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# **Report on the Wilshamstead Neighbourhood Plan 2021 - 2035**

**An Examination undertaken for Bedford Brough Council with the support of Wilshamstead Parish Council on the February 2022 submission version of the Plan.**

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Date of Report: 18 August 2022

## Contents

|                                                              |    |
|--------------------------------------------------------------|----|
| <b>Main Findings - Executive Summary</b> .....               | 4  |
| 1. Introduction and Background .....                         | 4  |
| Wilshamstead Neighbourhood Plan 2021–2035 .....              | 4  |
| The Independent Examiner .....                               | 5  |
| The Scope of the Examination .....                           | 5  |
| The Basic Conditions.....                                    | 6  |
| 2. Approach to the Examination.....                          | 6  |
| Planning Policy Context .....                                | 6  |
| Submitted Documents.....                                     | 7  |
| Site Visit.....                                              | 7  |
| Written Representations with or without Public Hearing ..... | 7  |
| Modifications .....                                          | 8  |
| 3. Procedural Compliance and Human Rights.....               | 8  |
| Qualifying Body and Neighbourhood Plan Area .....            | 8  |
| Plan Period.....                                             | 8  |
| Neighbourhood Plan Preparation and Consultation .....        | 8  |
| Development and Use of Land .....                            | 9  |
| Excluded Development.....                                    | 9  |
| Human Rights.....                                            | 9  |
| 4. Compliance with the Basic Conditions .....                | 9  |
| EU Obligations .....                                         | 9  |
| Main Issues.....                                             | 10 |
| Vision and Objectives.....                                   | 11 |
| Rural Character (Policies RC1 & RC2) .....                   | 11 |
| Natural Environment (Policy NE1) .....                       | 12 |
| Built Environment (Policies BE1 & BE2).....                  | 12 |
| Housing (Policy H1) .....                                    | 13 |
| Community Facilities (Policy CF1) .....                      | 13 |
| Recreation and Open Space (Policies ROS1, ROS2 & ROS3).....  | 13 |
| Traffic and Transport (Policies TT1, TT2 & TT3) .....        | 14 |
| Local Businesses (Policy LE1) .....                          | 15 |
| Overview .....                                               | 15 |
| 5. Conclusions.....                                          | 16 |
| Summary.....                                                 | 16 |
| The Referendum and its Area .....                            | 16 |

|                               |    |
|-------------------------------|----|
| Concluding Comments .....     | 16 |
| Appendix: Modifications ..... | 18 |

## **Main Findings - Executive Summary**

From my examination of the Wilshamstead Neighbourhood Plan (WNP/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 – Wilshamstead Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Wilshamstead, as shown on page 5 of the Plan;
- The Plan specifies the period during which it is to take effect: 2021-2035; 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**

### **Wilshamstead Neighbourhood Plan 2021–2035**

- 1.1 Wilshamstead<sup>1</sup> Parish has a population of about 2,500<sup>2</sup>, including the village of Wilstead which is 8 km south of Bedford town centre and near to which and to the west, passes the A6 trunk road. The surrounding landscape is relatively level and agricultural, with the exception of the new settlement of Wixams which adjoins the north-western boundary of the Parish.
- 1.2 The initial process to prepare a neighbourhood plan for Wilstead began in 2016 when an initial engagement group supported by the Parish Council shared information about neighbourhood planning and sought volunteers for a Steering Group which was subsequently formed. A questionnaire was distributed to all households, various consultation meetings took place and evidence was gathered. The Wilshamstead Neighbourhood Plan was submitted to Bedford Borough Council (BBC) in February 2022, representing over five years' work for those involved.

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<sup>1</sup> Wilshamstead is the formal name of the Parish. Wilstead is the usual name for the village. See WNP paragraph 3.1. I shall use those references in the report.

<sup>2</sup> WNP: paragraph 3.14.

## The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the WNP by BBC with the agreement of Wilshamstead Parish Council (WPC).
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood 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 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.
- 1.6 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'; and
    - 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.
  - 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 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 (under retained EU law);<sup>3</sup> 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 Plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>4</sup>

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for this part of BBC, excluding policies relating to minerals and waste development, includes the Allocations and Designations Local Plan 2013 (ADLP) and the Bedford Borough Local Plan 2030 (BBLP). BBC are in the process of updating their Local Plan. The Local Plan 2040 has commenced its pre-submission consultation and is scheduled for submission to the Secretary of State in January 2023.

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<sup>3</sup> The existing body of environmental regulation is retained in UK law.

<sup>4</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.

Accordingly, whilst I am cognisant of the emerging BLP 2040 which is being prepared, the WNP is to be examined against the strategic policies of the extant Development Plan.

- 2.2 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 in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

### Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:
- the draft Wilshamstead Neighbourhood Plan 2021–2035, dated February 2022;
  - the map on page 5 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement and Survey Results, dated February 2022;
  - the Basic Conditions Statement, dated February 2022;
  - the Strategic Environmental Assessment Screening Report, dated February 2021;
  - the Habitats Regulations Assessment, dated March 2021;
  - the Housing Needs Survey Report, February 2022;
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the request for additional clarification sought in my letters of 18 May and 7 June 2022 to BBC and WPC and the responses of 30 May 2022<sup>5</sup> from BBC, 6 June and 11 July 2022 from WPC and 1 July 2022 from NE.<sup>6</sup>

### Site Visit

- 2.4 I made an unaccompanied site visit to the WNP area on 12 May 2022 to familiarise myself with it and view relevant locations referenced in the Plan and evidential documents.

### Written Representations with or without Public Hearing

- 2.5 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>5</sup> Note: this is erroneously dated 30 June 2022.

<sup>6</sup> View all the all the relevant Plan documentation, including the core submission documents and correspondence at:

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

arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

## Modifications

- 2.6 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 to this report.

## 3. Procedural Compliance and Human Rights

### Qualifying Body and Neighbourhood Plan Area

- 3.1 The Wilshamstead Neighbourhood Plan has been prepared and submitted for examination by WPC, which is a qualifying body. The WNP extends over all the area administered by WPC. This constitutes the area of the Plan designated by BBC in February 2017.

### Plan Period

- 3.2 The Plan specifies the Plan period as 2021 to 2035.<sup>7</sup>

### Neighbourhood Plan Preparation and Consultation

- 3.3 The initial move to prepare the Plan came in 2016 when the Parish Council supported a public meeting after which a Steering Group was formed with agreed terms of reference. Appendix D of the thorough Consultation Statement (CS) lists the meetings and events in chronological order from the Neighbourhood Area designation by BBC in 2017, through to the last (recorded) of many meetings of the Neighbourhood Plan Steering Group on 26 October 2021. The events included an open meeting at the Village Hall, the feedback from which is at Appendix B of the CS, consultations with the Allotment Society, the Village Hall Management Committee, the Brownies and Guides and local businesses. A Village Survey was also issued, the responses to which are shown in Appendix A of the CS. Progress on the preparation of the Plan was reported regularly to the Parish Council.
- 3.4 The Pre Submission Plan was published for consultation under Regulation 14 of the 2012 Regulations from 1 April 2021 for a period of six weeks until 15 May 2021 which was then extended to 18 August 2021. The list of consultees, the record of comments made and any resulting changes to the Plan and its Appendices are described at Appendix C of the CS.

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<sup>7</sup> The BCS and CS appear to erroneously state that the Plan period is from 2020 to 2035.  
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- 3.5 The Plan was finally submitted to BBC on 11 February 2022. Consultation in accordance with Regulation 16 was carried out from 2 March 2022 until 14 April 2022. 17 representations were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the WNP, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

#### Development and Use of Land

- 3.6 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

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

#### Human Rights

- 3.8 The Basic Conditions Statement (BCS) advises that the Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I am aware from the Consultation Statement that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I have found no reason to disagree with the statement in the BCS and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

### 4. Compliance with the Basic Conditions

#### EU Obligations

- 4.1 A Strategic Environmental Assessment (SEA) screening was undertaken by WPC which concluded that it is unlikely there will be any significant environmental effects arising from the Neighbourhood Plan. As such, a SEA of the Plan is not required. The screening was submitted to the statutory environmental bodies (Environment Agency,<sup>8</sup> Historic England,<sup>9</sup> and Natural England<sup>10</sup>) who agreed with the Screening Report conclusion that a SEA was not required.
- 4.2 So far as Habitats Regulations Assessment (HRA) is concerned, the HRA for the BBLP 2030 identified likely significant effects on two Natura 2000

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<sup>8</sup> Reply from the Environment Agency, dated 3 February 2021.

<sup>9</sup> Reply from Historic England, undated. See SEA Screening Report: Appendix A.

<sup>10</sup> Reply from Natural England, dated 1 March 2021.

sites, The Ouse Washes (Special Area of Conservation (SAC)/Special Protection Area/Ramsar) and Portholme (SAC), downstream of Bedford on the River Great Ouse. The screening for the Neighbourhood Plan identified likely significant effects on the same two Natura 2000 sites as the BBLP 2030, but at a reduced scale.

- 4.3 Appropriate Assessment showed that the policies of the Plan did not offer protection to the Natura 2000 sites. Additions were required to protect the River Great Ouse from future development which might be proposed within the Plan area. Changes were recommended to four policies by the consultants, Bodsey Ecology Limited, comprising Policy NE1: Nature Conservation; Policy TT1: The traffic impact of new development; Policy TT2: Parking; and Policy LE1: Supporting Local Employment and businesses and the addition of a paragraph to the supporting text.<sup>11</sup> However, the recommendations were not implemented in the Plan by the qualifying body. During the examination, it became clear that the Habitats Regulations Assessment had not been subject to direct consultation by BBC (as the plan making authority) with Natural England,<sup>12</sup> albeit there had been general consultation at Regulation 14 and 16 on the whole Plan. Because of the identification of likely significant effects on the two European sites, NE were consequently consulted by BBC and in response advised that the Plan would not result in adverse effects on the integrity of any of the sites in question.<sup>13</sup>
- 4.4 I have read the SEA Screening Report and the HRA and the other information provided, and having considered the matter independently, I also agree with the conclusions. Therefore, subject to the incorporation of the recommendations of the HRA, dealt with below under the consideration of the specific policies, I am satisfied that the WNP is compatible with EU obligations.

## Main Issues

- 4.5 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.6 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a

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<sup>11</sup> HRA Section 8: AA Stage 3 - Avoidance and Mitigation (page 12, paragraphs 8.2 – 8.6).

<sup>12</sup> Regulation 105(2) of the 2017 Regulations requires that the "appropriate nature conservation body" (Natural England) should be consulted by the "plan making authority" which, under Regulation 111, is the local planning authority.

<sup>13</sup> Email from Natural England, dated 1 July 2022.

decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.<sup>14</sup>

- 4.7 Accordingly, having regard to the Wilshamstead Neighbourhood Plan, the consultation responses, other evidence<sup>15</sup> and the site visit, I consider that the main issues in this examination are whether the WNP policies (i) have regard to national policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues by considering the policies within the themes in the sequence in which they appear in the Plan.

### Vision and Objectives

- 4.8 The vision for the WNP is described on page 11 of the Plan: to retain and enhance the countryside setting, friendly character, identity and relative tranquillity of the village of Wilshamstead. Development opportunities will be sustainable and appropriate to the scale and nature of the village, respecting its historic, agricultural and rural character. Eight objectives are then derived from the vision, which set the scene for the subsequent fourteen policies.

### Rural Character (Policies RC1 & RC2)

- 4.9 Policy RC1 seeks to protect and enhance the historic and natural landscape and the local character of the Parish, with one of the means of achieving this being to retain key views identified on the Policies Map and in Appendix A of the Plan. The Important Viewpoints shown on the Policies Map as V1 and V2 both look out from the village over the countryside to the south towards the Mid Greensand Ridge, clear views of which are sought to be conserved in the Bedford Borough Landscape Character Assessment.<sup>16</sup>
- 4.10 V3 is marked on the Policies Map in four locations, essentially comprising views over open countryside towards the north taking in the distant listed Cardington former airship hangers. The widespread coverage tends to dilute the effectiveness of the policy and I am concerned that the retention of these particular views is aimed predominately at preserving the general outlook over the adjoining, mostly featureless, countryside. Therefore, I shall recommend that viewpoints V3 are deleted from the Policies Map. **(PM1)**

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<sup>14</sup> PPG Reference ID: 41-041-20140306.

<sup>15</sup> The other evidence includes the responses from BBC and WPC received on 30 May and 6 June 2022 respectively to the questions in my letter of 18 May 2022, the additional response from WPC, dated 11 July 2022; and the response from NE, dated 1 July 2022 to my letter to both Councils of 7 June 2022.

<sup>16</sup> Bedford Borough Landscape Character Assessment (May 2014): paragraph 5E.1.50.

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- 4.11 Subject to the deletion of viewpoints V3, I consider that Policy RC1 has regard to national policy,<sup>17</sup> generally conforms with Policies 36S, 37 and 38 of the BBLP and meets the Basic Conditions.
- 4.12 Policy RC2 considers preserving gaps between settlements and defines a Strategic Gap between Wilstead village and the new housing development at Wixams. The policy would not support development in the gap if it would be visually intrusive and diminish the gap physically or visually and/or adversely impact its rural character. These criteria are similar to the first two of Policy AD42 of the ADLP which define Local Gaps. A Local Gap is shown on the BBLP Policies Map between Wilstead and Wixams.<sup>18</sup>
- 4.13 Policy AD42 is proposed to be saved. Amongst other matters, the policy is aimed at preserving the separate character and identify of Wilstead village and the gap between the village and the planned Wixams new settlement in order to prevent coalescence. I consider that Policy AD42 provides sufficient protection for this important gap and therefore recommend the deletion of Policy RC2. **(PM2)**

#### Natural Environment (Policy NE1)

- 4.14 Policy NE1 seeks to protect and enhance natural features where new development is proposed. The policy has regard to national policy<sup>19</sup>, generally conforms with Policies 35S, 42S, 43 and 93 of the BBLP and meets the Basic Conditions, subject to the comments below. The HRA found that, in order to ensure that the WNP would not cause a significant adverse effect on the integrity of the two Natura 2000 sites on the River Great Ouse, certain policies, including Policy NE1, should be amended. Additionally, the HRA proposes adding some explanatory text in order to protect the hydrological regime around the parish and the River Great Ouse, which I shall recommend. **(PM3)** Furthermore, I shall include the alteration to Policy NE1 proposed in the HRA as a recommended modification. **(PM4)**

#### Built Environment (Policies BE1 & BE2)

- 4.15 Policy BE1 protects and enhances local heritage assets which includes those which are designated and non-designated. The policy has regard to national policy<sup>20</sup> and generally conforms with Policy 41S of the BBLP subject to one reservation. The policy states that the total loss of, or substantial harm to a heritage asset will be resisted unless substantial public benefits can be demonstrated. This requirement is excessive when compared to advice in the NPPF where a balanced approach is sought.<sup>21</sup>

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<sup>17</sup> NPPF: paragraphs 130 & 174.

<sup>18</sup> ADLP paragraph 15.25, seen together with the BBLP Policies Map which includes the ADLP designations.

<sup>19</sup> NPPF: paragraphs 174 & 179.

<sup>20</sup> NPPF: paragraphs 189, 195, 199, 201 & 203.

<sup>21</sup> NPPF: paragraph 203: "*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In*

Furthermore, a demonstration of public benefit is not required in Policy 41S vii of the BBLP. Therefore, I shall recommend an appropriate modification to Policy BE1 which would enable it then to meet the Basic Conditions. **(PM5)**

- 4.16 Policy BE2 seeks high quality design and has regard to national policy,<sup>22</sup> generally conforms with several policies of the BBLP, most notably Policies 28S, 29 & 30, and meets the Basic Conditions.

#### Housing (Policy H1)

- 4.17 Policy H1 includes support for infill development within the built form of the village and the requirement for 33% of windfall development of three units or more to be smaller homes (up to two bedrooms). The policy has regard to national policy,<sup>23</sup> generally conforms with Policies 5S and 59S of the BBLP and meets the Basic Conditions.

#### Community Facilities (Policy CF1)

- 4.18 Community facilities are considered in Policy CF1 which aims to support the improvement of the viability of an existing facility by extension, partial replacement or redevelopment. The policy also seeks to avoid the loss of or significant harm to valued community facilities. The policy has regard to national policy,<sup>24</sup> generally conforms with Policy 99 of the BBLP and meets the Basic Conditions.

#### Recreation and Open Space (Policies ROS1, ROS2 & ROS3)

- 4.19 Policy ROS1 seeks to protect existing and new opens spaces from development. The policy has regard to national policy<sup>25</sup> and generally conforms with Policies 35S, 98 and 99 of the BBLP. Policy ROS2 requires the provision of open space as part of new development. This policy also has regard to national policy,<sup>26</sup> generally conforms with Policies 35S, 97 and 98 of the BBLP. Both policies meet the Basic Conditions.
- 4.20 Policy ROS3 designates eleven Local Green Spaces (LGS). As explained in the NPPF, LGS designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of

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*weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

<sup>22</sup> NPPF: paragraphs 92, 126, 127 & 130.

<sup>23</sup> NPPF: paragraphs 78, 79 & 126.

<sup>24</sup> NPPF: paragraph 92 & 93.

<sup>25</sup> NPPF: paragraph 99.

<sup>26</sup> NPPF: paragraph 98.

its wildlife; and c) local in character and is not an extensive tract of land.<sup>27</sup> LGS should also be capable of enduring beyond the end of the Plan period.<sup>28</sup> Having visited each LGS on the site visit, I consider that they all meet the criteria for designation outlined in the NPPF with the exception of LGS10 and LGS11.<sup>29</sup>

- 4.21 Although BBC expressed reservations about the designation of LGS9 because it is already defined as a County Wildlife Site, I consider that this non-statutory designation is not a sound reason to exclude the area from designation as LGS when it meets the appropriate criteria outlined in the NPPF. With regard to LGS10 and LGS11, they both form part of the gap between Wixams and Wilstead village. In combination, LGS10 and LGS11 comprise an area of land over 12ha.<sup>30</sup> Whilst I appreciate that both areas of land may have local significance, I consider that this constitutes a tract of land which is too extensive and therefore does not meet the criteria for designation under NPPF paragraph 102. I do observe the land is shown diagrammatically as a Local Gap in the ADLP (Wixams Inset) and covered by Policy AD42. Furthermore, bearing in mind the WNP makes no housing allocations, I am mindful that NPPF paragraph 101 is clear that designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.
- 4.22 I note the reservations of BBC about the designation of a route which is already a public right of way and which could apply to LGS6, but I view this as part of LGS5 which it adjoins. Therefore, subject to the recommended modification of the deletion of LGS10 and 11 and corrections to the LGS list within the policy,<sup>31</sup> I consider that Policy ROS3 would have regard to national policy,<sup>32</sup> generally conforms with Policy 45 of the BBLP and meets the Basic Conditions. **(PM6)**

#### Traffic and Transport (Policies TT1, TT2 & TT3)

- 4.23 Policy TT1 deals with the traffic impact of new development and generally conforms with Policies 31 and 88 of the BBLP. Policy TT2 includes the requirement that new development should provide for parking in line with the parking standards sought by BBC and generally conforms with Policy 31 of the BBLP. However, in order to have regard to national policy and to follow the conclusions of the HRA, I shall recommend that both policies are modified in order to protect the two Natura 2000 sites further down the River Great Ouse. Both policies would then generally conform with Policies 32, 42S and 93 of the BBLP. Policy TT1 would have regard to

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<sup>27</sup> NPPF: paragraph 102.

<sup>28</sup> NPPF: paragraph 101.

<sup>29</sup> The LGS references are based on the Corrected Policies Map submitted by WPC on 6 June 2022.

<sup>30</sup> WNP: Appendix A.

<sup>31</sup> The corrections would be consequent on the recommended modification and also to make the list consistent with the Corrected Policies Map.

<sup>32</sup> NPPF: paragraphs 101, 102 & 103.

national policy<sup>33</sup> and meet the Basic Conditions. **(PM7)** Policy TT2 would also have regard to national policy<sup>34</sup> and meet the Basic Conditions.

**(PM8)**

- 4.24 Policy TT3 considers the provision for pedestrians and cyclists in new development and also supports new rights of way and permissive paths. The policy states that new development should retain rights of way and fund schemes to improve the provision of pavements and improve safety and access for pedestrians and cyclists. Whereas I accept the principle of making such provision, it is expressed too generally and should only apply in circumstances where it would be related to the development to be permitted.<sup>35</sup> Therefore, I shall recommend a modification to Policy TT3 which will ensure that it has regard to national policy,<sup>36</sup> generally conforms with Policy 91 of the BBLP and meets the Basic Conditions.

**(PM9)**

#### Local Businesses (Policy LE1)

- 4.25 Policy LE1 supports local employment and business and, subject to the reservation below, has regard to national policy,<sup>37</sup> generally conforms with Policies 75, 86S and 94 of the BBLP and meets the Basic Conditions. My reservation is that, in noting the conclusions of the HRA, the policy should refer to the need to avoid water pollution, especially due to the presence of the Natura 2000 sites downstream on the River Great Ouse, and a third criterion should be included requiring sustainable development. **(PM10)** Policy LE1 would then have regard to NPPF paragraphs 174 a), 179 a) and 181, generally conform with Policies 32, 42S and 93 of the BBLP and meet the Basic Conditions.

#### Overview

- 4.26 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the WNP are in general conformity with the strategic policies of the Development Plan, have regard to national policy and guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.27 A consequence of the acceptance of the recommended modifications would be that amendments would have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. These might also include incorporating factual updates, correcting minor inaccuracies, or text improvements suggested helpfully by BBC in their Regulation 14 Consultation response. None of these alterations would

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<sup>33</sup> NPPF: paragraphs 100, 104, 112, 174 a), 179 a) & 181.

<sup>34</sup> NPPF: paragraphs 107, 108, 174 a), 179 a) & 181.

<sup>35</sup> NPPF: paragraphs 56 & 57.

<sup>36</sup> NPPF: paragraphs 100, 104 & 105.

<sup>37</sup> NPPF: paragraphs 84, 85 & 114.

affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.<sup>38</sup>

## 5. Conclusions

### Summary

- 5.1 The Wilshamstead 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 WNP, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of 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. The WNP as modified has no policy or proposal 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.

### Concluding Comments

- 5.4 The Parish Council, the Steering Group and other voluntary contributors are to be commended for their efforts in producing a concise but comprehensive Plan together with the accompanying Appendices. The Plan is logical, well-structured and very informative. I enjoyed examining it and visiting the area. The Consultation Statement and especially the Basic Conditions Statement were extremely useful, as were the constructive and helpful responses from both Councils to my questions of clarification.
- 5.5 The relatively high quality of the Plan is demonstrated by the small number of recommended modifications (necessary to meet the Basic Conditions). With those modifications, the WNP will make a positive contribution to the Development Plan for the area and should enable the character and appearance of Wilshamstead Parish to be maintained.

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<sup>38</sup> PPG Reference ID: 41-106-20190509.



*Andrew Mead*

Examiner

## Appendix: Modifications

| <b>Proposed modification no. (PM)</b> | <b>Page no./ other reference</b> | <b>Modification</b>                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PM1                                   | Policy RC1                       | Delete Important Views 3 from the Corrected <sup>39</sup> Policies Map.                                                                                                                                                                                                                                                                                                                     |
| PM2                                   | Policy RC2                       | Delete the policy.                                                                                                                                                                                                                                                                                                                                                                          |
| PM3                                   | Paragraph 8.7                    | Add at the beginning of the paragraph: <b>“In order to protect the hydrological regime around the parish and the River Great Ouse with its associated Natura 2000 sites at Portholme (SAC) and The Ouse Washes (SAC, Ramsar), the use of Sustainable Drainage Systems is recommended where necessary as advocated in Policy 93 of the Bedford Local Plan 2030.”</b>                         |
| PM4                                   | Policy NE1                       | Add to the final paragraph of the policy: <b>“... nature conservation objectives both locally and at protected sites downstream on the River Great Ouse.”</b>                                                                                                                                                                                                                               |
| PM5                                   | Policy BE1                       | Amend the third sentence to: <b>“The total loss of, or substantial harm to, a designated heritage asset...”</b><br><br>Include a subsequent sentence: <b>“In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”</b> |
| PM6                                   | Policy ROS3                      | Delete LGS10 and LGS11 from the Corrected Policies Map and from the list, as corrected, in the policy.                                                                                                                                                                                                                                                                                      |
| PM7                                   | Policy TT1                       | Amend the final phrase of the policy to: <b>“... village, reflect local heritage and ensure that watercourses are not affected by pollution.”</b>                                                                                                                                                                                                                                           |
| PM8                                   | Policy TT2                       | Add a final sentence: <b>“New residential development should be designed to ensure that surface water run-off is minimised.”</b>                                                                                                                                                                                                                                                            |

<sup>39</sup> See Appendix A of WPC’s response to the examiner, dated 6 June 2022.

|      |            |                                                                                                                                         |
|------|------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| PM9  | Policy TT3 | Amend policy to: "... should retain rights of way and, <b>where appropriate</b> , fund schemes to improve ...".                         |
| PM10 | Policy LE1 | Add third bullet point to the first paragraph: <b>"it follows the sustainable development principles that protect the environment."</b> |