

Ref: GA/AM/03419/L0034am

6th January 2021

Planning Department
Bedford Borough Council
Borough Hall
Cauldwell Street
Bedford
MK42 9AP

By email: planningpolicy@bedford.gov.uk

Dear Sir/Madam

**Response to Bedford Local Plan Review – Call for Sites Update
Land between Hookhams Lane and Ravensden Road, Salph End, Renhold, Bedford (Site 822)
On behalf of Manor Oak Homes**

On behalf of our client, Manor Oak Homes, we write to you to follow up our submission towards the council's Call for Sites exercise in August 2020 in respect of the above land (your site reference 822). This follows what we consider to be a significant update in circumstances in respect of our client's site since the issue of our previous response.

As you will likely be aware at the time of the formal Call for Sites consultation our client's land was subject of an ongoing planning appeal, the Inquiry relating to which was scheduled for 10th November 2020. This appeal has now been determined by the Inspector appointed by the Secretary of State with the issue of his decision on 2nd December 2020. Whilst the appeal was dismissed the decision of the Inspector presented a number of very important conclusions in respect of the site, its context and overall setting. A copy of the appeal decision is included as **Enclosure 1** of this letter.

The appeal application was initially refused by officers on 24th June 2020. There were nine reasons for refusal – however, five of these were of a technical nature relating to the lack of a Section 106 legal agreement at the point of determination. These matters were resolved during the Inquiry. Another reason for refusal then related to the overall conflict with the Bedford Local Plan 2030 due to the current location of the site in the open countryside. The three remaining reasons for refusal related to archaeology, agricultural land and landscape impact. The update position and clear views of the Inspector in relation to each are now set out below.

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Archaeology

At the point of the determination of the appeal application, and indeed at the point of our previous submission towards the council's Call for Sites exercise, there were a number of matters outstanding in respect of the archaeological potential of the site. The wording of the reason for refusal relating to archaeology stated that *"the application as submitted is not supported by a pre-determination archaeological field evaluation required on sites that have, or have the potential to have, heritage assets with archaeological interest. Without this work having taken place and the results presented to the Council for scrutiny it is therefore not possible to know what archaeological remains underlay the site and how significant they are"*. Resultantly further work was undertaken on site including a scheme of trial trenching, the scope of which was agreed with the council's Archaeological Officer, Geoff Saunders.

Following this work our client and the council were able to agree a Statement of Common Ground which confirmed the following position:

"The parties agree that archaeological remains identified are not of such significance as to prevent development and that any further archaeological works that are required in order to preserve the remains by record so as to mitigate the harm caused by development works can be secured and implemented by means of suitably worded condition(s) attached to any grant of planning permission."

A copy of this Statement of Common Ground and the additional survey information which informed it is included at **Enclosure 2** of this letter. This led the Inspector to conclude, at paragraph 38 of his decision, that *"there is no information which would lead me to reject the Statement of Common Ground which has been reached between the main parties"* and that *"I conclude that the proposal would comply with Local Plan policy 41S(ii)"*.

In conclusion there are no notable remains on the site that must be preserved in situ or would preclude its delivery. In this respect the archaeology of the site should not serve as an impediment to its allocation.

Agricultural Land

A further reason for refusal attached to the decision notice of the appeal application stated that *"the application fails to provide the most compelling evidence to demonstrate that the development of the best and most versatile (Grade 2 and 3a) land in lieu of poorer quality land is necessary"*. Since this time our client commissioned an Agricultural Land Classification Report, prepared by Berry's, which confirms that the site comprises 80% Grade 3a land and 19% Grade 2 land. A copy of this report can be found as **Enclosure 3** of this letter. This was then supplemented by a further Agricultural Significance Statement (**Enclosure 4**), also prepared by Berry's, which concluded as follows:

"The site at Salph End has been identified as BMV land but this is typical to Bedfordshire where only 0.6% of land is below this as recorded on Provisional Mapping and 37% might or might not be BMV as it is recorded as provisional Grade 3 (not split into 3a and 3b). Conversely 48% of Bedfordshire is provisionally Grade 2. Therefore, by area the site is of little significance to the supply of BMV land in the Borough."

Concluding on this matter the Inspector surmised as follows:

"The evidence suggests that there is very little land of poorer quality available and that nearly half of Bedfordshire comprises agricultural land of superior quality, including sites allocated for

development in the Local Plan. So, although definitive proof that there is no land of poorer quality which could have been used is not provided, I conclude that there is unlikely to be a conflict with Local Plan policy 46S.”

Irrespective, it is noted that the grade of agricultural land at a site was not a key environmental consideration as part of the Council’s previous site assessment process conducted during the preparation of the current Local Plan 2030. The lack of weight given to the loss of such land, when balanced against what was and continues to be a significant housing requirement locally is agreed as a pragmatic position in respect of a Borough blessed with a wealth of high-quality agricultural land but with a very limited supply of appropriate development opportunities.

Landscape, Setting and Coalescence

The central issue that has until now proved to be the key consideration of officers in respect of both the deallocation of the site as part of the previous local plan process and in the refusal of the appeal application is the perceived harm caused by the development to the character of the local landscape and the village of Salph End. Prior to this point, and during the course of both the promotion of the site towards the local plan and in support of the appeal application, our client presented a significant level of robust analysis of the landscape and character impact of the proposed development. This evidence has, however, consistently been contested by the Council, albeit without the benefit of any technical studies of its own to rebut our client’s findings until the point of the recent Inquiry.

During the production of the now adopted Bedford Borough Local Plan 2030 our client’s site was at first identified for allocation as an extension to the urban area as part of the Consultation Paper in 2017. It was, however, then removed from the plan upon the publication of the first Regulation 19 draft in early 2018. It was apparent from the updated Site Assessment document that this was as a result of the revisiting of the impact of development on the local landscape and in particular due to the perceived threat of the coalescence of Salph End with the Bedford Urban Area. This was a conclusion that was keenly contested by our client and one which, to reiterate, appeared to have been reached based on very minimal evidence.

Helpfully, the recent appeal has since provided a forum for the full suite of evidence in respect of landscape impact provided by both our client and the Council to be independently assessed. This has resulted in extremely helpful clarity from the Inspector that we consider now addresses this matter unequivocally.

The Appeal Decision includes a substantial section which describes what the Inspector identified as the key characteristics of the site and its role in the wider landscape. In summary, and in respect of the visual impact of the site in its setting, it is concluded (with paragraph references):

- **Wider Landscape Impact:** Whilst the site forms part of the Renhold Clay Farmland Landscape Character Area 1E and shares many of its defined characteristics it forms so small a part of the Landscape Character Area that its development would have little or no effect on the landscape pattern and character overall (paragraph 17);
- **Localised Landscape Impact:** Whilst the site is afforded views from footpaths 21 and 28 it only forms a small part of a wide panorama. It does not greatly signify in the view. It appears not as part of an extensive agricultural landscape but as an isolated piece of farmland sandwiched between a number of tree breaks, wooded areas and the built form of Salph End (paragraph 19);
- **Setting of Mowsbury Hillfort:** In respect of the setting of Mowsbury Hillfort it is concluded by reference to the parameters plan which was enclosed with the initial Call for Sites response that built development would approach no closer to the scheduled monument than would the existing development of Bedford to the south-west. It would remain separated from the defensive slope of the hillside by at least the equivalent of two flat

fields below the hill. Ultimately it can be concluded that the proposal would cause no harm to the setting of the scheduled monument (paragraph 22);

- **Setting of Listed Buildings:** Due to the severance of the setting of the adjacent listed buildings from the site by recent development it is concluded that, together with the topography of the land, existing tree and shrub planting and fencing which screens Abbey Farm house, Salph End Farm house, Abbey Croft and Moon Cottage, these listed buildings are not experienced in conjunction with the site and so the site makes no appreciable contribution to their setting (paragraph 26); and
- **Setting and Character of Salph End:** In respect of the character of Salph End it is concluded that the quantity of development on site would not overwhelm the existing settlement because of the way Salph End wraps around the site and because buffer zones would tend to isolate the new development from the old. Indeed, the site would be sufficiently large and separate to manifest its own character (paragraph 34).

On the matter of **coalescence** (the specific reason for the removal of the site as a draft allocation from the Bedford Borough Local Plan 2030) the Inspector presented a compelling summary. In identifying that this issue is effectively inseparable from similar concerns about the erosion of the supposed rural character of Salph end he presented the following views at paragraph 28 and 32:

"There is a concern, expressed in the Council's reasons for refusal, that development of the appeal site would lead to a coalescence of Salph End with the general extent of Bedford. In truth, that has already happened; there is the slightest of visual breaks between the suburban housing of Bedford to the south of Wentworth Drive and the first dwellings of Salph End at the southern end of Hookhams Lane adjoining the Wentworth Drive roundabout. That visual break comprises not rural agricultural fields but a piece of municipal public open space. Further to the east, there is a larger area of open land between Salph End and recent extensions to Bedford at Maskell Drive and Markham Rise which is subject to a "Local Gap" policy designation but the appeal site lies to the north-west of Salph End and would remain separated from the remainder

"The development proposed would also tend to the coalescence of Salph End and Struttle End, reducing their separation to an area of woodland and the 20m deep landscape buffer suggested in the Parameters Plan. But, it is a characteristic of the various Ends of Renhold that they rather dribble one into another with little clear separation so I do not count this as inimical to the existing character of the area."

What is clear is that the site should be judged to lie in what is already a suburban setting. Its development would not exacerbate the coalescence of Salph End with Bedford which, in the view of the Inspector, has in any event already taken place. In addition, whilst the site may result in a level of coalescence between Salph End and Struttle End this relationship between 'ends' is in fact characteristic of the settlement of Renhold as a whole which "dribble" into one another.

All of these views combined led the Inspector to neatly conclude, at paragraph 33:

"In summary, although the appeal site itself is agricultural and has a rural character, it is a peninsula of rural agricultural character largely surrounded by land with non-rural (though in most cases rural-compatible) uses and characteristics. It makes little contribution to the wider Landscape Character Area of which it forms a part. Its development would result in the loss of its own rural and agricultural character but there is little to show that the urban character of the new development which would replace it would not be attractive or incompatible with its immediate surroundings."

Access

A further matter that was subject of discussion during the course of the Inquiry was the Council's concerns in respect of potentially future conflict between the Hookhams Lane access to the site and an adjacent access serving a neighbouring 14 dwelling proposal at 27 Hookhams Lane. This issue was raised at the Inquiry on a largely hypothetical basis as it was clear that the likelihood would be that the appeal scheme would be resolved ahead of the neighbouring proposal, itself subject of what was at the time an ongoing appeal.

On this point the Inspector commented:

"Notwithstanding the two detailed plans of vehicular access, the appellant's advocate made a contingent request that if the appeal on the adjoining site (Number 27 Hookhams Lane (APP/K0235/W/20/3253651)) were allowed prior to the decision on the current appeal, then access in the current appeal would become a reserved matter. This is because it is recognised that permission for an access to be formed at 27 Hookhams Lane would necessitate a reconsideration of access to the present appeal site."

Helpfully the appeal at 27 Hookhams Lane has since been dismissed resulting in a now total absence of any live planning application at the site. It now no longer represents a consideration in respect of the access arrangements at our client's site and results in the unfettered ability to provide a fully functioning two-way access onto Hookhams Lane. On the basis of the removal of any potential conflict the design of the access arrangements at the site were endorsed fully as safe and practical by the Council's Highways Officer. This position is confirmed at paragraph 3.7 of the Highways Statement of Common Ground prepared in support of the appeal, a copy of which can be found as **Enclosure 5** of this submission.

Conclusions

As set out in our previous submission to the Council's Call for Sites exercise in August 2020 it is our strong contention that the identification of the site as a key urban-focused allocation within the Local Plan Review has significant merit. We have previously sought to demonstrate that there are no technical, legal, or environmental reasons why the site should not come forward as a sustainable mixed community on the edge of the Borough's principal growth area. The findings of the Inspector have now entirely reinforced this position.

Judging on what remained the single issue that could not be resolved during the course of the last local plan process – that of landscape and coalescence – the Inspector has now provided an independent, comprehensive and fully informed set of conclusions that should guide the consideration of the site by officers in future. In his planning balance, whilst dismissing the appeal almost entirely due to its conflict with the development plan, he concluded that the actual harm which would result through the development of a fairly ordinary piece of rural land would be minimal in practical terms. On this basis, and as part of the review of the local plan, it is clear that there is now no reason to overlook the site for future allocation, particularly against the backdrop of the Council's requirement to deliver a significant uplift in new homes primarily on site afforded the best access to shops, services and community facilities.

In light of the above it is worth closing on the remarkably candid remarks of the Inspector who identified the land as an obvious and compelling development site that it is clear should come forward at the earliest opportunity. He states at paragraph 12 and 13 of his decision:

"Nevertheless, the appeal site is not without its intrinsic merits in terms of the spatial strategy; it is adjacent to the defined Settlement Policy Area of Salph End; within walking distance of a local grocery store and post office, a public transport route and some other local facilities; and it would provide that settlement with education provision and open space facilities. Most of the site was included as an allocation in a consultation version of the Local Plan before its adoption. The eventual decision to exclude the site from the plan was judged by the Inspectors who examined the plan to be a reasonable one, although they note that the matter was clearly finely balanced. It is again included in options being considered in the current review of the Local Plan and so, it is not unreasonable for the appellant's advocate to imply, as he does in his closing remarks, that it is a matter of when, not if, the site is to be developed.

I therefore conclude that although, as a matter of fact, the development of this appeal site would be contrary to the published strategy of the Local Plan as adopted, the resultant harm to that strategy would be small, largely limited to an undermining of confidence in the plan-led system."

In short, the case to now allocate the site as part of the Local Plan Review cannot be downplayed or ignored.

We trust that the enclosed information is helpful and of a sufficient level to allow our client's site to be assessed robustly. However, should you have any queries or require any further information to assist this process, do not hesitate to contact me. Otherwise, we look forward to continuing to engage with the emerging Local Plan Review process as it unfolds.

Yours faithfully

Director
Armstrong Rigg Planning

Enclosure 1: Appeal Decision
Enclosure 2: Archaeology SoCG
Enclosure 3: Agricultural Land Classification Report
Enclosure 4: Agricultural Significance Statement
Enclosure 5: Highways SoCG