



Wrestlingworth and Cockayne Hatley Neighbourhood Plan 2016-2031

A report to Central Bedfordshire Council

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Executive Summary

I was appointed by Central Bedfordshire Council on 25 July 2017, with the agreement of Wrestlingworth and Cockayne Hatley Parish Council, to carry out the independent examination of the Wrestlingworth and Cockayne Hatley Neighbourhood Plan 2016-2031.

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 31 August 2017.

The Parish Council, as the appropriate qualifying body for the preparation of the Plan, state that their vision for the Parish is (to summarise it) to ensure that it remain a pleasant, tranquil and hospitable place to live and thrive, with emphasis on protecting the existing environmental quality and encouraging the growth of its sense of community. The Plan contains detailed policies which are designed to realise that vision, and I am satisfied that, in so doing, it 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 Parish Council carried out before settling on the final draft of the Plan.

Subject to a number of recommendations (principally for changes to the way in which certain policies are expressed), I have concluded that the Wrestlingworth and Cockayne Hatley 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 Wrestlingworth and Cockayne Hatley Neighbourhood Plan (the NP). The Plan was submitted to Central Bedfordshire Council (CBC) by the Wrestlingworth and Cockayne Hatley Parish Council. The Neighbourhood Area for these settlements 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 the Plan should proceed to referendum. If this results in a positive outcome, the NP 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 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 Wrestlingworth and Cockayne Hatley Neighbourhood Plan 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 NP
 - the NP Basic Conditions Statement
 - the NP Consultation Statement
 - the NP Strategic Environmental Assessment Screening Report
 - the representations made to the NP under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

- selected policies of the adopted development plan for Central Bedfordshire
 - 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 31 August 2017, when I looked at the overall character and appearance of the two settlements (together with their wider context) and at some of 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 NP 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 Wrestlingworth and Cockayne Hatley

10. Wrestlingworth is a small village towards the east of Central Bedfordshire. It has a strong linear (north-south) form, lying in a shallow valley, with some parts of the settlement being only one house deep along the main street and others (generally more modern development) rising gently up the slopes, especially on the eastern side. While there is a historic core, much of which is within a conservation area, there is a very wide variety of built form evident throughout the village. There is a church, a lower school, a public house and a parish hall but (at the time of my visit) it no longer has a shop. There is a modest local bus service. Total population is given as about 750, and the Evidence Base Report submitted with the NP says that it is primarily a commuter village for people working in Cambridge, Stevenage and London.
11. Cockayne Hatley is a very small hamlet at the end of a rural cul-de-sac, about a mile north of Wrestlingworth, lying in a hollow on slightly higher ground above the generally flat arable farmland which dominates the character of this part of Bedfordshire. Slightly detached from the settlement itself is St John's Church, a well-known local landmark.

The basic conditions

12. 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 below in the context of the NP's policies but, in brief, all neighbourhood plans must:
- 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

¹ Reference ID: 41-065-20140306

- comply with any other prescribed matters.
13. The Basic Conditions Statement (BCS) prepared in connection with the NP is dated March 2017 and sets out the background to the Plan, explaining that its preparation was led by a Steering Group² which dealt with the process through a total of six stages. The consultation exercise (the details of which are set out in a separate document) included close liaison with officers of CBC.
 14. After providing an overview of the Plan's vision and objectives, the BCS summarises its required relationship with national planning policy, in particular that the NP should have at its heart a presumption in favour of sustainable development, and should support the strategic development needs set out in the relevant Local Plan. In asserting that these requirements are met by the submitted Plan, the BCS emphasises that Wrestlingworth is defined as a "small rural village", where infill development within the village envelope is supported in principle, and that Cockayne Hatley has the status of being set within the countryside.
 15. Table 2 of the BCS takes each of the Neighbourhood Plan policies and relates them to appropriate paragraphs of the NPPF. Table 3 carries out a similar exercise in relation to the Housing White Paper, published in February 2017 (this includes some proposals for amending the NPPF, but given its limited status in terms of national planning policy I need not comment further). Tables 4 and 5 take each of the three elements of "sustainable development"³ and references the NP's objectives and policies against them (with the individual policies being assessed for the extent to which they help to achieve the sustainability objectives). Table 6 shows how the NP policies conform to relevant elements of the adopted Local Plan. Finally, Table 7 deals with any human rights implications of the NP's objectives and policies.
 16. Where necessary, I make comments about any detailed matters arising from this exercise in the body of my report. Broadly, however, I consider that the BCS provides an easily-accessed resource for assessing the NP against the key statutory requirements relating to the basic conditions.

Other statutory requirements

17. 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 Parish Council 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; 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 the Wrestlingworth and Cockayne Hatley Neighbourhood Plan is confirmed as covering the period 2016 to 2031); and
 - that no "excluded development" is involved (this primarily relates to development involving minerals and waste and nationally-significant infrastructure projects).
18. I have also borne in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of "preserving or

² the Consultation Statement says that this consists of Parish Councillors and local residents

³ NPPF paragraph 7

enhancing the character or appearance” of any conservation area.

19. A screening report is required in order to determine whether the Plan needs to be accompanied by a Strategic Environmental Assessment (SEA), 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.
20. CBC duly carried out a screening exercise, and their report, dated 28 October 2016, accompanies the documents submitted for examination. The report sets down the legislative background, including the established criteria for determining whether the Plan is likely to have any significant environmental effects, and summarises the scope of the NP. Having followed Governmental advice on the process for carrying out the screening exercise, the Council concluded in relation to each of the criteria (to the extent that they are relevant) that the Plan would be unlikely to have any significant environmental effects, and thus that no SEA is required. The responses from the relevant statutory consultees support that conclusion, and I have no reason for taking a different view.
21. 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 that requirement is met.

National policy

22. 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 PPG⁴ 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

23. The adopted development plan for the area consists of the Central Bedfordshire Core Strategy and Development Management Policies Development Plan Document (2009), the Site Allocations DPD (2011) and certain “saved” policies of the Mid-Bedfordshire Local Plan First Review (2005). For convenience, throughout my report I will refer to these simply as parts of the (adopted) Local Plan. The draft Local Plan which in due course will replace this suite of documents has now been published in draft, with an eight-week period of consultation which was due to end on 29 August 2017. The Council have explained that certain named locations will be expected to accommodate growth within the District up to 2035, but that specific allocations will not be published until 2018. Individual parishes will not be given a “growth quota” as part of this process.

The consultation exercise (Regulation 14)

24. This regulation requires the Parish Council 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. Regulation 15 requires the submission to the Local Planning Authority of a statement setting out the details of

⁴ at paragraph 041

what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.

25. The Statement on Community Consultation is dated March 2017. It is a very comprehensive record of the Steering Group's approach to involving the local community in the production of the Plan, beginning with a reminder that many of the issues canvassed were similar to those with which residents were engaged during the preparation of an earlier Parish Plan. The process began with two public meetings in November 2014, attended by over 100 people. Roughly half of all households responded to the initial "issues" stage, which had tailored the exercise to suit the two communities. In parallel with this stage of the process, the Bedfordshire Rural Communities Charity began the preparation of a Green Infrastructure Plan to sit alongside the NP itself.
26. The various stages in the development of the Plan and its detailed policies are all clearly set out in the Statement: I have no need to record the detail here - suffice to say an exhaustive series of exercises was carried out by the Steering Group, concluding with a public consultation on the draft for a six-week period ending on 26 June 2017. The aims throughout were to involve as much of the community as possible (including statutory and local bodies and other stakeholders) at all stages, and through a wide variety of means that were appropriate to the consultees involved; to ensure that consultation events took place at critical points in the process in order to help decision-making; and to ensure, again by a variety of means, that the results of the consultation were fed back to interested parties quickly. The Parish Council's website is an easily-navigated resource for accessing the full details of the Plan's approach and its detailed provisions.
27. I am more than satisfied, having read the Statement on Community Consultation, that the requirements of Regulation 14 have been fully met by the Steering Group's activities.

Representations received (Regulation 16)

28. The representations made in response to the submitted Plan may be summarised as follows (I make more detailed reference to the matters raised in my commentary on the relevant NP policies):
 - *Central Bedfordshire Council*⁵: CBC are satisfied that the Plan does not conflict with strategic policies contained in the adopted Local Plan, adding that the same is true of the new draft Plan (it is important to note that this latter point is not relevant to the basic conditions, and therefore it is not necessary for me to have seen any evidence to support the Council's assessment or to make any further detailed reference to the matter). The Council also note with approval that some of the NP's policies reflect their technical guidance on such matters as car-parking standards, solar farms and sustainable drainage schemes. A small number of minor suggestions are made for re-wording the text, all of which I will return to shortly.
 - *Natural England*: have no specific comments to make.
 - *Anglian Water Services Ltd*: support the requirement for applicants for planning permission to provide relevant evidence about water supply and waste water disposal (policy W1) and suggest some minor textual changes.

⁵ While the principal representation from the Council was submitted in the name of its Local Plan Team (the other being from the Flood Team), I have taken it as representing the formal position of the Council as a whole.

- *The Co-operative Group Ltd*: The Co-op own land at Brook Farm, Wrestlingworth (also referred to as 94 High Street) which they wish to see included either in whole or in part within the village envelope. An appeal against the Council’s refusal to grant outline planning permission for up to 30 dwellings on this land was dismissed in August 2016. While they support the vision, objectives and policies in the draft NP, the Co-op say that it lacks meaningful detail about how any housing might in practice be delivered. They suggest that a revised approach to the development of their land, which would include some community facilities, would deal with the issue.
- *DLP (Planning) Ltd, acting on behalf of Executors*: To summarise their position, this company accept the status of Wrestlingworth as a Small Village in the draft [Local Plan] Settlement Hierarchy but say that “there is nothing in the emerging Local Plan that precludes such villages from accommodating appropriately-scaled new development.....”. They suggest that the submission of the NP is premature and criticise the limited scope of the review of the existing village envelope and the consequential reliance on infill and “rural exceptions” to meet recognised housing need. The Executors have a specific interest in land at 25 Braggs Lane, which leads to a request to modify the wording of Policy BE1 and an objection to the identification of this property as a “non-designated heritage asset”.
- *Gladman Developments Ltd*: this representation begins with a series of general observations about the context for neighbourhood plans, in particular as set by the National Planning Policy Framework and Planning Policy Guidance, and observes that the adopted development plan for the area is out of date when viewed against the requirements of the NPPF. Gladman make similar general criticisms of the NP to those expressed by DLP, in that they consider it lacks sufficient flexibility in order to respond positively to the planning context to be set by the new Local Plan. Further criticisms are made of Policies BE2 (Design), which is seen as too prescriptive; and NE4/NE5 (Local and community green spaces) and NE7 (Protected viewpoints), where more justification is said to be required. Overall, Gladman conclude that the NP in its current form does not comply with basic conditions (a) and (d).
- *DLA Town Planning Ltd*: acting on behalf of clients who own land around Wrestlingworth, produce figures to show that it “is growing significantly less quickly than the rest of Central Bedfordshire”, and calculate that 96 new homes would be required if the Parish were to accommodate the projected growth to 2035 in proportion to its existing size (0.3% of the total number of dwellings in the CBC area). They conclude that the Plan does not meet the requirement for achieving sustainable development and make similar criticisms of the timing of the NP to those of DLP and Gladman, considering that it effectively pre-empts the Local Plan. Specific objections are made about the implications for land in their clients’ ownership, and I return to these representations in more detail below.
- *Central Bedfordshire Council Flood Team*⁶: This representation has been made by the team in their role as Lead Local Flood Authority for the area and it also reflects the Council’s strategic aims to manage the likelihood and impact of flooding across central Bedfordshire. The team have proposed a substantial re-wording of paragraphs 10.4-10.17 of the Plan (background to the policies dealing with energy, waste and water), an addition to Policy W1 and a re-wording of Policy W3.

⁶ I am unsure whether or not this is the proper title for the group involved, but will continue to use it in my report.

General observations about the Plan

29. The following comments may be helpful in understanding the way I have approached my report on the Plan and the observations and recommendations which I make upon it:
- the NP Steering Group 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 include in the Plan, and this entirely reflects the aims of the “localism” agenda. I have generally considered it appropriate to apply a “light touch” to my role as examiner;
 - the recommendations I do make concentrate on the policies themselves, since that is what the basic conditions relate to;
 - the Plan properly focuses on land use policies, reflecting Planning Practice Guidance;
 - I have addressed the policies in the order that they appear in the submitted plan. I have set out my views about each of them, irrespective of whether or not any modification is thought necessary;
 - my recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.
30. The Introduction to the Plan explains that in 2011 the Parish Council prepared a (non-statutory) Parish Plan covering the period 2011-2016, and that the Neighbourhood Plan was seen as the next step in engaging with the local community on land-use and environmental issues. It goes on briefly to introduce the two settlements of Wrestlingworth and Cockayne Hatley; summarises the importance of meeting the basic conditions; and refers to the supporting documents which underpin the submission version of the Plan, including the Statement on Community Consultation.
31. Section 2 states the vision for the Parish is for it to be *“a pleasant, tranquil and hospitable place to live and thrive, with a sense of community and where people support one another. Over the Plan period it will retain its distinctive rural character, with emphasis on protecting the quality of its built settlements, its surrounding landscape quality and enhancing its green spaces. It will also encourage the growth of its sense of community, the potential for community activities and for home-based working.”*
32. The vision is then broken down into a list of six objectives, which I would summarise as:
- to safeguard the character of these two (distinct) settlements
 - to allow for “a small number of affordable homes to meet identified housing needs”
 - generally to improve the connectivity of the Parish
 - to reduce the speed and volume of traffic
 - to preserve the special historic character of the Parish
 - to protect and enhance the rural character of the Parish.
33. Section 3 paints a picture of the Parish, with background information and an “issues and policy preamble” focusing on the physical form of Wrestlingworth and Cockayne Hatley and discussing the appropriate balance between broad sustainability issues and the more detailed objectives outlined above. This leads directly to Policy SE1. The other policies are treated similarly and are grouped under seven further headings. These are:

- Housing
- Employment
- Traffic and parking
- Social, community and leisure facilities
- Built environment
- Natural environment
- Energy, waste and water.

34. The Plan concludes with a short section setting out certain non-land use aims and aspirations and a note on implementation (which includes an intention to report back to the community every five years – something that would inform any decision about whether or when a formal review would be required). A helpful glossary and list of supporting documents is also included.
35. The document as a whole is set out in a logical manner, with a clear distinction throughout between the policies themselves and the contextual material, which greatly aids understanding. It contains a set of seven maps, all prepared to a high standard, which relate clearly to appropriate policies.

The policies

(a) Policy context

36. I will now turn to an examination of the policies themselves in the light, where relevant, of representations received. Firstly, however, and as a context for my assessments, it is necessary to respond to the principled objections from the three agents to the underlying approach of the NP, especially in relation to housing. I will take each of these in turn.
37. DLP say that the emerging Local Plan will be reliant on a range of measures to meet housing requirements in the area, including small and medium-sized village extensions. They also say that there will be a need to respond to policies for affordable homes, rural exceptions housing or starter homes.
38. I have no reason to question these assumptions in general terms, but do not accept them as an argument for delaying the progress of the neighbourhood plan (if that is what it is). The basic conditions require an NP to be in general conformity with the strategic policies contained within the development plan – which means the *adopted* development plan, and not one that has only reached the stage of a draft. DLP do not suggest that this fundamental requirement has not been met in this case, and CBC have confirmed that that is their view also. This suggests that the advice contained in paragraph 009 of the PPG has been followed (ie that 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, with appropriate regard to national policy and guidance).
39. Where local and neighbourhood plans have conflicting policies (and that is as yet unproven in the case of Wrestlingworth so far as the emerging Local Plan is concerned), the later plan will carry more weight⁷. This means that, while a “made” NP is likely to be an important material consideration, any planning application would still need to be determined on its merits, in accordance with the terms of s38(6) of the 2004 Act. It is at that point that proper consideration

⁷ S38(5) Planning and Compensation Act 2004

would be given to both the policies and the status of the new Local Plan for Central Bedfordshire.

40. Gladman accept this general position, but say that Planning Practice Guidance makes clear “that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded”. This is not referenced, but appears to be a version of paragraph 044, which reads: “*blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence*”. This is taken from the section in the PPG dealing with rural housing.
41. While it could be said that the Wrestlingworth and Cockayne Hatley Neighbourhood Plan is restrictive in its approach to new housing development, reflecting (as it is required to do) the strategic policies of the development plan for the area, I consider that it is inaccurate to suggest that it contains “blanket policies restricting housing development”. This is not what is provided for in Policies SE1, H1 and H2, all of which are expressed in positive terms. In any event, the evidence to support these policies is contained within the local development strategy for the area.
42. Nevertheless, Gladman conclude that, as it stands, the NP fails to satisfy basic condition (a), which requires it to have regard to national policy and guidance, and (d) which looks for a contribution to the achievement of sustainable development. I do not agree with either criticism. Firstly, it should be noted that the requirement is for the NP to *have regard* to national policy not, as the objectors appear to believe, to *conform with* it (Gladman’s term). Even if this were not the case, however, I see no evidence that the Plan is at odds with either the overall ambition or any specific expectation of neighbourhood plans set out in the NPPF. Gladman quote from paragraph 14:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For plan-making this means that local planning authorities should positively seek opportunities to meet the development needs of their area; Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change....”. [my emphases].

43. This requirement plainly relates to the role of local planning authorities and local plans, but Gladman say that it is also applicable to neighbourhood plans. The source of this assertion is unclear, but they appear to be relying on paragraph 16 of the Framework, which says that

“the application of the presumption [in favour of sustainable development] will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should.... plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

44. The basic condition requires evidence that the NP “contributes to the achievement of sustainable development”, with no further guidance as to what that contribution might be or how the extent of it might be assessed. This position is consistent with the limited role of neighbourhood plans (including the general need to “plan positively” referred to in NPPF paragraph 16), as compared with the much wider remit of local plans. This is not at odds with the first bullet-point of paragraph 17 of the NPPF, referred to by Gladman, which calls for “*succinct local and neighbourhood plans setting out a positive vision for the future of the area*” which “*provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency*”.

45. Reference is also made to the third bullet-point of paragraph 17, about the need to “*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth*”. This guidance is, however, irrelevant to a critique of a neighbourhood plan since it is a summary of the Government’s expectations of the planning system *as a whole*⁸ and has no direct or specific significance for neighbourhood planning.
46. I have a similar response to DLA’s representations on this general question. Despite acknowledging that future housing growth is rarely distributed purely on a pro-rata basis, they nevertheless say that that the Parish “has not been contributing to meeting wider housing needs over the past 15 years or so”. No reference is made to the likely reason for this, which I assume to be that decisions on planning applications over that period have generally been in accordance with the policies of the statutory development plan.
47. DLA suggest that a continuing reduction in the numbers of children of lower school age living in the Parish will mean that the village school will be reliant on children from outside of the catchment – even concluding that it will be “unable to be sustained by the current village population” and is therefore vulnerable to closure. If this is indeed the case (and no evidence has been adduced to support the claim), it does not appear to have been an issue for the Steering Group and local residents during the preparation of the Plan. I have not given the point a great deal of weight in my examination.
48. For these reasons (some of which I discuss in more detail below), I am satisfied that the overall policy approach adopted by the Parish Council in preparing the NP meets basic conditions (a) and (d).
49. DLP also seek the inclusion in the Plan of a policy on the approach to be taken on replacement dwellings (a request which I take it is meant to apply to all existing dwellings in the Parish, other than listed buildings, and whether within the settlement envelope or not). It is not for me to comment on the value of such a policy; more importantly, there is no requirement for a neighbourhood plan to adopt a comprehensive role in setting out all policies which might be relevant to development within the NP area, and it would be inappropriate for me to approach the examination on that basis. It should be noted that Policy NE6 covers at least some of the matters raised by the objection.

(b) The individual policies

Policy SE1: Settlement envelope for Wrestlingworth

50. The existing settlement envelope for Wrestlingworth derives from the 2009 Local Plan, where Policy DM4 sets out the approach to development within the various elements of the existing settlement hierarchy. In small villages such as Wrestlingworth, “development will be limited to infill residential development and small-scale employment uses”. NP Policy SE1 accords with that approach, but the preamble to it states that it has been updated to ensure that the Plan meets the NPPF requirements for sustainable development. It also records the fact that local residents were evenly divided between those who wished to see some limited new housing within the

⁸ See the preamble to para 17

village and those who were not in favour of any. (The position in Cockayne Hatley is different: there is no extant settlement envelope, the hamlet being effectively seen as being part of the open countryside. Here the overwhelming majority of residents who expressed a view on the matter were clear that no additional development was appropriate).

51. Policy SE1 therefore proposes a new settlement envelope for Wrestlingworth (Map 2) which involves seven small additions to the existing one. Within this new boundary, infill development and small-scale employment uses would be permitted in principle. In addition, Policy H1 would apply (housing mix), which I will come to shortly.
52. On behalf of their clients, DLP question how the term “infill development” might be defined, their concern being that the shortage within the village of regular gaps in otherwise built-up frontages might lead to disagreements over interpretation in the future. They would prefer acceptable development being described as “appropriate”, “suitable” or “small scale”. As far as I am aware there is no agreed definition of the term “infill” (although the reference to small gaps in an otherwise built-up frontage is a common one in development management practice); but it seems to me that replacing it with any of the alternatives suggested by the objectors would not, of itself, result in any greater certainty or clarity. In any event, I note that the Local Plan contains the following supporting material to Policy DM4, at paragraph 11.1.7, which I consider provides all the guidance that could reasonably be expected:

“The scale of any type of new development should reflect the scale of the settlement in which it is located. Infill development can be defined as small-scale development utilising a vacant plot which should continue to complement the surrounding pattern of development. Design and sustainability criteria relating to the proposal will also be major factors in determining any planning application. More detailed guidance will be given in the Design for Central Bedfordshire: A Guide for Development SPD”.

53. Gladman see the use of a settlement boundary as being an “arbitrary” device: they object to the use of them “as this would preclude the delivery of sustainable development to meet the identified need”. No further explanation or justification is offered for this general objection, and so it is difficult to give any weight to it. More specifically, however, Gladman consider the proposed village envelope for Wrestlingworth to be so tightly drawn that it “would actively restrict sustainable growth opportunities. This is against the objectives of the Framework which seek to boost significantly the supply of housing.” In my opinion, these criticisms are founded on highly selective and in some cases erroneously referenced paragraphs of the NPPF, together with a misunderstanding of the scope and purpose of the NP examination.
54. The Co-op’s objection relates to a significant parcel of land on the north-eastern edge of Wrestlingworth, north of Brags Lane, including an access on to High Street. Their case for including it within the settlement envelope raises some similar issues to those canvassed by Gladman. I note from the Local Green Space document (referred to later below) that an outline planning application for the development of the site for housing was refused by CBC in March 2016 and an appeal was dismissed in August that year. Given this additional factor, I see no reason to recommend that the settlement envelope be extended in the way suggested. My conclusion on that point is given additional weight by the opinion of the Inspector that the proposed development *“would not in my judgement appear as a natural continuation of the settlement. It would instead appear as an incursion into the open landscape, surrounded on two sides by open fields, with the land to the north awkwardly sandwiched between the appeal site and a residential curtilage. As a result, the village edge would be more noticeably staggered and ungainly..... I also find that development on this site would highly likely result in a hardened settlement edge, and*

would amount to an abrupt and harmful transition between the rural landscape and the village.....”.

55. In summary, Policy SE1 provides for planned growth (albeit of a limited scale), in line with the advice in paragraph 17 of the NPPF and the current strategic planning context for the area. Unless and until a review of the existing settlement envelope for Wrestlingworth is undertaken, I see no case based on an interpretation of national planning policy for intervening in the neighbourhood plan process. For this reason, and others set out above, I consider that Policy SE1, as it stands, satisfies the basic conditions.

Policy H1: Housing mix

56. This policy states that all residential development proposals should meet an identifiable local need, with examples of this being set out in social terms. It is supported by figures charting the recent and projected growth in the number of older people living in the Parish, as well as evidence relating to the need for more rented or shared ownership accommodation. In line with the Core Strategy, the preamble to the Housing section of the Plan concludes that “significant” new development would not meet current strategic aims. The needs of the Parish would be met partly by permitting suitable new housing partly within the settlement envelope of Wrestlingworth and partly by means of a “rural exception site” (see below).
57. I am satisfied that Policy H1 meets the basic conditions.

Policy H2: Rural exception site

58. Policy H2 makes provision for an exception to the general approach set by Policy SE1. Unless and until it is replaced, the strategic context for the NP provided by Local Plan Policy DM4 makes it clear⁹ that, outside settlements, only particular types of new development will be permitted in accordance with national guidance. A rural exception site is *“a small site used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding”*¹⁰.
59. Policy H2 does not identify the precise location of such a site, beyond referring to somewhere “on the edge of the village of Wrestlingworth”. Four criteria are established to ensure that any development permitted under the policy genuinely meets local needs and is acceptable in terms of scale, design and the effect on the character of the area.
60. DLP say that an opportunity to identify a site and to plan accordingly has been lost; while I can understand the point, I see nothing in the approach adopted by the Parish Council which results in any conflict with the basic conditions or which limits the ability of stakeholders to assess the benefits of a specific scheme if and when it is brought forward.

⁹ Paragraph 11.1.15

¹⁰ NPPF Glossary of terms

61. I am satisfied that Policy H2 meets the basic conditions.

Policy E1: New shops and employment provision in the village of Wrestlingworth

Policy E2: Broadband provision

Policy E3: Protection of existing public house

Policy E4: Retention of existing retail unit

62. These four policies are informed by evidence which shows that, at the 2011 Census, while almost three-quarters of the Parish's economically-active residents were in employment, there are very few local employment opportunities, with a consequent emphasis on either out-commuting or home-working. In addition, there is now no village shop or post office and only one remaining public house. Efforts to address issues such as this are encouraged by paragraph 28 of the NPPF.

63. The overall objective is to encourage some appropriate employment in Wrestlingworth (other than home-based working), complementing policies in the Local Plan relating to the re-use of redundant farm buildings. Encouragement is also given to the establishment of a "community" shop; to improved broadband provision; and to efforts to support the pub (this might involve attempts to have it designated an Asset of Community Value (Localism Act 2011), something which the NP recognises is outside its scope). Policy E1 sets down five criteria (residential amenity, traffic, effect on the rural character etc) against which the impact of any new shops and employment uses (restricted to Use Classes A1 and B1) would be assessed.

64. Policy E2, which specifically relates to Cockayne Hatley, has similar provisions to Policy E1. However, CBC suggest the removal of the criteria in this case, since they consider them "not integral to the delivery of this infrastructure". I am not entirely sure what point is being made here, but it seems to me that the proposals involved might in principle raise land-use issues and therefore that the criteria are not out of place as part of the policy.

65. Policy E3 states that the loss of the pub to alternative uses will not be supported unless it can be clearly demonstrated that there is no prospect of the use continuing.

66. Policy E4 says that the continued use of the retail unit at 51 High Street is supported, and that its loss will not be permitted without similar evidence. However, at the time of my visit it appeared that the use had ceased (although an estate agent's sign invited enquiries for the attached dwelling, which looked likely to be within the same parcel for disposal as the former shop). ***I recommend that this policy be reviewed in the light of the current situation and, if appropriate, the general support for small-scale retail uses provided by Policy E1.***

67. With the proviso mentioned above, I am satisfied that these four policies meet the basic conditions.

Policy T1: Alleviating congestion and improving traffic flows

Policy T2: Car parking provision

Policy T3: Pedestrian footways

68. These policies are designed to address a range of local issues identified by residents during the evolution of the Plan, and complement a Local Area Transport Plan (2013) prepared by CBC. They broadly reflect section 4 of the NPPF, which seeks to promote sustainable transport.

69. Policy T1 says that “Development proposals which alleviate existing congestion, improve pedestrian safety and improve traffic flows....will be supported”. ***I recommend deleting the word “Development”***: this is because a more general statement of support for these outcomes avoids tying them specifically to development projects, as suggested by the present wording.
70. Policy T2 sets out off-street parking requirements for new development and says that development which results in traffic levels which would harm residential amenity or the rural nature of the Parish will not be permitted. In seeking to ensure this, the policy requires regard to be had to the parking standards set out in the Local Transport Plan; however, CBC advise that these have been superseded by figures contained in the adopted Central Bedfordshire Design Guide (2014) and so NP Policy T2 needs to be updated to reflect this change. ***I recommend that Policy T2 be modified in line with CBC’s observations.***
71. Policy T3 requires new development to provide suitable pedestrian access to the existing network and local facilities.
72. I am satisfied that, with the minor modifications recommended to T1 and T2, all these policies meet the basic conditions.

Policy SCL1: Protection of community facilities

Policy SCL2: Allotment provision

73. The background information to this part of the Plan briefly describes the existing community assets of the Parish, including the pre-school, the voluntary-controlled lower school, the pub, the Memorial Hall and the two churches. There is also a range of outdoor leisure facilities, all of which the Plan seeks to protect as a way of cementing the strong sense of community which is already said to exist.
74. Policy SCL1 states that the loss of any of the community assets listed in paragraph 7.10 of the Plan will be resisted unless it can be shown that they are no longer needed or viable, or that a suitable replacement might become available. Policy SCL2 in its existing form says: “Land identified for, and provision made for, allotments will be retained for that use or other social, community or leisure uses”. The Evidence Base Report records some interest in the provision of allotments during the consultation process, but the NP does not carry this forward into a specific allocation of land for the purpose. CBC say that if there is an identified need, land should be safeguarded for the purpose, and the policy amended accordingly.
75. I agree with CBC’s comments. More generally, in its existing form the policy lacks clarity. ***I recommend that, unless the Plan is in a position to identify a deliverable allotment site, Policy SCL2 be deleted and the issue placed under the heading of a “community aspiration” (Section 11 of the Plan).*** I note that Policy SCL1 would apply to any land which might ultimately come forward for this purpose, thus affording it some protection into the longer term.

Policy BE1: Built heritage
Policy BE3: Archaeology

76. It is convenient to take these two policies together. The background notes to the Built Environment section of the Plan refer to the lengthy history of both settlements. Both contain a number of listed buildings, 12 in Wrestlingworth (which also has a conservation area) and four in Cockayne Hatley. Policy BE1 seeks to protect and where possible enhance this legacy, including a list of 20 other, non-designated buildings in the Parish which are considered to be important locally. Policy BE3 supports the identification and protection of local sites of archaeological interest, and requires proposals affecting any which might have archaeological significance to be accompanied by appropriate survey material.
77. DLP say that there is no mechanism locally for conserving, and especially for enhancing, heritage assets which are in private ownership, and suggest a re-wording of the policy to deal with the matter. In addition, they object to the identification of non-designated assets in general because PPG paragraph 039 only refers to this as a role for local planning authorities. They also say (to summarise their position) that there is no evidence that the NP has carried out a coherent assessment of asset value against any published criteria. 25 Braggs Lane, which is land in their Executor clients' ownership, has no particular value in their view and, irrespective of the more general policy point, should be dropped from the list.
78. To quote it in full, Policy BE1 says this:
- "The historic environment of the settlements within the Parish and the heritage assets, including 'non-designated' heritage assets listed in this Plan, will be conserved and enhanced. Any new development or other proposals should preserve and, where possible, enhance the historic character and appearance of the settlements especially within the Conservation Area, and protect, conserve and enhance the settings and views of listed buildings.*
- Non-designated heritage assets as listed below and shown on Map 6 and Map 7 accompanying this Neighbourhood Plan, are considered to be of local architectural significance, of distinctive character and/or of historic importance [list]. Where proposals have an effect on a non-designated heritage asset, a balanced judgement will be applied having regard to the scale of any harm or loss and the significance of the heritage asset".*
79. I do not accept the suggestion that neighbourhood plans are not appropriate vehicles for identifying non-designated heritage assets: paragraph 007 in the PPG section on Conserving and Enhancing the Historic Environment states: *"where relevant, neighbourhood plans need to include enough information about local non-designated heritage assets including sites of archaeological interest to guide decisions"*. This does not say in so many words that NPs may actually *identify* such assets (and nor does it say that they are precluded from doing so); but it is clear that they can have a positive role in the matter, and I see no case for removing reference to them from Policy BE1.
80. However, in order to provide greater clarity and certainty, as advised by paragraph 041 of the PPG, I consider that some re-wording of the policy would be desirable, and that DLP's suggested approach has merit as a basis for this.

81. ***I recommend the following new wording for Policy BE1:***

“Any new development or other proposals should preserve and, where possible, enhance the essential characteristics of the Parish including, where relevant, the settings and views of listed buildings and of the Conservation Area.

Non-designated heritage assets as listed below, and shown on Maps 6 and 7 accompanying this Neighbourhood Plan, are considered to be of local architectural significance, of distinctive character and/or of historic importance. Proposals which preserve or enhance these assets will be supported. Where proposals have an effect on a non-designated heritage asset, a balanced judgement will be applied having regard to the scale of any harm or loss and the significance of the heritage asset”

82. I have some sympathy with DLP’s point about the absence of any clear, published criteria for the inclusion (and therefore exclusion) of any particular feature from a list of non-designated assets. Without evidence of consistency of approach, the list would be vulnerable to the criticism that it was arrived at in an arbitrary fashion. However, this does not lead me to conclude that it should be deleted from the Plan, as DLP request. Any planning application which has implications for a building listed in the policy would have to be considered on its merits, and it would be at that stage that any necessary discussion about the building’s heritage value (if any) would take place, informed by appropriate evidence in the usual way.
83. I therefore make no recommendation to remove or alter the list of non-designated heritage assets in Policy BE1. This includes 25 Braggs Lane, since it would be illogical (given the absence of relevant criteria) for me to come to any view about its value, even if that were within my remit as an Examiner (and I am clear that it is not).
84. Policies BE1 and BE3 complement Local Plan Policy CS15. Subject to the recommended modification to the wording of BE1 set out above (which would also meet a related concern of DLP), I have concluded that they both satisfy the basic conditions.

Policy BE2: Design

85. Policy BE2 requires development to be of a high standard of design and to respond positively to its physical context. Eight criteria are listed: these include the landscape character, the importance of viewpoints, sympathetic materials and finishes, the need to preserve the settlement pattern (while seeking to limit linear extensions), the need to respect residential amenity, and to provide high-quality pedestrian access and bridleways. In addition, regard should be had to the Wrestlingworth and Cockayne Hatley Character Assessment (2016) which was carried out as part of the NP exercise, and which provides detailed guidance on the existing physical features of the Parish.
86. A final criterion requires new development to avoid exacerbating potential flooding from the brook which runs through the Parish, but also “to reduce existing risks”. As currently worded, this is an open-ended and potentially onerous requirement: ***I recommend that the words “reduce existing risks” be replaced with the phrase “where possible contribute to the reduction of existing flood risk”.***
87. I do not agree with Gladman’s implied criticism of the policy on the grounds that it is too prescriptive and could impose financial burdens on a development which might render it unviable,

contrary to national policy. Given the general way in which the various factors are expressed, accepting this argument would be tantamount to ruling out criteria-based planning policies in principle, whether in neighbourhood plans or elsewhere. Gladman also object to the policy of preserving the existing settlement pattern without considering the housing needs of the wider area: I have commented on this general point earlier on in my report.

88. The criteria in Policy BE2 generally reflect NPPF guidance at paragraph 58 and elsewhere, as well as Local Plan Policy CS14. Subject to my recommended re-wording of the last bullet-point, I consider that they satisfy the basic conditions.

Policy NE1: Protecting existing sites of biodiversity value

Policy NE2: Extension to Lousy Bush nature reserve

Policy NE3: Enhancing provision of new natural environmental habitats, trees and hedgerows

89. These policies are designed to complement work on the Green Infrastructure Plan (2015) and to reflect the survey of the Parish's residents about the issues which most concerned them. They focus on the protection and enhancement of existing green spaces and links, reflecting in particular NPPF paragraph 109 and Local Plan policies CS16, CS17 and CS18.
90. Policy NE1 gives particular protection to a designated nature reserve and a County wildlife site. In addition, Map 4 identifies areas described as "permanent grassland": in these locations, as well as in other unspecified areas of biodiversity value, the benefits of any development affecting them would need to "clearly outweigh any impacts". ***To make this intention plainer, I recommend that the word "harmful" be inserted before the word "impacts".***
91. Anglian Water point to a misunderstanding of their powers quoted in the last sentence of the policy: this does appear to be an erroneous reference to the NPPF ***and I therefore recommend that the last sentence be removed.*** Subject to these two recommendations, I consider that the basic conditions are satisfied.

Policy NE4: Local green space

92. Five parcels of land around Wrestlingworth are listed in this policy, and identified clearly on Map 5, as Local Green Spaces. Paragraph 9.10 of the Plan states that this list was drawn up during the work on the Green Infrastructure Plan, and that the analysis was carried out in a way which had regard to the three criteria for such designations as set out at NPPF paragraph 77, namely:
- *where the green space is in reasonably close proximity to the community it serves;*
 - *where the green area 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.*
93. A separate report accompanying the NP¹¹ sets out the process involved. Annex 1 to that document

¹¹ Paragraph 9.10 refers to the title of this as "Designation of Local Green Space", but the document itself, dated March 2017, is titled "Local Green Space Report"

summarises the outcome of what seems to me a clear, consistent and rational assessment of the value of each site suggested for inclusion in the list, with some not seen as satisfying the NPPF criteria and therefore not being designated. Gladman conclude that in the absence of a more detailed study, the policy should be deleted from the Plan – a position which I regard as wholly unreasonable given the documentary evidence I have referred to.

94. DLA have a specific objection to the proposed designation as Local Green Space of part of an area of land known as Woodcraft's Meadow. They do not question the value of this land when assessed against the first and third bullet-points of NPPF paragraph 77, but suggest that there is little evidence of its holding any "particular local significance" for residents of the Parish (notwithstanding the assertion in Annex 1 that it "is special to the community"). This is based on an examination of the published documents charting the evolution of the NP, including the results of consultations in respect of the Green Infrastructure Plan.
95. From my own reading of the relevant documents and my visit to the area, I consider that DLA's point about the evidence of the land being "demonstrably special" to the local community being weak is a reasonable one. While it is not a requirement that the policies of the NP must *comply* with Government advice such as that in NPPF paragraph 77, it is necessary to bear in mind paragraph 040 of the PPG, which says that while "*there is no 'tick box' list of evidence required for neighbourhood planning... proportionate, robust evidence should support the choices made and the approach taken*", an approach which lends some weight to DLA's case. That having been said, there is some evidence that the land "holds a particular local significance" due to its archaeological remains (DLA say the exact nature of their value is unclear), and the fact that it lies within the conservation area. On balance, therefore, I have decided against recommending the deletion of reference to the Woodcraft's Meadow site from the list of local green spaces.
96. It is clear to me that, in principle, Policy NE4 has full regard to national policy and guidance, and is in general conformity with a range of policies in the statutory development plan. To that extent, therefore, it satisfies the basic conditions. However, as it stands, there is no reference to its implication for development proposals affecting the areas identified. ***Paragraph 76 of the NPPF states that by designating land as Local Green Space, local communities "will be able to rule out new development other than in very special circumstances". I therefore recommend that suitable wording be added to the policy which reflects that advice.***

Policy NE5: Community green space

97. Policy NE5 designates three small parcels of land in Cockayne Hatley as "Community Green Spaces", whose "openness and tranquility shall be retained". The locations, shown on Map 5, lie on either side of the lane which runs through the centre of the hamlet, and which I noted from my visit are free of development. These parcels were originally considered for designation as Local Green Spaces, but were assessed as not meeting the NPPF criteria. ***CBC suggest that the sites should be "safeguarded", rather than (to quote the policy itself) "allocated" and I recommend that this change be made, for clarity.*** Subject to this minor amendment, the policy satisfies the basic conditions.

Policy NE6: Redundant buildings in the countryside

98. This policy sets out six criteria against which proposals to re-use or replace existing buildings in the countryside will be assessed. In this it has had regard to NPPF paragraph 28 and Local Plan Policy CS11, and I have concluded that it meets the basic conditions.

Policy NE7: Protected viewpoints

99. Map 4 clearly identifies 10 viewpoints which are taken from the Green Infrastructure Plan, and which are to be protected from any development which would adversely affect them, reflecting (in particular) Policies DM14 and DM16 of the existing Local Plan. Gladman consider that the policy lacks detailed justification, and I have some sympathy with the point. ***I recommend that a brief note should accompany the policy and/or Map 4 to indicate what it is about each of the viewpoints which has led to its designation.*** Subject to this addition, which ought not to be an onerous requirement, I consider the policy satisfies the basic conditions.

Policy NE8: Access to the countryside

100. This policy simply seeks to retain the existing network of footpaths and bridleways, and to encourage appropriate enhancements to it. It satisfies the basic conditions.

Policy W1: Water and waste water

Policy W3: The Brook corridor

101. The background to these policies contains a detailed explanation of the various issues relating to water supply, drainage and flood-risk. It records the likelihood that many of the existing houses in the Parish discharge surface water into the foul sewerage system or into private soakaways, and this is seen as contributing to periodic flooding, especially in relation to a brook which runs north-south through the Parish. This is supported by the Environment Agency's Surface Water Flood Risk Map, reproduced as figure 10.1 in the Plan.
102. The question of how to resolve these problems is said to remain unresolved at present; the Plan's approach, therefore, is to avoid exacerbating the existing situation and to take opportunities for gaining improvements as and when they arise. Policy W1 requires proposals for development to be accompanied by evidence that there is adequate waste water and water supply capacity to service the scheme, as well as having no adverse impact on significant flora and fauna habitats. This objective is supported by Anglian Water.
103. I have been given a copy of CBC Flood Team's preferred text for the whole of Section 10 of the Plan (Energy, Waste and Water), including the three policies W1-W3. Although I was also given copies of lengthy correspondence on the matter, together with "tracked" changes to the text, I have found it difficult to pull out of this any key points which are relevant to my role as examiner, especially since the vast majority of the changes sought relate to the supporting material rather than the policies themselves. I have therefore decided to make no specific observations on the suggestions made for changes to paragraphs 10.1 to 10.17 of the Plan.

104. The Flood Team ask for an additional requirement under Policy W1, namely that development should only discharge surface water to a public surface water sewer where absolutely necessary, and that any such discharge to a public foul sewer should be shown as a choice of last resort. ***Given the importance of the issue locally, this seems to me to be a worthwhile addition, and I recommend that it be implemented.***
105. While I am satisfied that Policy W1 meets the basic conditions, ***I also recommend that consideration is given to making the requirements of the policy apply to any proposals for development within the Parish, and not just to those constituting infill within the settlement envelope.*** This ought at the least to apply to any rural exception site that comes forward under Policy H2, which already includes a criterion relating to flood risk.
106. Policy W3 contains more specific requirements in relation to development proposals within areas identified by the Environment Agency as being at high and medium risk of flooding, with encouragement being given to the use of “SuDS” mechanisms. Anglian Water ask that instead of a requirement for schemes in these areas to be accompanied by a surface water drainage strategy containing information which is “proportionate to the size of the scheme”, this should apply in all cases, including those within the Brook corridor. However, my reading of the policy as it stands does not suggest that some types of development proposals could be relieved of the need to submit such a strategy in principle, and so I do not consider that any change is needed.
107. CBC Flood Team’s suggestions for some re-phrasing of Policy W3 appear to be attached to an internal email dated 2 June 2017. I take this to represent the Council’s formal response under Regulation 16, but I am unclear as to what extent the changes have already been taken on board by the NP Steering Group. Moreover, it is not always clear to me what lies behind some of the changes.
108. Taken as a whole, however, I see nothing in the proposed re-wording of section 10 which might affect my assessment of it in terms of my role as examiner. The same applies to the specific changes to Policy W3. I therefore consider that Policy W3 satisfies the basic conditions as it stands.

Policy W2: Solar farms

109. Six criteria are set out under this policy against which any applications for solar farms will be assessed. None is prescriptive. They include the quality of agricultural land, landscape character, important views and residential amenity and, in so doing, take account of NPPF paragraph 93 and PPG advice on renewable and low-carbon energy. Local Plan Policy DM1 requires a positive approach to be taken to related planning applications, and a criteria-based policy such as W2 is appropriate. It meets the basic conditions.

Conclusions on the basic conditions

110. I am satisfied that the Wrestlingworth and Cockayne Hatley Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, 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 the Plan is not compatible with EU obligations, including human rights requirements.

Formal recommendation

111. I have concluded that, provided that the recommendations set out above are followed, the Wrestlingworth and Cockayne Hatley 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 Wrestlingworth and Cockayne Hatley Neighbourhood Plan Area, but I have been given no reason to think this is necessary.

David Kaiserman

David Kaiserman BA DipTP MRTPI
Independent Examiner

22 September 2017

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
66	E4	<ul style="list-style-type: none"> • review, given changed circumstances
69	T1	<ul style="list-style-type: none"> • delete word “development”
70	T2	<ul style="list-style-type: none"> • modify in line with CBC recommendation
75	SCL2	<ul style="list-style-type: none"> • move to a “community aspiration” if no allotment site is identifiable now
81	BE1	<ul style="list-style-type: none"> • re-word for greater clarity
86	BE2	<ul style="list-style-type: none"> • minor change of wording
90	NE1	<ul style="list-style-type: none"> • minor addition
91	NE1	<ul style="list-style-type: none"> • delete last sentence
96	NE4	<ul style="list-style-type: none"> • add wording to reflect advice in NPPF para 76
97	NE5	<ul style="list-style-type: none"> • minor change of wording
99	NE7 / Map 4	<ul style="list-style-type: none"> • add notes about importance of viewpoints
104	W1	<ul style="list-style-type: none"> • add reference to treatment of surface water
105	W1	<ul style="list-style-type: none"> • clarify applicability of the policy within Parish