

PART B – please include a separate form for each comment.

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|--|
| Paragraph Number | | Policy Reference: | |
|------------------|--|-------------------|--|

**Do you support, oppose, or wish to comment on this paragraph?
(Please select one answer)**

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

No specific objections or support for the plan itself. However, we believe a number of drawings should be updated/tweaked to ensure clarity when applying proposed policies.

- Drawing on page 30 to demonstrate Local Gap and Significant landscape views. The arrow for the Local Gap to the east of Oakley crosses over into Clapham Parish. The arrow should be adjusted so that it remains solely in Oakley Parish to prevent confusion when applying the policy in practice.
- Drawing on page 32 to support Policy ONP LE3 should be updated. The arrows outside of the parish boundary suggest that this policy should be applied outside of the parish itself. The Neighborhood Development Plan can only be applied within the Parish itself and therefore the arrows need to be adjusted to remain within the parish boundary itself. On the eastern half of Oakley, it would be logical for the gap to be limited to the land east of the railway line and west of the A6. This provides the logical and defensible boundary.

Please set out what change(s) you consider necessary to make the Plan able to proceed, related to the objection you have raised. You should say why this change will enable the Plan to proceed. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet if necessary).

As noted above the drawings should be updated so that the principles of the policies which they support can be accurately and robustly translated and applied. The proposed amendments above would ensure that the policies clearly relate to land within the Neighborhood Development Plan area only.

PART C

The majority of examinations are expected to be through written representations. Should the Examiner decide there is a need for an oral examination (hearing), please state below whether you would like to participate.

**If an oral examination is necessary would you like to participate?
(please select one answer)**

No, I do not wish to participate at an oral examination X

Yes, I wish to participate at an oral examination

Please note the Examiner will determine whether an oral examination is necessary.

If an oral examination is required, please outline why you consider that your participation is necessary: (Continue on a separate sheet if necessary)

| |
|-----|
| N/A |
|-----|

If you would like to be notified of Bedford Borough Council's decision to 'make' the Plan under Regulation 19 (to bring it into legal force), please tick the box below.

Please notify me X

[REDACTED]

From: [REDACTED]
Sent: 12 June 2019 14:09
To: planning for the future
Cc: [REDACTED]
Subject: FW: Carlton and Chellington Neighbourhood Development Plan and Oakley Neighbourhood Development Plan

Thank you for consulting Transport for London (TfL). I can confirm that we have no comments to make on the Neighbourhood Development Plans referred to below

Best wishes

[REDACTED]

A: 9th Floor, 5 Endeavour Square, E20, Westfield Avenue, E20 1JN

I work part time and so there may be a short delay in responding to emails

We have recently made changes to our pre-application service and charges, and introduced a new Initial Screening process. For more information please visit: <https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications/pre-application-services>

From: Planning Policy [mailto:Planning.Policy@bedford.gov.uk]

Sent: 12 June 2019 11:31

To: [REDACTED]

Subject: Carlton and Chellington Neighbourhood Development Plan and Oakley Neighbourhood Development Plan

Carlton and Chellington Neighbourhood Development Plan Oakley Neighbourhood Development Plan

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Carlton and Chellington Parish Council and Oakley Parish Council have submitted their Neighbourhood Development Plans to Bedford Borough Council. In accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, Bedford Borough Council is inviting representations on the Carlton and Chellington Neighbourhood Development Plan and the Oakley Neighbourhood Development Plan for a period of 6 weeks.

The submission plans and supporting documents are available to view on the Council's website at: www.bedford.gov.uk/neighbourhoodplanning. Paper copies of the documents are also available for inspection during normal opening hours at the following locations:

- Bedford Central Library, Harpur Street, Bedford, MK40 1PG
- Bedford Borough Customer Service Centre, Horne Lane, Bedford, MK40 1RA

Representations must be made in writing (preferably using the consultation form provided on the website) and can be:

- emailed to: planningforthefuture@bedford.gov.uk; or

PART B – please include a separate form for each comment.

To which part of the document does your representation relate?

| | | | |
|--------------------------------------|--|------------------------------|--|
| Paragraph Number Annex 4 pp.57-58 | | Policy Reference: ONP TR1 | |
|--------------------------------------|--|------------------------------|--|

**Do you support, oppose, or wish to comment on this paragraph?
(Please select one answer)**

Oppose

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

The reason that I oppose the housing developments on Site 171(northern end of Station Road/Reynes Drive) is that the traffic volumes will increase which will be particularly noticeable with the narrow streets in the village.In addition the site will not protect the land north of Oakley Junction for a railway development,which should also be mentioned under the section for Transport(Policy Ref: ONP TR1 pp,39-42)

The railway development involved is the re-opening of the old Bedford-Northampton railway which had closed in the 1960s and much of the old track-bed survives.There should be provision for a flyover off the slow lines of the Midland Main Line to curve round onto old trackbed and enough land north of Bromham/south of Oakley River Great Ouse trajectory to ensure can be done.In addition a new station should be built to the north of Lower Farm Road which links Oakley with Bromham.The trains intended to serve that station would be the revived services between Bedford and Northampton which could be incorporated into the present Thameslink network and East-West Rail services from Cambridge when the latter comes on stream.

Please set out what change(s) you consider necessary to make the Plan able to proceed, related to the objection you have raised. You should say why this change will enable the Plan to proceed. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet if necessary).

PART C

The majority of examinations are expected to be through written representations. Should the Examiner decide there is a need for an oral examination (hearing), please state below whether you would like to participate.

**If an oral examination is necessary would you like to participate?
(please select one answer)**

No, I do not wish to participate at an oral examination **X**

Yes, I wish to participate at an oral examination

Please note the Examiner will determine whether an oral examination is necessary.

If an oral examination is required, please outline why you consider that your participation is necessary: (Continue on a separate sheet if necessary)

If you would like to be notified of Bedford Borough Council's decision to 'make' the Plan under Regulation 19 (to bring it into legal force), please tick the box below.

Please notify me /

PART B – please include a separate form for each comment.

To which part of the document does your representation relate?

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| Paragraph Number | | Policy Reference: | |
|------------------|--|-------------------|--|

**Do you support, oppose, or wish to comment on this paragraph?
(Please select one answer)**

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

I am a local resident who is concerned about the development proposals off the rear of the High Street to include site 171 (although the number reference appears to have been mixed up with the other site 170 in Oakley). For the avoidance of doubt, my comments refer to the land opposite the Bedford Arms always referred to as site 171 in the Oakley NDP.

In the relatively short space of time last Autumn, a small group of concerned residents raised awareness amongst locals and managed to obtain 67 objections to the development of site 171. These objections were forwarded on to the NDP committee and Oakley Parrish Council. As a result of this, the number of proposed dwellings was reduced from 20 to approximately 10. Whilst I am pleased that there has been a slight reduction, I still feel that many aspects of the proposals have not been correctly thought through.

I summarise my main areas of concern as follows:

1. The safety of the proposed highways access point on the High Street. I am aware of several recent applications which have been refused by the local authority on the grounds of highways access and adding additional traffic on to the road network.
2. The impact on the ecology of a prime piece of pastoral land in Oakley village. There is a wide variety of wildlife that inhabit the land, many of which are rare or protected species.
3. Increased traffic congestion on the High Street on what is already a very narrow section of road on a busy corner. There is already issues with busses passing this part of the village and the proposed development will only increase the traffic and make matters worse.
4. The significant loss of privacy, amenity and quality of life for residents of properties neighbouring the proposed development and its proposed access.
5. The lack of protection from further development and no physical barrier exists to restrict development from spreading north.
6. Genuine concerns regarding the design and discharge of surface water and the impact of further properties on the aging public foul sewer.
7. The proximity of the new access in relation to the listed building of The Bedford Arms. I am aware of several recent applications where the conservation officer has made strong references to developments to neighbouring properties and the impact on the listed building. How will a new access of substantial area and construction located directly opposite the listed building be treated?

Please set out what change(s) you consider necessary to make the Plan able to proceed, related to the objection you have raised. You should say why this change will enable the Plan to proceed. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet if necessary).

I acknowledge that more houses are needed in the village however feel that the Station Road site provides more space, better links to local infrastructure and is generally better suited for meeting the additional housing needs.

I believe that still including 10 dwellings at site 171 ignores many of the important points developed by the NDP committee in producing the various policies presented throughout the consultation process and also ignores the considerable amount of feedback received in Autumn 2018.

PART C

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**If an oral examination is necessary would you like to participate?
(please select one answer)**

No, I do not wish to participate at an oral examination

Yes, I wish to participate at an oral examination

Please note the Examiner will determine whether an oral examination is necessary.

If an oral examination is required, please outline why you consider that your participation is necessary: (Continue on a separate sheet if necessary)

If you would like to be notified of Bedford Borough Council's decision to 'make' the Plan under Regulation 19 (to bring it into legal force), please tick the box below.

Please notify me YES PLEASE NOTIFY ME

Planning Policy Team
Bedford Borough Council
Borough Hall
Cauldwell Street
Bedford
MK42 9AP



Sent by email to:
planningforthefuture@bedford.gov.uk

18 July 2019

Dear Sir / Madam

**Oakley Neighbourhood Plan Consultation
SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.

About National Grid

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales and National Grid Electricity System Operator (NGESO) operates the electricity transmission network across the UK. The energy is then distributed to the eight electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid previously owned part of the gas distribution system known as 'National Grid Gas Distribution limited (NGGDL). Since May 2018, NGGDL is now a separate entity called 'Cadent Gas'.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect National Grid's assets.

Specific Comments

An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that it has **no record** of such apparatus within the Neighbourhood Plan area.



Electricity Distribution

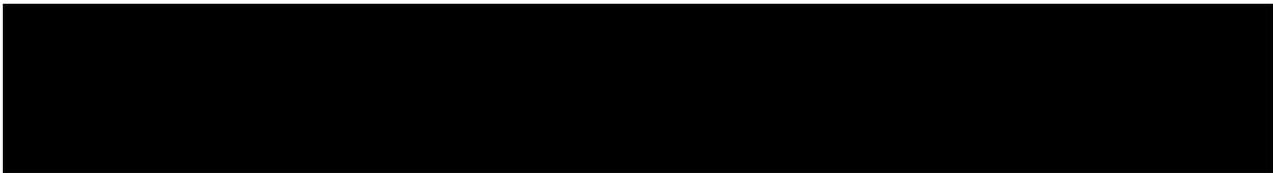
The electricity distribution operator in Bedford Borough Council is UK Power Networks. Information regarding the transmission and distribution network can be found at: www.energynetworks.org.uk

Appendices - National Grid Assets

Please find attached in:

- Appendix 1 provides a map of the National Grid network across the UK.

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database.



Wood E&I Solutions UK Ltd
Nicholls House
Homer Close
Leamington Spa
Warwickshire
CV34 6TT

National Grid House
Warwick Technology Park
Gallows Hill
Warwick
Warwickshire
CV34 6DA

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

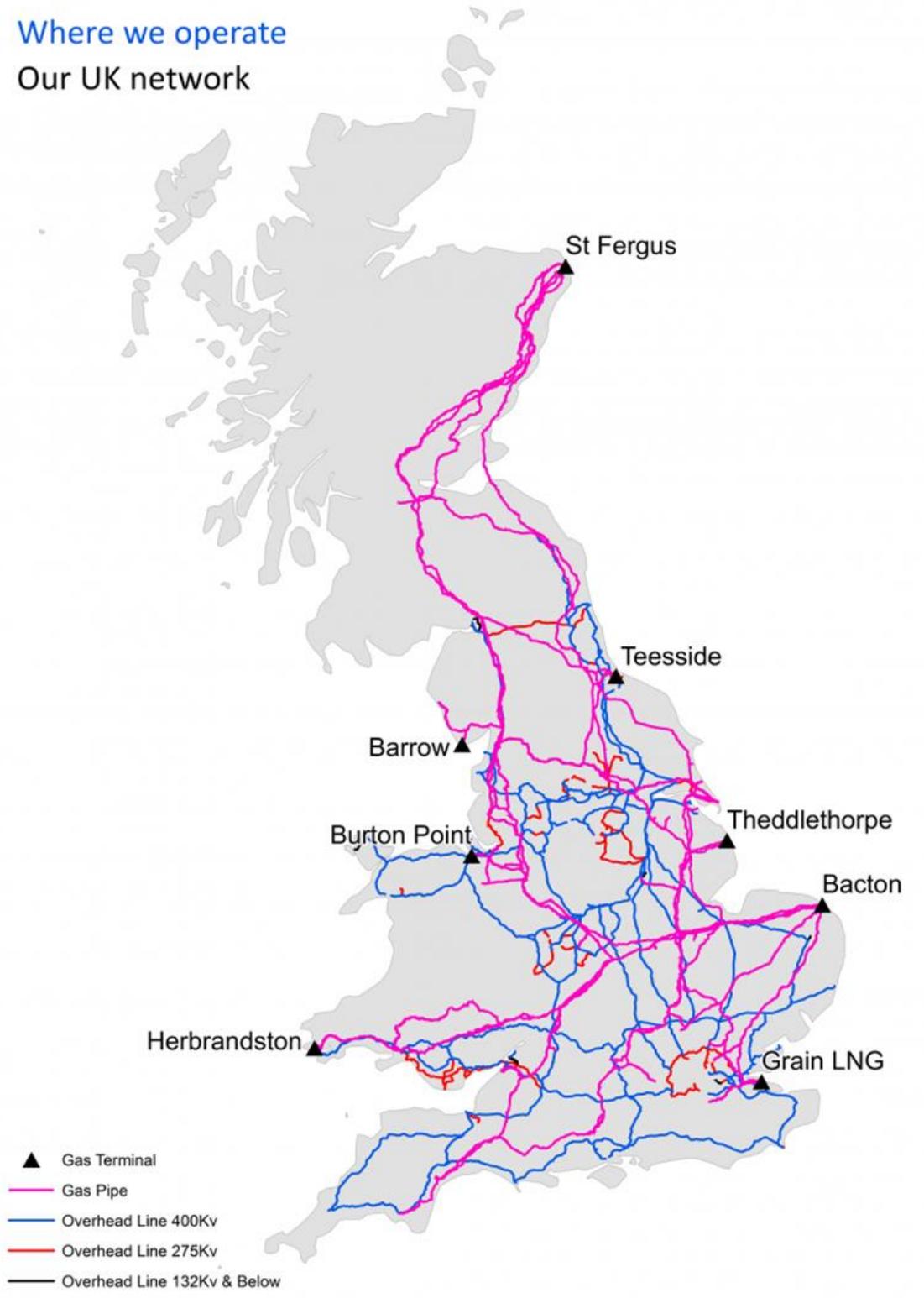
Yours faithfully

[via email]



APPENDIX 1: NATIONAL GRID'S UK NETWORK

Where we operate
Our UK network



The Planning Dept
Bedford Borough Council

Dear Sirs

Oakley Neighbourhood Plan **SITE 171**

I strongly believe site 171 to be inappropriate.

I have now been involved with Speedwatch for a year and I am frankly staggered by the amount of traffic through the village already. Clearly we have to control the speed of the existing traffic from current housing but equally we have to be very careful where we place new housing to avoid creating new danger spots or increasing the danger at places where the risks are already high.

I now consider the road near the Bedford Arms and the junction of the High Street and Church Lane to be such a spot.

I have previously made representations to the Parish Council on speeding vehicles entering Westfield Road from both the High Street and Church Lane and the difficulty we and my immediate neighbours have on exiting our drives especially on foot when my young grandchildren are with us. The problem has been exacerbated in the last few years by the increase in "white van men" making deliveries.

As well as the narrowness of the road near the Bedford Arms and the junction, vehicles use the small island at the end of Westfield Road to do U-turns. New housing nearby will increase cars and inevitably more deliveries who will find a need to use this "facility".

Buses already have difficulty in making the turn from the High Street into Church Lane and cannot do so if there is any traffic coming from Church Lane. They are forced to wait and cause holdups for traffic behind. Any traffic from new housing on site 171 will experience this problem regularly. The exit will also have a limited view of traffic from Church Lane and a narrow road to exit onto.

I have heard the reasons why the the Parish Council proposed limiting the number of new homes on site 170 and utilising the land at site 170. . However I think in this world of difficult choices that sometimes the least worst option has to be selected. In my opinion and increasing the number of homes at site 170 to the fifty required by the Borough Council's directive would at least put traffic onto a wider road with easier access to exits from the village and shorter routes in to this housing for "white van men" doing deliveries. Still not an ideal solution but probably the least worst.

Yours faithfully







Representation Form for Oakley Neighbourhood Plan
The Neighbourhood Planning (General) Regulations 2012 (as amended)
Regulation 16 Consultation

Oakley Parish Council as the 'qualifying body' has prepared a Neighbourhood Plan (the Plan) for its Parish with the help of the local community. The Plan sets out objectives for the future of the Parish and contains planning policies to guide the development and use of land in Oakley Parish. Following submission to Bedford Borough Council, the Plan is now subject to a six week public consultation. Once the consultation has closed, the Plan will be submitted for independent examination and a local referendum. If successful, the Oakley Neighbourhood Plan will be 'made' (brought into legal force) and will then form part of the Bedford Borough Council Development Plan and be used in the determination of planning applications relating to land in Oakley Parish.

Copies of the Oakley Neighbourhood Plan and supporting documents are available to view on the Council's website:

www.bedford.gov.uk

Hard copies are also available for inspection during normal opening hours at the following locations:

- Bedford Central Library, Harpur Street, Bedford, MK40 1PG
- Bedford Borough Customer Service Centre, Home Lane, Bedford, MK40 1RA

The consultation period is six weeks from: **12 June to 25 July 2019**

There are a number of ways to make your comments:

Complete this form and email it to: planningforthefuture@bedford.gov.uk

Print this form and post it to: Planning Policy Team, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP. This is not a freepost address; please use a stamp.

All comments will be publicly available. Please note that personal information provided will be processed by Bedford Borough Council in line with the Data Protection Act 2018.

How to use this form

Please use this form to submit your comments on the Oakley Neighbourhood Plan. Please remember that the Examiner is only testing whether the Plan meets the 'Basic Conditions' and other relevant legal requirements set out in the Localism Act 2011. The basic conditions are as follows:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan,
- the making of the neighbourhood plan contributes to the achievement of sustainable development,
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Further information on the 'Basic Conditions' can be found in the National Planning Practice Guidance here:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

Please note that your representation should succinctly cover all the information, evidence and supporting information necessary to support/justify your representation and any suggested changes, as there will not normally be a subsequent opportunity to make further representations. All representations received will be sent to the Examiner for his/her consideration as part of the examination. After this stage, further submissions will be only at the request of the Examiner, based on the matters and issues he/she identifies through the examination.

Please complete Part A in full, in order for your representation to be taken into account at the Neighbourhood Plan Examination.

Please complete Part B, identifying which paragraph your comment relates to by completing the appropriate box. Please include a separate form for each comment.

Please complete Part C, stating whether you would like to participate at an oral examination if one is held and if you would like to be notified if the Plan gets 'made'.

All comments must be received by 5pm on 25 July 2019.

PART A

| Your Details | |
|-------------------------------------|--|
| Full Name | |
| Address | |
| Postcode | |
| Telephone | |
| Email | |
| Organisation (if applicable) | |
| Position (if applicable) | |

PART B – please include a separate form for each comment.

To which part of the document does your representation relate?

| | | |
|-----------------------------|----------------|---|
| Paragraph Number Annex 2 | Map of Village | Policy Reference: 3. Area of Oakley House and The Drive |
|-----------------------------|----------------|---|

**Do you support, oppose, or wish to comment on this paragraph?
(Please select one answer)**

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

An objection is made to the inclusion of Milford House as part of No. 3 Area of Oakley House and The Drive as contained within Annex 2 – List of Village Assets Designated by Oakley Neighbourhood Plan.

Milford House was constructed in 2008 and is, therefore, a modern and non-historic property. Significantly Milford House is accessed off Westfield Road – the drive runs along the southern boundary of the sports fields. This has always been the case so Milford House has no pedestrian or vehicular connections off The Drive or Oakley House.

In addition to the main modern house which has been identified as a village asset, Annex 2 also identifies the associated domestic paraphernalia of car ports and garden sheds within the curtilage of Milford House. The identification of these structures, in addition to the main house, is considered inappropriate.

Milford House is an anomaly and should be deleted from List 3.

Please set out what change(s) you consider necessary to make the Plan able to proceed, related to the objection you have raised. You should say why this change will enable the Plan to proceed. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet if necessary).

Remove Milford House, car ports and garden sheds (remove the orange colour from the buildings) from No. 3 – Area of Oakley House and The Drive as contained within the List of Village Assets Designated by Oakley Neighbourhood Plan – Annex 2 – Map of Village Assets.

PART C

The majority of examinations are expected to be through written representations. Should the Examiner decide there is a need for an oral examination (hearing), please state below whether you would like to participate.

**If an oral examination is necessary would you like to participate?
(please select one answer)**

No, I do not wish to participate at an oral examination ✓

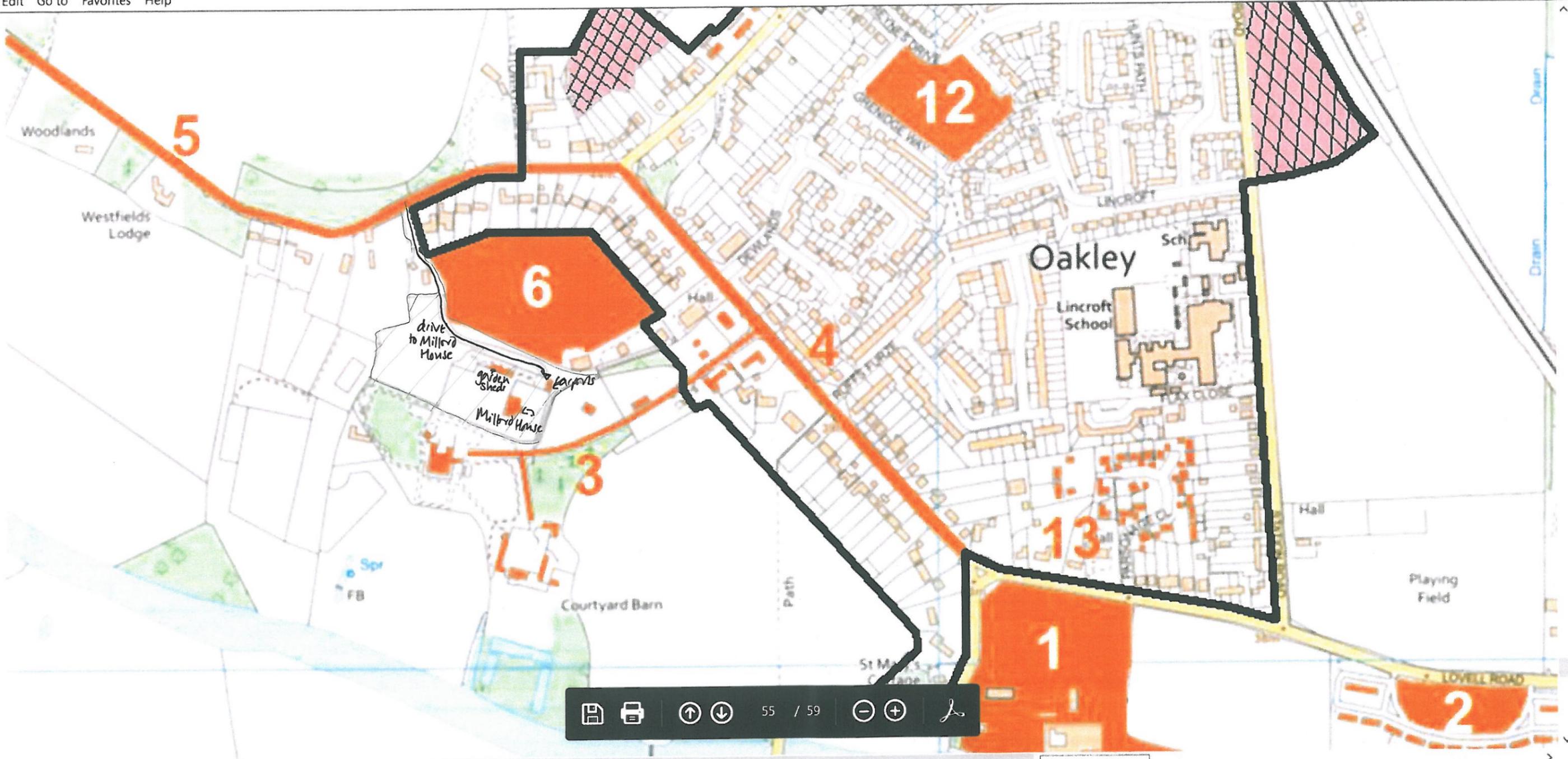
Yes, I wish to participate at an oral examination

Please note the Examiner will determine whether an oral examination is necessary.

If an oral examination is required, please outline why you consider that your participation is necessary: (Continue on a separate sheet if necessary)

If you would like to be notified of Bedford Borough Council's decision to 'make' the Plan under Regulation 19 (to bring it into legal force), please tick the box below.

Please notify me ✓



Planning Policy Team
Bedford Borough Council
Borough Hall
Cauldwell Street
Bedford
MK42 9AP

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

By email only to: planningforthefuture@bedford.gov.uk

23rd July 2019

Re: Oakley Neighbourhood Plan Submission (Reg 16) Consultation

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft version of the Oakley Neighbourhood Plan (ONP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across the country, it is from this experience that these representations are prepared.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in §8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the ONP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
- (d) The making of the order contributes to the achievement of sustainable development.
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.
- (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Revised National Planning Policy Framework

On the 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously

through the Housing White Paper. On 19th February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

§214 of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24th January 2019. Submission of the ONP ultimately occurred after this date, and the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2018 and corrected in February 2019.

National Planning Policy Framework and Planning Practice Guidance

On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF2018 consultation. On 19th February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

The Revised Framework sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements of the preparation of neighbourhood plans within which locally-prepared plans for housing and other development can be produced. Crucially, the changes to national policy reaffirm the Government's commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 13 states that:

“The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”

Paragraph 14 further states that:

“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a. The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;**
- b. The neighbourhood plan contains policies and allocations to meet its identified housing requirement;**
- c. The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year supply requirement, including the appropriate buffer as set out in paragraph 73); and**

d. The local planning authority’s housing delivery was at least 45% of that required over the previous three years.”

The Revised Framework also sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development needed to meet identified housing needs. Neighbourhood plans should not promote less development than set out in Local Plans and should not seek to undermine those strategic policies. Where the strategic policy making authority identifies a housing requirement for a neighbourhood area, the neighbourhood plan should seek to meet this figure in full as a minimum. Where it is not possible for a housing requirement figure to be provided i.e. where a neighbourhood plan has progressed following the adoption of a Local Plan, then the neighbourhood planning body should request an indicative figure to plan taking into account the latest evidence of housing need, population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

In order to proceed to referendum, the neighbourhood plan will need to be tested through independent examination in order to demonstrate that they are compliant with the basic conditions and other legal requirements before they can come into force. If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted, the plan may not be able to proceed to referendum.

Planning Practice Guidance

Following the publication of the NPPF2018, the Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and give consideration to the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan¹. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

¹ PPG Reference ID: 41-009-20160211

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward. Indeed, the PPG emphasises that;

“... All settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.”²

Relationship to Local Plan

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. The adopted development plan relevant to the preparation of the Oakley Neighbourhood Plan area, and the development plan which the ONP will be tested against is the Bedford Borough Council Core Strategy & Rural issues. This document was adopted in April 2008 and set out the visions, objectives, spatial strategy and overarching policies to guide development in the District from 2001 - 2021.

The Core Strategy sets a housing requirement of 19,500 dwellings between 2001 and 2021 (975 dpa). Bedford are currently proceeding through the Examination in Public for their Local Plan, which will cover the period from 2015 to 2035. With this in mind, Gladman suggest sufficient flexibility is provided in the policies of the plan to safeguard the ONP from conflicting with future development proposals should they be required.

In this context, section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

‘if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).’

Oakley Neighbourhood Development Plan

This section highlights the key issue that Gladman would like to raise with regards to the content of the ONP as currently proposed. It is considered the requirements of national policy and guidance are not always reflected in the plan. Gladman have sought to recommend a modification to ensure compliance with basic conditions.

² Paragraph: 001 Reference ID: 50-001-20160519

ONP HG1: Housing Growth in Oakley

This policy identifies a settlement boundary for Oakley and states that land outside of this defined area will be carefully controlled. Gladman object to the use of settlement boundaries if these preclude otherwise sustainable development from coming forward. The Framework is clear that sustainable development should proceed. Use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a) and (d).

As currently drafted, this is considered to be an overly restrictive approach and provides no flexibility to reflect the circumstances upon which the ONP is being prepared. Greater flexibility is required in this policy and Gladman suggest that additional sites adjacent to the settlement boundary should be considered as appropriate. Gladman recommend that the above policy is modified so that it allows for a degree of flexibility. The following wording is put forward for consideration:

“When considering development proposals, the Neighbourhood Plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Applications that accord with the policies of the Development Plan and the Neighbourhood Plan will be supported particularly where they provide:

New homes including market and affordable housing; or

Opportunities for new business facilities through new or expanded premises; or

Infrastructure to ensure the continued vitality and viability of the neighbourhood area.

Development adjacent to the existing settlement will be permitted provided that any adverse impacts do not significantly and demonstrably outweigh the benefits of development.”

Indeed, this approach was taken in the examination of the Godmanchester Neighbourhood Plan. Paragraph 4.12 of the Examiner’s Report states:

“...Policy GMC1 should be modified to state that “Development ...shall be focused within or adjoining the settlement boundary as identified in the plan.” It should be made clear that any new development should be either infill or of a minor or moderate scale, so that the local distinctiveness of the settlement is not compromised. PM2 should be made to achieve this flexibility and ensure regard is had to the NPPF and the promotion of sustainable development. PM2 is also needed to ensure that the GNP will be in general conformity with the aims for new

housing development in the Core Strategy and align with similar aims in the emerging Local Plan.”

ONP LE1: Significant Landscape Areas

The NPPF (2012) makes clear at Paragraph 109 that only valued landscapes should be ‘protected and enhanced’:

“The planning system should contribute to and enhance the natural and local environment by:

- **Protecting and enhancing valued landscape, geological conservation interests and soils”**

The thrust of paragraph 109 is continued in the NPPF (2019) at paragraph 170. Countryside should not simply be protected for its own sake. We consider that for a landscape to be identified for protection there should be a demonstrable physical attribute that elevates its importance out of the ordinary, whereas simply seeking to protect views of open countryside is not justified.

The policy wording states that development will only be permitted in the context of the landscape to “preserve and enhance”. We recommend the wording should be modified to “conserved and/or enhanced”, such that the thrust becomes, ‘Development proposals should recognise existing landscape features and where possible integrate new development opportunities with existing assets’.

ONP LE3 Coalescence with Neighbouring Villages

Whilst Gladman acknowledge that preventing coalescence can assist in maintaining unique and separate identities of existing settlements, the policy is ambiguous and appears to be an attempt to preclude any development whatsoever from coming forward in the gaps between the four built up areas and Oakley. In this regard there appears to be no supporting evidence to support the thrust behind the policy, nor a description/map of the extent of land proposed to be protected, nor the limits on the scale of development therein.

There is no justification within the ONP for the additional protection of land between Oakley and its neighbouring settlements, and equally no matching policy in the Bedford Core Strategy.

There is also no evidence base to inform the extent of the Green Gap proposed and no assessment of land parcels, nor an evaluation of their relative performance in preventing coalescence. Furthermore, the areas described contain existing farmsteads with significant levels of built development,

Any development proposed within these areas should be assessed on its own merits, depending on landscape impact. The imposition of Policy ONP LE3 would effectively create a lesser form of Green Belt by the back door. Bedford found

no justification for protecting the gaps between the settlements which are proposed in the ONP and therefore, this component of ONP LE3 is in conflict with basic condition (e).

Policy SNP5 – Local Green Spaces

This policy seeks to designate thirteen parcels of land as Local Green Space (LGS). In order to designate land as LGS the Parish Council must ensure that it is able to demonstrate robust evidence to meet national policy requirements as set out in the Framework. The Framework makes clear at §99 that the role of local communities seeking to designate land as LGS should be consistent with the local planning of sustainable development. §99 states that:

‘The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.’

Further guidance is provided at §100 which sets out three tests that must be met for the designation of LGS and states that:

‘The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;**
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and**
- c) local in character and is not an extensive tract of land.’**

The requirements of the Framework are supplemented by the advice and guidance contained in the PPG. Gladman note §007 of the PPG8 which states,

‘Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.’

Gladman further note §015 of the PPG (ID37-015) which states, ‘§100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.’ This is especially pertinent, given the wording of Policy BT6, “Development of these sites will only be permitted in accordance with national Green Belt policy”.

Designation of LGS should not be used as a mechanism to designate new areas of Green Belt (or similar), as the designation of Green Belt is inherently different and must meet a set of stringent tests for its allocation (§135 to 139 of the Framework).

The issue of whether LGS meets the criteria for designation has been explored in a number of Examiner’s Reports across the country and we highlight the following decisions:

- The Sedlescombe Neighbourhood Plan Examiner’s Report recommended the deletion of an LGS measuring approximately 4.5ha as it was found to be an extensive tract of land.
- The Oakley and Deane Neighbourhood Plan Examiners Report recommended the deletion of an LGS measuring approximately 5ha and also found this area to be not local in character. Thereby failing to meet 2 of the 3 tests for LGS designation.
- The Alrewas Neighbourhood Plan Examiner’s Report identifies both proposed LGS sites ‘in relation to the overall size of the Alrewas Village’ to be extensive tracts of land. The Examiner in this instance recommended the deletion of the proposed LGSs which measured approximately 2.4ha and 3.7ha.

Highlighted through a number of Examiner’s Reports set out above and other ‘made’ neighbourhood plans, it is considered that ‘9) Site No. 155 – Land North of the River’ has not been designated in accordance with national policy and guidance and subsequently is not in accordance with the basic conditions.

Whilst the Parish Council have sought to undertake some form of evidence base it does not overcome the failure to meet the specific policy requirements set out above with regards to the scale of land to be designated and therefore the proposed designation of LGS site ‘9)’. In terms of meeting the second test there is no evidence base to support that this field is ‘demonstrably special to a local community.’ In relation to its beauty, it is not of any particular scenic quality. The designation of ‘9) Site No. 155 – Land North of the River’ has not been made in accordance with basic conditions (a) and (d). Gladman therefore recommend that it be deleted as an LGS in its entirety.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and

the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the ONP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic condition (a) in its conformity with national policy and guidance and is contrary to (d) the making of the order contributes to the achievement of sustainable development for the reasons set out above.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours faithfully,

A solid black rectangular box used to redact the signature of the sender.

Gladman Developments Ltd.

Date: 23 July 2019
Our ref: 287681



Bedford Borough Council

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

Dear Sir/Madam

Oakley Neighbourhood Development Plan

Thank you for your consultation on the above dated 12 June 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For any further consultations on your plan, please contact: [REDACTED]

Yours faithfully

[REDACTED]
Consultations Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)⁵ website and also from the [LandIS website](#)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³ <http://publications.naturalengland.org.uk/publication/35012>

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#)¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

Representation Form for Oakley Neighbourhood Plan
The Neighbourhood Planning (General) Regulations 2012 (as amended)
Regulation 16 Consultation

Oakley Parish Council as the 'qualifying body' has prepared a Neighbourhood Plan (the Plan) for its Parish with the help of the local community. The Plan sets out objectives for the future of the Parish and contains planning policies to guide the development and use of land in Oakley Parish. Following submission to Bedford Borough Council, the Plan is now subject to a six week public consultation. Once the consultation has closed, the Plan will be submitted for independent examination and a local referendum. If successful, the Oakley Neighbourhood Plan will be 'made' (brought into legal force) and will then form part of the Bedford Borough Council Development Plan and be used in the determination of planning applications relating to land in Oakley Parish.

Copies of the Oakley Neighbourhood Plan and supporting documents are available to view on the Council's website:

www.bedford.gov.uk

Hard copies are also available for inspection during normal opening hours at the following locations:

- Bedford Central Library, Harpur Street, Bedford, MK40 1PG
- Bedford Borough Customer Service Centre, Horne Lane, Bedford, MK40 1RA

The consultation period is six weeks from: **12 June to 25 July 2019**

There are a number of ways to make your comments:

Complete this form and email it to: planningforthefuture@bedford.gov.uk

Print this form and post it to: Planning Policy Team, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP. This is not a freepost address; please use a stamp.

All comments will be publicly available. Please note that personal information provided will be processed by Bedford Borough Council in line with the Data Protection Act 2018.

How to use this form

Please use this form to submit your comments on the Oakley Neighbourhood Plan. Please remember that the Examiner is only testing whether the Plan meets the 'Basic Conditions' and other relevant legal requirements set out in the Localism Act 2011. The basic conditions are as follows:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan,
- the making of the neighbourhood plan contributes to the achievement of sustainable development,
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Further information on the 'Basic Conditions' can be found in the National Planning Practice Guidance here:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

Please note that your representation should succinctly cover all the information, evidence and supporting information necessary to support/justify your representation and any suggested changes, as there will not normally be a subsequent opportunity to make further representations. All representations received will be sent to the Examiner for his/her consideration as part of the examination. After this stage, further submissions will be only at the request of the Examiner, based on the matters and issues he/she identifies through the examination.

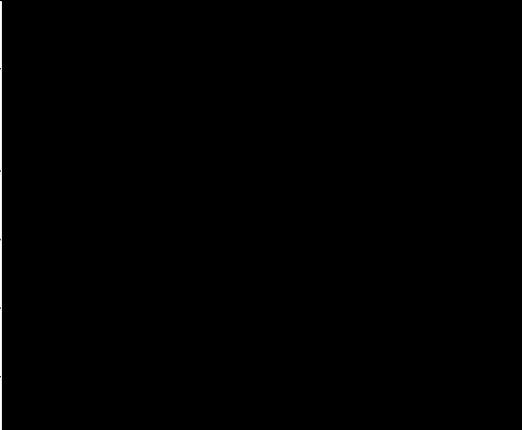
Please complete Part A in full, in order for your representation to be taken into account at the Neighbourhood Plan Examination.

Please complete Part B, identifying which paragraph your comment relates to by completing the appropriate box. Please include a separate form for each comment.

Please complete Part C, stating whether you would like to participate at an oral examination if one is held and if you would like to be notified if the Plan gets 'made'.

All comments must be received by 5pm on 25 July 2019.

PART A

| Your Details | |
|-------------------------------------|--|
| Full Name |  |
| Address | |
| Postcode | |
| Telephone | |
| Email | |
| Organisation (if applicable) | |
| Position (if applicable) | Planning consultant |

PART B – please include a separate form for each comment.

To which part of the document does your representation relate?

| | | |
|--|-------------------|--|
| Paragraph Number | Policy Reference: | |
| Our representations relate to the section on Proposed Development Sites and its related Annex 4. | | |

**Do you support, oppose, or wish to comment on this paragraph?
(Please select one answer)**

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

We have been promoting land, rear of the High Street and opposite the Bedford Arms Public House, since 2008, through the Local Development Plan and SHLAA processes.

In promoting this site we have emphasised the following main characteristics:

- a sustainable location, with a wide range of commercial and community facilities within walking and cycling distance
- good public transport facilities, with a 20 minute bus service to Bedford and neighbouring villages
- a well-contained site with strong defensible boundaries that will not affect key landscape character and visual sensitivities
- already possesses good green infrastructure in the form of maturing tree belts along its northern and eastern boundaries
- presents an opportunity to extend the use of traditional construction methods including local stone and wood
- its southern aspect, and shelter from northerly and easterly wind directions, make this a site with good potential for solar power generation
- the site is readily available for development without any basic constraints to overcome.

In our response to the Bedford Local Plan 2035 Consultation Paper 2017, we said “... we believe that the north-western edge is the best location for Oakley's future strategic growth. There are sites here, including our clients', that would allow for a relatively modest expansion of the village without any significant impact on the surrounding open countryside. Site 171 is ideally located to accommodate part of Oakley's proposed strategic growth.”

We are therefore pleased to see our representations taken fully into account, and that site 171 has been put forward as one of two residential land allocations made in the Oakley Neighbourhood Plan.

We note the record of the site selection process set out on pages 50 and 51, and the Parish Council's support for the two selected sites as set out in the last paragraph of page 51.

/continued

The Neighbourhood Plan's Annex 4 refers to our site as number 170; this should of course be site 171. The design brief is quite comprehensive and reflects the discussions that have taken place during the site selection process. The brief asks that sites for 5 or more dwellings should include some smaller dwellings for households wishing to downsize. This is something we have had in mind throughout the process. We think there is a real need for dwellings that provide quite generous living space, and such dwellings would fit in well with the design brief's overall aim of matching the character of existing housing at the western end of the High Street.

We also note the brief's requirements in reflecting local character. These requirements follow much of how we saw the site being developed, preserving and reinforcing its mature natural boundaries. As we have also said in our past representations, the orientation of dwellings could take advantage of the site's micro-climate created through its south-facing aspect and surrounding mature hedgerows.

Please set out what change(s) you consider necessary to make the Plan able to proceed, related to the objection you have raised. You should say why this change will enable the Plan to proceed. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet if necessary).

Apart from re-referencing our clients' site from 170 to 171 in Annex 4, we are not suggesting any changes to the Plan.

PART C

The majority of examinations are expected to be through written representations. Should the Examiner decide there is a need for an oral examination (hearing), please state below whether you would like to participate.

**If an oral examination is necessary would you like to participate?
(please select one answer)**

No, I do not wish to participate at an oral examination

Yes, I wish to participate at an oral examination

Please note the Examiner will determine whether an oral examination is necessary.

If an oral examination is required, please outline why you consider that your participation is necessary: (Continue on a separate sheet if necessary)

We would like to be present at any oral examination in order to speak on behalf of the Neighbourhood Plan's allocation of site 171, should there be any objections to its inclusion or the type of development being proposed.

If you would like to be notified of Bedford Borough Council's decision to 'make' the Plan under Regulation 19 (to bring it into legal force), please tick the box below.

Please notify me

Dear Sir,

RE: Wildlife

The proposed Site 171 has been grassland for approximately 45 years and has had no sprays or fertiliser added for at least 20 years. On the 2 longest sides of the field there is a large hedge/ shelter belt which is about 10 m wide. This has led to a wide variety of wildlife using the field for feeding and nesting.

3 Red list (critically declining species) nest in the hedges. Namely Linnet, Yellowhammer and Song Thrush. Turtle Doves have, historically nested in the hedges but have suffered a 95% decrease nationally in recent years. Other red list species that use the field for feeding are House Sparrow, Starling, Fieldfare and Redwing. Amber listed birds that nest in the field include Bullfinch, Dunnock and Willow Warbler. Mistle Thrush, House Martin, Tree Creeper, Kestrel and Tawny Owl are Amber listed species which use the field as a feeding area. Other bird species that are not on the Red or Amber list that feed in the field include Sparrow hawk and Hobby. These are attracted by the nesting Chaffinch, Greenfinch and Goldfinch. Swallows are a common sight in summer hunting for the insects that occur in the grazed permanent pasture.

Mammals that use the field for feeding and foraging include 3 recorded species of bat, Soprano Pipistrelle, Longeared bat and Noctule along with Badger and Hedgehog which have suffered a massive national decline over recent years.

Great Crested Newts have been seen in the surrounding area and are thought to breed within 40m of the field. Other amphibians, such as Common Frog, Toad and Smooth Newt are known to use the site for foraging and overwintering so there is every likelihood that Gt Crested Newts do likewise.

Common grassland butterflies such as Meadow Brown, Gatekeeper and Common Blue occur in reasonable numbers but Small Heath and Small Copper are also present in limited numbers.

This small field is very rich in wildlife and any development will have a dramatic effect on its biodiversity.

I know that the other development site in Oakley would not have such an impact on wildlife.

Yours sincerely





15th June 2019

Dear Sir

Proposed New Homes – Village of Oakley, Bedfordshire

I refer to the proposed new homes site 171 in the village of Oakley, Bedfordshire opposite the Bedford Arms Public House in the Neighbourhood Plan for 10 new houses.

Firstly, may I state that I fully support the need to provide more housing in the village, however, there are serious road safety concerns with the proposed site as follows:-

- 1) The road outside the building of the Bedford Arms is extremely narrow.
There is a lot of traffic through the village during weekdays, and this road is on a main bus route. Currently, all buses and especially double decker buses have to manoeuvre into the middle of the road, as it is just not wide enough to accommodate them – especially when pedestrians are walking on the road due to the lack of a footpath. You can imagine the dangerous conditions this creates for both road users as well as pedestrians. The road quickly becomes backed up, and it's cumbersome and difficult to pass, causing difficulties all along the High Street.

Personally speaking, even now, I have to take action to avoid colliding with large vehicles such as tractors, lorries and the aforementioned buses by pulling into the proposed access road for the new site for oncoming vehicles travelling south.
- 2) There is already a serious safety hazard for pedestrians on the main road near the proposed access road as there is no footpath on the side of the Bedford Arms Public House.
- 3) In addition, taking into consideration the narrowness of the road, may I ask how you propose to resolve the question of coming from the direction of The Post Office and then turning right on the High Street into the new Access road? It wouldn't be possible to do this without backing up traffic along the High Street – once again, adding to an already hazardous and dangerous traffic situation. The road is simply not wide enough for the village's current traffic requirements.
- 4) I would respectfully suggest that the proposed access road is far too near to the bend. It would be very difficult to join the main road from the Access Road, particularly to turn right towards the bend.
- 5) Heavy traffic congestion on this narrow road already exists, therefore the addition of 20 houses would certainly contribute to worsening traffic conditions, and again, would lead to serious safety fears.
- 6) Lastly, whilst I appreciate that this may not be your department, there is currently also a drainage problem with the field, and I would be interested in obtaining information as to how this will be resolved also.

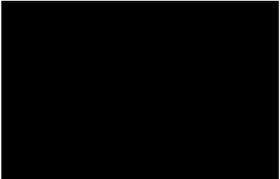
In summary, taking the above into consideration, there are serious concerns with the viability of the proposed site. As a long term resident, I have witnessed many “near-misses” that would no doubt increase with an unsuitable development of 10 houses.

The other proposed site of Station Road would seem to be a much safer option, and indeed a much more suitable site in terms of safety.

I look forward to your feedback.

Yours Sincerely

A solid black rectangular box used to redact the signature of the sender.



25th June 2019

Dear Sir

Proposed New Homes – Village of Oakley, Bedfordshire

I refer to the proposed new homes site 171 in the village of Oakley, Bedfordshire opposite the Bedford Arms Public House in the Neighbourhood Plan for 10 new houses.

Firstly, may I state that I fully support the need to provide more housing in the village, however, there are serious road safety concerns with the proposed site as follows:-

- 1) The road outside the building of the Bedford Arms is extremely narrow.

There is a lot of traffic through the village during weekdays, and this road is on a main bus route. Currently, all buses and especially double decker buses have to manoeuvre into the middle of the road, as it is just not wide enough to accommodate them – especially when pedestrians are walking on the road due to the lack of a footpath. You can imagine the dangerous conditions this creates for both road users as well as pedestrians. The road quickly becomes backed up, and it's cumbersome and difficult to pass, causing difficulties all along the High Street.

Personally speaking, even now, I have to take action to avoid colliding with large vehicles such as tractors, lorries and the aforementioned buses by pulling into the proposed access road for the new site for oncoming vehicles travelling south.

- 2) There is already a serious safety hazard for pedestrians on the main road near the proposed access road as there is no footpath on the side of the Bedford Arms Public House.
- 3) In addition, taking into consideration the narrowness of the road, may I ask how you propose to resolve the question of coming from the direction of The Post Office and then turning right on the High Street into the new Access road? It wouldn't be possible to do this without backing up traffic along the High Street – once again, adding to an already hazardous and dangerous traffic situation. The road is simply not wide enough for the village's current traffic requirements.
- 4) I would respectfully suggest that the proposed access road is far too near to the bend. It would be very difficult to join the main road from the Access Road, particularly to turn right towards the bend.
- 5) Heavy traffic congestion on this narrow road already exists, therefore the addition of 20 houses would certainly contribute to worsening traffic conditions, and again, would lead to serious safety fears.
- 6) Lastly, whilst I appreciate that this may not be your department, there is currently also a drainage problem with the field, and I would be interested in obtaining information as to how this will be resolved also.

In summary, taking the above into consideration, there are serious concerns with the viability of the proposed site. As a long term resident, I have witnessed many “near-misses” that would no doubt increase with an unsuitable development of 10 houses.

The other proposed site of Station Road would seem to be a much safer option, and indeed a much more suitable site in terms of safety.

I look forward to your feedback.

Yours Sincerely

A solid black rectangular box used to redact the signature of the sender.

[REDACTED]

From: [REDACTED]
Sent: 25 July 2019 10:48
To: planning for the future
Subject: Fw: Proposed development site 171
Attachments: Bedford Council wildlife email July 2019.docx; Letter - Bedford Council July 2019.docx

Dear Sirs,

I fully endorse [REDACTED] letters to you regarding the proposed development site 171 in the village of Oakley.

I would also stress how dangerous a position the access to this site is.

[REDACTED] has already mentioned the narrowness of the High Street at this point, and together with the close proximity to the bend at the junction of Westfield Road would make two high risk areas within 50 yards of each other. The residents of Westfield Road have had to contend with unsighted access in and out of the road and although representations have been made to various authorities over the years they have all fallen "by the way side" which is a mute point because there is very limited pavements in this area. So adding another proposed 10 houses each no doubt having two or more cars will just add more risk, more congestion, & more frustration to both drivers & pedestrians alike. There have been many near misses over the years, why add to the risk factor!

I have said all this before through the various Call for Sites & the Oakley Development programmes, Oakley just does not have a road infrastructure to accommodate more traffic. The Station Road Site is the most viable option. Oakley has three ways in and out of the village, all with pinch points. The Twin Bridges is single file, so too is under the railway bridge in Lovell Rd., & the cross roads at Station Rd & Highfield Rd, is a dangerous crossing where many accidents have happened over the years. So why add more pinch points within the village. Oakley is essentially an island bordered by the railway & river.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, July 24, 2019 6:25 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Proposed development site 171

Hi [REDACTED]

[REDACTED] has kindly given me your email addresses.

Please find my emails below (with attachments enc) which are self explanatory.

Dear Sir,

RE: Wildlife

The proposed Site 171 has been grassland for approximately 45 years and has had no sprays or fertiliser added for at least 20 years. On the 2 longest sides of the field there is a large hedge/ shelter belt which is about 10 m wide. This has led to a wide variety of wildlife using the field for feeding and nesting.

3 Red list (critically declining species) nest in the hedges. Namely Linnet, Yellowhammer and Song Thrush. Turtle Doves have, historically nested in the hedges but have suffered a 95% decrease nationally in recent years. Other red list species that use the field for feeding are House Sparrow, Starling, Fieldfare and Redwing. Amber listed birds that nest in the field include Bullfinch, Dunnock and Willow Warbler. Mistle Thrush, House Martin, Tree Creeper, Kestrel and Tawny Owl are Amber listed species which use the field as a feeding area. Other bird species that are not on the Red or Amber list that feed in the field include Sparrow hawk and Hobby. These are attracted by the nesting Chaffinch, Greenfinch and Goldfinch. Swallows are a common sight in summer hunting for the insects that occur in the grazed permanent pasture.

Mammals that use the field for feeding and foraging include 3 recorded species of bat, Soprano Pipistrelle, Longeared bat and Noctule along with Badger and Hedgehog which have suffered a massive national decline over recent years.

Great Crested Newts have been seen in the surrounding area and are thought to breed within 40m of the field. Other amphibians, such as Common Frog, Toad and Smooth Newt are known to use the site for foraging and overwintering so there is every likelihood that Gt Crested Newts do likewise.

Common grassland butterflies such as Meadow Brown, Gatekeeper and Common Blue occur in reasonable numbers but Small Heath and Small Copper are also present in limited numbers.

This small field is very rich in wildlife and any development will have a dramatic effect on its biodiversity.

I know that the other development site in Oakley would not have such an impact on wildlife.

Yours sincerely





15th June 2019

Dear Sir

Proposed New Homes – Village of Oakley, Bedfordshire

I refer to the proposed new homes site 171 in the village of Oakley, Bedfordshire opposite the Bedford Arms Public House in the Neighbourhood Plan for 10 new houses.

Firstly, may I state that I fully support the need to provide more housing in the village, however, there are serious road safety concerns with the proposed site as follows:-

- 1) The road outside the building of the Bedford Arms is extremely narrow.
There is a lot of traffic through the village during weekdays, and this road is on a main bus route. Currently, all buses and especially double decker buses have to manoeuvre into the middle of the road, as it is just not wide enough to accommodate them – especially when pedestrians are walking on the road due to the lack of a footpath. You can imagine the dangerous conditions this creates for both road users as well as pedestrians. The road quickly becomes backed up, and it's cumbersome and difficult to pass, causing difficulties all along the High Street.

Personally speaking, even now, I have to take action to avoid colliding with large vehicles such as tractors, lorries and the aforementioned buses by pulling into the proposed access road for the new site for oncoming vehicles travelling south.
- 2) There is already a serious safety hazard for pedestrians on the main road near the proposed access road as there is no footpath on the side of the Bedford Arms Public House.
- 3) In addition, taking into consideration the narrowness of the road, may I ask how you propose to resolve the question of coming from the direction of The Post Office and then turning right on the High Street into the new Access road? It wouldn't be possible to do this without backing up traffic along the High Street – once again, adding to an already hazardous and dangerous traffic situation. The road is simply not wide enough for the village's current traffic requirements.
- 4) I would respectfully suggest that the proposed access road is far too near to the bend. It would be very difficult to join the main road from the Access Road, particularly to turn right towards the bend.
- 5) Heavy traffic congestion on this narrow road already exists, therefore the addition of 20 houses would certainly contribute to worsening traffic conditions, and again, would lead to serious safety fears.
- 6) Lastly, whilst I appreciate that this may not be your department, there is currently also a drainage problem with the field, and I would be interested in obtaining information as to how this will be resolved also.

In summary, taking the above into consideration, there are serious concerns with the viability of the proposed site. As a long term resident, I have witnessed many “near-misses” that would no doubt increase with an unsuitable development of 10 houses.

The other proposed site of Station Road would seem to be a much safer option, and indeed a much more suitable site in terms of safety.

I look forward to your feedback.

Yours Sincerely

A solid black rectangular box used to redact the signature of the sender.

PART B – please include a separate form for each comment.

To which part of the document does your representation relate?

| | | | |
|------------------|---|-------------------|--|
| Paragraph Number | Oakley Neighbourhood Plan Proposed development sites. | Policy Reference: | |
|------------------|---|-------------------|--|

**Do you support, oppose, or wish to comment on this paragraph?
(Please select one answer)**

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

I strongly oppose the inclusion of site 171 as one of the proposed development sites in the Oakley Neighbourhood Plan. The site is completely inappropriate from the following viewpoints:

1. The safety of the access point on the High Street.
2. The impact on the ecology of a prime piece of pastoral land in the village.
3. Increased traffic congestion on the High Street
4. The significant loss of privacy, amenity and quality of life for residents of properties neighbouring the proposed development.
5. The concerns over drainage and ground instability in the area.

There were in the region of 70 formal objections raised to the Oakley Neighbourhood Development committee from residents during the course of the final consultations on the basis of these points, (a lot more detail was also provided, especially with regard to the road safety and ecological impacts), which resulted in the committee reducing the proposed number of dwellings from 20 to 10 on this site, but this does very little to address the concerns of the significant number of residents who have objected.

I firmly believe that the inclusion of site 171 does not take into account the clear planning issues which have resulted in a number of previous planning applications in the area of the High Street being rejected (even for single dwellings), which make the site inappropriate for inclusion in the plan. I also believe that the NDP committee have not adequately represented the views of a significant proportion of the residents of the village.

Please set out what change(s) you consider necessary to make the Plan able to proceed, related to the objection you have raised. You should say why this change will enable the Plan to proceed. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet if necessary).

Remove site 171 as a proposed site and increase the quantity of dwellings on site 170 to meet the required criteria. Site 170, while still not ideal, has far fewer limitations.

PART C

The majority of examinations are expected to be through written representations. Should the Examiner decide there is a need for an oral examination (hearing), please state below whether you would like to participate.

**If an oral examination is necessary would you like to participate?
(please select one answer)**

No, I do not wish to participate at an oral examination

Yes, I wish to participate at an oral examination

Please note the Examiner will determine whether an oral examination is necessary.

If an oral examination is required, please outline why you consider that your participation is necessary: (Continue on a separate sheet if necessary)

If you would like to be notified of Bedford Borough Council's decision to 'make' the Plan under Regulation 19 (to bring it into legal force), please tick the box below.

Please notify me

Representation Form for Oakley Neighbourhood Plan
The Neighbourhood Planning (General) Regulations 2012 (as amended)
Regulation 16 Consultation

Oakley Parish Council as the 'qualifying body' has prepared a Neighbourhood Plan (the Plan) for its Parish with the help of the local community. The Plan sets out objectives for the future of the Parish and contains planning policies to guide the development and use of land in Oakley Parish. Following submission to Bedford Borough Council, the Plan is now subject to a six week public consultation. Once the consultation has closed, the Plan will be submitted for independent examination and a local referendum. If successful, the Oakley Neighbourhood Plan will be 'made' (brought into legal force) and will then form part of the Bedford Borough Council Development Plan and be used in the determination of planning applications relating to land in Oakley Parish.

Copies of the Oakley Neighbourhood Plan and supporting documents are available to view on the Council's website:

www.bedford.gov.uk

Hard copies are also available for inspection during normal opening hours at the following locations:

- Bedford Central Library, Harpur Street, Bedford, MK40 1PG
- Bedford Borough Customer Service Centre, Horne Lane, Bedford, MK40 1RA

The consultation period is six weeks from: **12 June to 25 July 2019**

There are a number of ways to make your comments:

Complete this form and email it to: planningforthefuture@bedford.gov.uk

Print this form and post it to: Planning Policy Team, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP. This is not a freepost address; please use a stamp.

All comments will be publicly available. Please note that personal information provided will be processed by Bedford Borough Council in line with the Data Protection Act 2018.

How to use this form

Please use this form to submit your comments on the Oakley Neighbourhood Plan. Please remember that the Examiner is only testing whether the Plan meets the 'Basic Conditions' and other relevant legal requirements set out in the Localism Act 2011. The basic conditions are as follows:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan,
- the making of the neighbourhood plan contributes to the achievement of sustainable development,
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Further information on the 'Basic Conditions' can be found in the National Planning Practice Guidance here:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

Please note that your representation should succinctly cover all the information, evidence and supporting information necessary to support/justify your representation and any suggested changes, as there will not normally be a subsequent opportunity to make further representations. All representations received will be sent to the Examiner for his/her consideration as part of the examination. After this stage, further submissions will be only at the request of the Examiner, based on the matters and issues he/she identifies through the examination.

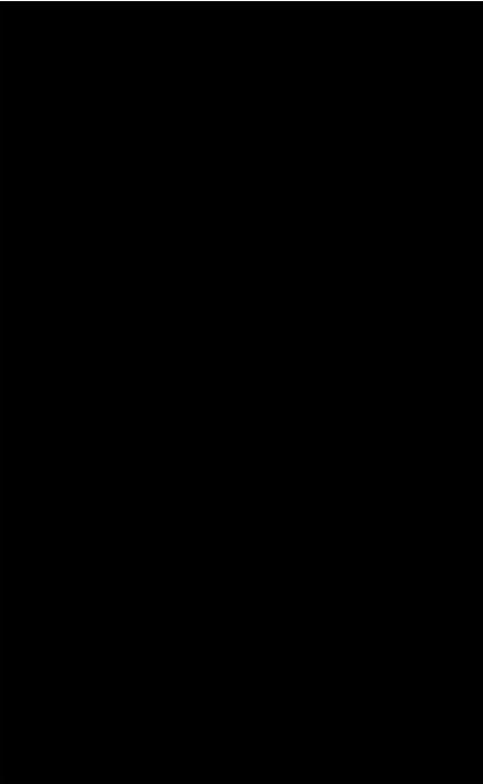
Please complete Part A in full, in order for your representation to be taken into account at the Neighbourhood Plan Examination.

Please complete Part B, identifying which paragraph your comment relates to by completing the appropriate box. Please include a separate form for each comment.

Please complete Part C, stating whether you would like to participate at an oral examination if one is held and if you would like to be notified if the Plan gets 'made'.

All comments must be received by 5pm on 25 July 2019.

PART A

| | Your Details | |
|-------------------------------------|---|--|
| Organisation Represented |  | |
| Full Name | | |
| Address | | |
| Postcode | | |
| Telephone | | |
| Email | | |
| Organisation (if applicable) | | |
| Position (if applicable) | | |
| | | |

PART B – please include a separate form for each comment.

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|-----|
| Paragraph Number | | Policy Reference: | HG1 |
|------------------|--|-------------------|-----|

Do you support, oppose, or wish to comment on this paragraph? (Please select one answer)

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

| |
|-----------------------------------|
| <p>Please see attached report</p> |
|-----------------------------------|

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|-----|
| Paragraph Number | | Policy Reference: | LE1 |
|------------------|--|-------------------|-----|

Do you support, oppose, or wish to comment on this paragraph? (Please select one answer)

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

Please see attached report

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|-----|
| Paragraph Number | | Policy Reference: | LE2 |
|------------------|--|-------------------|-----|

Do you support, oppose, or wish to comment on this paragraph? (Please select one answer)

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

| |
|----------------------------|
| Please see attached report |
|----------------------------|

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|-----|
| Paragraph Number | | Policy Reference: | LE3 |
|------------------|--|-------------------|-----|

Do you support, oppose, or wish to comment on this paragraph? (Please select one answer)

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

| |
|-----------------------------------|
| <p>Please see attached report</p> |
|-----------------------------------|

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|-----|
| Paragraph Number | | Policy Reference: | BE1 |
|------------------|--|-------------------|-----|

Do you support, oppose, or wish to comment on this paragraph? (Please select one answer)

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

Please see attached report

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|-----|
| Paragraph Number | | Policy Reference: | BE2 |
|------------------|--|-------------------|-----|

Do you support, oppose, or wish to comment on this paragraph? (Please select one answer)

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

| |
|----------------------------|
| Please see attached report |
|----------------------------|

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|-----|
| Paragraph Number | | Policy Reference: | DH3 |
|------------------|--|-------------------|-----|

Do you support, oppose, or wish to comment on this paragraph? (Please select one answer)

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

| |
|-----------------------------------|
| <p>Please see attached report</p> |
|-----------------------------------|

Please set out what change(s) you consider necessary to make the Plan able to proceed, related to the objection you have raised. You should say why this change will enable the Plan to proceed. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet if necessary).

Please see attached report.

PART C

The majority of examinations are expected to be through written representations. Should the Examiner decide there is a need for an oral examination (hearing), please state below whether you would like to participate.

**If an oral examination is necessary would you like to participate?
(please select one answer)**

No, I do not wish to participate at an oral examination

Yes, I wish to participate at an oral examination

Please note the Examiner will determine whether an oral examination is necessary.

If an oral examination is required, please outline why you consider that your participation is necessary: (Continue on a separate sheet if necessary)

| |
|-----------------------------------|
| <p>Please see attached Report</p> |
|-----------------------------------|

If you would like to be notified of Bedford Borough Council's decision to 'make' the Plan under Regulation 19 (to bring it into legal force), please tick the box below.

Please notify me



Strategic Planning Research Unit

For and on behalf of



**Representations to the Submission (Regulation 16) Oakley Neighbourhood Plan
Consultation**

Land East of Station Road, Oakley

**Prepared by
Strategic Planning Research Unit
DLP Planning Ltd
Bedford**

July 2019





Strategic Planning Research Unit

| | |
|--------------|------------|
| Prepared by: | [REDACTED] |
| Approved by: | [REDACTED] |
| | |
| Date: | July 2019 |

[REDACTED]

[REDACTED]

DLP Consulting Group disclaims any responsibility to the client and others in respect of matters outside the scope of this report. This report has been prepared with reasonable skill, care and diligence. This report is confidential to the client and DLP Planning Ltd accepts no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk.

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INSTRUCTIONS

These representations to the Submission (Regulation 16) version of the Oakley Neighbourhood Plan have been prepared by the Strategic Planning and Research Unit (SPRU) of DLP Planning Ltd on behalf of [REDACTED]. These should be read alongside separate representations submitted on behalf of the Sharnbrook Academy Federation.

Representations have previously been submitted as part of the 'Pre-Submission' (Regulation 14) consultation undertaken by Oakley Parish Council in October 2018.

SPRU were also instructed to participate in and appeared at the Bedford Local Plan 2030 Examination on behalf of the above clients.

Due to the magnitude of issues identified within these representations the Sharnbrook Academy Federation along with [REDACTED] expressly request that the Examiner hold a hearing session(s) as part of the examination of the Neighbourhood Plan. Due to the unresolved objections relating to the contents and approach of the Plan it is considered that a hearing should be held pursuant to paragraph 9(2) of Schedule 4B of the Town and Country Planning Act 1990 to ensure adequate representation and enable stakeholders a fair chance to put their case.

Concerns with specific policies and designations proposed in relation to the submission version Neighbourhood Plan are predominantly identified in terms of Policy ONP **HG1**; **ONP LE1 – LE3**; **ONP BE1** and **ONP BE2**; and **ONP DH3**. These are specified on the consultation response form and expanded upon within this report.

0.0 EXECUTIVE SUMMARY

- 0.1 A Neighbourhood Plan must demonstrate, *inter alia*, that it will support the achievement of sustainable development and is prepared in general conformity with the strategic policies of the development plan for the area. These elements form part of the *basic conditions* the plan must meet. **Section 2** of these representations sets out the relationship with national policy and guidance.
- 0.2 The submission version Oakley Neighbourhood Plan is to be assessed for its general conformity with the strategic policies of the development plan *in force*. At the time of writing the adopted development plan includes the Core Strategy (2008) and Allocations and Designations Local Plan (2013). The emerging Bedford Local Plan 2030 remains under Examination.
- 0.3 The approach to preparing the Neighbourhood Plan should therefore demonstrate that the risk of its policies becoming quickly out-of-date following the adoption of new strategic policies has been minimised. This should include taking account of the latest evidence on housing need and aiming to agree the relationship with policies in the emerging Local Plan. **Section 3** of these representations sets out more detail on the approach to preparation of the Neighbourhood Plan. **Section 4** provides the relationship with relevant caselaw.
- 0.4 In our view neither of these requirements have been satisfied, noting in-particular:
- Paragraph 65 of the NPPF2019 in relation to the housing requirement figure
 - The submission neighbourhood plan does not make specific allocations for the delivery of the housing requirement, relying on adjustments to the settlement boundary; nor does it include any provision for flexibility and contingency
 - Failure to identify and consider conformity with other relevant strategic policies in the emerging Local Plan
- 0.5 The risk identified with the context within which the plan has been prepared is realised by the 'Inspectors' Letter to Bedford Borough Council following the Hearing Sessions of the Examination in Public of the Local Plan 2030 (Examination Document ED50). This has indicated that Policy 3S of the emerging Local Plan 2030 should be modified on the following basis:
- “In order that the plan is positively prepared the Council should amend this policy to enable Neighbourhood Plans to allocate more than 50 houses if local circumstances indicate that this is appropriate.”***
- 0.6 We contest that this requirement is specifically relevant to the circumstances in Oakley. The settlement represents a highly sustainable location offering a comprehensive range of local education and employment opportunities as well as a wide range of services and facilities along with sustainable transport options. Oakley is classified as a Rural Service Centre in the Council's settlement hierarchy but has many of the facilities associated with Key Service Centres.
- 0.7 The spatial distribution strategy in the emerging Local Plan 2030 does not separately assess the capacity to accommodate growth in individual settlements. **Section 5** of these representations addresses the approach to the settlement hierarchy and the Neighbourhood Plan's assessment of policy options to provide for residential development.
- 0.8 In relation to the housing requirement in strategic policies and the requirement figure

provided for designated neighbourhood areas paragraph 65 of the NPPF states:

“Once the strategic policies have been adopted, these figures should not need retesting at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.”

- 0.9 Paragraph 66 states that where it is not possible provide a housing requirement an indicative figure should take account of the population in the area, evidence of local housing need and the most recent planning strategy. The emerging Bedford Local Plan 2030 has been prepared and submitted for examination against the transitional arrangements for the NPPF2012. The arbitrary apportionment of development to Key Service Centres and Rural Service Centres pre-dates this approach.
- 0.10 Examination of the submission version Neighbourhood Plan represents an appropriate basis to review the level of development considered appropriate. This should take account of the circumstances for the Local Plan 2030, in particular, the foreshortened plan period, requirement for immediate review and the significant shortfall in housing needs being met relative to the figure provided by the government’s standard method. These factors should be considered alongside the requirements and opportunities to achieve sustainable development in Oakley.
- 0.11 Given the failure of the plan-making process to assess appropriate levels of development in Oakley and the failure of the Neighbourhood Plan to allocate specific sites it is considered that its policies will become quickly out-of-date. Furthermore, the Neighbourhood Plan should not be considered to satisfy the criteria attached to the protections offered by paragraph 14 of the NPPF2019.
- 0.12 These representations place great emphasis on the implications of the Oakley Neighbourhood Plan in relation to ensuring that the future operational and development requirements of Lincroft Academy and Oakley Primary Academy can be met. These requirements include:
- ensuring a sufficient supply of school places can be provided through addressing the existing cap on pupil numbers imposed via planning condition upon the existing use and development at Lincroft Academy;
 - maintaining and enhancing education facilities;
 - optimising opportunities for outdoor sport and recreation (including increasing opportunities for wider community benefits) through relocation of the existing Lovell Road sports pitches; and
 - managing the impact of the school on the road network and promoting sustainable transport and safety for all road users
- 0.13 The submission version of the Oakley Neighbourhood Plan contains policies that would specifically inhibit the ability to achieve these objectives. The failure of the Neighbourhood Plan to acknowledge and seek positive opportunities to address these requirements stems from the approach to its preparation. These concerns are outlined further in the **specific representations prepared on behalf of the Sharnbrook Academy Federation**.
- 0.14 Addressing shortcomings with the current site in terms of its location and the facilities available is a commitment on the part of the Sharnbrook Academy Federation. This forms part of ambitious plans incorporating provision of a sports hub providing wider benefit to the local community, complementing the ability of Lincroft Academy to meet its own requirements as a growing secondary school.
- 0.15 The approach and policies of the submission version Neighbourhood Plan contrast with

the requirement to demonstrate it is consistent with national policy and will contribute to the achievement of sustainable development. This is reflected by a significantly more restrictive approach to the following topics than that advocated through national policy or the development plan for the area:

- Seeking to impose designations to provide protection based on the Neighbourhood Plan's assessment of valued landscapes (**Section 6**);
- Supplementing policies of the existing development plan in relation to the countryside, settlement pattern and preventing coalescence without any provision to support development that does not conflict with policy objectives (**Section 6**);
- The proposed designation of Local Green Spaces contrary to the findings of Bedford Borough Council's own evidence base (**Section 7**);
- Very limited support for development to meet the requirements for community services and facilities, including for sport and recreation, with no flexibility to make provision outside of the Settlement Policy Area boundary (**See Section 8 and specific representations on behalf of the Sharnbrook Academy Federation**); and
- Imposing additional constraints on opportunities for economic development (**Section 8**)

0.16 The Neighbourhood Plan is not supported by the necessary evidence for the specific policy approach and spatial designations proposed. The Neighbourhood Plan fails to identify the conformity of this approach with other strategic policies in the emerging Local Plan including those relating to infrastructure delivery and green infrastructure. This is expanded upon within specific sections of these representations as identified above.

0.17 [REDACTED] note and welcome the incorporation of the land at Station Road within an amended Settlement Policy Area Boundary and the selection of the location as a 'proposed development site' (discussed on pages 50-52 of the plan), albeit on the basis of an allocation for approximately 30 new homes on the northern part of the overall land area. [REDACTED] agree with the principle of the selection of this site but consider that the Neighbourhood Plan has not fully considered the full benefits of the comprehensive development proposal promoted by [REDACTED] and SAF for Lincroft Academy.

0.18 The Neighbourhood Plan places a specific focus on restricting opportunities for sustainable development and managing land uses outside of the Settlement Policy Area Boundary on Land East of Station Road. These representations explore the implications of this in relation to our clients' interests, specifically regarding the objective of meeting the future requirements of the school as part of wider proposals to deliver a range of benefits including providing for sustainable residential development. **Section 1** below first provides an outline of our clients' interests and the background to these representations.

1.0 BACKGROUND TO THE SUBMISSION VERSION NEIGHBOURHOOD PLAN CONSULTATION

- 1.1 This representation has been prepared on behalf of [REDACTED], with regard to land in their control at Station Road, Oakley, which they are promoting, and is in response to the proposals and designations set out in the Submission (Regulation 16) version of the Oakley Neighbourhood Plan (ONP) published for consultation by Bedford Borough Council. The specific representations submitted on behalf of the Sharnbrook Academy Federation address the relationship of the facilities at Oakley Primary Academy and Lincroft Academy to the Neighbourhood Plan.
- 1.2 The land at Station Road is referenced as “Site 170 & 521 – Station Road” within the evidence base for the draft Neighbourhood Plan. The land has been promoted by [REDACTED] in conjunction with Sharnbrook Academy Federation (SAF) on behalf of Lincroft Academy for residential development and, the creation of a self-contained education campus with expanded sports facilities. A copy of the concept masterplan prepared to support this wider development opportunity is provided at **Appendix 1**.
- 1.3 Previous representations to the Pre-Submission (Regulation 14) version of the ONP provide a detailed overview of our clients’ interests and their relevance to the Plan’s proposed policies and designations as well as their wider significance in relation to the sustainability of services and facilities in Oakley. A copy of these representations is included at **Appendix 2** to this Report.
- 1.4 [REDACTED] and SAF on behalf of Lincroft Academy together own or control all of the land that is ‘sandwiched’ between Station Road and Lovell Road and the main London - Sheffield Railway line which extends in total to 15.2ha. This land is fully contained and reads as part of the general structure, form and character of the Village and is distinct from the countryside beyond.
- 1.5 [REDACTED] and SAF for Lincroft Academy, have consulted with the school and parental bodies and have undertaken wider public engagement by way of a public exhibition of the proposals. In addition, they have sought engagement with the Parish Council over the use of the land and remain committed to working with the Parish Council and wider community in relation to their proposals.
- 1.6 The Neighbourhood Plan process recognises that the wider site has been promoted, but comments upon potential infrastructure constraints and highways issues including traffic relating to the school as barriers to further consideration for development. This starting point is contrary to national policy and guidance.
- 1.7 [REDACTED] and SAF consider that, working together, the development proposals advanced for the wider site can deliver the following:-
- i) the establishment of a new self-contained campus for Lincroft Academy with a separate and independent school driveway, extended parking and circulation space which would incorporate the existing school buildings with the provision of a wide range of new sports facilities and pitches;
 - ii) residential development;
 - iii) significant highway improvements, including the creation of a new access spine road and the consequent closing of Station Road as currently configured to address the existing issues of congestion and highways safety in Station Road and provide

safe and separate access to the school campus and the proposed new residential development; and

- iv) funding for the creation of the integrated school campus, playing fields and pitches and the highways improvements detailed in this submission would principally stem from the enabling residential development proposed.

- 1.8 The comprehensive proposals respond to a number of local issues and challenges faced by Lincroft Academy and the wider community arising from transport congestion, access, safety and parking difficulties particularly at school drop off and collection times. In addition, the existing location of the school playing fields, which are physically remote from the school, are a constraint on the effective delivery of the school curriculum and give rise to potential safety issues whereby children are required to cross a busy road to access the playing fields.
- 1.9 The proposals by [REDACTED] on behalf of Lincroft Academy, advocate a more holistic approach to the use and development of land on the eastern side of Station Road. They would allow for the expansion of the school and address the issues outlined and include new dedicated parking provision, circulation space on site and the creation of a new main access and driveway.
- 1.10 The proposals would also bring into effect a series of traffic calming measures that include the closing of Station Road as it currently is and its diversion onto a new access/distributor road.
- 1.11 The proposals would also enhance the school's operation, positioning the playing fields and sports pitches opposite the school, thus allowing for a better operation of the curriculum and improvements to pupil safety.
- 1.12 The new sports pitches would represent a significant upgrade over the existing facilities to the benefit of the school and wider community.
- 1.13 Therefore, whilst acknowledging the proposed allocation of land in this location for 30 new homes, it is believed that the proposals are not sufficiently ambitious and fail to respond to the opportunity that the site and the comprehensive opportunity for development it provides.
- 1.14 The proposal for 30 dwellings enabled through revision to the settlement policy boundary will not bring about the wider benefits for the school and by association the village of Oakley. More ambitious housing provision on a single site will enable the delivery of the significant benefits to both the school and wider community set out above through the collaborative working of [REDACTED] and SAF.
- 1.15 The proposals have also been informed by a range of technical work to demonstrate their viability and deliverability.
- 1.16 Both [REDACTED] would appreciate the opportunity to discuss matters further with the Parish Council and Bedford Borough Council through the potential allocation of the wider site.

2.0 NATIONAL POLICY AND LEGISLATION

- 2.1 Planning practice guidance specifies that undertaking a hearing as part of the Neighbourhood Plan examination is appropriate to enable oral representations on specific issues and ensure the opportunity to provide a fair case on the Plan's failure to satisfy relevant requirements (ID: 41-056-20180222). We specifically state the **request for a hearing** as part of these representations. This is justified given the significant and unjustified policy restrictions that the Neighbourhood Plan seeks to impose on the ability of Lincroft Academy to meet its future requirements.
- 2.2 A Neighbourhood Plan must meet prescribed basic conditions if it is to proceed to a referendum. These are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004:
- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*
 - d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*
 - e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
 - f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*
 - g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)*
- 2.3 In seeking to ensure the achievement of sustainable development paragraph 11 of the revised National Planning Policy Framework specifies that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 13 of the NPPF2019 states that the implications of the presumption apply to those engaged in the preparation of neighbourhood plans.
- 2.4 In relation to basic condition (a) it is important that Neighbourhood Plans should support the delivery of strategic policies contained in the Local Plan. Neighbourhood Plans should not undermine those strategic policies. They should also plan positively to support, shape and direct development outside of these (ID: 41-070-20190509).
- 2.5 Planning practice guidance confirms that Neighbourhood Plans should demonstrate how they may contribute towards environmental, social and economic conditions while ensuring adverse impacts are avoided (ID: 41-072-20190509). This is consistent with the objectives for a plan-led system. Sufficient and proportionate evidence is required to demonstrate this and may best be illustrated through preparation of a Sustainability Appraisal. A Sustainability Appraisal allows the context, objectives and approach to the assessment to be outlined; relevant environmental issues and objectives to be identified; and alternatives to the preferred strategy considered. This may draw on the evidence base for the Local Plan, if available and up-to-date.
- 2.6 The Revised National Planning Policy Framework 2019 emphasises that strategic policies should be clearly distinguished from non-strategic policies. Planning Practice Guidance specifically addresses the approach to understanding the implications of identifying strategic policies relevant to basic condition (e) and ensuring general conformity. Strategic policies can occur anywhere in the development. They will not solely relate to housing matters and can be required to address the range of priorities

identified in paragraph 20 of the NPPF2019, including infrastructure and community facilities.

- 2.7 Groups preparing Neighbourhood Plans should apply a number of considerations when identifying and determining the role of strategic policies, including *inter alia*:
- *“whether the policy sets out an overarching direction or objective*
 - *whether the policy sets a framework for decisions on how competing priorities should be balanced*
 - *whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the local plan or spatial development strategy*
 - *in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the local plan or spatial development strategy*
 - *whether the local plan or spatial development strategy identifies the policy as being strategic” (ID: 41-076-20190509) (SPRU emphasis)*
- 2.8 Infrastructure needs to be provided in the Neighbourhood Plan area should be considered at the earliest stage in plan-making. This should ensure that the planning system supports growth in a sustainable way. These considerations include:
- *“what additional infrastructure may be needed to enable development proposed in a neighbourhood plan to be delivered in a sustainable way;*
 - *how any additional infrastructure requirements might be delivered;*
 - *what impact the infrastructure requirements may have on the viability of a proposal in a draft neighbourhood plan and therefore its delivery; and*
 - *what are the likely impacts of proposed site allocation options or policies on physical infrastructure and on the capacity of existing services, which could help shape decisions on the best site choices” (ID: 41-045-20190509)*
- 2.9 The requirements for prioritised infrastructure to support development in the plan should be set out and explained within the Plan.
- 2.10 Paragraph 30 of the NPPF2019 is relevant to assessing the application of non-strategic policies that Neighbourhood Plans introduce to the development plan, once made. Once brought into force these will take precedence over existing non-strategic policies where they are in conflict *“unless they are superseded by strategic or non-strategic policies that are adopted subsequently.”*
- 2.11 Paragraph 14 of the NPPF2019 deals with specific circumstances for the application of paragraph 11(d) of the presumption in favour of sustainable development for decision-taking. Where this is engaged for applications involving the provision of housing, the adverse impact through conflict with a made Neighbourhood Plan is considered *likely* to significantly and demonstrably outweigh the benefits where all stated criteria .
- 2.12 Criteria (b) is expanded upon in planning practice guidance to emphasise the importance of Neighbourhood Plans providing policies and allocations to meet their housing requirement in order to benefit from the provisions at paragraph 14 of the NPPF (ID: 41-096-20190509). This is specifically part of ensuring that the *“Neighbourhood Plan is planning positively for new homes, and provides greater certainty for developers, infrastructure providers and the community.”*
- 2.13 Where the Neighbourhood Plan looks to allocate sites for development the process should demonstrate how these objectives have been addressed. This includes a *“need*

to carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.” Sustainability Appraisal / Strategic Environmental Assessment may be required where the plan is likely to have a significant effect on the environment and the environmental implications of proposals should be considered at an early stage.

- 2.14 Planning practice guidance further outlines the process of site identification and site assessment that all plan-makers should adopt in considering potential allocations, including issuing a call for potential sites. A comprehensive survey of sites should ensure thorough assessment against national policies and designations to take account of the potential for development and any relevant constraints. The assessment should ratify inconsistent information, provide an understanding of the development that may be appropriate and give a more detailed understanding of deliverability (ID: 3-016-20140306).
- 2.15 In terms of this, criteria 14b cannot be met through policies and allocations in other development plan documents, including any provision for windfall development.
- 2.16 Within the context of undertaking reviews of a made Neighbourhood Plan guidance specifies the importance of ensuring that sites identified for development in year 1-5 of the Plan period are deliverable (ID: 41-099-20190509). Plainly the importance of this can also apply in the context of Plans made to address the housing requirement in strategic policies of recently adopted Plans where a pressing need for housing is identified.
- 2.17 Groups preparing Neighbourhood Plans should demonstrate that the approach they have adopted in seeking to address the need for policies and allocations to meet requirements identified in the strategic policies of the Local Plan and the Neighbourhood Plan should specify the origin for the housing requirement figure (i.e. 25-50 dwellings in this case). Groups are encouraged to meet and where possible exceed the requirement and provide for a sustainable choice of sites that can respond to changing circumstances and allow the plan to remain up-to-date for longer (ID: 41-103-20190509).

3.0 KEY ISSUES WITH THE ONP VISION, OBJECTIVES AND GENERAL CONFORMITY WITH STRATEGIC POLICIES

- 3.1 The submission version of the Neighbourhood Plan has been prepared in advance of adoption of the Bedford Local Plan 2030. It is important to note that the requirement for general conformity at the current point in time remains the adopted development plan, including the Core Strategy and Rural Issues Plan (April 2008); and the Allocations and Designations Local Plan (July 2013).
- 3.2 Planning practice guidance specifies the approach to be taken in these circumstances for Neighbourhood Plan preparation, indicating that the reasoning and evidence informing the emerging Local Plan process may be relevant to consideration of the basic conditions (ID: 61-006-20190315).
- 3.3 The Bedford Local Plan 2030 is proceeding under transitional arrangements to enable plans to be examined against the 2012 version of the National Planning Policy Framework. The Oakley Neighbourhood Plan must be assessed against relevant provisions of the revised NPPF 2019 ('revised framework').
- 3.4 The Plan and its supporting evidence (including the Basic Conditions Statement prepared to demonstrate compliance with relevant policy and legislation) indicates that the emerging Local Plan 2030 has been 'taken into account' in the course of preparation. The emerging Plan is capable of being a material consideration and this is important in terms of plan-making to ensure that the Neighbourhood Plan does not come into conflict (and therefore have its policies rendered out-of-date) as soon as a new Plan comes into place.
- 3.5 There are a number of deficiencies in the Basic Conditions Statement (BCS) prepared by Urban Vision on behalf of the Parish Council.
- 3.6 The summary of the relationship of the submission Neighbourhood Plan to national policies and advice is limited to broad areas of the NPPF2019. The relevant Neighbourhood Plan policies identified against each section of the NPPF do not provide a clear indication of how they will promote the achievement of sustainable development. This is particularly true in terms of the BCS failing to indicate any relevant policies that plan positively for social, recreational and cultural facilities (NPPF2019 paragraph 92); or ensure provision of sufficient school places (paragraph 94).
- 3.7 Regard to the emerging Local Plan is dealt with on Page 13 of the BCS. This does not address any specific policies in the emerging Plan and pays no regard whatsoever to the distinction between strategic policies and non-strategic policies within that document. It may be possible to read across some awareness of the indicative levels of development to be provided as part of the emerging spatial strategy (i.e. 25-50 homes). However, the BCS does not address the objectives identified within the Local Plan 2030, specifically overlooking any of its approach to ensuring sustainable development through managing requirements for social, community and green infrastructure.
- 3.8 The BCS also fails to address any of the relevant policies and designations from the Allocations and Designations Local Plan (ADLP) 2013. This is critical particularly where policies of that Plan will not be replaced by the Local Plan 2030 and will remain part of the adopted development Plan. It is important to have regard to the evidence base for these policies and their intentions; and avoid unnecessary duplication as encouraged in national policy and guidance. The following policies and designations of the ADLP 2013 are specifically affected by the proposed policies of the submission Neighbourhood Plan:
- AD40: Village Open Spaces and Views

- AD42: Local Gaps

- 3.9 The existing development plan is substantially dated and does not clearly indicate the number and role of strategic policies as required in the revised National Planning Policy Framework (2019). It does not itself provide a housing requirement for the parish of Oakley nor prescribe any approach towards policies and allocations to support future delivery and sustainable growth.
- 3.10 In relation to the policies of the existing development plan the Basic Conditions Statement identifies that the Neighbourhood Plan seeks to meet ‘community needs’ within an amended Settlement Policy Area boundary, therefore complying with Policies CP12, CP13 and CP14.
- 3.11 The application of these policies needs to be undertaken in the context of less prescriptive requirements within the NPPF2019. Nonetheless the Basic Conditions Statement fails to acknowledge that development at Rural Service Centres within and on the edge of the Settlement Policy Area will be supported specifically in the context of that *‘required to meet local business and community needs and to maintain the vitality of those communities’*. The Oakley Neighbourhood Plan represents a more restrictive approach.
- 3.12 In this regard it is significant that the emerging Local Plan 2030 sets a strategic policy framework to support, inter alia, Healthy Communities (Policy 1S), Delivering Infrastructure (90S) and Green Infrastructure (36S) as well as the overall approach to the spatial strategy and amount and distribution of growth (Policy 2S/3S).
- 3.13 In relation to the housing requirement in strategic policies and the requirement figure provided for designated neighbourhood areas paragraph 65 of the NPPF states:
“Once the strategic policies have been adopted, these figures should not need retesting at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.”
- 3.14 Paragraph 66 states that where it is not possible provide a housing requirement an indicative figure should take account of the population in the area, evidence of local housing need and the most recent planning strategy. The emerging Bedford Local Plan 2030 has been prepared and submitted for examination against the transitional arrangements for the NPPF2012. The arbitrary apportionment of development to Key Service Centres and Rural Service Centres pre-dates this approach.
- 3.15 Examination of the submission version Neighbourhood Plan represents an appropriate basis to review the level of development considered appropriate. This should take account of the circumstances for the Local Plan 2030, in particular the foreshortened plan period, requirement for immediate review and the significant shortfall in housing needs being met relative to the figure provided by the government’s standard method. These factors should be considered alongside the requirements and opportunities to achieve sustainable development in Oakley.
- 3.16 The Parish Council’s approach to preparing the strategy can be broadly summarised as follows:
“The overall growth strategy is based on identifying the most sustainable areas where housing and business development can be placed, whilst also protecting sensitive landscapes and preventing uncontrolled development of the rural area. The Oakley settlement policy area is enlarged by this neighbourhood plan to accommodate housing growth, to meet local need. To make Oakley more sustainable, links to other areas need to be improved. A priority will be promoting and improving sustainable travel links to the

nearby settlements of Bedford, Clapham and Bromham. This goes beyond the scope of the neighbourhood plan policies for the most part, but there is also an emphasis on balanced transport provision within Oakley itself.”

3.17 The specific ‘Vision’ for Oakley sought through the Neighbourhood Plan is stated **“To protect and improve the village community and the landscape within which it sits.”**

3.18 This cannot be considered to promote sustainable development nor be consistent with national policy and guidance. We would anticipate that, as a minimum, the vision might set out as follows:

‘By 2030 Oakley will sustain and enhance its role as a Rural Service Centre, through maintaining and enhancing the excellent school facilities; supporting appropriate residential development opportunities; and promoting improvement to services and facilities for the benefit of the wider community. This will be achieved through supporting development that makes a positive contribution to the built, natural and historic environment and supporting the village to meet the needs of existing and future residents locally and within the rural area.’

3.19 The submission version of the Neighbourhood Plan has the potential for a range of conflicts with these strategic policies and objectives for sustainable development. This is a particular function of its approach to meeting housing need managing development within and beyond the Settlement Policy Area (SPA).

3.20 The policy approach to provide for levels of development is predicated upon Policy 3S of the emerging Bedford Local Plan 2030, as submitted for Examination. This states that for Oakley, as a Key Service Centre (‘Group 2 Village’) that strategy for spatial distribution directs that it will be necessary to identify sites to provide for development of 25-50 homes. These will be generally *“in and around defined Settlement Policy Area boundaries”* and *“all sites will be allocated in Neighbourhood Development Plans”* (our emphasis).

3.21 In comparison, the Submission version Oakley Neighbourhood Plan states that:

“To accommodate the new developments of up to 10 dwellings - off High St and up to 30 dwellings - off Station Rd the settlement policy area for the Parish of Oakley will be formally changed as part of this Neighbourhood Plan”

3.22 This means that the submission Neighbourhood Plan does not contain specific allocation policies for the sites referred to above. In order to direct development to specific locations there is only general Design Guidance contained in an Appendix, outside of the proposed policies. Moreover, the Plan contains a proposed Policy **HG1** (‘Housing Growth in Oakley’) to reflect where development will be supported inside the amended SPA and introduces strict controls on residential development outside these limits.

3.23 Policy **HG1** does not provide a broad range of criteria to address the types and circumstances for development – most typically associated with the requirements for community services and facilities, economic development and suitable opportunities for housing growth – beyond the settlement policy area.

3.24 Policy 6 of the emerging Bedford Local Plan 2030 deals with ‘Development in the Countryside’. It is currently proposed as a non-strategic policy but is an important counterpart to the overall approach to the spatial strategy and providing for sustainable development. Criteria (v) of the proposed policy states that ‘made’ neighbourhood plans may identify development outside Settlement Policy Areas. Moreover, criteria (vi) – (x) state:

“In addition, exceptionally development proposals will be supported on sites that are

well-related to a defined Settlement Policy Area, Small Settlements or the built form of other settlements where it can be demonstrated that:

vi. It responds to an identified community need; and

vii. There is identifiable community support and it is made or supported by the parish council or, where there is no parish council, another properly constituted body which fully represents the local community; and

viii. Its scale is appropriate to serve local needs or to support local facilities; and

ix. The development contributes positively to the character of the settlement and the scheme is appropriate to the structure, form, character and size of the settlement.

x. Where a community building is being provided, users of the proposed development can safely travel to and from it by sustainable modes and it is viable in the long term, ensuring its retention as a community asset.”

- 3.25 In this regard the Oakley Neighbourhood Plan fails to promote sustainable development and is inconsistent with national policies and guidance. The approach to preparing the Neighbourhood Plan will further bring it into immediate conflict with the anticipated strategic policies (and non-strategic policies) to be provided by the Bedford Local Plan 2030 upon adoption. Specifically, the submission Neighbourhood Plan is not based on an understanding of the requirements and priorities for development over the plan period and the criteria or options for how these might be met within and beyond the Settlement Policy Area.

4.0 CASELAW RELEVANT TO THE SUBMISSION NEIGHBOURHOOD PLAN

- 4.1 To the extent that the submission version of the Neighbourhood Plan is informed by the emerging Bedford Local Plan 2030 we will illustrate that the approach has been constrained by seeking to provide policies to accommodate the level of development of 25-50 homes. The approach adopted is not consistent with the objective of achieving sustainable development and has not been tested against reasonable alternatives.
- 4.2 Importantly, the 'Inspectors' Letter to Bedford Borough Council following the Hearing Sessions of the Examination in Public of the Bedford Local Plan (Examination Document ED50) has indicated that Policy 3S of the emerging Local Plan 2030 should be modified on the following basis:
- “In order that the plan is positively prepared the Council should amend this policy to enable Neighbourhood Plans to allocate more than 50 houses if local circumstances indicate that this is appropriate.”***
- 4.3 The submission Neighbourhood Plan is not able to rely on the Sustainability Appraisal undertaken to support the emerging Local Plan 2030. This does not demonstrate that reasonable alternatives to the scale and locations for growth in Oakley have been tested and either accepted or rejected at previous plan-making stages. This is most simply confirmed at paragraph 8.25 of the Council's September 2018 Sustainability Appraisal:
- “As previously noted, the selection of alternative sites to meet the strategic allocation within the settlements is being made by the respective Parish Councils through their Neighbourhood Plans and is therefore not considered in this Sustainability Appraisal Report.”*
- 4.4 Our clients have participated at all stages of consultation and the subsequent ongoing Examination of the emerging Local Plan 2030 to raise substantive soundness and legal compliance concerns with the Sustainability Appraisal process for that Plan. It is not necessary to highlight these in full. However, it is relevant to highlight that the Sustainability Appraisal process for the Local Plan 2030 has excluded options for higher levels of growth with a different distribution that had been previously assessed as being some of the most sustainable. This is based purely on the grounds that the level of development was beyond that required by the draft Plan with a foreshortened Plan period. This includes options for higher levels of growth in the rural area.
- 4.5 This is illustrated by the nature of alternative broad options for spatial distribution considered as part of the plan-making in previous consultation stages. The 'Bedford Local Plan 2032 Consultation Paper' (October 2015) confirmed that the strategy going forward was at that point to focus development on the urban areas of Bedford and Kempston, with a greater proportion of development also being distributed to the rural areas.
- 4.6 Within this draft Plan, Oakley was designated a Rural Service Centre. Rural Service Centres were each proposed to be allocated 50-150 (on average 100) new dwellings.
- 4.7 Land off Station Road, Oakley, was again put forward, although within this submission the plans also include the existing playing field north of Lovell Road. This site was provided with the reference number 521. This site measures 15 hectares and was proposed to be used for 250 residential dwellings, as well as relocation of the school playing fields.
- 4.8 No clear site assessment process and iterative testing of options has been undertaken by the Council, including for the land at Station Road, Oakley. The reasoning and justification for allocating sites is not clearly and accurately identified in the 2018 SA

Report. For example, one way of usefully doing this would be to include a table that accurately identifies inter alia, all sites allocated; the reasonable alternatives that were not taken forward; those reasonable alternatives that were discounted or rejected at an earlier stage; and then to explain the reasons for the decision on those sites. This is relevant for the level of housing that has been allocated to Group 2 (Rural Service Centre) settlements including Oakley, as there appears to be no such assessment at all, simply leaving this to the Neighbourhood Plan process.

- 4.9 Preparation of the Oakley Neighbourhood Plan does not need to be constrained by the plan period proposed in the Bedford Local Plan 2030, which falls short of the 15 years following adoption required by the NPPF2019. As specified in practice guidance, neighbourhood planning can set out a positive vision for how the community should develop over the next “10, 15, 20 years” (ID: 41-003-20190509).
- 4.10 A copy of SPRU’s submitted Matter 1 (‘Legal Compliance and Overarching Issues’) Local Plan 2030 Examination Hearing Statement is included within these representations at **Appendix 3** setting out our wider concerns.
- 4.11 Caselaw provides a clear outline of the implications for the Oakley Neighbourhood Plan given the basis on which it has been prepared. It is accepted through the judgement of the Court of Appeal in *R (Larkfleet Homes Ltd) v. Rutland County Council* [2015] EWCA Civ 597 that Neighbourhood Plans may allocate sites. Qualifying bodies may rely on evidence prepared by the local planning authority, including the findings of Sustainability Appraisal / Strategic Environmental Assessment prepared as part of the Local Plan process, as set out in paragraph 26 of the judgment. These must consider both positive and negative effects from development. However, in relation to the Oakley Neighbourhood Plan there is no comparative evidence available from the local planning authority to set out these findings on the policies proposed to deliver the identified level of development against other alternatives.
- 4.12 The case of *Crane v. Secretary of State for Communities and Local Government* [2015] EWHC 425 (Admin) dealt with an unsuccessful challenge to a decision by the Secretary of State to dismiss an appeal for housing. In that case, the application conflicted with the location of sites identified to provide for allocations in a made Neighbourhood Plan, supported by robust evidence, despite the absence of specific policies to restrict housing elsewhere (i.e. a settlement boundary). This conflict may be given substantial weight. However, the Oakley Neighbourhood Plan does not contain specific housing allocations and must be read against this judgment in that context.
- 4.13 A more appropriate parallel is provided through the successful challenge against the Secretary of State’s decision to dismiss a planning appeal based on conflict with an emerging Neighbourhood Plan in *Woodcock Holdings Ltd. v. Secretary of State for Communities and Local Government* [2015] EWHC 1173. This deals with an instance where there was an absence of site allocations in the relevant settlement and the lack of a five year housing land supply. Justice Holgate specifically addresses the lack of evidence for positive planning and flexibility exhibited in policies that propose a numerical cap on housing and having regard to the NPPF would not satisfy the basic conditions. Paragraph 79 provides a useful comparison with the approach in *Crane*:

“In Crane the Secretary of State gave an explicit and detailed explanation as to why the proposal was in clear conflict with the comprehensive spatial strategy of the neighbourhood plan (see e.g. paragraphs 5, 7 - 8, 11, 13, 29 and 34 of the judgment). First, the Neighbourhood Plan contained allocations and not housing numbers without allocations. Second, those allocations met substantially more than the housing needs identified by the adopted core strategy for the area of the Neighbourhood Plan. Third,

the documentation for the examination of the Plan had explained why allocations to meet the requirements of the Core Strategy had been located on certain sites and others had been rejected. Mr. Crane's site had been considered to be remote from the village centre (paragraphs 33 and 34 of judgment). In the present case the draft Neighbourhood Plan did not propose any allocations at Sayers Common or discuss the relative merits of sites. It merely proposed, in the absence of a core strategy or even an up to date and objective assessment of housing needs, to cap the number of new dwellings for the village as a whole at 30 - 40."

- 4.14 Paragraph 84 provides further detail on the requirement to weigh findings on the scale of housing proposed in the policies of a Neighbourhood Plan against other considerations, stating that the challenge should succeed on the grounds that *inter alia*:
"the Defendant treated the proposal as being in conflict with the scale of housing proposed in the draft plan for Sayers Common, but he failed to weigh that conclusion against his findings that the scale and density of the proposal are acceptable for the village, the location is sustainable and the proposal would overcome any infrastructure constraints." (SPRU emphasis)
- 4.15 In *Bewley Homes PLC, Wates Developments Limited and Catesby Estates (Developments) Ltd v Waverley Borough Council* [2017] EWHC 1776 (Admin) the judgment of Justice Lang confirms that the requirement for general conformity with the strategic policies in place is a relatively flexible test. In that case, the Farnham Neighbourhood Plan is based on the designation of a built up area boundary for the town, despite the absence of any such designation in the 2002 Waverley Local Plan. Lang J specifically addresses the appointed Examiner's findings on the comprehensive approach adopted towards designation of the boundary, set out in the evidence base for the plan, including support for the allocation of specific sites.
- 4.16 Lang J also addresses the issues with this approach, now reflected in the ongoing review of the Farnham Neighbourhood Plan, in that such policies can become quickly out-of-date in the context of changes to the housing requirement in the strategic policies of the development plan. This occurred in Waverley between the process of receiving the Examiner's Report of the Neighbourhood Plan and the (thus unaddressed) requirement to meet unmet needs from Woking subsequently included in the target for the Waverley Local Plan: Part 1. This is a clear parallel with the position in Bedford given the foreshortened plan period to 2030; failure to meet housing needs indicated by the government's standard method; and requirement for early review of the Local Plan.
- 4.17 It is clear from the context provided by the relevant judgments that the Oakley Neighbourhood Plan is not supported with sufficient evidence for the approach proposed towards its policies for housing, which amount to a cap on future levels of growth. This particularly concerns the lack of a comparative assessment of options for either specific allocation of sites or amendments to the Settlement Policy Area boundary as part of a Sustainability Appraisal or a robust site assessment process. The process of preparing the Neighbourhood Plan has not considered the potential positive and negative effects arising from the proposed approach and reasonable alternatives. The Neighbourhood Plan has not considered opportunities for a longer-term positive vision for growth to promote sustainable development beyond 2030.

5.0 STRATEGY AND APPROACH TOWARDS FUTURE DEVELOPMENT – HG1

- 5.1 [REDACTED] note and welcome the incorporation of the land at Station Road within an amended Settlement Policy Area Boundary and the selection of the location as a 'proposed development site' (discussed on pages 50-52 of the plan), albeit on the basis of an allocation for approximately 30 new homes on the northern part of the overall land area. [REDACTED] agree with the principle of the allocation of this site but consider that the Neighbourhood Plan has not fully considered the full benefits of the comprehensive development proposal promoted by [REDACTED] and SAF for Lincroft Academy.
- 5.2 In relation to specific policy support for future levels and locations of growth we will highlight issues related to the Plan failing to provide for specific allocations for residential development. Documents provided alongside the submission version of the Neighbourhood Plan include a Strategic Environmental Assessment (SEA) Screening Opinion. This provides the view that it is unlikely there will be any significant environmental effects arising from the Neighbourhood Plan and therefore a full SEA is not required.
- 5.3 The SEA Screening Opinion falsely states that the Neighbourhood Plan is 'allocating' land for 50 homes. This is not the approach taken to preparing the Plan. Moreover, in the case of Oakley (and the rural area of Bedford generally) it is the case that reasonable alternatives for site selection and allocation have not previously been considered as part of the Bedford Local Plan 2030 process.
- a) Oakley and the Settlement Hierarchy**
- 5.4 We endorse the starting point for the Inspectors' proposed modification to Policy 3S that stipulates the allocation of more than 50 homes in Rural Service Centres (including Oakley) may be considered where local circumstances indicate this would be appropriate. This acknowledges that beyond the broad distinctions drawn by the settlement hierarchy the imposition of caps to levels of development within a particular tier would not reflect positive planning.
- 5.5 Planning Practice Guidance, which considers that all settlements can play a role in delivering sustainable development in rural areas and that the allocation of sites may be considered at a strategic level through the Local Plan or neighbourhood plan process (ID: 50-001-20160519). Part vii of Policy 2S of the Bedford Local Plan 2030 acknowledges that supporting development in Key Service Centres (and the expansion of educational facilities where necessary) is a strategic issue for the Local Plan. For the reasons set out in these representations this is also an issue of strategic importance in Oakley given the role of Lincroft Academy.
- 5.6 Policy 3S is based on an apportionment of the residual requirement for growth to 2030 across the rural area, as opposed to an assessment of the capacity and opportunities for growth in individual settlements.
- 5.7 For Rural Service Centres a constrained total of 25-50 dwellings per settlement does not give scope to positively support sustainable opportunities for additional growth where they would complement development in the rural area.
- 5.8 Bedford Borough Council is to a significant extent looking to defer these strategically important issues to Neighbourhood Plans prepared subsequently. The Oakley Neighbourhood Plan provides an example of the risks of this approach in terms of inhibiting opportunities to meet future requirements and failing to assess these as part of preparing policies for housing development with the Settlement Policy Area.
- 5.9 In relation to Oakley, Bedford Borough Council's approach to the assessment of the

settlement hierarchy is flawed as it fails to take into account the proximity of services and facilities in neighbouring areas which fall within the prescribed distances. Oakley is well positioned to take a greater level of growth given its inherent sustainability and the options for development available.

- 5.10 The village is very well connected to both Clapham (a Key Service Centre some 600 metres distant) and Bedford and is well served by public transport.
- 5.11 The relative sustainability of Oakley has been set out in detail as part of our representations to the Pre-Submission ('Regulation 19') Bedford Local Plan 2030 consultation. These highlight that Oakley includes local shopping, significant employment opportunities and has both a Primary and Secondary School. As such Oakley serves a wider catchment area. All of these factors indicate that provision of more than 50 homes may be appropriate.
- 5.12 The key issue with the Council's approach is that only limited weight was given to the provision of secondary education, as opposed to primary education, in developing the evidence base for the Settlement Hierarchy. It has been accepted as part of previous Plan-making that Oakley has a similar level of services to Key Service Centres. The presence of Lincroft Academy is, however, effectively discounted for the purposes of assessing the role of the settlement. Furthermore, the Borough Council's assessment of the settlement hierarchy pre-dates the transition to a two-tier school system, which emphasises the role of Oakley given its provision of primary and secondary education facilities in a single settlement.
- 5.13 Consequently, the finding on Oakley's function as a Rural Service Centre is flawed, particularly as the relationship between additional housing growth and improvements in education provision should form a consideration when determining settlement status and ability to provide for housing growth.
- 5.14 The 'Sustainability Appraisal of sites' (Appendix 16 to the September 2018 Sustainability Appraisal of the Bedford Local Plan 2030) reinforces the overall conclusion that equally sustainable options to distribute growth that deliver a higher proportion of development in Key Service Centres and Rural Centres and that specific site options exist to support such distributions.
- 5.15 In highlighting the sustainability credentials of Oakley it is notable that the assessment for Site Ref: 521 (Land on the eastern side of Station Road, Oakley – residential development up to 250 dwellings) records potentially significant positive impacts relating to minimising growth in car usage, reducing the need to travel and promoting the shift to more sustainable modes of transport. This means that at least 3 out of a list of local services (school, GP, general store, place of employment) are available within a 10-minute walking distance and also takes account of public transport accessibility to alternative services.
- 5.16 In addition, the Priory Medical Centre located towards the western edge of Clapham is easily accessible by walking and cycling (less than 0.8 miles). Bus routes along Lovell Road south of Oakley also offer access by public transport. The Council's Settlement Hierarchy paper itself acknowledges that excluding specific provision of GP facilities in individual settlements may be more appropriate for determining the hierarchy. Oakley is one example of the rationale for this judgement given the proximity to Clapham and scores more highly in this iteration prepared by the Council.
- 5.17 Links to Clapham are emphasised by the existing pattern of linear development extending east along Lovell Road, comprising residential and mixed commercial uses, alongside the existing sports pitches, that extend the urban fringe of Oakley. The wider

opportunity for development East of Station Road would not extend this linear development as the site comprises a location tightly bounded by the Midland Mainline to the east which narrows as it extends northwards and sites north and west of the existing development along Lovell Road nearest Clapham.

- 5.18 We have argued that an appropriate modification to the Bedford Local Plan 2030 would be to recognise the role of the village as a **Key Service Centre**. In the absence of this alteration, it is accepted that issues with the Council's settlement hierarchy and the resulting Local Plan 2030 emerging policies (and absence of allocations) place an increased reliance on the neighbourhood planning process. However, in order to ensure that the requirements and opportunities for sustainable development are secured it is appropriate to ensure increased levels of development in Oakley are considered as a starting point. This is consistent with the Inspectors' identified requirement for modifications to Policy 3S in the emerging Local Plan 2030. Furthermore, it is essential that the development management policies of the Neighbourhood Plan do not prevent these requirements being met in the future.

b) **The Approach to the Site Assessment Process**

- 5.19 The Report 'Oakley Neighbourhood Plan Site Assessments' (February 2018) has been prepared to support the submission version of the Plan. This considers six options identified as a result of consultation and call for site exercises associated with the earlier stages of the Bedford Local Plan 2030. This includes Land at Station Road, Oakley (Site Refs: 170 and 521) subject to these representations. No site identification activity appears to have been provided by the Parish Council.
- 5.20 The resulting assessments do not provide a robust justification for the approach taken to site selection and supporting growth. The assessments do not provide a criteria-based assessment of relevant factors (including suitability, availability and achievability). The view of Bedford Borough Council as part of its 'Initial Site Assessments' (2017) was that the land East of Station Road is suitable, available and achievable for development. The Oakley Report does not identify future requirements for infrastructure provision or how these might be addressed; and does not assess any relevant constraints in terms of how they might be overcome. Identification of 'wider infrastructure issues' is frequently cited as informing the assessment findings, including in relation to highways capacity, without adequate reference to the associated evidence base.
- 5.21 The Report fails to correctly assess the future requirements and aspirations of Lincroft Academy to meet its role in the local area regarding the findings on Land at Station Road. In relation to Site ID: 521 (the larger of the two site boundaries submitted at Station Road) Section 3 does note the "*desire to reconfigure school playing fields*" as a relevant aspect for the assessment. 'Wider infrastructure issues' and traffic associated with the schools are the only identified issues and challenges at this stage of the assessment.
- 5.22 Subsequent findings are presented on the basis of 'challenges and constraints' versus 'opportunities' before indicating the potential capacity for development identified. The standalone conclusion that the northern part of the site is suitable for development and therefore proposed for inclusion within the amended Settlement Policy Area boundary is welcomed. However, this does not overcome wider failings with the site assessment for the area submitted.
- 5.23 Challenges and constraints are identified to preclude the development of the whole site, including the 'wider infrastructure issues' identified initially as well as school traffic. In

addition, the assessment notes:

- i) Conflict with aspirations of the school in terms of their sports provision
- ii) Highway issues with 500 additional houses each in Bromham and Clapham being proposed in the catchment area of Lincroft School impact on wider infrastructure plus the increased traffic over and above that already use Oakley roads to access the A6, A421 and A428
- iii) Landscape views as in Landscape Policy and Coalescence Policy that states no coalescence with Clapham

5.24 Taking each of these findings in turn:

5.25 Details provided as part of the submission of information to support site ID: 521 specifically address the objective of betterment to meet the future requirements to provide sports and outdoor recreational facilities. This would seek to address the wider needs of the Lincroft Academy and Oakley Primary Academy campus and deliver a wider community benefit. Lincroft Academy has subsequently provided representations to the Pre-Submission Consultation (Regulation 14) indicating that in terms of the proposed approach this **“will not resolve the existing challenges for the school”**. The strategy proposed is considered to inhibit the school’s ability to meet its future requirements, whereas:

“The proposals presented by the school and the land owners would achieve both the positioning of the playing fields opposite the school and the creation of a singular campus such that a range of school activities can be self-contained, and expansion accommodated. This would also benefit local residents and the community at large.”

5.26 The Parish Council has not provided an adequate response to these objections or clearly set out its reasons for rejecting alternative options. In relation to reconfiguration of the sports pitches the group’s response states:

“Possible site allocation previously considered. The Sports Field has community value and creates a separation.”

5.27 Lincroft Academy’s previous representations also demonstrate why this is not a justified conclusion in terms of rejecting the proposed approach to reconfiguration:

“The grounds also, are not a public asset nor in public use unless with the consent of the school, and this means they do not fit with the definition of a local green space in terms of their recreational value”.

5.28 We deal with the specific associated proposals for designation as a Local Green Space elsewhere, however it is apparent that reconfiguration would maintain and enhance the community value of facilities and provide opportunities for green infrastructure enhancement.

5.29 Addressing shortcomings with the current site in terms of its location and the facilities available is a commitment on the part of the Sharnbrook Academy Federation. This forms part of ambitious plans incorporating provision of a sports hub providing wider benefit to the local community, complementing the ability of Lincroft Academy to meet its own requirements as a growing secondary school.

5.30 In relation to cumulative highway impacts the Neighbourhood Plan is supported by

evidence to demonstrate the specific implications for the approach to policies and allocations to provide for future development in Oakley. For example, the Borough Council's Report on cumulative modelling of the Local Plan 2030 (SD33) (Systra, 2018) identifies no significant changes in delays around Clapham village, which will not negatively impact on the surrounding network, noting that future changes are more closely associated with a high proportion of demand from destinations towards Bedford. While development in both Bromham and Clapham will affect the Lincroft Academy catchment this further emphasises the failure of the Neighbourhood Plan to consider solutions and opportunities for local improvements.

- 5.31 The findings associated with landscape impact and coalescence relate to 'policy-on' considerations in the emerging Neighbourhood Plan that seek to impose a constraint and protection against all development, contrary to national policy and the approach in the existing development plan. This is addressed in our response to policies LE1 and LE3.
- 5.32 We note the conclusions at the 'summary' of the site assessment indicating that "*a balance would need to be struck in terms of securing appropriate planning gain and viability*". The policies of the submission Neighbourhood Plan provide no indication of how this has been addressed in terms of the objectives for the site and the plan as a whole in terms of the requirements to be provided. On behalf of our clients we submit that Land East of Station Road is capable of making a substantial contribution to all three domains of sustainable development; however, this balance has not been addressed in terms of the proposals for the wider site.

6.0 LANDSCAPE DESIGNATIONS – POLICIES LE1 and LE3

- 6.1 The supporting text of the Neighbourhood Plan identifies that as part of the strategy and approach to providing for future housing growth “*Development should not impact on the open spaces between Oakley and Clapham.*” These objectives form a significant component of dedicated policy proposals for Landscape contained in a separate chapter of the Plan.
- 6.2 The Neighbourhood Plan seeks to introduce policy protections for ‘Significant Landscape Areas’ (**Policy LE1**). This seeks to ensure that policy **LE1** provides ‘explicit environmental consideration for the area’s most significant landscapes’. The Neighbourhood Plan also proposes an overarching policy to provide an assessment of impacts in terms of ‘Coalescence with Neighbouring Villages’ (**LE3**).
- 6.3 Accompanying images are provided to indicate the respective locations and extent of the proposed policy designations on the Policies Map. We consider that the figures contained within the submission version Neighbourhood Plan do not provide a clear illustration of the area affected by the proposed policies. For the reasons outlined below these policy proposals fail to satisfy the basic conditions.
- 6.4 The representations below assess the wider context and evidence base for these policy proposals within the Neighbourhood Plan and set out where they fail to satisfy the basic conditions for neighbourhood planning.
- 6.5 The key sources of evidence provided to support the Neighbourhood Plan’s proposed policy designations are identified as follows:
- Oakley Village Landscape Character Assessment (2018)
 - Bedford Borough Council Landscape Character Assessment (BBLCA) (April 2014)
 - Bedford Borough Council “Urban Boundary Review” dated July 2013
 - Landscape Sensitivity Study – Group 1 and Group 2 Villages, Bedford and Kempston Urban Edge (2018) (not referred to in the Neighbourhood Plan evidence base)
- 6.6 In relation to the ‘Oakley – Clapham Local Gap’ the submission version of the Neighbourhood Plan indicates that a definitive map is included in the BBC “Urban Boundary Review” dated July 2013.
- 6.7 The source for this reference is not provided within the evidence base for the Neighbourhood Plan. However, it is sensible to interpret this in relation to the Allocations and Designations Local Plan (adopted July 2013) and the accompanying policies map in relation to its provision for ‘Urban Open Spaces and Gaps’. The Oakley – Clapham Gap is described in supporting text at paragraph 15.22 of the ADLP, therefore benefiting from the existing provisions of the development plan. The Urban Area Boundary Review Background Paper also provides useful discussion of the existing designation, although it does not provide a ‘definitive map’ as suggested in the Neighbourhood Plan. Paragraph 3.16 of the Background Paper clearly explains the reasons for this:
- “The solution to this is to identify with a symbol the areas where coalescence is a concern and then apply a criteria-based policy to those areas. Whilst this has the advantage of being focused on the areas of concern, the flexibility introduced by the absence of boundaries creates the problem of identifying exactly where the policy applies; a problem that increases towards the outer edges of the gap. Nevertheless, this approach is preferred. The question of where the policy applies can be overcome by carefully wording the policy to make it a requirement for anyone proposing development in the vicinity of an identified gap to demonstrate that the proposal does*

not adversely affect any of the objectives of the policy and any specific issues identified for that gap.”

- 6.8 This is the approach reflected in the ADLP and endorsed in the Inspector’s Report assessing Policy AD43. Paragraphs 155 and 156 explain as follows:

“155. Protecting existing local gaps between the UAB and surrounding settlements, and between the surrounding settlements, in the ADLP is a new addition to the planning framework for the Borough. I consider that the identification and protection of such gaps is a reasonable planning approach to avoiding coalescence and safeguarding the distinctive character and setting of the various settlements around the urban area of Bedford and Kempston. In addition the predominantly open and undeveloped character of the areas within the gaps, which is mainly countryside, will be safeguarded. Such an approach is in accordance with the NPPF which recognises that there is a need to take account of the different roles and character of different areas.

156. The wording of Policy [AD43] is sensible and sufficiently flexible as it only seeks to prevent development that conflicts with the objectives of the policy. As regards the local gaps defined I consider, having assessed them carefully on site, that they are all justified having regard to the intentions of the policy.”

- 6.9 Policy AD43 replaced a substantially dated ‘Area of Special Restraint’ policy carried forward into the 2002 Bedford Local Plan.

- 6.10 The evidence base for Policy AD43 also clearly specifies that the basis for the designation does not relate to an approach seeking to protect land based on its high quality landscape. The Council acknowledges that such an approach should be based on protection of areas of high landscape value where relevant policy can be applied generally to all areas that satisfy criteria-based provision for areas of high landscape value. Local landscape designations should be based on a formal and robust assessment of landscape qualities, which is not argued as the basis for any policy coverage appropriate in the Oakley – Clapham gap. While landscape character analysis may be relevant to the understanding of settlement pattern, paragraph 3.14 of the Council’s background paper acknowledges:

“a simple gaps policy is only a mechanism to prevent the coalescence of settlements and protect their identity. It is concerned only with the pattern of settlements and settlement identity. Its justification lies in its limited objective and not in any wish to maintain the visual, natural or recreational qualities of the areas of countryside covered, which are aspects which can be dealt with in other policies.”

- 6.11 Insofar as national policy is concerned that remains an appropriate approach, having regard to paragraphs 170 and 171 of the NPPF 2019.

- 6.12 It is not proposed that any of the policies relevant to designation of the Urban Area Boundary or Local Gaps will be replaced as part of the emerging Bedford Local Plan 2030. The objective of meeting future requirements for development as part of the policies in the emerging Local Plan will therefore be provided for in the context of these existing development plan policies.

- 6.13 The submission version of the Oakley Neighbourhood Plan therefore lacks the necessary evidence for the proposed alternative policy approach. **Policies LE1 and LE3**, taken together, seek to impose blanket protections to all directions of growth in Oakley but with a particular emphasis on Land East of Station Road. Material prepared by the Parish Council does not substantiate the significant landscape value attributed to the land between Oakley and Clapham nor does it indicate the contribution that land

uses and existing development in the vicinity contribute to its setting.

- 6.14 For the reasons outlined, Policy **LE3** is unnecessary and duplicitous of Policy AD43 of the ADLP in relation to the Oakley – Clapham gap, yet fails to provide the necessary criteria-based approach to allow demonstration of where development may be appropriate. It is also inappropriate for this policy to emphasise open character and landscape as aspects to be assessed individually when seeking to ensure that the purpose of the policy – i.e. maintaining physical separation between Clapham and Oakley – is achieved.
- 6.15 The Oakley Village Landscape Character Assessment suggests that it provides a more local assessment to complement the BBLCA. One of the resulting objectives that the Parish Council states has informed the policy approach and designations sets out as follows:
- “The need to maintain Oakley as a separate entity, avoiding coalescence with other villages is highlighted in BBLCA (3B.1.23), which states, “improve settlement edges to maintain separation between settlements”. The current area of open landscape east of Station Road opposite the schools, extending from the Old Station in the north, to Lovell Road in the south, should ideally be protected from development to prevent coalescence with Clapham.”*
- 6.16 The parish Council’s application of the BBLCA to inform the policy approach also represents a misrepresentation in terms of the findings on landscape character and their relationship to policy provision to reflect visual separation and coalescence. The full text of paragraph 3B.1.23 states:
- “Improve settlement edges to maintain separation between settlements or where edges form an unsympathetic relationship with the open countryside – planting of floodplain woodland is a key opportunity”*
- 6.17 The full extract is important in the context of Land East of Station Road, which is bounded to the east by the route of the Midland Mainline. This results in a strong and defensible boundary with the open countryside as delineated by the route of fixed physical infrastructure. It is not disputed that development on Land East of Station Road can support the delivery of landscaping and green infrastructure enhancement, but the area should not be interpreted as requiring blanket protections against development to maintain separation.
- 6.18 It is also significant that the Parish Council fails to refer to the ‘Landscape Sensitivity Study – Group 1 and Group 2 Villages, Bedford and Kempston Urban Edge’ (September 2018) within the evidence base for the Neighbourhood Plan. This specifically interprets development guidelines for Oakley that should *“improve village edge where it forms an unsympathetic relationship with the open countryside – planting of floodplain woodland is a key opportunity”* thereby not referring to issues of separation. It further recognises that residential development should contribute to local green infrastructure strategies.
- 6.19 In relation to Land East of Station Road, and having regard to the Landscape Character Assessment, the area does not feature prominently within the visual sensitivities identified; which, as indicated on Figure 12, are focused on the river valley south and west of the village.
- 6.20 Upon adoption of the Local Plan 2030 consideration of Landscape Character will be provided through non-strategic Policy 38. This will seek to manage development based on key landscape features and visual sensitivities identified in the Council’s evidence base. It is apparent that subject to development management considerations

development at Land East of Station Road would not conflict with the relevant criteria of this policy, applied in the context of national policy within the NPPF.

- 6.21 The Bedford Borough Landscape Assessment May 2014 alone is not the correct basis upon which to determine what is valued landscape and as such what should have the protection sought by emerging Policy 38. The Landscape Character Assessment follows practice guidance in terms of operating at a strategic scale and identifying features that give an area local distinctiveness and a sense of place (ID: 8-001-20140306).
- 6.22 Page 2 of the Character Assessment explains that it should provide an evidence base to ensure that future change and development *conserves and enhances* rather than erodes landscape character. The policy does not utilise evidence that highlights specific areas or features that should benefit from protection. The policy should recognise that proposals will provide a specific assessment of qualities of the local area in landscape terms (as part of establishing value). Any associated impacts identified will build upon the evidence in the Landscape Character Assessment. It is appropriate that this is dealt with through the development management process rather than following prescriptive protections set out at the level of strategic policy.
- 6.23 The evidence base for the Neighbourhood Plan does not substantiate the case for additional protection based on the identification of relevant features to indicate an area of high landscape value.
- 6.24 In relation to Policy AD43 of the ADLP it is important to highlight that the Urban Boundary Review considers that alternative policy approaches may be followed as alternatives to local or strategic gaps whilst avoiding policies of general restraint contrary to national policy. This can include 'Green Wedges' that can be appropriate to achieve recreation benefit or landscape enhancement. We consider that such an approach may be a suitable and positively worded alternative to **Policies LE1 and LE3** as currently proposed.
- 6.25 This would have specific regard to the wider context and approach to the spatial strategy supporting development of up to 500 homes at Clapham, which the qualifying body for the Neighbourhood Plan in that settlement states can best be achieved on land north west of the village. Two fixed and defensible boundaries comprising the Midland Mainline beyond the site East of Station Road and Paula Radcliffe Way (A6) west of Clapham exist and will maintain physical separation between these two settlements. This is in addition to the protections on development within the open countryside between the two routes.
- 6.26 It should be reiterated that the overall site East of Station Road is both contained and physically and visually well related to the built-up area of Oakley and is not perceived as open countryside. Its development would not thus intrude into open countryside nor extend beyond the already existing confines of the development form of the village (See master plan).
- 6.27 Suitably worded policy should seek to ensure the enhancement of green infrastructure and provision of sympathetic settlement boundaries as a result of development either side of this wedge, and in addition to supporting development that positively contributes to opportunities for recreation and countryside access.
- 6.28 Given the implications of the wider evidence base it is significant that the Neighbourhood Plan and Basic Conditions Statement do not assess the relationship with Policy 36S (Green Infrastructure – identified as a strategic policy).
- 6.29 We support the principle of Policy 36S in providing an overarching framework for Green

Infrastructure enhancement as part of the Local Plan's proposals. This is consistent with national policy in the NPPF 2019 in terms of the importance of a strategic approach to the creation, protection, management and enhancement of biodiversity and green infrastructure networks (paragraph 171). Planning for green infrastructure can also form part of suitable adaptation mechanisms in addressing challenges such as climate change. Land uses in rural areas should seek to provide multiple benefits.

- 6.30 Notwithstanding the over-arching approach proposed in the Local Plan 2030 it will be essential for the allocations process deferred to Neighbourhood Plans to secure these objectives. Neighbourhood Plans may be able to make a substantial contribution through updating the evidence base relating to green infrastructure provision in the Local Plan, which relies primarily on the 2009 Green Infrastructure Plan. This pre-dates the NPPF and furthermore reflects a period of substantial concentration of development in the 'Growth Area', not accounting for the need to support sustainable development in the rural area acknowledged by the Submission Local Plan. The does not constitute the strategic approach required by the NPPF.
- 6.31 Despite this concern we believe the broad objectives of the Green Infrastructure Strategy can be applied across the borough to identify and support opportunities for sustainable development.
- 6.32 The Council's Infrastructure Delivery Plan (December 2018) sets out a number of projects relating to Green Infrastructure. The majority of these are to be funded through a combination of CIL/S106 over the plan period and all appear to have a 100% funding gap.
- 6.33 With the exception of outstanding priorities in the Bedford River Valley Park Masterplan and Water Space Strategy, the majority of projects are non-specific. The lack of specific projects in rural areas does not reflect the overall priorities for development in the spatial strategy and demonstrates that aspects of the evidence base in relation to Green Infrastructure do not fully reflect the contents of the submission Local Plan. In our view Neighbourhood Plans should therefore seek to promote the scope and associated development to secure additional improvements. The submission Neighbourhood Plan makes very limited provision to secure these objectives as part of future growth.

7.0 LOCAL GREEN SPACE – POLICY LE2

7.1 Previous representations to the Pre-Submission (Regulation 14) version of the Oakley NP outline our clients' disagreement to proposed Local Green Space designation no. 7 "Site No. 152 – Oakley Academy Playing Field, Station Road" (**Policy LE2**). This proposed designation is retained in the Submission version NP and it is necessary to reiterate that this fails to satisfy the basic conditions for neighbourhood planning.

7.2 Paragraphs 99-101 of the NPPF2019 set out the criteria in national policy relevant to the designation of Local Green Spaces. Through the proposed designation in the submission version of the Neighbourhood Plan the Parish Council is seeking to impose future policies for managing development consistent with Green Belt policy.

7.3 The supporting text and justification for the designation states as follows:

"7) Site No. 152 - Oakley Academy Playing Field, Station Road Situated on the other side of the road from the village school at the junction of Station Road and Lovell Road, the playing field is within easy walking distance for local residents. It is used on a regular basis by the pupils of Oakley Academy and is vital to ensure they receive an organised education in a variety of sports and receive regular healthy exercise. For some time now, it has also been used for recreation by other members of the village, such as teams from Oakley Rangers, the village football club (with agreement from the Academy). The field provides a feeling of space and rural environment to the area and is designated as part of the Local Gap between Oakley and Clapham in the Allocations and Designations Local Plan 2013, Urban Area Planning Review. Also, 67% of the village think it is important/ very important that this area is designated a local green space."

7.4 In relation to the description of the site this remains inaccurate. As per the name of the site in Bedford Borough Council's own evidence this should state the site functions as the **Lincroft Academy Playing Field**. The description should also more clearly explain that the sports pitches are not directly opposite the school facilities and would therefore benefit from relocation.

7.5 Site No.152 is not proposed for designation in the emerging Local Plan 2030, which has previously assessed whether sites are suitable for designation as Local Green Spaces.

7.6 Bedford Borough Council has provided Examination Document ED39 to clarify the approach in the emerging Bedford Local Plan 2030. This provides welcome direction in terms of the scope and approach for Local Green Space designations relative to existing policies in the development plan.

"Local Green Spaces can only be designated in Local Plans or Neighbourhood Plans. In accordance with national policy this designation is not appropriate for most areas of open space or green areas within the Borough. In order to be designated, an open space must meet a strict set of criteria. The NPPF 2012 explained that the Local Green Space designation will not be appropriate for most green areas or open space and should be capable of enduring beyond the end of the plan period."

"Where open spaces that were designated as Village or Urban Open Spaces in the Allocations and Designations Local Plan 2013 were put forward and met the strict tests associated with the national Local Green Space designation, they are now identified on the Policies Map as Local Green Spaces and Policy 46 of this plan will apply. Remaining Village and Urban Open Spaces continue to be shown on the Policies Map and proposals on them will continue to be considered in accordance with local policies AD40 and AD43."

7.7 The Lovell Road Sports Pitches are not a Village Open Space designation for the

purposes of Policy AD40 in the ADLP 2013. However, this area was assessed as part of the Borough Council's evidence base for candidate Local Green Spaces. It should also be noted that the land benefits from protection from development by the Secretary State for Education due to its role in providing for outdoor sport and recreation. It is therefore unclear what the allocation what achieve, reinforcing the justification for why no relevant policy designation is applied through the existing development plan.

- 7.8 It is important to note that Bedford Borough Council has previously assessed this area for potential designation as a Local Green Space and subsequently rejected this option. The Borough Council's assessment noted *"the site has a recreational use, but it is not publicly accessible and is a private site for the school. There is no open public access to the site."*
- 7.9 The site is not an extensive tract of land in its own right, but forms part of the wider area east of Station Road. Bedford Borough Council correctly assess that it can only be considered local in character due to the proximity of nearby residential development. The site lacks any other characteristics (including beauty, historic significance, tranquillity of ecological value) that illustrate it is demonstrably special to the local community, as confirmed by Bedford Borough Council's assessment.
- 7.10 Representations submitted by Lincroft Academy as part of the Regulation 14 Pre-Submission Consultation are consistent with the Council's reasons for rejecting the potential designation and specifically address the lack of public access other than where a specific request for permission is granted.
- 7.11 Representations from Oakley AFC support the principle of a Local Green Space designation but note that in practice the potential for re-provision with capacity maintained or increased should not be precluded, particularly where this could meet local sports teams' requirements.
- 7.12 The 'Oakley Neighbourhood Plan Local Green Space Assessment' Report (February 2018) has been prepared to dispute the findings of Bedford Borough Council assessment. The findings of this report that seek to demonstrate value to the local community based on 'use by Oakley Academy' and community support for the designation are not relevant considerations and do not clearly reflect how the land is presently managed. This further fails to reflect how the role of the sports pitch use should be supported through the neighbourhood plan. The proposed Local Green Space designation remains inappropriate.
- 7.13 National policy for Local Green Space would place restrictions on the use and development of the facilities in their existing location. Any potential ability to meet additional requirements within the current site would be subject to the tests for exceptions to inappropriate development in the Green Belt. This would include assessing whether the proposals have any greater impact on openness. This would affect, for example, any additional built facilities or floodlight provision. These policy considerations are not appropriate given the location and management of the existing facilities.
- 7.14 Moreover, the proposed designation would seriously restrict options for the future strategy for relocation of the sports pitches and significantly inhibit the objective of meeting future requirements of Lincroft Academy, including providing benefits to the local community.
- 7.15 As set out as part of our soundness concerns regarding the emerging Bedford Local Plan 2030 there is limited scope for neighbourhood plans prepared subsequently to achieve sustainable development by addressing the needs for sports and leisure

facilities. This is borne out in the policies of the submission Oakley Neighbourhood Plan.

- 7.16 Our clients' interests East of Station Road, Oakley demonstrate the need for flexibility. This wider site offers a clear opportunity for the delivery of sport and community infrastructure for the wider benefit of local residents. The opportunity is supported by Sport England and would address an identified local need. The proposed relocation of the existing sports pitches would ensure an enhancement to facilities and no net loss in terms of space available. The alternative location would be provided as part of wider proposals and can be incorporated alongside opportunities for landscaping and green infrastructure enhancement. The proposed Local Green Space designation is therefore unnecessary in terms of maintaining existing provision and precludes the scope for the enhancement identified.
- 7.17 Policies 101 and 102 of the emerging Bedford Local Plan 2030 address 'New Sports and Leisure Facilities' and 'New Community Facilities'. The proposals for the relocation and re-provision of the Lovell Road Sports Pitches would satisfy these policy criteria. However, their implementation would also be precluded by policies **LE2**, **HG1** and also **BE2** of the Oakley Neighbourhood Plan.
- 7.18 The development, in addition to facilitating the provision of new sports/recreation facilities and an integrated campus for Lincroft Academy (and for wider community use), would provide for circa 200 dwellings and also offers a unique opportunity to resolve existing congestion and parking issues arising from the school and through traffic along Station Road.
- 7.19 The scheme proposed by [REDACTED] and Sharnbrook Academy Federation will deliver a new purpose-built distributor road running north-south through Oakley with reconfiguration of Station Road to prevent through-traffic and ease current parking and traffic issues predominantly associated with the Lincroft Academy.
- 7.20 The promoters of the wider site are working with the Academy in a public/private partnership arrangement. A submission is before the Secretary of State for Education for the delivery of these improvements based upon the identification of a larger site for residential development.

8.0 ADDITIONAL OBSERVATIONS AND COMMENTS ON POLICIES

a) Non-Designated Heritage Assets

8.1 The submission version Neighbourhood Plan contains a policy identifying non-designated heritage assets (**Policy DH3 – Local Heritage**) and specifies three areas that the policy applies to:

- The Duke of Bedford Cottages in High Street and Station Road;
- Oakley War Memorial, junction of High Street and Station Road;
- Lovell Homes inter-war memorial houses in Lovell Road.

8.2 We do not dispute the principle of this policy approach. However, the evidence base for the Neighbourhood Plan does not provide any further detail for why these specific non-designated assets are identified in terms of their significance, including the contribution made by their setting. This makes the policy of limited benefit in terms of how impacts on the historic environment should be assessed for development management purposes. In terms of the starting point provided by national policy and guidance we would suggest that the objective of the first sentence of the policy should be to seek '**conservation**' of the identified assets rather than '**preserve**' as currently set out.

8.3 The emerging Local Plan 2030 contains proposed Policy 42S (Historic Environment and Heritage Assets) that includes provision for assessment of impacts on non-designated heritage assets supported by issue required to support the application. The proposed submission Neighbourhood Plan does not add detail or additional relevant criteria to support this approach.

8.4 A Historic Environment Topic Paper (April 2019) has been prepared by Bedford Borough Council to support the emerging Local Plan 2030. This identifies relevant aspects indicating the requirement for future assessment in relation to both locations for development identified in the submission Neighbourhood Plan, based on details of sites submitted to Bedford Borough Council. This includes the unlisted Alms-houses south of Lovell Road, but also clearly indicates that existing strategic policies within the emerging Local Plan 2030 provide the basis for addressing sustainable development in relation to the historic environment.

b) Support for Business and Employment – Policy BE1 (Business)

8.5 Recognition of the role of the existing employment area at Highfield Park as an important contributor to economic development in the neighbourhood area is welcomed. However, several concerns exist in relation to the evidence base for the specific policy proposals within the submission Neighbourhood Plan and the relationship with the Bedford Local Plan 2030.

8.6 Policy **BE1** seeks to encourage Use Class B1 economic development at Highfield Park, Willow Vale and Station Road. The relationship between 'Business' as promoted by Policy **BE1** and the Use Class Order is not made clear in the neighbourhood plan and this makes the policy ambiguous in terms of its support for different forms of development covered. For example, it is important to specify that the policy should support all types of Use Class B1 development (for example B1a – 'Offices' or B1c 'Research and Development').

8.7 More widely it is considered that the proposed approach is not consistent with national policies and guidance, the approach in the emerging Bedford Local Plan 2030 or consistent with achieving sustainable development. The Bedford Borough Council Economy and Employment Land Study identifies Highfield Park as a well-performing site

with a status of 'Protect and Maintain'. Paragraph 11.10 of the supporting text to the emerging Local Plan 2030 describes this category as follows:

“Sites classified as “Protect and Maintain” are broadly fit for purpose with a large proportion of floor space (particularly for industrial and distribution uses) likely to meet ongoing requirements. A significant number of existing employment sites should be protected and maintained in their current form and function. The Council would support investment and improvement in stock provision over the Plan period to ensure these key sites continue to meet the needs of businesses and sectors within the borough. This protection of existing employment sites will require management of the increasing presence of non-B class activities within the sites.”

- 8.8 The site is therefore treated as a 'Key Employment Site' for the purposes of Policy 73 of the emerging Bedford Local Plan 2030. Retention of Use Class B1, B2 and B8 development on these facilities is supported alongside further extension and investment of uses and premises, while development outside of these categories will be subject to control via specific policy criteria.
- 8.9 This framework of support for economic growth is consistent with paragraphs 80 and 81 of the NPPF. In the context of Oakley, the presence of a substantial quantity of successful employment floorspace within the Parish (c.3,500sqm) enhances the sustainability of the settlement and the rural area more widely. Bedford Borough Council has not taken account of these local employment opportunities in the criteria for its settlement hierarchy, further indicating that the classification of Oakley as a Rural Service Centre is inappropriate and to be addressed flexibly via the Neighbourhood Plan.
- 8.10 It is also particularly important in the context of the site at Highfield Park, which is currently tightly bounded by the existing road network and separate from the main residential area of the village. The Borough Council's evidence base does not identify any significant constraints to use or development of the site that justify the additional controls on development sought by Policy **BE1** of the submission version Neighbourhood Plan.
- 8.11 It is therefore considered that the specific provisions of Policy **BE1** are unjustified and unnecessary in relation to the site at Highfield Park. If retained, the policy should focus on how opportunities for further investment and enhancement of the facilities in a range of B-Class uses will be assessed having regard to the characteristics of the site to support future development.
- c) Annex 1 (Non-Neighbourhood Plan Matters) and Annex 2 (Map of Village Assets)**
- 8.12 Annex 2 provided along with the submission Neighbourhood Plan does not clearly indicate its relationship to the plan's proposed policies and designations, or how these areas are to be treated for the purposes of future decision-taking.
- 8.13 The map appears to duplicate a number of the proposed Local Green Space and existing Village Open Space designations. Further, it may be the intention to identify a number of designated and non-designated heritage assets, although in relation to the latter their relationship to the plan's wider evidence base is not set out.
- 8.14 It is particularly important to specify that broader areas identified as assets at Annex 3 are not considered to benefit from additional protection or restrictions on development as part of the application of policies in the submission Neighbourhood Plan. This includes linear routes such as Westfield Farm and Westfield Road, and the 'Wooded Character of Church Lane' (Asset 4).
- 8.15 A number of community services and facilities also appear to have been identified, such

as the Sports Field and Village Hall (Asset 6). In this regard it is apparent that numerous other important services and facilities including Oakley Primary Academy, Lincroft Academy and the Lovell Road Sports Pitches are not identified.

- 8.16 In relation to Annex 1, and notwithstanding our concerns regarding the role of the Neighbourhood Plan's policies in inhibiting the ability of both schools to meet future needs, it is disappointing that reflecting the future priorities and opportunities for key educational facilities in the village do not form Non-Policy Actions within the plan.



Strategic Planning Research Unit

Representations to the Oakley Neighbourhood Plan
Submission Version (Regulation 16)
On behalf of [REDACTED]

APPENDIX 1 – LAND EAST OF STATION ROAD, CONCEPT MASTERPLAN



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| | | | | | | |
|---|---|-------------|-------------|---------------|------------|-----|
| CLIENT [REDACTED] | Date | 08.12. 2015 | OS Ref. | 501478,253364 | Drawn By | SK |
| | Scale | 1:2500 @ A3 | Drawing no. | SK09B | Checked By | MEH |
| | Job no. | BE1564-2 | Rev. | B | | |
| PROJECT Land at Station Road, Oakley | DRAWING TITLE Masterplan Concept | | | | | |



Strategic Planning Research Unit

**APPENDIX 2 – REPRESENTATIONS TO THE REGULATION 14 PRE-SUBMISSION
NEIGHBOURHOOD PLAN ON BEHALF OF [REDACTED]**

[REDACTED]

by e-mail to: [REDACTED]

Dear [REDACTED]

Re: Response from [REDACTED] to the Oakley Neighbourhood Plan

This representation has been prepared on behalf of [REDACTED], with regard to land in their control, which they are promoting off Station Road, Oakley, and is in response to the proposals and designations set out in the draft Neighbourhood Plan published by Oakley Parish Council.

The land at Station Road is referenced as “Site 170 & 521 – Station Road” within the draft Neighbourhood Plan and has been promoted by [REDACTED] for residential development and, in conjunction with Sharnbrook Academy Federation (SAF) on behalf of Lincroft Academy, the creation of a self-contained education campus with expanded sports facilities. This response to the Neighbourhood Plan is set out in that context and against the three questions in the response form.

Reference is also made within this response to the land at Highfield Road, Oakley, which has been promoted for high quality employment-led development but is not recognised within the draft Neighbourhood Plan.

1) Development Sites

[REDACTED] note and welcome the recognition of the land at Station Road as a ‘potential development site’ (page 48 of the draft Neighbourhood Plan), albeit on the basis of an allocation for approximately 30 new homes on the northern part of the overall land area. [REDACTED] agree with the principle of the allocation of this site but consider that the Neighbourhood Plan has not fully considered the full benefits of the comprehensive development proposal promoted by [REDACTED] for Lincroft Academy.

[REDACTED] on behalf of Lincroft Academy together own or control all of the land that is ‘sandwiched’ between Station Road and Lovell Road and the main London - Sheffield Railway line which extends in total to 15.2ha. This land is fully contained and reads as part of the general structure, form and character of the Village and is distinct from the countryside beyond.

[REDACTED] for Lincroft Academy, have consulted with the school and parental bodies and have undertaken wider public engagement by way of a public exhibition of the proposals. In addition they have sought engagement with the Parish Council over the use of the land and remain committed to working with the Parish Council and wider community in relation to their proposals.

The Neighbourhood Plan recognises that the wider site has been promoted, but comments upon potential infrastructure constraints and highways issues including traffic relating to the school.

██████████ consider that, working together, the development proposals advanced for the wider site can deliver the following:-

- i) the establishment of a new self-contained campus for Lincroft Academy with a separate and independent school driveway, extended parking and circulation space which would incorporate the existing school buildings with the provision of a wide range of new sports facilities and pitches;
- ii) residential development;
- iii) significant highway improvements, including the creation of a new access spine road and the consequent closing of Station Road as currently configured to address the existing issues of congestion and highways safety in Station Road and provide safe and separate access to the school campus and the proposed new residential development; and
- iv) funding for the creation of the integrated school campus, playing fields and pitches and the highways improvements detailed in this submission would principally stem from the enabling residential development proposed.

The comprehensive proposals respond to a number of local issues and challenges faced by Lincroft Academy and the wider community arising from transport congestion, access, safety and parking difficulties particularly at school drop off and collection times. In addition, the existing location of the school playing fields which are physically remote from the school are a constraint on the effective delivery of the school curriculum and give rise to potential safety issues whereby children are required to cross a busy road to access the playing fields.

The proposals by ██████████ on behalf of Lincroft Academy, advocate a more holistic approach to the use and development of land on the eastern side of Station Road. They would allow for the expansion of the school and address the issues outlined and include new dedicated parking provision, circulation space on site and the creation of a new main access and driveway.

The proposals would also bring into effect a series of traffic calming measures that include the closing of Station Road as it currently is and its diversion onto a new access/distributor road.

The proposals would also enhance the school's operation, positioning the playing fields and sports pitches opposite the school, thus allowing for a better operation of the curriculum and improvements to pupil safety.

The new sports pitches would represent a significant upgrade over the existing facilities to the benefit of the school and wider community.

Therefore, whilst acknowledging the proposed allocation of land in this location for 30 new homes, it is believed that the proposals are not sufficiently ambitious and fail to respond to the opportunity the site and its comprehensive development potentially provides.

The proposal for 30 dwellings will not bring about the wider benefits for the school and by association the village of Oakley. More ambitious housing provision on a single site will enable the delivery of the significant benefits to both the school and wider community set out above through the collaborative working of [REDACTED]

The proposals have also been informed by a range of technical work to demonstrate their viability and deliverability.

Both [REDACTED] would appreciate the opportunity to discuss matters further with the Parish Council through the potential allocation of the wider site.

2) Neighbourhood Plan Policies (pages 13-40)

[REDACTED] supports the recognition (pages 20-23 inclusive) of the importance of local business and employment to the village of Oakley.

It is also welcomed that Policy ONP BE1: Business, supports B1 business development recognising the Highfield Parc location. However, the policy is a little ambiguous as to whether this supports expansion of the business parks.

[REDACTED] would, therefore, suggest a minor revision to the Policy ONP BE1: Business to recognise the ability for sensitive expansion of Highfield Parc in particular. The land promoted by [REDACTED] would be a natural expansion to Highfield Parc, being well contained by existing development without encroachment into the countryside and will strengthen employment in Oakley to the benefit of the Village.

[REDACTED] has no comment to make on the other policies or text within this section although we note Policy ONP LE2: Local Green Space and have made specific comment on the Local Green Space policy below.

3) Local Green Spaces

[REDACTED] **disagrees** with the Local Green Space designation no. 7 "Site No. 152 – Oakley Academy Playing Field, Station Road". It is not considered that this allocation meets the criteria for a Local Green Space set out within national planning policy, in particular paragraph 100 of the National Planning Policy Framework (NPPF (2018)) and Planning Practice Guidance (PPG).

The school playing fields are not a public asset or in public use unless with prior agreement of the Lincroft Academy. Whilst the NPPF and PPG in particular recognise that Local Green Space does not have to be public open space, those areas that are not in public use must still be demonstrated to be 'demonstrably special' and recognised for wildlife, historic significance or beauty to meet the tests of national policy and guidance (NPPF paragraph 100 and PPG; Paragraph: 017 Reference ID: 37-017-20140306). As they are associated with an active school, the playing fields do not fall within any of the above categories as their value relates solely to their use. Accordingly, it is not appropriate nor justified to designate them as a Local Green Space.



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Further, it is also unclear what the allocation would achieve when the sports pitches are already protected from development by the Secretary of State for Education.

We trust that the above comments will be taken into consideration in the development of the Oakley Neighbourhood Plan and would welcome the opportunity to discuss our proposals in relation to land at Station Road.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Cllr Cllr'.



Encl: Neighbourhood Plan Feedback Form



Strategic Planning Research Unit

**APPENDIX 3 – BEDFORD LOCAL PLAN 2030 MATTER 1 EXAMINATION HEARING
STATEMENT OBO [REDACTED]**



Strategic Planning & Research Unit

For and on behalf of

[Redacted] & [Redacted]
[Redacted]
[Redacted]
[Redacted]

Matter 1 – Legal Compliance and Overarching Issues

Bedford Local Plan 2030 Examination

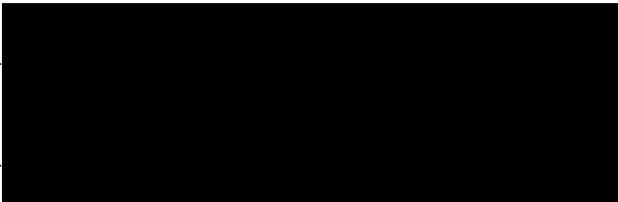
**Prepared by
Strategic Planning Research Unit
DLP Planning Ltd
Bedford**

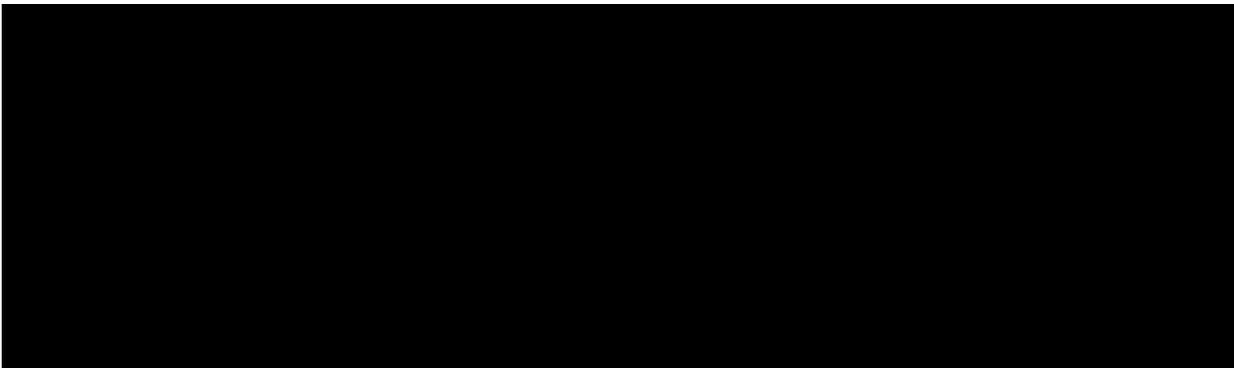
April 2019





Strategic Planning & Research Unit

| | |
|--------------|--|
| Prepared by: |  |
| Approved by: |  |
| | |
| Date: | April 2019 |



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Strategic Planning & Research Unit

1.0 INTRODUCTION

1.1 This response to the Inspector's Matters, Issues and Questions in respect of Bedford Borough Local Plan Examination has been prepared by the Strategic Planning Research Unit ('SPRU') of DLP Planning Ltd.

1.2 SPRU has been instructed to appear at the Bedford Local Plan 2030 Examination on behalf of various clients. Our clients include landowners, promoters and housebuilders and comprise important stakeholders in achieving and delivering the Local Plan's objectives for sustainable development. Our clients' specific interests are briefly summarised below and demonstrate important opportunities for a range of Key Service Centres ('Group 1 villages') and Rural Service Centres ('Group 2 villages').

- [REDACTED] & The Sharnbrook Academy Federation
 - Land East of Station Road, Oakley (BBCii_95632090)
- [REDACTED]
 - Land at School Approach and east of Odell Road, Sharnbrook (BBCii_94157039)
- Clarence Country Homes
 - Land to the rear of No. 25-39 Howard Close, Wilstead (BBCii_95648948)
- Old Road Securities PLC
 - Willoughby Park Land north of Roxton Road Great Barford (BBCii_95680396)

1.3 These interests are in-turn informed by substantial local knowledge and experience of the context for development in Bedford Borough and seeking to ensure this is reflected in a sound and legally-compliant spatial strategy for the area.

1.4 SPRU have previously made submissions to Regulation 18 and Regulation 19 (January 2018 and September 2018) consultations on the emerging Local Plan. This hearing statement should be read in conjunction with those submissions.

2.0 MATTER 1 – LEGAL COMPLIANCE AND OVERARCHING ISSUES

i) *Matter 1a: Legal Compliance*

Q1) In preparing the plan did the Council engage constructively, actively and on an on-going basis with neighbouring authorities and other relevant organisations on cross-boundary issues, in respect of the Duty to Cooperate?

2.1 The Framework requires a plan period to extend for 15 years unless it is not possible to identify sites to meet the housing needs.

2.2 If it is the Council's case that it is not possible to identify sites in the Plan to meet the needs for the next 15 years (as per paragraph 179 of the Framework 2012) then clearly the Council are required to notify neighbouring authorities of this fact and work cooperatively to plan for this unmet need as required by paragraph 181.

2.3 The only justification for not engaging the DtC (before shortening the time period of the draft Plan) would be that the Council consider it is indeed possible to identify sites to accommodate housing needs for the next 15 years (which is the case in our view) but have simply taken a decision not to. In such a situation the draft Plan is clearly unsound as it is contrary to national guidance which requires a 15 year plan period where it is possible to identify sufficient land.

2.4 In our view the timescale of a plan is not simply a matter of choice, but one determined by the ability to identify sufficient sites to meet future needs. If the council cannot do this, as appears to be the position that they now take, then the Duty to co-operate must be engaged to establish if this need can be met by the neighbouring authorities. This is the position that appertains at Luton, albeit that Authority area is accepted to be constrained. For this reason, and also for those set out below (albeit there couched in terms of soundness), the draft Plan is not legally compliant.

Q2) Has the plan been prepared in accordance with the adopted Local Development Scheme ?

Q3) Has consultation on the plan been carried out in accordance with the Council's Statement of Community Involvement and the requirements of the 2004 Act (as amended) and the 2012 Regulations ?

Q4) Is the Sustainability Appraisal (SA) adequate in terms of:

(This question focusses on the legal compliance of the SA. The implications of the SA for the soundness of individual plan policies is considered under other Matters.)

2.5 The September 2018 SA Report must comply with the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations), which implement the requirements of the European Directive 2001/42/EC (the SEA Directive). It is therefore essential that the Regulations and the SEA Directive are followed very carefully and that the 2018 SA Report is examined fully to ensure compliance.

2.6 For reasons set out below, the September 2018 SA Report does not comply with the Regulations (and the SEA Directive).

- 2.7 In summary our main concerns with the September 2018 SA Report are:
- a. The reasons for selecting the preferred land use allocations and the rejection of alternatives is not given, nor is the Council's site selection process in doing so. This is directly contrary to *Save Historic Newmarket v. Forest Heath DC* [2011] (J.P.L. 1233), where the primary ground of challenge was that the Core Strategy and accompanying SA/SEA Environmental Report did not explain which reasonable alternatives to the proposed policies [or sites] had been considered and why they had been rejected. Collins J considered the requirement to consider alternatives in the context of an iterative plan making process (various drafts consulted upon, sifting the options, then final draft consulted upon, examined and adopted) and held that:
 - i. For there to be compliance with Article 5 of the SEA Directive, the public must be presented with an accurate picture of the reasonable alternatives to the proposed policies and why they were not considered to be the best option. The 2018 SA Report only describes the assessment of alternative sites and does not set out why they were not considered to be the best option; and
 - ii. In an iterative plan-making process, it is not necessarily inconsistent with the SEA Directive for alternatives to the proposed policies to be ruled out prior to the publication of the final draft plan, but if that does happen the environmental report accompanying the draft plan must refer to, summarise or repeat the reasons that were given for rejecting the alternatives at the time when they were ruled out and those reasons must still remain valid. There are no reasons given in the 2018 SA Report for alternative sites being rejected at this stage or an earlier stage.
 - b. No clear site assessment process has been undertaken by the Council. The reasoning and justification for allocating sites is not clearly and accurately identified in the 2018 SA Report. For example, one way of usefully doing this would be to include a table that accurately identifies inter alia, all sites allocated; the reasonable, alternatives that were not taken forward; those reasonable alternatives that were discounted or rejected at an earlier stage and; then to explain the reasons for the decision on those sites. This is particularly relevant, although not exclusively so, for the level of housing that has been allocated to Group 1 settlements, as there appears to be no such assessment at all, simply leaving this to the neighbourhood plan process.
 - c. There is no appraisal of the Council's preferred option for a shortened time period for the Plan against a longer time period that would be compliant with the Framework (2012). The January SA identified 3 options – 8, 19 and 33 – which could deliver the Plan's housing requirement in full over the period to 2035. These three options were identified as being as sustainable as the then new village option, but none were revisited in the September 2018 SA as they provided too much housing compared to the Council's already predetermined housing requirement for the shorter time period.
- 2.8 There are also several aspects which do not follow standard 'good practice' on SA. This further reinforces what we believe is the unsoundness of the emerging Plan. The Sustainability Appraisal for the January 2018 consultation was incomplete and the Council's updated Duty to Cooperate Statement (November 2018) was issued only after consultation on the submission Local Plan. Failure to align assessment of reasonable alternatives with the position under the Duty to Cooperate is particularly

important, because if all options that could meet requirements in full were genuinely rejected then national policy dictates that attempts must have been made to work with neighbouring authorities to address unmet needs. Therefore, the Draft Local Plan can be considered to be unsound because, amongst other matters, it has not been positively prepared; it is not justified; it is not effective; and, it is not consistent with national policy. This is a requirement of the NPPF 2012 (paragraph 182).

- 2.9 A detailed report setting out our full comments and findings was provided as part representations submitted in October 2018. This provides more detail on the work undertaken reviewing the September 2018 SA Report.

i) *its assessment of the likely effects of the plan's policies and allocations;*

- 2.10 The Council has not ensured that realistic alternatives are considered for key issues, and the reasons for choosing them are documented, as a part of settling on a constrained growth requirement and foreshortened plan period to 2030. This is a requirement of legislation for a Sustainability Appraisal.

- 2.11 The PPG (Paragraph: 018 Reference ID: 11-018- 20140306), requires all reasonable alternatives to be assessed against the same baseline environmental, economic and social characteristics (following paragraph 152 of the NPPF 2012). Furthermore, it makes it clear that reasonable alternatives must be assessed to the same level of detail:

“The sustainability appraisal needs to compare all reasonable alternatives including the preferred approach and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the Local Plan were not to be adopted....

...The sustainability appraisal should identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them. The sustainability appraisal must consider all reasonable alternatives and assess them in the same level of detail as the option the plan-maker proposes to take forward in the Local Plan (the preferred approach.)”

- 2.12 Planning practice guidance anticipates that a comprehensive range of options will be undertaken under ‘Stage B’ of the requirements for preparing the Sustainability Appraisal and align with the process for preparing the Local Plan at Regulation 18 stage (see ID: 11-013-20140306)

- 2.13 This has been considered through the Courts in *Heard v Broadland* [2012] EWHC 344 (Admin). In particular, see paragraphs 53 to 73, where the approach to the process of SA and alternatives are considered. In summary Ouseley J in paragraph 73 states:

“...the aim of the directive, which may affect which alternatives it is reasonable to select, is more obviously met by, and it is best interpreted as requiring, an equal examination of the alternatives which it is reasonable to select for examination alongside whatever, even at the outset, may be the preferred option. It is part of the purpose of this process to test whether what may start out as preferred should still end up as preferred after a fair and public analysis of what the authority regards as

reasonable alternatives..."

- 2.14 This is not the approach that has been taken by the Council in its assessment of reasonable alternatives. As such, its assessment is flawed in fundamental respects and does not follow the Regulations/the SEA Directive nor case law
- 2.15 National Planning Practice Guidance deals with circumstances where the Sustainability Appraisal report should be modified following responses to consultation. This is likely to be a requirement where changes may give rise to significant effects that have not previously been assessed (ID:11-021-20140306). This is clearly important in the context of the Submission Local Plan (September 2018) as there is no direct basis to conclude that a strategy that puts significantly more importance on housing delivery in rural areas (but deferring allocations to Neighbourhood Plans) represents the most appropriate option compared to reasonable alternatives. Given the previous conclusions on the sustainability of higher levels of growth in rural areas this should also be explored further as an option for the development strategy to meet needs in full up to 2035.
- 2.16 This approach to fully developing and assessing alternatives is necessary to demonstrate compliance with good practice guidance¹ that remains relevant to undertaking a Sustainability Appraisal. When identifying and assessing discrete options it is necessary to have regard to a hierarchy of alternatives that allow different effects to be considered. This allows consideration of alternatives to **need/demand**, the **mode/process** of achieving the strategy, **locations** for change and predicting how the **phasing/implementation** may impact on the Sustainability Appraisal's objectives. The strategy chosen in the submission Local Plan gives clear scope for alternatives in terms of the level of development and how this should be provided for, but no such comparison has been provided before concluding that the changes to the January 2018 Local Plan represent the most appropriate option.

ii) *its consideration of reasonable alternatives*

- 2.17 We have identified a number of shortcomings in terms of the approach in the September 2018 Sustainability Appraisal that demonstrate that reasonable alternatives have not been comprehensively assessed and options have been artificially constrained
- a. In its present version (September 2018) the SA fails to consider reasonable alternatives for the following reasons (these are expanded upon below):
 - b. It has limited itself in terms of the overall level of development to that included in the draft Plan
 - c. It has excluded options for higher levels of growth with a different distribution that had been previously assessed as being some of the most sustainable purely on the grounds that the level of development was beyond that required by the draft Plan. This is despite the fact that it is known the draft Plan does not provide for the 15 year plan period as required by the Framework nor the minimum level of housing as assessed with the most up-to-date evidence.

¹ A Practical Guide to the Strategic Environmental Assessment Directive, ODPM (2005)

- d. It has restricted its selection of options to those which only represent a “minimal departure from the previous “new settlement” led option.
- e. It has not considered how the Plan’s housing requirement might be met over a longer time period as the assessment just accepted the plan period – this is despite previously testing and finding sustainable options that could deliver the Plan’s housing requirement over a time period which would be compliant with the Framework 2012

a) Reasonable Alternatives – Housing Requirement and Plan Period

- 2.18 Paragraph 7.9 identifies that a range of housing requirements have been considered in the evolution of the Plan at different times. What the September 2018 SA 2030 does not do is consider alternative levels of development in the context of the submitted Plan.
- 2.19 The SA whilst recognising there are reasonable alternatives to the chosen housing requirement also failed to assess the relative impacts.
- 2.20 Furthermore, in assessing the impacts the SA fails to make the distinction that the purpose of progressing the Plan at this point is to utilise the transition arrangements in the Framework 2018 to avoid the Plan having to meet the minimum level of housing required under the new guidance. Clearly, the current draft Plan would score negatively against the social criteria in this instance.
- 2.21 The SA also fails to test the alternative of meeting the housing requirement which again would require a higher level of dwelling provision over a longer period. This is despite the fact that the January 2018 SA identified 3 scenarios which were “just as sustainable” as the Garden Village option chosen at that time and could deliver the housing requirement in the Plan over the whole plan period. These are options 8, 19 and 33 in the January 2018 SA.
- 2.22 The summary of the Options (including the chosen option G) states that all options meet the objective of planning for housing. The evidential background to the Plan however is that it is being progressed in its current form specifically to avoid having to plan for the higher level of housing that would be required under the new Framework 2019. It therefore sets out not to plan proactively and positively. This was known at the time of drafting the revised SA and should have been incorporated into the September 2018 SA assessment. Failure to do so flaws the analysis and the conclusions.
- 2.23 The failure to adequately consider reasonable alternatives is also demonstrated by how the September 2018 Sustainability Appraisal assesses different potential options for the level of growth and their relationship with the spatial strategy and foreshortened plan period to 2030. ‘Option G’ comprises the Council’s new option for testing in the September 2018 Sustainability Appraisal on the basis of the ‘residual’ requirement of sites to be allocated to meet needs up to 2030 (3,636 dwellings).
- 2.24 It is unreasonable to compare this constrained level of growth with the testing of other alternatives. Notwithstanding the scale of development contained in the option the testing does not take account that any impacts of the scenario will be concentrated in the shorter plan period to 2030, but furthermore the delivery of a high proportion of the total (and its associated positive or negative effects) is deferred to Neighbourhood Plans.
- 2.25 Paragraph 8.4 of the Council’s Sustainability Appraisal (September 2018) reaches the following conclusion as a result of testing the level of growth under Option G:

“The revised level of growth for a plan to 2030 (option G) is within the range of one of the initial options tested (option C). Unsurprisingly sustainability testing produces a similar result. The level of growth is such that there are still likely to be negative effects on the climate change, the use of resources, natural features and car use, although this is likely to be less than for higher amounts of growth. However, positive effects are also likely to be correspondingly reduced”

- 2.26 In our view it is not appropriate, or compliant with the requirements of Sustainability Appraisal, to compare the options on this basis, given the extensive period over which the Local Plan has been prepared (noting the associated considerations to inform different potential levels of growth). Specifically, ‘Option C’ arose as part of the initial 2014 Issues and Options consultation before any detailed view on levels of objectively assessed housing need.
- 2.27 As a comparison for (annual) levels of growth this option was comprehensively superseded by both the follow-up 2015 Issues and Options consultation and the 2017 Consultation Paper. These subsequent consultations took account of a higher level of need and the capacity (and constraints) for development in Bedford and the Growth Area. As discussed, the relative importance of growth in rural areas as part of the plan’s strategic priorities changed throughout the period of 2015 to 2018.
- 2.28 Exploring higher options for growth requirements has been undertaken in-tandem with findings that higher levels of development in rural areas may be required and at least equally sustainable as other options (including those providing for a New Settlement). The Council later (January 2018) decided that a strategy that placed relatively less importance on growth in the rural area (as a proportion of the total) would also meet the same higher level of growth and at the same time defer the process of allocating growth in rural areas to Neighbourhood Plans.
- 2.29 For these reasons it is not appropriate to identify similar effects between the scenarios for the levels of development under Option C and Option G. This is acknowledged to some degree in the findings at Appendix 6 of the September 2018 Sustainability Appraisal. For example, in terms of SA Objective 8 (*‘meeting the needs of a changing population’*) ‘Option C’ was found to have major positive effects whereas ‘Option G’ (for the same quantum of growth) finds only a positive effect for the same objective. This recognition is helpful to an extent but does not fully account for the fact the constrained Option G would also rely on deferring the delivery of growth to Neighbourhood Plans and prevents higher levels of growth in rural areas being considered, despite previous findings that this would be equally sustainable. This significantly constrains the Local Plan’s ability to secure positive impacts for sustainable development.
- 2.30 It is not appropriate in these circumstances to regard Option G (in terms of the constrained level of growth assessed to 2030) as having a minimal effect on the strategy put forward in January 2018 in terms of the identified level of development and how this will be provided. This emphasizes that the appropriate approach to plan-making would have been to go back to the Regulation 18 consultation stage and comprehensively assess various levels of growth and the potential impacts of providing for these.

b) Reasonable Alternatives – Options for the Scale and Distribution of Growth

- 2.31 The best performing broad options summarised in Paragraph 8.12 of the September 2018 Sustainability Appraisal are all identified as scenarios seeking a low or intermediate level of development at Group 1 villages. Only options 53 and 58

anticipate the intermediate level of growth.

- 2.32 The fact that findings are constrained to this range of preferable options is at odds with the Council's approach to preparing the Development Strategy and Site Selection Methodology (September 2018) that documents all earlier stages of plan-making. Up to January 2018 this was led by earlier iterations of the Sustainability Appraisal (January 2018) that assessed meeting annual requirements for growth over the longer plan period to 2035. Paragraph 4.9 of Development Strategy and Site Selection Report demonstrates that at no stage has the preparation of the spatial strategy been informed by the findings of the September 2018 Sustainability Appraisal.
- 2.33 Instead, four best performing options in sustainability terms were previously identified as appropriate for consideration (Options 1, 8, 19 and 33) that indicated that high levels of development in Group 1 villages (Key Service Centres) (Option 19 - up to 5,100 dwellings). These levels of development were not assessed as reasonable alternatives to be rejected in sustainability terms. Option 33 comprised a hybrid level of growth in Group 1 villages (2,500 dwellings) and 2,000 dwellings in Rural Service Centres that was also not rejected as a reasonable alternative.
- 2.34 More importantly, the January 2018 SA considered what where sustainable patterns of development to meet the Plan's housing requirement over the period to 2035. This would have satisfied a 15-year compliant with the Framework (2012). This illustrates clearly that there are options to meet the Plan's housing requirement over the period to 2035 that not only could be adopted but that are, in the Council's consultant's own view "**just as sustainable**" as the new village option that was selected in January 2018.
- 2.35 The conclusions between the two SAs (January and September 2018) are different and the options identified as the most sustainable options in January 2018 were not even tested in the September 2018 SA. This is demonstrated by comparing the table on page 51/55 of SA September 2018 to the table on pages 44/45 of the SA January 2018 with particular reference to options 8, 19 and 33.
- 2.36 Paragraph 7.29 of the September 2018 Sustainability Appraisal explains the reasons for this, on the basis of assessing a shorter plan period to 2030:

"it is only necessary to test those option scenarios that are realistically capable of informing the development strategy of the local plan i.e. meeting the plan's objectives. This means that options must be capable of meeting the level of growth required to meet assessed needs as a minimum i.e. allocations totalling 3,636 dwellings. Options that deliver a lower level of growth could not be included in the local plan (unless there was special justification) because the plan would be found unsound at examination. Nevertheless, at this stage there remains an element of uncertainty in relation to the eventual delivery from individual sites and so it is appropriate to test more option scenarios than just those that exactly meet the level of growth required. In order to allow for this uncertainty and to ensure that all potentially realistic option scenarios are tested, the testing includes all scenarios that are able to deliver growth within 20% of the level of growth required (2,908 – 4,364 dwellings)."

- 2.37 This changes the parameters for how options are developed (in terms of the numerical level of growth associated with terminology such as 'low', 'medium' or 'high') and whether they are considered realistically capable of according with the Council's constrained strategy to plan until 2030.
- 2.38 In terms of the September SA the closest equivalent to Option 19 in the January SA

was option 13 (see table below) although this actually has lower levels of dwellings proposed in the Group 1 villages, i.e. 4,000 compared to 5,100, whilst it has a marginally higher requirement in Group 2 villages i.e. 260 dwellings compared to 210 dwellings. This option nevertheless delivers some 7,255 dwellings which would go a long way to either meeting the actual housing need (rather than the reduced one which the Council are seeking to impose though the adoption of this Plan) or extending the plan period such that it meets declared objectives of central policy.

- 2.39 The justification for only testing these options is unclear, albeit the Council itself at an early stage appears to have committed to a lower requirement, especially given the conclusion of the January 2018 SA that there are alternative options which were as sustainable as the new settlement strategy that would deliver the selected housing requirement over the original Plan period. Option 19 in the January 2018 SA is clearly one such option that was tested and found not only to be a reasonable alternative but also as sustainable. Option 13 in the September SA has a similar approach and again has not been tested.
- 2.40 The SA did not test options that provide for a higher level of development that would deliver either a higher level of housing within the chosen plan period or the chosen housing requirement over the original plan period to 2030 or to 2035. The reason for not testing what are clearly reasonable alternatives (as they have been previously tested) appears to be on the grounds that these reasonable alternatives fall outside of what might be considered a “minimum” alteration to the first Reg 19 strategy.

Table 1. Extracts from January and September SA list of options

| Date of SA | scenario | New settlements | Stewartby brickworks site | Land South of Bedford | Within and adjoining urban area | Group 1 villages | Group 2 villages | Total dwellings |
|-------------------|----------|-----------------|---------------------------|-----------------------|---------------------------------|--------------------------|------------------|-----------------|
| SA January 2018 | 19 | 0 | 0 | 0 | 2630 | high growth 5100 | low growth 225 | 7955 |
| SA September 2018 | 19 | 1000 | 0 | 0 | low growth 1996 | low growth 1000 | low growth 260 | 4256 |
| SA September 2018 | 13 | 0 | 100 | 0 | high growth 2895 | high growth 4000 | low growth 260 | 7255 |
| SA September 2018 | 53 | 0 | 100 | 0 | low growth 1996 | intermediate growth 2000 | low growth 260 | 4356 |

- 2.41 It would seem that the September 2018 SA has not considered certain options for distribution such as higher levels of development in the Group 1 and 2 villages not because these options included a new settlement (which is considered not to be a reasonable alternative at the present time) but because to do so would result in more than a “minimal” change to the original strategy published in January 2018 and require further consultation.
- 2.42 For Group 1 villages the site selection process and the January SA identified a high

level of growth of 5,100 dwellings could be part of one of the most sustainable options for the development of the borough. This has not been assessed this time in the September 2018 SA because it falls outside of the chosen strategy.

- 2.43 There have also been unexplained changes between the SA in January and September. For Group 1 villages the site selection process and the January SA identified a high level of growth of 5,100 dwellings and a low level of growth as being 2,600. It also found that the higher level of growth could be part of a sustainable development option. The September 2018 SA has changed these levels in Group 1 villages to 4,000 dwellings for high growth and 1,000 for low growth without any explanation for the change.
- 2.44 It is worth noting that Option 53 (as shown in the table above) is effectively the Council's preferred approach and corresponds to the distribution of development contained in the submission Local Plan. Notwithstanding that the levels of development tested are artificially constrained by the foreshortened plan period and annual housing requirement chosen by the Council, a key part of this conclusion follows earlier findings of impacts tested through the SA process. Namely, this includes identified negative impacts through any distribution that would not support growth in Group 1 villages, which is therefore an important part of any sustainable development option.
- 2.45 Considering the results of both the January and September SA's it appears clear therefore that a sustainable solution to accommodating more development than in the present 2030 plan is either to extend the plan period to 2035 or to accommodate a level of housing close to that which up to date guidance considers to be a minimum and does exist in terms of the evidence.
- 2.46 It is further clear from the evidence of the January SA that such a solution could be "as sustainable" as the new village option.
- 2.47 The reasons that the sustainable options to deliver the higher number of dwellings required (to either meet the timescale in the Framework or the up-to-date housing requirement over the shorter period) have not been considered is because to do so would be outside of the Council's selected strategy.
- 2.48 The Inspector in these circumstances can have no confidence that selected strategy represents the most appropriate strategy and therefore the plan fails the test of soundness.

c) The use of Incorrect Assumptions in the assessment of the "Do-Nothing" Scenario therefore mis-representing the purpose of the plan-led approach

- 2.49 The September SA sets out its approach to assessing A "do nothing" option in paragraph 8.13. The "do nothing" approach makes the following assumptions that are incorrect as set out below:
 - **Housing is likely to be dispersed in rural locations, although not necessarily in or adjoining villages.** This is incorrect as the presumption only applies to sustainable development and dispersed rural locations, including those away from villages, will not meet this test.
 - **The amount of development coming forward is likely to be similar to that if there were a local plan (as objectively assessed needs would still have to be met).** This is incorrect as the Council accepts that the purpose of proceeding with this plan is to avoid having to plan for the higher level of housing that the Standard Method would require as a minimum. The 'do nothing' approach is

more likely to deliver the housing the country needs than this restricted (both in terms of housing requirement period) plan approach.

- **The development would be on an uncoordinated and piecemeal basis.** This is incorrect as there are no infrastructure or service delivery plans that are linked to the allocations being proposed. For those allocations in Key and Rural Service Centres there is no coordination at all in the plan as these allocations are left to neighbourhood plans.
- **Infrastructure provision and any community benefits arising from development would not be coordinated.** This is incorrect as infrastructure provision can be planned by the relevant providers and there is no policy in the plan that actually coordinates community benefits, Again for Key and Rural Service Centres there is no coordination at all in the plan as these allocations are left to neighbourhood plans.
- **Development of brownfield land is unlikely to occur unless the site is particularly well located or does not require remediation.** This makes the case that unviable poorly located brown field sites will not be developed. If sites are poorly located the question is should they be developed? If they are unviable then even an allocation will not alter this and bring them forward.
- **This also assumes that there will be the delivery of sites** however the majority of sites can either be delivered without the plan being in place (like the urban sites) or can only be delivered once there is a neighbourhood plan in place. As such the extent to which this plan actually delivers development it is limited to these small scale urban extensions to Bedford only.

2.50 As highlighted in our objection to policy 3S the Plan does not actually deliver many sites that would be capable of development upon adoption which are not already capable of being delivered. As such, it is to some extent a “do nothing plan”, or, perhaps more specifically given responsibility is transferred to Parish Councils, “can the parish councils do something?” plan.

2.51 Of the 4,355 dwellings comprising the potential amount of housing identified to meet additional requirements under Policy 3S over 51% require detailed allocation policies to be provided in future Neighbourhood Plans. This is covered in more detail under Matter 4.

2.52 The benefits of abandoning the emerging Local Plan and concentrating the limited time and resource that the Council have available to actually address the future needs of the area in a sustainable manner far outweigh the consequences of not having this Plan adopted and in place for a minimal period of time. The serious delay in the preparation of a strategic plan for the Borough, which will result from the continued pursuance of this flawed Plan, is likely to have a much greater negative impact on sustainability than anything that might occur in the next year or so.

iii) its explanation of why the preferred strategy and policies were selected?

2.53 The findings on the preferred option set out at Chapter 10 of the September 2018 Sustainability Appraisal do not demonstrate an accurate understanding of the Plan’s strategic priorities and how these will be provided. As a result, the impacts on sustainable development are not clearly explained.

2.54 Planning practice guidance acknowledges that “Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process.”

- 2.55 However, it is the preserve of neighbourhood plans to deal with non-strategic policies forming part of the development plan. This is an aspect that has been emphasised through the NPPF2018 but is also clearly stated by the principles outlined in Paragraphs 183 to 185 of the NPPF2012.
- 2.56 This means ensuring that the needs and ambition of the neighbourhood are aligned with the strategic needs and priorities of the wider area. It is critical that Neighbourhood Plans positively address the priorities of the Local Plan; they should not promote less development than set out in the Local Plan or undermine its strategic policies.
- 2.57 It is common ground that both Policy 2s (spatial strategy) and Policy 3s (amount and distribution of housing) are strategic policies for the purposes of the Borough's Local Plan. This is important in terms of consistency with national policy (in-particular Paragraph 156 of the 2012 Framework) given the role of these policies in delivering the homes and jobs needed for the area.
- 2.58 The distribution of development is also central to meeting other priorities associated with the delivery of community and social infrastructure. Such policies also provide the architecture to meet the requirements for Local Plans identified in paragraph 157 of the NPPF 2012 in terms of (*inter alia*) planning positively for an appropriate (preferably 15-year) time horizon and allocating sites to bring forward new land for development where necessary. Such policies and allocations can also be essential to ensuring that the Local Plan provides a clear strategy for enhancing the built, natural and historic environment.
- 2.59 The critical shortcoming of the submission version of the Bedford Local Plan 2030 is that the proposed distribution of new development sought is a fundamental departure in terms of comparing than Plan's approach towards strategic priorities from earlier stages of consultation. This is the result of an internal conflict in the Council's development strategy that essentially treats growth to be provided in rural areas as a residual calculation, while also accepting that the resulting figure is sustainable as a fixed – albeit arbitrary – total to be provided in allocations deferred to Neighbourhood Plans. In practice the total is at the lower end of scenarios tested and considered sustainable.
- 2.60 The difficulty for the Council is that having removed one component of the spatial strategy (a proposed New Settlement) it (rightly) does not apply a corresponding reduction to development to be provided in rural areas i.e. so that this remains at the same proportion of the reduced overall total. Even without seeking to pursue a strategy that either meets needs in full or covers a plan period to 2035 the relative importance of the level of new development to be provided in rural areas is increased as a result.
- 2.61 This inevitably results in the Local Plan failing to satisfy the relevant soundness tests. It is furthermore the case that, had this fundamental change in the approach in planning for the area's strategic priorities been recognised, further comprehensive testing of reasonable alternatives should have been undertaken as part of the Sustainability Appraisal process. It is our stated case, as set out in previous representations, that:
- This would have again concluded that distributing a higher proportion of development in the rural areas at least equally as sustainable as other options including provision of a New Settlement set out in the January 2018 version of the Regulation 19 Plan; and
 - It can further be demonstrated that the rural areas (and in-particular Key Service Centres and Rural Service Centres) are capable of sustainably accommodating higher totals for housing than proposed in either the submission Local Plan or

January 2018 version of the Regulation 19 Local Plan; and

- Sustainable options therefore exist to ensure that the Local Plan seeks to meet needs over a 15-year plan period and/or looks to meet the full annual objectively assessed need for housing

- 2.62 A sound approach to plan-making within these criteria would also arrive at more acceptable conclusions in relation to the ability of individual settlements to support specific levels of development as opposed to the binary numerical distribution in the Local Plan. It would further be expected that to ensure the most sustainable opportunities are identified and brought forward to meet the priorities of individual settlements these would be allocated as part of the Local Plan process.
- 2.63 The changes to arrive at the submission version of the Local Plan in terms of identifying and seeking to address the area's strategic priorities do not, therefore, constitute a "minimal effect" upon the strategy put forward in January 2018. Furthermore, notwithstanding the unsound nature of the foreshortened plan period and failure to meet full objectively assessed needs for housing, it is also the case that the level of new development apportioned to rural areas (as a percentage of the total proposed) is of strategic significance to the plan as a whole. To ensure consistency with national policy (and relevant legislation) this should not be deferred to Neighbourhood Plans.
- 2.64 As a result of the approach taken the risks to the Plan are also concentrated by the proposed distribution – specifically that failure to bring forward sites through Neighbourhood Plans will have a critical and immediate effect on the availability of deliverable supply to meet even the suppressed target over the period to 2030.
- 2.65 There is no deliverable contingency mechanism in the Plan to deal with any such inevitable shortfall and an inadequate number of years within the plan period to provide for a longer-term recovery in housing output. This unacceptably delays meeting needs until future years and a future review of the Plan.
- 2.66 The Sustainability Appraisal does not explain how these factors have been taken into account in justifying the preferred option.
- 2.67 The conclusions regarding the potential impacts on sustainable development in Chapter 10 of the September 2018 Sustainability Appraisal are also **inconsistent** with overall findings on the level of growth. The preferred strategy is identified as having 'Major Positive Effects' in relation to SA Objectives 8 and 9 (meeting population needs and reducing deprivation). This is despite the assessment of Option G in Appendix 6 (testing the 'residual' level of growth needed for the 2030 plan period) only identifies positive effects for the same objectives. Given that the levels of development are the same, and that the preferred strategy is associated with significant risks of non-delivery, it is not rational to identify positive impacts to the stated degree.
- 2.68 Given these circumstances it is clear that the Sustainability Appraisal has not justified the preferred strategy against alternatives seeking a higher level of growth and/or the specific allocation of sites to support deliver of the Local Plan's objectives.

Q5) Is the Habitats Regulations Assessment report (Doc SD26) robust and credible in its conclusions? Are all the report's recommendations to modify the plan included in the Council's schedule of proposed modifications?

No comment

Q6) Does the plan include policies designed to ensure that the development and use of land in Bedford contributes to the mitigation of, and adaptation to, climate change?

No Comment

Q7) Does the plan comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations?

- 2.69 It is our view that the changes undertaken between the original version of the Plan published for pre-submission (Regulation 19) consultation in January 2018 and the submission version (dated September 2018) cannot be considered to be 'minimal'. As a result of the decision to change the approach in the emerging Plan the amended strategy should have been subject to a fresh regulation 18 consultation.
- 2.70 The Officers describe the deletion of the new village proposal and the shortening of the plan period as having a "minimal effect" on the Plans overall development strategy which does not require a return to regulation 18- (Ref: **Legal issues part b) page 7(2) of Mayor, Portfolio Holder for Community Safety and Regulatory Services and Chief Officer Planning and Highways (5 September 2018)**).
- 2.71 We are of the view that the loss of the new Village Proposal and the shortening of the time period of the Plan do not have a minimal effect.
- 2.72 The removal of the New Village and associated proposed infrastructure provision removes the proposal that sat at the very heart of the original Regulation 19 submitted Plan. The location of the new village and its proposed infrastructure and other benefits permeated the whole of the submitted Plan including the level of distribution to other locations.
- 2.73 Simply removing references to the new village in the Plan does not remove the influence that such an allocation had exerted for some time over the Council's choice of strategy including distribution.
- 2.74 The shortening of the Plan period by a third is clearly material as not only does it put the Plan in conflict with the Framework (2012), but also substantially reduces the level of housing to be identified and delivered. Before undertaking this approach other sustainable options should have been considered.

ii) **Matter 1b: Overarching Matters**

Q8) Is the plan period (2015 – 2030) justified, effective and consistent with national policy? If so, should the requirements/timescales for review of the plan be set out in policy?

- 3.1 The Framework 2012 does not prescribe an appropriate timescale for a Plan, but it does contain some very clear guidance regarding what the timescale(s) should be and the circumstances which may justify a departure from this timescale.
- 3.2 Paragraph 47 (Framework 2012) requires councils:
- 3.3 “To boost significantly the supply of housing, local planning authorities **should**: identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, **where possible**, for years 11-15” (our emphasis)
- 3.4 The guidance is unequivocal plans should have a 15 period unless it is impossible to identify sufficient sites or broad locations of growth for this period.
- 3.5 Paragraph 157 (Framework 2012) 157 states that crucially, local plans should:
*“plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;
 be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date”*
- 3.6 The 2019 Framework has clarified the requirement to ensure that Local Plans are reviewed when they need updating and at least once every five years (Paragraph 33). The requirement for review should take into account changing circumstances affecting the area, including whether the applicable local housing need figure has changed significantly. Paragraph 73 of the revised Framework states the figure for local housing need will apply for the calculation of supply against relevant housing requirements when strategic policies are more than five years old.
- 3.7 The seriousness of the shortfall in the housing allocations compared to the emerging LHN calculation would require an immediate review to be written into the plan policy. Two examples of such policies recently adopted are:
- Luton LLP40 requires commencement of a full review in 2019 and submitted for examination by mid 2021 and lists elements that require review
 - Swale Policy ST2 which sets out the timescale for adoption of the revised plan (in that case 2022)
- 3.8 A similar policy to the Luton Policy would be required here although as highlighted the impact of finding the Plan unsound and starting the full review now is very limited. This is because none of the 2,260 dwellings proposed to be allocated in the rural area are considered to be deliverable in the first five years from the adoption of the Plan and all the urban allocations do not need an allocation to allow them to come forward.
- 3.9 Again, national policy states that it is crucial that a plan should preferably have a 15 year time horizon.
- 3.10 It is noted that the Council has provided no robust justification for a 10 year time horizon for the Plan from the date of adoption. The Plan itself provides no justification for the shorter time scale in this respect it is unjustified and inconsistent with national policy rendering it unsound in terms of Framework paragraph 182.
- 3.11 The Council’s justification is set out in the Report by the Mayor, Portfolio Holder for Community Safety and Regulatory Services and Chief Officer Planning and Highways

(5 September 2018). This explains with the discovery that the Colworth Garden Village allocation in the earlier reg 19 plan was not deliverable then the following options were considered:

- **Replacement new village** – the remaining 3 villages Twinwoods, Wyboston and Thurleigh were reconsidered but rejected as they were not considered to represent reasonable alternatives on the grounds also of uncertainty of delivery.
- A large scale linear development south of Bedford was also rejected for the lack of information on viability and deliverability
- The final option was to foreshorten the Plan to a date where the other allocations in the Plan could meet the annual requirement i.e. reduce the plan period to 2030. This will make it a 10 year Plan from the date of adoption.

3.12 The justification for shortening the plan period was:

- **There was no garden village proposal that was sufficiently advanced to justify allocation**
- **No other suitable sites that fit with the plan strategy are available to allocate in pace of a garden village**

3.13 The merit of choosing a reduced time period was set out as:

- **allow the Council to secure a 5 year supply of housing land; and**
- **put off the longer term strategy to the first review when there would be greater certainty over the delivery of a new village proposal and the implications of the Oxford Cambridge Growth Corridor.**

3.14 What the Council did not consider was a reasonable alternative strategy; for example, allocating appropriate and higher levels of development on peripheral urban land and in existing Key and Rural Service Centres. The justification given for not considering these options was that it did not, in the Council's opinion, result in a minor amendment to the strategy as set out the original regulation 19 submission and as such would require a wider review which in turn would require further (reg 18) consultation. This of course would have meant that the Council would not hit the transitional deadline of the 24th January 2019 and thus only be required to plan for a low level of growth as opposed to that we believe should be planned for and which the Council seek to undertake at a further and medium-term review of the Plan, i.e. 'kick the can further down the road'.

3.15 The reason why the Council are constrained to follow the now seriously flawed strategy built around the provision of the now undeliverable proposed Colworth Garden Village is that if they depart from this strategy they will need to go back to the Regulation 18 stage of the Plan making process.

3.16 The Officers describe the deletion of the new village proposal and the shorting of the plan period as having a "minimal effect" on the Plans overall development strategy which does not require a return to regulation 18 (Legal issues part b) page 7(2) of Mayor, Portfolio Holder for Community Safety and Regulatory Services and Chief Officer Planning and Highways (5 September 2018). We do not agree with this assessment.

3.17 The reason for not attempting to review the strategy is set out in part (d) Risk Implications on page 7 (3) Mayor, Portfolio Holder for Community Safety and Regulatory Services and Chief Officer Planning and Highways (5 September 2018). This highlights the risk of not continuing with the Plan 2030 are:

- **The government taking control of the plan making process**
- **The inability to demonstrate a five year supply of housing land; and**
- **A submission after 24 January 2019 would require the plan to accommodate the whole of the local housing need as a minimum.**

- 3.18 The reasons for pressing forward with the present strategy are not aligned with the Government's intention to secure a "Genuine plan led system" that is "up to date" and delivers the homes that the country needs as required by paragraph 17 of the Framework. Instead, the Council are purposefully pursuing a plan in the knowledge that it will not provide the minimum level of housing that is required. What they are doing however is seeking to protect themselves from appeals on what are otherwise sustainable sites that under the proposed strategy would not be required to be released (but may well be in a subsequent review) and which would actually contribute to meeting the higher housing need).
- 3.19 It is counter intuitive to contend that the allocation of additional housing in otherwise agreed sustainable locations is not a minor alteration to the strategy consulted upon at the first reg 19 consultation but the removal of a New Village of 2,500 dwellings and the reduction of the plan period by one third is considered a minor alteration.
- 3.20 It is our view that the shortening of the plan period represents such a significant change and results in a very different strategy to that of a new village to the north of the town as set out in the original Reg 19 submission and as such the whole strategy should revert back to the Reg 18 stage.

Q9) Does the plan take appropriate account of the 'Cambridge – Milton Keynes – Oxford Arc'?

- 3.21 Paragraphs 4.24 – 4.27 of the Council's Development Strategy and Site Selection Methodology explain the extent to which the National Infrastructure Commission's recommendations for the Oxford-Cambridge Arc informed the approach to the submission Local Plan. It is important to note the Council highlights the 'uncertainty' of the proposals at this time and that the timescales for an immediate Local Plan review are expected to align with key government decisions. The Council therefore incorporates this within the justification for progressing the Local Plan over a shorter period to 2030.
- 3.22 The Council may be correct in its understanding of the context for planning in the corridor. This generally accords with the recent interim Inspector's findings in the Vale of Aylesbury Local Plan Examination.
- 3.23 It is, however, mis-guided in its assessment of how progression of the submission of the Local Plan provides certainty in terms of maintaining housing supply or a sustainable strategy for the area as a result of the proposed approach. This is because the submission Local Plan nevertheless fails to address the borough's strategic priorities.
- 3.24 Obviating the impacts of the Oxford-Cambridge corridor provides even greater reasons to pursue a strategy that can meet the area's full housing needs and address identified priorities in Key Service Centres and Rural Service Centres already identified as suitable and sustainable locations in principle.

**Q10) Are the policies identified in Appendix 2 justified as “strategic policies”?
Are there any other policies in the plan which should be identified as strategic policies?**

- 3.25 Policy 3S (a ‘strategic policy’) outlines the amount of housing to be provided as part of allocations deferred to future Neighbourhood Plans. Other policies of the submission Local Plan (specifically Policy 4 (Settlement Policy Areas) and Policy 6 (Development in the Countryside)) provide the interface required to ensure clear direction for decision-makers and those preparing Neighbourhood Plans to enable supply to come forward. These are essential for the effectiveness of the Local Plan in this regard, particularly given the importance of the rural area to achieve the area’s strategic priorities.
- 3.26 Given that Neighbourhood Plans may seek to amend (and should not look to prevent appropriate development within) Settlement Policy Areas Policy 4 is in our view a strategic policy and needs to provide clear statements to this effect.
- 3.27 Criteria (v) of Policy 6 only deals with sites identified in ‘made’ Neighbourhood Plans and must acknowledge that any failure to bring forward sites through this route should not further delay meeting the borough’s housing needs. Policy 6 should also be recognised as a strategic policy and further should provide clear guidance for the purposes of development management to support development in otherwise sustainable locations in the event that Neighbourhood Plans for individual settlements are not completed.



BRISTOL

Broad Quay House (6th Floor)
Prince Street, Bristol. BS1 4DJ
bristol@dlpconsultants.co.uk
01179 058 850

EAST MIDLANDS

1 East Circus Street, Nottingham
NG1 5AF
nottingham@dlpconsultants.co.uk
01158 966 622

LEEDS

Princes Exchange
Princes Square, Leeds. LS1 4HY
leeds@dlpconsultants.co.uk
01132 805 808

LONDON

The Green House, 41-42 Clerkenwell Green
London. EC1R 0DU
london@dlpconsultants.co.uk
020 3761 5390

MILTON KEYNES

Midsummer Court, 314 Midsummer Boulevard
Milton Keynes. MK9 2UB
miltonkeynes@dlpconsultants.co.uk
01908 440 015

SHEFFIELD

Ground Floor, V1 Velocity Village
Tenter Street, Sheffield. S1 4BY
sheffield@dlpconsultants.co.uk
0114 228 9190

RUGBY

18 Regent Place, Rugby, Warwickshire
CV21 2PN
rugby.enquiries@dlpconsultants.co.uk
01788 562 233



RTPI

Chartered Town Planner



BRISTOL

Broad Quay House (6th Floor)
Prince Street, Bristol. BS1 4DJ
bristol@dlpconsultants.co.uk
01179 058 850

EAST MIDLANDS

1 East Circus Street, Nottingham
NG1 5AF
nottingham@dlpconsultants.co.uk
01158 966 622

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020 3761 5390

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sheffield@dlpconsultants.co.uk
0114 228 9190

RUGBY

18 Regent Place, Rugby, Warwickshire
CV21 2PN
rugby.enquiries@dlpconsultants.co.uk
01788 562 233



RTPI

Chartered Town Planner

Representation Form for Oakley Neighbourhood Plan
The Neighbourhood Planning (General) Regulations 2012 (as amended)
Regulation 16 Consultation

Oakley Parish Council as the 'qualifying body' has prepared a Neighbourhood Plan (the Plan) for its Parish with the help of the local community. The Plan sets out objectives for the future of the Parish and contains planning policies to guide the development and use of land in Oakley Parish. Following submission to Bedford Borough Council, the Plan is now subject to a six week public consultation. Once the consultation has closed, the Plan will be submitted for independent examination and a local referendum. If successful, the Oakley Neighbourhood Plan will be 'made' (brought into legal force) and will then form part of the Bedford Borough Council Development Plan and be used in the determination of planning applications relating to land in Oakley Parish.

Copies of the Oakley Neighbourhood Plan and supporting documents are available to view on the Council's website:

www.bedford.gov.uk

Hard copies are also available for inspection during normal opening hours at the following locations:

- Bedford Central Library, Harpur Street, Bedford, MK40 1PG
- Bedford Borough Customer Service Centre, Horne Lane, Bedford, MK40 1RA

The consultation period is six weeks from: **12 June to 25 July 2019**

There are a number of ways to make your comments:

Complete this form and email it to: planningforthefuture@bedford.gov.uk

Print this form and post it to: Planning Policy Team, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP. This is not a freepost address; please use a stamp.

All comments will be publicly available. Please note that personal information provided will be processed by Bedford Borough Council in line with the Data Protection Act 2018.

How to use this form

Please use this form to submit your comments on the Oakley Neighbourhood Plan. Please remember that the Examiner is only testing whether the Plan meets the 'Basic Conditions' and other relevant legal requirements set out in the Localism Act 2011. The basic conditions are as follows:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan,
- the making of the neighbourhood plan contributes to the achievement of sustainable development,
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Further information on the 'Basic Conditions' can be found in the National Planning Practice Guidance here:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

Please note that your representation should succinctly cover all the information, evidence and supporting information necessary to support/justify your representation and any suggested changes, as there will not normally be a subsequent opportunity to make further representations. All representations received will be sent to the Examiner for his/her consideration as part of the examination. After this stage, further submissions will be only at the request of the Examiner, based on the matters and issues he/she identifies through the examination.

Please complete Part A in full, in order for your representation to be taken into account at the Neighbourhood Plan Examination.

Please complete Part B, identifying which paragraph your comment relates to by completing the appropriate box. Please include a separate form for each comment.

Please complete Part C, stating whether you would like to participate at an oral examination if one is held and if you would like to be notified if the Plan gets 'made'.

All comments must be received by 5pm on 25 July 2019.

PART A

| | Your Details |
|-------------------------------------|---|
| Organisation Represented | Sharnbrook Academy Federation c/o Mark Duke Lincroft School Station Road Oakley MK43 7RE |
| Full Name | |
| Address | |
| Postcode | |
| Telephone | |
| Email | |
| Organisation (if applicable) | |
| Position (if applicable) | |

PART B – please include a separate form for each comment.

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|-----|
| Paragraph Number | | Policy Reference: | HG1 |
|------------------|--|-------------------|-----|

Do you support, oppose, or wish to comment on this paragraph? (Please select one answer)

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

| |
|-----------------------------------|
| <p>Please see attached report</p> |
|-----------------------------------|

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|-----|
| Paragraph Number | | Policy Reference: | LE1 |
|------------------|--|-------------------|-----|

Do you support, oppose, or wish to comment on this paragraph? (Please select one answer)

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

| |
|----------------------------|
| Please see attached report |
|----------------------------|

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|-----|
| Paragraph Number | | Policy Reference: | LE2 |
|------------------|--|-------------------|-----|

Do you support, oppose, or wish to comment on this paragraph? (Please select one answer)

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

| |
|----------------------------|
| Please see attached report |
|----------------------------|

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|-----|
| Paragraph Number | | Policy Reference: | LE3 |
|------------------|--|-------------------|-----|

Do you support, oppose, or wish to comment on this paragraph? (Please select one answer)

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

Please see attached report

To which part of the document does your representation relate?

| | | | |
|------------------|--|-------------------|-----|
| Paragraph Number | | Policy Reference: | BE2 |
|------------------|--|-------------------|-----|

Do you support, oppose, or wish to comment on this paragraph? (Please select one answer)

- Support
- Support with modifications
- Oppose
- Have comments

Please give details of your reasons for support/opposition, or other comments in the box below. If objecting, please give details of the grounds on which you are objecting. Please be as precise as possible. (Continue on a separate sheet if necessary)

Please see attached report

Please set out what change(s) you consider necessary to make the Plan able to proceed, related to the objection you have raised. You should say why this change will enable the Plan to proceed. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet if necessary).

Please see attached report.

PART C

The majority of examinations are expected to be through written representations. Should the Examiner decide there is a need for an oral examination (hearing), please state below whether you would like to participate.

**If an oral examination is necessary would you like to participate?
(please select one answer)**

No, I do not wish to participate at an oral examination

Yes, I wish to participate at an oral examination

Please note the Examiner will determine whether an oral examination is necessary.

If an oral examination is required, please outline why you consider that your participation is necessary: (Continue on a separate sheet if necessary)

| |
|-----------------------------------|
| <p>Please see attached Report</p> |
|-----------------------------------|

If you would like to be notified of Bedford Borough Council's decision to 'make' the Plan under Regulation 19 (to bring it into legal force), please tick the box below.

Please notify me



Strategic Planning Research Unit

For and on behalf of
The Sharnbrook Academy Federation

**Representations to the Submission (Regulation 16) Oakley Neighbourhood Plan
Consultation**

**Relating to Lincroft Academy and Oakley Primary Academy
and interests East of Station Road, Oakley**

**Prepared by
Strategic Planning Research Unit
DLP Planning Ltd
Bedford**

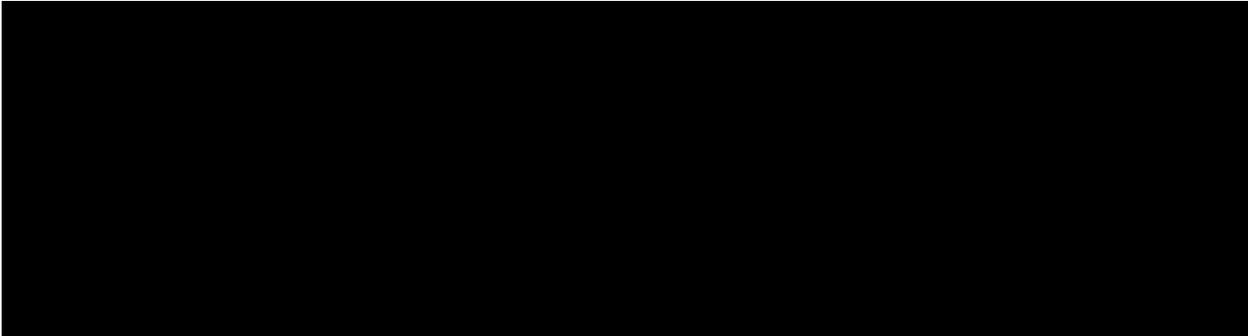
July 2019





Strategic Planning Research Unit

| | |
|--------------|--|
| Prepared by: |  |
| Approved by: |  |
| Date: | July 2019 |



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INSTRUCTIONS

These representations to the Submission (Regulation 16) version of the Oakley Neighbourhood Plan have been prepared by the Strategic Planning and Research Unit (SPRU) of DLP Planning Ltd on behalf of the Sharnbrook Academy Federation. These should be read alongside separate representations submitted on behalf of Bedfordia Developments Ltd.

Representations have previously been submitted as part of the 'Pre-Submission' (Regulation 14) consultation undertaken by Oakley Parish Council in October 2018.

SPRU were also instructed to participate in and appeared at the Bedford Local Plan 2030 Examination on behalf of the above clients.

Due to the magnitude of issues identified within these representations the Sharnbrook Academy Federation along with Bedfordia Developments Limited expressly request that the Examiner hold a hearing session(s) as part of the examination of the Neighbourhood Plan. Due to the unresolved objections relating to the contents and approach of the Plan it is considered that a hearing should be held pursuant to paragraph 9(2) of Schedule 4B of the Town and Country Planning Act 1990 to ensure adequate representation and enable stakeholders a fair chance to put their case.

Concerns with specific policies and designations proposed in relation to the submission version Neighbourhood Plan are predominantly identified in terms of Policy **ONP HG1**; **ONP LE1 – LE3**; **ONP BE1** and **ONP BE2**; and **ONP DH3**. These are specified on the consultation response form and expanded upon within this report.

0.0 EXECUTIVE SUMMARY

- 0.1 A Neighbourhood Plan must demonstrate, *inter alia*, that it will support the achievement of sustainable development and is prepared in general conformity with the strategic policies of the development plan for the area. These elements form part of the *basic conditions* the plan must meet.
- 0.2 The submission version Oakley Neighbourhood Plan is to be assessed for its general conformity with the strategic policies of the development plan *in force*. At the time of writing the adopted development plan includes the Core Strategy (2008) and Allocations and Designations Local Plan (2013). The emerging Bedford Local Plan 2030 remains under Examination.
- 0.3 The approach to preparing the Neighbourhood Plan should therefore demonstrate that the risk of its policies becoming quickly out-of-date following the adoption of new strategic policies has been minimised. This should include taking account of the latest evidence on housing need and aiming to agree the relationship with policies in the emerging Local Plan.
- 0.4 In our view neither of these requirements have been satisfied, noting in-particular:
- Paragraph 65 of the NPPF2019 in relation to the housing requirement figure
 - The submission neighbourhood plan does not make specific allocations for the delivery of the housing requirement, relying on adjustments to the settlement boundary; nor does it include any provision for flexibility and contingency
 - Failure to identify and consider conformity with other relevant strategic policies in the emerging Local Plan
- 0.5 The risk identified with the context within which the plan has been prepared is realised by the 'Inspectors' Letter to Bedford Borough Council following the Hearing Sessions of the Examination in Public of the Local Plan 2030 (Examination Document ED50). This has indicated that Policy 3S of the emerging Local Plan 2030 should be modified on the following basis:
- “In order that the plan is positively prepared the Council should amend this policy to enable Neighbourhood Plans to allocate more than 50 houses if local circumstances indicate that this is appropriate.”***
- 0.6 We contest that this requirement is specifically relevant to the circumstances in Oakley. The settlement represents a highly sustainable location offering a comprehensive range of local education and employment opportunities as well as a wide range of services and facilities along with sustainable transport options. Oakley is classified as a Rural Service Centre in the Council's settlement hierarchy but has many of the facilities associated with Key Service Centres.
- 0.7 The spatial distribution strategy in the emerging Local Plan 2030 does not separately assess the capacity to accommodate growth in individual settlements.
- 0.8 In relation to the housing requirement in strategic policies and the requirement figure provided for designated neighbourhood areas paragraph 65 of the NPPF states:
- “Once the strategic policies have been adopted, these figures should not need retesting at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.”***
- 0.9 Paragraph 66 states that where it is not possible provide a housing requirement an indicative figure should take account of the population in the area, evidence of local

housing need and the most recent planning strategy. The emerging Bedford Local Plan 2030 has been prepared and submitted for examination against the transitional arrangements for the NPPF2012. The arbitrary apportionment of development to Key Service Centres and Rural Service Centres pre-dates this approach.

- 0.10 Examination of the submission version Neighbourhood Plan represents an appropriate basis to review the level of development considered appropriate. This should take account of the circumstances for the Local Plan 2030, in particular, the foreshortened plan period, requirement for immediate review and the significant shortfall in housing needs being met relative to the figure provided by the government's standard method. These factors should be considered alongside the requirements and opportunities to achieve sustainable development in Oakley.
- 0.11 Given the failure of the plan-making process to assess appropriate levels of development in Oakley and the failure of the Neighbourhood Plan to allocate specific sites it is considered that its policies will become quickly out-of-date. Furthermore, the Neighbourhood Plan should not be considered to satisfy the criteria attached to the protections offered by paragraph 14 of the NPPF2019.
- 0.12 These representations place great emphasis on the implications of the Oakley Neighbourhood Plan in relation to ensuring that the future operational and development requirements of Lincroft Academy and Oakley Primary Academy can be met. These requirements include:
- ensuring a sufficient supply of school places can be provided through addressing the existing cap on pupil numbers imposed via planning condition upon the existing use and development at Lincroft Academy;
 - maintaining and enhancing education facilities;
 - optimising opportunities for outdoor sport and recreation (including increasing opportunities for wider community benefits) through relocation of the existing Lovell Road sports pitches; and
 - managing the impact of the school on the road network and promoting sustainable transport and safety for all road users
- 0.13** The submission version of the Oakley Neighbourhood Plan contains policies that would specifically inhibit the ability to achieve these objectives. The failure of the Neighbourhood Plan to acknowledge and seek positive opportunities to address these requirements stems from the approach to its preparation. **Section 2 of these representations provides a detailed exploration of these issues.**
- 0.14 Addressing shortcomings with the current site in terms of its location and the facilities available is a commitment on the part of the Sharnbrook Academy Federation. This forms part of ambitious plans incorporating provision of a sports hub providing wider benefit to the local community, complementing the ability of Lincroft Academy to meet its own requirements as a growing secondary school.
- 0.15 The approach and policies of the submission version Neighbourhood Plan contrast with the requirement to demonstrate it is consistent with national policy and will contribute to the achievement of sustainable development. This is reflected by a significantly more restrictive approach to the following topics than that advocated through national policy or the development plan for the area:
- Seeking to impose designations to provide protection based on the Neighbourhood Plan's assessment of valued landscapes (**Section 3**);
 - Supplementing policies of the existing development plan in relation to the

countryside, settlement pattern and preventing coalescence without any provision to support development that does not conflict with policy objectives (**Section 3**);

- The proposed designation of Local Green Spaces contrary to the findings of Bedford Borough Council's own evidence base (**Section 4**);
- Very limited support for development to meet the requirements for community services and facilities, including for sport and recreation, with no flexibility to make provision outside of the Settlement Policy Area boundary (**See Section 2**); and
- Imposing additional constraints on opportunities for economic development (**See separate representations on behalf of Bedfordia Developments Ltd**)

0.16 The Neighbourhood Plan is not supported by the necessary evidence for the specific policy approach and spatial designations proposed. The Neighbourhood Plan fails to identify the conformity of this approach with other strategic policies in the emerging Local Plan including those relating to infrastructure delivery and green infrastructure. This is expanded upon within specific sections of these representations as identified above.

0.17 Bedfordia note and welcome the incorporation of the land at Station Road within an amended Settlement Policy Area Boundary and the selection of the location as a 'proposed development site' (discussed on pages 50-52 of the plan), albeit on the basis of an allocation for approximately 30 new homes on the northern part of the overall land area. Bedfordia agree with the principle of the selection of this site but consider that the Neighbourhood Plan has not fully considered the full benefits of the comprehensive development proposal promoted by Bedfordia and SAF for Lincroft Academy.

0.18 The Neighbourhood Plan places a specific focus on restricting opportunities for sustainable development and managing land uses outside of the Settlement Policy Area Boundary on Land East of Station Road. These representations explore the implications of this in relation to our clients' interests, specifically regarding the objective of meeting the future requirements of the school as part of wider proposals to deliver a range of benefits including providing for sustainable residential development. **Section 1** below first provides an outline of our clients' interests and the background to these representations.

0.19 **Appendix 1** provides an overview of national policy and guidance and caselaw relevant to the approach to preparing the Neighbourhood Plan, also covered in the detailed representations on behalf of Bedfordia Developments Ltd

1.0 BACKGROUND TO THE SUBMISSION VERSION NEIGHBOURHOOD PLAN CONSULTATION

- 1.1 This representation has been prepared on behalf of Bedfordia Developments Ltd (Bedfordia), with regard to land in their control at Station Road, Oakley, which they are promoting, and is in response to the proposals and designations set out in the Submission (Regulation 16) version of the Oakley Neighbourhood Plan (ONP) published for consultation by Bedford Borough Council. The specific representations submitted on behalf of the Sharnbrook Academy Federation address the relationship of the facilities at Oakley Primary Academy and Lincroft Academy to the Neighbourhood Plan.
- 1.2 The land at Station Road is referenced as “Site 170 & 521 – Station Road” within the evidence base for the draft Neighbourhood Plan. The land has been promoted by Bedfordia in conjunction with Sharnbrook Academy Federation (SAF) on behalf of Lincroft Academy for residential development and, the creation of a self-contained education campus with expanded sports facilities. A copy of the concept masterplan prepared to support this wider development opportunity is provided at **Appendix 2**.
- 1.3 Previous representations to the Pre-Submission (Regulation 14) version of the ONP provide a detailed overview of our clients’ interests and their relevance to the Plan’s proposed policies and designations as well as their wider significance in relation to the sustainability of services and facilities in Oakley. A copy of these representations is included at **Appendix 3** to this Report.
- 1.4 Bedfordia and SAF on behalf of Lincroft Academy together own or control all of the land that is ‘sandwiched’ between Station Road and Lovell Road and the main London - Sheffield Railway line which extends in total to 15.2ha. This land is fully contained and reads as part of the general structure, form and character of the Village and is distinct from the countryside beyond.
- 1.5 Bedfordia and SAF for Lincroft Academy, have consulted with the school and parental bodies and have undertaken wider public engagement by way of a public exhibition of the proposals. In addition, they have sought engagement with the Parish Council over the use of the land and remain committed to working with the Parish Council and wider community in relation to their proposals.
- 1.6 The Neighbourhood Plan process recognises that the wider site has been promoted, but comments upon potential infrastructure constraints and highways issues including traffic relating to the school as barriers to further consideration for development. This starting point is contrary to national policy and guidance.
- 1.7 Bedfordia and SAF consider that, working together, the development proposals advanced for the wider site can deliver the following:-
- i) the establishment of a new self-contained campus for Lincroft Academy with a separate and independent school driveway, extended parking and circulation space which would incorporate the existing school buildings with the provision of a wide range of new sports facilities and pitches;
 - ii) residential development;
 - iii) significant highway improvements, including the creation of a new access spine road and the consequent closing of Station Road as currently configured to address the existing issues of congestion and highways safety in Station Road and provide

safe and separate access to the school campus and the proposed new residential development; and

- iv) funding for the creation of the integrated school campus, playing fields and pitches and the highways improvements detailed in this submission would principally stem from the enabling residential development proposed.

- 1.8 The comprehensive proposals respond to a number of local issues and challenges faced by Lincroft Academy and the wider community arising from transport congestion, access, safety and parking difficulties particularly at school drop off and collection times. In addition, the existing location of the school playing fields, which are physically remote from the school, are a constraint on the effective delivery of the school curriculum and give rise to potential safety issues whereby children are required to cross a busy road to access the playing fields.
- 1.9 The proposals by Bedfordia and SAF on behalf of Lincroft Academy, advocate a more holistic approach to the use and development of land on the eastern side of Station Road. They would allow for the expansion of the school and address the issues outlined and include new dedicated parking provision, circulation space on site and the creation of a new main access and driveway.
- 1.10 The proposals would also bring into effect a series of traffic calming measures that include the closing of Station Road as it currently is and its diversion onto a new access/distributor road.
- 1.11 The proposals would also enhance the school's operation, positioning the playing fields and sports pitches opposite the school, thus allowing for a better operation of the curriculum and improvements to pupil safety.
- 1.12 The new sports pitches would represent a significant upgrade over the existing facilities to the benefit of the school and wider community.
- 1.13 Therefore, whilst acknowledging the proposed allocation of land in this location for 30 new homes, it is believed that the proposals are not sufficiently ambitious and fail to respond to the opportunity that the site and the comprehensive opportunity for development it provides.
- 1.14 The proposal for 30 dwellings enabled through revision to the settlement policy boundary will not bring about the wider benefits for the school and by association the village of Oakley. More ambitious housing provision on a single site will enable the delivery of the significant benefits to both the school and wider community set out above through the collaborative working of Bedfordia and SAF.
- 1.15 The proposals have also been informed by a range of technical work to demonstrate their viability and deliverability.
- 1.16 Both Bedfordia and SAF would appreciate the opportunity to discuss matters further with the Parish Council and Bedford Borough Council through the potential allocation of the wider site.

2.0 COMMUNITY SERVICES AND FACILITIES INCLUDING LINCROFT ACADEMY

- 2.1 This section of the representations specifically addresses relationship between the submission version of the Oakley Neighbourhood Plan and the existing educational establishments and associated services and facilities at Lincroft Academy and Oakley Primary Academy. The current situation, opportunities and challenges relating to this infrastructure are discussed.
- 2.2 In terms of the future management and development of the facilities it is imperative that the Oakley Neighbourhood Plan does not inhibit a sustainable response to ensure restrictions to the current use and operation can be overcome. Paramount amongst these concerns is planning condition no.4 attached to application reference 16/00329/MAF **limiting the pupil roll at Lincroft Academy to 855 pupils**. This is important in the context of the ongoing implementation of school reorganisation across the borough to provide full primary and secondary education provision (age 4-16 years) within Oakley and the role of the schools in serving the wider rural area.

a) Overview of Context and Role of Education Facilities in Oakley

- 2.3 In relation to development outside settlement limits Policy HG1 deals only with proposals for residential development. In relation to other land uses (such as leisure, education and community facilities) the submission Neighbourhood Plan does not address where exceptions may be required (see Policy BE2).
- 2.4 The submission Neighbourhood Plan includes amongst its objectives a need to *“maintain a sustainable community, including a sustainable business community, with adequate infrastructure and facilities”* but does not indicate how this will be achieved for non-residential uses.
- 2.5 For example, Policy BE2 seeks to support retail and community facilities ‘within the centre of Oakley’, indicating that such a boundary is delimited by Station Road therefore precluding use of land to the east of this. Particularly for educational uses the Plan states:
- “The largest single employer in the parish is Lincroft School which also serves several surrounding parishes. Along with Oakley Primary School it provides a prime focus for the community but also is the source of significant traffic issues.”*
- 2.6 The specific ‘Vision’ for Oakley sought through the Neighbourhood Plan is stated “To protect and improve the village community and the landscape within which it sits.”
- 2.7 This cannot be considered to promote sustainable development nor be consistent with national policy and guidance. We would anticipate that, as a minimum, the vision might set out as follows:
- ‘By 2030 Oakley will sustain and enhance its role as a Rural Service Centre, through maintaining and enhancing the excellent school facilities; supporting appropriate residential development opportunities; and promoting improvement to services and facilities for the benefit of the wider community. This will be achieved through supporting development that makes a positive contribution to the built, natural and historic environment and supporting the village to meet the needs of existing and future residents locally and within the rural area.’***
- 2.8 In this regard the Oakley Neighbourhood Plan fails to promote sustainable development and is inconsistent with national policies and guidance. This includes the relationship with the requirements of Lincroft Academy and the Oakley Primary Academy.
- 2.9 The submission version Neighbourhood Plan does not define ‘community facilities’,

although in the Core Strategy 2008 these relate to meeting halls, library services and places of worship). In our view this does not fully reflect the range of services that support sustainable development in Oakley, particularly noting the important role of education, leisure and recreation. The Neighbourhood Plan is not supported by evidence of the number of facilities that the policy is intended to apply to the currently fall inside the 'centre of Oakley' and nor is this area shown on the policies map. This lack of evidence means that the policy fails to demonstrate how it would contribute to the achievement of sustainable development.

- 2.10 Our wider concerns relate to **Policy HG1** and the approach to the settlement boundary. We consider that the Neighbourhood Plan should adopt a positive approach that clearly indicates those uses and development that **Policy BE2** is not intended to apply to and furthermore provides relevant criteria to identify where proposals that seek to meet local requirements for sustainable development will be supported, including those associated with Oakley Primary Academy and Lincroft Academy. These requirements necessitate the use of land and development East of Station Road and therefore risk further conflict with the policies of the Neighbourhood Plan.
- 2.11 There is no policy provision to recognise constraints on the existing use and capacity at the current school site and associated playing pitch facilities.
- 2.12 The lack of recognition of Lincroft Academy and Oakley Primary Academy within the Oakley Neighbourhood Plan in-part stems from the approach adopted in the emerging Local Plan 2030. However, it is imperative that in order to satisfy the basic conditions the Neighbourhood Plan seeks to achieve sustainable development and is consistent with national policies and guidance.
- 2.13 The evidence base for the Bedford Local Plan 2030 substantially pre-dates the reorganisation of school provision in Bedford Borough. It cannot be overlooked that as part of the change from a two-tier to three tier system Lincroft Academy is the only former Middle School within the North Bedfordshire area expanded and repurposed to provide secondary education provision for pupils aged 11-16. Oakley Primary Academy, forming part of the same campus, provides education of those aged 4-11.
- 2.14 Middle Schools in a number of settlements have been closed altogether with a total net reduction in the number of schools from 74 to 60. This emphasises the contribution of settlements such as Oakley with a range of education provision to providing services and facilities for the wider rural area.
- 2.15 The recent reorganisation represents a substantial challenge in planning terms, which our clients the Sharnbrook Academy Federation are committed to addressing as part of maintaining and enhancing education facilities and outcomes in Oakley itself and across the borough. A more detailed outline of these challenges is provided below.
- 2.16 It cannot be forgotten that the change in the role of a school building from providing Middle School to Secondary School facilities is not in itself a change of use requiring planning permission. However, the wider repercussions of this in terms of extant planning history and the requirements for future use and development must be considered further. This includes not only meeting the demand for school places but also acknowledging the campus' (Oakley Primary Academy with Lincroft Academy) role as a key employer and provider of wider benefits to the local community.
- 2.17 The National Planning Policy Framework (NPPF) is clear that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities (paragraph 91). Planning policies should plan positively for social, recreational and community facilities, including supporting the delivery of local strategies

to improve well-being and planning positively for the provision and use of *shared spaces*, including open space (paragraph 92).

- 2.18 In particular the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. To this end local planning authorities are required to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education (paragraph 94). This means giving great weight to the need to create, expand or alter schools, and being able to work with schools and promoters to identify and resolve key planning issues before applications are submitted.
- 2.19 Bedford Borough Council has successfully adopted this approach to determining recent application proposals associated with Lincroft Academy and the Oakley Primary Academy (formerly Oakley Lower School).
- 2.20 Notwithstanding our wider soundness concerns the emerging Local Plan 2030 does contain proposed strategic policies that seek to prioritise meeting education needs as a strategic priority and requirement for sustainable development. This includes Policy 2S(vii) specifically in relation to Key Service Centres but looking to ensure that education provision is expanded *where necessary*; and 90S dealing with infrastructure delivery and ensuring that the Council works with developers to find the most appropriate and beneficial solution.
- 2.21 Policy 6 of the emerging Bedford Local Plan 2030 (though not proposed as a strategic policy) recognises potential exceptions for development outside settlement limits including a case of where ***“It responds to an identified community need”***. Policies 101 and 102 provide specific requirements for new sport and leisure or new community facilities respectively.
- 2.22 Policy provision to encourage new sports and leisure facilities and community facilities is welcomed in principle but we regard the approach to preparation of the Local Plan as unsound as it fails to make provision for suitable and available sites to secure these objectives. As a result, there is no certainty that sites will be identified through Neighbourhood Plans to provide relevant facilities.
- 2.23 We highlight that maintaining suitable and sufficient provision of education infrastructure is a strategic priority for the wider area and it is not therefore appropriate for the Neighbourhood Plan to impose policy restrictions on meeting future needs.
- 2.24 It is for the Local Plan to consider and make allocations which relate to strategic provision such as improved educational facilities which in this case have catchment areas that extend beyond the parish. This reflects the risk of deferring allocations to Neighbourhood Plans, where the possibility of future development split across multiple sites. This would not provide certainty over the ability to secure contributions to upgrade existing facilities (if feasible) or allow for relocation (if required).
- 2.25 The approach to preparation of the ONP has been contrary to the requirements of national policy and therefore fails to satisfy basic conditions (a) and (d) for neighbourhood planning. As Lincroft Academy highlighted in its representations to the Pre-Submission consultations:
- “In this regard the draft Neighbourhood Plan proposals would appear to be short-sighted, with the current strategy, if followed through, removing any opportunity to positively address the issues currently faced by the School and the community.”***
- 2.26 The Submission version of the ONP has failed to address these objections.

- 2.27 The Sharnbrook Academy Federation considers that its requirements must be supported by a flexible policy approach that supports the schools' ability to meet their future requirements and does not impose restrictions on future development contrary to national policies and guidance.
- 2.28 A concept masterplan providing future opportunities to meet the campus' requirements and provide betterment through longer-term management and rationalisation of land uses has been prepared as part of a public/private partnership through work with Bedfordia Developments Ltd. This masterplan would enable the relocation of the Lovell Road Sports Pitches at a location adjacent the existing campus, situated on Land East of Station Road. These improvements, also providing for wider community benefit (through opportunities for use of the enhanced sports facilities) and improved opportunities for traffic management, would ensure the schools requirements are addressed.
- 2.29 The masterplan indicates how these proposals can be achieved as part of wider proposals for development East of Station Road, incorporating provision of around 250 dwellings and the associated north-south distributor road alongside open space, landscaping and green infrastructure enhancements. The purpose of the distributor road would be to prevent through traffic along Station Road and therefore alleviate current issues associated with the school.
- 2.30 The development, in addition to facilitating the provision of new sports/recreation facilities and an integrated campus for Lincroft Academy (and for wider community use), would provide for circa 200 dwellings and also offers a unique opportunity to resolve existing congestion and parking issues arising from the school and through traffic along Station Road. The scheme proposed by Bedfordia Developments Ltd and Sharnbrook Academy Federation will deliver a new purpose-built distributor road running north-south through Oakley with reconfiguration of Station Road to prevent through-traffic and ease current parking and traffic issues predominantly associated with the Lincroft Academy.

b) Planning History

- 2.31 Table 1 below sets out a partial planning history of the facilities at Oakley Primary Academy and Lincroft Academy. This is important to illustrate the recent period of reorganisation, increasing demand and expansion in the facilities available. It also provides a basis to illustrate the current constraints on the site in terms of land use and planning control. The planning history provides the broad context for understanding current pupil numbers in the context of future pressure.
- 2.32 The review of the planning history clearly indicates that there is no application activity associated with the recent school reorganisation to provide full secondary education (age 11-16) facilities at Lincroft Academy. This follows from substantial previous activity to sustain and enhance the facilities available and address growing demand on school places; albeit no explicit planning to support an increase in pupil numbers has been undertaken in recent years. The popularity of the school has been associated with a reactive approach.
- 2.33 The provision of age 4-11 Primary School education at Oakley Primary Academy is reflected in the most recent planning history for the campus site and is associated with growth in the number of pupils and staff. The implications of this expansion have been considered acceptable in planning terms given the sustainable location of the site but have not been considered in-tandem with the demand for places at Lincroft Academy or the total numbers of pupils within the campus.

Table 1. Partial Planning History 2013-present – Lincroft Academy and Oakley Primary Academy

| Ref | Facility | Proposal | Relevant Comments / Conditions | Approved |
|--------------|------------------------|---|---|-----------|
| 17/03321/DC3 | Oakley Primary Academy | Erection of a three classroom block | <ul style="list-style-type: none"> - Application requiring provision of new Transport Statement and Travel Plan associated with additional cycle and staff parking. - Approval not subject to planning control through condition on pupil numbers - Expansion in facilities to enable creation of a 1.5 FE Primary School serving ages 4-11- the proposal allows the school to increase capacity and accommodate an additional 90 pupils and 6 staff members. Total Pupil Allocation Number not stated within Officer's Report but indicated as 290 within Transport Statement - Transport Statement identifies 31% of pupil journeys and 86% of staff journeys undertaken by car. Site considered accessible by sustainable modes of transport (including bus stop within 250m) and acceptable travel times to nearby settlements (including Clapham – 6 minutes). The surrounding area exhibits good levels of pedestrian and cycling infrastructure, and there are a number of public transport opportunities within acceptable walking distance of the site. - No Sport England Objection – hard court games area to be marked out within existing playground; increase in parking provision enabled on land not forming part of a games court | 21/2/2018 |
| 16/00329/MAF | Lincroft School | Proposed four classroom science block extension | <ul style="list-style-type: none"> - Application relates to provision with education facilities associated with role as Lincroft Middle School (9-13 years) – 130 full-time and part-time staff and 840 pupils on roll plus 28 places specialist provision. - Pupil roll substantially exceeds figure quoted during assessment of application ref: 13/00988/MAF in 2013 - Purpose of application to enhance and expand provision of education facilities but not anticipated to provide increase numbers of pupils or staff - No Transport Statement or updated Travel Plan submitted. Highways Officer assessment based on existing pupil number of 853 and considered appropriate to impose conditions | 23/5/2016 |

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| Ref | Facility | Proposal | Relevant Comments / Conditions | Approved |
|--------------|-----------------|---|---|------------|
| | | | <p>limiting intensity of future use on this basis. Pupil roll at Lower School not considered within the evaluation. Assessment as follows:</p> <p><i>“as the application states that the new 4 room science block will not lead to an increase in the number of staff or pupil, then no transport statement or travel plan was submitted. In order to prevent this extension leading to any future increase in numbers, a condition should be imposed to restrict the school's capacity. Currently there are 853 pupils. Thus a planning condition to restrict the school from having no more than 855 pupils enrolled at any one time would ensure that the proposed extension would not lead to additional or aggravate highway safety”</i></p> <ul style="list-style-type: none"> - Condition 4 attached to consent: <i>“The school shall have no more than 855 pupils enrolled at any one time.”</i> - No Travel Plan condition | |
| 13/00988/MAF | Lincroft School | Construction of a 30 bay modular building to provide 10 classrooms and associated facilities | <ul style="list-style-type: none"> - Application pre-dates most recent application under 16/00329/MAF for new science block. - Officer evaluation and Highways Officer response confirm recent growth in pupil numbers and lack of up-to-date Travel Plan information - Relevant assessment at Officer's Report paragraph 2.4: <i>“the applicant states that the proposed building is intended to address the current overcrowding of the Academy until it has achieved funding for the development of the Science and Technology block. It is stated that, due to this, the proposals will not result in a further increase in the numbers of staff or pupils and that the existing car parking provision on site is considered adequate. The Council's Highways Development Control Officer has noted that the application will not result in increased travel movements, but the Academy has significantly exceeded their pupil capacity in recent years and the current School Travel Plan (based on the Council's records) is 8-9 years old. The Highways Development Control Officer does not object to the application on the basis that the pupil numbers do not rise beyond the current level (795 pupils) and subject to a condition that requires an updated Travel Plan. A condition requiring a construction management plan is also recommended in the interests of highway safety and protecting the amenity of neighbouring residents.”</i> | 15/07/2013 |

Strategic Planning Research Unit

| Ref | Facility | Proposal | Relevant Comments / Conditions | Approved |
|--------------|-----------------|---|--|------------|
| | | | - Approval of planning permission does not impose any planning conditions upon future intensity of use or pupil roll | |
| 12/02211/FUL | Lincroft School | Replacement tennis courts and multi-use games area (MUGA) | <ul style="list-style-type: none"> - Application achieves upgrade and increase in facilities used by the school and local community. Part of 50th anniversary plans to increase sports provision - 0.62ha site to provide mixed-use games area (MUGA) for netball and hockey along with tennis court provision in addition to existing 2.44ha sports field. - Planting details provide integration within landscape and address practicalities of winter and summer sports provision - 'need' for the proposals described as follows in the Design and Access Statement: <i>"The Academy Federation to which Lincroft belongs has an excellent track record together with a regional and national reputation for very high quality PE provision. The School is open 7 days a week for the community yet have not yet addressed the facilities required for high quality participation and engagement in netball and hockey. The improved facilities would also support the development and opportunities for a range of other sports activities through the choice of playing surfaces and relocation."</i> | 03/01/2013 |

c) Provision of School Places

2.34 To support these representations the Sharnbrook Academy Federation has, through liaison with the teams at Oakley Primary Academy and Lincroft Academy, compiled data on the number of current pupils at each school and the confirmed intake for the 2019/20 academic year. This is important because it provides an insight into overall demand and the ongoing impact of reorganisation. Data for previous years has been obtained direct from the Department for Education's¹ absence and pupil population records to 2017/18 (equivalent data for the current 2018/19 school year are not yet available).

2.35 It has been necessary to compile this information directly as Bedford Borough Council does not issue details of Pupil Allocation Numbers for individual schools. More importantly, the Borough Council does not issue 'Name on Roll' (NOR) pupil forecasts to take account of projected intake in future years. This is a significant deficiency in the context of ongoing reorganisation and forecasts for future housing growth across the borough; including within Key Service Centres and Rural Service Centres. This represents a significant risk at the authority level in terms of ensuring the need for school places is addressed.

Table 2. Pupil Roll and Forecast – Lincroft Academy and Oakley Primary Academy

| | URN | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 ² | 2019/20 ³ |
|---------------|-------------------------------|-------------|-------------|------------------|------------|----------------------|----------------------|
| 109474 | Oakley Lower School | 207 | 205 | - | - | - | - |
| 143561 | Oakley Primary Academy | - | - | 211 ⁴ | 256 | 295 | 293 |
| 136471 | Lincroft Academy | 842 | 852 | 880 | 698 | 682 | 887 |
| | TOTAL | 1049 | 1057 | 1091 | 954 | 977 | 1180 |

2.36 The data demonstrates the continued high demand for school places in Oakley and ongoing impact of reorganisation. For example, in 2016/17 the Oakley Primary Academy was still a lower school, i.e., only accommodated pupils up to Year 4, after which point, they moved to a middle school. In 2017/18, the school started transitioning to a Primary School and took pupils up to Year 5. In 2018/19, it became a full Primary School, with pupils up to Year 6. For this reason, there is also some short-term fluctuation in the total number of pupils at Lincroft Academy as the school roll transfers to a secondary education facility. For Lincroft Academy the September 2017 intake (2017/18 data) is based on year 6 to year 9 pupils only).

2.37 At the point that the condition restricting pupil numbers at Lincroft Middle School (**855no pupils**) was imposed as part of application ref: 16/00329/MAF Oakley Lower School had a pupil allocation number of approximately 200, equating to 1,055 places in total. It is clear from the data for 2016/17 that the condition on pupil numbers at Lincroft Middle School was breached in 2016/17, as was a cumulative total of 1,055 across the

¹ <https://www.compare-school-performance.service.gov.uk/school/136471/lincroft-academy/absence-and-pupil-population> to 2017/18

² Figure at Census Point provided by Sharnbrook Academy Federation

³ Confirmed pupil intake (September) figures provided by Sharnbrook Academy Federation (SAF)

⁴ In the table above, the 211 pupils in 2016/17 should be against Oakley Lower School (the URN changed on 1st November 2016 when the school converted to academy status, but it remained a lower school until 31.8.2017).

combined sites.

- 2.38 Due to its sustainable location it was accepted that provision for up to 290 pupils at Oakley Primary Academy is acceptable in transport terms, as assessed under application ref: 17/03321/DC3. However, it is also clear that the school is already operating at this capacity. Significant further growth in the total number of pupils at Lincroft Academy is also anticipated, meaning that the extant condition is likely to be breached again in the future.
- 2.39 Detailed information for pupil numbers at intake details at Oakley Primary Academy also indicates the popularity of the school and its importance in serving a wider rural area. This is set out in Table 3 below:

Table 3. Confirmed Pupil Intake for Oakley Primary Academy 2019/20 including ‘Out-of-Catchment’ Admissions

| Year Group | Number of Pupils | Out of Catchment |
|--------------|------------------|------------------|
| Reception | 29 | |
| Year 1 | 36 | 11 |
| Year 2 | 39 | 14 |
| Year 3 | 45 | 18 |
| Year 4 | 43 | 13 |
| Year 5 | 49 | 10 |
| Year 6 | 52 | 29 |
| Total | 293 | 95 |

- 2.40 This equates to around 32% of children travelling from out-of-catchment locations. Sharnbrook Academy Federation has confirmed that the main out-of-catchment pupil origins include Clapham, Bromham, Bedford and Rushden. This figure corresponds closely to the percentage figure for pupils travelling to school by private car in the Transport Statement for application ref: 17/03321/DC3, which pre-dates the increase in total pupil number.
- 2.41 It should not be assumed that all children attending from out-of-catchment locations travel to school by car, given the strong credentials for sustainable transport in Oakley. Furthermore, the exact distribution or reason for attendance from out-of-catchment pupils is unknown. However, the potential to ensure access to secondary education facilities at the successful Sharnbrook and Lincroft schools is likely to be a factor in increasing demand. This emphasises the need to manage future demand through the planning system.
- 2.42 The confirmed pupil intake figures for Lincroft Academy in September 2019 indicate the increasing demand for places. The full Pupil Allocation Number (PAN) of 210 places will be met or exceeded for year 7 and year 8; along with a waiting list of 5 places for additional year 7 students. Each year 7 group is expected to be filled in the future, equating to a total potential pupil roll total of 1,050 pupils across years 7-11. This significantly exceeds the present restriction to accommodate a maximum 855 pupils based on extant planning permission 16/00329/MAF.
- 2.43 Lincroft Academy also provides 28 further places for specialist education provision as

part of its Autistic Spectrum Centre (ASC) reflecting an important dimension of the school's wider role. These pupils are additional to the PAN for years 7-11.

2.44 Data obtained by Lincroft Academy also shows the significant role of the school in maintaining the supply of school places for the wider rural area. Table 4 below shows the confirmed pupil roll by year group at September 2019 and indicates all catchment districts which represent the origin location of 25 or more pupils on the total roll:

Table 4. Lincroft Academy Confirmed Pupil Roll by Year Group and Origin District Catchment

| District | Year 7 | Year 8 | Year 9 | Year 10 | Year 11 | Total from Districts |
|-------------------------------|------------|------------|------------|------------|------------|----------------------|
| Bedford | 36 | 36 | 24 | 36 | 21 | 153 |
| Biddenham | 6 | 7 | 4 | 4 | 5 | 26 |
| Bromham | 32 | 45 | 38 | 25 | 36 | 176 |
| Clapham | 56 | 47 | 42 | 39 | 32 | 216 |
| Great Denham | 12 | 8 | 8 | 0 | 8 | 36 |
| Kempston | 17 | 12 | 8 | 5 | 2 | 44 |
| Oakley | 39 | 30 | 29 | 26 | 27 | 151 |
| Total Student Yr Group | 210 | 212 | 173 | 150 | 142 | 887 |

2.45 Lincroft Academy provides the secondary school for the Clapham catchment, while the Bromham catchment offers preference for places at either Lincroft Academy or Biddenham Upper School. This is reflected in the high numbers of pupil on the roll for each year from these catchments.

2.46 Both Bromham and Clapham are Key Service Centres within the borough's settlement hierarchy and are required to provide for the development of up to 500 dwellings as part of the spatial strategy set out in Policy 3S of the emerging Local Plan 2030. It does not appear that the relationship between this growth and demand for secondary school places, particularly at Lincroft Academy, has been factored into this growth.

2.47 Bedford Borough Council's Planning Obligations Supplementary Planning Document (July 2013) provides benchmark figures for the increased requirements for secondary school places based on the typical increase in population generated by new development:

- 11-15 year old pupils: 4.2 children/age group/100 dwellings
- Equivalent to 21 secondary school age pupils (11-15 year olds) per 100 dwellings

2.48 The provision of 500 dwellings would therefore be expected to generate around 105 pupils in total, or 21 in each year group. Notwithstanding the potential for demographic change in the existing population, these pupils would be additional to the existing roll. It should also be noted that the total roll in years 9-11 will increase going forward based on Lincroft Academy's intake reflecting its full Pupil Allocation Number (PAN).

2.49 We have assumed that the number of these additional pupils likely to attend Lincroft Academy will be consistent with the existing proportion of the 11-15 year old population that is recorded on the pupil roll in Oakley. The have based this on the proportion of the population as recorded in the 2017 mid-year population estimates for the Built Up Area of Bromham and Clapham respectively. This is illustrated in Table 5 below:

Table 5. Local Plan 2030 Related Growth In Secondary Age Pupils – Bromham and Clapham

| District | Year 7 | Year 8 | Year 9 | Year 10 | Year 11 | Total from Districts |
|--|-----------|-----------|-----------|-----------|-----------|----------------------|
| Bromham – Existing Pupils on Roll | 32 | 45 | 38 | 25 | 36 | 176 |
| Bromham BUA population (mid-2017) | 65 | 60 | 52 | 56 | 61 | 294 |
| School Roll as % of Bromham Built up Area Population | 49.2% | 75.0% | 73.1% | 44.6% | 59.0% | 59.9% |
| Bromham Secondary Age Pupil growth (4.2 pupils/age group/100 dwellings) * 5) | 21 | 21 | 21 | 21 | 21 | 105 |
| Lincroft School increase in pupil roll - BUA % (Bromham) | 10 | 16 | 15 | 9 | 12 | 63 |
| Clapham – Existing pupils on Roll | 56 | 47 | 42 | 39 | 32 | 216 |
| Clapham BUA population (mid-2017) | 59 | 54 | 66 | 60 | 64 | 303 |
| School Roll as % of Clapham Built up Area Population | 94.9% | 87.0% | 63.6% | 65.0% | 50.0% | 71.3% |
| Clapham Secondary Age Pupil growth (4.2 pupils/age group/100 dwellings) * 5) | 21 | 21 | 21 | 21 | 21 | 105 |
| Lincroft School increase in pupil roll - BUA % (Clapham) | 20 | 18 | 13 | 14 | 11 | 75 |

- 2.50 Development in-line with the emerging Bedford Local Plan 2030 is therefore likely to generate an additional demand for secondary school places of around 63 pupils from Bromham and 75 pupils from Clapham. These figures are likely to be a minimum, given that in future Lincroft Academy will meet or exceed its PAN of 210 for each year group. Furthermore, the popularity of Lincroft Academy as a choice for feeder schools in the Bromham catchment is likely to increase.
- 2.51 This demonstrates the role of Lincroft Academy in serving a wider rural catchment and the imperative to ensure its future requirements can be met to safeguard sustainable development. This will be in the context of Lincroft Academy regularly exceeding the cap of 855 pupils imposed via planning condition on 16/00329/MAF. A planning strategy will be required in the short-term to address this increased demand.
- 2.52 Any breach of the extant planning condition should be considered to have adverse environmental consequences in terms of (for example) land use and traffic impacts. It is important that the policies of the development seek to manage and address these challenges. This is not enabled by the policies of the Oakley Neighbourhood Plan, which impose significant restrictions on the development of the campus and surrounding land, especially the area East of Station Road.

2.53 In order to satisfy the requirements under the *basic conditions* neighbourhood plans must meet, modifications to the Oakley Neighbourhood Plan are urged that would support the school's ability to meet its future requirements. This must be achieved by recognising the role and function of both schools and their importance to the wider rural area. Furthermore, as a minimum, a criteria-based policy is required to demonstrate that meeting the schools' future requirements within and beyond the Settlement Policy Area boundary subject to identified need and detailed development management considerations such as design, layout and landscaping. This forms a starting point to acknowledge that increased levels of development in Oakley may be appropriate.

d) Lovell Road ('New Field') Sports Pitches

2.54 It is noted that the Oakley Neighbourhood Plan fails to assess the existing open space provision in Oakley in quantitative or qualitative terms. This prevents a clear analysis of the existing role of the Lovell Road (New Field) Sports Pitches to the wider community. It is also acknowledged that Bedford Borough Council's evidence in this area is extremely dated. The Open Space Sports and Recreation Study (OSSRS) (2007), prepared to support the Open Space SPD and policies of the Allocations and Designations Local Plan (ADLP) (2013) appears not to have been updated subsequently.

2.55 The emerging Local Plan and supporting Infrastructure Delivery Plan appears to rely on this evidence in terms of the basis for seeking sports facilities improvements. The Bedford Local Plan 2030 explains:

2.56 "The requirement for new open spaces for sport and recreation alongside new development is included in the Allocations and Designations Local Plan 2013 Policy AD28 and these standards will continue to apply"

2.57 In relation to the OSSRS, Oakley is noted as being located in the 'North Rural West' parishes. The Lovell Road Sports Pitches are recorded as site 'Oak8' and acknowledged as 'education playing fields'. Figure 4.19 records the surplus/deficit of supply and demand for pitches *excluding school pitches* and shows a substantial shortfall for the North Rural West parishes. However, one recommendation of the study is the future development and S106 obligations secure community use for facilities, citing Lincroft School as one example of this.

2.58 The existing use and management of the sports pitches available to specific groups and local teams on request therefore makes an important contribution to the deficit in supply identified in the OSSRS. However, this must be interpreted within the overall requirements of the school itself, including increased pupil numbers and demand for the facilities.

2.59 This further illustrates why the proposed designation of the land as a Local Green Space in the submission version Oakley Neighbourhood Plan is inappropriate and not consistent with national policy. Furthermore, in order to satisfy the basic conditions it is essential that the policies and designations within the Oakley Neighbourhood Plan are flexible and positively worded to support the future management and development of the schools playing pitch facilities in order to support opportunities to deliver wider community benefits.

3.0 LANDSCAPE DESIGNATIONS – POLICIES LE1 and LE3

- 3.1 The supporting text of the Neighbourhood Plan identifies that as part of the strategy and approach to providing for future housing growth “*Development should not impact on the open spaces between Oakley and Clapham.*” These objectives form a significant component of dedicated policy proposals for Landscape contained in a separate chapter of the Plan.
- 3.2 The Neighbourhood Plan seeks to introduce policy protections for ‘Significant Landscape Areas’ (**Policy LE1**). This seeks to ensure that policy **LE1** provides ‘explicit environmental consideration for the area’s most significant landscapes’. The Neighbourhood Plan also proposes an overarching policy to provide an assessment of impacts in terms of ‘Coalescence with Neighbouring Villages’ (**LE3**).
- 3.3 Accompanying images are provided to indicate the respective locations and extent of the proposed policy designations on the Policies Map. We consider that the figures contained within the submission version Neighbourhood Plan do not provide a clear illustration of the area affected by the proposed policies. For the reasons outlined below these policy proposals fail to satisfy the basic conditions.
- 3.4 The representations below assess the wider context and evidence base for these policy proposals within the Neighbourhood Plan and set out where they fail to satisfy the basic conditions for neighbourhood planning.
- 3.5 The key sources of evidence provided to support the Neighbourhood Plan’s proposed policy designations are identified as follows:
- Oakley Village Landscape Character Assessment (2018)
 - Bedford Borough Council Landscape Character Assessment (BBLCA) (April 2014)
 - Bedford Borough Council “Urban Boundary Review” dated July 2013
 - Landscape Sensitivity Study – Group 1 and Group 2 Villages, Bedford and Kempston Urban Edge (2018) (not referred to in the Neighbourhood Plan evidence base)
- 3.6 In relation to the ‘Oakley – Clapham Local Gap’ the submission version of the Neighbourhood Plan indicates that a definitive map is included in the BBC “Urban Boundary Review” dated July 2013.
- 3.7 The source for this reference is not provided within the evidence base for the Neighbourhood Plan. However, it is sensible to interpret this in relation to the Allocations and Designations Local Plan (adopted July 2013) and the accompanying policies map in relation to its provision for ‘Urban Open Spaces and Gaps’. The Oakley – Clapham Gap is described in supporting text at paragraph 15.22 of the ADLP, therefore benefiting from the existing provisions of the development plan. The Urban Area Boundary Review Background Paper also provides useful discussion of the existing designation, although it does not provide a ‘definitive map’ as suggested in the Neighbourhood Plan. Paragraph 3.16 of the Background Paper clearly explains the reasons for this:
- “The solution to this is to identify with a symbol the areas where coalescence is a concern and then apply a criteria-based policy to those areas. Whilst this has the advantage of being focused on the areas of concern, the flexibility introduced by the absence of boundaries creates the problem of identifying exactly where the policy applies; a problem that increases towards the outer edges of the gap. Nevertheless, this approach is preferred. The question of where the policy applies can be overcome by carefully wording the policy to make it a requirement for anyone proposing development in the vicinity of an identified gap to demonstrate that the proposal does*

not adversely affect any of the objectives of the policy and any specific issues identified for that gap.”

- 3.8 This is the approach reflected in the ADLP and endorsed in the Inspector’s Report assessing Policy AD43. Paragraphs 155 and 156 explain as follows:

“155. Protecting existing local gaps between the UAB and surrounding settlements, and between the surrounding settlements, in the ADLP is a new addition to the planning framework for the Borough. I consider that the identification and protection of such gaps is a reasonable planning approach to avoiding coalescence and safeguarding the distinctive character and setting of the various settlements around the urban area of Bedford and Kempston. In addition the predominantly open and undeveloped character of the areas within the gaps, which is mainly countryside, will be safeguarded. Such an approach is in accordance with the NPPF which recognises that there is a need to take account of the different roles and character of different areas.

156. The wording of Policy [AD43] is sensible and sufficiently flexible as it only seeks to prevent development that conflicts with the objectives of the policy. As regards the local gaps defined I consider, having assessed them carefully on site, that they are all justified having regard to the intentions of the policy.”

- 3.9 Policy AD43 replaced a substantially dated ‘Area of Special Restraint’ policy carried forward into the 2002 Bedford Local Plan.

- 3.10 The evidence base for Policy AD43 also clearly specifies that the basis for the designation does not relate to an approach seeking to protect land based on its high quality landscape. The Council acknowledges that such an approach should be based on protection of areas of high landscape value where relevant policy can be applied generally to all areas that satisfy criteria-based provision for areas of high landscape value. Local landscape designations should be based on a formal and robust assessment of landscape qualities, which is not argued as the basis for any policy coverage appropriate in the Oakley – Clapham gap. While landscape character analysis may be relevant to the understanding of settlement pattern, paragraph 3.14 of the Council’s background paper acknowledges:

“a simple gaps policy is only a mechanism to prevent the coalescence of settlements and protect their identity. It is concerned only with the pattern of settlements and settlement identity. Its justification lies in its limited objective and not in any wish to maintain the visual, natural or recreational qualities of the areas of countryside covered, which are aspects which can be dealt with in other policies.”

- 3.11 Insofar as national policy is concerned that remains an appropriate approach, having regard to paragraphs 170 and 171 of the NPPF 2019.

- 3.12 It is not proposed that any of the policies relevant to designation of the Urban Area Boundary or Local Gaps will be replaced as part of the emerging Bedford Local Plan 2030. The objective of meeting future requirements for development as part of the policies in the emerging Local Plan will therefore be provided for in the context of these existing development plan policies.

- 3.13 The submission version of the Oakley Neighbourhood Plan therefore lacks the necessary evidence for the proposed alternative policy approach. **Policies LE1 and LE3**, taken together, seek to impose blanket protections to all directions of growth in Oakley but with a particular emphasis on Land East of Station Road. Material prepared by the Parish Council does not substantiate the significant landscape value attributed to the land between Oakley and Clapham nor does it indicate the contribution that land

uses and existing development in the vicinity contribute to its setting.

- 3.14 For the reasons outlined, Policy **LE3** is unnecessary and duplicitous of Policy AD43 of the ADLP in relation to the Oakley – Clapham gap, yet fails to provide the necessary criteria-based approach to allow demonstration of where development may be appropriate. It is also inappropriate for this policy to emphasise open character and landscape as aspects to be assessed individually when seeking to ensure that the purpose of the policy – i.e. maintaining physical separation between Clapham and Oakley – is achieved.
- 3.15 The Oakley Village Landscape Character Assessment suggests that it provides a more local assessment to complement the BBLCA. One of the resulting objectives that the Parish Council states has informed the policy approach and designations sets out as follows:
- “The need to maintain Oakley as a separate entity, avoiding coalescence with other villages is highlighted in BBLCA (3B.1.23), which states, “improve settlement edges to maintain separation between settlements”. The current area of open landscape east of Station Road opposite the schools, extending from the Old Station in the north, to Lovell Road in the south, should ideally be protected from development to prevent coalescence with Clapham.”*
- 3.16 The parish Council’s application of the BBLCA to inform the policy approach also represents a misrepresentation in terms of the findings on landscape character and their relationship to policy provision to reflect visual separation and coalescence. The full text of paragraph 3B.1.23 states:
- 3.17 “Improve settlement edges to maintain separation between settlements or where edges form an unsympathetic relationship with the open countryside – planting of floodplain woodland is a key opportunity”
- 3.18 The full extract is important in the context of Land East of Station Road, which is bounded to the east by the route of the Midland Mainline. This results in a strong and defensible boundary with the open countryside as delineated by the route of fixed physical infrastructure. It is not disputed that development on Land East of Station Road can support the delivery of landscaping and green infrastructure enhancement, but the area should not be interpreted as requiring blanket protections against development to maintain separation.
- 3.19 It is also significant that the Parish Council fails to refer to the ‘Landscape Sensitivity Study – Group 1 and Group 2 Villages, Bedford and Kempston Urban Edge’ (September 2018) within the evidence base for the Neighbourhood Plan. This specifically interprets development guidelines for Oakley that should *“improve village edge where it forms an unsympathetic relationship with the open countryside – planting of floodplain woodland is a key opportunity”* thereby not referring to issues of separation. It further recognises that residential development should contribute to local green infrastructure strategies.
- 3.20 In relation to Land East of Station Road, and having regard to the Landscape Character Assessment, the area does not feature prominently within the visual sensitivities identified; which, as indicated on Figure 12, are focused on the river valley south and west of the village.
- 3.21 Upon adoption of the Local Plan 2030 consideration of Landscape Character will be provided through non-strategic Policy 38. This will seek to manage development based on key landscape features and visual sensitivities identified in the Council’s evidence base. It is apparent that subject to development management considerations

development at Land East of Station Road would not conflict with the relevant criteria of this policy, applied in the context of national policy within the NPPF.

- 3.22 The Bedford Borough Landscape Assessment May 2014 alone is not the correct basis upon which to determine what is valued landscape and as such what should have the protection sought by emerging Policy 38. The Landscape Character Assessment follows practice guidance in terms of operating at a strategic scale and identifying features that give an area local distinctiveness and a sense of place (ID: 8-001-20140306).
- 3.23 Page 2 of the Character Assessment explains that it should provide an evidence base to ensure that future change and development *conserves and enhances* rather than erodes landscape character. The policy does not utilise evidence that highlights specific areas or features that should benefit from protection. The policy should recognise that proposals will provide a specific assessment of qualities of the local area in landscape terms (as part of establishing value). Any associated impacts identified will build upon the evidence in the Landscape Character Assessment. It is appropriate that this is dealt with through the development management process rather than following prescriptive protections set out at the level of strategic policy.
- 3.24 The evidence base for the Neighbourhood Plan does not substantiate the case for additional protection based on the identification of relevant features to indicate an area of high landscape value.
- 3.25 In relation to Policy AD43 of the ADLP it is important to highlight that the Urban Boundary Review considers that alternative policy approaches may be followed as alternatives to local or strategic gaps whilst avoiding policies of general restraint contrary to national policy. This can include 'Green Wedges' that can be appropriate to achieve recreation benefit or landscape enhancement. We consider that such an approach may be a suitable and positively worded alternative to **Policies LE1 and LE3** as currently proposed.
- 3.26 This would have specific regard to the wider context and approach to the spatial strategy supporting development of up to 500 homes at Clapham, which the qualifying body for the Neighbourhood Plan in that settlement states can best be achieved on land north west of the village. Two fixed and defensible boundaries comprising the Midland Mainline beyond the site East of Station Road and Paula Radcliffe Way (A6) west of Clapham exist and will maintain physical separation between these two settlements. This is in addition to the protections on development within the open countryside between the two routes.
- 3.27 It should be reiterated that the overall site East of Station Road is both contained and physically and visually well related to the built-up area of Oakley and is not perceived as open countryside. Its development would not thus intrude into open countryside nor extend beyond the already existing confines of the development form of the village (See master plan).
- 3.28 Suitably worded policy should seek to ensure the enhancement of green infrastructure and provision of sympathetic settlement boundaries as a result of development either side of this wedge, and in addition to supporting development that positively contributes to opportunities for recreation and countryside access.
- 3.29 Given the implications of the wider evidence base it is significant that the Neighbourhood Plan and Basic Conditions Statement do not assess the relationship with Policy 36S (Green Infrastructure – identified as a strategic policy).
- 3.30 We support the principle of Policy 36S in providing an overarching framework for Green

Infrastructure enhancement as part of the Local Plan's proposals. This is consistent with national policy in the NPPF 2019 in terms of the importance of a strategic approach to the creation, protection, management and enhancement of biodiversity and green infrastructure networks (paragraph 171). Planning for green infrastructure can also form part of suitable adaptation mechanisms in addressing challenges such as climate change. Land uses in rural areas should seek to provide multiple benefits.

- 3.31 Notwithstanding the over-arching approach proposed in the Local Plan 2030 it will be essential for the allocations process deferred to Neighbourhood Plans to secure these objectives. Neighbourhood Plans may be able to make a substantial contribution through updating the evidence base relating to green infrastructure provision in the Local Plan, which relies primarily on the 2009 Green Infrastructure Plan. This pre-dates the NPPF and furthermore reflects a period of substantial concentration of development in the 'Growth Area', not accounting for the need to support sustainable development in the rural area acknowledged by the Submission Local Plan. The does not constitute the strategic approach required by the NPPF.
- 3.32 Despite this concern we believe the broad objectives of the Green Infrastructure Strategy can be applied across the borough to identify and support opportunities for sustainable development.
- 3.33 The Council's Infrastructure Delivery Plan (December 2018) sets out a number of projects relating to Green Infrastructure. The majority of these are to be funded through a combination of CIL/S106 over the plan period and all appear to have a 100% funding gap.
- 3.34 With the exception of outstanding priorities in the Bedford River Valley Park Masterplan and Water Space Strategy, the majority of projects are non-specific. The lack of specific projects in rural areas does not reflect the overall priorities for development in the spatial strategy and demonstrates that aspects of the evidence base in relation to Green Infrastructure do not fully reflect the contents of the submission Local Plan. In our view Neighbourhood Plans should therefore seek to promote the scope and associated development to secure additional improvements. The submission Neighbourhood Plan makes very limited provision to secure these objectives as part of future growth.

4.0 LOCAL GREEN SPACE – POLICY LE2

4.1 Previous representations to the Pre-Submission (Regulation 14) version of the Oakley NP outline our clients' disagreement to proposed Local Green Space designation no. 7 "Site No. 152 – Oakley Academy Playing Field, Station Road" (**Policy LE2**). This proposed designation is retained in the Submission version NP and it is necessary to reiterate that this fails to satisfy the basic conditions for neighbourhood planning.

4.2 Paragraphs 99-101 of the NPPF2019 set out the criteria in national policy relevant to the designation of Local Green Spaces. Through the proposed designation in the submission version of the Neighbourhood Plan the Parish Council is seeking to impose future policies for managing development consistent with Green Belt policy.

4.3 The supporting text and justification for the designation states as follows:

"7) Site No. 152 - Oakley Academy Playing Field, Station Road Situated on the other side of the road from the village school at the junction of Station Road and Lovell Road, the playing field is within easy walking distance for local residents. It is used on a regular basis by the pupils of Oakley Academy and is vital to ensure they receive an organised education in a variety of sports and receive regular healthy exercise. For some time now, it has also been used for recreation by other members of the village, such as teams from Oakley Rangers, the village football club (with agreement from the Academy). The field provides a feeling of space and rural environment to the area and is designated as part of the Local Gap between Oakley and Clapham in the Allocations and Designations Local Plan 2013, Urban Area Planning Review. Also, 67% of the village think it is important/ very important that this area is designated a local green space."

4.4 In relation to the description of the site this remains inaccurate. As per the name of the site in Bedford Borough Council's own evidence this should state the site functions as the **Lincroft Academy Playing Field**. The description should also more clearly explain that the sports pitches are not directly opposite the school facilities and would therefore benefit from relocation.

4.5 Site No.152 is not proposed for designation in the emerging Local Plan 2030, which has previously assessed whether sites are suitable for designation as Local Green Spaces.

4.6 Bedford Borough Council has provided Examination Document ED39 to clarify the approach in the emerging Bedford Local Plan 2030. This provides welcome direction in terms of the scope and approach for Local Green Space designations relative to existing policies in the development plan.

"Local Green Spaces can only be designated in Local Plans or Neighbourhood Plans. In accordance with national policy this designation is not appropriate for most areas of open space or green areas within the Borough. In order to be designated, an open space must meet a strict set of criteria. The NPPF 2012 explained that the Local Green Space designation will not be appropriate for most green areas or open space and should be capable of enduring beyond the end of the plan period."

"Where open spaces that were designated as Village or Urban Open Spaces in the Allocations and Designations Local Plan 2013 were put forward and met the strict tests associated with the national Local Green Space designation, they are now identified on the Policies Map as Local Green Spaces and Policy 46 of this plan will apply. Remaining Village and Urban Open Spaces continue to be shown on the Policies Map and proposals on them will continue to be considered in accordance with local policies AD40 and AD43."

4.7 The Lovell Road Sports Pitches are not a Village Open Space designation for the

purposes of Policy AD40 in the ADLP 2013. However, this area was assessed as part of the Borough Council's evidence base for candidate Local Green Spaces. It should also be noted that the land benefits from protection from development by the Secretary State for Education due to its role in providing for outdoor sport and recreation. It is therefore unclear what the allocation what achieve, reinforcing the justification for why no relevant policy designation is applied through the existing development plan.

- 4.8 It is important to note that Bedford Borough Council has previously assessed this area for potential designation as a Local Green Space and subsequently rejected this option. The Borough Council's assessment noted *"the site has a recreational use, but it is not publicly accessible and is a private site for the school. There is no open public access to the site."*
- 4.9 The site is not an extensive tract of land in its own right, but forms part of the wider area east of Station Road. Bedford Borough Council correctly assess that it can only be considered local in character due to the proximity of nearby residential development. The site lacks any other characteristics (including beauty, historic significance, tranquillity of ecological value) that illustrate it is demonstrably special to the local community, as confirmed by Bedford Borough Council's assessment.
- 4.10 Representations submitted by Lincroft Academy as part of the Regulation 14 Pre-Submission Consultation are consistent with the Council's reasons for rejecting the potential designation and specifically address the lack of public access other than where a specific request for permission is granted.
- 4.11 Representations from Oakley AFC support the principle of a Local Green Space designation but note that in practice the potential for re-provision with capacity maintained or increased should not be precluded, particularly where this could meet local sports teams' requirements.
- 4.12 The 'Oakley Neighbourhood Plan Local Green Space Assessment' Report (February 2018) has been prepared to dispute the findings of Bedford Borough Council assessment. The findings of this report that seek to demonstrate value to the local community based on 'use by Oakley Academy' and community support for the designation are not relevant considerations and do not clearly reflect how the land is presently managed. This further fails to reflect how the role of the sports pitch use should be supported through the neighbourhood plan. The proposed Local Green Space designation remains inappropriate.
- 4.13 National policy for Local Green Space would place restrictions on the use and development of the facilities in their existing location. Any potential ability to meet additional requirements within the current site would be subject to the tests for exceptions to inappropriate development in the Green Belt. This would include assessing whether the proposals have any greater impact on openness. This would affect, for example, any additional built facilities or floodlight provision. These policy considerations are not appropriate given the location and management of the existing facilities.
- 4.14 Moreover, the proposed designation would seriously restrict options for the future strategy for relocation of the sports pitches and significantly inhibit the objective of meeting future requirements of Lincroft Academy, including providing benefits to the local community.
- 4.15 As set out as part of our soundness concerns regarding the emerging Bedford Local Plan 2030 there is limited scope for neighbourhood plans prepared subsequently to achieve sustainable development by addressing the needs for sports and leisure

facilities. This is borne out in the policies of the submission Oakley Neighbourhood Plan.

- 4.16 Our clients' interests East of Station Road, Oakley demonstrate the need for flexibility. This wider site offers a clear opportunity for the delivery of sport and community infrastructure for the wider benefit of local residents. The opportunity is supported by Sport England and would address an identified local need. The proposed relocation of the existing sports pitches would ensure an enhancement to facilities and no net loss in terms of space available. The alternative location would be provided as part of wider proposals and can be incorporated alongside opportunities for landscaping and green infrastructure enhancement. The proposed Local Green Space designation is therefore unnecessary in terms of maintaining existing provision and precludes the scope for the enhancement identified.
- 4.17 Policies 101 and 102 of the emerging Bedford Local Plan 2030 address 'New Sports and Leisure Facilities' and 'New Community Facilities'. The proposals for the relocation and re-provision of the Lovell Road Sports Pitches would satisfy these policy criteria. However, their implementation would also be precluded by policies **LE2**, **HG1** and also **BE2** of the Oakley Neighbourhood Plan.
- 4.18 The development, in addition to facilitating the provision of new sports/recreation facilities and an integrated campus for Lincroft Academy (and for wider community use), would provide for circa 200 dwellings and also offers a unique opportunity to resolve existing congestion and parking issues arising from the school and through traffic along Station Road.
- 4.19 The scheme proposed by Bedfordia Developments Ltd and Sharnbrook Academy Federation will deliver a new purpose-built distributor road running north-south through Oakley with reconfiguration of Station Road to prevent through-traffic and ease current parking and traffic issues predominantly associated with the Lincroft Academy.
- 4.20 The promoters of the wider site are working with the Academy in a public/private partnership arrangement. A submission is before the Secretary of State for Education for the delivery of these improvements based upon the identification of a larger site for residential development.



Strategic Planning Research Unit

Representations to the Oakley Neighbourhood Plan
Submission Version (Regulation 16)
On behalf of Sharnbrook Academy Federation

APPENDIX 1 – RELEVANT POLICY, CASELAW AND RELATIONSHIP WITH STRATEGIC POLICIES

i) NATIONAL POLICY AND LEGISLATION

- A1.1 Planning practice guidance specifies that undertaking a hearing as part of the Neighbourhood Plan examination is appropriate to enable oral representations on specific issues and ensure the opportunity to provide a fair case on the Plan's failure to satisfy relevant requirements (ID: 41-056-20180222). We specifically state the **request for a hearing** as part of these representations. This is justified given the significant and unjustified policy restrictions that the Neighbourhood Plan seeks to impose on the ability of Lincroft Academy to meet its future requirements.
- A1.2 A Neighbourhood Plan must meet prescribed basic conditions if it is to proceed to a referendum. These are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004:
- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*
 - d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*
 - e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
 - f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*
 - g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)*
- A1.3 In seeking to ensure the achievement of sustainable development paragraph 11 of the revised National Planning Policy Framework specifies that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 13 of the NPPF2019 states that the implications of the presumption apply to those engaged in the preparation of neighbourhood plans.
- A1.4 In relation to basic condition (a) it is important that Neighbourhood Plans should support the delivery of strategic policies contained in the Local Plan. Neighbourhood Plans should not undermine those strategic policies. They should also plan positively to support, shape and direct development outside of these (ID: 41-070-20190509).
- A1.5 Planning practice guidance confirms that Neighbourhood Plans should demonstrate how they may contribute towards environmental, social and economic conditions while ensuring adverse impacts are avoided (ID: 41-072-20190509). This is consistent with the objectives for a plan-led system. Sufficient and proportionate evidence is required to demonstrate this and may best be illustrated through preparation of a Sustainability Appraisal. A Sustainability Appraisal allows the context, objectives and approach to the assessment to be outlined; relevant environmental issues and objectives to be identified; and alternatives to the preferred strategy considered. This may draw on the evidence base for the Local Plan, if available and up-to-date.
- A1.6 The Revised National Planning Policy Framework 2019 emphasises that strategic policies should be clearly distinguished from non-strategic policies. Planning Practice Guidance specifically addresses the approach to understanding the implications of identifying strategic policies relevant to basic condition (e) and ensuring general conformity. Strategic policies can occur anywhere in the development. They will not solely relate to housing matters and can be required to address the range of priorities

identified in paragraph 20 of the NPPF2019, including infrastructure and community facilities.

- A1.7 Groups preparing Neighbourhood Plans should apply a number of considerations when identifying and determining the role of strategic policies, including *inter alia*:
- *“whether the policy sets out an overarching direction or objective*
 - *whether the policy sets a framework for decisions on how competing priorities should be balanced*
 - *whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the local plan or spatial development strategy*
 - *in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the local plan or spatial development strategy*
 - *whether the local plan or spatial development strategy identifies the policy as being strategic” (ID: 41-076-20190509) (SPRU emphasis)*
- A1.8 Infrastructure needs to be provided in the Neighbourhood Plan area should be considered at the earliest stage in plan-making. This should ensure that the planning system supports growth in a sustainable way. These considerations include:
- *“what additional infrastructure may be needed to enable development proposed in a neighbourhood plan to be delivered in a sustainable way;*
 - *how any additional infrastructure requirements might be delivered;*
 - *what impact the infrastructure requirements may have on the viability of a proposal in a draft neighbourhood plan and therefore its delivery; and*
 - *what are the likely impacts of proposed site allocation options or policies on physical infrastructure and on the capacity of existing services, which could help shape decisions on the best site choices” (ID: 41-045-20190509)*
- A1.9 The requirements for prioritised infrastructure to support development in the plan should be set out and explained within the Plan.
- A1.10 Paragraph 30 of the NPPF2019 is relevant to assessing the application of non-strategic policies that Neighbourhood Plans introduce to the development plan, once made. Once brought into force these will take precedence over existing non-strategic policies where they are in conflict *“unless they are superseded by strategic or non-strategic policies that are adopted subsequently.”*
- A1.11 Paragraph 14 of the NPPF2019 deals with specific circumstances for the application of paragraph 11(d) of the presumption in favour of sustainable development for decision-taking. Where this is engaged for applications involving the provision of housing, the adverse impact through conflict with a made Neighbourhood Plan is considered *likely* to significantly and demonstrably outweigh the benefits where all stated criteria .
- A1.12 Criteria (b) is expanded upon in planning practice guidance to emphasise the importance of Neighbourhood Plans providing policies and allocations to meet their housing requirement in order to benefit from the provisions at paragraph 14 of the NPPF (ID: 41-096-20190509). This is specifically part of ensuring that the *“Neighbourhood Plan is planning positively for new homes, and provides greater certainty for developers, infrastructure providers and the community.”*
- A1.13 Where the Neighbourhood Plan looks to allocate sites for development the process should demonstrate how these objectives have been addressed. This includes a *“need*

to carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.” Sustainability Appraisal / Strategic Environmental Assessment may be required where the plan is likely to have a significant effect on the environment and the environmental implications of proposals should be considered at an early stage.

- A1.14 Planning practice guidance further outlines the process of site identification and site assessment that all plan-makers should adopt in considering potential allocations, including issuing a call for potential sites. A comprehensive survey of sites should ensure thorough assessment against national policies and designations to take account of the potential for development and any relevant constraints. The assessment should ratify inconsistent information, provide an understanding of the development that may be appropriate and give a more detailed understanding of deliverability (ID: 3-016-20140306).
- A1.15 In terms of this, criteria 14b cannot be met through policies and allocations in other development plan documents, including any provision for windfall development.
- A1.16 Within the context of undertaking reviews of a made Neighbourhood Plan guidance specifies the importance of ensuring that sites identified for development in year 1-5 of the Plan period are deliverable (ID: 41-099-20190509). Plainly the importance of this can also apply in the context of Plans made to address the housing requirement in strategic policies of recently adopted Plans where a pressing need for housing is identified.
- A1.17 Groups preparing Neighbourhood Plans should demonstrate that the approach they have adopted in seeking to address the need for policies and allocations to meet requirements identified in the strategic policies of the Local Plan and the Neighbourhood Plan should specify the origin for the housing requirement figure (i.e. 25-50 dwellings in this case). Groups are encouraged to meet and where possible exceed the requirement and provide for a sustainable choice of sites that can respond to changing circumstances and allow the plan to remain up-to-date for longer (ID: 41-103-20190509).

ii) **KEY ISSUES WITH THE ONP VISION, OBJECTIVES AND GENERAL CONFORMITY WITH STRATEGIC POLICIES**

- A1.18 The submission version of the Neighbourhood Plan has been prepared in advance of adoption of the Bedford Local Plan 2030. It is important to note that the requirement for general conformity at the current point in time remains the adopted development plan, including the Core Strategy and Rural Issues Plan (April 2008); and the Allocations and Designations Local Plan (July 2013).
- A1.19 Planning practice guidance specifies the approach to be taken in these circumstances for Neighbourhood Plan preparation, indicating that the reasoning and evidence informing the emerging Local Plan process may be relevant to consideration of the basic conditions (ID: 61-006-20190315).
- A1.20 The Bedford Local Plan 2030 is proceeding under transitional arrangements to enable plans to be examined against the 2012 version of the National Planning Policy Framework. The Oakley Neighbourhood Plan must be assessed against relevant provisions of the revised NPPF 2019 ('revised framework').
- A1.21 The Plan and its supporting evidence (including the Basic Conditions Statement prepared to demonstrate compliance with relevant policy and legislation) indicates that the emerging Local Plan 2030 has been 'taken into account' in the course of preparation. The emerging Plan is capable of being a material consideration and this is important in terms of plan-making to ensure that the Neighbourhood Plan does not come into conflict (and therefore have its policies rendered out-of-date) as soon as a new Plan comes into place.
- A1.22 There are a number of deficiencies in the Basic Conditions Statement (BCS) prepared by Urban Vision on behalf of the Parish Council.
- A1.23 The summary of the relationship of the submission Neighbourhood Plan to national policies and advice is limited to broad areas of the NPPF2019. The relevant Neighbourhood Plan policies identified against each section of the NPPF do not provide a clear indication of how they will promote the achievement of sustainable development. This is particularly true in terms of the BCS failing to indicate any relevant policies that plan positively for social, recreational and cultural facilities (NPPF2019 paragraph 92); or ensure provision of sufficient school places (paragraph 94).
- A1.24 Regard to the emerging Local Plan is dealt with on Page 13 of the BCS. This does not address any specific policies in the emerging Plan and pays no regard whatsoever to the distinction between strategic policies and non-strategic policies within that document. It may be possible to read across some awareness of the indicative levels of development to be provided as part of the emerging spatial strategy (i.e. 25-50 homes). However, the BCS does not address the objectives identified within the Local Plan 2030, specifically overlooking any of its approach to ensuring sustainable development through managing requirements for social, community and green infrastructure.
- A1.25 The BCS also fails to address any of the relevant policies and designations from the Allocations and Designations Local Plan (ADLP) 2013. This is critical particularly where policies of that Plan will not be replaced by the Local Plan 2030 and will remain part of the adopted development Plan. It is important to have regard to the evidence base for these policies and their intentions; and avoid unnecessary duplication as encouraged in national policy and guidance. The following policies and designations of the ADLP 2013 are specifically affected by the proposed policies of the submission Neighbourhood Plan:
- AD40: Village Open Spaces and Views

- AD42: Local Gaps

- A1.26 The existing development plan is substantially dated and does not clearly indicate the number and role of strategic policies as required in the revised National Planning Policy Framework (2019). It does not itself provide a housing requirement for the parish of Oakley nor prescribe any approach towards policies and allocations to support future delivery and sustainable growth.
- A1.27 In relation to the policies of the existing development plan the Basic Conditions Statement identifies that the Neighbourhood Plan seeks to meet 'community needs' within an amended Settlement Policy Area boundary, therefore complying with Policies CP12, CP13 and CP14.
- A1.28 The application of these policies needs to be undertaken in the context of less prescriptive requirements within the NPPF2019. Nonetheless the Basic Conditions Statement fails to acknowledge that development at Rural Service Centres within and on the edge of the Settlement Policy Area will be supported specifically in the context of that '*required to meet local business and community needs and to maintain the vitality of those communities*'. The Oakley Neighbourhood Plan represents a more restrictive approach.
- A1.29 In this regard it is significant that the emerging Local Plan 2030 sets a strategic policy framework to support, inter alia, Healthy Communities (Policy 1S), Delivering Infrastructure (90S) and Green Infrastructure (36S) as well as the overall approach to the spatial strategy and amount and distribution of growth (Policy 2S/3S).
- A1.30 In relation to the housing requirement in strategic policies and the requirement figure provided for designated neighbourhood areas paragraph 65 of the NPPF states:
- A1.31 "Once the strategic policies have been adopted, these figures should not need retesting at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement."
- A1.32 Paragraph 66 states that where it is not possible provide a housing requirement an indicative figure should take account of the population in the area, evidence of local housing need and the most recent planning strategy. The emerging Bedford Local Plan 2030 has been prepared and submitted for examination against the transitional arrangements for the NPPF2012. The arbitrary apportionment of development to Key Service Centres and Rural Service Centres pre-dates this approach.
- A1.33 Examination of the submission version Neighbourhood Plan represents an appropriate basis to review the level of development considered appropriate. This should take account of the circumstances for the Local Plan 2030, in particular the foreshortened plan period, requirement for immediate review and the significant shortfall in housing needs being met relative to the figure provided by the government's standard method. These factors should be considered alongside the requirements and opportunities to achieve sustainable development in Oakley.
- A1.34 The Parish Council's approach to preparing the strategy can be broadly summarised as follows:
- "The overall growth strategy is based on identifying the most sustainable areas where housing and business development can be placed, whilst also protecting sensitive landscapes and preventing uncontrolled development of the rural area. The Oakley settlement policy area is enlarged by this neighbourhood plan to accommodate housing growth, to meet local need. To make Oakley more sustainable, links to other areas need to be improved. A priority will be promoting and improving sustainable travel links to the*

nearby settlements of Bedford, Clapham and Bromham. This goes beyond the scope of the neighbourhood plan policies for the most part, but there is also an emphasis on balanced transport provision within Oakley itself.”

A1.35 The specific ‘Vision’ for Oakley sought through the Neighbourhood Plan is stated “To protect and improve the village community and the landscape within which it sits.”

A1.36 This cannot be considered to promote sustainable development nor be consistent with national policy and guidance. We would anticipate that, as a minimum, the vision might set out as follows:

‘By 2030 Oakley will sustain and enhance its role as a Rural Service Centre, through maintaining and enhancing the excellent school facilities; supporting appropriate residential development opportunities; and promoting improvement to services and facilities for the benefit of the wider community. This will be achieved through supporting development that makes a positive contribution to the built, natural and historic environment and supporting the village to meet the needs of existing and future residents locally and within the rural area.’

A1.37 The submission version of the Neighbourhood Plan has the potential for a range of conflicts with these strategic policies and objectives for sustainable development. This is a particular function of its approach to meeting housing need managing development within and beyond the Settlement Policy Area (SPA).

A1.38 The policy approach to provide for levels of development is predicated upon Policy 3S of the emerging Bedford Local Plan 2030, as submitted for Examination. This states that for Oakley, as a Key Service Centre (‘Group 2 Village’) that strategy for spatial distribution directs that it will be necessary to identify sites to provide for development of 25-50 homes. These will be generally *“in and around defined Settlement Policy Area boundaries”* and *“all sites will be allocated in Neighbourhood Development Plans”* (our emphasis).

A1.39 In comparison, the Submission version Oakley Neighbourhood Plan states that:

“To accommodate the new developments of up to 10 dwellings - off High St and up to 30 dwellings - off Station Rd the settlement policy area for the Parish of Oakley will be formally changed as part of this Neighbourhood Plan”

A1.40 This means that the submission Neighbourhood Plan does not contain specific allocation policies for the sites referred to above. In order to direct development to specific locations there is only general Design Guidance contained in an Appendix, outside of the proposed policies. Moreover, the Plan contains a proposed Policy **HG1** (‘Housing Growth in Oakley’) to reflect where development will be supported inside the amended SPA and introduces strict controls on residential development outside these limits.

A1.41 Policy **HG1** does not provide a broad range of criteria to address the types and circumstances for development – most typically associated with the requirements for community services and facilities, economic development and suitable opportunities for housing growth – beyond the settlement policy area.

A1.42 Policy 6 of the emerging Bedford Local Plan 2030 deals with ‘Development in the Countryside’. It is currently proposed as a non-strategic policy but is an important counterpart to the overall approach to the spatial strategy and providing for sustainable development. Criteria (v) of the proposed policy states that ‘made’ neighbourhood plans may identify development outside Settlement Policy Areas. Moreover, criteria (vi) – (x) state:

“In addition, exceptionally development proposals will be supported on sites that are

well-related to a defined Settlement Policy Area, Small Settlements or the built form of other settlements where it can be demonstrated that:

vi. It responds to an identified community need; and

vii. There is identifiable community support and it is made or supported by the parish council or, where there is no parish council, another properly constituted body which fully represents the local community; and

viii. Its scale is appropriate to serve local needs or to support local facilities; and

ix. The development contributes positively to the character of the settlement and the scheme is appropriate to the structure, form, character and size of the settlement.

x. Where a community building is being provided, users of the proposed development can safely travel to and from it by sustainable modes and it is viable in the long term, ensuring its retention as a community asset.”

- A1.43 In this regard the Oakley Neighbourhood Plan fails to promote sustainable development and is inconsistent with national policies and guidance. The approach to preparing the Neighbourhood Plan will further bring it into immediate conflict with the anticipated strategic policies (and non-strategic policies) to be provided by the Bedford Local Plan 2030 upon adoption. Specifically, the submission Neighbourhood Plan is not based on an understanding of the requirements and priorities for development over the plan period and the criteria or options for how these might be met within and beyond the Settlement Policy Area.

iii) **CASELAW RELEVANT TO THE SUBMISSION NEIGHBOURHOOD PLAN**

A1.44 To the extent that the submission version of the Neighbourhood Plan is informed by the emerging Bedford Local Plan 2030 we will illustrate that the approach has been constrained by seeking to provide policies to accommodate the level of development of 25-50 homes. The approach adopted is not consistent with the objective of achieving sustainable development and has not been tested against reasonable alternatives.

A1.45 Importantly, the 'Inspectors' Letter to Bedford Borough Council following the Hearing Sessions of the Examination in Public of the Bedford Local Plan (Examination Document ED50) has indicated that Policy 3S of the emerging Local Plan 2030 should be modified on the following basis:

“In order that the plan is positively prepared the Council should amend this policy to enable Neighbourhood Plans to allocate more than 50 houses if local circumstances indicate that this is appropriate.”

A1.46 The submission Neighbourhood Plan is not able to rely on the Sustainability Appraisal undertaken to support the emerging Local Plan 2030. This does not demonstrate that reasonable alternatives to the scale and locations for growth in Oakley have been tested and either accepted or rejected at previous plan-making stages. This is most simply confirmed at paragraph 8.25 of the Council's September 2018 Sustainability Appraisal:

“As previously noted, the selection of alternative sites to meet the strategic allocation within the settlements is being made by the respective Parish Councils through their Neighbourhood Plans and is therefore not considered in this Sustainability Appraisal Report.”

A1.47 Our clients have participated at all stages of consultation and the subsequent ongoing Examination of the emerging Local Plan 2030 to raise substantive soundness and legal compliance concerns with the Sustainability Appraisal process for that Plan. It is not necessary to highlight these in full. However, it is relevant to highlight that the Sustainability Appraisal process for the Local Plan 2030 has excluded options for higher levels of growth with a different distribution that had been previously assessed as being some of the most sustainable. This is based purely on the grounds that the level of development was beyond that required by the draft Plan with a foreshortened Plan period. This includes options for higher levels of growth in the rural area.

A1.48 This is illustrated by the nature of alternative broad options for spatial distribution considered as part of the plan-making in previous consultation stages. The 'Bedford Local Plan 2032 Consultation Paper' (October 2015) confirmed that the strategy going forward was at that point to focus development on the urban areas of Bedford and Kempston, with a greater proportion of development also being distributed to the rural areas.

A1.49 Within this draft Plan, Oakley was designated a Rural Service Centre. Rural Service Centres were each proposed to be allocated 50-150 (on average 100) new dwellings.

A1.50 Land off Station Road, Oakley, was again put forward, although within this submission the plans also include the existing playing field north of Lovell Road. This site was provided with the reference number 521. This site measures 15 hectares and was proposed to be used for 250 residential dwellings, as well as relocation of the school playing fields.

A1.51 No clear site assessment process and iterative testing of options has been undertaken by the Council, including for the land at Station Road, Oakley. The reasoning and justification for allocating sites is not clearly and accurately identified in the 2018 SA

Report. For example, one way of usefully doing this would be to include a table that accurately identifies inter alia, all sites allocated; the reasonable alternatives that were not taken forward; those reasonable alternatives that were discounted or rejected at an earlier stage; and then to explain the reasons for the decision on those sites. This is relevant for the level of housing that has been allocated to Group 2 (Rural Service Centre) settlements including Oakley, as there appears to be no such assessment at all, simply leaving this to the Neighbourhood Plan process.

- A1.52 Preparation of the Oakley Neighbourhood Plan does not need to be constrained by the plan period proposed in the Bedford Local Plan 2030, which falls short of the 15 years following adoption required by the NPPF2019. As specified in practice guidance, neighbourhood planning can set out a positive vision for how the community should develop over the next “10, 15, 20 years” (ID: 41-003-20190509).
- A1.53 Caselaw provides a clear outline of the implications for the Oakley Neighbourhood Plan given the basis on which it has been prepared. It is accepted through the judgement of the Court of Appeal in *R (Larkfleet Homes Ltd) v. Rutland County Council* [2015] EWCA Civ 597 that Neighbourhood Plans may allocate sites. Qualifying bodies may rely on evidence prepared by the local planning authority, including the findings of Sustainability Appraisal / Strategic Environmental Assessment prepared as part of the Local Plan process, as set out in paragraph 26 of the judgment. These must consider both positive and negative effects from development. However, in relation to the Oakley Neighbourhood Plan there is no comparative evidence available from the local planning authority to set out these findings on the policies proposed to deliver the identified level of development against other alternatives.
- A1.54 The case of *Crane v. Secretary of State for Communities and Local Government* [2015] EWHC 425 (Admin) dealt with an unsuccessful challenge to a decision by the Secretary of State to dismiss an appeal for housing. In that case, the application conflicted with the location of sites identified to provide for allocations in a made Neighbourhood Plan, supported by robust evidence, despite the absence of specific policies to restrict housing elsewhere (i.e. a settlement boundary). This conflict may be given substantial weight. However, the Oakley Neighbourhood Plan does not contain specific housing allocations and must be read against this judgment in that context.
- A1.55 A more appropriate parallel is provided through the successful challenge against the Secretary of State’s decision to dismiss a planning appeal based on conflict with an emerging Neighbourhood Plan in *Woodcock Holdings Ltd. v. Secretary of State for Communities and Local Government* [2015] EWHC 1173. This deals with an instance where there was an absence of site allocations in the relevant settlement and the lack of a five year housing land supply. Justice Holgate specifically addresses the lack of evidence for positive planning and flexibility exhibited in policies that propose a numerical cap on housing and having regard to the NPPF would not satisfy the basic conditions. Paragraph 79 provides a useful comparison with the approach in *Crane*:

“In Crane the Secretary of State gave an explicit and detailed explanation as to why the proposal was in clear conflict with the comprehensive spatial strategy of the neighbourhood plan (see e.g. paragraphs 5, 7 - 8, 11, 13, 29 and 34 of the judgment). First, the Neighbourhood Plan contained allocations and not housing numbers without allocations. Second, those allocations met substantially more than the housing needs identified by the adopted core strategy for the area of the Neighbourhood Plan. Third, the documentation for the examination of the Plan had explained why allocations to meet the requirements of the Core Strategy had been located on certain sites and others had been rejected. Mr. Crane’s site had been considered to be remote from the

village centre (paragraphs 33 and 34 of judgment). In the present case the draft Neighbourhood Plan did not propose any allocations at Sayers Common or discuss the relative merits of sites. It merely proposed, in the absence of a core strategy or even an up to date and objective assessment of housing needs, to cap the number of new dwellings for the village as a whole at 30 - 40."

- A1.56 Paragraph 84 provides further detail on the requirement to weigh findings on the scale of housing proposed in the policies of a Neighbourhood Plan against other considerations, stating that the challenge should succeed on the grounds that *inter alia*:

"the Defendant treated the proposal as being in conflict with the scale of housing proposed in the draft plan for Sayers Common, but he failed to weigh that conclusion against his findings that the scale and density of the proposal are acceptable for the village, the location is sustainable and the proposal would overcome any infrastructure constraints." (SPRU emphasis)
- A1.57 In *Bewley Homes PLC, Wates Developments Limited and Catesby Estates (Developments) Ltd v Waverley Borough Council* [2017] EWHC 1776 (Admin) the judgment of Justice Lang confirms that the requirement for general conformity with the strategic policies in place is a relatively flexible test. In that case, the Farnham Neighbourhood Plan is based on the designation of a built up area boundary for the town, despite the absence of any such designation in the 2002 Waverley Local Plan. Lang J specifically addresses the appointed Examiner's findings on the comprehensive approach adopted towards designation of the boundary, set out in the evidence base for the plan, including support for the allocation of specific sites.
- A1.58 Lang J also addresses the issues with this approach, now reflected in the ongoing review of the Farnham Neighbourhood Plan, in that such policies can become quickly out-of-date in the context of changes to the housing requirement in the strategic policies of the development plan. This occurred in Waverley between the process of receiving the Examiner's Report of the Neighbourhood Plan and the (thus unaddressed) requirement to meet unmet needs from Woking subsequently included in the target for the Waverley Local Plan: Part 1. This is a clear parallel with the position in Bedford given the foreshortened plan period to 2030; failure to meet housing needs indicated by the government's standard method; and requirement for early review of the Local Plan.
- A1.59 It is clear from the context provided by the relevant judgments that the Oakley Neighbourhood Plan is not supported with sufficient evidence for the approach proposed towards its policies for housing, which amount to a cap on future levels of growth. This particularly concerns the lack of a comparative assessment of options for either specific allocation of sites or amendments to the Settlement Policy Area boundary as part of a Sustainability Appraisal or a robust site assessment process. The process of preparing the Neighbourhood Plan has not considered the potential positive and negative effects arising from the proposed approach and reasonable alternatives. The Neighbourhood Plan has not considered opportunities for a longer-term positive vision for growth to promote sustainable development beyond 2030.



Strategic Planning Research Unit

Representations to the Oakley Neighbourhood Plan
Submission Version (Regulation 16)
On behalf of Sharnbrook Academy Federation

APPENDIX 2 – LAND EAST OF STATION ROAD, CONCEPT MASTERPLAN



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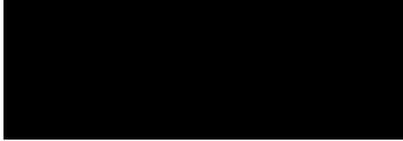
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| CLIENT Bedfordia | Date | 08.12. 2015 | OS Ref. | 501478,253364 | Drawn By | SK |
| | Scale | 1:2500 @ A3 | Drawing no. | SK09B | Checked By | MEH |
| | Job no. | BE1564-2 | Rev. | B | | |
| PROJECT Land at Station Road, Oakley | DRAWING TITLE Masterplan Concept | | be1 Architects 5 Abbey Court, Fraser Road, Priory Business Park, Bedford MK44 3WH Tel: 01234 261 266 Fax: 01234 831 437 Email: enquiries@be-1.co.uk Web: www.be1architects.co.uk <small>Offices also at: Bristol, Cardiff, East Midlands, Leeds, London, Milton Keynes and Sheffield</small> | | | |
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Strategic Planning Research Unit

Representations to the Oakley Neighbourhood Plan
Submission Version (Regulation 16)
On behalf of Sharnbrook Academy Federation

**APPENDIX 3 – REPRESENTATIONS TO THE REGULATION 14 PRE-SUBMISSION
NEIGHBOURHOOD PLAN ON BEHALF OF BEDFORDIA DEVELOPMENTS LTD**



by e-mail to:



Dear 

Re: Response from Bedfordia to the Oakley Neighbourhood Plan

This representation has been prepared on behalf of Bedfordia Developments Ltd (Bedfordia), with regard to land in their control, which they are promoting off Station Road, Oakley, and is in response to the proposals and designations set out in the draft Neighbourhood Plan published by Oakley Parish Council.

The land at Station Road is referenced as “Site 170 & 521 – Station Road” within the draft Neighbourhood Plan and has been promoted by Bedfordia for residential development and, in conjunction with Sharnbrook Academy Federation (SAF) on behalf of Lincroft Academy, the creation of a self-contained education campus with expanded sports facilities. This response to the Neighbourhood Plan is set out in that context and against the three questions in the response form.

Reference is also made within this response to the land at Highfield Road, Oakley, which has been promoted for high quality employment-led development but is not recognised within the draft Neighbourhood Plan.

1) Development Sites

Bedfordia note and welcome the recognition of the land at Station Road as a ‘potential development site’ (page 48 of the draft Neighbourhood Plan), albeit on the basis of an allocation for approximately 30 new homes on the northern part of the overall land area. Bedfordia agree with the principle of the allocation of this site but consider that the Neighbourhood Plan has not fully considered the full benefits of the comprehensive development proposal promoted by Bedfordia and SAF for Lincroft Academy.

Bedfordia and SAF on behalf of Lincroft Academy together own or control all of the land that is ‘sandwiched’ between Station Road and Lovell Road and the main London - Sheffield Railway line which extends in total to 15.2ha. This land is fully contained and reads as part of the general structure, form and character of the Village and is distinct from the countryside beyond.

Bedfordia and SAF for Lincroft Academy, have consulted with the school and parental bodies and have undertaken wider public engagement by way of a public exhibition of the proposals. In addition they have sought engagement with the Parish Council over the use of the land and remain committed to working with the Parish Council and wider community in relation to their proposals.

The Neighbourhood Plan recognises that the wider site has been promoted, but comments upon potential infrastructure constraints and highways issues including traffic relating to the school.

Bedfordia and SAF consider that, working together, the development proposals advanced for the wider site can deliver the following:-

- i) the establishment of a new self-contained campus for Lincroft Academy with a separate and independent school driveway, extended parking and circulation space which would incorporate the existing school buildings with the provision of a wide range of new sports facilities and pitches;
- ii) residential development;
- iii) significant highway improvements, including the creation of a new access spine road and the consequent closing of Station Road as currently configured to address the existing issues of congestion and highways safety in Station Road and provide safe and separate access to the school campus and the proposed new residential development; and
- iv) funding for the creation of the integrated school campus, playing fields and pitches and the highways improvements detailed in this submission would principally stem from the enabling residential development proposed.

The comprehensive proposals respond to a number of local issues and challenges faced by Lincroft Academy and the wider community arising from transport congestion, access, safety and parking difficulties particularly at school drop off and collection times. In addition, the existing location of the school playing fields which are physically remote from the school are a constraint on the effective delivery of the school curriculum and give rise to potential safety issues whereby children are required to cross a busy road to access the playing fields.

The proposals by Bedfordia and SAF on behalf of Lincroft Academy, advocate a more holistic approach to the use and development of land on the eastern side of Station Road. They would allow for the expansion of the school and address the issues outlined and include new dedicated parking provision, circulation space on site and the creation of a new main access and driveway.

The proposals would also bring into effect a series of traffic calming measures that include the closing of Station Road as it currently is and its diversion onto a new access/distributor road.

The proposals would also enhance the school's operation, positioning the playing fields and sports pitches opposite the school, thus allowing for a better operation of the curriculum and improvements to pupil safety.

The new sports pitches would represent a significant upgrade over the existing facilities to the benefit of the school and wider community.

Therefore, whilst acknowledging the proposed allocation of land in this location for 30 new homes, it is believed that the proposals are not sufficiently ambitious and fail to respond to the opportunity the site and its comprehensive development potentially provides.

The proposal for 30 dwellings will not bring about the wider benefits for the school and by association the village of Oakley. More ambitious housing provision on a single site will enable the delivery of the significant benefits to both the school and wider community set out above through the collaborative working of Bedfordia and SAF.

The proposals have also been informed by a range of technical work to demonstrate their viability and deliverability.

Both Bedfordia and SAF would appreciate the opportunity to discuss matters further with the Parish Council through the potential allocation of the wider site.

2) Neighbourhood Plan Policies (pages 13-40)

Bedfordia supports the recognition (pages 20-23 inclusive) of the importance of local business and employment to the village of Oakley.

It is also welcomed that Policy ONP BE1: Business, supports B1 business development recognising the Highfield Parc location. However, the policy is a little ambiguous as to whether this supports expansion of the business parks.

Bedfordia would, therefore, suggest a minor revision to the Policy ONP BE1: Business to recognise the ability for sensitive expansion of Highfield Parc in particular. The land promoted by Bedfordia would be a natural expansion to Highfield Parc, being well contained by existing development without encroachment into the countryside and will strengthen employment in Oakley to the benefit of the Village.

Bedfordia has no comment to make on the other policies or text within this section although we note Policy ONP LE2: Local Green Space and have made specific comment on the Local Green Space policy below.

3) Local Green Spaces

Bedfordia **disagrees** with the Local Green Space designation no. 7 "Site No. 152 – Oakley Academy Playing Field, Station Road". It is not considered that this allocation meets the criteria for a Local Green Space set out within national planning policy, in particular paragraph 100 of the National Planning Policy Framework (NPPF (2018)) and Planning Practice Guidance (PPG).

The school playing fields are not a public asset or in public use unless with prior agreement of the Lincroft Academy. Whilst the NPPF and PPG in particular recognise that Local Green Space does not have to be public open space, those areas that are not in public use must still be demonstrated to be 'demonstrably special' and recognised for wildlife, historic significance or beauty to meet the tests of national policy and guidance (NPPF paragraph 100 and PPG; Paragraph: 017 Reference ID: 37-017-20140306). As they are associated with an active school, the playing fields do not fall within any of the above categories as their value relates solely to their use. Accordingly, it is not appropriate nor justified to designate them as a Local Green Space.



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Further, it is also unclear what the allocation would achieve when the sports pitches are already protected from development by the Secretary of State for Education.

We trust that the above comments will be taken into consideration in the development of the Oakley Neighbourhood Plan and would welcome the opportunity to discuss our proposals in relation to land at Station Road.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Cllr Cllr'.

A large black rectangular redaction box covering the signature area.

Encl: Neighbourhood Plan Feedback Form

BEDFORD

4 Abbey Court, Fraser Road
Priory Business Park, Bedford. MK44 3WH
bedford@dlpconsultants.co.uk
01234 832 740

BRISTOL

Broad Quay House (6th Floor)
Prince Street, Bristol. BS1 4DJ
bristol@dlpconsultants.co.uk
01179 058 850

EAST MIDLANDS

1 East Circus Street, Nottingham
NG1 5AF
nottingham@dlpconsultants.co.uk
01158 966 622

LEEDS

Princes Exchange
Princes Square, Leeds. LS1 4HY
leeds@dlpconsultants.co.uk
01132 805 808

LONDON

The Green House, 41-42 Clerkenwell Green
London. EC1R 0DU
london@dlpconsultants.co.uk
020 3761 5390

MILTON KEYNES

Midsummer Court, 314 Midsummer Boulevard
Milton Keynes. MK9 2UB
miltonkeynes@dlpconsultants.co.uk
01908 440 015

SHEFFIELD

Ground Floor, V1 Velocity Village
Tenter Street, Sheffield. S1 4BY
sheffield@dlpconsultants.co.uk
0114 228 9190

RUGBY

18 Regent Place, Rugby, Warwickshire
CV21 2PN
rugby.enquiries@dlpconsultants.co.uk
01788 562 233



RTPI

Chartered Town Planner



████████████████████
████████████████████

Thursday 25th October 2018

Thursday 25th October 2018

To whom it may concerns

Lincroft Academy response to Oakley neighbourhood Plan

This representation is made by the Lincroft Academy, Station Road, Oakley, as part of Sharnbrook Academy Federation, in response to the draft Neighbourhood Plan published for consultation by Oakley Parish Council.

Lincroft Academy is an important community asset within the village of Oakley and there has been significant investment over recent years in the development of the school into a Secondary School and the cementing of its role in providing an excellent learning environment. In addition, to providing for children from Oakley, the school also has a wider function of serving the surrounding villages, which fall within its catchment as the closest Secondary School. Accordingly, proposals within the Neighbourhood Plan have implications for the Academy and its future operation of the site and has, potentially, wider implications within the Borough.

Lincroft Academy feel they must express their disappointment with regard to some aspects of the draft Neighbourhood Plan, particularly in terms of its relationship with the Academy, with regard to Site No. 152 – Oakley Academy Playing Field, Station Road, and Site 170 & 521 – Station Road. You will appreciate the aspirations that the Academy has previously set out for the reorganisation of the land parcels on the eastern side of Station Road working with the landowner for Site 170 & 152 for the enhancement of the school and its playing field provision as well as wider benefits for the village and community. We feel the draft Neighbourhood Plan has not listened to the concerns expressed by the school and the majority of the parental body and the approach it advocates represents a missed opportunity in not recognising these enhancements.

It is fully recognised that the school's operation has raised and continues to raise a number of issues particularly in terms of access/transportation and parking and the disturbance this causes. Also, the nature of the school campus layout and the separation of the main part of the school from the sports/recreation area causes a number of issues for the delivery of the school curriculum and also gives rise to potential safety issues.

In effect the strategy advocated by the Neighbourhood Plan would seriously inhibit the school's ability to address these issues. As the Parish Council is aware the aspiration for the Academy is for a self-contained campus for both Oakley Primary Academy and Lincroft Academy. This will allow for the further development of both schools and would overcome the above issues. This would include the addition of dedicated parking provision and circulation space on site as well as the creation of a new main access and driveway. The Academy considers that the proposals previously presented to

Station Road, Oakley, Bedford,
MK43 7RE

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the Parish Council provided an optimum opportunity to address all of the above matters, and also to bring into effect a series of traffic calming measures that include the closing off of Station Road as it currently is and its diversion onto a new access/distributor road. Traffic problems along Station Road are an ongoing issue and the plans previously presented to the Parish Council probably provide a once in a generation opportunity to address these.

The reference to Site No. 152 on page 45 of the draft Neighbourhood Plan incorrectly references that the Academy Playing field is opposite the school. It is separated by some distance from our main site and for reasons already outlined and as previously established gives rise to both operational and safety issues

The proposals presented by the school and the land owners would achieve both the positioning of the playing fields opposite the school and the creation of a singular campus such that a range of school activities can be self-contained, and expansion accommodated. This would also benefit local residents and the community at large.

The proposals would also allow for a significant upgrading of the existing facilities and would provide for the creation of a range of sports facilities to fully meet and enhance the requirements of both the school and the many community sports clubs that would use them. This would consolidate the breadth of sports/recreation available to students, but also the capacity of the facilities to the benefit of students and their health and well-being.

Community use of the existing sports provision is good with the Football Federation recognising the potential of the site to provide first class facilities for local football clubs including the club within Oakley.

In this regard the draft Neighbourhood Plan proposals would appear to be short-sighted, with the current strategy, if followed through, removing any opportunity to positively address the issues currently faced by the School and the community.

We wish also to address the specific questions on the consultation response form in the context of the above. With regard to the development sites, Lincroft Academy considers the two allocations as proposed will not resolve the existing challenges for the school.

With reference to the second question on policies, Lincroft Academy has no specific comments to make. Comments on Policy ONP LE2: Local Green Space are considered specifically against the third question on green space detailed further below with particular reference to the school's sports pitch and playing field provision at the southern end of Station Road.

In response to Question 3, Lincroft Academy are unclear as to the rationale for Local Green Space designation no. 7 'Site No. 152 – Oakley Academy Playing Field, Station Road.' It is understood that the designations are intended to protect 'green spaces'. However, school sports pitches and playing fields are already protected from development by the Secretary of State for Education. The grounds also, are not a public asset nor in public use unless with the consent of the school, and this means they do not fit with the definition of a local green space in terms of their recreational value. Accordingly, we consider that it is neither necessary or appropriate in the above circumstances for Site No. 152 to be designated a Local Green Space.

We trust that the above comments will be taken into consideration in the development of the Oakley Neighbourhood Plan. We reiterate that we are disappointed that the Plan takes a less ambitious course than it could have. We remain open to discuss our comments and aspirations for Lincroft Academy in more detail with the Parish Council.

Yours faithfully

A large black rectangular redaction box covering the signature of the Academy Principal.A small black rectangular redaction box covering the name of the Academy Principal.

Academy Principal



Historic England

By e-mail to: [REDACTED]
Manager for Planning and Housing Strategy
Bedford Borough Council

Our ref: PL00483647
Your ref:
Date: 26/07/2019

Direct Dial: [REDACTED]
Mobile: [REDACTED]

Dear [REDACTED]

Ref: Oakley Neighbourhood Plan Regulation 16 Consultation

Thank you for your correspondence dated 12 July 2019 inviting Historic England to comment on the Regulation 16 Submission version of the Oakley Neighbourhood Plan.

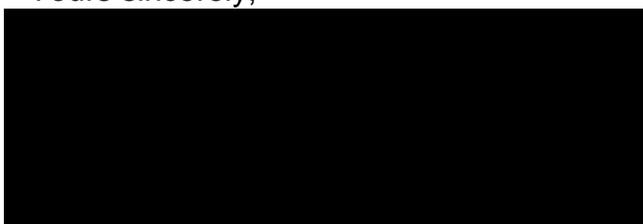
We welcome the production of this neighbourhood plan, but do not wish to provide detailed comments at this time. We would refer you to any previous comments submitted at Regulation 14 stage, and for any further information to our detailed advice on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here:

<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

I would be grateful if you would notify me if and when the Neighbourhood Plan is made by the district council. To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed NP, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,



Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU

[REDACTED] HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.

