

Elkesley Neighbourhood Development Plan Review 2023-2038

**A report to Bassetlaw District Council on the Review
of the Elkesley Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Bassetlaw District Council in April 2025 to carry out the independent examination of the review of the Elkesley Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 12 May 2025.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It has a focus on safeguarding its built and natural environment, the allocation of a site for residential development, and designating four Local Green Spaces.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Elkesley Neighbourhood Plan Review meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should coincide with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
20 June 2025

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Elkesley Neighbourhood Development Plan Review 2023-2038 (the Plan).
- 1.2 The Plan has been submitted to Bassetlaw District Council (BDC) by Elkesley Parish Council (EPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021, 2023 and 2024. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises because of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. It can include whatever range of policies it sees as appropriate to its designated neighbourhood area. In this case, the Plan is a review of the 'made' Plan. It has been designed to be distinctive in general terms, and to be complementary to the development plan. The Plan has a focus on safeguarding its built and natural environment, allocating a site for residential development, and designating four Local Green Spaces.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then form a part of the wider development plan and be used to determine planning applications in the neighbourhood area.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by BDC, with the consent of EPC, to conduct the examination of the Plan and to prepare this report. I am independent of both the BDC and EPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 42 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I have significant experience of undertaking neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 There are a variety of ways in which a review of a neighbourhood plan can be examined. They are described in Section 3 of this report. In this case, I have concluded that the Plan needs both examination and a referendum.
- 2.5 In this context, as the independent examiner I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

Other examination matters

- 2.6 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that each of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan
- the Basic Conditions Statement.
- the Consultation Statement.
- the Design Guidance and Codes.
- the Backland Site Options.
- the Housing Needs Assessment.
- the Statement of the Extent and Nature of the Review.
- the BDC SEA/HRA Screening report.
- the representations made to the Plan.
- EPC's responses to the clarification note.
- the adopted Bassetlaw Local Plan (2020 to 2038).
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 The various documents are helpfully available on the BDC's website. Wherever possible, I will refer to the document concerned for the purposes of keeping this report as concise as possible.

3.3 I visited the neighbourhood area on 12 May 2025. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in Section 5 of this report.

The examination process for the review of a neighbourhood plan

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as and when qualifying bodies seek to review 'made' neighbourhood plans and introduces a proportionate process to do so based on the changes proposed.

3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or

- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

- 3.6 The statement produced by EPC comments that the modifications to the policies constitute a material amendment to the Plan which require examination and a referendum.
- 3.7 I have considered the Modifications Statement very carefully. I agree with EPC that the changes proposed to the Plan are so substantial and significant to change to the nature of the Plan and require both an examination and a referendum. This report has been prepared accordingly.
- 3.8 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing.

The update of the NPPF

- 3.9 The NPPF was updated on 12 December 2024. Paragraph 239 of the NPPF 2024 sets out transitional arrangements for plan-making. It comments that the policies in the Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025. The Plan was submitted in February 2025.
- 3.10 On this basis, the examination of the Plan against the basic condition that it should regard to national policies and advice contained in guidance issued by the Secretary of State is based on the 2023 version of the NPPF. Where NPPF paragraph numbers are used in this report, they refer to those in the December 2023 version.
- 3.11 Paragraph 6.2 of this report sets out full extent of the basic conditions against which a neighbourhood plan is examined.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, EPC has prepared a Consultation Statement. The Statement is proportionate to the neighbourhood area and the review of the policies in the made Plan. It reflects the specific circumstances that have generated the community's desire to review the Plan.
- 4.3 The Statement sets out the various activities that were held to engage the local community during the initial stages of the plan-preparation process. They also provide details about the consultation process that took place on the pre-submission version of the Plan (August to October 2024).
- 4.4 EPC has built on the success of the consultation process associated with the made Plan. The series of initial events which were organised are set out in Section 2 of the Statement (and summarised in Table 1).
- 4.5 Section 4 of the Statement (and Table 2) set out how EPC engaged with the community as part of the publication of the pre-submission Plan. Section 5 (and Table 4) comment about the way in which submitted Plan took account of consultation feedback at the pre-submission phase.

Consultation Feedback

- 4.6 Consultation on the Plan was undertaken by BDC and ended on 24 March 2025. This generated representations from the following organisations:
 - Anglian Water
 - Bassetlaw District Council
 - Coal Authority
 - Environment Agency
 - Forestry Commission
 - Historic England
 - National Highways
 - Natural England
 - Nottinghamshire County Council
 - Sport England
- 4.7 I have taken all the comments into account in preparing this report. Where appropriate, I refer to specific representations in my commentary on the various policies in the Plan.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Elkesley. In 2021 the population of the parish was 850 persons. It was designated as a neighbourhood area on 13 July 2012.
- 5.2 The neighbourhood area is located to the south of Retford and to the east of Worksop. Elkesley is a traditional linear village based around High Street. In the latter part of the 20th Century the village was extended by two developments. Headland Avenue and Lawnwood Avenue, to the west, were built between 1950 and 1970 for the colliery workers of Bevercotes Pit (which closed in 1993). The Yew Tree Road estate, whose boundary adjoins parts of the old village, was built in the 1970's and further developed in the 1990's.
- 5.3 As the Plan describes the A1 is a defining feature of the parish and provides the northern edge of Elkesley village. The A1 physically bisects the parish and isolates the village from land north of the road which includes Gamston airfield and some industrial premises. The village is surrounded by predominantly agricultural land, and the Elkesley Industrial Estate and part of a small private airport (Retford/Gamston Airport) also fall within the Parish boundary. Clumber Park extends a small way into the western edge of the parish, whilst the River Poulter forms much of its southern boundary.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Bassetlaw District Local Plan (2020 to 2038). It sets out a vision, objectives, a spatial strategy, and overarching planning policies that guide new development in the Plan period. The Local Plan was adopted in May 2024.
- 5.5 Elkesley is identified as one of a series of Small Rural Settlements in the Local Plan. Policy ST2 comments that such settlements will experience residential growth over the plan period to support their role and function through the following minimum housing requirements for each individual settlement. The policy establishes a minimum housing requirements for each individual settlement. In the case of Elkesley it is 18 homes.
- 5.6 The Local Plan includes a series of other policies which will affect the neighbourhood area as follows:
 - Policy ST27 Affordable Housing;
 - Policy ST28 Housing Mix;
 - Policy ST30 Sites for Gypsies and Travellers;
 - Policy ST33 Design Quality;
 - Policy ST35 Landscape Character;
 - Policy ST37 Green and Blue Infrastructure;
 - Policy ST39 Trees, Woodland, and Hedgerows;
 - Policy ST40 The Historic Environment;
 - Policy 46 Protecting Amenity; and

- Policy ST48 Reducing Carbon Emissions, Climate Change Mitigation and Adaptation.

5.7 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Visit to the Neighbourhood Area

- 5.8 I visited the neighbourhood area on 12 May 2025. I approached it from the A1 from the south. This helped me to understand its connection to the strategic road network and its setting in the wider countryside.
- 5.9 I looked initially at the historic core of the village based on High Street. I saw the importance of St Giles Church in the village. I also saw the significance of the various designated and non-designated assets in this part of the village.
- 5.10 I then took time to look at the proposed housing allocation at Yew Tree Road.
- 5.11 I then looked at the Memorial Hall and the Playing Fields. Their importance to the community was very clear.
- 5.12 I then walked along Brough Lane to look at the other proposed Local Green Spaces. This part of the visit also allowed me to appreciate the landscape character of the neighbourhood area and to look at some of the proposed key views.
- 5.13 I then crossed the A1 and looked at the Elkesley Industrial Estate and the Retford/Gamston Airport.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in December 2023.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Elkesley Neighbourhood Plan Review:

- a plan-led system – in this case the relationship between the neighbourhood plan and the adopted Bassetlaw Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It proposes revisions to the policies in the made Plan and introduces a sharper focus on design matters. It also proposes the designation of a package of Local Green Spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted, the Plan does not fully accord with this range of practical issues. Many of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for infill residential development (Policy 1), for the development of new housing (Policies 8 and 13), and for the local economy (Policy 13). In the social dimension, it includes policies for housing mix (Policy 3), community facilities (Policy 11), and local green spaces (Policy 3). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on landscape character (Policy 3), biodiversity (Policy 4), and design (Policy 6). This assessment overlaps with EPC's comments on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Bassetlaw District in paragraphs 5.4 to 5.8 of this report.

- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. It responds positively to the growth agenda in Policy ST2 of the Local Plan. Subject to the recommended modification in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement BDC published a screening report in January 2025 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It includes the responses from the consultation bodies. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.

Habitat Regulations

- 6.16 BDC prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It concludes that the submitted Plan is unlikely to have significant effects on protected sites. The report is very thorough and comprehensive. It assesses the impact of the Plan on the Birklands and Bilhaugh SAC and Sherwood Forest prospective SPA. It concludes that the Plan will not give rise to likely significant effects on protected site, either alone or in combination with other plans or projects, and Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan Policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and EPC have spent time and energy in identifying the issues and objectives that they wish to be included in the review of the 'made' Plan. The community has successfully marshalled the capacity to prepare the Plan to reflect changing circumstances including updated national planning policies and a recently-adopted Local Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. Appendix A of the Plan includes a series of Community Aspirations.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Thereafter I comment on the Aspirations.
- 7.6 For clarity this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-6)

- 7.8 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. Section 1 identifies the neighbourhood area (Map 1) and specifies the Plan period. It also helpfully sets out the reasons for the review of the Plan and the wider role of a neighbourhood plan in the overall development plan.
- 7.9 Section 2 sets out the nature of the parish and its current circumstances. Some elements of this section have underpinned the policies in the Plan.
- 7.10 Section 3 comments about the way in which the community was engaged as the Plan was being prepared. It overlaps with the submitted Consultation Statement.
- 7.11 Section 4 sets out a comprehensive vision for the Plan. It is very distinctive to the neighbourhood area and provide an overall context for the resulting policies. The Vision is as follows:

'The people of Elkesley are committed to developing a sustainable and thriving community for current and future generations. Quality of life is enhanced by direct access to the countryside for leisure and recreation and the local facilities (school, village hall and church), that provide a sense of community spirit.'

The Parish contains a mix of housing types within a rural setting; new development needs to be of a high design standard, reinforcing the rural character and be of a low carbon construction. Development will be designed and located to enhance the built up areas whilst respecting the wider landscape and protecting areas that have environmental significance.

The A1 will continue to provide good connection to the strategic road network for residents and businesses. This needs to combine with good local public transport and high-speed broadband communication links to ensure local business can prosper thereby providing skilled employment opportunities for residents. Proposals that reduce noise pollution and improve air quality due to the proximity of the A1 will be encouraged.'

7.12 Section 5 comments about the seven objectives of the Plan. Section 6 comments about how developers should engage with the community.

7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1 Sustainable Development, Infill, and the Development Boundary

7.14 This is a revised policy. It seeks to focus new development within the Development Boundary and applies national and local planning policies to proposals elsewhere. The policy also includes a section on the minimisation of carbon during construction and operation and water efficiency.

7.15 The policy takes a positive approach to the location of new development. Its effect will be to concentrate new development in Elkesley with ready access to its range of community facilities.

7.16 I recommend that deletion of the word 'only' in the first part of the policy – it is unnecessary given the extent and nature of the various criteria. I also recommend other modifications so that the first part of the policy takes a plural approach throughout.

7.17 Otherwise the policy meets the basic conditions. It will contribute to the local delivery of each of the three dimensions of sustainable development.

In the first part of the policy delete 'only' and replace 'it meets' with 'they meet'

In part 1c of the policy replace 'it safeguards' with 'they safeguard'

In part 1d of the policy replace 'it protects' with 'they respond positively to'

Policy 2 Protecting the Landscape Character

- 7.18 This is a new policy. It has a focus on areas of medium or high landscape sensitivity and key views. I looked at the identified landscape areas and a selection of the key views during the visit. The reasoning for their identification was self-evident.
- 7.19 In general terms the policy captures the landscape nature of the neighbourhood area in a positive way and has regard to Section 15 of the NPPF. In this context I recommend the following modifications to bring the clarity required by the NPPF:
- the replacement of the first element of the policy with a commentary about the identification of the landscape sensitivity areas and the key views;
 - the revision of the fourth part of the policy so that it better applies to the development management process; and
 - the relocation of the submitted first part of the policy to the end of the modified fourth part.
- 7.20 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the first part of the policy with: ‘The Plan identifies areas of medium or high landscape sensitivity (as shown on Map 4a) and a series of Key Views (as shown on Map 4b).’

Replace the fourth part of the policy with: ‘The scale, design, and massing of development proposals within the Key Views or areas of medium or high landscape sensitivity should ensure the landscape and/or the view concerned is safeguarded. Development proposals that unacceptably detract from the undeveloped character of the areas identified as having medium or high landscape sensitivity (Map 4a) and the Key Views (Map 4b) will not be supported.’

Policy 3 Designation of Local Green Spaces

- 7.21 This is a new policy. It proposes the designation of four local green spaces (LGS). The supporting text describes the proposed LGSs and assesses them against the criteria for such designation in the NPPF.
- 7.22 I looked at the proposed LGSs carefully during the visit. Based on all the available information, I am satisfied that they meet the criteria in paragraphs 105 and 106 of the NPPF. In addition, the policy takes the matter-of-fact approach as set out in paragraph 107 of the NPPF. As such, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy 4 Protecting and Enhancing Biodiversity

- 7.23 This is a new policy. It addresses biodiversity in a wide-ranging way.
- 7.24 The supporting text advises that the River Poulter valley provides a ‘small scale riverside landscape’ and is semi enclosed, contrasting with the large wide open arable

fields outside the valley that extend across the northern part of the Parish. It also comments that the parish is in the Sherwood Forest potential prospective Special Protection Area and the Sherwood Forest Important Bird Area 5km buffer

- 7.25 The policy acknowledges that the Environment Act requires at least a 10% biodiversity net gain as part of new development (with certain exemptions).
- 7.26 In general terms the policy takes a very positive to the biodiversity in the neighbourhood area and has regard to Section 15 of the NPPF. In this broader context I recommend the following modifications to bring the clarity required by the NPPF and to allow BDC to be able to implement the policy through the development management process:
- a revision to the first part of the policy to remove the unnecessary reference to support for more than 10% biodiversity net gain and to clarify how off-site biodiversity net gain would take place; and
 - the deletion of the unnecessary third part of the policy which is already addressed in the adopted Local Plan and in paragraph 85 of the text in the Plan.
- 7.27 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the first part of the policy with: ‘As appropriate to their scale, nature and location, development proposals should provide at least 10% net biodiversity gain. Where on site provision of biodiversity net gain cannot be achieved off-site provision should take place within the neighbourhood area wherever practicable. Any such measures should be targeted to benefit local conservation priorities as identified in the LCA or local nature recovery strategy were applicable.’

Delete the third part of the policy

Policy 5 Improving Walking and Cycling

- 7.28 This is a revised policy. It has two key focal areas as follows:
- improving or extending the walking and cycling routes across the Parish and especially the routes identified on Map 7b and Map 7d; and
 - the protection and enhancement of existing public rights of way and permissive routes.
- 7.29 The policy takes a positive approach to these matters and has regard to Sections 8 and 9 of the NPPF. In this context, I recommend that the first part of the policy is recast so that it more closely aligns with the development management process. I also recommend that the wording used in the third part of the policy is modified for the same reasons. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the opening element of the first part of the policy with: ‘Development proposals which would improve or extend the walking and cycling routes across the Parish and especially the routes identified on Map 7b and Map 7d, will be supported where they;’

In the third part of the policy replace ‘is supported with ‘will be supported’

Policy 6 Achieving Well Designed Places

- 7.30 This is a revised policy. As the supporting text advises, the Elkesley Design Guidance and Codes 2024 has been prepared by AECOM and the local community. It provides a detailed local character analysis which forms the basis for the specific local criteria and a set of design principles.
- 7.31 The policy advises that proposals should demonstrate a high design quality that will contribute to the character of the Parish. To achieve this, development proposals should reinforce the character of the area by considering the most up-to-date, design guidance and codes (the Elkesley Design Guidance and Codes 2024 or its equivalent). It also comments that as appropriate to their scale, nature, and location and in accordance with the Elkesley Design Guidance and Codes 2024 development proposals should meet a series of criteria.
- 7.32 Part 4 of the policy comments about developments on the edge of the settlement edge. Parts 5, 6 and 7 of the policy set out specific guidance for the identified character areas.
- 7.33 This is a very effective policy which is underpinned by the excellent Design Guidance and Codes. In the round it provides a very-effective local response to Section 12 of the NPPF and will help to ensure the delivery of high-quality design in the Plan period. In this context I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy 7a Housing Mix

- 7.34 This is a revised policy. EPC commissioned the Elkesley Housing Needs Assessment (HNA) as part of the overall work on the Plan. It was produced in February 2024 and its evidence underpins the policy.
- 7.35 As submitted, the first part of the policy takes a very mechanical approach to the mix of housing proposals and is drawn directly from the HNA. I recommend that a more general approach is taken given that the details are appropriately addressed in the supporting text.
- 7.36 I also recommend that the second part of the policy is deleted and repositioned into the supporting text. This acknowledges that it explains the way in which the first part of the policy will be applied rather than being a land use policy. Finally, I recommend that the wording of the third part of the policy is modified so that it more clearly explains its intention.

- 7.37 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the first part of the policy with: ‘As appropriate to their scale, nature and location, housing schemes should deliver a housing mix that meets local need in accordance with the findings in the most up-to-date Housing Needs Assessment unless it can be demonstrated that such an approach is not commercially-viable.’

Delete the second part of the policy.

Replace the third part of the policy with: ‘To cater for the needs of less mobile occupants including older people and disabled people, and to deliver dwellings which are capable of meeting peoples’ changing needs over their lifetimes, proposals should be built to M4(2) standards in accordance with BDC policy. Proposals that incorporate accessible homes to M4(3) standards within this requirement will be supported.’

At the end of paragraph 131 add: ‘Policy 7a addresses these various issues. Where development proposals do not propose a housing mix and type in accordance with the Housing Needs Assessment, information accompanying the application will need to demonstrate why it is neither practicable nor commercially-viable.’

Policy 7b Housing Tenure

- 7.38 This is a revised policy. As with Policy 7a, it is also underpinned by the HNA.
- 7.39 As submitted, the policy is part policy and part supporting text. I recommend that the policy is recast so that it expresses the community’s expectations in a non-prescriptive fashion. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with: ‘The provision of affordable houses should respond positively to the information in the Housing Needs Assessment. Wherever practicable, it should include First Homes and affordable homes to rent.’

Policy 8 Yew Tree Road Development

- 7.40 This is a revised policy. It continues to allocate the site at Yew Tree Road for residential development. The supporting text advises that in December 2021 outline planning permission was granted for 33 dwellings and 6 flats. The indicative masterplan submitted along with the application had been updated but still included the requirements from the Plan. No reserved matters application has yet been submitted. The policy has been updated so that it reflects the findings of the submitted Design Guidance and Codes.
- 7.41 I looked carefully at the site during the visit. I am satisfied that its development for residential purposes will meet the basic conditions, and represent an effective use of the site. Within this context I recommend the following modifications to bring the clarity required by the NPPF and to allow BDC to be able to apply the policy through the development management process:

- the simplification of the opening element of the first part of the policy;
- a correction to the second part of the policy; and
- a recasting of the third and fourth parts of the policy so that they relate better to the development management process

7.42 Otherwise the policy meets the basic conditions. It will contribute to the local delivery of each of the three dimensions of sustainable development.

Replace the opening element of the first part of the policy with: ‘The site identified in figure 2 is allocated for approximately 30 dwellings. Development proposals should comply with all the following criteria:’

In the second part of the policy delete ‘or’

Replace the third part of the policy with: ‘The design, layout and boundary treatment of development proposals should respond positively to the Elkesley Design Guidance and Codes 2024 and Policy 6 (1), (2) and (7).’

Replace the fourth part of the policy with: ‘The housing type and tenure of development proposals should respond positively to the details in Policies 7a and 7b of this Plan.’

Policy 9 Protecting and Enhancing Heritage Assets

7.43 This is a new policy. It focuses on the designated and non-designated heritage assets in the parish. The elements of the policy on non-designated heritage assets build on the work undertaken as part of the Design Guidance and Codes.

7.44 As submitted, the policy has a high degree of overlap with national and local planning policies in relation to designated heritage assets. It also fails to make an adequate distinction between the national policy approach towards the two sets of heritage assets. Nevertheless, its element on non-designated heritage assets is very distinctive to the neighbourhood area. In this context I recommend that the policy and the supporting text are simplified so that they do not unnecessarily repeat existing policies.

7.45 I also recommend that the identified non-designated heritage assets (as shown on Figure 46 of the Design Guidance and Codes) are also listed in a separate appendix of the Plan. This will bring the clarity required by the NPPF, especially as the information in the Design Guidance shows the buildings on a map base without any reference to their names/addresses.

7.46 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘Development proposals should preserve or enhance the special interest and setting of listed buildings in accordance with national and local policies.

The Plan identifies a series of non-designated heritage assets as shown on Figure 46 of the Design Guidance and Codes and listed in Appendix [insert

number]. The effect of an application on the significance of an identified non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

List the non-designated heritage assets as shown in Figure 46 of the Design Guidance within a separate appendix of the Plan.

Replace paragraph 150 with: 'The Elkesley Design Guidance Codes provides a photographic gallery of the mixture of listed buildings and notable buildings in the village. The most distinguished listed building is the Grade 1 St Giles Church dating from the 13th century. There is evidence of settlement in the parish much earlier. The Historic Environment Records shows the remains of a Roman settlement west of Cross Lane and the remains of a medieval settlement near Round Wood (see Map 9c). Below is Meadow Farmhouse a Grade 2 listed cottage. It features a rendered facade, red pantiles, segmental arches on ground floor openings and casement windows with glazing bars. A low red brick wall creates a boundary with the street.'

Replace paragraph 151 with: 'Policy 9 provides a policy context against which development proposals affecting heritage assets can be determined. The first part of the policy applies national and local planning policies to the designated heritage assets in the neighbourhood area. The second part of the policy is a local iteration of the approach taken in the NPPF on non-designated assets. These assets are shown on a map base in Figure 46 of the Design Guidance and Codes, and are listed separately in Appendix [insert number].'

Policy 10 Supporting the Local Economy

- 7.47 This is a revised policy. It is wide ranging in nature, and comments about employment development in general, proposals for working from home, and proposals at the Elkesley Park Industrial Estate.
- 7.48 In general terms it is a positive policy which has regard to Sections 6 and 8 of the NPPF. I recommend the deletion of the fourth part of the policy as the provision of broadband access to new residential and commercial premises is now administered nationally through the Building Regulations. I also recommend a consequential modification to the supporting text.
- 7.49 Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of each of the three dimensions of sustainable development.

Delete the fourth part of the policy

In paragraph 165 replace the final sentence with: 'The provision of broadband access to new residential and commercial premises is now administered nationally through the Building Regulations.'

Policy 11 Protecting and Enhancing Community Facilities

- 7.50 This is a revised policy. It identifies five community facilities. The policy addresses proposals for their adaptation or for the establishment of new facilities (Part 2) and for proposals which may involve the loss of the identified facilities (Part 3). I looked at the identified facilities during the visit and saw the importance to the local community
- 7.51 In general terms the policy takes a positive approach to community facilities and acknowledges that their use may alter within the Plan period. In the round the policy has regard to Section 8 of the NPPF.
- 7.52 In its representation to the Plan, Sport England draws attention to the relationship between Part 3 of the policy (as it would apply to the Playing Field) and the contents of paragraphs 102 and 103 of the NPPF. In this context, I recommend that proposals which would involve the loss of the Playing Field are addressed in a different way from the other community facilities. This is captured in an additional part of the policy along with expanded supporting text.
- 7.53 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In Part 2 delete ‘across the Parish’

In Part 3 of the policy replace ‘in 11 (1)’ with ‘in 11 (1) a/b/d/e’

Add an additional element to the policy to read:

‘4. Development proposals which would result in the loss of the Playing Field (Part 1c) will only be supported where:

- **an assessment has been undertaken which demonstrates the sports facility or playing field is surplus to requirements; or**
- **existing facilities are replaced by equivalent or better provision in terms of quality and quantity and in a suitable location; or**
- **the development is for alternative sports and recreation provisions, the benefits of which outweigh the loss of the existing Playing Field. ‘**

At the end of paragraph 175 add: ‘Part 3 of the policy comments about the determination of proposals which would involve the loss of the built community facilities. Part 4 comments about proposals which would involve the loss of the Playing Field.’

Policy 12 Renewable Energy, Energy Efficiency and Low Carbon Technologies

- 7.54 This is a new policy. It has four related elements as follows:
- new development should incorporate sustainable design features to maximise energy efficiency in accordance with area wide Design Codes S1, S2 and S3 in the Elkesley Design Guidance and Codes;
 - innovative approaches to low carbon buildings and construction which demonstrate sustainable use of resources and high energy efficiency levels will

be supported where the resultant-built form respects the character of the setting;

- the retrofitting of existing buildings to improve their energy efficiency is supported. This includes the retrofitting of traditionally constructed buildings, such as listed buildings and non-designated heritage assets provided that the retrofitting measures proposed safeguard the special interest and significance of such assets; and
- proposals for the development of renewable and low carbon sources of energy, particularly from community owned projects, will be supported where they meet a series of criteria.

7.55 In general terms, the policy takes a positive approach to renewable energy, energy efficiency and low-carbon technologies and has regard to Section 14 of the NPPF. In this broad context, I recommend the following modifications to ensure that the policy meets all elements of national policy on these matters, to avoid repetition of local plan policies, and to ensure that it can be applied by BDC through the development management process:

- the deletion of Part 4 of the policy (which restates ST48 of the Local Plan); and
- ensuring that Part 5g of the policy has regard to paragraphs 162 to 164 of the NPPF.

7.56 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Delete Part 4

Replace part 5g with: ‘the proposal responds positively to the character of the landscape of its immediate locality and any affected key views identified in Policy 2 of this Plan; and’

Policy 13 The Redevelopment of two Garage Sites

7.57 This is a new policy. The supporting text advises that as part of the review of the Plan, AECOM was commissioned to undertake a masterplan for the two sites. Both sites are underused or disused former off plot garage sites that are classed as brownfield backland sites.

7.58 The policy comments that proposals for the redevelopment of site 1 (Garage site off Headland Avenue) and site 2 (Garage site off Lawnwood Avenue) as shown on Map 12a that make effective and efficient use of the land to either address the issues of traffic movement (including assisting buses to manoeuvre safely), car parking for the school and/or residents, or that provides additional green spaces for community benefit or a combination of both. Detailed criteria are provided for the development of each site.

7.59 I looked at the two sites carefully during the visit. I noted their condition and use. The policy takes a positive approach to their use within the Plan period. In this context, I recommend that the opening element of the policy is modified so that it clarifies the

package of development proposals which could come forward and highlights that specific criteria apply to the development of the two sites.

- 7.60 Otherwise the policy meets the basic conditions. It will contribute to the local delivery of each of the three dimensions of sustainable development.

Replace the opening element of the policy with:

‘Proposals for the redevelopment of site 1 (Garage site off Headland Avenue) and site 2 (Garage site off Lawnwood Avenue) as shown on Map 12a that make effective and efficient use of the land to either address the issues of traffic movement (including assisting buses to manoeuvre safely), car parking for the school and/or residents, or that provide additional green spaces for community benefit (or a combination of these various matters) and otherwise complies with development plan policies will be supported where they meet the following site-specific criteria;’

Community Aspirations

- 7.61 Appendix A of the Plan includes a series of Community Aspirations which have arisen as the Plan was developed. They are a non-land use matter which cannot directly be addressed as planning policies. In accordance with national advice, it is included in a separate section of the Plan.

- 7.62 I am satisfied that the Aspirations are both appropriate and distinctive to the parish.

Monitoring and Review

- 7.63 Section 23 of the Plan addresses the way in the Plan will be monitored and review. This is best practice.

Other Matters - General

- 7.64 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. It will be appropriate for BDC and EPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters – Specific

- 7.65 BDC has made detailed comments on the Plan. They have been very helpful as part of the wider examination process. Where they relate directly to specific policies, I have considered them in my assessment on a policy-by-policy basis. BDC has also made a series of more general comments on the wording used in the Plan. They relate to the

wording used and the way in which the Plan is organised. I recommend the following modifications to address these matters (using the BDC numbering system in the comments from its Conservation Team):

- paragraph 24;
- Photo 1;
- paragraph 115; and
- paragraph 149.

7.66 BDC also suggest other revisions to the Plan. Whilst they would be helpful, they are not required to ensure that it meets the basic conditions.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2038. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character of the neighbourhood area and to designate Local Green Spaces. In the round, it is a good example of a review of a neighbourhood plan.
- 8.2 Following the independent examination of the Plan, I have concluded that the submitted Elkesley Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 Based on the findings in this report I recommend to Bassetlaw District Council that subject to the incorporation of the modifications set out in this report the Elkesley Neighbourhood Development Plan Review should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by the District Council on 13 July 2012.
- 8.5 I am grateful to everyone who has contributed to the examination. The Parish Council's responses to the clarification note were both helpful and timely.

Andrew Ashcroft
Independent Examiner
20 June 2025