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# **Report on the Carlton & Chellington Neighbourhood Development Plan 2018 - 2030**

**An Examination undertaken for Bedford Borough Council with the support of Carlton and Chellington Parish Council on the submission version of the Plan.**

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## **Main Findings - Executive Summary**

From my examination of the Carlton & Chellington Neighbourhood Development Plan (the Plan) 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 – Carlton and Chellington Parish Council;
- The Plan has been prepared for an area properly designated – The Parish of Carlton & Chellington as shown on Fig 1 of the Plan;
- The Plan, as proposed to be amended, specifies the period to which it is to take effect – 2018 - 2030; and
- The policies in the Plan 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**

### *Carlton & Chellington Neighbourhood Development Plan 2018-2030*

- 1.1 The village of Carlton and Chellington is situated in the valley of the River Ouse some eight miles to the north west of Bedford. The village originally consisted of two settlements up until 1934 when they were combined following changes to parish boundaries.
- 1.2 Work on the Plan began in 2016 and has been led by the Carlton and Chellington Neighbourhood Plan Steering Group. The aim of the Plan is to create a sustainable, prosperous community which has maintained its village character in a thriving natural environment.

### *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as its examiner by Bedford Borough Council (the Borough Council), with the agreement of Carlton and Chellington Parish Council (the Parish Council).

- 1.4 I am a chartered town planner and former government Planning Inspector with over twenty years' experience of examining development plans. I am an independent examiner and do not have an interest in any of the land that may be affected by the Plan.

*The Scope of the Examination*

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the Plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified Plan is submitted to a referendum; or
  - (c) that the Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 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:
- 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').

- 1.7 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*

- 1.8 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 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.
- 1.9 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.<sup>1</sup>

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Development Plan for the area, not including documents relating to waste and minerals, consists of the following documents; the saved policies of the Bedford Local Plan 2002 (the Local Plan); the Core Strategy and Rural Issues Plan 2008 (the Core Strategy) and the Allocations and Designations Local Plan adopted in 2013 (the Allocations Plan). The Plan is required to be in general conformity with the strategic policies of these plans.
- 2.2 The Borough Council is preparing Local Plan 2030 (the emerging Local Plan). This has reached an advanced stage having been submitted for

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<sup>1</sup> 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.

examination; the hearings have been held and consultations on the Main Modifications has now finished. The Plan is not tested against the policies of the emerging Local Plan but the reasoning and evidence informing that Local Plan is likely to be a relevant consideration in this examination and it is important to avoid conflict between the policies of the two plans.<sup>2</sup>

- 2.3 Planning policy for England is set out principally in the National Planning Policy Framework (the Framework). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised Framework was published on 19 February 2019, and all references in this report are to the February 2019 Framework and its accompanying PPG.<sup>3</sup>

#### *Submitted Documents*

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the undated Submission Version of the Carlton & Chellington Neighbourhood Development Plan.;
  - Fig 1 of the Plan which identifies the area to which the Plan relates;
  - the Consultation Statement, dated April 2019;
  - the Basic Conditions Statement, dated April 2019;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - The Strategic Environmental Assessment Screening Report, dated October 2018, and the Habitats Regulation Assessment, dated 8 October 2018; and
  - The response to the questions raised in my letter of 20 August 2019.<sup>4</sup>

#### *Site Visit*

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 27 September 2019 to familiarise myself with it, and visit relevant sites and areas referred to in the Plan and in the evidence.

#### *Written Representations with or without Public Hearing*

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented

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<sup>2</sup> PPG Reference ID: 41-009-20190509.

<sup>3</sup> See paragraph 214 of the Framework. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

<sup>4</sup> View at: <https://www.bedford.gov.uk/planning-and-building/planning-policy-its-purpose/neighbourhood-planning/carlton-and-chellington-neighbourhood-development-plan/>

arguments for and against the Plan's suitability to proceed to a referendum.

### *Modifications*

- 2.7 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 Plan has been prepared and submitted for examination by the Parish Council, which is a qualifying body for an area that was designated by the Borough Council on 17 March 2016.
- 3.2 It is the only Neighbourhood Plan for the Parish, and does not relate to land outside the designated Neighbourhood Plan Area.

### *Plan Period*

- 3.3 The Parish Council has confirmed that the Plan is intended to cover the period from 2018 to 2030 but it does not clearly specify this. The Plan should be amended to do this as shown in **PM1**.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 Work on the Plan has been directed by the Carlton and Chellington Neighbourhood Plan Steering Group which consists of Parish Councillors and local residents. The Plan is based on the views of local people and organisations whose opinions have been garnered by way of a variety of consultation methods including feedback from: Launch and Open Days; Exhibitions; Resident Surveys and Consultations. Progress on the Plan has been publicised by way of the Parish Council website and Facebook page, as well as by banners displayed in the village, posters and the distribution of newsletters.
- 3.5 Regulation 14 consultation took place between 25 May and 6 July 2018. The responses it elicited were considered by the Parish Council and, where it was deemed appropriate, the pre-submission version of the Plan was modified.
- 3.6 In its modified form the submission version of the Plan was the subject of Regulation 16 consultation between 12 June and 25 July 2019. This

elicited 9 responses, all of which have been considered in the preparation of this report.

- 3.7 Bearing in mind these points, I am satisfied that the Plan has been publicised in a manner that is likely to bring it to the attention of people who live, work or carry on business in the Parish; that the consultation process has met the legal requirements and that it has had due regard to the advice on plan preparation and engagement in the PPG.

#### *Development and Use of Land*

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

#### *Excluded Development*

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

#### *Human Rights*

- 3.10 The Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

### **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 The Plan was screened for Strategic Environmental Assessment (SEA)<sup>5</sup> which found that it was unnecessary to undertake SEA. None of the statutory consultees disputed this finding. Having read the screening document, I support this conclusion.
- 4.2 The Plan was further screened for Habitats Regulations Assessment (HRA)<sup>6</sup> which also concluded that it would not have a significant effect on European sites either alone or in combination and an HRA was not, therefore, required. Natural England, which was consulted on the Plan, did not dispute this conclusion nor, on the basis of my independent assessment, do I see any reason to disagree.

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<sup>5</sup> Strategic Environmental Assessment Screening Report Carlton and Chellington Neighbourhood Plan October 2018.

<sup>6</sup> Habitat Regulation Assessment for the Carlton and Chellington Neighbourhood Plan 8 October 2018.

## *Main Issues*

- 4.3 Having considered whether the Plan complies with the various legal and procedural requirements it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.8 of this report), particularly the regard it pays to national policy and guidance, whether it is in general conformity with strategic development plan policies and the contribution it makes to sustainable development.
- 4.4 I should say at this point that the purpose of the examination is not to delve into matters that do not fundamentally affect the Plan's ability to meet the Basic Conditions. I do not, therefore, deal with representations which, in effect, seek to improve the Plan but which are not necessary to meet the Basic Conditions. It should also be noted that it is open to the Parish Council to make minor modifications to the Plan such as attending to typographical errors.
- 4.5 From my reading of the Plan, the consultation responses and other evidence, I consider that in this examination there are two main issues relating to the Basic Conditions. These are:
- General issues of compliance of the Plan as a whole; and
  - Specific issues of compliance of the Plan's policies.

## *General Issues of Compliance*

### Regard to National Policy and Guidance

- 4.6 The Plan:
- defines a settlement boundary for the village and sets out various design principles (Policy CC1);
  - identifies a number of Local Green Spaces (Policy CC2);
  - seeks to protect heritage assets (Policy CC3);
  - seeks to ensure the delivery of housing including housing to meet local needs (Policies CC4, CC5, CC6, CC7 and CC8);
  - seeks to protect existing, and support the provision of new, community facilities (CC9 and CC10);
  - seeks to support the development of new small businesses (Policy CC11);
  - seeks to ensure the provision of adequate parking (Policy CC12); and
  - identifies priorities for the investment of the local element of the Community Infrastructure Levy (Policy CC13).
- 4.7 These policies are broadly consistent with the Framework, insofar as it;
- seeks to achieve well designed places (for example paragraphs 124 to 127);

- allows for the designation of Local Green Spaces (paragraphs 99 to 101);
- seeks to conserve and enhance the historic environment (paragraph 185 for example);
- promotes housing in rural areas that is responsive to local needs (paragraphs 77 and 78);
- seeks to retain and develop accessible local services and community facilities (paragraph 83);
- seeks to enable the growth and expansion of all types of business in rural areas (paragraph 83);
- allows for the setting of local parking standards (paragraph 105); and
- requires plans to set out the contributions expected from development (paragraph 34).

4.8 I am satisfied, therefore, that, with the modifications I propose later in this report, the policies of the Plan have regard to national policies and advice and meet the Basic Conditions in this respect.

#### General Conformity with Strategic Development Plan Policies

4.9 The various documents which comprise the Development Plan take a similar approach to the Plan in that they also:

- identify a Settlement Policy Area boundary for Carlton and Chellington (Core Strategy Policy CP12), seek to achieve high quality design (Core Strategy Policy CP21) and identify and seek to protect Village Open Spaces (Allocations Plan Policy AD40);
- Local Green Spaces, which are dealt with in Policy CC2 of the Plan, are too recent a designation to be referred to in the Development Plan documents but the approach taken in the Plan is consistent with Policy 46 of the emerging Local Plan;
- seek to protect heritage assets (Core Strategy Policy CP23);
- seek to meet local housing needs (Core Strategy Policy CP7);
- support the development and retention of community facilities (Core Strategy Policies 14 and 18);
- supports employment in rural areas (Local Plan Policy E18);
- seeks to provide adequate parking (Local Plan Policy T15); and
- do not preclude neighbourhood plans from identifying local priorities for infrastructure investment.

4.10 With these points in mind I am satisfied that the Plan, with the modifications I propose later in this report, is in general conformity with the strategic policies in the various development plan documents specified in paragraph 2.1 above.

## Contribution to Sustainable Development

- 4.11 There are three aspects to sustainable development: economic, environmental and social. The Plan seeks to meet local housing needs (Policies CC4 to CC8) and to support the development of small businesses (Policy CC11). In this manner, it makes provision for the economic aspect of sustainable development. It also seeks to protect the intrinsic value of the countryside and views of it from the village as well as providing for a high quality of design (Policy CC1) and to protect heritage assets (Policy CC3). In this manner, it fulfils the environmental aspect of sustainable development. Finally, the Plan seeks to ensure for the provision and protection of community facilities (Policies CC9 and CC10) and thus contributes to the social aspect of sustainable development.
- 4.12 I am satisfied therefore, that as proposed to be modified, the Plan makes a contribution to sustainable development and meets the Basic Conditions in this respect.

### *Specific Issues of Compliance*

#### Policy CC1 - Settlement Area Boundary and Design Principles

- 4.13 The question has been raised as to whether it is appropriate for Policy CC12 to define a Settlement Policy Area Boundary. I do not share this concern. The use of such boundaries to distinguish between the main built up area of a village and its surrounding countryside is a widely used approach and I see nothing in national policy or guidance that precludes it. Moreover, in this instance the use of such a boundary is derived from strategic development plan policies (Core Strategy Policy CP12) which take a similar approach. I do not, therefore consider that the definition of a Settlement Policy Area boundary breaches the Basic Conditions.
- 4.14 As has already been established, the definition of design principles in Policy CC1 has regard to and is in general conformity with strategic development plan policies and with national guidance. Policy CC1 also seeks to safeguard certain views into and out of the village as defined in Policy AD40 of the Allocations Local Plan. In the interests of clarity, the policy should specify that these areas are shown on the Borough Council's Interactive Map as shown in **PM2**.<sup>7</sup>
- 4.15 With these modifications in place I am satisfied that Policy CC1 meets the Basic Conditions.

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<sup>7</sup> PPG Reference ID: 41-041-20140306.

## Policy CC2 – Protection of Local Green Spaces

- 4.16 Policy CC2 identifies three Local Green Spaces. The Framework acknowledges that local communities should be able to identify these but advises<sup>8</sup> that, amongst other things, this designation should only be used where; firstly, the green space is in reasonably close proximity to the community it serves; secondly, the green space is demonstrably special to a local community and holds particular local significance; and thirdly, it is local in character and not an extensive tract of land.
- 4.17 Having visited all these sites I am satisfied that all three of the proposed Local Green Spaces are in or adjoining the village. I have no reason to doubt that that these spaces hold particular local significance and are demonstrably special to the local community and none of them are particularly large. I also note that the Parish Council is, in effect, the owner of two of these sites and the owner of the third was consulted at an early stage.<sup>9</sup> I am satisfied, therefore, that Policy C2 has had regard to national policy and advice and thus meets the Basic Conditions.

## Policy CC3 - Protection of Heritage Assets including Listed Buildings

- 4.18 Policy CC3 refers to preserving or enhancing the character of the Conservation Area. However, Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 refers to preserving or enhancing the character or appearance of such areas (my emphasis). The Parish Council accepts that as character and appearance are different things, Policy CC3 should be modified to reflect the statutory wording as shown in **PM3**.
- 4.19 In its modified form I am satisfied that Policy CC3 meets the Basic Conditions, in that it is consistent with national policy and with the strategic policies of the development plan, insofar as these seek to safeguard the historic environment.

## Policies CC4 to CC8 – Local Housing Need

- 4.20 Policies CC4 to CC8 seek to make provision for local housing need. The Development Plan does not quantify the number of houses that are needed to meet that local need but Policy 3S of the emerging Local Plan states that in Carlton it will be necessary to identify sites for 25 – 50 new homes in and around defined Settlement Policy Area Boundaries. Following a systematic assessment of potential housing sites in and around the village, Policies CC5 to CC7 identify sites for up to 32 new dwellings. The evidence is that the sites in question are deliverable or

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<sup>8</sup> Paragraphs 99 and 100 of the Framework.

<sup>9</sup> PPG Reference ID: 37-019-20140306.

developable<sup>10</sup>, indeed the largest of these sites is under construction; it is perfectly legitimate for the Plan to rely on figures from the emerging Local Plan<sup>11</sup>; and the number of new housing sites identified in the Plan fall within the range specified in that emerging plan.

- 4.21 The supporting text to Policy CC1 states that "*Carlton and Chellington is defined within the emerging Local Plan as a 'Rural Service Centre'. A settlement boundary was defined by 2002 Adopted Local Plan (sic). The same settlement boundary has been applied in the Neighbourhood Development Plan, except where it has been extended to include the three allocated development sites as covered by Policies CC4 to CC6*". However, Fig. 2 which identifies, amongst other things, the Current Settlement Policy Area and the Proposals Map, which identifies the revised Settlement Policy Area, show identical boundaries. In the interests of clarity, the Policies Map should be modified to show the extended Settlement Policy Area Boundary as indicated in **PM4**.
- 4.22 Policy CC4 only permits housing development in excess of the proposed site allocations on sites within the Settlement Policy Area. However, both the Core Strategy (Policy CP17) and the emerging Local Plan (Policy 6S) allow for housing outside this boundary in exceptional circumstances. Indeed, it appears that one of the proposed site allocations was granted planning permission under the terms of such an 'exceptions' policy. The Parish Council accepts, therefore, that Policy CC4 make reference to such 'exception' sites as shown in **PM5**.
- 4.23 With these proposed modifications in place I am satisfied that Policies CC4 to CC8 meet the Basic Conditions in that they are consistent with national policy and with the strategic policies of the development plan, insofar as these seek to provide for local housing needs.

#### Policy CC9 – Protection of Local Community Services & Policy CC10 – the provision of New Community Facilities

- 4.24 Policy CC9 allows for the development involving the loss of specified community facilities where, amongst other things, alternative provision is made on sites within the Settlement Protection Area. However, the Parish Council acknowledges that three of these facilities (St Mary's Church, The Chellington Centre and Emmaus Village) are outside the Settlement Policy Area and any alternative provision might need to be located likewise. In the interests of clarity, Policy CC9 needs to be amended to reflect this as shown in **PM6**.

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<sup>10</sup> Carlton and Chellington Neighbourhood Plan. Site Assessment Report. November 2016.

<sup>11</sup> PPG Reference ID: 41-009-20190509.

4.25 I am satisfied that with these modifications in place, Policies CC9 and CC10 meet the Basic Conditions in that they are consistent with national policy and with the strategic policies of the development plan, insofar as these seek to retain and develop community facilities.

#### Policy CC11 - Supporting the Development of Small Businesses

4.26 The Parish Council has confirmed that this policy is intended to apply both within and beyond the Settlement Policy Area boundary. The wording of the policy makes clear that it applies solely to existing rural enterprises and while it allows for an element of new build it does so only where the effect of this on the landscape and character of the area has been taken into account. In this respect Policy CC11 takes a similar approach to saved Policy E18 of the Local Plan. Policy CC11 also has regard to the Framework, insofar as this seeks to enable the growth and expansion of all types of business in rural areas. I am satisfied, therefore, that Policy CC11 meets the Basic Conditions.

#### Policy CC12 - Residential Parking in New Developments

4.27 I am satisfied that Policy CC12 is consistent with the aims of Saved Policy T15 of the Local Plan and of the Framework (paragraph 105), insofar as these relate to the setting of local parking standards. Policy CC12 meets the Basic Conditions.

#### Policy CC13 - Developer Contributions and Community Infrastructure Levy

4.28 I see nothing in national policy or advice or in the strategic policies of the development plan which prevent a neighbourhood plan from identifying, as Policy CC13 does, various priority projects towards which the local element of the Community Infrastructure Levy will be directed. I am satisfied, therefore, that Policy CC13 meets the Basic Conditions in this respect.

## **5. Conclusions**

### *Summary*

5.1 The 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 for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

- 5.2 I have made recommendations to modify a number of policies and text 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. The Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I 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*

- 5.4 The Parish Council has identified a clear vision for the Plan area in the pursuit of which it has framed a tightly focussed group of policies each of which is derived from relevant strategic Development Plan policies and from national guidance. The result is a Plan that will be effective in guiding development in the future.

*R J Yuille*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
<b>PM1</b>	Title of Contents Page  Contents Page	Amend as follows:  Carlton & Chellington Neighbourhood Development Plan <u>2018 -2030</u> .  Vision Key Themes and Core Objectives 2018 – 2035 <u>30</u> .
<b>PM2</b>	Policy CC1 f)  Page 19	Amend as follows:  <b><i>and as identified on the <del>Proposals Map</del> Bedford Borough Council's Policies Map are not adversely affected.</i></b>
<b>PM3</b>	Policy CC3  Page 21  1 <sup>st</sup> paragraph.	Amend as follows:  <b><i>provided that proposals preserve or enhance the character or <u>appearance</u> of the Conservation Area.</i></b>
<b>PM4</b>	Appendix 3  Proposals Map  Page 33	Modify the Proposals Map to show the extended Settlement Policy Area Boundary.
<b>PM5</b>	Policy CC4  2 <sup>nd</sup> paragraph  Page 22	Amend as follows:  <b><i>Development in excess of this figure will <u>generally only be permitted where the proposal relates to a site within the SPA in accordance with Policy CC1. Exceptionally permission will be granted on sites immediately adjacent to the SPA for schemes providing 100% affordable housing to meet identified local needs in accordance with Core Strategy Policy CP17.</u></i></b>
<b>PM6</b>	Policy CC9  Paragraph 2a  Page 24	Amend as follows:  <b><i>a) the proposals includes alternative provision, where possible on a site within the SPA, of equivalent or</i></b>

		<b><i>enhanced facilities.</i></b>
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