

INDEPENDENT EXAMINATION OF THE WILSHAMSTEAD
NEIGHBOURHOOD PLAN
EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

Lizzie Barnicoat, Clerk to Wilshamstead Parish Council

7 June 2022

Sonia Gallaher, Bedford Borough Council

Examination Ref: 03/AM/WNP

Dear Ms Barnicoat and Ms Gallaher

WILSHAMSTEAD NEIGHBOURHOOD PLAN EXAMINATION

I refer to the Habitats Regulations Assessment (HRA) dated 10 March 2021 produced on behalf of the Wilshamstead Parish Council (WPC) by Bodsey Ecology Limited.

The HRA identified likely significant effects on two European Sites, the Ouse Washes Special Area of Conservation (SAC)/Special Protection Area (SPA)/Ramsar and the Portholme SAC. These were the same likely significant effects caused by the Bedford Borough Local Plan 2030, but at a reduced scale. Appropriate Assessment (AA) (Stage 2) showed that the policies of the Wilshamstead Neighbourhood Plan (WNP) did not offer protection to those two sites and additions were required to protect the River Great Ouse from future development which may be proposed within the Plan area. The Executive Summary states that the changes would avoid or mitigate against the likely significant effects and their subsequent adverse impact on the qualifying features and site integrity. Stage 3 of the AA (HRA: paragraphs 8.1 – 8.8) indicate the changes sought in the WNP, most notably alterations to Policy NE1, Policy TT1, Policy TT2 and Policy LE1.

Accordingly, the HRA concluded that there would be likely significant effects from the WNP on two European sites, albeit mitigation is recommended in the form of alterations to four Policies and minor additions of text. Under Regulation 105(2) of the Conservation of Habitats and Species Regulations 2017 (as amended), the “appropriate nature conservation body” (Natural England) (NE) should have been consulted by the “plan making authority” which, under Regulation 111, is the local planning authority. In order to address this statutory requirement, I would have ordinarily expected the qualifying body and local planning authority to liaise/work jointly prior to submission of the Plan. However, I have no evidence of Bedford Borough Council (BBC) consulting NE specifically on the HRA, other than more generally on the whole neighbourhood plan at the consultation stages at Regulation 14 and Regulation 16.

Therefore, unless there has been a direct consultation of which I am unaware, I would be grateful if BBC, as the local planning authority, could consult NE on the HRA and also ask whether NE wishes to review the Regulation 16 response of “... no specific comments...”.

It may be, for example, that if NE, BBC and WPC are content, if the policies of the WNP are modified by the changes sought in the recommendations of the HRA, there would be sufficient mitigation against likely significant effects from the Plan, and then the terms of the HRA would be satisfied.

I would be pleased to have a response as soon as possible. Normally, two weeks is suggested as a response period but, given that a third party (NE) is involved, I would be grateful if a response could be received by 28 June 2022. The examination of the Plan is paused until the consultation response is received.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Parish Council and Local Authority websites.

Thank you in advance for your assistance.

Your sincerely

Andy Mead

Examiner