

Potton Neighbourhood Development Plan 2016-2035

**A report to Central Bedfordshire Council on the
Potton Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Central Bedfordshire Council in April 2019 to carry out the independent examination of the Potton Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 25 April 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new growth can be accommodated with appropriate community facilities.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Potton Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
3 July 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Potton Neighbourhood Development Plan 2016-2035 (the 'Plan').
- 1.2 The Plan has been submitted to Central Bedfordshire Council (CBC) by Potton Town Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a series of community and environmental issues in the neighbourhood area.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CBC, with the consent of the Town Council, to conduct the examination of the Plan and to prepare this report. I am independent of both CBC and the Town Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.11 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to comply with this requirement CBC undertook a screening exercise (February 2019) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process CBC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 2.8 The screening report also included a parallel Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 2.9 In reaching this conclusion the HRA screening report established that there are no European sites in the neighbourhood area. Nevertheless, it relied on the HRA work undertaken on the emerging Local Plan which assessed the potential impact of that Plan's policies on the following European sites elsewhere:
- Chiltern Beechwoods SAC
 - Eversden & Wimpole Woods SAC
 - Chippenham Fen Ramsar
 - Wicken Fen Ramsar
 - Woodwalton Fen Ramsar
 - Ouse Washes SPA/SAC/Ramsar
 - Fenland SAC
 - Upper Nene Gravel Pits SPA/Ramsar
- 2.10 Having reviewed the information provided to me as part of the examination, including the most recent HRA assessment, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.11 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.12 In examining the Plan I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.13 Having addressed the matters identified in paragraph 2.12 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the associated Annexes (A-H);
- the Basic Conditions Statement;
- the Consultation Statement;
- the CBC SEA and HRA reports;
- the Parish Council's responses to my Clarification Note;
- the representations made to the Plan;
- the adopted Central Bedfordshire Core Strategy 2009;
- the adopted Central Bedfordshire Allocations Plan 2011;
- the emerging Central Bedfordshire Local Plan;
- the National Planning Policy Framework (March 2012);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 25 April 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised CBC of this decision early in the examination process.

3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. The subsequent update to the NPPF in 2019 did not affect these transitional arrangements. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Town Council has prepared a Consultation Statement. This Statement is comprehensive in the way it sets out the mechanisms used to engage all concerned in the plan-making process. It includes an assessment of the consultation undertaken during the various stages of Plan production. A separate document provides specific details about the consultation process that took place on the pre-submission version of the Plan (May to June 2018).
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- attendance at community events;
 - the use of the local newspaper;
 - the launch of a Facebook account;
 - the use of posters throughout the town;
 - the use of a community questionnaire;
 - the organisation of a series of roadshows in 2017;
 - engagement with statutory organisations and local groups.
- 4.5 The separate document provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. They help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. CBC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 22 February 2019. This exercise generated comments from a range of organisations as follows:

- Anglian Water
- Brown and Company
- Hallam Land Management
- CBC
- Godiva Thameslink
- Historic England
- Landscape
- Natural England
- Planning Prospects

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the town of Potton. Its population in 2011 was approximately 5000 persons living in 2250 houses. It was designated as a neighbourhood area on 26 January 2016. It is a rectangular area with the town at its heart. Potton sits in pleasant countryside approximately two miles to the east of the A1 and Sandy. It is approximately eight miles to the east of the county town of Bedford.
- 5.2 Potton is a very attractive Georgian town based around Market Square. A series of historic streets run from the Market Square. They include a range of character buildings. The town centre is a designated conservation area. Potton Brook runs to the immediate east of the town centre. It has formed a clear natural boundary to the historic development of the town. St Mary's Church is located on higher ground to the east of the Brook. The remainder of the town consists of phases of more modern dwellings.
- 5.3 The remainder of the neighbourhood area is primarily in agricultural use. As the Plan describes it sits within the Everton Heath Greensand Ridge area. It is an elevated landscape which forms the eastern part of a long ridge. There is a varied landscape pattern with open heathland, arable cropping, plantation and deciduous woodland. The neighbourhood area includes a series of active and restored mineral extraction workings. It presents an interesting context for the preparation of a neighbourhood plan.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Central Bedfordshire Core Strategy and Development Management Policies 2009 (the Core Strategy) and the Site Allocations Development Plan Document (DPD) 2011. Together they set out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period up to 2026. It is this planning policy context against which I am required to examine the submitted Plan. The Core Strategy includes a settlement hierarchy. In this context Potton is identified as a Minor Service Centre (Policy CS1) where new housing will help to deliver community infrastructure and facilities that will benefit the sustainability of the town. Section 3.20 provides detailed commentary on Potton. It addresses its attractive town centre with a good range of shops and services. It also comments that whilst the town is relatively isolated from major transport connections it presents few physical or planning constraints to further growth. The significance of both the designated conservation area and the Potton Brook floodplain are highlighted
- 5.5 Whilst all the Core Strategy policies are applicable to the neighbourhood area in their different ways the following policies have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy CS2 Developer Contributions

Policy CS3	Healthy and Sustainable Communities
Policy CS5	Providing Homes
Policy CS9	Providing Jobs
Policy CS12	Town Centres and Retailing
Policy CS14	High Quality Development
Policy CS15	Heritage
Policy CS17	Green Infrastructure
Policy DM3	High Quality Development
Policy DM7	Development in Town Centres
Policy DM9	Providing a range of transport
Policy DM16	Green Infrastructure

- 5.6 The Site Allocations Development Plan Document (DPD) identifies sites and policies to help deliver the spatial vision, objectives and policies of the Core Strategy and Development Management Policies DPD. It identifies two allocations in Potton as follows:

Policy HA9	Land East of Sutton Mill Road (Housing)
Policy MA5	Land East of Biggleswade Road (Housing and employment)

- 5.7 CBC has embarked on the preparation of a new Local Plan. It was submitted for examination in April 2018. Hearing sessions were taking place as part of the Local Plan examination during the course of this examination. The focus of the Plan is on the delivery of strategic growth in the larger settlements (Policy SP1 Growth Strategy). A small housing site is identified within Potton (HAS43 One Acre Field, Sandy Road-12 dwellings). It is clear that the Town Council has taken the emerging Local Plan into account in preparing the neighbourhood plan. Clearly the outcome of the Local Plan process is unknown at this stage.
- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 25 April 2019.
- 5.10 I drove into the area from Everton to the west. This gave me an initial impression of the setting and the character of the neighbourhood area within its wider landscape. It also highlighted the nature of the local road system.
- 5.11 I looked initially at the northern part of the town off Myers Road. I walked along the disused railway line to the disused quarry (the proposed local green space 11). I saw

the differences in layout and design of the relatively modern houses in this part of the town. I also saw the way in which Myers Road provide a degree of traffic relief to the town centre.

- 5.12 Thereafter I walked into the town centre. I saw a variety of buildings. In particular I saw several fine vernacular buildings in Horslow Street. They helped me to understand the historic importance of the town and how it has successfully retained and safeguarded its heritage.
- 5.13 I then spent time in Market Square. As the Plan describes it is a first-class example of a traditional square in the middle of a Georgian town. I saw the variety of retail and commercial businesses in this part of the town. I also saw how they were both well-used and appreciated by local residents. There was an overwhelming impression of a variety of buildings of differing ages, styles and heights sitting together to provide harmony and balance.
- 5.14 I then took the opportunity to look at the area to the south and the east of the town centre. I saw the Henry Smith Playing Fields, the land to the east of the Playing Fields, the Potton Brook and St Mary's Church. Children were clearly enjoying the Playing Field facilities in general, and the skate board ramp in particular. I then enjoyed a pleasant stroll into Pegnut Wood. I followed the well-trodden footpath (the North Bedfordshire Heritage Trail) and encountered several other groups of people doing so.
- 5.15 I retraced my steps back to the town centre and then walked to the west of the town. I saw the interesting collection of buildings at the junction of Station Road and Biggleswade Road. I saw the traditional advertising for C.W. Noble, a former high-class tailor in the town. Thereafter I saw the Potton Club and the remarkably well-preserved former railway station. I walked along Sutton Mill Road so that I could look at the two proposed local green spaces in this part of the town. I saw the sheer scale and depth of Deepdale Quarry. I then saw the recent and newly-constructed houses off Sandy Road and the beautifully-maintained cemetery and its granite war memorial.
- 5.16 I finished my visit by driving around some of the outlying parts of the neighbourhood area. In particular I drove along the Gamlingay Road to the north and along Hatley Road to the east.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.12 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Potton Neighbourhood Plan:
- a plan led system - in this case the relationship between the neighbourhood plan, the adopted Central Bedfordshire Core Strategy 2009 and the Allocations Plan 2011;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.

- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.

- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the

neighbourhood area within the context of its position in the settlement hierarchy. It includes a series of policies that seek to safeguard the quality and nature of its natural environment. It provides a local dimension to the delivery of new housing. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing (HO-1 to HO-10) and for employment uses (EI-1/EI-2). In the social role, it includes a series of policies on community infrastructure (CI-1 to CI-7). In the environmental dimension the Plan positively seeks to protect its built and natural environment. It includes policies on housing design, green infrastructure (EV-1), local green spaces (EV-3) and for the creation of a Potton Green Wheel (EV-4). The Town Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in Central Bedfordshire in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the various recommended modification in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Town Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan

- 7.8 These introductory parts of the Plan set the scene for the range of policies. They do so in a comprehensive yet proportionate way. The Plan is presented in a very professional way. It makes a very effective use of well-selected photographs, tables and maps. A very clear distinction is made between its policies and the supporting text. It also draws a very clear connection between the Plan's objectives and its resultant policies. The widespread use of colour is very effective.
- 7.9 The Introduction sets the scene for the remainder of the Plan. It comments on the location and the history of the town and how the Plan was prepared.
- 7.10 The Vision, Aims and Policies section of the Plan is fundamental to the structure and the arrangement of the resultant policies. It identifies eight component parts of the Vision (Vision A-H). The relationship between the vision, policies and objectives is shown in Annex G of the Plan. It is a very effective way of addressing this complex matter. The elements of the vision are also included within the main body of the Plan on a policy-by-policy basis.
- 7.11 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Community Infrastructure Policies

- 7.12 The Plan includes a series of community infrastructure policies. They address a wide range of matters including health care provision, school provision and community projects. I address them in turn in the following paragraphs of this report. However, to avoid repetition I address a series of general matters before making an assessment of each policy against the basic conditions. In this context several of the policies read as a local expression of how CBC would apply its existing arrangements towards securing appropriate developer contributions to community facilities in Potton. As such I sought clarification from the Town Council on the extent to which the policies added any local value to existing arrangements. The Town Council commented that the policies reflect community concerns about the way in which community benefits are apportioned. There is a view that funding generated locally is allocated towards more strategic proposals elsewhere in Central Bedfordshire.
- 7.13 Whilst no evidence was supplied on this matter, I can understand the basis on which the Town Council has prepared the various policies. Nevertheless, the apportionment of developer contributions is a matter for local discussion around a series of priorities and issues. It is not directly a matter for local policy development. In any event policies in a neighbourhood plan need to be in general conformity with strategic policies in the development plan.
- 7.14 On this basis I recommend the deletion of the following policies - CI-1(Healthcare Provision), CI-2 (School Provision), CI-5(Recreation Space Provision) and CI-6 (Support for community Projects). They add no value to existing CBC policies and procedures.
- 7.15 I address the other Community Infrastructure policies on a policy-by-policy basis below.

Policy CI-1 Healthcare Provision

- 7.16 I have addressed this policy in the context of paragraphs 7.13 and 7.14 of this report.

Delete the policy

Policy CI-2 School Provision

- 7.17 I have addressed this policy in the context of paragraphs 7.13 and 7.14 of this report.

Delete the policy

Policy CI-3 Employment

- 7.18 This policy has an ambition to ensure that commercial or mixed-use development should include provision for facilities or premises that enable businesses to be started and operated within the Town. Nevertheless this approach is not fully or clearly translated into the policy.

- 7.19 I recommend a series of modifications to address this matter. In combination they offer particular support to proposals for new employment facilities which offer such opportunities.

Replace the policy with:

‘Proposals for commercial or mixed-use development will be particularly supported where they include facilities or premises for small, starter or local businesses.’

Policy CI-4 Town Centre Vitality

- 7.20 This policy seeks to ensure that new residential development should support existing businesses in the town centre. As submitted the implementation of the policy would be impracticable. Residents of new houses will be able to access retail and other services as they see fit.

- 7.21 The objective of the policy provides a more realistic expectation that through travel policies and good design that there should be easy and safe opportunities for local residents to access the wide range of services available in the town centre. I recommend modifications so that the policy delivers these very appropriate ambitions. In doing so I incorporate checks and balances into the policy so that it can be applied proportionately to the scale and location of the residential developments concerned. Plainly they will provide different opportunities to deliver the wider objectives of the policy.

Replace the policy with:

‘As appropriate to their scale and location new residential developments should incorporate measures for local residents to have easy and safe non-vehicular means of travel between the site and Potton Town Centre.’

Policy CI-5 Recreation Space Provision

- 7.22 I have addressed this policy in the context of paragraphs 7.13 and 7.14 of this report.

Delete the policy

Policy CI-6 Support for Community Projects

- 7.23 I have addressed this policy in the context of paragraphs 7.13 and 7.14 of this report.

Delete the policy

Policy CI-7 Foot, cycle and Bridle Paths

- 7.24 This policy comments that proposals for new residential development should ensure that appropriate connections are made with green infrastructure, footpaths and

bridleways. It also comments that new development should connect with emerging proposals for the Potton Green Wheel.

- 7.25 I am satisfied that the generality of the policy approach meets the basic conditions. I recommend modifications so that the policy has the clarity to deliver these very appropriate ambitions. In doing so I incorporate checks and balances into the policy so that it can be applied proportionately to the scale and location of the residential developments concerned. Plainly they will provide different opportunities to deliver the wider objectives of the policy.
- 7.26 I recommend that the Green Wheel issue is considered within a separate part of the policy. At this stage the project does not have sufficient clarity for developers to understand how any proposal may be able to implement the ambitions of the policy on this matter. Plainly there will be greater clarity on this matter in the future.

Replace the policy with:

‘As appropriate to their scale and location new residential developments should incorporate measures for their connection to existing green infrastructure, public footpaths and bridleways.

Proposals which provide future connections to the proposed Potton Green Wheel will be particularly supported.’

Policy HO-1 Design Guide Requirements

- 7.27 This policy takes a design-led approach towards new residential development. The Town Council has prepared a Design Guide as part of the submission of the neighbourhood plan (Annex E).
- 7.28 The Design Guide is commendably concise. It has a focus on the attractiveness of new development, its broader accessibility and creating a clear distinction between private spaces and the public realm. Its focus on sustainable urban drainage has attracted support from Anglian Water.
- 7.29 I am satisfied that the principle of the policy approach is appropriate and meets the basic conditions. The Design Guide is also a good response to a particular set of local circumstances. I recommend modifications to the policy so that it acknowledges that different residential proposals will need to respond on a case-by-case basis to the Design Guide as appropriate to their circumstances. Otherwise it meets the basic conditions.

**At the beginning of the policy add: ‘As appropriate to their scale and location’
Thereafter replace ‘must’ with ‘should’**

Policy HO-2 Rate of Development

- 7.30 This policy highlights the community’s concern about the way in which infrastructure has kept pace with recent residential development and how this may translate into the

future. The policy comments that all housing development should, where feasible, be achieved at an even rate of growth. Several developers challenge the approach taken in general terms and suggest that it would be impracticable to deliver in particular.

- 7.31 I can understand the concerns of the Town Council and local residents. I have taken the Town Council's response to my question in the clarification note on this matter into account in commenting on this policy. However, I have concluded that the policy fails to meet the basic conditions. In particular it would be impracticable for CBC to administer. Direct control over the delivery of dwellings within any development is not practicable. Similarly, a balanced and even development of new dwellings across a range of development sites is impracticable. The level of delivery will be the outcome of market conditions and the resolution of any technical and service provision matters on a site-by-site basis. In any event a key plank of national policy is to boost significantly the supply of new housing (NPPF 47). In this context a policy of this nature would run contrary to national policy. As such I recommend its deletion.

Delete the policy

Policy HO-3 Brownfield Sites

- 7.32 This policy supports the development of brownfield sites.
- 7.33 The approach taken in the policy largely restates national planning policy. One of the core principles of national planning policy (NPPF 17) is 'to encourage the effective use of land by reusing land that has been previously developed (brownfield land)'. The Plan adds no local value to this approach. As such I recommend that it is deleted.

Delete the policy

Policy HO-4 Meeting Housing Needs

- 7.34 This policy requires that any new residential development shall address the requirements identified in the Housing Needs Survey 2014 and the neighbourhood plan survey in 2017. In summary the needs are as follows:
- for first time buyers;
 - for young persons living with their parents; and
 - older persons looking to downsize.
- 7.35 As submitted the policy is unclear in its application. It requires that developments address the identified needs but does not require the proposals to incorporate such needs. I recommend a modification to remedy this matter. The modified policy offers support to proposals which directly address the identified needs.

Replace the policy with:

‘Proposals for new residential development which directly address the local housing requirements identified in the Potton Housing Needs Survey 2014 and in the neighbourhood plan survey 2017 will be supported’

Policy HO-5 Housing for Retired People

- 7.36 This policy offers support for the development of bungalows and one- and two-bedroom houses, flats or apartments to meet the needs of retired people.
- 7.37 Some developers contend that this policy largely repeats the approach set out in the emerging Local Plan. This is the case. However, that Plan is not adopted, and the basic conditions test is against the adopted development plan (as identified in paragraph 5.4 of this report).
- 7.38 I am satisfied that the approach taken is both appropriate in general terms, and distinctive to the neighbourhood area in particular. I recommend that the reference to ‘approved sites’ is removed. Sites which already have planning permission would not be directly affected by this policy. Plainly any proposals for retired persons accommodation would be supported in circumstances where the developer concerned sought to vary an extant planning permission.

Delete ‘on approved sites’

Policy HO-6 Lifetimes Homes

- 7.39 This policy raises similar issues to those with the previous policy. I take the same approach to this policy as that identified for Policy HO-5 in paragraph 7.37 above.
- 7.40 In this case the policy supports the development of dwellings and new specialist residential care home accommodation in appropriate locations for the elderly and people with special needs.
- 7.41 I recommend a series of modifications to the policy. They address the certification standards included. I recommend the removal of any direct reference to Lifetime Homes standards. This reflects the increased reliance on the building regulations delivering this important initiative. It also takes account of the March 2015 ministerial statement. In any event a direct reference to current standards has the ability to become out dated within the Plan period.

In the second sentence replace ‘are to meet.... appropriate standards and’ with ‘should’

In the third sentence delete ‘also in agreed.... standard and’.

Policy HO-7 Affordable Housing

- 7.42 This policy requires residential developments to provide affordable housing to CBC standards.
- 7.43 Plainly this is an important matter locally. However, the policy adds no local value to the approach already included in the adopted development plan and that proposed in the emerging Local Plan. Indeed, the policy directly refers to CBC policies. There is no need for neighbourhood plan policies to repeat local policies. On this basis I recommend the deletion of this policy.

Delete the policy

Policy HO-8 Rural Exception Housing

- 7.44 This policy offers support to rural exception housing.
- 7.45 Plainly this is an important matter locally. However, the policy adds no local value to the approach already included in the adopted development plan and that proposed in the emerging Local Plan. Indeed, the policy directly refers to CBC policies. There is no need for neighbourhood plan policies to repeat local policies. On this basis I recommend the deletion of this policy

Delete the policy

Policy HO-9 Design Features

- 7.46 This policy sets out a series of design principles for new residential development. They are as follows:
- maintaining the essential character of the town in accordance with the Character Assessment study (Annex D);
 - applying best practice design features in accordance with the Design Guide (Annex E) and the Green Infrastructure Design Guide (Annex F); and
 - incorporating local materials into new buildings.
- 7.47 The policy is clearly local to the neighbourhood area. It is based around the Character Assessment work and it makes direct reference to local building materials. An application of the policy will require both the developer and CBC to assess the three detailed annexes which underpin the policy. I am satisfied that this approach is appropriate. Significant work has gone in to preparing the various annexes. Planning Prospects comment that the Character Assessment study is not sufficiently detailed to provide guidance for the future development of individual sites. This is indeed the case. However, this is not the intention of the Character Assessment. Its introduction comments that its purpose is to understand and record distinct features of the town. The approach used has defined broad character areas using on-site fieldwork. The Assessment has attempted to capture the character of three character areas.

- 7.48 The design of the policy is such that it is not prescriptive about the nature of development that comes forward. It highlights key matters which should be addressed as appropriate to the site concerned. Within this context I recommend modifications so that the wording used has the clarity required by the NPPF and can be applied consistently by CBC during the Plan period. Otherwise it meets the basic conditions

In the opening part of the policy add the following at the start:

‘As appropriate to their scale and location’.

Thereafter replace ‘must’ with ‘should’.

Replace the third bullet point with:

‘Take account of vernacular building materials in the immediate locality and incorporate such materials where practicable into the construction of new buildings and boundary treatments’

Policy HO-10 Potton’s Heritage

- 7.49 This policy indicates that all housing developments should be sympathetic to the heritage aspects of the built environment. To a degree this policy builds on and complements Policy HO-9.
- 7.50 Whilst the purpose of the policy is clear its language is rather vague in general, and for a development plan policy in particular. I recommend modifications to remedy this matter. They follow the approach in the NPPF (126-141). This will allow CBC to form its own view of the way in which new developments would impact on the significance of any affected heritage assets.

Replace the policy with:

‘As appropriate to their location proposals for new housing development should take account of the town’s heritage. In particular the layout, design and massing of new residential development should take account of and respond to any designated and non-designated heritage assets in a way that is appropriate to the significance of the assets affected.’

Policy EI-1 Employment Areas

- 7.51 This policy sets out to safeguard areas that have been identified as employment areas from alternative housing or retail development. The supporting text comments about a specific planning permission in 2013 for employment use as part of a wider development.
- 7.52 The approach taken has attracted an objection from an agent acting on behalf of various landowners. It is suggested that the policy does not have regard to national policy to the extent that it seeks to retain employment land which the market has not been able to bring forward to development.

- 7.53 I sought clarification on the policy from the Town Council through the clarification note. It proposed some alterations to the policy in general terms, and to remove the specific reference to the site in Biggleswade Road identified in the policy in particular.
- 7.54 Taking all matters into account I recommend that the policy is deleted. It is aiming to retain a parcel of land which has had permission for employment use since 2013 and which has not been developed. Whilst the Town Council's proposed generalisation of the policy takes the focus away from the Biggleswade Road site there is no suggestion that there are other sites to which this policy would apply. In any event CBC will be able to come to its own judgement on the appropriateness or otherwise of any alternative proposals on the Biggleswade Road site based on its own policies and national policies.

Delete the policy

Policy EI-2 Communication Technologies

- 7.55 This policy supports developments that would allow broadband and other communication technologies to become more available and effective within the town.
- 7.56 It meets the basic conditions.

Policy T-1 Traffic Flow

- 7.57 This policy indicates that where appropriate development proposals should be accompanied by a Transport Assessment.
- 7.58 The approach included in the policy is both appropriate and is designed to be proportionate to the development concerned. Nevertheless, it largely repeats national and local policy and guidance. On this basis I recommend that the policy is deleted.

Delete the policy.

Policy T-2 Foot, Cycle and Bridle Paths

- 7.59 This policy requires that new development should provide safe pedestrian and cycle access to link with existing footpath and cycle ways. It is well-considered in making reference to the appropriateness and practicability of providing such connections.
- 7.60 The policy meets the basic conditions.

Policy T-3 Transport Links

- 7.61 This policy supports measures that would promote the improvement of transport links within the parish, access to the wider transport network and to alternative modes of transport.

- 7.62 I recommend the deletion of the reference to transport links outside the parish. A neighbourhood plan can only refer to development within the designated neighbourhood area. Otherwise the policy meets the basic conditions.

In the first bullet point delete ‘both’ and ‘and outside’

Policy T-4 Transport Improvements

- 7.63 This policy supports appropriate improvements to car parking facilities in the town centre.

- 7.64 It meets the basic conditions.

Policy EV-1 Green Infrastructure

- 7.65 This policy seeks to ensure that new development takes account of the Potton Green Infrastructure (GI) Plan and contributes towards the delivery of its action plan. Its prescriptive approach has generated an objection from Planning Prospects.

- 7.66 As submitted the policy does not meet the basic conditions. In particular it takes no account of the scale and nature of the development proposal concerned and its relationship with any green infrastructure. In addition, it does not specify the way in which any contribution should be made to the GI action plan.

- 7.67 Having taken account all the evidence available to me including the response of the Town Council to my clarification note I recommend modifications to the policy to address the areas where it does not meet the basic conditions. The outcome is a modified policy which supports proposals which take account of the Potton Green Infrastructure Plan. In certain circumstances it may be appropriate for a developer to contribute towards elements of the GI action plan which are in close proximity to the site concerned. However, this will be a matter for CBC to determine on a case-by-case basis.

Replace the policy with:

‘As appropriate to their scale and location development proposals for new development will be supported where they take account of the Potton Green Infrastructure Plan. Development which would deliver a net-positive biodiversity gain or deliver elements of the Green Infrastructure Action Plan will be particular supported’

Policy EV-2 Building for Sustainability

- 7.68 This policy sets out standards to be achieved on sustainable construction. It has two related parts. The first identifies a series of certification standards (such as Building for Life). The second sets out a series of general sustainability principles.

- 7.69 I recommend a series of modifications to the policy. They address the prescriptive nature of its approach, and the scale and number of the certification standards included. On the latter issue I recommend the removal of any direct reference to specific standards. This reflects the increased reliance on the building regulations to deliver this important initiative. It also takes account of the March 2015 ministerial statement on sustainability. In any event a direct reference to current standards has the ability to become out-dated within the Plan period.

Replace the policy with:

‘As appropriate to their scale and location development proposals for new development should incorporate measures to provide mitigation, adaptation and resilience to the impacts of climate change by minimising the vulnerability of the development and its surroundings.

Developments which incorporate energy efficient solutions beyond building regulation standards will be particularly supported.’

Policy EV-3 Local Green Space

- 7.70 This policy proposes the designation of a series of local green spaces (LGSs). They are detailed in the Green Infrastructure Plan. That Plan carries out an assessment of the various sites against the criteria identified in paragraph 77 of the NPPF. It is clear that the Town Council has carried out extensive work on this matter during the plan-making process.
- 7.71 The six proposed LGSs vary significantly in their scale and land use. There are two former quarries, a woodland and a traditional playing field. I looked at the various proposed LGSs as part of my visit to the neighbourhood area.
- 7.72 I am satisfied that the proposed LGS1 (Henry Smith Playing Field), LGS 2 (Pegnut Wood) and LGS6 (land east of Henry Smith Playing Fields) meet the three criteria for LGS designation.
- 7.73 The other proposed LGSs present a series of issues around the extent to which they meet the NPPF criteria. The NPPF is clear that LGS designation will not be appropriate for most green areas or open spaces. I address them on a site-by-site basis.
- 7.74 Proposed LGS 5 (Deepdale Quarry) is a significant parcel of land to the immediate south of the dismantled railway line. It is 18.8 hectares in size. I am satisfied that it is in close proximity to Potton. However, I am not satisfied that it is demonstrably special to the local community and holds a particular local significance. It is extensive disused and inaccessible quarry. Finally, I take the view that at 18.8 hectares in size it is an extensive tract of land. On this basis I recommend the deletion of the proposed LGS from the Plan.
- 7.75 Proposed LGS 10 (Land east of Sutton Mill Road) is a series of parcels of agricultural land being used as paddock land. There were several small stables within the wider site. It is 6.42 hectares in size. I am satisfied that it is in close proximity to Potton.

However, I am not satisfied that it is demonstrably special to the local community and holds a particular local significance. It is not sufficiently different from other parcels of agricultural land surrounding the town. Finally, I take the view that at 6.42 hectares in size it is an extensive tract of land. On this basis I recommend the deletion of the proposed LGS from the Plan.

- 7.76 Proposed LGS 11 (Disused Quarry east of Potton Quarry) is a largely-restored former quarry. It is 11.3 hectares in size It sits at a lower level than the surrounding landscape and natural revegetation is taking place. I am satisfied that it is in close proximity to Potton. However, I am not satisfied that it is demonstrably special to the local community and holds a particular local significance. It is extensive disused quarry. Finally, I take the view that at 11.3 hectares in size it is an extensive tract of land. On this basis I recommend the deletion of the proposed LGS from the Plan.
- 7.77 The policy itself goes well beyond the approach identified for LGSs in the NPPF. In the first instance it fails to recognise that some development may be appropriate within LGSs in very special circumstances. In the second instance the policy proposes to resist development adjacent to LGSs where it would have a negative impact on wildlife and the community as shown in the Green Infrastructure Map. This approach runs contrary to the designation of LGSs. In particular it is inappropriate to extend LGS protection to adjacent parcels of land. In the event that the Town Council wishes to protect other parcels of land from development there are other opportunities to do so. Indeed, Policies EV-1 and EV-5 of the submitted Plan are appropriate ways in which the Plan has addressed such matters.
- 7.78 Finally I recommend that the LGSs which are unaffected by the recommend modifications are listed in the policy itself and shown on a policies map. As submitted the format of the Plan requires users to access a separate document to identify the parcels of land to which this policy would apply. This does not have the clarity expected for a development plan policy.
- 7.79 I recommend modifications to the policy to address these various matters.

Replace the policy with:

‘The following parcels of land are designated as Local Green Space:

LGS1 (Henry Smith Playing Field);

LGS 2 (Pegnut Wood); and

LGS6 (land east of Henry Smith Playing Fields).

Development will not be supported within local green spaces except in very special circumstances.’

Policy EV-4 Green Wheel

- 7.80 The Plan seeks to promote a Potton Green Wheel. The details are set out in the Green Infrastructure Plan. In summary the Green Wheel seeks to improve accessibility within and around the town.
- 7.81 The policy comments that development proposals should support the establishment of a Potton Green Wheel and contribute to public knowledge and understanding of the local natural environment.
- 7.82 As several developers comment the submitted policy is unclear on its intentions in general terms. In particular it is unclear how developers can facilitate public knowledge and understanding. In addition, there is a degree of uncertainty on the implementation measure necessary to establish a Green Wheel.
- 7.83 I recommend modifications to the policy to remedy these matters. They shift its focus to one which supports proposals which would assist in the development of a Green Wheel.

Replace the policy with:

‘Development proposals which would assist in the development of a Potton Green Wheel will be supported’

Policy EV-5 Landscape and Habitat

- 7.84 This policy sets out to ensure that new commercial and residential development protects and enhances existing landscape, habitat features and wildlife species. It also requires that appropriate measures should be included in development proposals to deliver net positive biodiversity gain.
- 7.85 The approach taken in the policy is both forward-reaching and ambitious. However, it goes well beyond the requirements in national policy. In particular it takes no account of the status or otherwise of existing landscape and habitat features so that any protection is commensurate with their importance (NPPF 113). As such I recommend modifications to the policy to remedy this matter. I also recommend the deletion of the final sentence of the policy which relates to the need for planning applications to be supported by a Landscape and Ecology Statement. In some cases, this approach may be necessary. However, the need or otherwise for the submission of such a statement is a process matter rather than a policy issue. Finally, I recommend that the policy is designed so that it can be applied proportionately. As submitted, it would apply to relatively modest proposals such as those for a single dwelling and where the requirements of the policy would be disproportionate to the development itself.

Replace the policy with:

‘As appropriate to their scale and location development proposals for new residential and commercial development should protect and where practicable enhance existing landscape, habitat features and wildlife species as appropriate’

to their significance. Development which would deliver a net-positive biodiversity gain will be particular supported’.

Policy EV-6 Wildlife Management

- 7.86 This policy addresses wildlife management issues. Its focus is on ensuring that all proposals for new commercial or residential development must provide a long-term green space wildlife management plan supported by a commuted payment.
- 7.87 It raises similar issues to those with Policy EV-5. I recommend a similar package of modifications and for the same reasons. In particular I recommend the removal of any reference to the provision of a commuted sum payment. This will be a matter of judgement for CBC on a case-by-case basis. In any event it is a process matter rather than a policy issue.

Replace the policy with:

‘As appropriate to their scale and location development proposals for new residential and commercial development should incorporate a long-term green space wildlife management plan for existing landscape, habitat features and wildlife species as appropriate to their significance.

Monitoring

- 7.88 The Plan addresses the way in which the Town Council will monitor and implement the Plan. It is a very comprehensive approach to this important matter. In particular it highlights that the Plan will be monitored on an annual basis.
- 7.89 This section of the Plan also comments on a potential review of any made neighbourhood Plan. It correctly identifies that this will be driven by the monitoring evidence. It comments that the process will be based on the extent to which it is based on the most up to date information. In this context the eventual adoption of the Central Bedfordshire Local Plan will alter the strategic basis for development in the neighbourhood area. On this basis I recommend that the Plan recognises this matter and considers whether or not a review of a made neighbourhood plan would be appropriate at that time.

At the end of the section on Monitoring (page 59) add:

‘The adoption of the emerging Central Bedfordshire Local Plan will alter the strategic planning context for the town. The need or otherwise for the neighbourhood plan to be reviewed will be assessed at the first annual report on its effectiveness after the adoption of the Local Plan’

Other matters

- 7.90 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned,

I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for CBC and the Town Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Potton Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Central Bedfordshire Council that subject to the incorporation of the modifications set out in this report that the Potton Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Central Bedfordshire Council on 26 January 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to my Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
3 July 2019