBC LP 2030 Policy 73, which deals with key

⁶ See PPG Reference ID: 41-041-20140306.

⁷ View at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-03-25/HCWS488/>

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 recommend **PM9**.

- 4.25 **Policies ONP BE2, BE3 and BE4** comply with the Basic Conditions.
- 4.26 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. I recommend the insertion of the word "locally" before "significant" in the heading, throughout the text of the policy and subsequent supporting text, and for the heading and key of the Map on page 30. 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 also requires modification (**PM10**).
- 4.27 Through **PM10** I also recommend some changes to the Map on page 30 which should be reflected in the policy.
- 4.28 In terms of its composition, **Policy ONP LE2** is compliant with the Basic Conditions. However, I have referred earlier in the report to national policy and guidance in regard to the designation of LGS as listed on pages 44 to 49 of the ONP. The NPPF sets a significantly high bar for LGS designation given the list of criteria in paragraph 100 which include the requirement that it should only be used where the green space is "demonstrably special to a local community" and is "not an extensive tract of land". Further advice is set out in PPG Reference ID: 37-005-20140306 to Reference ID: 37-022-20140306.
- 4.29 I understand that the proposed LGS are important to the local community, and that the majority have been identified by local residents for designation. Nevertheless, the available evidence must sufficiently demonstrate why sites accord with NPPF paragraph 100 to distinguish them from other green areas and open spaces which have similar features in order to reach the high bar necessary for LGS designation.
- 4.30 In my letter of 27 August, I sought further comments from the QB in relation to the designation of LGS Sites 7, 8, 9 and 10. Some factual issues have subsequently been raised in relation to the ownership of Site 9. I requested clarification of these factual matters in my letter to the QB and BBC of the 21 October and have taken account of the information supplied to me on 31 October. I set out my proposed changes to the designations in **PM11**.

- 4.31 In relation to Site 7, this is currently in active use as school playing fields and is also used by the Oakley Football Club. Although NPPF paragraph 100 includes “a playing field” as an example of a site which may hold local significance, in this case it forms a part of the Lincroft Academy and is not a community playing field available for general recreation. The playing fields are separated from the main part of the school buildings and Lincroft Academy wishes to reorganise its land parcels to enable the growth and efficient functioning of the school. In addition, Oakley Football Club has indicated that it is looking for flexibility in case a better site should come forward for the Club’s use. The designation of the site as LGS would limit the future options for the school in that reorganisation.
- 4.32 The NPPF at paragraph 97 provides protection to sports and recreational buildings and land and lists the criteria against which any proposal for development must be judged. I note the QB comments that the site should be maintained as rural in character in the event that the playing fields are relocated. However, care is required to ensure that LGS policies are not misused. Whilst it is a consequence of the successful designation of a site as LGS that it would be protected from future development (other than in very special circumstances), that should not be the primary reason for seeking the designation.
- 4.33 In my opinion, the reasons put forward by the QB are not sufficient to justify the designation of Site 7 as LGS. The site is subject to the protection provided by the NPPF and any proposal for its change of use or redevelopment would fall to be assessed against the criteria in paragraph 97. I consider that there is insufficient justification to impose an additional layer of protection and limit the flexibility of the Lincroft Academy in terms of the future uses of the site.
- 4.34 Site 8 is an area of woodland which abuts Westfield Road. Whilst it forms an attractive feature alongside the road, it has no feature of such importance that it would meet the high bar necessary for LGS designation. Furthermore, the woodland is subject to a Tree Preservation Order which provides a certain level of protection from change. I consider that there is not sufficient justification for the site to benefit from the additional layer of protection which would be provided by LGS designation.
- 4.35 Open spaces will be used by local communities for informal recreational uses including dog walking and relaxation. However, these are inevitably commonplace activities, in particular within the rural areas around towns and villages. Sites may also contain varying levels of wildlife, beauty and tranquillity. Nevertheless, the available evidence must sufficiently demonstrate why sites are of ‘particular local significance’ to distinguish them from other green areas and open spaces which have similar features in order to reach the high bar necessary for LGS designation.

- 4.36 The major part of Site 9 comprises a large arable field which is crossed by a public right of way (PROW). To the south of the arable field is an attractive riverside area under lease to the OPC where permissive access is available for the public to enjoy. Site 9 is some 8.3ha in area. Within the area of the arable field, a strip of land along the rear of houses fronting Church Road, and north of the riverside area, is included in the ADLP as Village Open Space (VOS) I. This strip of land lies outside the Settlement Policy Area (SPA) and provides views into the village from surrounding open countryside. I understand the importance of the rural character of the arable field to the local community but consider that this in itself is not sufficient to justify the designation of the whole of the large arable field as LGS. The PROW across the field from the village is protected in any event and does not require an LGS designation for it to be safeguarded.⁸ There are views across the field towards important local and historic features, but any proposals which would interfere with these views from the surrounding countryside would need to be assessed on their individual merits.
- 4.37 The riverside area lies to the west of the Grade 1 Oakley Bridge and is included in the ADLP as VOS M1. It also includes part of LGS5. This area of land is largely managed by OPC and is accessible to the public. It provides an opportunity for the peaceful enjoyment of a particularly attractive riverside location for the local community and therefore qualifies as being of such local significance as to justify its designation as LGS. In view of the relationship between this part of LGS9 and LGS5, I recommend a modification to delete LGS9, then add to LGS5 the whole of that area which is currently shown as VOS M1 on the ADLP.
- 4.38 The most extensive of the proposals for LGS is Site 10. This was created in 2000 as an extension of the Browns Wood Local Nature Reserve. It forms part of a network of footpaths used by people from the surrounding villages and from further afield. Millennium Wood is clearly valued by the local and wider community and has a specific function for recreation and the encouragement of wildlife. However, whether or not it meets the Natural England standard of being 1000m walking distance from Oakley, it is clearly not local in character, being substantial in size and separated from the village by open countryside as well as the railway line and the A6 trunk road. As a result, I consider that the designation of Site 10 is not justified.
- 4.39 Having regard to this evidence and what I saw on my site visit, I am satisfied that Sites 1 - 6 and that part of Site 9 which adjoins the River Ouse (to be subsumed within LGS5) are local in character, but not extensive tracts of land, are demonstrably special and in close proximity

⁸ PPG Reference ID: 37-018-20140306.

to the community they serve. They should therefore be designated as LGS.

- 4.40 **Policy ONP LE3** seeks to prevent the coalescence of Oakley with neighbouring villages and is supported by a map on page 32. The identification of local gaps is supported by Policy AD42 in the ADLP, but the only local gap identified on the ADLP policies map is between Oakley and Clapham. The large arrows shown on the supporting map to represent the locations where the open landscape is to be protected are not confined within the boundary of the Neighbourhood Plan Area, and include areas between Oakley and Bromham, Stevington and Pavenham as well as the gap between Oakley and Clapham.
- 4.41 The ADLP states at paragraph 15.22 that the gap between Oakley and Clapham is less than 800m and requires additional protection to prevent coalescence and to preserve the separate character and identity of both villages. This provides adequate justification for the protection sought in the ONP. However, the possibility of future proposals for development on the Oakley side of Bromham, Stevington and Pavenham does not in itself provide justification for the designation of additional areas for the prevention of coalescence between these villages. Furthermore, there is no basis on which the ONP may put forward such proposals on land which falls outside the ONP boundary.⁹ I make changes to the policy and the map in **PM12**.
- 4.42 **Policies ONP DH1** and **ONP DH2** meet the basic conditions.
- 4.43 **Policy ONP DH3** identifies and seeks to protect non-designated local heritage and its setting. NPPF Paragraph 197 sets out the approach to be taken to applications that directly or indirectly affect non-designated heritage assets. However, **Policy ONP DH3** requires new development to preserve or enhance the architectural or historic character of non-designated heritage assets without taking account of the significance of the asset. The ONP is seeking to impose more onerous requirements in the assessment of development that affects a non-designated heritage asset than that set out in national policy without any clear justification. I recommend changes to the Policy in **PM13**. The modification retains the list of valued local heritage assets in the Policy. However, it is not necessary to set out the criteria through which any proposals for development might be assessed since this is provided in the relevant parts of the NPPF.
- 4.44 **Policy TR1** meets the Basic Conditions.

⁹ See the Section 38A(2) of the Planning and Compulsory Purchase Act 2004 (as amended).

- 4.45 Although I raised questions in my August letter concerning the section headed "Proposed Development Sites" and page 52 which deals with the Settlement Policy Area (in order to gain a better understanding of the context), these do not raise issues of compliance with the Basic Conditions. Therefore, I make no further comment.
- 4.46 The ONP includes Annexes 1 – 4 which do not form part of the policies or associated explanatory text. I have had regard to the contents of the Annexes. They raise no issues of compliance with the Basic Conditions and therefore I make no comment on their contents. Nevertheless, the QB may wish to consider whether any revisions are required in consequence of the modifications to the ONP which I have recommended. The QB may also wish to check the ONP for typing errors.
- 4.47 With the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, I consider that the Oakley Neighbourhood Plan meets the Basic Conditions for neighbourhood plans.

5. Conclusions

Summary

- 5.1 The Oakley Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates.
- 5.4 The Oakley Neighbourhood Plan, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.5 The production of the ONP has undoubtedly required a high level of commitment and hard work by a group of volunteers from the local community. I commend the Parish Council and the Neighbourhood Plan Steering Group for producing a Neighbourhood Plan which seeks to fulfil the wishes and aspirations of their local community whilst recognising the requirements of national and local plan policy. With the modifications appended to my report, the ONP should provide an effective Plan for the management of the future planning of Oakley.

Wendy J Burden

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Pages: 15-16, 21, 26, 32-33, 39-40, 43	Delete all quotations of the NPPF. Replace with a reference to the relevant paragraph number of the NPPF.
PM2	Pages 21-22	Delete the quotation from BBC's CSRI, and replace "states" in the preceding paragraph by "are relevant".
PM3	All references to the NPPF	Refer to "NPPF 2019".
No PM4		
PM5	Page 11	Delete final sentence on page 11. Insert: "The Parish Council will look very closely at any proposed developments in the village and the impact on the sewerage capacity."
PM6	Page 10	Delete: "For that reason, no new organisations or expansions to existing organisations requiring additional parking should be permitted if they require access in and out of the village or are likely to increase the volume of traffic within it." Insert: "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."
PM7	Page 20 Policy HG1	Delete Policy HG1 from " This policy— ". Replace as follows: To help meet the requirement for new housing within Oakley the following sites are allocated for residential

		<p>development:</p> <ul style="list-style-type: none"> • 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) <p>Planning applications for the development of these allocated sites should have regard to 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.</p> <p>Housing development outside of the Settlement Policy Area will be supported where it meets all the following requirements:</p> <ul style="list-style-type: none"> • 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; and • It would avoid the creation of further linear or ribbon development along roads in and around the settlement. <p>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 Development Plan.</p>
PM8	Page 20	Delete paragraph 3.

	Policy HG2	
PM9	Page 23 Policy BE1	<p>Delete Policy BE1 from "Business (B1)-".</p> <p>Insert:</p> <p>Employment development (as defined by Use Class B1, B2 and B8 of the General Development Order) will be supported in the following locations:</p> <ul style="list-style-type: none"> • Within the Highfield Park, Willow Vale and Station Road business parks. • Within existing business or industrial sites. <p>Providing there is no significant harm to the amenities of nearby residents or to local landscape and rural character; and</p> <p>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."</p>
PM10	Page 29-30 Policy ONP LE1 and Map page 30	<p>Insert "locally" before "significant" in the heading, the policy wording, the supporting text and the key and title of the Map.</p> <p>In the third paragraph delete "must preserve".</p> <p>Insert "should contribute to".</p> <p>List the locally significant landscape areas in the policy by number then identify each numbered area on the Map page 30, and ensure any arrows indicating locally significant landscape views are within the boundary of the NP.</p>
PM11	Pages 43-49	<p>Amend the NPPF paragraph reference on page 43 from 77 to 100.</p> <p>Delete Sites 7, 8, 9 and 10 from the list of</p>

	Plan page 44	<p>LGS designations.</p> <p>Modify Site 5 by extending the area designated as LGS to that shown as Village Open Space M1 on the Bedford Borough Council ADLP.</p> <p>Amend the map on page 44 to reflect the deletions of LGS 7, 8, 9 and 10 and the change to LGS5.</p>
PM12	<p>Pages 31-32</p> <p>Policy ONP LE3</p> <p>Text page 31</p> <p>Map page 32</p>	<p>Policy ONP LE3</p> <p>Delete after "and" and insert "the village of Clapham".</p> <p>Amend the last paragraph on page 31 as follows:</p> <p>Delete "s" from landscapes in the first line.</p> <p>After "Clapham" delete ", Bromham, Stevington and Pavenham".</p> <p>After "Oakley Village and", delete "the other nearby villages", and insert "the Village of Clapham".</p> <p>Delete the arrows from the map on page 32. Insert one arrow to the east of Oakley within the ONP boundary.</p>
PM13	<p>Page 38</p> <p>Policy ONP DH3</p>	<p>Delete the first paragraph of Policy ONP DH3. Replace with: "The following are designated as local non-designated heritage assets:".</p>