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Report on Bromham Neighbourhood Plan - 2030

An Examination undertaken for Bedford Borough Council with the support of Bromham Parish Council on the January 2020 submission version (updated March 2020) of the Plan.

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Date of Report: 5 June 2020

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Main Findings - Executive Summary

From my examination of the Bromham Neighbourhood Plan (the Plan/BNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body (QB) – Bromham Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Bromham as shown on Map 1 on page 4 of the Neighbourhood Plan;
- The Plan specifies the period to which it is to take effect: to 2030; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Bromham Neighbourhood Plan - 2030

- 1.1 The Neighbourhood Plan Area comprises the Parish of Bromham, which covers an area of 820 hectares some 4 miles north west of Bedford, within Bedford Borough Council (BBC). Bromham is a large and attractive rural village with a population in excess of 4,950 at the 2011 Census. Heritage assets which contribute to the character and appearance of the village include St Owen's Church, Bromham Hall, Bromham Mill, the Village Road school site, Bromham Bridge and several privately owned listed buildings. The village also benefits from attractive green areas which include Bromham Park, the Green and Vicarage Green, together with three fragments of ancient woodland. These areas contribute to the pattern of green spaces which characterise the village.
- 1.2 Bromham village is well served by shops, public houses, a garage and community facilities, which has given the village Rural Key Service Centre status within Bedford Borough. It has close links with both Bedford and Milton Keynes with easy access to a number of trunk roads, the motorway network and the rail network from Bedford Railway Station. Although the village has close links with the town of Bedford, the River Great Ouse and the A428 provide natural boundaries between the Parish and the town. An

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issue raised by local residents is that Bromham should maintain its identity and integrity and this concern has influenced the identification of potential new housing sites within the Neighbourhood Plan Area.

- 1.3 The preparation of the BNP coincided with the emergence of the Bedford Borough Local Plan 2030 (BBLP 2030). The BBLP 2030 was adopted by BBC in January 2020. The BNP was prepared generally in accordance with the several different BBC development plan documents which had effect in 2019. Nevertheless, in accordance with Government policy guidance, the BNP has had close regard to the policies that were emerging in the preparation of the BBLP 2030.¹
- 1.4 The Bromham Neighbourhood Plan is required to be in general conformity with the strategic policies of the statutory development plan, which is now the BBLP 2030 together with any policies saved from earlier documents. In view of the changed status of the BBLP 2030 in January, I asked for a review of Table 1 of the submitted Basic Conditions Statement to be undertaken in order to identify the level of compliance between the BNP and the statutory BBLP 2030. I address the matter of general conformity of the BNP with the strategic policies of the Development Plan throughout my report.

The Independent Examiner

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the BNP by BBC, with the agreement of Bromham Parish Council (BPC).
- 1.6 I am a chartered town planner and retired government Planning Inspector, with more than 45 years of experience in the private and public sectors. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.7 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:

¹ PPG Reference ID: 41-009-20190509.

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.9 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.10 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

- 1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.²

2. Approach to the Examination

Planning Policy Context

- 2.1 At the time of the preparation of the BNP, the Development Plan for BBC, not including documents relating to excluded minerals and waste development, comprised the following documents:
- Saved Local Plan 2002 (LP 2002) policies
 - The Core Strategy and Rural Issues Plan (CSRI) 2008 (to 2021)
 - The Allocations and Designations Local Plan (ADLP) 2013
- 2.2 The BNP was prepared to be in general conformity with the strategic policies in these BBC development plan documents, which had effect in 2019. Nevertheless, the BPC sought to ensure that the BNP reflected the reasoning and evidence informing the local plan process and recognised the importance of minimising any conflicts between those policies in the Neighbourhood Plan and those in the emerging Local Plan during its preparation. The BBLP 2030 was adopted by BBC on the 15 January 2020 and largely replaces the policies in the LP 2002 and the CSRI 2008. It does not replace some policies in the ADLP, which remain a part of the Development Plan³. The BNP covers the same period as the adopted BBLP 2030.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 and has been subject to further amendment. All references in this report are to the 2019 NPPF and its accompanying PPG.⁴

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted in March 2020. These comprise:
- Bromham Neighbourhood Plan, January 2020;

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

³ See BBLP 2030 Appendix 1

⁴ See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

- Bromham Parish Map;
- Basic Conditions Statement, January 2020;
- Consultation Statement;
- Supporting Document 1 - Community Engagement Strategy, November 2014;
- Supporting Document 2 Village Questionnaire, 2015;
- Supporting Document 3 Housing Needs Survey, 2015;
- Supporting Document 4 Issues and Options Paper on Housing and Education and explanatory material relating to Old Stable Yard Development, 2016;
- Supporting Document 5 Consultation Exercises - Summary of Findings;
- Supporting Document 6 Strategic Environmental Assessment screening report;
- Supporting Document 7 Bedford Borough Council's Site Assessment and Selection Methodology;
- Supporting Document 8 Bedford Borough Council's Highway; Access and Transport Surveys of Bromham Sites;
- Supporting Document 9 Summary of Site Assessments;
- Supporting Document 10 Housing Needs Survey Report, 2015;
- Supporting Document 11 Flood-Risk Sequential Test – Bromham Neighbourhood Area, November 2019;
- Supporting Document 12 CFA Archaeology – Archaeological Survey Land off Stagsden Road;
- Supporting Document 13 Landscape Collective – Advice Note on Landscape, Heritage and Archaeology, September 2017;
- Supporting Document 14 Bedford Borough Council Historic Environment Record relating to Bromham;
- Supporting Document 15 Ecological Survey of Salem Thrift and Moliver's Wood, May 2017;
- Supporting Document 16 Habitat Regulations Assessment, October 2018;
- Regulation 16 consultation responses;
- Joint responses from BPC and BBC of 1 April and 13 May 2020 to my questions of 19 March and 30 April 2020;
- Larger scale Map 5; and
- Letter from Rainier Developments Ltd of 21 May in response to my questions of 30 April and the letter in response from BPC and BBC dated 13 May 2020.

All the above documents are available on the Borough Council's website.⁵

- 2.5 In respect of the joint response provided to my questions by BPC and BBC on 1 April 2020, I was provided with an updated version (dated 31 March 2020) of the BNP (and the Basic Conditions Statement), to which all references in this report refer.⁶

⁵ View at: <https://www.bedford.gov.uk/planning-and-building/planning-policy-its-purpose/neighbourhood-planning/Bromham-neighbourhood-development-plan/>

⁶ View at footnote 5 above.

Site Visit

- 2.6 I visited the Neighbourhood Plan Area unaccompanied by any interested party on the 29 April 2020.⁷ I carried out a general review of the area in terms of its setting and character in order to familiarise myself with it and visited relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.7 This examination has been dealt with by written representations. There were some requests to be heard in representations received as a result of the Regulation 16 Consultation.
- 2.8 However, the Regulation 16 consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. As noted, I have received further clarification from both BBC and the QB in response to my letters of 19 March and 30 April 2020 (and a further response from Rainier Developments Ltd).⁸ As a result, in terms of the appropriate level of scrutiny for the BNP, I consider hearing sessions to be unnecessary. I have carried out the examination on the basis of the written submissions.

Modifications

- 2.9 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Bromham Neighbourhood Plan has been prepared and submitted for examination by BPC, which is the QB for an area that was designated by BBC on 18 August 2014.
- 3.2 It is the only Neighbourhood Plan for Bromham Parish and does not relate to any land outside the designated Neighbourhood Plan Area.

⁷ Following the production of a risk assessment (in view of the COVID-19 restrictions in place at that time), my site visit was officially authorised by Bedford Borough Council.

⁸ View at: <https://www.bedford.gov.uk/planning-and-building/planning-policy-its-purpose/neighbourhood-planning/bromham-neighbourhood-development-plan/>

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect in paragraph 1.1, which is to the year 2030. The Plan states the date prominently on the front cover.

Neighbourhood Plan Preparation and Consultation

- 3.4 A summary of the consultation exercises undertaken in the preparation of BNP is set out in submitted Document 5. BPC launched its neighbourhood planning exercise at a public event in the Village Hall on 20/21 February 2015 which was attended by over 350 people. The Bromham Neighbourhood Plan Steering Group (BNPSG) comprising residents and Parish Councillors set out potential themes for the BNP and ideas for other themes were invited. A request for volunteers to the BNPSG was published at this event and the invitation was repeated in June 2015. In July 2015, a village questionnaire and a housing needs survey was circulated to all residential and non-residential properties in Bromham. Some 593 responses were received to the questionnaire, with 84 responses to the housing needs survey.
- 3.5 The questionnaire document included the map of potential housing development sites provided by BBC. A public event at the Village Hall in April 2016 exhibited the findings of the questionnaire together with details of the potential redevelopment of Old Stable Yard at Hall Farm to clarify the extent of the proposal. The children at the village schools were consulted in 2016 and the local business community was engaged through an event in September 2016.
- 3.6 Later that year an Issues and Options Consultation covering housing and education matters was circulated to all households. This identified the sites which were being considered to accommodate the 500 new homes required in the then emerging BBLP 2030. Some 484 responses were received, which provided clear views as to the preferred locations for development and the types of future housing. In March 2018, the emerging findings for the BNP were publicised at a public event in the Village Hall. This was attended by some 278 people.
- 3.7 There has been some objection to the scale of new housing which was required for Bromham, and there remains some disagreement as to the best choice of site for the new housing. However, the location of the majority of the new housing to the west of the village, close to the A428 was broadly supported. The community's responses to the consultations provided the basis for the development of the objectives for the BNP.
- 3.8 The Regulation 14 pre-submission consultation took place over a six week period from 25 February and 8 April 2019. The consultation was publicised on the seven Parish Council notice boards throughout the village. A leaflet was distributed to all Bromham dwellings (about 2000) as well as to shops and other services and organisations in the village. This provided details

of where copies of the documents could be accessed and how representations could be made. Statutory bodies were consulted in accordance with the requirements of the Regulations. The consultation was also highlighted on the front page of the March 2019 edition of Bromham Broadsheet, which is delivered to every home and non-residential premise in Bromham.

- 3.9 Some 65 responses were received of which 54 were from local residents, or individuals. Issues raised at Regulation 14 stage were considered by the BNPSG and final amendments to the BNP and its policies were made to produce the Submission Version of the BNP.
- 3.10 The Submission Version of the Plan was then the subject of a further round of consultation, as required by Regulation 16 of the 2012 Regulations, which commenced on 27 January 2020 and closed on 9 March 2020. This led to 39 responses, all of which I have had regard to in preparing this report. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the BNP. Advice in the PPG on plan preparation has been followed and the BNP is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.11 The Plan sets out policies in relation to the development and use of land in Part B in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.12 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.13 No issues have been raised in relation to any potential for a breach of Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to find otherwise.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The BNP has been screened for Strategic Environmental Assessment (SEA). The conclusion was that it is unlikely that there will be any significant environmental effects arising from the BNP and that SEA is not required. The screening report was sent to the Environment Agency, Historic England and Natural England for comment. All three Agencies responded to confirm that SEA was not required. I have read the SEA screening report and have no reason to disagree with its conclusion.

- 4.2 A Habitats Regulations Assessment was carried out for the BBLP 2030 which identified the potential for likely significant effects on two European sites, The Ouse Washes and Portholme, downstream of Bedford. Although the policies within the Local Plan should protect the European sites if followed, detail was not available from the emerging neighbourhood plans to confirm this for all developments. Further screening of the Bromham Neighbourhood Plan has been carried out to ensure that there were no unforeseen likely significant effects.
- 4.3 This screening of the BNP identified the same likely significant effects on the two European sites as the Bedford Borough Local Plan to 2030 but at a reduced scale. Following Appropriate Assessment of the BNP (AA Stage 2) some rewording of the policies of the BNP has been undertaken to provide protection to the European sites. The policies provide the framework to avoid or mitigate against any likely significant effects, with the exception of the threat from non-native invasive plants which by its nature cannot be eliminated entirely.
- 4.4 The HRA concludes that the Bromham Neighbourhood Development Plan can proceed as it will not have significant effects on any European sites itself or in combination with other plans on the assumption that other plans avoid or have mitigated against the likely significant effects. Based on my own independent assessment, I agree with this conclusion.
- 4.5 The BBLP 2030 identifies Bromham as a key growth village which should accommodate an additional 500 new dwellings to reflect its status as a Rural Key Service Centre. As part of the preparation of the BBLP 2030, there was a call for sites by BBC in 2014. In the selection of the sites to be allocated for new housing in the BNP, BBC's site assessment and selection methodology was adopted to help inform the process. The outcome of the community consultation was also an important consideration in the final choice of sites considered acceptable for allocation in the BNP. I am satisfied that the BNPSG has taken an appropriate and thorough approach to the consideration of reasonable alternatives in the assessment of housing sites in the preparation of the BNP.

Main Issues

- 4.6 I have approached the assessment of compliance of the BNP with the remaining Basic Conditions as two main matters:
- General issues of compliance of the Plan, as a whole; and
 - Specific issues of compliance of the Plan policies.

General Issues of Compliance of the Plan

Regard to National Policy and Advice

- 4.7 The BNP sets out the background and context to its preparation and provides a broad description of the character and appearance of the Plan

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area, with its attractive village and rural setting. The main objective of the BNP is to allocate land for new housing, but the Vision of the Plan and its Aims seek to retain the identity and integrity of the village, minimise the impact of additional traffic generated by new development, maintain access to Bromham Park and other green spaces and footpaths and enhance the value of Bromham Mill to village residents and other local people.

- 4.8 In the BBLP 2030 Bromham is identified as a Rural Key Service Centre. To deliver sustainable development and growth which will enhance the vitality of the Borough's urban and rural communities, Bromham is identified for the location of strategic residential development of some 500 new homes. The BNP allocates sufficient land for housing to meet the requirement in the BBLP 2030 over the next 10 years. Furthermore, the BNP has provided the local community with the opportunity to influence the type, design, location and mix of new development in accordance with national and local plan policies.
- 4.9 A neighbourhood plan may allocate more land than is required to accommodate the level of new housing specified in the local plan, but it may not allocate less land than is required. Through the identification of land to accommodate the 500 new homes required in the BBLP 2030, the BNP has complied with national policy and advice. The main issue of compliance in the BNP which I identify relates to the requirement in NPPF paragraph 16 d) for policies to be "clearly written and unambiguous". PPG further states a policy in a neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.⁹ Some of the policies require modification to provide clarity as to what constitutes a requirement of the policy and what might be a desirable consequence. This is a matter which can be dealt with through modifications which I address in relation to each of the policies later in the report.

Contributes to the Achievement of Sustainable Development

- 4.10 By taking a positive approach to the delivery of residential development in accordance with the BBLP 2030, the BNP provides for sustainable development through its site allocations and policies. Whilst the Plan focuses primarily on the allocation of housing land, in doing so it has regard to the economic, social and environmental needs of the local community. The BNP accords with paragraph 29 of the NPPF since it does not promote less development than set out in the strategic policies for the area or undermine those strategic policies.
- 4.11 Section B.3 of the BNP addresses sustainable development and refers to requirements in the policies of the BBLP 2030 relating to energy efficiency, water, habitats and species. Together with the policies of the

⁹ PPG Reference ID: 41-041-20140306.

BBLP 2030, the policies and proposals of the BNP contribute to the achievement of sustainable development in accordance with national policies and advice.

- 4.12 Subject to the detailed comments and modifications which I set out below for individual policies, I am satisfied that the Plan makes a positive contribution to the achievement of the economic, social and environmental aspects of sustainable development.

General Conformity with Strategic Policies in the Development Plan

- 4.13 I set out the planning policy context for the BNP in section 2 above. In order to clarify the relationship between the BNP and the recently adopted BBLP 2030, I requested that Table 1 of the Basic Conditions statement be updated to indicate the extent to which the policies as submitted in the BNP March 2020 are in accord with those in the adopted BBLP 2030.
- 4.14 The need for the BNP to generally conform with the strategic BBLP 2030 is acknowledged in paragraph A.1.3. Early drafts of the BBLP covered the period to 2035 and that was the intention for the BNP. However, to align with the BBLP 2030 the BNP would need to provide land which would enable 500 new homes to be delivered by 2030. To meet this requirement, the period covered by the BNP has been identified to mirror that of the BBLP 2030 as adopted.
- 4.15 The BNP has been developed with proper regard to the strategic direction and policies of the BBC development plan documents which I identify in Section 2 above. In addition, with some modifications which I recommend below, the BNP demonstrates general conformity with the recently adopted strategic policies of the BBLP 2030. BBC has been involved throughout the preparation of the BNP and is generally supportive of its policies. Subject to some detailed comments and the modifications which I make to the Plan's policies below, I am satisfied that the BNP is in general conformity with the strategic policies of the Development Plan.

Specific Issues of Compliance of the Plan Policies

Housing Allocation Policies

- 4.16 In the BBLP 2030, Policy 3S identifies the Spatial Strategy for the Borough with strategic residential development to take place in key service centres. The amount and distribution of development between settlements in the Borough is set out in Policy 4S. Bromham is required to identify sites to provide 500 homes generally in and around defined Settlement Policy Area Boundaries. All sites are to be allocated in neighbourhood development plans.
- 4.17 The overall level of development identified in BBLP 2030 Policy 4S is stated to be a minimum of 3,169 dwellings. The policy then sets out the levels of development expected to be provided in identified locations. The

sum of the list of allocations expected by 2030 is well in excess of the minimum figure of 3,169, and as a result I consider that the figure of 500 dwellings allocated to Bromham should not be regarded as a minimum figure which the BNP should seek to exceed.

- 4.18 In the BNP, the policy objectives relating to the location of new housing in the village are set out under paragraph B.1.5. Policy HA1 then lists the sites to be allocated for housing to meet the requirement in the BBLP 2030 for 500 new dwellings.
- 4.19 Having regard to the process of site assessment and selection which has been carried out in the preparation of the BNP, and the evidence submitted for the examination, I am satisfied the allocations in Policy HA1 are soundly based and capable of being developed within the Neighbourhood Plan period. The large sites on the west side of the village are appropriately located in relation to the village centre and the strategic road and public transport networks. The smaller site at Old Stable Yard mainly comprises previously developed land and its release for development would accord with Government policy.
- 4.20 I have referred to the need for policies to be clearly written and unambiguous to ensure that there can be no doubt as to the requirement of the policy. In Policy HA1 it states that the three sites “should be allocated for development”. Clearly the release of the sites is provisional on any proposal being in accord with the other policies of the Development Plan, but the allocation of the sites should come first and be positively spelled out. I recommend the modification to the first paragraph of Policy HA1 to ensure that the sites are allocated and to require that they comply with other relevant development plan policies [**PM1**]. With this modification Policy HA1 meets the Basic Conditions.
- 4.21 The first part of Policy HA2 seeks financial contributions from developers of sites allocated for residential development towards improving local infrastructure. It is recognised in the NPPF that there will be circumstances where financial contributions from a developer are necessary to make a development acceptable in planning terms. However, these must be directly related to the development and fairly and reasonably related in scale and kind. As drafted, it is not clear from Policy HA2 in what circumstances any financial contributions would be required from developers or how they would be calculated.
- 4.22 Provision for the assessment of financial contributions from new development is made in BBLP Policy 33. This requires new development proposals to ensure that they will have no harmful impact on the adequacy of existing infrastructure such as utilities, schools, health and community facilities. Where any adverse impacts are identified, developers will be required to contribute towards measures to mitigate any harmful impact. This policy provides the overall context within which any proposal for the development of the sites listed in HA1 must be assessed. As a result, there is no need for a general requirement to be

repeated in the BNP¹⁰, and I therefore recommend that the first part of Policy HA2 be deleted.

- 4.23 The second part of HA2 requires a Phasing Plan to indicate the timescales for delivery. However, it is unlikely that such a plan would be necessary for all the sites in the BNP. Where a phasing plan is justified, reference should be included in the site specific policies and I consider these later in the report. No justification has been given for including an overall requirement for the phasing of each of the allocations in the BNP and therefore I recommend that the whole of Policy HA2 be deleted [**PM2**].
- 4.24 Policy HA3 requires the provision of safe, sustainable transport connections for new housing developments and lists examples of the way this may be achieved. The policy has appropriate regard for national policies and is in general conformity with local plan strategic policies and therefore meets the Basic Conditions.

Affordable Housing

- 4.25 The BNP has the objective that new housing development on the allocated sites should make provision for affordable housing as required by the policies of the BBC Development Plan which applies at the time the proposal comes forward. Policy AH1 seeks to implement that objective.
- 4.26 In the BBLP 2030, Policy 58S sets out in detail the requirements for the provision of affordable housing. Any proposal to develop the sites allocated in the BNP will be required to comply with this BBLP 2030 policy. As a result, there is no need for a policy in the BNP which basically refers back to the BBLP 2030 policy.
- 4.27 Policy AH1 does make an addition to the requirements in the BBLP policy through the reference to “high quality” affordable housing. However, through this requirement the BNP seeks a higher standard of development than that provided for in either the BBLP 2030 or in the NPPF. In the absence of any justification for such a higher standard, this requirement in the BNP conflicts with national policy and should be deleted.
- 4.28 Since the remainder of Policy AH1 is comprehensively addressed by the provisions of BBLP 2030 Policy 58S, I recommend its deletion [**PM3**].
- 4.29 Policy AH2 relates to housing mix within the allocated housing sites. The policy seeks to ensure that the housing needs which were identified through the 2015 Bromham Housing Needs Survey are provided for. This is an evidence based policy which complements the provisions of the BBLP. I recommend a modification to reflect the imperative rather than the conditional tense [**PM3**] and with this change the Policy meets the Basic Conditions.

¹⁰ NPPF, paragraph 16 f).

Site Specific Policies

- 4.30 In the BBLP 2030, Section 8 sets out detailed Place Making policies which include requirements for design quality and principles, green infrastructure, landscape, tree retention and hedgerows; the assessment and management of impacts in relation to design, access, disturbance and pollution, the River Great Ouse and infrastructure; the protection and enhancement of the historic environment and heritage, and biodiversity and geodiversity.
- 4.31 Any proposal for the development of a site allocated in the BNP will be assessed against the policies in the BBLP 2030. The BNP adds to the BBLP 2030 policies through the identification of specific requirements for each site in section B.4.
- 4.32 I have referred earlier in the report to the requirement in the NPPF paragraph 16 d) that policies be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. To ensure that the BNP complies with this requirement, I recommend some modifications to the wording of the policies to ensure that it is clear to a reader what constitutes a requirement of the policy and what might be negotiable or aspirational.
- 4.33 Taking first Policy BP, it is stated to be "Beauchamp Park Development and Requirements Policy". Where the policy is setting out requirements rather than aspirations, it would be more effective and less ambiguous if the use of the conditional tense was avoided. There are also some phrases which need to be changed to make clear that the provisions which are identified are requirements which are to be met, rather than optional or desirable facilities. I set out these recommended modifications in detail in **PM4**.
- 4.34 A Phase 1 Contaminated Land Assessment has been submitted in support of an outline planning application for Beauchamp Park to assess the potential for ground contamination from landfill. The assessment indicates this is most likely inert landfill made up of spoil from the A428 Bromham bypass construction during the 1990's. As such it would be unlikely to cause any hazard or reason to constrain the delivery of the development.
- 4.35 A standard condition would be attached to any planning permission to require further ground investigation prior to the start of development. In the event that it was found that the ground conditions would seriously delay the delivery of the site and affect the supply of housing within the Borough, this is a matter which may be addressed through the next review of the Development Plan.
- 4.36 In order to secure the delivery and implementation of the requirements of Policy BP, further wording is recommended to be added to BP1. This ensures that the provision of the various facilities and infrastructure listed in the Policy are included within the detailed plan for the site, and that an

appropriate agreement is secured with the developers of the site to ensure their implementation. That agreement should include timescales (or phasing) for implementation [**PM4**].

- 4.37 In relation to BP7, no indication is given in the policy as how the commercial demand for a shop unit may be assessed. As submitted this part of the policy is aspirational and lacks clarity as to its deliverability, which is in variance with national policy. I note that paragraph B.5.11 identifies the potential for a new shop unit if there is commercial demand. I recommend a modification to BP7 to require an assessment of the commercial demand for a shop to serve the new neighbourhood to be carried out and submitted as part of a detailed planning application. This will provide clarity as to when the consideration of commercial demand for a new shop should be carried out by the developer of the site [**PM4**].
- 4.38 BP8 seeks improvement to the sightlines to the north at the Stagsden Road/A428 traffic island without specifying what the improvement should be. Since it will be necessary for any improvement to meet the standard required by the relevant Highway Authority, I recommend some additional wording to make this clear [**PM4**].
- 4.39 I note that two vehicular access points are required to serve the main part of the Beauchamp Park site. The main access will be from Stagsden Road, and the other from Barker Drive. In order to discourage traffic movements through the village, the bus service will not extend to Barker Drive, and it is intended to design the internal road network to deter the passage of vehicular traffic through the scheme whilst maintaining pedestrian and cycle connectivity. I recommend a modification to the first bullet point of BP10 on page 24 to reflect this aim [**PM4**].
- 4.40 In order to secure delivery of the community infrastructure identified in Policy CI 1 (which I deal with below), I recommend some further additions to ensure that the requirements identified in Policy CI 1 for Beauchamp Park are provided for within Policy BP [**PM4**].
- 4.41 Policy SR sets out the requirements for the development of Stagsden Rise. As for Policy BP1, I recommend the insertion at SR1 of new wording to secure the provision of the various facilities and infrastructure listed in the policy. A number of changes to the text are also necessary, as recommended, to ensure that the requirements of the policy can be clearly identified and implemented. I also recommend some additions to include the provisions identified in Policy CI 1 which I address below. These are covered in **PM5**.
- 4.42 Policy OS sets out the requirements for the development of Old Stable Yard. As for Policies BP and SR, I recommend a number of changes to the text to ensure that the requirements of the policy are clearly identified. These are covered in **PM6**.

- 4.43 OS4 refers to a permissive link to be provided from the development site to the village. I noted at my site visit, the lack of footpaths along Lower Farm Road and consider that a pedestrian/cyclist route is necessary to ensure that residents of the 30 dwellings proposed for the allocation have a safe and sustainable route into the village centre. A suitable route could be provided on land which is in the same ownership as the proposed site and therefore there is a realistic chance that a link to the village can be delivered.
- 4.44 However, as submitted, the policy provides no timetable for the provision of the link and makes no provision for its future maintenance. I recommend changes to OS4 to ensure that an agreement is reached between the BPC and the landowners to provide for the provision and future maintenance of the link prior to the grant of planning permission on the site, and that the new link is provided prior to the occupation of any dwelling within the site [**PM6**]. The requirement for a pedestrian/cycle track is also identified in Policy CI 1. I set out my reasons for deleting that Policy below.
- 4.45 A modification is recommended to OS5 to secure the provision of the public green space [**PM6**].
- 4.46 Subject to the modifications which I recommend in the Appendix, the Site Specific Policies comply with the Basic Conditions.

Windfall Sites

- 4.47 It is a policy objective of the BNP to develop windfall sites within the Settlement Policy Area (SPA) where they provide efficient and effective use of available land. Proposals outside the SPA are subject to the provisions of BBLP 2030 Policy 7S, which sets out the circumstances in which development may be permitted elsewhere in the Neighbourhood Plan Area.
- 4.48 In the NPPF windfall sites are defined as “sites not specifically identified in the development plan”. In paragraph 68 it is stated that local planning authorities should “c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.
- 4.49 Policies HA4 and HA5 deal with windfall sites in the BNP within the existing SPA in accordance with the national policies and are in general conformity with the strategic local plan policies. With a modification to HA4 from the conditional to the imperative tense, the policies meet the Basic Conditions [**PM7**].

Community Infrastructure

- 4.50 The policy objective aims to ensure that developers of the allocated sites should contribute to the enhancement and improvement of facilities and

services in Bromham both within the development and more generally within the village.

- 4.51 Policy CI 1 identifies the priorities for additional community facilities. It identifies the provisions to be made in the Beauchamp Park and Stagsden Rise developments, and the requirement for a pedestrian/cycle track to support the Old Stable Yard development.
- 4.52 The submitted policy generally repeats the requirements which are identified in the site specific policies. The only additional requirement is CI 1b), which seeks the provision of a safe pedestrian and cycle crossing of Stagsden Road between the northern and southern segments of Beauchamp Park.
- 4.53 To avoid repetition within the BNP and to make it clear how the provisions sought in CI 1 are to be delivered, I have recommended that all the requirements in the policy are included within the relevant site specific policies. This would make it clear that it is the responsibility of the landowner/developer of each allocated site to incorporate or contribute to the provisions which are identified for that scheme. I recommend modifications to Policy BP [**PM4**], Policy SR [**PM5**] and Policy OS [**PM6**] to address these matters.
- 4.54 Some changes will also be required to the text in paragraphs B.10.2 to indicate that community infrastructure will be provided through the development of the allocated sites. Since the provisions identified in Policy CI.1 are more appropriately to be included within the site specific policies, I recommend Policy CI 1 be deleted [**PM8**].

Education Provision

- 4.55 The school in Bromham plays a central role in the community. It has recently been extended to accommodate three forms of entry and is being changed from a Lower School to a Primary School. However, with the new development allocated for the village, a fourth form of entry may be required to accommodate the children associated with the new development.
- 4.56 The BPC has participated in positive discussions with the education authority to identify a solution for the expansion of the school within its existing campus, and it is proposed to allow the increased use by the school of the existing village playing fields which are in the ownership of the BPC. Current users of the playing fields will have additional facilities available for their use within the Beauchamp Park development and will not therefore be disadvantaged.
- 4.57 Policies EP1 to EP4 identify the main issues to be addressed in the further development of the school and set out the position of the BPC to be adopted in future discussions with the education authority. Since the matters covered in these policies are for negotiation with the education

authority, it is appropriate for the use of the conditional tense to be retained. Initiatives pertaining to traffic issues which relate to the allocated sites are provided for in the site specific policies for those sites which complement the approach taken in EP3. I am satisfied that the policies relating to education provision meet the Basic Conditions.

Non Policy Actions

Part C – Community Issues and Aspirations

- 4.58 In addition to the BNP policies which I am required to consider against the statutory tests, Part C of the BNP addresses those issues which are aspirational. They relate to measures which may be sought in order to improve the general quality of life and well being within the village rather than land use issues which relate to the development and use of land in the statutory sense. Part C sets out actions to be taken by the community to help achieve their wider aspirations. Though I have taken note of these, they will not form part of the statutory development plan and are not therefore considered against the Basic Conditions.¹¹

Part D – Implementing and Monitoring the Plan

- 4.59 Part D does not set out policies but lists the means by which the BNP will be delivered and monitored. It also identifies the BPC's priorities for the use of the Community Infrastructure Levy. Part D raises no issues of compliance with the Basic Conditions.

Factual and Minor Updates

- 4.60 Now that the BBLP 2030 has been adopted by BBC, I recommend that the BNP be updated to remove all references to the emerging or draft BBLP. These do not affect the Basic Conditions and can be made, alongside any other minor updates, in agreement between BPC and BBC.

5. Conclusions

Summary

- 5.1 The Bromham Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

¹¹ PPG Reference ID: 41-004-20190509.

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- 5.2 I have made recommendations to modify some of the policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates.
- 5.4 The Bromham Neighbourhood Plan, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary and which would require the referendum to extend to areas beyond the Plan boundary. I therefore recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.5 The production of the BNP has undoubtedly required a high level of commitment and hard work by a group of volunteers from the local community. I commend the Parish Council and the BNPSG for producing a well written and effective Neighbourhood Plan. In doing so, the BPC and BNPSG have consulted with and taken into account the views of the local community, whilst seeking to realise the status of Bromham as a Rural Key Service Centre and provide for the level of new housing required in the BBLP 2030.
- 5.6 The Plan has achieved the difficult task of setting out positive proposals to enable Bromham to accommodate the requirement for new housing whilst seeking to reflect the wishes and aspirations of the local community. As a result, the BNP meets the Basic Conditions. With the modifications appended to my report, the BNP should provide an effective Plan for the management of the future planning of Bromham.

Wendy J Burden

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	P13 Policy HA1	Delete the first paragraph. Insert "The sites set out below and shown on Map 2 are allocated for residential development. Any proposal for the development of an allocated site must meet the requirements of the relevant Policies of the Bedford Borough Council development plan before planning permission will be granted."
PM2	P13 Policy HA2	Delete Policy HA2.
PM3	P18 Policy AH1 and AH2	Delete Policy AH1. Policy AH2: in line 4 delete "should" and insert "shall".
PM4	P23-24 Policy BP	BP1: add to existing, "Provision for the requirements listed within this Policy shall be included within a planning application for the development of the site. A Section 106 Agreement which includes the timescale for implementation of the provisions shall be concluded prior to the grant of any planning permission." BP2: in line 2 delete "that would" and insert "required to"; in line 4 delete "should" and insert "shall". BP3: delete "should" and insert "shall". BP4: in line 1 delete "should" and insert "shall"; in line 3 delete "should" and insert "to"; in line 4 delete "should" and insert "shall"; in line 5 delete "would" and insert "are to"; in line 6 delete "would" and insert "will".

		BP5: in line 1 delete "should" and insert "shall"; in line 2 delete "this could" and insert "to". BP7: delete the first sentence and before "The potential –" insert "An assessment of commercial demand for a retail unit to serve the new neighbourhood shall be submitted to the local planning authority as part of the application for detailed planning permission of the development. The new unit to be located within Beauchamp Park with". After "amenity" delete "would also need". BP8: in line 1 delete "should" and insert "shall"; after "development" insert "in accordance with the requirements of the Highway Authority." BP9: in line 1 delete "should" and insert "shall". BP10: in lines 1, 3, 5 on page 23 delete "should" and insert "shall". In first bullet point on page 24 delete "should" and insert "shall". After "provided to" insert "discourage the passage of vehicular traffic through the scheme from Peacock Road and Barker Drive and to". After "Highway Design Guidance" insert new bullet point "Subject to agreement with the Highway Authority measures to increase pedestrian and cyclist safety should include the provision of a safe pedestrian and cycle crossing of Stagsden Road between the northern and southern segments of Beauchamp Park to provide access
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		to the Village Oval and other recreational facilities.” In the penultimate bullet point delete “should” and insert “shall”. In final bullet point insert before “An equipped”, “A new play area shall be provided to provide for a range of age groups together with”; delete “An” and insert “an”; delete “should” and insert “to”.
PM5	P26-27 Policy SR	SR1: add to existing, “Provision for the requirements listed within this Policy shall be included within the planning application for the development of the site. A Section 106 Agreement which includes the timescale for implementation of the provisions shall be reached prior to the grant of any planning permission.” SR2, SR3, SR4, SR6, SR7, SR8, SR9: delete all cases of “should” and insert “shall”. SR2: in line 2 delete “that would” and insert “are required to”. SR4: add after “play area”, “covering a range of age groups.”
PM6	P29-30 Policy OS	OS2, OS3, OS7, OS8: delete all cases of “should” and insert “shall”. OS2: in line 2 delete “that would” and insert “to”. OS4: add to policy wording, “A Section 106 Agreement shall be completed between the local planning authority and the landowner of Bromham Park Estate to provide for the design, provision and future maintenance of the pedestrian and cycle track prior to the grant of planning permission for the residential development of Old Stable Yard. The track shall be

		completed and open for use prior to the occupation of the first new dwelling.” OS5: add after “Local Plan”, “Provision of public green open space shall be included within the planning application for the development of the site. A Section 106 Agreement which includes the timescale for provision of the public green open space shall be reached prior to the grant of any planning permission.”
PM7	P30 Policy HA4	Second paragraph: in the first line delete “should” and insert “shall”.
PM8	P31–32 Paragraph B.10.2 Policy CI.1	Paragraph B.10.2: in the second sentence delete after “listed” and insert “within the site specific policies to ensure that they are incorporated within future planning applications for the allocated sites. They contribute to the achievement of the following objective.” Delete Policy CI 1.