

INDEPENDENT EXAMINATION OF MILTON ERNEST NEIGHBOURHOOD PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Sue Bottoms
Clerk to Milton Ernest Parish Council

Sonia Gallaher
Bedford Borough Council

Examination Ref: 01/DH/MENP

Via email

10 May 2021

Dear Ms Bottoms and Ms Gallaher

MILTON ERNEST NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Milton Ernest Neighbourhood Plan (the Plan/MENP) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for Milton Ernest Parish Council (MEPC/the Parish Council) as Qualifying Body and a smaller number for Bedford Borough Council (BBC). These are attached as an Annex to this letter.

1. Examination Documentation

I can confirm that I have access to a complete copy of the submission MENP and accompanying documentation, including the Basic Conditions Statement (Including Area Statement) (January 2021), the Consultation Statement (January 2021), the SEA Screening Opinion (October 2020), the HRA (August 2020); the Site Assessment Report (updated January 2019) and the Regulation 16 representations.

Subject to my detailed assessment of the submission MENP, I have not identified any very significant and obvious flaws that might lead me to advise that the examination should not proceed.

2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area in the week commencing Monday 17 May, subject to such a visit being in accordance with Government advice on travel, regarding the COVID-19 outbreak. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The site visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process (as well as respecting the current COVID-19 distancing arrangements).

I may have a number of further questions following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing

should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

I have a number of initial questions seeking further clarification from both MEPC and BBC. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided within **three** weeks of receipt of this letter.

5. Examination Timetable

As you will be aware, the intention is to examine the MENP (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan. However, in the current circumstances, and bearing in mind I have raised a number of questions to which I must provide the opportunity for the preparation of an appropriate, the examination timetable will be extended. Please be assured that I will seek mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the examination timetable, including the anticipated delivery date of the draft report.

If you have any questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent response, are placed on the websites of the Parish Council and the Borough Council.

Thank you in advance for your assistance.

Your sincerely

David Hogger

Examiner

ANNEX

From my initial reading of the submission draft Milton Ernest Neighbourhood Plan and the supporting evidence, I have 9 questions for Bedford Borough Council and 21 questions for Milton Ernest Parish Council. I have requested the submission of a response within **three** weeks of receipt of this letter.

Questions for Bedford Borough Council (9)

1. The National Planning Practice Guidance (PPG) in Paragraph Reference ID: 41-009-20190509 (Neighbourhood Planning section) advises that 'where a neighbourhood plan is brought forward before an up-to-date local plan (i.e. the Local Plan Review) is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan'. Could the Borough Council confirm that such discussions have taken place and summarise any conclusions that were drawn?
2. Can the Council confirm that the Development Plan for the Borough (as it applies to Milton Ernest) comprises the Bedford Borough Local Plan 2030 (BBLP30); the Allocations and Designations Local Plan 2013; saved policies of the Bedford Local Plan 2002; and the Policies map?
3. Can the Council confirm the current timetable for the publication of the draft Bedford Local Plan Review?
4. Bearing in mind paragraph 33 of the National Planning Policy Framework (NPPF) advises that policies in local plans should be reviewed at least once every five years, can the Borough Council confirm that a review of the settlement policy area boundaries (including at Milton Ernest) will be undertaken as part of the review of the Local Plan?
5. Can the Council confirm that it is satisfied with the site selection process undertaken by the Parish Council, primarily as summarised in the Site Assessment Report (updated January 2019)?
6. Can the Council confirm that it is on target to meet the housing allocations as set out in policy 4S of the BBLP30, in particular with regard to those settlements where the requirement is between 25 and 50 dwellings?
7. Can the Council confirm that the fact that the allocation at Milton Ernest is for 25 dwellings (at the bottom of the stated range of 25-50 dwellings) will not have any significant consequences in terms of the Borough Council meeting its overall housing need?
8. Can the Council confirm that it is satisfied with the extent and thoroughness of the public consultation undertaken?
9. Can the Borough Council confirm that it has provided constructive comments on the emerging MENP prior to submission and that in its opinion the MENP meets the Basic Conditions (see PPG Paragraph Reference ID: 41-067-20140306 of the Neighbourhood Planning section)?

In particular one of the Basic Conditions¹ relates to development contributing to the achievement of sustainable development. Is the Council satisfied that the policies in the MENP will appropriately achieve that objective?

Questions for Milton Ernest Parish Council (21)

1. Why does the MENP not include any references to the relationship between the Neighbourhood Plan and the Bedford Borough Local Plan 2030 (BBLP30) and the current Local Plan Review?

2. Paragraph 2.24 of the MENP (page 10) confirms the requirement of BBLP30 policy 4S, which establishes a housing requirement for the village of between 25 and 50 homes. Paragraph 8.5 on page 36 of the MENP (first bullet point) confirms that 25 dwellings is the maximum number that would be supported by the Parish Council. This fact is confirmed in section 4.3 on page 26 of the Neighbourhood Masterplanning Final Report (April 2018), which states in the first paragraph that '25 dwellings is the number of homes that was identified by the Parish Council that land needs to be allocated for'.

The advice in PPG Reference ID: 41-103-20190509 (the Neighbourhood Planning section) states that 'neighbourhood planning bodies are encouraged to plan to meet their housing requirement and where possible exceed it'. On that basis, could the Parish Council explain the justification for supporting the allocation of land for only 25 dwellings (i.e. the very bottom of the potential range) and for not introducing any flexibility in the level of housing provision on the site?

3. The PPG in Paragraph Reference ID: 8-001-20190721 (the Natural Environment section), confirms that 'planning policies and decisions should take account of the economic and other benefits of the best and most versatile agricultural land'. Has this issue been considered by the Parish Council?

4. Can the Parish Council confirm that policy ME NE2: Natural Environment and Views (page 24), is only applicable to public views?

5. Will the allocation at Rushden Road (policy ME H1 on page 38) have any implications for the trees and verges along the A6 as protected by policy ME NE3 on page 24?

6. Policy ME CF1 seeks to secure the protection of existing social and community facilities from loss (page 29). How would that protection be secured, especially if a particular use was found not to be viable?

7. Why is privately owned Milton Ernest Hall identified as a community facility on Figure 8 (page 28)?

8. Where is the riverside frontage referred to in policy ME CF1 on page 29? Why is it not identified on a plan?

9. Paragraph 8.5 of the MENP (page 36) establishes the principle of providing a 5m thick buffer to screen the new buildings from existing residential properties and a 10m thick

¹ See Paragraph 8(2) of Schedule 4B to the Town and County Planning Act 1990 (as amended).

buffer to protect the setting of the two listed buildings to the south of the site. Firstly, what is the justification for these specific distances? Secondly, policy ME H1 (page 38) only refers to a buffer zone of 10 metres width. Why is there no reference to the 5m buffer? And thirdly, Figure 9 on page 39 (which is a plan of the allocation) makes no specific reference to buffer zones or to the listed buildings (both matters that are referred to in the policy) – why not?

10. Is the site allocation Figure 9 (page 39) accurate with regard to the location of the existing hedgerow? (See Rep 31)

11. Are there any brownfield sites within the village that might be suitable for development and if so, what consideration has been given to the allocation of such sites for housing?

12. Why has the Parish Council not undertaken a comprehensive review of the Settlement Policy Area boundary?

13. With regard to the allocated site at Rushden Road (policy ME H1 on page 38) can the Parish Council summarise what assessment has been undertaken with regard to:

- the traffic implications of the proposed development;
- the wildlife/ecological implications of the proposed development;
- the impact of the proposed development on the landscape and setting of the village;
- the flood risk implications of the proposed development;
- the implications of development on the listed buildings and their settings;
- waste water and sewerage;
- the pedestrian and cycle links between the site and the village centre; and
- the effect of lighting on the night sky.

14. Section 8.2 (page 35) of the Neighbourhood Plan refers to the Site Assessment Report. Can the Parish Council explain the methodology employed to compare all the various sites once the assessment scoring had been undertaken (i.e. once the components of each individual site had been scored either green, amber or red) - including the site South of Parkside – site 907? How was a conclusion drawn regarding which site(s) to select? For example, it is claimed that sites 162, 678, 907 and 161 all score higher, or the same as, the allocated site 518. (See Rep 4b)

15. Can the Parish Council confirm that site 907 (South of Parkside) was given the same level of consideration as the other potential development sites? (See Rep 37)

16. Can the Parish Council confirm that the errors in Appendix A (Heritage Assets) on page 49 (as identified in Representation 4d) are indeed errors?

17. Paragraph 4.55 of Rep 25 confirms that site 162 could be annotated as ‘informal green space’ (as shown on the plan in Appendix 2 of the representation). Has the Parish Council given consideration to this suggestion and if so, what conclusions were reached?

18. Representation 28 identifies two potential errors in the documentation with regard to the identification of natural spaces. Are they errors and, if so, how should they be addressed?

19. Is there any reason to conclude that the greater use of Marsh Lane by pedestrians and cyclists would have any undesirable safety implications?

20. Can the Parish Council confirm that the MENP would have no significant implications for Louis Park (previously known as Milton Ernest Hall Park)? (See Rep 56)

21. What is the purpose of identifying 'permanent grassland' on Figure 6 (page 21) when there is no relevant policy in the section entitled 'Green spaces' that is applicable to such land?