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# **Report on Thurleigh Neighbourhood Plan - 2030**

**An Examination undertaken for Bedford Borough Council with the support of Thurleigh Parish Council on the March 2020 submission version of the Plan.**

Independent Examiner: Wendy J Burden BA(Hons) DipTP MRTPI

Date of Report: 7 August 2020

Intelligent Plans and Examinations (IPE) Ltd, 29 Monmouth Street, Bath BA1 2DL  
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## Contents

	Page
<b>Main Findings - Executive Summary</b>	4
<b>1. Introduction and Background</b>	4
• Thurleigh Neighbourhood Plan - 2030	4
• The Independent Examiner	5
• The Scope of the Examination	5
• The Basic Conditions	6
<b>2. Approach to the Examination</b>	7
• Planning Policy Context	7
• Submitted Documents	8
• Site Visit	8
• Written Representations with or without Public Hearing	8
• Modifications	9
<b>3. Procedural Compliance and Human Rights</b>	9
• Qualifying Body and Neighbourhood Plan Area	9
• Plan Period	9
• Neighbourhood Plan Preparation and Consultation	9
• Development and Use of Land	10
• Excluded Development	10
• Human Rights	10
<b>4. Compliance with the Basic Conditions</b>	10
• EU Obligations	10
• Main Issues	11
• General Issues of Compliance of the Plan	11
- Regard to National Policy and Advice	11
- Contributes to the Achievement of Sustainable Development	12
- General Conformity with Strategic Policies in the Development Plan	12
• Specific Issues of Compliance of the Plan Policies	14
- Housing Policies	14
- Infrastructure Policies	17
- Green Space Policies	17
- Recreation, Young People, Sport and Village Facilities	17
- Employment Policies	18
- Local Distinctiveness, Landscape and Public Access	18
- Heritage Assets	18
• Non Land Use Actions	18
• Monitoring and Review of the Plan	19
• Factual and Minor Updates	19

<b>5. Conclusions</b>	19
• Summary	19
• The Referendum and its Area	19
• Overview	20
<b>Appendix: Modifications</b>	21

## **Main Findings - Executive Summary**

From my examination of the Thurleigh Neighbourhood Plan (the Plan/TNP) 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) – the Thurleigh Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Thurleigh as shown on page 11 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**

### *Thurleigh Neighbourhood Plan - 2030*

- 1.1 The Neighbourhood Plan Area comprises the ancient Parish of Thurleigh, which covers an area of over 1375 hectares some 6 miles north of Bedford, within Bedford Borough Council (BBC). Thurleigh is an attractive rural village with a population of about 750 people with some 300 dwellings. It is set within open countryside comprising mainly working arable farms with an extensive network of footpaths and bridleways.
- 1.2 To the north of the village lies a former airfield and defence establishment which now accommodates Thurleigh Business Park and Bedford Aerodrome, a motorsport and hospitality centre. Development of the airfield site is, in general, subject to the policies of the BBC and as such it is not covered in the TNP.
- 1.3 In Keysoe Road, the old Officers' Club was located on a brownfield site now in the ownership of St Modwen Developments Ltd.
- 1.4 Heritage assets which contribute to the character and appearance of the village include the Parish Church of St Peter, a grade II\* listed building dating from about 1130, and the earthworks of Thurleigh Castle, a Scheduled Monument dating from medieval times. Other listed buildings

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include a windmill tower, built about 1890, and private dwellings dating from the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries. The village also benefits from a number of attractive green areas, with four areas designated in the Bedford Borough Allocations and Designations Local Plan 2013 (BBADLP) as Village Open Space, and two areas designated as Local Green Space in the Bedford Borough Local Plan 2030 (BBLP 2030). These areas are shown on Map 3 in the TNP.

- 1.5 The Parish is served by minor roads, with the A6 to the west of the Parish boundaries. Services and facilities within Thurleigh village include the Playing Field/Sports and Social Club, Village Hall, Farm shop, bus service, mobile post office and the Primary School. The village enjoys a strong sense of community and the Vision Statement for the TNP aims to sustain the special character of the Village whilst securing its growth "*as a strong, thriving and vibrant place in which to live, work and visit*".
- 1.6 The preparation of the TNP coincided with the emergence of the BBLP. The BBLP 2030 was adopted by BBC in January 2020. The TNP 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 TNP has had close regard to the policies that were emerging in the preparation of the BBLP 2030.<sup>1</sup>
- 1.7 The TNP is required to be in general conformity with the strategic policies of the statutory development plan, which is now the BBLP 2030 and the BBADLP together with any policies saved from earlier documents. I address the matter of general conformity of the TNP with the strategic policies of the Development Plan throughout my report.

#### *The Independent Examiner*

- 1.8 As the Plan has now reached the examination stage, I have been appointed as the examiner of the TNP by BBC, with the agreement of Thurleigh Parish Council (TPC).
- 1.9 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*

- 1.10 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

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<sup>1</sup> PPG Reference ID: 41-009-20190509.

(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.

1.11 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').

1.12 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*

1.13 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.

1.14 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>2</sup>

## 2. Approach to the Examination

### *Planning Policy Context*

2.1 At the time of the preparation of the TNP, 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); and
- The Bedford Borough Allocations and Designations Local Plan (BBADLP) 2013.

2.2 The TNP was prepared to be in general conformity with the strategic policies in these BBC development plan documents, which had effect in 2019. Nevertheless, the TNP sought to ensure that the TNP 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 in January 2020 and largely replaces the policies in the LP 2002 and the CSRI 2008. It does not replace some policies in the BBADLP, which remain a part of the Development Plan.<sup>3</sup> The TNP covers the same period as the adopted BBLP 2030 and in view of the close attention paid to its emerging policies during the preparation of the TNP and the timing of its submission, it is generally in conformity with the most up to date Development Plan policies.

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<sup>2</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.

<sup>3</sup> See BBLP 2030 Appendix 1.

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.<sup>4</sup>

#### *Submitted Documents*

2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted in June 2020. These comprise:

- Thurleigh Neighbourhood Plan, March 2020;
- Thurleigh Parish Map;
- Basic Conditions Statement, January 2020;
- Consultation Statement, undated;
- Strategic Environmental Assessment screening report, August 2019;
- TNP Site Assessments November 2016, updated November 2018;
- Habitat Regulations Assessment for the TNP, June 2019;
- Regulation 16 consultation responses;
- Responses from TPC as agreed with BBC, dated 9 July 2020, to my questions of 25 June 2020; and
- Responses from TPC as discussed with BBC, dated 23 July 2020, to my supplementary questions of 10 July 2020.

All the above documents are available on the Borough Council's website.<sup>5</sup>

#### *Site Visit*

2.5 I visited the Neighbourhood Plan Area unaccompanied by any interested party on the 8 July 2020. 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*

2.6 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.

2.7 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 25

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

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

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June 2020 and 10 July 2020.<sup>6</sup> As a result, in terms of the appropriate level of scrutiny for the TNP, I considered hearing sessions to be unnecessary. I have carried out the examination on the basis of the written submissions.

### *Modifications*

- 2.8 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 Thurleigh Neighbourhood Plan has been prepared and submitted for examination by TPC, which is the qualifying body for an area that was designated by BBC on 1 July 2013.
- 3.2 It is the only Neighbourhood Plan for Thurleigh Parish and does not relate to any land outside the designated Neighbourhood Plan Area.

### *Plan Period*

- 3.3 The Plan specifies the period to which it is to take effect in paragraph 3.4, which is to the year 2030. In the interests of clarity, it would be helpful for the Plan to state the date prominently on the front cover. **[PM1a]**

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 A summary of the consultation exercises undertaken in the preparation of the TNP is set out in the Consultation Statement. TPC launched its neighbourhood planning exercise at a public event in the Village Hall on 1 December 2014, which was attended by a total of 102 people. Parish Councillors and the Thurleigh Neighbourhood Development working group answered questions and attendees were encouraged to put down their thoughts which were used to help formulate the TNP.
- 3.5 The programme of consultation is set out as Table 1 of the Consultation Statement and included informal drop in sessions, surveys, exhibitions and questionnaires. Issues and Options were published towards the end of 2016, after which the preparation of the TNP was delayed to ensure that the Pre-submission version of the TNP would be based on the most up to date Development Plan policies.

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<sup>6</sup> See footnote 5.

- 3.6 The Regulation 14 pre-submission consultation took place over a six week period from 8 June to the 20 July 2019. An event was held at the Village Hall at the start of the consultation and about 60 people attended. A questionnaire was then delivered to every property in the Parish to seek feedback and 70 responses were received. These were taken into account before any changes were made to the document which was submitted to BBC.
- 3.7 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 1 May 2020 and closed on 15 June 2020. This led to 31 representations, 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 TNP. Advice in the PPG on plan preparation has been followed and the TNP is procedurally compliant in accordance with the legal requirements.

#### *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. Non land use actions are identified in Chapter 9.

#### *Excluded Development*

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

#### *Human Rights*

- 3.10 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 TNP 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 TNP 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 number of potential housing sites were identified for Thurleigh in the call for sites by BBC in 2014 as part of the preparation of the BBLP 2030. Those sites were subject to further assessment on behalf of TPC in 2016

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and 2018 in accordance with guidance in the NPPF and PPG, and were put forward for public consultation. The outcome of the community consultation was an important consideration in the final choice of sites considered acceptable for allocation in the TNP. I am satisfied that the TPC has taken an appropriate and thorough approach to the consideration of reasonable alternatives in accordance with the requirements of SEA in the assessment of housing sites in the preparation of the TNP.

- 4.3 A Habitats Regulations Assessment (HRA) 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 Thurleigh Neighbourhood Plan has been carried out to ensure that there were no unforeseen likely significant effects.
- 4.4 This screening of the TNP identified the same likely significant effects on the two European sites as the BBLP to 2030 but at a reduced scale. Following Appropriate Assessment of the TNP (AA Stage 2) some rewording of the policies of the TNP 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.
- 4.5 The HRA concludes that the Thurleigh 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.

#### *Main Issues*

- 4.6 I have approached the assessment of compliance of the TNP 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 In chapter 4 of the TNP, the national and local planning policy context is set out. Paragraph 4.3 refers to the NPPF of March 2012. TPC has confirmed that all references to national policy do relate to the current 2019 version of the NPPF and therefore I recommend a modification to paragraph 4.3 to ensure there is no ambiguity. **[PM1b]**

- 4.8 The TNP sets out the background and context to its preparation and provides a broad description of the character and appearance of the Plan area, with its attractive village and rural setting. There are 9 core objectives, which are based upon the key issues raised by local people. The objectives include the delivery of housing to sustain the current and meet the future needs of the community, whilst seeking to secure sufficient facilities and services for the village and protecting its special characteristics such as the open spaces, its distinctive landscape setting and the historic assets within the Parish.
- 4.9 These objectives have regard to the advice in NPPF paragraph 28, which identifies matters to be delivered through non-strategic policies in neighbourhood plans. The TNP is positively prepared, with an aspirational but deliverable approach to the development of the Parish, and it has been shaped through early, proportionate and effective engagement within the local community.
- 4.10 In general, the policies of the TNP are clearly written and unambiguous and I recommend modification where necessary to achieve this requirement. There is some duplication of the policy set out in the BBLP 2030<sup>7</sup>, and I recommend deletion where appropriate.
- 4.11 Through the identification of land to accommodate 30 new homes in Thurleigh, together with the range of policies formulated to meet its objectives, and subject to the modifications which I recommend, the TNP has had regard to national policy and advice.

#### Contributes to the Achievement of Sustainable Development

- 4.12 By taking a positive approach to the delivery of residential development to meet local needs and help sustain local services, the TNP provides for sustainable development through its site allocations and policies. Whilst the Plan provides for the allocation of housing land, in doing so it has regard to the economic, social and environmental needs of the local community. The TNP accords with paragraph 29 of the NPPF since it complements the strategic policies for the area.
- 4.13 The three overarching objectives of sustainable development are integral to the core objectives of the TNP. Together with the policies of the BBLP 2030, the policies and proposals of the TNP contribute to the achievement of sustainable development in accordance with national policies and advice.
- 4.14 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.

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<sup>7</sup> See NPPF paragraph 16 f).

## General Conformity with Strategic Policies in the Development Plan

- 4.15 I set out the planning policy context for the TNP in section 2 above. The TNP was prepared alongside the emerging BBLP 2030 and the policies, as submitted in the TNP March 2020, are in general conformity with those in the BBLP 2030 as adopted in January 2020.
- 4.16 In considering the location of development in rural areas in the BBLP 2030, the distinction between settlements and areas of countryside is established by defining Settlement Policy Areas (SPAs). The aim of the Local Plan is to direct development to within the defined Settlement Policy Area boundaries and to specific site allocations.
- 4.17 As a settlement with a SPA, some development may be appropriate in Thurleigh if needed and supported by the community. There is no requirement in the BBLP 2030 for the TNP to allocate land for housing in order to meet Borough wide needs, but the provision of new housing may be brought forward through the neighbourhood planning process. Policy 5S of the BBLP 2030 allows for development in villages with a SPA, provided that it is consistent with the other policies of the Development Plan. The SPA as proposed for Thurleigh is identified in the Policies Map at Appendix A to the TNP. I recommend a modification to the Map to secure the clear identification of the housing sites which are allocated in the TNP. **[PM2]**
- 4.18 A Housing Needs Survey commissioned by TPC early in the Plan preparation process indicated a local need for 7 affordable and 4 open market new homes. In 2015 the survey was updated and there was some support for 30+ new dwellings. As the TNP progressed, planning permissions were granted for the development of a number of new homes within the village, as a result of which the decision was taken to allocate land for 30 new homes across two sites.
- 4.19 BBLP Policy 58S requires that sites for 10 or more houses or in excess of 0.5 hectares provide 30% of the units as affordable homes. Through the allocation of land for 30 new homes in the TNP, there is the potential to provide for 9 affordable housing units in the village. This would comfortably meet the need identified in the Survey. In addition, the provision of 30 new homes would contribute to the aim of sustaining local services, in particular the Primary school which TPC indicates to be undersubscribed.
- 4.20 A number of potential housing sites were put forward in response to BBC's call for sites, and clearly opinion will differ as to which would be the most appropriate for allocation in the TNP. However, the process of selection has been open and subject to public participation and I consider that the allocation of land at The Beeches and at Hayle Field is adequately justified.

- 4.21 The TNP 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 TNP demonstrates general conformity with the recently adopted strategic policies of the BBLP 2030. BBC has been involved throughout the preparation of the TNP 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 TNP is in general conformity with the strategic policies of the Development Plan.

### *Specific Issues of Compliance of the Plan Policies*

#### Housing Policies

- 4.22 To reflect the requirements identified in the Housing Needs Survey and the views expressed by the local community during the consultation process, Policy HS1 sets out the housing mix to be provided within new housing developments. HS1b) sets out a preferred mix of house types to meet the local identified need, and this provides an appropriate level of control and flexibility to adapt to changing circumstances. Thurleigh is not required to meet strategic housing needs and the requirement in HS1e) for at least 30% of dwellings to be limited to 2/3 bedrooms is justified in order to reflect the requirements of the local community.
- 4.23 Policy HS1c) requires buildings to be no more than two storeys in height. I note that there is a block of flats within the village which exceeds this height, although the majority of dwellings are one to two storeys. Having regard to the rural character of Thurleigh, and the location of the allocated sites at the edge of the village adjacent to open fields, some guidance as to overall height of new buildings is appropriate. However, some flexibility is justified since the acceptability of including a taller building within a scheme should depend on its siting and design. Policy HS4a) provides clear criteria for the assessment of the design, including the height, of proposed development and I therefore recommend a modification to HS1c).
- 4.24 An upper limit to the density of new development is included at HS1d). The two housing allocations in the TNP are immediately adjacent the village and within easy walking distance of village facilities. Whilst any new development should seek to maintain the prevailing character and setting of Thurleigh, the NPPF requires that planning policies and decisions should support development that makes efficient use of land (paragraphs 122, 123 and 127e). Rather than rely on an upper limit on density, the suitability of a proposal for development should be assessed in terms of the siting and the design which is proposed. The application of the criteria in Policy HS4 (subject to modification) provides clear criteria against which new development is to be assessed. The application of these criteria will enable the valued characteristics of the village to be maintained, whilst providing flexibility in the design of the new development. I consider that the flexible approach provided through an assessment

against those criteria to be in keeping with national policy and recommend the modification of HS1d) accordingly.

- 4.25 All modifications to HS1 are included within **PM3**.
- 4.26 Policy HS2 sets out the criteria for the development of land at The Beeches. As stated above, in view of the sustainable location of this site, it would be unduly restrictive and in conflict with Government policy to place an absolute limit of its development to 10 dwellings. Policy HS4 (as proposed to be modified) sets out design standards for new development in Thurleigh, and this would provide sufficient control to ensure that the development of the site is appropriately designed to reflect its location at the edge of the village. I recommend a modification to ensure that the policy reflects Government policy with regard to density.
- 4.27 I set out reasons why a restriction to the height of new dwellings in Thurleigh would not be appropriate in relation to HS1c). The requirement in HS2c) as submitted is for the same reasons unduly prescriptive. Through the proposed modification to HS1c), the height of new development at The Beeches would be subject to an appropriate degree of control. I therefore recommend the deletion of HS2c).
- 4.28 The requirement for parking provision is identified in HS2d). Parking standards have been adopted by BBC but the TNP seeks to secure additional provision in the form of on street parking for visitors. Whilst in practical terms it may be possible for the developer to include an additional visitor on street parking space, there is no provision through which the reservation of such spaces may be enforced. Furthermore, it is not appropriate for a neighbourhood plan to require a higher standard of provision than that which is required in existing policy unless there are particular local circumstances to justify the additional requirement. I note the concerns of the local community with regard to the scale of on street parking within the village. However, I consider that this does not constitute adequate justification for the provision within HS2d), which is not in any event capable of enforcement. I recommend the deletion of the second sentence of HS2d).
- 4.29 The BBLP 2030 Policy 58S requires 30% of the housing provided within an allocated site for 10 or more dwellings to be affordable housing. To accord with this requirement at The Beeches, I recommend a modification of HS2h).
- 4.30 All modifications to Policy HS2 are set out in **PM4**.
- 4.31 Land at Hayle Field is also designated for new homes and Policy HS3 sets out the criteria for its development. For the reasons set out in relation to the absolute limit on housing numbers in Policy HS2, I recommend a change to the first line of the policy. In relation to Policy HS2 I have also set out my reasons for the deletion of HS3c) relating to the height of new

dwellings and the deletion of the second sentence of HS3d) relating to the provision of on-street visitor parking.

- 4.32 The allocated site forms a part of a larger open area. To secure the clear delineation of the new SPA boundaries to the north and east of the allocated area, and to accord with Policy HS4d), I propose a modification to HS3i) to require the landscaping of the site to provide for the physical definition of the extension to the SPA through new boundary treatment appropriate to its location adjacent to the countryside.
- 4.33 For the reasons set out in relation to HS2h), I recommend a modification to HS3j) to reflect BBLP 2030 Policy 58S.
- 4.34 All modifications to HS3 are included within **PM5**.
- 4.35 Proposals for new development are to be subject to the Thurleigh Village Design Statement set out in Policy HS4. With regard to the requirement in the first sentence of the Policy, many alterations and extensions to existing properties may be carried out as permitted development without the requirement for a planning application<sup>8</sup>. To reflect this position, I recommend a modification to this sentence. There is a typing error in the sixth criteria in HS4a, and I also recommend a modification to HS4b) to clearly reflect NPPF paragraph 185 which sets out the approach to be taken to the historic environment in development plans.
- 4.36 Policy HS4c) seeks to set limits to the height of new development within and adjoining the village. I have set out reasons why such a prescriptive approach does not have regard to national policy. The criteria based approach set out in Policy HS4a) will provide an effective means to secure new development in keeping with the attractive rural character of Thurleigh whilst according with national policy. I therefore recommend that HS4c) be deleted.
- 4.37 All modifications to HS4 are included within **PM6**.
- 4.38 Policies HS2 and HS3 provide for affordable housing as part of the development of the sites allocated in the TNP. Provision of affordable housing to meet the needs of the rural area is made within the BBLP 2030 Policy 67. In the TNP, Policy HS5 largely replicates the provision of Policy 67. The NPPF states that unnecessary duplication of policies that apply to a particular area should be avoided.<sup>9</sup> I therefore recommend that Policy HS5 be deleted. **[PM7]** The TPC, in consultation with BBC, may make consequent changes to the accompanying text to reflect this deletion.
- 4.39 Subject to the modifications which I recommend in the Appendix, the Housing Policies meet the Basic Conditions.

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<sup>8</sup> Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

<sup>9</sup> See footnote 7.



### Infrastructure Policies

- 4.40 Policy IF1 ensures that development proposals make provision for infrastructure services and raises no issues of compliance.
- 4.41 The impact of traffic arising from new development is addressed in Policy IF2 and the provisions within the policy are appropriate. However, the NPPF paragraph 16d) states that policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. To ensure that the TNP complies with this requirement, I recommend some modifications to the wording of the policy to delete the use of the conditional tense in order to ensure that it is clear to a reader what constitutes a requirement of the policy and what might be negotiable or aspirational. **[PM8]**
- 4.42 Subject to the modifications which I recommend in the Appendix, the Infrastructure Policies meet the Basic Conditions.

### Green Space Policies

- 4.43 The protection of Green Space shown in Map 3 of the TNP is provided by the policies in the BBADLP and the BBLP 2030 as cited in TNP Policy GS1. In order to avoid the unnecessary duplication of policies, I recommend Policy GS1 be deleted. **[PM9]** However, in consultation with BBC, the TPC may wish to include the text of the policy as a paragraph within the TNP (albeit I make no formal recommendation in this regard as it is not required to meet the Basic Conditions).
- 4.44 Proposals for the development of renewable energy projects are supported in Policy 57 of the BBLP 2030, subject to assessment against detailed criteria for the various forms of renewable energy project. Policy GS2 provides for the local assessment of such projects, but in order to generally conform with the BBLP in terms of endorsement I propose modification **PM10**.
- 4.45 Subject to the modifications which I recommend in the Appendix, the Green Space Policies meet the Basic Conditions.

### Recreation, Young People, Sport and Village Facilities

- 4.46 In the NPPF paragraph 92c) states that planning policies should guard against the unnecessary loss of valued facilities and services. In the BBLP, Policy 99 addresses the loss of existing sports and community facilities and sets out the circumstances in which their loss or replacement will be permitted. Policy RYS1a) accords with national and local plan policy, but RYS1b) goes further in setting a presumption against development which would detrimentally affect identified village assets.
- 4.47 There is no such presumption in national and local plan policy. The NPPF states that planning policies should “plan positively” for the provision and

use of community facilities and local services and that they should “guard against the unnecessary loss of valued facilities and services”. In order to comply with national and local plan policy I recommend a modification to RSY1b). **[PM11]**

4.48 No issues of compliance are raised in Policies RYS2 and RYS3.

4.49 Subject to the modifications which I recommend in the Appendix, the Recreation, Young People, Sport and Village Facilities Policies meet the Basic Conditions.

#### Employment Policies

4.50 Aspirations for more local employment opportunities together with a description of existing sources of employment are set out in the text under this heading in the TNP. No NP policies are put forward and there are no issues of compliance raised.

#### Local Distinctiveness, Landscape and Public Access

4.51 The text and policies in this section reflect the importance of the landscape and environment to the community of Thurleigh, and there are no issues of compliance raised by Policies LPA1, LPA2, and LPA4.

4.52 Policy LPA3 deals with new development and connectivity. In view of the importance of securing safe walking and cycling routes between any new developments and the village school, I propose an addition to the policy in **PM12**.

4.53 Subject to the modifications which I recommend in the Appendix, the Local Distinctiveness, Landscape and Public Access Policies meet the Basic Conditions.

#### Heritage Assets

4.54 The importance of the special architectural and historic significance of the village is reflected in this section of text in the TNP. Heritage Assets are fully protected by national and local plan policies and there is no issue raised which would justify a new policy in the TNP. As a result, there are no issues of compliance raised.

#### *Non Land Use Actions*

4.55 In addition to the TNP policies which I am required to consider against the statutory tests, this section (9) of the Plan addresses further issues which are of importance to the local community. 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. As such they are not matters that can be addressed through a policy in the TNP.

4.56 Section 9 identifies 8 actions to be taken by the community to help achieve their wider aspirations, including the TPC's priorities for the use of the Community Infrastructure Levy. Although I have taken note of these, they will not form part of the statutory Development Plan for the area and are not therefore considered against the Basic Conditions.<sup>10</sup>

#### *Monitoring and Review of the Plan*

4.57 This section does not set out policies but lists the means by which the TNP will be monitored and reviewed. It raises no issues of compliance with the Basic Conditions.

#### *Factual and Minor Updates*

4.58 There are some typographical errors in the text of the TNP. I have not identified them unless they would affect the Basic Conditions. Minor amendments can be made, alongside any other minor updates, in agreement between TPC and BBC.<sup>11</sup>

## **5. Conclusions**

### *Summary*

5.1 The Thurleigh 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.

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 Thurleigh 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.

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<sup>10</sup> PPG Reference ID: 41-004-20190509.

<sup>11</sup> PPG Reference ID: 41-106-20190509.

## *Overview*

- 5.5 The production of the TNP 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 NP Working Party for producing a well written and effective Neighbourhood Plan. In doing so, the TPC has consulted with and taken into account the views of the local community, whilst seeking to provide for a level of new homes which will contribute to the sustenance of a viable community and protect the character and setting of Thurleigh as an attractive village within the countryside.
- 5.6 The Plan has achieved the difficult task of setting out positive proposals to enable Thurleigh to accommodate a reasonable level of new housing whilst seeking to reflect the wishes and aspirations of the local community. As a result, the TNP meets the Basic Conditions. With the modifications appended to my report, the TNP should provide an effective Plan for the management of the future planning of Thurleigh.

*Wendy J Burden*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1a	Front cover	Insert under Heading "2030".
PM1b	Page 7 paragraph 4.3 third line	Delete "and came into effect in March 2012." and insert ", the most recent version published in February 2019."
PM2	Page 41 Appendix A	Delete Policies Map and replace with Policies Map shown in TPC's letter dated 9 July, in response to question 14.
PM3	Page 17 Policy HS1c) and d)	Delete HS1c) and insert "The height of new buildings shall respect the character and appearance of adjacent properties and the setting of the site."  Delete HS1d) and insert "The density of new development shall reflect that of existing housing within the village and its rural location."
PM4	Page 20 Policy HS2	Line 1: insert "approximately" before "10".  HS2c): delete.  HS2d): delete second sentence.  HS2h): delete "Provision to be made of three" and insert "Where the development includes 10 or more dwellings, 30% of the new homes shall be provided as".
PM5	Page 21 Policy HS3	First line: insert "approximately" before "20 dwellings".  HS3c): delete.  HS3d): delete second sentence.

		<p>HS3i): delete from “needs to be provided” to end of sentence and insert “is required to provide for the definition of the new SPA boundary to the north and east of the site. This must include significant new planting of appropriate trees and shrubs together with the retention of existing trees and environmental features in order to reflect the location of the site at the edge of the village adjacent the open countryside.”</p> <p>HS3j) delete “Provision to be made of six houses, with” and insert “Where the development includes 10 or more dwellings, 30% of the new homes shall be provided with”.</p>
PM6	Page 22 Policy HS4	<p>First sentence: after “including extensions to existing dwellings” insert “where appropriate”.</p> <p>HS4a) sixth criteria: delete “remains” and insert “reflects”.</p> <p>HS4b) delete the second sentence and insert “Proposals for new development within the village conservation area or which would affect its setting must have regard to the desirability of making a positive contribution to local character and distinctiveness.”</p>
PM7	Page 23 Policy HS5	Delete Policy HS5.
PM8	Page 24 Policy IF2	<p>IF2a) delete “should” and insert “shall”.</p> <p>IF2b) delete “should” and insert “shall”.</p> <p>IF2c) delete “will need to” and insert “shall”.</p>

PM9	Page 26 Policy GS1	Delete Policy GS1.
PM10	Page 27 Policy GS2	Delete "acceptable" and insert "supported".
PM11	Page 29 Policy RSY1(b)	Delete first sentence.  Insert: "Any unnecessary loss of the following village assets will be resisted:".
PM12	Page 32 Policy LPA3	Add new sentence: "New housing development will also be expected to demonstrate appropriate connectivity to provide for safe walking and cycling of children to the school."