

Fairfield Neighbourhood Plan 2016-2026

A report to Central Bedfordshire Council

**David Kaiserman BA DipTP MRTPI
Independent Examiner**

28 June 2017



Executive Summary

I was appointed by Central Bedfordshire Council on 5 May 2017, with the agreement of Fairfield Parish Council, to carry out the independent examination of the Fairfield Neighbourhood Plan 2016-2026.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 17 May 2017.

The Parish Council state that their basic aim in the short term is to ensure that the unique character of Fairfield is maintained, and the Plan contains detailed policies which are designed to achieve that objective. It makes clear, however, that land use issues are not being considered at this time, so it contains no proposals for new allocations, adding that a review may be considered in five years' time to address the matter. I am satisfied that this approach accords in principle with relevant national and local planning policies, while at the same time reflecting the result of the comprehensive local consultation exercises which the group carried out before settling on the final draft of the Plan.

Subject to the inclusion of one additional policy and some minor modifications to Policies 2 and 3, I have concluded that the Fairfield Neighbourhood Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

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Introduction

1. This report sets out the findings of my examination of the Fairfield Neighbourhood Plan 2016-2026 (the FNP). The Plan was submitted to Central Bedfordshire Council (CBC) by Fairfield Parish Council (FPC), which is an "appropriate qualifying body" (Localism Act 2011) for these purposes. The Neighbourhood Area is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and the intention was given added weight in the National Planning Policy Framework (NPPF) in 2012, which

continues to be the principal element of national planning policy. Detailed advice is provided by National Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014.

3. The main purpose of the independent examination is to assess whether or not the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and also whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to four detailed modifications, the Plan should proceed to referendum. If this results in a positive outcome, the FNP would ultimately become a part of the statutory development plan, and thus a key consideration in the determining of planning applications relating to land lying within the NP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by more than 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.

Procedural matters

6. I am required to recommend that the FNP either
 - be submitted to a local referendum; or
 - that it should proceed to referendum, but as modified in the light of my recommendations; or
 - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
 - the submitted FNP
 - the FNP Basic Conditions Statement (the BCS)
 - the FNP Consultation Statement
 - the FNP Design Statement
 - the FNP Green Infrastructure Plan
 - the Fairfield Parish Plan 2015-2020
 - the representations made to the FNP under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)
 - selected policies of the North Local Development Framework, where they have been brought to my attention
 - relevant paragraphs of the NPPF (March 2012)
 - relevant paragraphs of the PPG (March 2014 and updates).
8. I carried out an unaccompanied visit to the Plan area on 17 May 2017, when I looked at the overall character and appearance of the village (together with its wider context) and at those areas affected by specific policies in the Plan. I refer to my visit in more detail elsewhere in this report.

9. There is a general assumption that neighbourhood plan examinations should be carried out on the basis of written representations only. Having considered all the information before me, including the representations made to the submitted plan, I have been satisfied that the FNP could be examined without the need for a public hearing (and it should be noted that there were no representations to the contrary).

The parish of Fairfield and the Plan's objectives

10. Fairfield is a small rural parish in Bedfordshire, close to the northern edge of Letchworth Garden City, with an unusual (if not unique) history. This is helpfully summarised in the FNP, but the key characteristics of the settlement owe their origin to the restoration and conversion of a large Victorian asylum (later designated simply a "hospital", and with the building now being referred to as Fairfield Hall), following its closure in 1999. The building is Grade II listed and has been converted into apartments and a health club. Some outbuildings, including a former farmhouse, have also been converted to residential use. Significantly, the project was underpinned by the grant of planning permission for a number of new housing schemes set within the fine (and protected) landscaped setting of the original building. The immediately striking aspect of these projects is their detailed respect for what the Plan calls "the unique look and feel" of Fairfield, "achieved by the strict adherence of the Planning Authority and all developers to the Urban Design Strategy adopted in 2002".
11. The Parish Council was formed in 2013, and the parish now contains a population of around 3000 people. The Council has made assessing the needs and aspirations of this "young community" a top priority and have prepared both a Parish Plan ("a plan of actions to be taken to address the identified issues over the next five years") and a Neighbourhood Plan ("to set out the planning policies to guide the development of Fairfield over a 10-year period").
12. The stated vision and objectives of the FNP are to ensure that:
- all new development is of a high quality of design that complements and enhances the unique local character of Fairfield;
 - all extensions to existing dwellings maintain the unique design and use of materials that currently exist;
 - the existing green spaces within Fairfield are retained in perpetuity and maintained to a high standard; and that
 - the development of the priorities itemised in the Green Infrastructure Plan are given full consideration when future development is proposed.
13. These intentions are given simple effect by three policies, each of which is referred to in detail below.

The basic conditions

14. I am not required to come to a view about the 'soundness' of the plan (in the way which applies to the examination of local plans); instead I must principally address whether or not it is appropriate to make the plan, having regard to certain "basic conditions", as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065 of the Planning Practice Guidance¹. I deal with each of these conditions in turn below but, in brief, all neighbourhood plans must:

¹ Reference ID: 41-065-20140306

- have regard to national policy and guidance;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies in the development plan for the local area;
- not breach, and otherwise be compatible with, EU obligations, including human rights requirements;
- not be likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site, either alone or in combination with other plans or projects; and
- comply with any other prescribed matters.

Other statutory requirements

15. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:

- that the FPC is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
- that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act 2011; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
- that the Plan period must be stated (which in the case of Fairfield is confirmed as being the period 2016 to 2026); and
- that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally significant infrastructure projects).

16. A screening report is required in order to determine whether the Plan needs to be accompanied by a Strategic Environmental Assessment, under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the Local Planning Authority’s responsibility to engage with the statutory consultees. By letter dated 4 May 2016, CBC notified the Parish Council that, having consulted the Environment Agency, Historic England and Natural England, they had concluded that the FNP is unlikely to have significant impact on European sites and therefore that a full SEA need not be undertaken.

17. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to “the development and use of land”, whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that this test has been met in the case of the FNP.

National policy

18. National policy is set out primarily in the National Planning Policy Framework (NPPF), a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG), an online resource which is continually updated by Government. I have borne particularly in mind the advice in the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.

The existing Development Plan for the area

19. The current development plan for the area including Fairfield is the North Local Development Framework (formerly the area covered by Mid Bedfordshire District Council). It consists of the Core Strategy and Development Plan Policies DPD (2009) and the Site Allocations DPD (2011), together with some “saved” policies from the Mid Bedfordshire Local Plan. These policies provide the strategic context with which the neighbourhood plan must be in “general conformity”, and the FNP Basic Conditions Statement (required by Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 [as amended]) is the principal vehicle for setting out the relevant evidence to demonstrate that this requirement (along with the others involved) has been met.
20. From the documents which accompanied the submission, it is clear that the only site-specific policy of direct relevance to Fairfield is the Site Allocations DPD policy DM5a, which designates a number of green areas within the settlement as “Important Open Spaces”; all of these (and additional ones) are proposed to be designated “Local Green Spaces” in the Neighbourhood Plan, which I refer to again below when dealing with Policy 3.
21. The current development plan framework is in the course of being replaced by the Central Bedfordshire Local Plan, which I am told is due to be published at the end of June 2017. CBC have explained that when the Submission Version of the Local Plan appears in early 2018, it will contain a number of specific proposals for development of sites designed to accommodate growth needs up to 2035. CBC add that parishes will not be given a “growth quota” as an input to neighbourhood planning throughout the District. They conclude²:

“Accordingly, as Local Planning Authority, we fully support Fairfield Parish Council’s decision not to allocate sites for development in their Neighbourhood Plan, given that the Local Plan will be allocating sites for development in the near future. We will continue to work with all our Parish and Town Councils ensure that local community views are considered during the Local Plan process”.

The consultation exercise (Regulation 14)

22. This regulation required the FNP to publicise details of their proposals “in a way that is likely to bring [them] to the attention of people who live work or carry on business in the area”, and to provide details of how representations about them could be made. An extremely comprehensive series of exercises was carried out by a Steering Group (made up of members of the Parish Council, the Fairfield Hall Management Company, the Fairfield Hall Residents’ Association and the wider community) in order to satisfy this requirement, the details of which are set out in the submitted Consultation Statement. From March 2014 the Steering Group began an energetic process of seeking to involve as many interested parties as possible in the preparation of the FNP. This included open days, surveys to establish key issues of concern, the formation of working groups to assess the responses and the preparation of a draft Plan, before the final version was distributed to all households in October 2015. Work on the Parish Plan proceeded in tandem with that on the Neighbourhood Plan.
23. I am more than satisfied, having read the Consultation Statement, that the requirements of Regulation 14 have been fully met by FPC’s activities. As an indication of their success in bringing the community on board, the two open days attracted over 100 people and the initial questionnaire elicited a response from around 52% of all Fairfield’s households.

² Covering letter accompanying submission documents to TRA dated 3 May 2017

Representations received (Regulation 16)

24. Formal consultation on the submitted plan was undertaken by CBC for a six-week period which ended on 3 March 2017. The representations received may be summarised as follows (with any necessary comments on them appearing later in my report):

- Anglian Water – no comments on the FNP policies
- Historic England – are pleased to note that “the unique character of Fairfield derived from the historic hospital buildings and landscape is not only celebrated but forms the basis of the Neighbourhood Plan”. Specific support is offered to Policies 2 and 3. However, HE also suggest the need for an additional policy designed to “protect the fabric and setting of these designated heritage assets”.
- Natural England – no specific comments
- Department of Health and the Homes and Communities Agency – this response in relation to Policy 2 relates solely to a site owned by DoH off Hitchin Road, to the north of East Lodge. It amounts to an objection to an aspiration in the Green Infrastructure Plan (GIP) for the designation of the site as a wildflower meadow.
- CBC Assets – this is the estate management arm of the Council. They make similar observations about the effect of Plan Policy 2 on the Council’s land.
- CBC Local Pollution Team – make two observations about a site suggested in the GIP as being suitable for sports facilities, and also make a detailed comment about street lighting (a reference to advice in the Fairfield Design Guide)
- Bedfordshire Local Nature Partnership – offer general support, but especially in relation to policy 2, and the strong link with the GIP that this sets out. However (and without this being characterised as an objection), the BLNP consider that the FNP “should have a much stronger spatial aspect”, since “without this steer the area is vulnerable to a greater degree of development pressure than is sustainable, especially on any land that is not formally protected through designation”. In addition, there are reservations about the precise relationship between the GIP and the FNP.
- Bedford Borough – no comments
- others - one member of the public (Mr Geoff Smith) has offered strong support for the Plan
- (it should be noted that no general response to the FNP was made by Central Bedfordshire Council under Regulation 16, since their views at Regulation 14 stage about the Plan period have been taken on board by the Parish Council, resulting in a change from the original five years to the present 10).

General observations about the Plan

25. The following comments may be helpful in understanding the way I have approached the preparation of my report on the Plan and the observations and recommendations which I make upon it:

- the Parish Council and their partners have spent considerable time and energy, in full consultation with the local community at large, in identifying the issues and objectives that they wish to be included in their Plan, and this entirely reflects the aims of the “localism” agenda. They also appear to me to have developed their ideas with commendable speed;
 - the Plan properly focuses on land use policies, reflecting Planning Practice Guidance. I have addressed them in the order that they appear in the submitted plan and have set out my views about each, irrespective of whether or not any modification is thought necessary;
 - generally, I have considered it relevant to my role as independent examiner to apply a “light touch” to the process wherever appropriate.
26. The introductory elements of the Plan set the scene by explaining the (short) history of Fairfield as a residential community and the steps taken by the Parish Council and their partners to prepare both the Parish Plan and the Neighbourhood Plan. There is a helpful summary of the purpose and value of neighbourhood plans, and a clear statement that the FNP itself is looking principally to the next five years, but with the prospect of a review at that time in order to consider any necessary land-use allocations deriving from further work on the Local Plan which may emerge in the interim. There is a summary of the national and local planning contexts; a short account of the community’s involvement in the preparation of the plan; and a brief account of the interesting history of Fairfield Hall.
27. The Plan’s vision and objectives are set out at paragraph 12 of my report. The document itself is simply and attractively laid out, with each policy referring back clearly to the priorities as firmly established during the consultation process. A clear distinction is made between the policies themselves (helpfully highlighted in shaded boxes) and the concisely-expressed contextual material. Photographs and plans add appropriate interest.

The policies

28. I will now turn to an examination of the policies themselves in the light, where relevant, of representations received.

Policy 1: Design and Character

29. This policy is guided by the objective of retaining the “look and feel” of Fairfield. The Parish Council had been informed that CBC’s Urban Design Strategy, adopted in 2002, was no longer of relevance as a development management tool, since it had been drawn up to govern the way the original project, now completed, was to be developed.
30. It was clear to me on my visit that it is strict adherence to a strong design code which has led to the particular character of the settlement which the FNP wishes to protect. The new policy seeks to maintain that approach. It has four components. Between them, these require
- new developments to be in keeping with the “design language” of the Fairfield Design Statement. This document has been prepared at the same time as the FNP itself and contains a great deal of detailed guidance which serves to supplement the FNP policies themselves.

The requirement that new development should be “in keeping” with this guidance sensibly allows a degree of interpretation in particular cases. It also applies to the way schemes impact on the public realm;

- extensions and infill schemes to respect their physical context, including the materials used in their construction.

31. Policy 1 is strongly supported by NPPF paragraphs 58 and 59. I am also satisfied that it conforms with Local Plan policies CS14, CS15 and DM3. It therefore meets the basic conditions.
32. Historic England ask for an additional policy designed to protect the fabric and setting of the historic hospital buildings and any related non-designated heritage assets. Bearing in mind, in particular, paragraphs 126 and 129 of the NPPF, I consider that this would be a sensible addition to Policy 1 as it stands, since no explicit reference is made to the matter. It seems to me that protection of the *fabric* of the listed buildings is something which would be addressed through the normal listed building procedures; issues involving the *setting* of the asset will often be less certain in their outcome.
33. ***I therefore recommend the addition of a new sub-section to Policy 1 to read: “1e) – Particular regard will be had to the effect of any new development on the setting of the historic former hospital buildings and those within its curtilage which are closely related to them”.***

Policy 2: Improving Green Infrastructure

34. The guiding priority for residents here is “retaining the green spaces”. The Parish Council have overseen the preparation by the Beds Rural Communities Charity of a Green Infrastructure Plan (GIP) in parallel with the FNP: this seeks to protect and enhance the landscape and improve access to it, but also to provide “a multi-functional green infrastructure network”. The FNP acknowledges the existence of the GIP, which I am satisfied has the status primarily of an advocacy document designed to inform the neighbourhood planning process. Policy 2 reflects this in its two components:
 - a requirement for development proposals to demonstrate how any affected “green” assets would be protected and enhanced; and
 - a requirement that proposals for enhancements should accord with the priorities set out in the GIP. These are identified as protection from development, and the enhancement of, West and East Orchards; the creation of a range of “community green-spaces”, such as a football pitch and skate-park; and the creation of a new right of way.
35. As noted above, there have been several representations about Policy 2, but none of them, in my view, has any impact on the policy as it is worded. In particular:
 - the Department of Health and the Homes and Communities Agency objection acknowledges that there is nothing in the Plan itself which affects the Hitchin Road site, most of which is, in any event, allocated for housing development in the Local Plan. They rightly describe the suggestion in the GIP for a wildflower meadow on part of the site as an “aspiration” – indeed it is referenced as “aspiration 17” in that document;

- I would make a similar comment in relation to the representations by CBC Assets. They refer to GIP aspirations numbered 1, 2, 4, 4a, 10, 13, 14, and 17, all of which affect land in CBC's ownership. I fully understand the issues they have raised about the possible effect of some of the GIP's ideas on land management (especially in relation to farm tenancies), but it is more appropriate for them to be addressed if and when detailed proposals come forward;
 - the same is true of the comments made by CBC's Local Pollution Team about the need to look at the detailed environmental effects (such as noise impact, street-lighting issues etc) of proposals – these are matters which would more appropriately be addressed as part of the development management process;
 - I have already recorded the support for this policy from the Local Nature Partnership, and commented on the reason for the limited spatial component in the current version of the FNP. I see no reason, based on the requirements of the basic conditions, to recommend any change to the Plan in that respect. The methodological issues to which the Partnership have drawn attention may well be legitimate, but again are beyond the scope of this examination.
36. NPPF paragraphs 73, 74 and 75 give explicit support to the objectives of policy 2, as do Local Plan policies CS17 and CS18. The policy does not seek to allocate land for any purposes, but to provide a framework against which any proposals which do emerge are assessed – which is to say simply that that they should be “in accordance with the priorities” of the GIP. Subject to the following recommended modification to the detailed wording, therefore, I am satisfied that it meets the basic conditions.
37. The wording to which I draw attention is the expectation that development proposals will not only *protect* valuable green assets, but *enhance* them. There may well be sensible opportunities for doing this from time to time, but a blanket requirement (or what at least might be seen as such) may not always be appropriate or reasonable. ***I recommend, therefore, that the phrase “where appropriate” be added to the wording of policy 2a before the word “enhance”.***

Policy 3: Designating Local Green Spaces

38. This policy reflects the opportunity provided by paragraphs 76 and 77 of the NPPF for local communities *“to identify for special protection green areas of particular importance to them. By designating land as Local Green Space, local communities will be able to rule out new development other than in very special circumstances”*. A neighbourhood plan is clearly the most appropriate vehicle for undertaking such an exercise, although it goes without saying that the relevant proposals need to take full account of all other national and local planning policies which might be relevant.
39. The NPPF says that the Local Green Space designation should only be used where the land in question is in reasonably close proximity to the community it serves; is 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 its wildlife; and where the green area concerned is local in character and is not an extensive tract of land.

40. As it is worded, Policy 3 does not explicitly state that development of a designated Local Green Space (or part of it) should be ruled out other than in very special circumstances. Nor is there anything within the supporting material to the policy itself which suggests that that is the intention, even though that is clearly an option envisaged in the NPP. However, it should be noted that Objective 3 (see paragraph 12 above) seeks to ensure that “the existing green spaces within Fairfield are retained in perpetuity.....”. There is therefore some scope for ambiguity here which it would be preferable to remove.
41. As it stands, the wording of Policy 3 does not present any problems in terms of satisfying the basic conditions; and the evidence from the work done by the Parish Council with local residents is that full regard has been had to the criteria for designation set out in NPPF paragraph 77. However, in the interests of clarity, ***I would recommend that any uncertainty about the intended impact of designation be removed, either by a comment in the supporting material explaining the relationship of the policy to Objective 3, or by an appropriate alteration to the policy itself.***
42. The policy requires any development close to the named sites to avoid compromising their value; improved access and recreational use is encouraged (subject to the same proviso); and support is offered to proposals which could be beneficial in terms of biodiversity. Having inspected the 13 sites to be designated under Policy 3 on my visit to Fairfield, I am satisfied that these criteria are met in relation to all of them. The policy also complies with relevant Local Plan policies. The basic conditions are therefore met.
43. Policy 3a states: “The sites that are identified on the map as sites 1 to 12 are designated Local Green Spaces”. The map itself and the supporting material identify 13 sites in total. ***I therefore recommend that this small discrepancy be removed (in whichever way is thought most appropriate).***

Conclusions on the basic conditions

44. I am satisfied that the Fairfield Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects it has appropriate regard to national policy. Similarly, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that it is not compatible with EU obligations, including human rights requirements.

Formal recommendation

45. I have concluded that, subject to the four recommendations noted above, the Fairfield Neighbourhood Plan would meet the basic conditions, and I therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the Fairfield Neighbourhood Plan Area, but I have been given no reason to think this is necessary.

David Kaiserman

David Kaiserman BA DipTP MRTPI
Independent Examiner

28 June 2017

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	FNP reference	Recommendation
33	Policy 1	Additional policy to protect the setting of Fairfield Hall, as requested by Historic England
37	Policy 2	Small addition to the wording
41	Policy 3	Clarification about the impact of the designation as a Local Green Space.
43	Policy 3 / related map	Remove discrepancy in referring to the number of sites to be designated