

EXAM 131:

Inspectors' letter to the Council following the further Hearing Sessions in December 2020

29th January 2021

Central Bedfordshire Local Plan 2015-2035

A great place to live and work.

Examination of the Central Bedfordshire Local Plan

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29 January 2021

Dear Ms Danby,

Examination of the Central Bedfordshire Local Plan

1. At the further hearing sessions in December 2020 we committed to providing our views on a number of soundness matters and direction on the way forward for the examination. This is set out below.

Strategic Sites

North of Luton – Policy SA1

2. The route of the proposed M1-A6 link road has now been established following the approval of planning permission in January 2020. For the most part, the northern boundary of site SA1 reflects the route of the proposed link road.
3. In the north-east corner of the allocated site, the link road is intended to join the A6 to the south of George Wood. In doing so, it would leave a parcel of land beyond the road, severed from the remainder of the allocation.
4. Having considered the additional information provided, and explored the issue at the hearings, we consider that the link road would represent a clearly defined, long-term and defensible boundary to the remaining Green Belt in this location. It would be an easily recognisable northern boundary to Luton. In order to ensure that Policy SA1 is justified and effective, we therefore agree with the Council that the boundary of the site should follow the approved route of the link road.

5. It is common ground between the Council and the site promoters that removing this parcel of land would reduce the number of dwellings which could be accommodated on the site, from around 4,000 to roughly 3,600. The exact number of new homes will be determined by the detailed design process at the planning application stage. A Main Modification is therefore required to amend Policy SA1 to refer to 'approximately 3,600' dwellings.
6. As you will recall, discussion at the reconvened hearings also turned to the issue of the 'eastern bowl'. The Council's previous position, as agreed with Historic England and Natural England, was that no development should take place within this part of the site to mitigate the impact of development on the Chilterns AONB and its setting and nearby designated heritage assets. The latest Statement of Common Ground between Central Bedfordshire Council ('CBC') and the North of Luton Consortium (dated November 2020) now suggests that some development could take place within this area.
7. For the reasons set out in the supporting evidence, this is clearly a sensitive part of the site. However, with the addition of suitably worded policy criteria, we agree with the Council that the type and amount of development, its scale, layout and design could be adequately controlled through the master-planning process. For effectiveness, the criteria should therefore be expanded to be clear what is required for development in the eastern bowl, as suggested in the November 2020 Statement of Common Ground. Consequential changes will also be required to illustrate the extent of the 'eastern bowl' on the submission version policies map.

East of Arlesey – Policy SA3

8. Further evidence to support the scale of development proposed at Arlesey has been provided by the Council and was discussed at the latest hearing sessions. This includes a signed Statement of Common Ground between CBC and Fairfield Parish Council.
9. One of our primary concerns with Policy SA3 was the potential for coalescence between Arlesey and Fairfield. In response, the new information suggests how the policy could be modified and presents three options.
10. Having discussed the options at the recent hearings, we can see the merit in retaining the site boundary as submitted (Option 1). However, in order to prevent coalescence, Main Modifications are necessary to Policy SA3 to confirm that no development must take place beyond the National Grid gas pipeline running through the site (other than for sports, recreation, leisure or agricultural uses). For the same reasons, a Main Modification is required to confirm which areas must be retained as open agricultural land and which areas shall be used for leisure and/or sports provision. For effectiveness, the different areas will also need to be illustrated on a map.

Sundon Rail Freight Interchange – Policy SE1

11. You will recall from our initial findings that there was insufficient evidence to justify the exceptional circumstances necessary to alter the Green Belt boundary at Sundon. We were not convinced that, in the absence of a wider

and more comprehensive assessment, this was the only realistic location for a new rail freight interchange.

12. In response, the Council has submitted Examination Document EXAM 107, which includes an Alternative Site Assessment. Our full findings on this matter will be set out in our final report. However, for the purpose of progressing the examination, in principle we are now satisfied that there is sufficient information to justify the allocation.

Holme Farm, Biggleswade – Policy SE3

13. As submitted, Policy SE3 would result in two separate sites connected by a narrow access road leading to a contrived boundary. In Examination Document EXAM 69, we also identified concerns that the size, location and type of development proposed would result in a visually prominent site that would spread a significant distance to the south of Biggleswade, resulting in a linear development harmful to the character and appearance of the area.
14. Examination Document EXAM 112 suggests how our concerns with the site boundary, legibility and accessibility could be addressed. The additional work justifies why these changes are necessary for soundness, and on the whole, we broadly agree with the conclusions and recommendations therein.
15. However, the suggested changes do not yet address our concerns regarding the extent of development proposed to the south of Biggleswade. In particular, the potential to create a linear form of commercial development extending a significant distance to the south of the town adjacent to the A1. Similar concerns regarding the potential visual impact of such a linear extension to Biggleswade were also identified by the Council's Landscape Officer in Examination Document EXAM F02.
16. To mitigate against the harmful effects of large-scale warehousing extending so far south, we consider that it is necessary to restrict development in the southernmost parcel of the site (roughly the area identified as Parcel 4c on the indicative masterplan). An alternative way of making the Plan sound (as opposed to deleting this parcel) could be to include an additional development requirement in Policy SE3. This could, for example, include a requirement for the masterplan to include a landscaped or open area around Parcel 4c, and provide a transition between the proposed development and the countryside beyond.
17. We therefore invite the Council to suggest for our consideration how Policy SE3 could be modified in such a way that the harm identified above would be avoided, and the allocation justified.

Marston Gate Expansion – Policy SE2

18. Our initial findings concluded that the extent of site allocation SE2 was not justified due to the harm that would be caused to the landscape character of the area. In response, the Council submitted further evidence contained in Examination Documents EXAM 112 and EXAM 106 setting out a series of proposed mitigation measures. They include changes to building heights, roof profiles, the appearance of new buildings and proposed off-site planting.

19. The Council and site promoters have clearly given very serious, and detailed consideration to our concerns expressed in Examination Document EXAM 69. However, the proposed mitigation measures do not significantly reduce the overall quantum of built development or the likely footprint and distribution of large-scale, strategic warehouse buildings across the site. Specifically, development is still proposed in the northernmost part of the allocation (Zone 3), which includes rising ground on the slopes of the Greensand Ridge. As previously advised, due to the topography of the site, its prominence and the size and type of development proposed, the allocation would have a significant visual impact. The extent of modern warehouse buildings proposed at the foot of the Greensand Ridge would be harmful to one of the defining landscape features of the area.
20. At the hearing sessions we discussed the importance of site levels and topography. In order to create a level terrace to accommodate new development in Zone 3, significant groundworks, including reprofiling and areas of mounding would be required. In our opinion, this would be an uncharacteristic feature that would exacerbate the harmful visual impact of large-scale warehousing in this location. Based on the evidence provided, the design parameters suggested by the Council would not be sufficient to adequately mitigate the harm to the landscape character of the area caused by the type and scale of development at the foot of the Greensand Ridge.
21. The additional evidence and Main Modifications suggested by the Council have also sought to mitigate the impact of new development on nearby heritage assets. But the 3m reduction in height would not be apparent from longer distance views. In particular, when viewed from the higher ground around the Grade II listed Round House and the medieval Ringwork (a Scheduled Ancient Monument), warehousing would be seen extending a significant distance across the valley. As Historic England points out, the Ringwork is a defensive structure on raised ground with views out over the valley. The rural landscape is part of the historic context of the site and contributes to its significance. The scale and quantum of strategic warehousing proposed as part of site SE2 would therefore also detract from the significance of the scheduled Ringwork. Although this harm would be less than substantial, it would still be material.
22. We have reached a similar conclusion in respect of Segenhoe Manor, a Grade II* listed 18th century country house near Ridgmont village. The house is set on rising ground with panoramic views towards the allocation site to the north. The rural landscape, including views towards the Greensand Ridge is part of the setting of the house, which is largely uninterrupted by the M1 motorway which runs through a cutting in this location. Whilst restricting the height of the proposed buildings would reduce the visual impact of the development, Examination Document EXAM 106 confirms that the upper level of the proposed development would still be visible from the first floor of Segenhoe Manor, with a longer section of roofline visible from upper floors.
23. The proposed mitigation also includes off-site planting. But this would take time to mature. Although such measures would have some effect in reducing the visual impact in the medium to longer term, filtered views would still be possible, particularly in the winter months. We are therefore

not convinced that the mitigation proposed in Examination Document 106 would be effective. When viewed in the context of its surroundings, the introduction of substantial new warehousing on the rising ground of the Greensand Ridge would cause material harm to the setting of the Grade II* listed building, and thus its significance as a designated heritage asset.

24. In order to overcome this issue, we consider that it is necessary to restrict development taking place on the rising ground of the Greensand Ridge. This could be achieved by amending the site boundary to remove areas of rising ground from the allocation, or, modifying Policy SE2 to define areas of the site where built development would be acceptable and areas which should remain open. In response to this letter, we therefore invite the Council to suggest for our consideration how the Plan could be modified in such a way that the harm identified above would be minimised.

Former RAF Base, Henlow – Policy SE4

25. It is common ground between the Council and the Defence Infrastructure Organisation ('DIO') that there is no demand for up to 85 hectares of specialist high-technology, science and research and development uses at RAF Henlow. As submitted, Policy SE4 is neither effective nor justified. However, we have set out previously our concerns with deleting the site completely in order to rectify this soundness issue.
26. An alternative means of making the Plan sound would be to identify RAF Henlow as a significant facility in the countryside under Policy EMP5. This essentially reflects its current allocation in the *Core Strategy and Development Management Policies DPD*.
27. As requested at the hearings, the Council and the DIO have sought to agree common ground on revised wording for Policy EMP5. This is set out in Document EXAM 130 which has been published on the examination website.
28. Deleting Policy SE4 and identifying RAF Henlow as a significant facility in the countryside requires a Main Modification to the list of sites in Policy EMP5. For effectiveness, and because it is highly likely that RAF Henlow will come forward for redevelopment during the plan period (unlike some of the other EMP5 sites), additional supporting text is also necessary as suggested by the Council in Examination Document EXAM 130. Subject to the addition of the supporting text, it is sufficiently clear that RAF Henlow is due to be vacated by 2023, and at that point, will be available for redevelopment for non-military uses.

Small and Medium Sites

Harlington – Policy HAS20

29. It has now been demonstrated that the necessary school in Harlington can be accommodated within site HAS20 without the need to extend the site boundary. This is facilitated by, amongst other things, contributions towards off-site sports pitches in lieu of on-site provision. A Main Modification is therefore necessary to require relevant contributions towards upgrading sports pitches nearby.

30. Our initial findings also raised concerns with highway and pedestrian safety. In response, an Access Strategy has been prepared (Examination Document EXAM 113E) which proposes a number of highway improvements. The Highways Authority has confirmed that the measures on Station Road and Toddington Road would overcome the concerns expressed. Having assessed the Strategy, we have no reason to disagree with this view and are now satisfied that an acceptable and safe arrangement can be achieved through the planning application process.
31. However, the issue of parent parking remains. Whilst there would be a requirement to provide a school travel plan, there is still likelihood of parents parking on Westoning Road when dropping off/picking up their children. This would lead to congestion and potential highway safety concerns. In finalising the Main Modifications, it is therefore necessary to include a policy requirement to make appropriate provision for parent parking. The final detail would be for the planning application process to determine.

Hockcliffe – Sites HAS24, HAS25 and HAS26

32. In response to our initial findings, the Council has suggested that site HAS24 should be removed from the Plan. We agree with the Council's conclusion. To ensure that the Plan is justified, site HAS24 should therefore be deleted, with consequential changes required to the submission version policies map.
33. During the hearings in 2019, the Council confirmed that additional modelling work had been done to determine the extent of flooding on sites HAS25 and HAS26. In our initial findings, we raised concerns that without knowing exactly what each site will deliver, it was not possible to reach a conclusion on whether or not exceptional circumstances exist to release the sites from the Green Belt.
34. Examination Document EXAM 92 concludes that on-site flood mitigation can be provided for sites HAS25 and HAS26. The January 2020 information confirms that the sites can provide around 14 and 27 dwellings respectively. Whilst recognising that the sites are still capable of some development, the Council's position is that due to the reduced capacity, the exceptional circumstances no longer exist to justify their release from the Green Belt.
35. However, combined the sites would still provide approximately 41 new houses in Hockcliffe. The spatial strategy also supports growth in the Area A villages, and the sites are within the Luton Housing Market Area where the Plan seeks to provide additional homes to help meet Luton's unmet need. Unless the Council has any further reasons to delete the sites, we do not consider that their removal is necessary for soundness. The allocations should therefore be retained in the Plan, albeit with a reduced site capacity. For effectiveness it will also be necessary to include a requirement to carry out a site-specific flood risk assessment and any mitigation as required.

Shillington – Site HAS45

36. We agree with the Council's conclusion regarding the deliverability of HAS45 and the subsequent need to reduce the site area and dwelling capacity. A consequential change will also be required to the submission policies map.

Housing Needs

Affordable Housing – Policy H4

37. At the further hearing sessions, discussion took place regarding the suggested Main Modification to remove bullet point 4 from Policy H4. Having now reflected on this matter, our opinion is that the requirement is sound, and therefore the Council's suggested change is not necessary.

Custom and Self-Build Housing – Policy H7

38. Examination Document EXAM 93 includes a suggested Main Modification requiring proposals of 10 dwellings or more to deliver a minimum of 10%, and no more than 20% of a site's capacity as custom and self-build plots.
39. In response to the hearing sessions in 2019, further evidence has been provided to justify the minimum figure of 10%. However, reference to 'no more than 20%' lacks justification. The requirement is also ineffective as it remains unclear exactly what developers will be expected to provide on-site. Policy H7 should therefore be modified to specify that qualifying proposals must provide a minimum of 10%. This is in addition to the other suggested changes, which include greater flexibility for phased developments and confirm how and when plots can be completed by developers.

Housing Standards - Policy H2

40. During the hearings in 2019 we discussed, amongst other things, the requirement for all new homes to meet the Nationally Described Space Standards. Reference was made to Table 5.2 in Examination Document C18 (Local Plan Viability Assessment) which shows the actual size of some new homes built across Central Bedfordshire.
41. In finalising the list of Main Modifications required to the Plan, we have reviewed Table 5.2 once more. However, it appears to show that new homes built across Central Bedfordshire have either met, or exceeded, the minimum technical housing standards? In responding to this letter, we would therefore be grateful if the Council could clarify the position and point to evidence to justify the requirement in Policy H2.

Conclusion and Next Steps

42. We trust that the necessary changes identified above are all self-explanatory, and that you are able to accommodate the amendments into the schedule of Main Modifications already in preparation.
43. Where we have asked the Council to suggest further changes for our consideration in refining Policies SE2 and SE3, we trust that the reasons are sufficiently clear and that further Main Modifications can be suggested without the need to prepare any extensive new evidence. The Council and participants should note that these comments do not represent our full findings on these matters, which shall be set out in the final report having considered any representations made during consultation on the Main Modifications.

44. In terms of moving forward, we fully appreciate the difficulties facing the Council at present due to Coronavirus restrictions. It is for this reason that we have not set a deadline for responding to this letter. However, it may assist the examination for the Council to provide an indicative date for responding with further suggested modifications to Policies SE2 and SE3 in particular.
45. In the meantime, should you have any questions, please do not hesitate to contact us through the Programme Officer. We have asked the Programme Officer to upload a copy of this letter to the website for those following the examination, but we are not seeking any comments from participants at this stage, nor do we envisage accepting any.

Yours Sincerely,

Matthew Birkinshaw and Helen Hockenhull

Inspectors