

INDEPENDENT EXAMINATION OF WOOTTON NEIGHBOURHOOD DEVELOPMENT PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Sue Playford
Clerk to Wootton Parish Council

Sonia Gallaher
Bedford Borough Council

Examination Ref: 01/DH/WNDP

Via email

10 September 2021

Dear Ms Playford and Ms Gallaher

WOOTTON NEIGHBOURHOOD DEVELOPMENT PLAN EXAMINATION

Following the submission of the Wootton Neighbourhood Development Plan (WNDP) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for Wootton Parish Council (WPC) as Qualifying Body and a smaller number for Bedford Borough Council (BBC). These are attached as an Annex and I am requesting a response within **three** weeks of receipt of this letter.

1. Examination Documentation

I can confirm that I have access to a complete copy of the submission WNDP and accompanying documentation, including the Basic Conditions Statement (June 2021); the Consultation Statement (June 2021), the Habitat Regulations Assessment (July 2019); the Strategic Environmental Assessment (September 2020); the Housing Needs Survey Report (August 2017); the Site Assessments Report (undated); the Wootton Green Infrastructure Plan (September 2018) and the Regulation 16 representations. I also have copies of the:

- Preliminary Transport Assessment for land at Keeley Lane (April 2019);
- Access Assessment for land at Tinkers Lane, Keeley Lane (March 2019);
- Site Access Appraisal for land off Bedford Road, Wootton (April 2019); and
- Access Assessment for land South of Keeley Lane (March 2019).

Subject to my detailed assessment of the submission WNDP, I have not identified any very significant and obvious flaws that might lead me to advise that the examination should not proceed.

2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area in the week commencing Monday 20 September. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The site visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations' procedure, without the need for a hearing. I have read all the Regulation 16 submissions and (subject to the responses to my Questions that I have posed to both the Parish and Borough Councils in the Annex to this letter) I am confident that I fully understand the issues raised (see paragraph 4 below). However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

I have a number of initial questions seeking further clarification from both WPC and BBC. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided within **three** weeks of receipt of this letter.

5. Examination Timetable

As you will be aware, the intention is to examine the WNDP (including undertaking the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan. However, as I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will endeavour to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent response, are placed on the websites of the Parish Council and the Borough Council.

Thank you in advance for your assistance.

Your sincerely

David Hogger

Examiner

ANNEX

From my initial reading of the submission Wootton Neighbourhood Development Plan and the supporting evidence, I have 2 questions to which I would welcome a joint response from both the Borough and Parish Councils, 7 questions for Bedford Borough Council (BBC) and 22 questions for Wootton Parish Council (WPC). I have requested the submission of a response within **three** weeks of receipt of this letter.

Questions for both Bedford Borough Council and Wootton Parish Council (2)

I would prefer a joint response to these questions but if that cannot be successfully achieved then independent responses should be submitted by the two Councils.

1.. A revised version of the National Planning Policy Framework (NPPF) was published by the government on 20 July 2021, alongside a final version of the National Model Design Code. There are a few references in the WNDP to the NPPF – could the Councils confirm that these are still valid or if necessary, provide amended wording/referencing that reflects the content of the revised NPPF? I would also be grateful if both Councils could please advise me whether you consider any modifications to the draft WNDP are necessary as a result of the publication of the National Model Design Code and, if so, what these are?

2. Regulation 16 Representation Reference 24 relates primarily to land to the west of Wootton Upper School, Hall End Road, which is not allocated in the WNDP. My understanding is that there was an outline planning application on the site for up to 81 dwellings with access. Officers recommended approval but it was refused on highway grounds. However, in paragraph 3.4 of the representation it states that ‘highway matters are no longer contested by the LPA and that costs were awarded to the appellant due to the Council’s failure to substantiate that there are any highway or ecology issues’.

Firstly, could the Council’s provide an up-date on the current situation regarding the appeal?

Secondly, is there any justification for not allocating this site?

Thirdly, paragraph 11.16 of the representation confirms that the developer ‘would be open to a smaller development being allocated at this stage’. Has this suggestion been considered and if so, what conclusions were drawn? [see also Question 10 to the Parish Council]

Questions for Bedford Borough Council (7)

1. Planning Practice Guidance (PPG) Reference ID: 41-009-20190509 on Neighbourhood Planning advises that ‘where a neighbourhood plan is brought forward before an up-to-date local plan (i.e. the Local Plan Review) is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan’. Could the Borough Council confirm that such discussions have taken place and summarise any conclusions that were drawn?

2. Can the Council confirm that the Development Plan for the Borough (as it applies to Wootton) comprises the Bedford Borough Local Plan 2030 (BBLP30); the Allocations and Designations Local Plan 2013; the Bedford Local Plan 2002; the Policies map; and the Minerals and Waste Local Plan Strategic Sites and Policies 2014?

3. Can the Council confirm the current timetable for the publication of the draft Bedford Local Plan Review?

4. Although the Borough Council was not involved in the site selection process itself, can the Council confirm that, having read the Site Assessments Report (by APC Planning), it has not identified any

significant flaws in the methodology used or the conclusions drawn? (see my Question 5 to the Parish Council).

5. In the Borough Council's response at Regulation 14 stage (see Appendix G of Consultation Statement), with regard to policies W4 (land south of Keeley Lane) and W6 (Land at Tinkers Corner), it strongly advises that both sites should be removed or reduced to a nominal number. I have been unable to access a copy of the pre-submission version of the WNDP but do sites W4 and W6 correspond to sites W4 and W5 in the submitted Plan? If that is the case, can the Borough Council confirm that it is satisfied with the justification for and current wording of what are now policies W4 and W5?

6. In the Borough Council's response at Regulation 14 stage (see Appendix G of Consultation Statement), with regard to land on south side of Keeley Lane (then policy W7), it states that because of 'well preserved ridge and furrow earthworks' the Historic Environment Team (Archaeology) of the Council would be likely 'to object to a planning application for development at this site'. Firstly, am I correct in assuming that the site that was subject to policy W7 in the pre-submission Plan is the same as that which is now addressed in policy W6? Taking into account the Archaeological and Heritage assessment (July 2019) attached to Regulation 16 Representation Reference 35, are the Borough Council now satisfied with the justification for and current wording of what is now policy W6?

7. Can the Borough Council confirm that it has provided constructive comments on the emerging WNDP prior to submission and that in its opinion the WNDP meets the Basic Conditions (see PPG Reference ID: 41-067-20140306)? In particular, one of the Basic Conditions¹ relates to development contributing to the achievement of sustainable development. Is the Council satisfied that the policies in the WNDP will appropriately achieve that objective?

Questions for Wootton Parish Council (22)

1. Why does the WNDP not include a specific reference to the relationship between the Neighbourhood Plan and the current Local Plan 2040 Review? According to the Borough Council's web-site² the adoption of the Local Plan 2040 Review is scheduled for December 2023 and yet the mid-period review of the WNDP is not anticipated to start before 2024/2025 (see paragraph 109 of the WNDP). There may therefore be a significant period of time when the policies of the WNDP could be in conflict with those in the up-dated Local Plan. Although there is no requirement to review a Neighbourhood Plan, an up-to-date plan is likely to be of more value to the decision-making process. Where policies have been in force for some time, other material considerations may be given greater weight in planning decisions, as the evidence base for the Neighbourhood Plan becomes less robust.³ On that basis, could the Parish Council reconsider its approach to the timetable for a review of the WNDP and towards consequent monitoring as set out in Section V (page 39)?

2. The advice in PPG Reference ID: 41-103-20190509 states that 'neighbourhood planning bodies are encouraged to plan to meet their housing requirement and where possible exceed it'. On that basis, could the Parish Council explain the justification for supporting the allocation of land for up to 105 homes, rather than the 145 dwellings which are referred to in paragraph 60 of the WNDP?

3. This figure of 105 represents about a 27% decrease in proposed housing provision, from the potential 145 units. In the last sentence of paragraph 60 of the WNDP this is referred to as a marginal reduction.

¹ Paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

² Appendix 5 of Appendix A of LDS dated February 2021.

³ PPG Reference ID 41-084-20190509.

Firstly, can the Parish Council explain the use of the words ‘marginally reduced’?

Secondly, can the Parish Council explain the relationship between the 105 dwellings proposed and the need to meet (and possibly exceed) housing need?⁴

4. What is the justification for including the bullet point in policies W3, W4, W5, W6 regarding developer contributions to both public transport and education transport? Is it reasonable to require both contributions, and in any event the wording lacks clarity because it refers to making contributions ‘if required’? How would a developer know what is ‘required’ and when?

5. Paragraph 174 (b) of the NPPF (2021) refers to the need to recognise the ‘economic and other benefits of the best and most versatile agricultural land’. Can the Parish Council summarise how this factor has been addressed in the consideration of potential housing sites? In particular, I note that in the Site Assessments Report it is stated that the ‘grade of agricultural land is unknown’ for all the sites which involve agricultural land. How has this issue been addressed?

6. There are references to heritage assets in policies W1(c) and in the housing allocations under policies W3, W4, W5, W6 and W12. However, it is not until paragraph 102, under policy W19, that reference is made to the Village Design Statement (VDS) which identifies the heritage assets in question. Whilst I accept the VDS is attached as an Appendix to the WNDP, the plans on pages 7 and 8 of that document identifying the heritage assets are far from clear. Bearing in mind the importance attached to the protection of heritage assets, I consider that a plan should be included within the body of the WNDP which clearly identifies and names all the heritage assets in the Parish. Such a Plan should be cross-referenced in all the appropriate policies. Is there any reason why this cannot be satisfactorily achieved?

7. I could find no reference in the WNDP to the Bedford and Milton Keynes Waterway Park. Is there any reason to include such a reference?

8. Regulation 16 Representation Reference 14 (Adams Hendry) suggests that there should be a greater recognition of the relationship between Wootton and the East West Rail route, particularly in terms of potential cycle and pedestrian links from the Parish to an existing/proposed station. What are the views of the Parish Council on the suggestion, at this stage in the evolution of the railway project?

9. It is an aspiration of the Parish Council to improve accessibility, particularly for pedestrians and cyclists (see page 38 of WNDP). Is the Parish Council satisfied that this can successfully be achieved without harm to the character and appearance of the area?

10. It is claimed in Regulation 16 Representation Reference 24 (Emery Planning on behalf of Hollins Strategic Land LLP) that they have been excluded from the WNDP process (paragraph 3.4):

- What opportunities have been available for Emery Planning to discuss with the Steering Group (and the wider public) the potential for development on land to the west of Wootton Upper School, Hall End Road; and
- Paragraph 3.6 of the Representation confirms that the Borough Council forwarded details of the site to the Steering Group in 2019 (two years prior to publication of the submission version of the WNDP in June 2021). Is this correct and have the merits (or otherwise) of the site consequently been assessed by the Parish Council?

11. Has the Parish Council considered the identification of reserve housing sites, thus introducing greater flexibility into the WNDP?

⁴ PPG Reference ID: 41-103-20190509 of Neighbourhood planning guidance.

12. Regulation 16 Representation Reference 37 refers (in paragraph 3.5) to planning permission being granted for 600 dwellings on the east side of Cranfield Road in 2016. Could the Parish Council up-date me with regard to the implementation of that permission and any implications it may have had in the assessment of potential housing sites?

13. In Regulation 16 Representation Reference 36 (Savills) it is suggested that there are errors in the plan regarding policy references (i.e. four references to Policy W12, which they believe should refer to Policy W10). Could the Parish Council confirm whether the policy references are incorrect?

14. Paragraph 62 of the WNDP refers to the provision of 17.53ha of open space. Policy W3 requires 3.56ha of open space but there is no reference to open space provision in the allocations W4, W5, and W6. Policy W10 refers to 15.97ha of open space on land between Keeley Lane and Hall End Road (making a total of 19.53ha). It is not clear to me how the total of 19.53 ha will be achieved. Paragraph 82 of the WNDP places the onus on the Local Planning Authority to secure the open space but there is no indication if this can be achieved or over what timescale. Bearing in mind it is a stated objective to ensure that new housing 'provides for appropriate and proportionate open space and recreation facilities' (objective 3e) on page 19), could the Parish Council explain the process for securing the open space and why there is no reference to the other housing sites (W4, W5, and W6) contributing to open space provision? Could it also be confirmed that the total provision should be 19.53ha and not 17.53ha? (See also Representation Reference 36 from Savills regarding hectarage).

15. It is not clear to me who owns the four parcels of land designated as local green space in policy W9. I could see no reference to ownership in the Green Infrastructure Plan. Can the Parish Council confirm that the owners of that land (assuming it is not the Parish Council) have been advised accordingly about the proposed designation, in accordance with the advice in the PPG on open space, sports and recreation facilities, public rights of way and local green space?⁵

16. Can the Parish Council confirm that policy W11 – Protection of Views is only applicable to public views?

17. Criterion c of policy W12 requires proposals to 'be designed to the size and shape of the building plot'. This could be interpreted as meaning that the whole plot should be built on. Bearing in mind policies should be clear and unambiguous⁶ can consideration be given by WPC as to how this requirement could be clarified?

18. How will requirement h) of policy W12, regarding the accommodation of changing lifestyles and technologies, be implemented?

19. At the end of policy W13 there is an 'or' included. Is this an error or should there be a criterion c)?

20. Why is the provision of superfast broadband (policy W15) supported only for major development (i.e. 10 or more dwellings)?

21. Are there any brownfield sites within the village that might be suitable for development and if so, what consideration has been given to the allocation of such sites for housing?

22. Policy W18 is a list of community aspirations rather than a policy for the development and use of land.⁷ They need to be clearly identified as such and it should be confirmed that they will not form part of the statutory development plan. This may best be achieved by including them within the text of the document, rather than in a policy.

⁵ PPG Reference ID: 37-019-20140306.

⁶ PPG Reference ID: 41-041-20140306.

⁷ PPG Reference ID: 41-004-20190509.