

SUBMISSION VERSION
NEIGHBOURHOOD PLAN for CADDINGTON & SLIP END

EXAMINER'S DISCUSSION NOTE FOR HEARING

1. I began my examination of the Caddington and Slip End Neighbourhood Plan (CaSENP) by reading through the Plan itself and the submission documents. During this process a number of matters troubled me. I then turned to the consultation responses and found that a number of the matters were picked up in these. For convenience, at Appendix 2 I set out extracts from consultation responses that will be useful in the discussion that I will lead.

2. In dealing with the following matters, I have had regard to the guidance that the examination is intended to be carried out with a 'light touch'. Whilst it is clear that 'light touch' certainly is far short of making a judgement about 'soundness' (as in the examination of a Local Plan), I will be interested to hear, during the course of this hearing, from any participant who considers that I am departing from the 'light touch' approach.

THE BASIC CONDITIONS

3. I will deal with my concerns for each of the Basic Conditions that must be met.

Have regard to national policy and advice issued by the Secretary of State

4. The Basic Conditions Statement of February 2017 sets out in Table 2.1 the objectives identified in the CaSENP and how these address the National Planning Policy Framework (NPPF) goals. As one might expect, these objectives are phrased in fairly general terms, including frequent use of phrases such as "will be supported and enhanced" and "will be protected and improved". For the most part I do not quarrel with the content of Table 2.1. However, whilst the third objective, dealing with the provision of new housing, can be viewed as helping to meet the NPPF goal of delivering a wide choice of high quality homes, the second part of the objective suggests an approach that is narrower than the NPPF goal.

5. Table 2.2 then looks at each of the CaSENP policies and assesses their conformity with the NPPF. Here, following from my remark at the end of my previous paragraph, I will pick out the three policies dealing with housing matters: Policies CASE1, CASE13 and CASE14. In my opinion, addressing the needs of older people, policy CASE1 (which I note is the only policy in the Housing Needs section of the plan), dwellings specifically designed to address older persons' needs (CASE 13), and again emphasising older peoples' needs (CASE14), cannot be said to respond to one of the government's major objectives: to "boost significantly the supply of housing" (NPPF paragraph 47). This imperative of government policy obviously goes well beyond dealing with older persons' needs, and includes affordable housing, family housing and simply boosting the total supply.

6. In addition to these housing supply points, I see that one of the evidential documents provided to me is the Housing Needs Survey Report which the Steering Group commissioned. This drew conclusions and made recommendations about the need for affordable housing, including an assessment of the needs of people with local connections, drawing attention to a 'rural exception site' as a suitable way of meeting the need, and the

usefulness of market housing in supporting such development. Whilst this survey cannot be anything more than a possible input into a formal objectively assessed need for the housing market area (which seems not to have formed any part of the preparation process of the CaSENP – of which more shortly), it does not seem to have informed policy formulation. This is in spite of the fact that in the introduction to the survey it states “The survey aimed to assess the need of local people for affordable housing which could be brought forward through a Rural Exception Site development....” (and for wider market housing), which presumably was the subject of the commission.

7. In the Basic Conditions Statement, after the Introduction, section 2 is headed “Conformity with National Planning Policy and cites elements from the NPPF. However it is silent on the aspect of the first Basic Condition that is conformity with “*advice issued by the Secretary of State*”. I take this advice to include the government’s Planning Practice Guidance (PPG).

8. In consultation responses (see my Appendix 2), concern is raised about a lack of robust evidence, pointing out that the government’s PPG is clear at paragraph 040 that whilst “there is no ‘tick box’ list of evidence required for neighbourhood planning” the Neighbourhood Plan must ensure that “proportionate, robust evidence should support the choices made and the approach taken”. In representations submitted regarding the Draft CaSENP in July 2016 concern was raised about the process of site selection and assessment. It appears that those concerns have not been addressed and the representations submitted in 2015 and 2016 regarding the land at Caddington Brickfields have been completely ignored. (JLL for Caddington Brickfields)

9. We will discuss these matters, taking into account the consultation responses outlined in Appendix 2 below.

Contribute to the achievement of sustainable development

10. Here I refer to the document “Sustainability Appraisal incorporating Strategic Environmental Assessment”. I have concerns about the Sustainability Appraisal that reflect matters set out in representations. These include the extent to which sites have been assessed and the outcome of the assessment.

11. As to the extent to which sites have been assessed, within section 14, entitled Assessment of Neighbourhood Plan Policies, there suddenly appears paragraphs 14.5 to 14.8 that deal with sites put forward for consideration as development sites. Apart from the fact that this is not in context with the section heading, it is also difficult to find. However, it makes clear that in total 32 sites were put forward for consideration, although it then states that of these 4 were not put forward for development. Understandably these were excluded from further consideration. Paragraph 14.6 then refers to the remaining 26 sites – although 32 minus 4 should leave 28. But more to the point, this paragraph explains that those that were separated from the settlements of Caddington and Slip End – as defined by the green belt boundaries – were excluded on the basis that they would represent unsustainable locations. In total 14 sites were excluded on this basis.

12. This seems to me to be inadequate reasoning, particularly as one site within the Green Belt has gone on to be a “Site Allocation”: Policy CASE14 (subject to removal from the Green Belt through the Central Bedfordshire Local Plan process. Furthermore, the document entitled “Site assessment

methodology & web-based consultation” ends at site CS27 although the separate “Site Assessment Matrix and Overall Assessment” document includes assessment of sites CS29 and CS30. This does not lead to the conclusion that the Sustainability Appraisal has been conducted in a satisfactory, methodical and comprehensive manner.

13. Turning to take some examples of the outcome of the assessment, I particularly focus on sustainability theme 5 ‘Social – Housing’, since it is not appropriate for me to undertake a full-scale examination of soundness. On pages 49 and 50 the selected sites are marked against their impacts on the various themes. In the row for theme 5, 2 sites (sites CS9 and CS18) are given ++ dark green. Site CS9, in the Summary of appraisal column, is described as “would make a significant contribution to housing supply, including affordable housing”. However, sites CS4, CS11, CS18, CS27 and CS29 are all described as “large in scale and would be able to make a contribution towards housing supply, including affordable housing”. In spite of being “large’ they are not described as being able to make a “significant” contribution and, except site CS18, they are given a + mid-green. There is no apparent logic for the differential between + and ++. In addition, sites CS3, CS12, CS13, CS17 and CS30 are discounted to 0 white on the basis of limited or no possibility of providing affordable housing, yet as housing sites it is difficult to see that they provide “no impact or neutral impact on the sustainability objective”. I will just add to these examples, some comments that seem misplaced in the ‘Summary of appraisal’ column:

- in row 1 Environment – Biodiversity, the final comment is “The most suitable sites are those which are closest to the settlement boundary, which would reduce the use of the private car;
- in row 2 Environment – Landscape, sites CS17 and CS18 are given – dark red, seemingly on the basis that there is potential contamination on them – but their development and removal of any contamination, as would most likely be required, might be beneficial in terms of landscape;
- in row 6 Economy, site CS27 is noted as being promoted for employment (and thus given credit) but this does not seem to have affected the + score in the housing row above;
- also in row 6, sites CS8, CS10 and CS14 are noted as large sites likely to be able to accommodate mixed uses including employment in close proximity to either Caddington and Slip End centres, but are given the same mark as sites CS3, CS12, CS13, CS17 and CS30 which are noted as having limited or no opportunities for employment;
- two minor matters – in the blue top banner to the table, CS10 is said to be CASE10, but is CASE13, and in row 9 site CS14 is given a pink 0 which presumably should be white 0.

Be in general conformity with the strategic policies in the development plan for the local area

14. As is well rehearsed in the documentation, the current development plan is the 2004 South Bedfordshire Local Plan Review (or at least the saved policies of that plan) and the 2014 joint Minerals and Waste Local Plan: Strategic Sites and Policies (with Bedford and Luton Boroughs). Nothing before me suggests that the latter has relevance to my examination of the CaSENP.

15. I set out at Appendix 1 a document extracted from Central Bedfordshire Council’s website entitled Policy Coverage – A guide to relevant policies. Appendix 1

is an extract from that document which shows its content and Table 5 that sets out the saved policies that are relevant to this part of the Council's area.

16. It is not entirely straightforward to determine what are the 'strategic policies' in Table 5, since they are not identified as being strategic or otherwise.

17. Paragraph 156 of the NPPF provides the following guidance:

"Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver:

- *the homes and jobs needed in the area*
- *the provision of retail, leisure and other commercial development*
- *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)*
- *the provision of health, security, community and cultural infrastructure and other local facilities*
- *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape"*

18. Bearing in mind this list of matters that strategic policies should deal with, I suggest that the strategic policies saved from the 2004 Local Plan might be considered to be:

SD1	Sustainability Keynote Policy
GB2	Major Developed Sites in the Green Belt
GB3	Green Belt Villages
GB4	Safeguarding Land for Long-Term Requirements (White Land)
NE3	Superseded by the Landscape Character Assessment Control of Development in the Areas of Great Landscape Value (AGLV)
NE10	Diversifying the Use of Agricultural Land
NE12	The Re-Use and Adaptation of Rural Buildings
T4	Public Transport Services along Former Luton/Dunstable Rail Line
H1	Making Provision for Housing and Accompanying Schedule of Proposed Housing Sites
H2	Making Provision for Housing via 'Fall-in' Sites
H3	Meeting Local Housing Needs
H4	Providing Affordable Housing
H5	Providing Affordable Housing in Rural Areas
E1	Providing for B1-B8 Development within Main Employment Areas (Category 1)
TCS7	Local and Village Shopping Facilities
R8	Proposed Area of New Urban Open Space in Caddington

R14	Protection and Improvement of Informal Recreational Facilities in the Countryside
R15	Retention of Public Rights of Way Network
R16	Control of Sport and Formal Recreational Facilities in the Countryside

19. Table 4.1 of the Basic Conditions Statement sets out "Relevant policies in the 2004 South Bedfordshire Council Local Plan Review Policies", which are GB3, NE10, H3, TCS7, R14 and R16; and paragraph 4.3 states that "Any policy that is not identified in Table 4.1 is not considered to be relevant to the CaSENP because the CaSENP does not have any policies that directly relate to it."

20. I have been considering whether there is a possibility that there are 'strategic' local plan policies that have not been reflected in the NP policies, and as a result it may be that the NP is not "in general conformity with the strategic policies in the development plan for the local area.": for example Policy H4 and H5. At this point I seek to benefit from the views of others.

21. Next I must come to what is likely to be a rather more important matter.

22. There is nothing in the material before me that tells me the extent to which Central Bedfordshire Council and the Parish Councils have worked together in the preparation of the CaSENP. This is particularly important bearing in mind the age of the 2004 Local Plan (referred to as out of date) and the very substantial progress that has been made on the preparation of a new Local Plan for Central Bedfordshire.

23. Advice in PPG states: "A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. **Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:**

a. the emerging neighbourhood plan;

b. the emerging Local Plan;

c. the adopted development plan

d. with appropriate regard to national policy and guidance.

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory

Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. **This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.**" (Paragraph: 009 Reference ID: 41-009-20160211) [My emphasis]

24. On the face of the documentation before me the CaSENP has not benefited from the wealth of evidence upon which the emerging Local Plan is based. In the discussion on this matter I will wish to be informed of the stance of Central Bedfordshire Council and the Parish Councils in this respect.

Not breach, and must be otherwise compatible, with EU obligations, including human rights requirements

and

Not have a significant adverse effect on a 'European site' (under the Conservation of Habitats and Species Regulations 2010).

and

Compliance with any other prescribed matters.

25. I have no issues to raise in regard to these matters. I will listen if there is any point that a participant wishes to raise.



Policy Coverage

A guide to relevant policies

Area	Relevant Development Plan Documents, Policies and other supporting information		Table
North	Core Strategy and Development Plan Policies DPD (November 2009)		Table 1
	Site Allocations DPD (April 2011)		Table 2
	Superseded Mid Bedfordshire Local Plan policies	Certain constraints have CS and DM policies	Table 3
	Saved Mid Bedfordshire Local Plan policies (December 2005)		Table 4
South	Saved South Bedfordshire Local Plan policies (2004)		Table 5
Both	National Policies		
Both	Additional Information	AGLV	

Version	Title/Change	By	Date
1.0	First Edition	NH	Dec 2011
2.0	Additional Information Added	NH	Jan 2011
3.0	Amendment to Site Allocation policy EA4 (Removed as is combined with EA3)	NH	Jan 2011
4.0	Addition of Supplementary Planning and other Documents used for determining applications	NH	Feb 2011
5.0	National Planning Policy Framework replaces all previous PPG/PPS's	NH	Sept 2012
6.0	Removed South Endorsed Core Strategy (Sept 2011) Removed Bedfordshire Structure Plan – Saved Policies Removed Supplementary Planning Documents Rearranged the Table order Addition of Local Plan Saved Polices which have been superseded by the Site Allocations DPD	HB	July 2016

Table 5: South – Saved South Bedfordshire Local Plan policies

Certain policies of the South Bedfordshire Local Plan (adopted 2004) were saved by the Secretary of State on 28 September 2007 and continue to be part of the development plan until the council indicates that they are superseded.

Saved Local Plan Policy	Description
SD1	Sustainability Keynote Policy
GB2	Major Developed Sites in the Green Belt
GB3	Green Belt Villages
GB4	Safeguarding Land for Long-Term Requirements (White Land)
NE3	Superseded by the Landscape Character Assessment Control of Development in the Areas of Great Landscape Value (AGLV)
NE10	Diversifying the Use of Agricultural Land
NE11	Controlling Horse-Related Development
NE12	The Re-Use and Adaptation of Rural Buildings
NE13	Control of Agricultural and Forestry Development in the Countryside
BE6	Control of Development in Areas of Special Character
BE7	Conservation and Enhancement of Historic Parks and Gardens
BE8	Design Considerations
T4	Public Transport Services along Former Luton/Dunstable Rail Line
T7	Controlling the Supply of Public Car Parking
T8	Controlling the Supply of Public Car Parking
T10	Controlling Parking in New Developments
T11	Securing Contributions for Alternatives to Parking
T13	Safeguarding the Routes of Proposed Roads
H1	Making Provision for Housing and Accompanying Schedule of Proposed Housing Sites
H2	Making Provision for Housing via 'Fall-in' Sites
H3	Meeting Local Housing Needs
H4	Providing Affordable Housing

Saved Local Plan Policy	Description
H5	Providing Affordable Housing in Rural Areas
H7	Controlling the Loss of Residential Accommodation
H8	Control of Extensions to Dwellings
H9	Controlling the Conversion of Property to form Dwellings
H10	Control of Agricultural Workers Dwellings
H11	Sub-Division of Agricultural Holdings and Proposals for New Agricultural Workers Dwellings
H12	Controlling Infilling in Villages
H13	Extensions to Dwellings in the Green Belt
H14	Replacement Dwellings in the Green Belt
H15	Mobile Homes and Residential Caravans in the Green Belt
E1	Providing for B1-B8 Development within Main Employment Areas (Category 1)
E2	Control of Development on Employment Land outside Main Employment Areas (Category 2)
TCS1	Sustaining and Enhancing the District's Town Centres
TCS2	Main Shopping Areas
TCS3	Houghton Regis Town Centre
TCS4	Town Centre Regeneration Sites in Dunstable and Leighton Buzzard
TCS5	Houghton Regis Town Centre Enhancement
TCS7	Local and Village Shopping Facilities
R2	Proposed Areas of New Urban Open Space in Dunstable
R3	Proposed Areas of New Urban Open Space in Houghton Regis
R4	Implementation of the Ouzel Valley Park, Leighton-Linslade
R5	Ouzel Valley Park Proposals: North of Bridge Street
R6	Ouzel Valley Park Proposals: South of Bridge Street
R7	Proposed Areas of New Urban Open Space in Leighton Buzzard and Linslade and Enhancement Proposals of Existing Open Space
R8	Proposed Area of New Urban Open Space in Caddington
R9	Proposed Area of New Urban Open Space in Hockliffe

Saved Local Plan Policy	Description
R10	Children's Play Area Standard
R11	Provision of New Urban Open Space in New Residential Developments
R12	Protection of Recreational Open Space
R13	Protection of Recreational Open Space in Rural Areas
R14	Protection and Improvement of Informal Recreational Facilities in the Countryside
R15	Retention of Public Rights of Way Network
R16	Control of Sport and Formal Recreational Facilities in the Countryside

APPENDIX 2

RELEVANT EXTRACTS FROM CONSULTATION RESPONSES

JLL for Caddington Brickfields

Background

The land at Dunstable Road was submitted for consideration as part of the call for sites in April 2015 and representations were made to the Draft Neighbourhood Plan issued in May 2016. At this time the land was referred to as Caddington Oaks but this term has now been adopted for just the land in Parcel 1 as per the plan included as Appendix A in the representation. Parcel 1 is allocated for housing development within Policy H1:19 of the Adopted South Bedfordshire Local Plan. The term Caddington Oaks now relates simply to that smaller area.

The wider area (Parcels 2,3,4 and 5) surrounding this allocated land is now referred to as Caddington Brickfields and includes land in three ownerships. These landowners have agreed to work together with promoter Bedfordshire Land Promotions (BLP) to bring this land forward.

Submissions relating to the land referred to as Caddington Brickfields have been made to each of the Neighbourhood Plan preparation stages and in parallel with this to the emerging district wide Local Plan.

Basic Conditions Tests

Regard to Government Housing Policy

The plan does not though, "boost significantly the supply of housing" (NPPF paragraph 47) which is a key aspect of government policy. The plan does include one allocated site (CASE13 Land at the Former Heathfield School) but this only provides for "approximately 100 dwellings specifically designed to address older persons' needs". This focus on the elderly population is supported. However, one allocation of a site which could generally have been delivered through the normal development control process based on existing and emerging local plans does not, we believe, constitute a significant boost.

The plan also identifies land at Rear of Slip End School (CASE14) as a second site suitable for development which would be focused on the delivery of additional education space, along with 120-150

dwellings. The land is all within the Green Belt and the plan acknowledges that there is no need at present for additional school space and therefore, it is hard to understand how “very special circumstances” might exist to release the land from the Green Belt. The CaSENP confirms that a Neighbourhood Plan is not able to amend the Green Belt boundary and that it is for the Local Plan to do this as part of its preparation. Therefore, it is unclear why CASE14 has been put forward at this point in time when the Central Bedfordshire Plan is still progressing and how this site has been selected compared to other sites. It is in no more sustainable a location than that at Caddington Brickfields, indeed there are a greater number of local facilities in Caddington than in Slip End. The site appears to have been selected on the basis that it is council owned and that school and medical facilities might be required without any guarantee that these elements would be provided (or indeed even needed).

Lack of robust evidence

The Governments Planning Policy Guidance (PPG) is clear at paragraph 040 that whilst “there is no ‘tick box’ list of evidence required for neighbourhood planning, the Neighbourhood Plan must ensure that “proportionate, robust evidence should support the choices made and the approach taken”

In representations submitted regarding the Draft CaSENP in July 2016 concern was raised about the process of site selection and assessment. It appears that those concerns have not been addressed and the representations submitted in 2015 and 2016 regarding the land at Caddington Brickfields have been completely ignored.

Site CS15 is referred to in the CaSENP assessment but is not assessed because it is allocated. However, the allocation only relates to a small (3 acre) part of the overall parcel of land (Parcel 1), which error was drawn to the attention of the Neighbourhood Plan Group in both 2015 and 2016. Land which was also included in the 2016 representations and masterplan was not included at all in any assessment. The plan makers are right to assess the merits of sites that are promoted and to consider on balance which should be allocated. However, in this instance the Neighbourhood Plan completely fails to assess sites that have been put forward during the consultation periods and provides no explanation. The lack of consideration of the land put forward to it is clearly contrary to the requirements of the PPG and demonstrates that a thorough and

rigorous assessment of sites being put forward has not been undertaken.

Out of date evidence

PPG Para 40 states that "A local planning authority should share relevant evidence, including that gathered to support its own plan-making, with a qualifying body". Central Bedfordshire has been preparing its local plan and issued in July 2017 its draft plan and supporting evidence. The Green Belt element of this evidence has been considered in the assessment of the Council owned land at Slip End as part of the draft CaSENP. However, this is the only element of the District Council's evidence which is referred to in the CaSENP evidence base.

The District Council's remaining evidence has not been considered in preparing the CaSENP and indeed the scoring of other sites such as that at Caddington Brickfields (site C4 in the Central Bedfordshire Green Belt Assessment) has also been completely ignored.

In addition, the PPG goes on to state that "where they (Neighbourhood Plans) do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need". The CaSENP is based on a 2013 Housing Needs Survey but with no reference to the more recent SHMA undertaken by Central Bedfordshire Council in May 2017 and issued in July 2017. As such the Neighbourhood Plan has failed in that its' housing delivery numbers are not based on the most up to date evidence of housing need.

The CaSENP also includes a Sustainability Appraisal as part of its evidence base. This includes, at Appendix B, a "Summary of relevant plans and programmes". This is supposedly the plans and evidence that have been considered in preparing the plan. The list appears to have been drafted in 2015 and it has not been updated since then. Therefore, policy documents that have been issued or updated since that date and all the evidence prepared by the District Council in supporting its Local Plan have been omitted from the CaSENP's Sustainability Appraisal

Therefore, it would seem clear that the CaSENP is not based on up to date evidence.

Savills for Legal & General Capital

LGC are the owners of 18 hectares of land to the east of Slip End, in the south of the Central Bedfordshire Council (CBC) administrative area and to the west of M1 Junction 10, and are working in collaboration with the Luton Hoo Estate (LHE) who owns an adjoining 1.65 hectares of land. This combined circa 19.6 hectare site is being promoted through the Central Bedfordshire Local Plan (CBLP) as a residential-led extension to the village of Slip End of circa 300 units, referred to in these representations and supporting documents as 'Slip End East'.

Whilst the LHE land was submitted as a candidate site for consideration through the NP process (site reference CS03 The Allotments, Front Street, Slip End) the LGC land was not submitted for consideration. The NP site assessment conclusion was that CS03 was: *'Problematic site as far from key services and facilities in Caddington Village. Not significant in scale to deliver a significant amount of affordable homes. Green Belt Site. Edge of Settlement Location'*. There was no assessment of the LGC land. LGC object to the NP site assessment conclusions regarding CS03 as this land is no further from services and facilities and has a similar Green Belt status to other sites which passed the assessment, namely the land to the rear of Slip End school allocated under NP policy CASE14. Clearly if the CS03 and LGC land are combined as per the LGC CBLP submissions (as shown in the Slip End East vision document), a different score would result as additional services and community facilities could be provided on the site, together with significant levels of both market and affordable homes and large areas of publically accessible open space.

These representations highlight how the strategic planning context provided by the emerging development plan has 'overtaken' the NP process. Whilst the adopted Local Plan is significantly out of date, the emerging development plan has recently progressed through the key Regulation 18 consultation stage (August 2017) and is scheduled for Regulation 19 consultation in December 2017. This has resulted in a rapidly changing dynamic of strategic planning context (supported by a range of new evidence studies) with CBC confirming it *'represents the most up-to-date expression of the intended spatial strategy for Central Bedfordshire'*. In comparison, the NP commenced with a call for sites in 2013 (paragraph 9.1) with key stages of NP preparation completed in February 2015 (the date, for example, of the NP *'Background Evidence and Sustainability Appraisal Scoping Report'*) and with the formal six week consultation of the final draft plan completed in June 2016.

The NP was prepared at a time when the Central Bedfordshire Development Strategy (CBDS) was emerging, but the CBDS was subsequently withdrawn as it failed the Duty to Cooperate requirements. Nevertheless, the NP was taken forward in the absence of any local planning policy framework, and in advance of the CBDS replacement, the Central Bedfordshire Local Plan (CBLP).

LGC and LHE therefore consider that the NP was prepared in the context of a local policy framework that has no status, and in advance of the replacement local policy framework in the emerging CBLP. The NP has consequently progressed through its formative stages in a period when there was a local policy vacuum. The result is that the plan-making process is out of sequence and that the NP, if adopted in its current form, would be a plan with no local policy inheritance, would be out of date the day it was approved, and would need early review.

This is clearly demonstrated through the Regulation 18 Local Plan, which provides as follows:

- In terms of strategic policy direction, this confirms a key option of releasing Green Belt land within the Luton HMA (Area A) through both strategic sites and the expansion of larger towns and villages within the Green Belt to deliver circa 8,000 homes overall, of which 2,000 are to be delivered through the extension to inset Green Belt villages. This is directly relevant to both Caddington and Slip End, which are candidate locations for some of the mooted 2,000 homes.
- In terms of evidence base, the Regulation 18 Local Plan is supported by the following (all released in July 2017): Initial Settlement Capacity Study; Green Belt Study; Sustainability Appraisal (Stage 1); Luton HMA Growth Options Study; Site Assessment Technical Document (which provided interim conclusions on the suitability of ten proposed development sites located within Slip End parish and twenty sites within Caddington Parish); Central Bedfordshire and Luton Strategic Green Belt Review (stage 1 and stage 2). Various elements of the evidence base identify the potential for Caddington and Slip End to accommodate further development, with the Site Assessment Technical Document appraising various candidate development sites that were put forward by developers in response to a Central Bedfordshire 'call for sites' undertaken between February and April 2016. This includes both NP sites and CBLP 'call for sites' submissions.

The following conclusions can be drawn from the above, which together undermine the case that the NP meets the required 'basic conditions':

- The NP was prepared and finalised before the relevant spatial planning framework had emerged, namely the option of the delivery of 8,000 homes from larger Green Belt towns and villages close to Luton, which could include Caddington and Slip End.
- The NP was prepared over the period 2013-2016, well in advance of the release of all the CBLP evidence based documents referred to above (July 2017).
- As a consequence of the timescales, although the CBLP considered a wide range of Sites at Slip End, these were not all considered in the NP.

In summary the NP 'accompanying document' entitled *Green Belt Assessment Paper* (July 2017) (GBAP) includes appendix 1 entitled 'Extract from *CBC Green Belt Study Stage 1 and 2*' (2017). This selective assessment of site CS14 (rear of Slip End School, Slip End) leads the accompanying document to conclude that '*the site can be recommended to be released from the green belt in the draft Caddington and Slip End Neighbourhood Plan*³'. Significantly the NP GBAP also states (paragraph 5.4):

'This site in the green belt has not been assessed against alternative green belt locations because all other alternatives were dismissed because they were considered to represent unsustainable sites for development. This is presented in more detail in the site assessment work which accompanies the Caddington and Slip End Neighbourhood Plan'.

Our submission is that the NP has not considered the full range of sites around the periphery of Caddington and Slip End as promoted through the CBLP (as evidenced by the CBLP Site Technical Assessment Document), including the LGC/LHE site at Slip End East. Whilst a Neighbourhood Plan cannot allocate sites in the Green Belt, it can assess site options and recommend preferred locations in the NP, which in turn would form part of the evidence base for the Local Planning Authority's local plan. In this case, the NP has not assessed the full range of sites in the context of the full range of issues, including the relative and comparable contribution of each site to the purposes of the Green Belt. This has arisen simply because the NP and CBLP are proceeding in tandem rather than in sequence.

BACKGROUND

2004 Local Plan

The South Bedfordshire Local Plan was adopted in 2004, with only the policies saved by the Secretary of State on 28 September 2007 remaining in force. This includes policy GB1, Green Belt boundary and GB3, Green Belt villages. Slip End is identified under GB3 as a category 3 village which is '*a village excluded from the Green Belt and new development and redevelopment will be permitted within the boundaries defined on inset maps E-H and J-L on a larger scale than for category 2 villages (category 3)*'.

Central Bedfordshire Development Strategy

The Central Bedfordshire Development Strategy (CBDS) was submitted for Examination on 24 October 2014, but the CBDS was subsequently withdrawn following the Inspector's finding on 16 February 2015 that it had failed the Duty to Cooperate requirements.

Concern that even if all the potential growth options within Area A- South are taken into account, the CBLP is at risk of falling significantly short of providing for enough housing within the Luton HMA. Concern that the

Local Plan sets out key growth location options and a wide-ranging housing target without identifying individual sites for allocation. We submitted that a further round of public consultation should be completed before, and separate to, the Regulation 19 Consultation, in order to consult on site-specific allocations and help ensure that the CBLP it is likely to be found 'sound'.

THE BASIC CONDITIONS

A National policies and advice

- 1 be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.***

Whilst the NP is certainly trying to achieve what the local community desires, because it is out of step with the emerging CBLP it is not clearly aligned with one of the Government's key priorities, namely increasing the supply of housing land to address the country's significant housing crisis.

- 2 ... be a creative exercise in finding ways to enhance and improve the places in which people live their lives.***

Because the NP has progressed through its formative stages in a period when there was an absence of emerging strategic planning context, it is now arguably out of sequence with the emerging Local Plan. It is at risk of rapidly becoming out of date and requiring an early review. It therefore does not proactively drive development in the same way that would be possible once the strategic objectives of the emerging CBLP are settled and adopted.

- 3 Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.***

Whilst the NP contains allocations for mixed-use development, LGC is concerned that because the NP has progressed through its formative stages in a period when there was an absence of emerging strategic planning context, it is now arguably out of sequence with the emerging Local Plan. It is at risk of rapidly becoming out of date and requiring an early review. It therefore does not proactively drive development in the same way that would be possible once the strategic objectives of the emerging CBLP are settled and adopted.

General conformity with the strategic policies contained in the development plan

In terms of further guidance on 'general conformity', the Planning Practice Guidance (PPG) sets out the following:

When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

i. Whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with.

ii. The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy.

iii. Whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy with out undermining that policy.

iv. The rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.

As stated above, the adopted development plan for Caddington and Slip End comprises the South Bedfordshire Local Plan (2004), with only the policies saved by the Secretary of State on 28th September 2007 remaining in force. The SBLP plan confirms a settlement boundary for Slip End, beyond which a Green Belt designation applies.

The key allocation set out in the NP for Slip End comprises *Policy CASE14: Land to the rear of Slip End School, Slip End*. A review of the NP evidence indicates that this land, which is understood to be in the ownership of Central Bedfordshire Council, does not appear to have been the subject of detailed master planning or other surveys or assessment work to support a conclusion as to its appropriateness for development and delivery. In term of conformity with the SBLP, this allocation is outside the settlement boundary and therefore contrary to adopted development plan policy. To address this issue, the text of the NP policy is as follows:

'Subject to its removal from the Green Belt through the Central Bedfordshire Local Plan process, residential development on land to the rear of Slip End School, Slip End, will be supported subject to the following criteria:

- the provision of approximately 120 - 150 dwellings and;*
- addressing, as appropriate, the requirements of Policy CASE1 in respect of the needs of older people.*
- the provision of land to allow for the future expansion of Slip End School.'*

The NPPF is clear that Green Belt release is a strategic matter, and that Green Belt boundaries *'should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring belong the plan period'* (NPPF paragraph 83). NPs

cannot therefore seek to extend Green Belt boundaries or allocate areas of land for development within existing Green Belts.

The NPPG (Paragraph: 009 Reference ID: 41-009-20160211) contains guidance entitled *'Can a neighbourhood plan come forward before an up-to-date Local Plan is in place?'*. This confirms that whilst an NP can be developed *'before or at the same time as the local planning authority is producing its Local Plan'.....'the local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans.'* In terms of the steps the LPA should undertake, these are *'a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination'.*

As a result LGC are concerned that the NP does not accord with the above NPPG reference: there has not been a proactive and positive approach, evidence has not been shared at the appropriate time, and the plans are at risk of not being complimentary.

In terms of housing needs, the NP is supported by the 'accompanying document' of the *Caddington and Slip End Housing Needs Survey Report* (August 2013). Paragraph 1.1 of the report confirms that *'The survey aimed to assess the need of local people for affordable housing, which could be brought forward through a Rural Exception Site development (see 1.2); and for wider market housing, to be brought forward through the Neighbourhood Plan itself (see 1.3)'*. The report itself recognises *'that the housing needs of local residents will change over time and recommends a further housing needs survey in 5 years time (2018)'*. The conclusions of the report are limited with regards to market housing with no detailed analysis or conclusions beyond that *'Consideration should be given to combining market and affordable housing within rural exception site developments (see 8.1), which would increase the feasibility while ensuring that local people would be prioritised for the affordable element'*. The report methodology does not accord with recent NPPF guidance.

It is clear therefore that the assessment of housing need used for the NP is 4 years out of date and it is not clear how it relates to the most recent SHMA evidence base being used in the emerging CBLP. This conflicts with the PPG which states:

'To reduce the likelihood of a neighbourhood plan becoming out of date once a new Local Plan is adopted, communities preparing a plan should take account of latest and up-to-date evidence of housing need, as set out in guidance.' (Paragraph: 084 Reference ID: 41-084-20160519).

'Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of

whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.' (Paragraph: 009 Reference ID: 41-009-20160211).

'Where a neighbourhood plan is brought forward before an up-to-date Local Plan 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 the adopted development plan with appropriate regard to national policy and guidance'. (Paragraph: 009 Reference ID: 41-009-20160211).

In conclusion, LGC is concerned that the NP does not identify the potential for sufficient sites to ensure that emerging evidence of housing need has been fully taken into account. Therefore, the NP has the potential to conflict with the emerging plan, with the effect that its policies are likely to be overridden by new CBLP Plan and would fail the test contained in NPPG. Under these circumstances, LGC are concerned that the NP may not meet basic condition, *'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)'*.

Summary and Conclusion

The Examiner is therefore requested to consider the need for modifications to the NP to ensure that it is complimentary to, and reflects the reasoning and evidence informing, the emerging strategic planning context provided in the CBLP Regulation 18 Draft (August 2017) and the expected CBLP Regulation 19 Draft (December 2017/January 2018). It is further submitted that this may need to take the form of a delay to the NP process while the CBLP progresses, or the express recognition within the NP of a need for an early review.

jb planning associates for Abbey Land Developments Limited

Abbey Land Developments Limited have a substantial interest in the land that lies to the West of Luton which is identified as a potential growth location by the emerging Central Bedfordshire Local Plan (Regulation 18 public consultation draft), within the area covered by the submission draft Neighbourhood Plan.

This growth location has been promoted as a strategic urban extension to Luton since 2007 and although representations were not made on the content of pre-submission draft Neighbourhood Plan for Caddington and Slip End, the Parish Councils have been fully aware of the proposals.

Against the backdrop of a significant level of unmet housing need in Luton, and proposals within the emerging Central Bedfordshire Local Plan for a significant proportion of that need to be met as close as possible to the north and west of the town, it is crucial that the Neighbourhood Plan does not prejudice or pre-determine the delivery of additional homes or wider strategic planning objectives.

This representation raises detailed matters.

While the Plan seeks to allocate the former Heathfield School site for residential development (which is outside the Green Belt) and recommends that the land to the rear of the Slip End School is released from the Green Belt, it is unclear how proposals within the existing built up area would be assessed should future sites come forward. Further clarity and a suitable cross-reference to the emerging Local Plan policies would therefore be helpful.

Despite the stated objectives of the Plan which are to ensure that new housing meets the needs of all age groups, there is no specific policy in the Plan to address this matter. Likewise, the Plan seeks to ensure that all new housing is built to a high standard and integrated sensitively so that new residents can be part of the community but does not contain any provisions to indicate how this might be achieved. This would appear to be a lost opportunity and provisions could have usefully been incorporated into the Plan.

While the desire to secure the provision of housing to specifically meet the needs of older people is very laudable, Policy CASE1 as currently drafted does not extend to recognise the needs of those with physical or learning difficulties. It could therefore be said to be imbalanced, especially in the absence of a policy which deals with the provision of housing to meet the needs of all. Inadvertently the Plan may correspondingly fail to promote the principles of sustainable development.

Abbey Land Developments Limited acknowledge the efforts made by the parishes of Caddington and Slip End in producing its Plan. The Plan is well written and sets out a vision and objectives for the area which could be complemented by the proposals being advanced by our clients for the land to the West of Luton. These proposals would safeguard the character and setting of the existing villages which is recognised as being important in the Plan.

It is recognised that the villages of Caddington and Slip End are inset from the Green Belt and that the opportunities for further growth are limited without a review of the existing Green Belt boundaries.