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# **Report on Turvey Neighbourhood Development Plan 2020-2030**

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

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Date of Report: 22 April 2021

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## **Main Findings** - Executive Summary

From my examination of the Turvey Neighbourhood Development 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 Turvey Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Turvey as shown on Map 1 (page 6) 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**

### *Turvey Neighbourhood Development Plan 2020-2030*

- 1.1 The Neighbourhood Plan Area comprises the Parish of Turvey, which covers an area in excess of 1,600 hectares (4,000 acres). The population of the Parish is some 1,225 people. The village of Turvey lies about 10 km west of Bedford and 21 km east of Northampton, within Bedford Borough Council (BBC) close to the border with Buckinghamshire. The Parish is rural in character being set within the limestone landscape of the River Great Ouse valley. The landscape comprises mainly working arable farms with small woodland blocks enhanced by frequent hedgerow trees and limestone walls. There are local and well used public rights of way.
- 1.2 Turvey village is the main settlement in the Parish, located adjacent to the River Great Ouse, and is characterised by its attractive limestone buildings with red tiled or slate roofs. Turvey has two key settlement areas. The main village focusses on the historic core, which runs along Bridge Street and High Street, with more recent housing built in different phases off Carlton Road to the north and Newton Lane to the south. The small settlement of Station End lies to the east of the main village and was built in association with the development of the railway. There are some 535 residential properties in the village, with planning consent for a retirement

village of some 131 units, to be built at the former station sidings and yard at Station End.

- 1.3 The village is well connected to the major road network being some 11 miles from the M1 motorway, 19 miles from the A1 and 8 miles from the A421. It is bisected by the A428 which links Northampton to Bedford. Turvey also lies within 70 miles of 3 London Airports, with Luton being just 33 miles distant.
- 1.4 The village is recorded in the Domesday Survey of 1086 and was probably Saxon in origin. In the mid 19<sup>th</sup> Century, there was substantial rebuilding of village houses and development of landscaped parks and gardens, including those associated with Turvey House, Abbey Park and New Park. The village includes some 58 Listed Buildings, the Grade II part of the Registered Park and Garden to Turvey House and the Turvey Bridge Scheduled Monument. All Saints Church and Turvey House are Grade 1 Listed Buildings.
- 1.5 Bedford, Milton Keynes and Northampton are key work destinations and the majority of Turvey residents commute out of the village for employment.
- 1.6 The village benefits from two general stores, one of which includes a Post Office, a butchers shop and two public houses. There is a pre-school playgroup and a primary school from which pupils may move on to Sharnbrook Academy School or one of the many private schools in the area. Turvey Primary School is currently undersubscribed with some 82 pupils. It has capacity for 105 pupils.
- 1.7 There is an active community life, with a well-used Village Hall together with the Manor Room for private hire and hosting a number of clubs and societies. Outdoor recreation is well catered for with a large recreation ground, tennis courts and play equipment.
- 1.8 The preparation of the TNP coincided with the emergence of the Bedford Borough Local Plan (BBLP). The BBLP 2030 was adopted by BBC in January 2020. The draft 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 emerging TNP has been reviewed and updated to generally conform with the strategic policies in the now adopted BBLP 2030.<sup>1</sup>
- 1.9 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 Bedford Borough Allocations and Designations Local Plan 2013 (BBADLP). I address the matter of general conformity of the TNP with the strategic policies of the Development Plan throughout my report.

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

### *The Independent Examiner*

- 1.10 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 Turvey Parish Council (TPC).
- 1.11 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*

- 1.12 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.
- 1.13 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').

1.14 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*

1.15 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>2</sup>; and
- Meet prescribed conditions and comply with prescribed matters.

1.16 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>3</sup>

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

### *Planning Policy Context*

2.1 During the early preparation of the draft 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 Allocations and Designations Local Plan (ADLP) 2013.

<sup>2</sup> The existing body of environmental regulation is retained in UK law.

<sup>3</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.

- 2.2 As the emerging BBLP was being drafted, the TNP has been developed to reflect the reasoning and evidence informing the local plan process. The importance of minimising any conflicts between those policies in the Neighbourhood Plan and those in the emerging Local Plan during its preparation has been recognised.
- 2.3 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 ADLP, which remain a part of the Development Plan.<sup>4</sup>
- 2.4 In view of the close attention paid to the BBLP emerging policies during the preparation of the TNP, and the opportunity for review and updating of the TNP prior to its submission towards the end of May 2020, the submitted TNP has been prepared to be generally in conformity with the most up to date Development Plan policies.
- 2.5 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.

### *Submitted Documents*

- 2.6 I have considered all policy, guidance and other reference documents I consider relevant to the examination, alongside those submitted. These include:
- Submission version Turvey Neighbourhood Development Plan, April 2020;
  - Map 1 Turvey Parish, showing the designated Neighbourhood Plan Area (page 6 of the Plan);
  - Basic Conditions Statement, June 2020;
  - Consultation Statement, April 2020;
  - Strategic Environmental Assessment Screening Report, October 2019;
  - Habitat Regulations Assessment for the TNP, October 2019;
  - Regulation 16 consultation responses;
  - Turvey Parish Council Local Green Spaces Report, updated April 2020;
  - Site Assessment Report, May 2018;
  - Site Assessment Report Addendum, April 2019;
  - Site Assessment and Allocations Report, updated April 2020;
  - Response to Examiner's questions (of 17 December 2021) from BBC, 21 January 2021;
  - Response to Examiner's questions (of 17 December 2021) from TPC, 27 January 2021; and

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<sup>4</sup> BBLP 2030 Appendix 1.

- Further responses from Historic England (28 January 2021), two other interested parties (10 February and 12 February 2021) and from BBC (23 February 2021) and TPC (26 February 2021).<sup>5</sup>

### *Site Visit*

2.7 I visited the Neighbourhood Plan Area unaccompanied by any interested party on the 17 February 2021. 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*

2.8 This examination has been carried out on the basis of the written submissions (written representations). 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. Requests have also been submitted from some parties for evidence to be heard at a hearing. However, as noted, in addition to the Regulation 16 responses I have received further clarification from the QB, from BBC and from other interested parties in response to my letter of 17 December 2020.<sup>6</sup> As a result, in terms of the appropriate level of scrutiny for the TNP, I consider that hearing sessions are not necessary.

### *Modifications*

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

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Turvey 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 19 April 2017.
- 3.2 It is the only Neighbourhood Plan for Turvey Parish and does not relate to any land outside the designated Neighbourhood Plan Area.

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

<sup>6</sup> See paragraph 2.6 and footnote 5.

### *Plan Period*

- 3.3 The Plan specifies the period to which it is to take effect in section 1.7, which is to the year 2030. The TNP therefore covers the same period as the BBLP and does not therefore raise any issues of compliance. It may however be necessary to review the TNP when the BBLP is carried forward beyond 2030. In the interests of clarity, it would be helpful for the Plan to state the date prominently on the front cover [**PM1**].

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 In April 2017 BBC approved the designation of the Turvey Neighbourhood Plan Area as shown on Map 1 (page 6) of the submitted TNP. TPC is responsible for providing leadership for the TNP, which was produced by the Turvey Neighbourhood Plan Steering Group (TNPSG) on behalf of TPC. The TNP was developed with the involvement of the local community over a period of 3 years and is based on evidence from surveys, expert reports and local consultations.
- 3.5 The programme of consultation included updates in the quarterly Turvey Magazine which is delivered to all households in the village; Neighbourhood Plan Newsletters delivered to all homes in the village with progress reports on the development of the Plan; a dedicated TNP website with regular updates throughout the Plan preparation process; leaflets produced for events and exhibitions at the village hall; and major exhibitions at the village hall in March and September 2019 to display information about the Neighbourhood plan process, details of sites assessed for new housing and the approach to site selection taken to identify sites recommended for allocation. Events were advertised in the Turvey News, promoted on Turvey News Facebook and featured in Neighbourhood Plan Newsletters and on display boards in the centre of the village. There were also exhibitions at village Plant Sales and Apple Pressing Days in October 2017 and 2018, and at Turvey Primary School and the Three Cranes pub in September 2019 to promote awareness of the Sites for Housing Stage 2 consultation in September 2019. The Regulation 14 6-week consultation ran from 6 November 2019 to 19 January 2020.
- 3.6 The submission version of the Plan (April 2020) was then the subject of a further round of consultation, as required by Regulation 16 of the 2012 Regulations, which commenced on 10 July 2020 and closed on 24 August 2020. I have considered the representations that were made at the Regulation 16 stage in preparing this report. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the TNP. Due regard has been had to the advice in the PPG on plan preparation and the TNP is procedurally compliant in accordance with the legal requirements.

### *Development and Use of Land*

- 3.7 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*

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

### *Human Rights*

- 3.9 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 The recently adopted BBLP designates Turvey as being a rural service centre. The rural service centres are considered to provide a localised convenience and service role to meet day to day needs of residents and businesses in the rural areas. The development strategy of the local plan considers that development in the rural parts of the borough should be at a scale that takes account of existing commitments and infrastructure capacity/potential infrastructure capacity. Maintaining the viability of rural settlements is an important aim of the Local Plan, and limited growth in the rural service centres will help support local services.
- 4.3 Policy 4S of the BBLP identifies the level of new housing provision to be provided through the Neighbourhood Plan to be between 25-50 dwellings. However, flexibility is provided for the rural service centres where allocations may exceed 50 dwellings if specific local justification is set out in neighbourhood plans to demonstrate that it would be appropriate in terms of the scale, structure, form and character of the settlement and the capacity of local infrastructure.
- 4.4 A Housing Needs Survey was carried out in January 2017 which helped inform the level of new housing to be allocated in the TNP. Potential sites for housing development were identified through consultation with

landowners who had submitted sites in response to BBC's call for sites in 2014 and 2015, and a local call for sites by the TNPSG in August 2017. The criteria to be applied for the selection of sites were refined through the process of public consultation and in March 2019 a major exhibition was held over three days on the sites selection process and the preferred options which had been identified. I am satisfied that TPC has taken an appropriate and thorough iterative approach to the consideration of reasonable alternatives for both the scale and location of new housing in accordance with the requirements of SEA in the allocation of housing sites for the TNP.

- 4.5 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 other emerging neighbourhood plans in the authority area to confirm this for all developments. Further screening of the TNP has been carried out to ensure that there were no unforeseen likely significant effects.
- 4.6 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, and their subsequent adverse impact on the qualifying features and site integrity.
- 4.7 The HRA concludes that the Turvey 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*

- 4.8 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

- 4.9 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 historic village and attractive rural setting. A vision statement to reflect the development aims for Turvey is identified in

Section 4. Below this are listed the 4 key issues to be addressed in the TNP.

- 4.10 The requirement for new housing is identified with a need for 16 affordable units for village residents and 19 units of market housing. Key messages emerging from consultation were that these should be provided in smaller developments of between 20 to 30 units, and that they should include smaller properties suitable for older residents seeking to downsize and young families. The attraction of young families to the village would clearly support the viability of the primary school.
- 4.11 As the A428 cuts through the centre of the village, control of traffic volumes and the management of speeding are key concerns of local residents. Particular issues also arise in relation to car parking in the residential areas of Carlton Road, May Road and Newton Lane, and concerning the use of Carlton Road and Newton Lane as a “commuter rat run” between Sharnbrook and Milton Keynes.
- 4.12 The protection of the environment and countryside in the Parish is another key issue for local residents, with the provision of Local Green Space strongly supported.
- 4.13 In addition, the availability of the shops, facilities, groups and activities that contribute to community spirit are of significant importance to the village and a key issue is for the policies of the TNP to facilitate the protection of these features of village life.
- 4.14 The key issues generally relate to the matters identified in NPPF paragraph 28 as appropriate matters to be addressed 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.
- 4.15 In general, the policies of the TNP are clearly written and unambiguous<sup>7</sup> and I recommend modification where necessary to achieve this requirement. Where there is some duplication of the policy set out in the BBLP 2030<sup>8</sup>, I recommend deletion where appropriate.
- 4.16 The allocation of new housing sites is based on an appraisal of need for new housing in the village both to accommodate existing residents and to support the viability of services and facilities within the village, together with an objective assessment of appropriate and available sites. With the range of policies formulated to meet its development aims, the TNP demonstrates a positive approach to an appropriate level of growth within the Parish. Subject to the modifications which I recommend, the TNP has had regard to national policy and advice.

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

<sup>8</sup> NPPF paragraph 16 f).

## Contributes to the Achievement of Sustainable Development

- 4.17 By taking a positive approach to the delivery of residential development to meet local needs, the TNP provides for sustainable development through its housing and other development policies. Whilst the Plan provides for new housing in the village, 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.
- 4.18 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.
- 4.19 Subject to the detailed comments and modifications which I set out below for individual policies, I am satisfied that the Plan makes a positive contribution to the achievement of the economic, social and environmental aspects of sustainable development.

## General Conformity with Strategic Policies in the Development Plan

- 4.20 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 April 2020, seek to be in general conformity with those in the BBLP 2030, as adopted in January 2020.
- 4.21 The village of Turvey is identified in the BBLP 2030 as being a rural services centre. In considering the location of development in rural areas in the BBLP, the distinction between settlements and areas of countryside is established by defining Settlement Policy Areas (SPAs). The aim of the Local Plan for the rural service centres such as Turvey is to meet the requirement for development generally in and around the defined SPA boundaries in accordance with Policy 5S, with all sites to be allocated through neighbourhood development plans.
- 4.22 The TNP as submitted proposes the allocation of two housing sites located outside the SPA. The TNP includes proposals to alter the SPA as defined in the BBLP Policies Map Inset 35. Policy T1 extends the SPA to encompass the allocated sites and the extended SPA boundary is indicated on Map 6 in the TNP.
- 4.23 Within the village there are sites which were designated as Village Open Space in the BBADLP (Policy AD40). The BBLP designates areas for Local Green Space (LGS) in accordance with national policy but does not designate any LGS in Turvey. TPC has carried out its own assessment of proposals for LGS designation as part of the preparation of the TNP. Twelve sites are identified under TNP Policy T4 for designation as LGS. I consider the detail of this Policy below, but in principle the identification of

LGS in the TNP is appropriate since LGS can only be identified in local or neighbourhood plans.<sup>9</sup>

- 4.24 The small settlement of Turvey Station End is located to the East of the village on the A428. It is identified as a Small Settlement in accordance with Policy 6 of the BBLP. Within the built form of Small Settlements the Policy supports development where the proposal would contribute positively to the character of the settlement and would be appropriate to the structure, form, character and size of the settlement as a whole. No sites are allocated within Turvey Station End in the TNP.
- 4.25 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

- 4.26 In the identification of potential housing allocations, some 11 sites were considered within the site selection process; the site selection criteria were subject to consultation with the Parish Council and the local community, and the results are set out in the Site Assessment and Allocations Report. Policy T1 identifies the sites proposed to be allocated as land to the north of the cemetery and recreation ground at Carlton Road and land at Mill Rise to the west of Newton Lane.
- 4.27 In view of concerns raised at the Regulation 16 Consultation, I have requested further information relating to the impact of development at Carlton Road on Heritage issues, and relating to the potential effect on highways issues of development at Carlton Road and Newton Lane. It is clear from the responses that there is no objection in principle from either Historic England or the local highways authority to the development of the allocated sites. Reference has been made to highways comments made on an application for 80 new dwellings at a site off Newton Road, but the allocation is for just 25 dwellings and it cannot be assumed that the highways authority would seek the same requirements. There is no evidence to demonstrate that there are insurmountable constraints to the development of 25 dwellings at either of the allocated sites.
- 4.28 Detailed matters relating to both Heritage and to traffic issues will need to be addressed within any planning application for development of each of

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<sup>9</sup> NPPF paragraph 99.

the allocated sites. The key development principles for each site are listed in Policy T1 and they are intended to provide the basis for the measures to be taken. The effectiveness of the measures proposed at application stage will be the subject of consultation with the relevant bodies, including Historic England, BBC, TPC and local residents. With appropriate mitigation measures in place, there is no reason to doubt that the Carlton Road site can be developed for 25 houses without causing harm to the setting of Turvey House and its grounds. With regard to highways issues, it is clear that with detailed assessment and public consultation the highway authority is satisfied that appropriate measures can be put in place to deal with traffic issues arising from the development of each of the allocated sites.

- 4.29 There is an addition required to the list for the Mill Rise site in order to address a water supply issue raised at Regulation 16 consultation. I recommend this in **PM2**. With this addition, I am satisfied that the Policy sets out those detailed matters which need to be addressed in any planning application. They reflect local concerns and the specific issues which require addressing within Turvey, and as such comply with national policy relating to the content of non-strategic policies appropriate in neighbourhood plans.
- 4.30 Whilst this is not under the heading of housing policies, I note the concerns raised in respect of the insertion of paragraph 5.106 in the submitted TNP. This sets out possible highways improvements that may be required to support the development of the two allocated sites. However, in their response to consultation on the two sites, the highways authority have set out no positive requirement for a particular scheme of improvements. A detailed assessment will be required for each site as it proceeds to a planning application, and full consultation with BBC, TPC and local residents will be necessary at that stage. I find no justification for the inclusion of paragraph 5.106 in the TNP when there is no certainty as to the detailed measures which will be required. I therefore recommend its deletion [**PM3**].
- 4.31 Policy T1 also provides support for new housing outside of the allocated sites, subject to three criteria. This part of the Policy accords with the policies within the BBLP which also provides in Policy 6 for development within small settlements such as Station End. With this provision in the BBLP there is no need for any addition to Policy T1.
- 4.32 The housing survey carried out on behalf of TPC indicated a need for smaller units to cater for first time buyers and those seeking to downsize. Policy T2 sets out the housing mix which will be sought in new housing development. Having regard to the particular characteristics of Turvey, I consider this part of the Policy to be justified. The Policy does not seek to prescribe the spatial standards in new development but indicates that account will be taken of the March 2015 technical housing standards or any future replacement document. As a result, the Policy does not raise any issues of compliance.

4.33 I am satisfied that with the modifications identified above, the Housing Policies of the TNP meet the Basic Conditions.

#### Landscape and Environment Policies

4.34 The text and policies in this section reflect the importance of the character and appearance of the village and its surrounding landscape to the community of Turvey. There are no issues of compliance raised by Policy T3.

4.35 Turvey has a number of Village Open Spaces (VOS) which were designated in the BBADLP 2013. In the preparation of the BBLP consideration was given by BBC to changing the designation of VOS to LGS in accordance with the criteria set out in national policy and advice. Because Turvey was preparing a neighbourhood plan, TPC took on the task of reviewing green spaces within the Parish to identify potential LGS designations.

4.36 Policy T4 identifies five former VOS to be designated as LGS, and seven additional sites which had not previously been identified. The justification for the designations is set out in the TNP Local Green Spaces Report which was updated in April 2020. Landowners were informed of the proposed designation<sup>10</sup>, and the sites were displayed at a public consultation event in March 2019.

4.37 The sites are in a number of ownerships and may serve the community or be in private use. However, neither ownership status nor the status of its use affects the eligibility of a site for designation.<sup>11</sup> The area of land proposed to be designated varies from modest green spaces of some 0.02 hectares to larger areas of just under 4 hectares.

4.38 The primary criteria set out in the NPPF requires that the LGS be reasonably close to the community it serves; demonstrably special to the local community with a particular local significance due to its beauty, historic significance, recreational value, tranquillity or richness of its wildlife; and local in character and not an extensive tract of land.

4.39 Having reviewed the assessment undertaken for the TNP and visited the sites proposed as LGS, I am satisfied that the sites listed in Policy T4 are in general compliance with the criteria in the NPPF, are capable of enduring beyond the Plan period and have regard to the advice given in national PPG.

4.40 In the BBLP, Policy 45 states that development proposals which result in the loss of part or all of a LGS or would have a negative impact on the features that make it locally significant will not be permitted unless very

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<sup>10</sup> PPG Reference ID: 37-019-20140306.

<sup>11</sup> PPG Reference ID: 37-017-20140306.

special circumstances can be demonstrated, reflecting paragraphs 101 and 143 of the NPPF. TNP Policy T5 in the main accords with the provisions of Policy 45 and sets out more detailed criteria against which proposals would be assessed. In so far as it provides that development flanking LGS **must** (my emphasis) preserve or enhance the safety, amenity and accessibility of the space, whilst I am sympathetic to its purpose, I do not consider it can be framed as an imperative as there has been no evidence provided to explain this additional requirement, over and above national or local policy. I therefore recommend a modification to the Policy [**PM4**].

- 4.41 Policy T6 has the heading “Impact of Drainage”. It is not clear from the wording of the Policy how the impacts with which it is concerned would be measured, or mitigation implemented. There are a number of policies within the BBLP which address the impacts of drainage within new development and seek to protect the environment and protected sites from harmful run-off or flooding. These include Policies 29, 39, 42S, 50S, 51S, 92 and 93. Within these policies there is sufficient provision made to deal with impacts on rivers and sensitive landscapes from the run-off of surface water and for the inclusion of facilities for water capture and storage within new development. The BBLP also takes into account the impacts of climate change which could affect these issues. In these circumstances, I find that it is not necessary to include Policy T6 in the TNP and recommend its deletion [**PM5**].
- 4.42 Policies T7 and T8 are concerned with sustainable design and local character within the particular context of Turvey. They add local detail to BBLP Policies 29 and 30 and raise no issues of compliance.
- 4.43 I am satisfied that with the modifications identified above, the Landscape and Environment Policies of the TNP meet the Basic Conditions.

#### Heritage Policies

- 4.44 Listed Buildings and Conservation Areas are subject to statutory control under the Planning (Listed Buildings and Conservation Areas) Act 1990. Scheduled monuments are protected by the Ancient Monuments and Archaeological Areas Act 1979 (as amended). The NPPF sets out the strategy to be taken towards the conservation and enhancement of the historic environment and the approach to be taken in determining applications which might have some effect on heritage assets.
- 4.45 In BBLP Policy 41S “Historic environment and heritage assets” the Council’s requirements when considering an application which might affect a heritage asset is comprehensively established. Whilst the desire of TPC to include a policy such as Policy T9 “Heritage Assets and their Settings” in the TNP is understood, the Policy does not serve any clear purpose since it duplicates the provisions set out in national and local plan policies in respect of any listed buildings or scheduled monuments and their settings in Turvey.

- 4.46 With regard to non-designated heritage assets, these are dealt with in the NPPF<sup>12</sup> and in BBLP Policy 41S. In stating that development must preserve or enhance the particular interest of non-designated heritage assets, Policy T9 seeks to place a higher level of protection on non-designated heritage assets than provided in national or local plan policy without any special justification for doing so. Furthermore, as noted by Historic England, the TNP does not identify the non-designated heritage assets which it would seek to protect.
- 4.47 Having regard to policies in the NPPF and in the BBLP, Policy T9 serves no clear purpose and should therefore be deleted [**PM6**]. In the event that TPC wishes to name in the TNP those heritage assets listed in Policy T9, they could be added to the text in paragraph 5.89 of the TNP prior to formal adoption. As a minor non-material factual addition to the text, it would not require my recommendation.
- 4.48 With regard to non-designated heritage assets, it would be helpful for TPC to consult with BBC's historic environment team and to agree a list of non-designated heritage assets to be included in a future version of the TNP when reviewed.
- 4.49 With the deletion of Policy T9, the TNP raises no issues of compliance in relation to heritage policies.

#### Communications Policy

- 4.50 The TNP refers to the policy provision within the NPPF and BBLP Policy 94 in relation to high speed broadband connectivity in new developments. It is appropriate there is no duplication of policy in the TNP and no issues of compliance with the Basic Conditions are raised.

#### Transport Policy

- 4.51 In the BBLP Policies 31, 86S, 87, 88 and 89 deal with the issues relating to transport and road safety to be addressed when considering any new development and cover the generic matters which are raised in Policy T11 of the TNP. In particular, Policy 31 sets out the detailed criteria against which proposals for new development will be assessed and Policy 89 requires new vehicle charging points to be included. The criteria against which new proposals will be considered in Policy 31 covers in detail the general matters of concern identified in Policy T11 in the TNP. Matters of local concern which are not covered in the BBLP Policy relate to the identification of the specific locations in the village where congestion is an issue in the local community, and the need to ensure any improvements to infrastructure have no adverse environmental impacts in terms of the character and appearance of the village and its rural lanes.

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<sup>12</sup> Paragraph 197.

- 4.52 In the interests of clarity and to avoid unnecessary duplication of policies, I recommend changes to Policy T11 to ensure that it serves a clear purpose in dealing with those matters specific to Turvey [**PM7**].
- 4.53 Subject to the modifications which I recommend in the Appendix, the Transport Policy meets the Basic Conditions.

#### Employment and Community Facilities

- 4.54 The TNP seeks to ensure that Turvey maintains a range of local community facilities and that opportunities for local employment are supported. Policy T12 sets out the matters to be considered in relation to proposals either for or which affect employment and community facilities. These are appropriate to the TNP, although the Policy does require some modification since it is not within the authority of TPC to grant a planning permission [**PM8**]. With this change, the Policy raises no issues of compliance with the Basic Conditions.
- 4.55 Policy T13 raises no issues of compliance.
- 4.56 Subject to the modification which I recommend in the Appendix, the Employment and Community Facilities Policies meet the Basic Conditions.

#### *Non-Neighbourhood Planning Issues*

- 4.57 In addition to the TNP policies which I am required to consider against the statutory tests, Section 6 of the Plan addresses issues which are not land use matters but 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.
- 4.58 Section 6 covers a number of topics, including the possible projects 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>13</sup>

#### *Factual and Minor Amendments and Updates*

- 4.59 I have not identified any typographical errors in the text of the TNP that would affect the Basic Conditions. Minor amendments to the text can be made consequential to the recommended modifications, alongside any other minor changes or updates, in agreement between TPC and BBC.<sup>14</sup>

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<sup>13</sup> PPG Reference ID: 41-004-20190509.

<sup>14</sup> PPG Reference ID: 41-106-20190509.

## 5. Conclusions

### *Summary*

- 5.1 The Turvey Neighbourhood Development 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 and in the course of my examination.
- 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 Turvey Neighbourhood Development Plan, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary and which would require the referendum to extend to areas beyond the Plan boundary. I therefore recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### *Overview*

- 5.5 The production of the TNP has undoubtedly required a high level of commitment and hard work by a group of volunteers from the local community. This task has no doubt been made more difficult by the abnormal conditions arising from Covid 19. I commend the Parish Council and the Neighbourhood Plan Steering Group for producing a well written and effective Neighbourhood Plan.
- 5.6 The Plan has achieved the difficult task of setting out positive proposals to enable Turvey to accommodate new housing. TPC has consulted with and taken into account the views of the local community, whilst seeking to allow for a level of new homes which will benefit the community and protect the character and setting of Turvey as an attractive and historic village within the countryside. As a result, the TNP meets the Basic Conditions. With the recommended modifications appended to my report, the TNP should provide an effective Plan for the management of the future planning of Turvey.

*Wendy J Burden*

Examiner

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## Appendix: Modifications

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM1	Front cover	Insert under Heading "2020-2030".
PM2	Page 23 Policy T1	Add to list of development principles under The Mill Rise site: <ul style="list-style-type: none"> <li>The existing water mains that will supply water to the new development will require upgrading in accordance with the requirements of the Bedfordshire Fire and Rescue Authority prior to occupation of the dwellings.</li> </ul>
PM3	Page 46 Paragraph 5.106	Delete paragraph 5.106.
PM4	Page 38 Policy T5	In the second sentence of Policy T5, delete "must" and replace with "should seek to".
PM5	Page 38 Policy T6	Delete Policy T6.
PM6	Page 43 Policy T9	Delete Policy T9.
PM7	Page 45 Policy T11	Delete first three sentences as far as "points:". Insert: <p>"When assessing the impact of new development on traffic safety, road capacity and on-road parking capacity, particular consideration must be given to the following congestion points:"</p> <p>Delete sentence beginning "Development must include ---."</p>
PM8	Page 47 Policy T12	In the final clause of Policy T12 delete "granted" and replace with "supported".