

## RAVENS DEN PARISH COUNCIL

### RAVENS DEN NEIGHBOURHOOD PLAN EXAMINATION

#### RESPONSE TO EXAMINER'S QUESTIONS (7<sup>th</sup> September 2022)

Ravensden Parish Council (RPC) welcomes the opportunity to respond to the Examiner's questions and recognises that independent scrutiny of the Neighbourhood Plan will improve its robustness as a tool for sensitive and sustainable development, environmental enhancement, and connectivity in our rural Parish. A copy of the Examiner's letter and annex dated 7<sup>th</sup> September 2022 has been placed on the Neighbourhood Plan website (ravensdenplan.info), as requested, as has this response. A copy of this document will be sent to Bedford BC.

We respond to the Examiner's six questions as follows.

#### **1. Policy RNP1: Cleat Hill/Mowsbury<sup>1</sup>**

RPC unfortunately does not accept that the designation of Cleat Hill/Mowsbury as a Special Policy Area in the countryside has no basis in national or development plan policy.

During the preparation of the RNP, the Steering Group explored with Bedford BC planning policy officers the reasoning for the Cleat Hill/Mowsbury area being subject to countryside policy in the BLP 2030 (Policy 7S), as it evidently does not possess countryside characteristics. Officers agreed it was *"something of an anomaly"* (email 17 August 2021). We were advised that as part of the evidence base for the Allocations and Designations Local Plan 2013, officers had considered whether the area should be included in the (Bedford) urban area but had concluded that it should not. At the same time, in the review of the Settlement Policy Areas, they concluded that the area should not be enclosed by a settlement policy area. Although the area is certainly a group of dwellings, they came to the view it was not a recognisable settlement. That left it as "countryside" in policy terms although it was recognised as not being rural in character, particularly in the Wagstaffe Close/Glenrose Avenue area. Officers advised this was clearly something which the NP could address, perhaps with its own policy area designation. They concluded *"we do not think there would be a conformity issue with the local plan if the designation acknowledged that the area (or areas) had a special character within the countryside"*.

Alternatively, officers thought the area could perhaps be considered as a "Small Settlement" within the Neighbourhood Plan in accordance with the definition in the BLP 2030, and where paragraphs 6.19-6.20 in the BLP 2030 and the boxes below them make it clear the list of Small Settlements is not exclusive. However, to the Steering Group this seemed somewhat at odds with the statement that this area is not a recognisable settlement. It is not perceived locally as a settlement, in contrast with

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<sup>1</sup> We have assumed there is a typographical error in this Question, and the reference to BLP Policy 75 should have been to BLP Policy 7S.

Ravensden Church End or Ravensden Crossroads (the former with a Settlement Policy Area boundary and the latter being defined as a Small Settlement in the BLP).

Taking officers' advice forward therefore, the Steering Group concluded that to address the identified policy designation anomaly, further policy guidance was required in the RNP through the designation of the Cleat Hill/Mowsbury area as a Special Policy Area within the countryside where, in addition to BLP 2030 Policy 7S, the provisions of Policy RNP1 would also apply. The Steering Group's approach to this issue and the proposed policy wording received considerable support during two rounds of local consultation prior to the RNP being submitted to BBC under Regulation 15.

In accordance with NPPF para 15 and especially para 16(d), RNP1 is positively prepared, clearly written, and sets out how the decision-maker should react to development proposals in this area. RPC also considers that BLP 2030 provides a clear development plan foundation, since BLP 2030 Policy 7S criterion (v) specifically allows for development in the countryside if it accords with Neighbourhood Development Plans which have been duly made.

The need for further policy guidance for applicants in the Cleat Hill/Mowsbury area is perfectly illustrated by a currently undetermined planning application, the supporting material for which exemplifies the uncertainty and lack of clarity surrounding the countryside designation. Professional planning agents acting in support of a proposal for a single residential unit on a subdivided plot in the Wagstaffe Close/Glenrose Avenue area have sought to argue that their client's proposal should be considered against the provisions of Policy 6 (Small Settlements). However, as already noted, the BLP does not include this area in the list of Small Settlements. Policy 7S does not provide any further policy clarity for development management purposes either. The applicant has not sought to argue any particular need or justification in terms of the criteria of Policy 7S. It would appear not to meet criteria (i-iv) of Policy 7S, nor any of the exceptions criteria (vi-x), nor general criterion (xi). However, it might nevertheless be acceptable in land-use and environmental terms<sup>2</sup>, notwithstanding BLP Policy 7S. It, or other similar proposals, could meet the considerations in criterion (v), once the NP has been "made", if Policy RNP1 is retained as we propose.

The Steering Group therefore considers there is good policy foundation for proposed Policy RNP1 as it serves a clear purpose, provides clarity as to how planning applications should be considered and provides a local policy steer to BLP 2030 Policy 7S.

As noted at para 5.6 of the Submission Version of the NP, a comparable and acceptable mechanism for defining a policy area within the countryside to give further guidance for development management purposes already exists elsewhere in Bedford Borough (the Former Land Settlement Area in Wyboston, Chawston and Colesden Parish – Policy AD44 in the Allocations and Designations LP 2013).

For the above reasons therefore, RPC does not wish to put forward amendments to RNP1 to remove the proposed Special Policy Area designation. The special qualities of the area and opportunities and

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<sup>2</sup> In its consultation response, RPC has raised no objection to this proposal.

issues are identified in the Design Guidance and Codes (see Appendix 3 p23), but RPC wishes to emphasise that the agreed policy anomaly does need to be addressed by RNP1.

## **2. Policy RNP2: Ravensden Park and Country Park Extension**

In response to this question, we set out the criteria which we consider are of local significance and are not encompassed by BLP policies; but we also acknowledge where the BLP may adequately address particular issues.

Criterion 1: This criterion concerns the provision and maintenance of footpath and cycle links to the surrounding area which are not identified in BLP 2030 Policy 24, including Graze Hill, Freemans Common, Brickhill Country Park and the wider countryside. RPC accepts that the creation of links to Woodlands Park is already covered by BLP Policy 24 but did feel that it would not amount to unnecessary duplication, but rather aid clarity, if this BLP requirement was repeated in RNP2. We defer to the Examiner's preference on this issue.

Criterion 2: RPC accepts that sustainable drainage provision and maintenance is covered by BLP Policy 93.

Criterion 3: RPC is not aware of an equivalent policy in the BLP relating to the provision and ongoing maintenance of informal amenity areas within housing developments. Rather the matter is considered in BBC Open Space SPD 2013, which we note is not part of the development plan.

Criterion 4: RPC accepts that BLP Policy 47S (iii) concerns the need for development proposals to avoid any significant impact of artificial light on local amenity. However, the prominent escarpment setting of the access road to the site makes it of local importance that particular mention is made of potential lighting impact in RNP 2.

Criterion 5: There is no provision in the BLP, in particular the site specific Policy 24, relating to the need for traffic management on Graze Hill Lane<sup>3</sup> arising from the development, which we consider is a major oversight which has not been rectified by the subsequent planning permission.

Criterion 6: BLP 2030 Policy 24(i) refers to the need for a design code to be agreed as part of the application. However, RNP2 relates to potential future planning applications where the context will have moved on with, for example, the production of the Ravensden Design Codes as part of the RNP process, and related RNP policy RNP5. RPC therefore considers this criterion is of local significance and should remain.

Criterion 7: The installation of a locally appropriate entrance feature is not covered by the BLP and so is appropriate in this policy.

Criterion 8: Whilst RPC is aware of BBC's Parking Standards SPD 2014, there does not appear to be a BLP policy requiring car parking to be retained in new developments. Further, in the SPD, parking requirements are calculated according to the floor area of built development, so it becomes necessary

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<sup>3</sup> A historic narrow single-track country lane, now served off the new access road to the Ravensden Park site. Graze Hill Lane has been prone to "rat-running" in peak periods by traffic seeking to avoid queues at Ravensden Crossroads.

for parking in the proposed country park extension, where no floorspace is to be created, to be a requirement of this policy.

### **3. Policy RNP4: Former Barns at Cleat Hill Farm**

RPC considers the Examiner's comments would best be addressed by her visiting the site and surrounding area. The proposed development would not be straightforward given the position of the barns within the setting of the adjacent Grade II listed Cleat Hill farmhouse; the prominent hilltop location of the site, more especially when viewed from open countryside to the north; the fact that existing access sightlines are compromised by the position of the barns at the back edge of the B660 carriageway; and the fact that the existing access, which is shared with the farmhouse, is also close to a sharp and steep bend in the road. RPC feels it is locally important that these constraints are identified in the RNP so that they can be addressed at the outset in any planning application for the conversion of the barns.

Criteria 1 and 2 are interrelated and address the above access issues in a realistic manner. The criteria closely reflect the arrangements proposed by the landowner and reflected in a planning permission dating from 1993, but which was never implemented.

Criterion 5 (removal of permitted development rights) again reflects the provisions of the lapsed planning permission and are justified by the setting of the adjacent Grade II listed farmhouse, and by the prominent hilltop position of the site where residential-related permitted development could appear obtrusive in views from the wider area. This criterion does not preclude what might otherwise be allowed under PD rights but adds an appropriate level of local control which, again, applicants should be made aware of at the outset.

Criterion 9 (retention/enhancement of the existing pond or provisions for off-site net biodiversity gain). RPC accepts that BLP Policies 42S and 43 relate to protecting and enhancing local biodiversity and geodiversity, and biodiversity net gain.

### **4. Policy RNP5: Development Design and Sustainability Principles**

There is intentionally a strong interrelationship between Policy RNP5 and the Ravensden Design Guidance and Codes (Appendix 3). The Ravensden Design Guidance and Codes provide much more detail and illustration than can be provided in the RNP itself. RNP 5 applies to the whole Plan area and the Design Guidance and Codes provide more detail and illustration appropriate not only to the whole Parish but also specific parts of it. Based on the advice and on the examples from elsewhere provided by Locality on the drafting of Design policies in Neighbourhood Plans, and on the advice in NPPF paras 127-130, we feel we have got the balance right between policy direction (through defined criteria in RNP5) and more detailed guidance in the Design Guides and Codes.

### **5. Policy RNP 7: Heritage Assets**

RPC is aware of the range of statutory controls and national and development policies which apply to designated heritage assets. Policy RNP7, however, also embraces locally important non-designated heritage assets, which are referenced in Appendix 5. The wording of the proposed policy has been

improved through consultation responses from BBC's heritage planning team and Heritage England, who have welcomed the final draft version.

## 6. Policy RNP10: East-West Rail

RPC appreciates that East West Rail (EWR) is a Nationally Significant Infrastructure Project (NSIP). If it proceeds along either of the two alignments proposed in 2021 (see map at para 2.21 of the RNP)<sup>4</sup>, it would, as the Examiner may well come to appreciate on her site visit, have a devastating impact on the rolling landscape and tranquil environment of our Parish. It is a matter of huge concern to local residents who could well struggle to understand if the RNP had nothing to say about it. RNP10 received overwhelming support from residents in the Regulation 14 consultation. RPC has not sought a legal opinion on the inclusion of RNP10 in the statutory RNP.

RPC notes that the appropriateness of the inclusion of RNP10 was raised by Adams Hendry acting on behalf of EWRCo on the Regulation 16 consultation in August 2022, but wish to point out that they did not alert RPC to any such concern when responding to RPC's Regulation 14 consultation in April 2022 (see Consultation Statement Annex C).

RPC acknowledges that Section 38B(1)(b) of the Compulsory Purchase Act 2004, as amended, states that a neighbourhood development plan "may not include provision about development which is excluded development" (*our underlining*). "Excluded development" is defined in Section 61K of the Town and Country Planning Act 1990, as amended, as including development that consists (whether wholly or partly) of a nationally significant infrastructure project.

RNP10 is drafted neutrally. In RPC's view, the matter at issue comes down to the interpretation of "provision" in the legislation. RNP10 neither makes provision for, nor does it seek to preclude this NSIP in the Parish. It does no more than set out a range of detailed considerations which RPC would ask to be taken into account, if and when the Secretary of State determines this proposal. RPC considers it could be a moot point whether S38B of the Act is engaged.

However, we leave it to the Examiner to determine whether RPC has correctly interpreted S38B(1)(b) and whether RNP10 should be retained in the RNP, or whether it should be removed. If the Examiner decides that the RNP would not meet the Basic Conditions if RNP10 was retained in the statutory plan, RPC would propose to reinsert RNP10 (or its equivalent) in the non-statutory part of the RNP.

RPC would be pleased to respond to the Examiner on any other matter relating to the Ravensden Neighbourhood Plan.

Steve Arnold MA (Cantab), MA (TRP), MRTPI (Rtd)

Chair, Ravensden Neighbourhood Plan Steering Group, on behalf of Ravensden Parish Council.

21<sup>st</sup> September 2022

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<sup>4</sup> Announcement of a final preferred alignment is awaited.