

EAST MARKHAM NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Bassetlaw District Council
into the examination of the
East Markham Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The East Markham Neighbourhood Plan has been prepared to set out the community's wishes for the parish of East Markham to address, as far as possible, the challenges that face the community and to reflect the aspirations of everyone in the village.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - The deletion of Policy NP1;
 - The deletion of reference to view corridors in Policy NP4;
 - Revisions to the wording of Policy NP9 on parking standards; and
 - Revisions to the wording of various policies to improve their clarity.
- 1.4 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the East Markham Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning was introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the development plan which will include the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements.

Legislative Background

- 2.4 I have been appointed by Bassetlaw District Council with the consent of East Markham Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council, the Neighbourhood Plan Steering Group and Bassetlaw District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. My appointment has been facilitated by the Neighbourhood Planning Independent Examiners Referral Service.
- 2.5 As an Independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
 - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
 - (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
 - (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.6 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land

and does not include provision for any excluded development. There are no other neighbourhood plans for the plan area. The Neighbourhood Plan area is co-terminus with the parish of East Markham and was designated by Bassetlaw District Council on 24 December 2013 as a Neighbourhood Area. Paragraphs 2.1 – 2.6 of the Basic Conditions Statement confirm these points.

- 2.7 Paragraphs 2.2 of the Neighbourhood Plan and 2.3 of the Basic Conditions Statement state that the lifespan of the Neighbourhood Plan is to be from 2016 to 2031 and this is shown on the front cover of the plan.
- 2.8 The neighbourhood plan making process has been led by East Markham Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan has been prepared by the East Markham Neighbourhood Plan Steering Group on behalf of East Markham Parish Council.
- 2.9 I am satisfied therefore that the East Markham Neighbourhood Plan satisfies all the requirements set out in paragraph 2.6 above.

Conformity with Basic Conditions

- 2.10 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
 3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
 5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to Neighbourhood Plans:
 - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended).

- 2.11 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.
- 2.12 A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
- 2.13 It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.14 I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

Policy Background

- 2.15 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.16 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.17 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.18 The third basic condition is for the neighbourhood plan as a whole to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan comprises the 2011 Bassetlaw Core Strategy and Development Management Policies which were adopted on December 2011. The Council has started work on a new Bassetlaw Local

Plan although this is at a very early stage with consultations on the Initial Draft Plan undertaken between October and December 2016.

- 2.19 I have considered the Neighbourhood Plan as a whole and each policy in turn to assess whether they are in general conformity with the strategic policies of the adopted Development Plan. Where appropriate I have considered the evidence base for the emerging Local Plan.
- 2.20 I have also considered whether the Neighbourhood Plan would introduce policies and designations that may constitute blanket restrictions that may restrict future development in the area in the emerging Local Plan. I have considered whether there is robust evidence to support any proposed designations that would introduce such restrictions.
- 2.21 The Basic Conditions Statement sets out an assessment of how the Neighbourhood Plan objectives and policies have had regard to NPPF objectives and national policy and how it is in general conformity with the strategic policies of the 2011 Bassetlaw Core Strategy and Development Management Policies.
- 2.22 I have considered the Neighbourhood Plan as a whole against the NPPF and PPG and the adopted strategic policies. Then I have considered each of the policies to ascertain whether there is any conflict between a particular policy and the NPPF or the strategic policies of the Development Plan. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

EU obligations and human rights requirements

- 2.23 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.24 Screening Assessments for SEA and HRA were undertaken by Bassetlaw District Council. The conclusions of the assessment were:
- 2.25 SEA Screening: *“On the basis of the SEA Screening Assessment, the conclusion is that the East Markham Neighbourhood Plan will not have significant environmental effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to a full SEA.”*
- 2.26 HRA Screening: *“The Screening Assessment concludes that no significant effects are likely to occur with regards to the integrity of the [Birklands & Bilhaugh] SAC and [Sherwood Forest] pSPA around East Markham, due to the implementation of the Plan. As such the Plan does not require a full HRA to be undertaken.”*

2.27 The main reasons for these conclusions are:

- *“There are no plans for the proposed East Markham Neighbourhood Plan to allocate sites for development,*
- *“The development supported in the Plan which may have some effect on the environment, is determined to be local in scale and these local impacts will be addressed and mitigated at the planning application stage.”*

2.28 Bassetlaw District Council consulted with the statutory bodies Historic England, Natural England and Environment Agency on the Scoping Report for the SEA and HRA on 4 July 2016.

2.29 With regard to the impact of the Plan on Human Rights, the Basic Conditions Statement comments in paragraphs 6.2 – 6.4 that *“The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. Whilst an Equality Impact Assessment Report has not been specifically prepared, great care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.*

“The main issues for planning are the right to family life and in preventing discrimination. The Plan makes positive contributions, such as through seeking to provide housing to meet local needs. The population profile has revealed that there are not significant numbers of people who do not speak English as a first language and it has not been necessary to produce consultation material in other languages.

“The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. There was consultation and engagement early on in the process and residents were encouraged to participate throughout. The draft Neighbourhood Plan has been consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012; responses have been recorded and changes have been made as per the schedule set out in the appendices to the Statement of Consultation. The Statement of Consultation has been prepared by the Steering Group and meets the requirements set out in Paragraph 15 (2) of the Regulations.”

2.30 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011.

2.31 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article,

allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.

- 2.32 Article 14 provides that “*The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*” In the Consultation Statement, the Qualifying Body has provided evidence on how the statutory and non-statutory consultations have been carried out and demonstrated that they were undertaken in such a way that all sections of the local community have been given the opportunity to express their views.
- 2.33 As far as I can ascertain, the policies of the plan and its preparation have taken account of the need to consider human rights. I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

Contributes to sustainable development

- 2.34 The Basic Conditions Statement has included an assessment of the contribution of the plan towards the three key principles to sustainable development: economic, social and environmental and commented on how the plan will contribute towards delivering sustainable development.
- 2.35 I am satisfied that the East Markham Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

The Neighbourhood Plan Preparation

- 2.36 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.37 The Consultation Statement sets out an overview of the consultation process that has been undertaken in the course of preparing the Neighbourhood Plan. The preparation of the Neighbourhood Plan commenced in October 2013 with a public launch event. Following the formal designation of the Neighbourhood Plan area in December 2013, the following consultation events were held:
- January 2014 survey questionnaires circulated
 - May 2014 Meeting with Governors of Primary School
 - July 2014 Survey Monkey questionnaire on Village facilities
 - November 2014 Consultation with local pupils at Tuxford Academy
 - June 2015 Public Meeting
 - July 2015- Mar 2016 Informal consultations with residents at village groups and events.

- Oct 2015 Meeting with local landowner and Chair of School Governors regarding possible site for a new school building
 - February - March 2016 survey on drainage issues
 - May 2016 second survey of on-street parking
 - June - July 2016 consultation on draft plan.
- 2.38 The draft plan was publicised through leaflets and summaries to all households, posters, press releases, publicity in community publications, the Village Facebook page, drop in sessions and public meetings in the village hall, attendance at village/ church fete, presentation to WI. The draft Plan was sent to Statutory Consultees.
- 2.39 Consultation on the Submission draft plan was undertaken for 8 weeks which ended on 19 June 2017.
- 2.40 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in the Neighbourhood Planning (General) Regulations 2012.

The Examination Process

- 2.41 The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.42 I have undertaken this examination by way of written representations. I have considered the representations received during the consultation on the Submission draft plan. I have presented a number of questions to the Qualifying Body and Local Planning Authority seeking further clarification and information in writing. I have undertaken an unaccompanied visit to the Plan area.
- 2.43 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening assessments for the Strategic Environmental Assessment and Habitats Regulations Assessment and other background evidence. In my assessment of the plan as a whole and each policy I have commented on how the plan and policy has had regard to national policies and advice and whether it is in general conformity with relevant strategic policies.
- 2.44 This report is the outcome of my examination of the Submission Draft Version of the East Markham Neighbourhood Plan 2016 - 2031. I am required to give reasons for each of my recommendations and provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. Once the plan is approved by Bassetlaw District Council it may proceed to a referendum. If it receives the support of

over 50% of those voting then the Plan will be made by Bassetlaw District Council.

2.45 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- that the plan should proceed to referendum on the basis that it meets all the legal requirements;
- that the plan should proceed to referendum if modified; or
- that the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

2.46 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

3.0 Neighbourhood Plan – As a whole

- 3.1 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”

- 3.2 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 3.3 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic development needs set out in the Local Plan”* and further states that *“the neighbourhood plan must address the development and use of land by setting planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”*.

- 3.4 National planning advice in NPPF paragraphs 16 and 184 is that neighbourhood plans should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies. Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

- 3.5 NPPF paragraph 55 states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. The PPG adds the following guidance on rural housing *“all settlements can play a role in delivering sustainable development in rural areas – and so 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”*.

- 3.6 The Basic Conditions require that the Examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies. I now turn to considering whether

the policies in the plan taken together have had regard to national and local strategic planning policies.

- 3.7 East Markham has a population of 1160 in 2011 with 490 households. The Neighbourhood Plan area is located 7 miles south east of Retford and 1 mile north west of Tuxford. Much of the parish is rural and a conservation area covers most of the village. Its location close to the A1 makes it attractive to commuters and there has been pressure from developers for new housing development.
- 3.8 The East Markham Neighbourhood Plan as a whole is clear and well presented. The Plan has sought to address the issues raised by the community through the consultations particularly on the design on new housing development, pedestrian safety, reducing flood risk, improving parking, supporting community vitality and protecting the landscape character. The Plan does not contain any allocations for housing or other forms of development.
- 3.9 Bassetlaw District Council has provided me with their comments on the Plan. A number of these are minor typographical and factual corrections which I have set out in a recommendation in paragraph 4.76.
- 3.10 The District Council has pointed out that there are several places where the Plan has commented on recent planning decisions. I agree with the District Council's comments that these remarks are generally negative and inappropriate and should be deleted from the Plan. I have noted these in the recommendations under the relevant policies.
- 3.11 The District Council has also highlighted paragraphs that are considered to have a negative tone. Where these are expressing the views of the community about issues that are being faced such as general concerns about the impact of recent development or parking problems, then I consider it would be appropriate to retain them in the introductory sections of the plan describing the issues. There may be scope for reviewing the phrasing of the paragraphs highlighted by the District Council to ensure that there are worded positively wherever possible.
- 3.12 The Plan refers to a number of maps in Appendix E. These are in a separate document from the Plan itself. Some maps show factual information whilst others identify sites or locations referred to in policies. Several of the maps are barely legible and the size of the key and colouring of features should be reviewed. Some maps lack a title. I have particular concerns about Map 17 showing the view corridors which is at an oblique angle and is very difficult to read. It is recommended that the maps should be integrated within the text and the maps showing factual information should be distinct from the Policies Map which should show the sites referred to under relevant policies. Where relevant, policies should be referenced to the Policies Map.
- 3.13 There are a number of tables and figures in the text. To improve the clarity of the Plan these should have titles and the source and date of the data.

- 3.14 The policies in the Plan are not titled as such. They have a number and name. It would be helpful to plan users to include the word “Policy” at the beginning of the title of each policy.

Recommendation 1: Review the maps to ensure that they are legible, have a clear key and title, and the boundaries of sites can be identified. Distinguish between factual maps and the Policies Map. Integrate the factual maps within the text.

Include the title, source and date of the data in all tables and figures.

Include “Policy” before the number of each policy in its title.

- 3.15 Certain policies state that planning permission will be granted for a particular type of development. The Neighbourhood Plan policies cannot indicate whether planning permission should be granted for a particular form of development. NPPF paragraph 2 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan consists of the Local Plan as well as the Neighbourhood Plan and there may be other matters that have to be considered before granting planning permission. Modifications are proposed to these policies to avoid this form of wording to take account of national policy.

Introductory Sections to the Neighbourhood Plan

- 3.16 The Introduction to the Neighbourhood Plan sets out the background to preparing the Plan and what the plan seeks to deliver.
- Section 4 includes the context of the Plan within the national planning and strategic development plan framework;
 - Section 5 summarises the consultation that has been undertaken during the Plan’s preparation;
 - Section 6 explains the role of the Projects and Actions set out in Appendix A and confirms that they are not part of the Neighbourhood Plan;
 - Section 7 provides essential factual information to understand the context for the Plan area; and
 - Section 8 explains the challenges and opportunities facing the community today through a SWOT analysis.
- 3.17 Section 4 paragraphs 11 and 12 describe the development plan and the role that the Neighbourhood Plan will have once it is made. A recommendation is proposed to improve the clarity of the wording of these paragraphs.
- 3.18 Paragraphs 14 – 16 explain how the plan has taken into account the County Council’s policies. This section could be made clearer by placing the wording from paragraph 16 at the beginning of paragraph 14 and deleting the first sentence of this paragraph.

Recommendation 2: Revise section 4 as follows:

“11. Bassetlaw District Council *is responsible for preparing the strategic and development management planning policies for the District which are contained in the Local Development Framework / Local Plan.*”

“12. The Localism Act 2011 gave new powers to Parish Councils to produce a Neighbourhood Plan, if they wish. This Neighbourhood Plan, when ‘made’, will form part of the development plan *alongside the Bassetlaw Local Development Framework / Local Plan. National planning guidance states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.*”

16. “It is expected that development in East Markham will also need to meet County policy requirements where applicable. For example, Nottinghamshire County Council’s Policy WCS2…….”

- 3.19 Section 7 paragraph 30 refers to a community orchard being noted as “a possible asset of community value”. There is a separate process for registering assets of community value which is not part of the neighbourhood plan making process. To avoid confusion and to improve the clarity of this paragraph it is recommended that this sentence is deleted.
- 3.20 Paragraph 36 sets out the key principles of the Village Design Statement that have been taken forward in to the Neighbourhood Plan. However, paragraph 37 expresses concerns about how the Village Design Statement has been used in deciding planning applications. It is considered that this paragraph is negative and does not help to explain how the Village Design Statement has been used to develop the policy. It is recommended that it is deleted.
- 3.21 Paragraph 41 refers to the increasing number of people over 65 and links this to a requirement for smaller dwellings. A revision is recommended to improve the clarity of this paragraph to refer to the plan taking account of the needs of the ageing population rather than requiring smaller dwellings specifically.
- 3.22 Paragraphs 71 – 74 include extracts from the Landscape Character Assessment for the three zones covering the parish. The text is barely legible and overly detailed for inclusion in the introduction to the Plan. It would be more appropriate to include it in an Appendix. The inclusion of a concise summary is recommended.
- 3.23 The District Council has noted that Local Wildlife Sites are subject to change and has suggested that this phrase should be included in paragraph 81. To improve the clarity of this section I also recommend that reference be made to the appropriate map of the sites and the sites in the table are those designated sites at June 2017, that the table be titled consistently with others in the Plan.

Recommendation 3: Revise Section 7 as follows:

Delete the final sentence of paragraph 30.

Delete paragraph 37.

Revise paragraph 41 to read: “.... the Plan period and *the Plan should take account of the needs of the ageing population.*”

Revise paragraphs 71 – 74 to read: “*Bassetlaw District Council’s Landscape Character Assessment 2009 divides the district into Policy Zones. Almost all of the Plan area (except a small area on the north west boundary) is within Mid Notts Policy Zone 08. Map 11 shows the extent of the Policy Zone which is described as ‘predominantly flat, low lying... follows a series of water courses’ East Markham is in part of the Policy Zone that is afforded wide views as it sits on higher ground. The Landscape Assessment also notes the historic features that give the area a strong sense of place and assesses the area as having a very high landscape value as the landscape is in very good condition.*”

Add the following at the end of the third sentence of paragraph 81: “....and are subject to review from time to time. In June 2017, the following sites in East Markham were designated as Local Wildlife Sites. The sites are shown on Map 16.”

- 3.24 The final section of the SWOT analysis in Section 8 refers to the options for improving the school. The District Council has commented that the text should be updated to reflect the current understanding that the school can be adapted and extended on its existing site and this should be the first priority. The Qualifying Body has informed me that these comments relate to the wording of the consultation draft Plan and have been addressed in the Submission Draft Plan.

The Neighbourhood Plan’s Vision and Objectives for East Markham

- 3.25 The vision of the plan is set out in section 9 with the aim “*to preserve and enhance the built, natural and historic environment of the Parish by protecting the distinctive character of East Markham ensuring that quality of life continues to improve for residents of all ages and backgrounds, whilst allowing for sustainable economic and social development.*”
- 3.26 Seven objectives have been developed from the vision, however no assessment has been undertaken to show how they have been delivered through the policies of the Neighbourhood Plan.
- 3.27 It is considered that the vision and objectives are clear and distinct and are addressed through policies in the Plan.
- 3.28 Section 11 describes how the Plan delivers sustainable development, including quotes from the NPPF. Paragraph 90 sets out four points to explain

how the Plan will deliver sustainable development. These build on some of the objectives but differ from the assessment in section 4 of the Basic Conditions Statement.

- 3.29 Revisions are recommended to section 11 to simplify the section and to ensure that it is consistent with Basic Conditions Statement,

Recommendation 4: Revise Section 11 as follows:

Retain first sentence of paragraph 87 and paragraph 89. Revise paragraph 90 to read:

“Section 4 of the Basic Conditions Statement has assessed how the Neighbourhood Plan will contribute towards the delivery of sustainable development.

“The East Markham Neighbourhood Plan recognises that this is a balancing act and the objectives of the Plan comprise a balance of social, economic and environmental goals.

- ***“The social goals are to maintain a thriving community, recognising that the community and its needs change over time. This Plan seeks to achieve this by encouraging the enhancement of community facilities and the extension and reconnection of footpaths and cycle routes to create additional opportunities for local residents to exercise and socialise within the parish.***
- ***“The environmental goals are to protect the natural and built environment. Neighbourhood Plan policies ensure that proposals protect and where possible enhance existing landscape character. There is also a significant emphasis on protecting and enhancing the historic built environment which reflects the dominance of heritage assets in the Plan area.***
- ***“The economic goals are to sustain existing businesses. East Markham’s location near the A1 means that the many residents work outside the parish. It is considered that Local Plan policies provide an adequate framework for business growth in the parish.”***

4.0 Neighbourhood Plan – The Policies

Policy NP1: Pre-application Community Consultation

- 4.1 This policy seeks to encourage developers to consult with the Parish Council and community at the pre-application stage and proposes that the planning application should include a short document to explain how the proposals have addressed the concerns raised by the community or Parish Council.
- 4.2 NPPF paragraph 188 supports the use of pre-application discussions to improve outcomes of development applications for the community. However the PPG is clear that neighbourhood plans should set out planning policies that address the development and use of land to be used in the determination of planning applications.
- 4.3 Policy NP1 concerns procedural matters about pre-application discussions and is not a planning policy concerning the development or use of land. It is considered that it is not acceptable to include it as a policy in the Neighbourhood Plan as it does not have regard to the advice in the PPG and should therefore be deleted.

Recommendation 5: Delete Policy NP1 and paragraphs 91 - 93.

Policy NP2: Development Design Principles

- 4.4 Policy NP2 sets out design principles to promote high quality design appropriate for this historic rural village with good pedestrian linkages. The principles have been developed from the Village Design Statement and Bassetlaw District Council's Supplementary Planning Document (SPD) "*Successful Places a Guide to Sustainable Housing Layout and Design*" 2013.
- 4.5 The policy is entitled Development Design Principles and as written relates to all forms of development. However the introduction to the justification to the policy is entitled "The Importance of Good Design in New Residential Development". Whilst most new development in the plan area is likely to be residential there is no reason why the policy should not apply to other forms of development. To clarify the application of the policy, it is recommended that the title of the section should be revised to "new development" instead of "residential development".
- 4.6 Part 5 of the policy requires major developments to include a report to demonstrate that the scheme accords with national design standards such as Building for Life 12 or equivalent.
- 4.7 The District Council has commented that they consider that the requirement in part 5 of the policy is overly onerous and should be deleted. They comment that there is no national design standards and Building for Life is considered

to be a tool to be used in discussions between developers and local authorities.

- 4.8 NPPF paragraph 58 states that local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Six criteria are set out to promote good design in new development.
- 4.9 Core Strategy Policy DM4 on Design and Character states that “*Proposals for major residential or mixed-use development will be expected to demonstrate that they score well (allowing for site constraints where applicable) against the design principles established in the Building for Life guidance and any subsequent or complementary best practice guidance on design and placemaking by the Commission for Architecture and the Built Environment (CABE) or comparable organisation.*”
- 4.10 Building for Life 12 is the industry standard for the design of new housing developments. There is no legislative requirement for new developments to be assessed against the criteria and its use cannot therefore be made a requirement.
- 4.11 It is designed to be used at all stages of the development process, guiding design related discussions with the local community, local authority and other stakeholders. Through this process, all parties should understand what needs to be done in local circumstances to achieve as many green lights as possible, minimise ambers and avoid reds. Any ambers and reds should be identified early so that a suitable design solution can be found where possible.
- 4.12 Design Council advice on the use of BfL12 is that “*Applicants should show evidence of how their development performs against each question, justifying either a green or amber outcome. Any ambers should be those where sub-optimal solutions are unavoidable because of the particular circumstances of the scheme beyond the control of the applicant (and where there is evidence to support this)*”.
- 4.13 Core Strategy Policy DM4 promotes the use of BfL12 in order to improve the standard of new housing design. However as it is not a legislative requirement, the submission of an assessment report on all schemes would be unduly onerous. It is recommended that the part 5 of Policy NP2 is revised to refer to assessments being “expected”.
- 4.14 The District Council has suggested a revision to paragraph 98 by the inclusion of the following ‘*It is important that new development addresses all of the principles contained in the SPD. However...*’. I agree that this additional wording would be helpful.
- 4.15 The District Council has suggested that paragraph 102 should be clarified to explain why the development at Stocks Lane is considered to be a good example of new development. The Qualifying Body has responded to say that

this development is a good example of a development providing “a safe pedestrian link with other parts of the village, having adequate off road parking for the size of the property, and having an estate road of adequate width for access of emergency, service and delivery.” It is suggested that these matters should be made explicit in paragraph 102.

- 4.16 Paragraphs 103 – 104 and Appendix G set out comments on recent planning applications in the parish. As stated in paragraph 3.10 above it is not considered to be appropriate to include such statements in the Plan as they are unduly negative. These matters have been identified as issues facing the parish in the SWOT analysis.
- 4.17 The justification to the policy should explain how the policy has been developed and how it is to be applied by decision makers.
- 4.18 Paragraph 105 is not clear. The Qualifying Body has responded to my question to say the three development sites would benefit from having safe pedestrian links with each other and other parts of the village, having adequate parking for residents and visitors, and having an estate road of adequate width for access of emergency, service and delivery.
- 4.19 Paragraphs 106 – 108 refer to the Buildings for Life and should be positioned after paragraph 101. The Qualifying Body has suggested a minor modification to paragraph 106: “*BfL is based on a simple traffic light system (red, amber, green) and proposed ...*”. I agree that this would improve the meaning of the paragraph.
- 4.20 Subject to the recommended modifications, it is considered that the policy satisfies the Basic Conditions.

Recommendation 6: Revise Policy NP2 as follows

Revise part 5 to read: “Major development proposals will be expected to include an assessment report to demonstrate that the scheme scores well against the Building for Life 12 questions or subsequent national best practice guidance on design and placemaking.”

Revise the heading of section 13 to “The Importance of Good Design in New Development”

Revise paragraph 97 as follows: “with the design principles contained in the SPD.”

Add the following at the beginning of paragraph 98: “It is important that new development addresses all of the principles contained in the SPD. However...”

Revise paragraph 102 to specify those design aspects of this development that are to be highlighted.

Delete paragraph 103 – 104.

Revise paragraph 105 to make clear that the layout of the three sites would benefit from having safe pedestrian links with each other and other parts of the village, having adequate parking for residents and visitors, and having an estate road of adequate width for access of emergency, service and delivery.

Reposition paragraphs 106 – 108 to under paragraph 101. Revise paragraph 106 to read “*BfL is based on a simple traffic light system (red, amber, green) and proposed*”.

Policy NP3: A Mix of Housing Types

- 4.21 Policy NP3 requires new housing developments to deliver a mix of housing to reflect the demonstrated need for smaller dwellings; to demonstrate how the scheme has taken into account the local need; and that 1 to 3 bedroomed dwellings will be expected to meet category 2 of the Housing Technical Standards.
- 4.22 Part 1 of Policy NP3 refers to “*Planning applications for housing schemes are required to deliver...*”. To improve the clarity of the policy and to introduce a degree of flexibility is recommended that this be revised to “*New housing developments should deliver...*”
- 4.23 The District Council has commented that “*part 3 of Policy NP3 will need to be rewritten to make clear that that Category 2 refers to Part M4(2) of the Building Regulations. National Planning Policy Guidance requires that policies using these optional standards should make clear what proportion of dwellings will be required to meet the higher accessibility standard. Therefore, additional supporting text will be needed to explain why the policy only refers to 1-3 bedroom dwellings being required to meet the standards.*”
- 4.24 The District Council has commented that paragraphs 118 to 121 should be rewritten to make clear that Lifetime Homes and the 2015 Optional Technical Standards are separate sets of standards. Additionally it needs to be made clear that Category 2 refers to Part M4(2) of the Building Regulations, and not the 2015 Optional Technical Standards. The Council also commented that the need for dwellings that meet higher accessibility standards is not related to house prices as stated in paragraph 121. Therefore this paragraph should only refer to the needs of the village’s ageing population as the reason for pursuing higher accessibility standards. I agree with these comments and have proposed a modification to this paragraph to improve the clarity of the text to accord with national guidance.
- 4.25 Government Guidance on the Optional Technical Standards states that: “*The National Planning Policy Framework (NPPF) is clear that local planning authorities should plan to create safe, accessible environments and promote inclusion and community cohesion. This includes buildings and their surrounding spaces. Local planning authorities should take account of*

evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need.” They should clearly state in their policy what proportion of new dwellings should comply with the requirements to provide enhanced accessibility or adaptability and they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations.

- 4.26 I have asked the Qualifying Body for their evidence to support their expectation that proposals for 1 – 3 bedroomed houses should be delivered as accessible and adaptable homes under Requirement M4(2) of the optional requirements in the Building Regulations. The Qualifying Body has responded to say that there is no locally specific evidence such as a Housing Needs Survey to support part three of Policy NP3. In view of the lack of supporting robust evidence to justify the policy, I have to recommend that part 3 should be deleted. A modification is recommended to paragraph 121 to highlight the community’s support for the development of smaller homes as adaptable and accessible housing.
- 4.27 The District Council has commented that the term “starter homes” in paragraph 115 has a particular meaning under the 2016 Housing and Planning Act and it is unclear whether it is this type of starter home that is being referred to. They suggest replacing the reference to starter homes with a generic reference to homes for young people or first time buyers. I agree that this suggestion would improve the clarity of this paragraph of the justification.
- 4.28 The Qualifying Body has confirmed that paragraph 117 is a quote from “*Laying the Foundations: A Housing Strategy for England 2011*”. The statement highlights the national projections on population and households for older people; it is not government policy as such. It is recommended that this paragraph should be deleted and local evidence of population and household projections should be relied upon to underpin the housing policy.
- 4.29 Subject to the recommended modifications, it is considered that the policy satisfies the Basic Conditions.

Recommendation 7: Revise Policy NP3 as follows:

Revise part 1: “*New housing developments should deliver...*”

Delete part 3 and paragraphs 118 and 119.

Revise paragraph 115 to read: “.... That would be suitable either as *homes for young people or first time buyers or for older people wanting to downsize.....*”

Delete paragraph 117.

Revise paragraph 121 to read: “*The village’s population is ageing and the community strongly supports the provision of smaller homes built to the accessible and adaptable dwellings standard under Building Regulation Requirement M4(2).*”

Policy NP4: Development within the East Markham Conservation Area

- 4.30 Policy NP4 sets out design criteria for development within the East Markham Conservation Area.
- 4.31 Part 1 of the policy states that “applications for development will only be supported...”. As explained in paragraph 3.15 above, it is not considered to be appropriate to specify in a policy whether planning applications will or will not be supported should they satisfy certain criteria as there may be other matters outside of the policy that may have to be taken into account in considering the proposal. To improve the clarity of the wording of the policy and to ensure that it is used consistently in decision making it is recommended that Part 1 of Policy NP4 be revised to read: “*Development within the Conservation Area should be of a high design quality and should meet the following criteria:*”
- 4.32 The District Council has commented that recommending the use of particular materials, does not clearly recognise where materials other than these might be appropriate. They suggest deleting ‘*red brick and clay pantiles as detailed in the Conservation Area Appraisal*’ and replacing with ‘*character of surrounding development*’.
- 4.33 From the photographs in the Conservation Area Appraisal and my site visit it was clear that the traditional building materials in the conservation area are red brick and red clay pantiles. A few properties have been painted white. I consider therefore that the wording of part 1c) is clear and appropriate and reflects the desire of the community to ensure that new development in the conservation area uses suitable materials that reflect the character of the area.
- 4.34 Subject to the recommended modifications, it is considered that the policy satisfies the Basic Conditions.

Recommendation 8: Revise Policy NP4 as follows:

Revise Part 1 to read: “*Development within the Conservation Area should be of a high design quality and should meet the following criteria:*”

Policy NP5: Protecting the Landscape Character across the Plan area

- 4.35 Policy NP5 seeks to protect the landscape character of the area by seeking to ensure that development does not create a visual intrusion into the landscape setting and particularly the view corridors; that it does not demonstrably diminish the setting of the built environment and its relationship with the landscape.
- 4.36 Parts 3 and 4 of the policy seek to ensure that development conforms to the principles of the Conservation Area Appraisal, Policy NP2 and the Landscape Character Assessment
- 4.37 The District Council has commented that it is not necessary for part 1c) of the policy to cross-refer to Policy NP2 as any development would need to comply with all of the Plan's policies. Also that as worded, part 1d) of the policy has the potential to become outdated and ineffective quickly, should the Landscape Character Assessment be updated. They suggest adapting the wording of this policy, to replace both parts c) and d) with *"It conforms to the principles of the Conservation Area Appraisal and the Landscape Character Assessment."* I agree that this revision would improve the clarity of the policy.
- 4.38 The viewpoints are described in the justification to the policy with reference to Map 17 which is taken from the Village Design Statement. However Map 17 is illegible and it is not possible to identify the viewpoints from it or the view corridors that are covered by the policy.
- 4.39 On my site visit I walked around the village and found that many of the undeveloped sections of the roads and lanes were bordered by high hedges which hid any views of the surrounding countryside. The developed sections of the roads referred to in the text provided only limited views outwards between the houses or from the entrance to public footpaths across the fields. There were attractive views of the church which is a key landmark. There is an attractive view from near the church across the valley, however, this is not referred to in the justification.
- 4.40 The map of viewpoints is unclear and does not include details of the view corridors or arcs. Furthermore many of the viewpoints as described are considered to be very limited. In order for the policy to be used consistently by decision makers it is recommended that the reference to "view corridors highlighted on Map 17" should be deleted from the policy.
- 4.41 Core Strategy Policy DM8 on Heritage Assets states that development proposals within the setting of heritage assets will be expected to consider views away from and towards the heritage asset.
- 4.42 Core Strategy Policy DM9 point C expects new development proposals in and adjoining the countryside to be designed so as to be sensitive to their landscape setting and to enhance the distinctive qualities of the landscape character policy zone as identified in the Bassetlaw Landscape Character

Assessment. Proposals will be expected to respond to the local recommendations made in the Assessment by conserving, restoring, reinforcing or creating landscape forms and features accordingly.

- 4.43 Subject to the recommended modifications, it is considered that the policy satisfies the Basic Conditions.

Recommendation 9: Revise Policy NP5 as follows:

Delete “particularly the view corridors highlighted in Map 17” from part a). Delete paragraph 133 and Map 17.

Amalgamate criteria c) and d) and revise to read: “*It conforms to the principles of the Conservation Area Appraisal and the Landscape Character Assessment.*”

Policy NP6: Conservation and Enhancement of Non-Vehicular Routes

- 4.44 Policy NP6 supports proposals for the creation or enhancement of new non-vehicular routes, particularly those that create connecting routes. Four routes are identified in the justification that have gaps or require the provision of alternative linkages. The policy is linked to a project in Appendix A to enhance the footpath network in the area.
- 4.45 The District Council has commented on the use of the term ‘non-vehicular’ as this could be construed as including cycle paths. They suggest that a definition of “non-vehicular route” should be included. They have also suggested that the word “study” in criterion 1 is unnecessary. I agree with this suggestion that the term “most recent” is unnecessary.
- 4.46 I have asked the Qualifying Body how this wish to refer to these routes. They have stated that they prefer to retain this term in the plan as it covers the public rights of way (which include bridleways), a permissive path and the tracks that are not public rights of way.
- 4.47 Policy NP6 refers to development being permitted subject to them not detracting from landscape character or ecological value. As set out in paragraph 3.15 above, it is not appropriate for policies to state that development will be permitted as there may be other policies or material considerations to be taken in account in accordance with NPPF paragraph 11.
- 4.48 The justification identifies four gaps in the rights of way network which have been prioritised for improvement and these are shown on Map 19. However the policy is worded in general terms only and would be clearer if it referred to these priorities.

- 4.49 Modifications are recommended to both parts of the policy to improve its clarity to ensure that it satisfies national guidance. Subject to the modifications, it is considered that the policy satisfies the Basic Conditions.

Recommendation 10: Revise Policy NP6 as follows:

Revise part 1 to “Development which is solely related to improving, extending or creating new non vehicular routes *should not* detract from the landscape character or areas of identified ecological value as defined in the Landscape Character Assessment.”

Revise part 2 to read “*The creation of links and bridges to connect routes identified on Map 18 will be encouraged.*”

Policy NP7: Enhancing the provision of community facilities

- 4.50 The Policy supports the improvement of community facilities subject to the scheme meeting three criteria; support is also given to the provision of additional educational facilities with adequate parking for staff and parents.
- 4.51 The District Council has commented that applicants should not be required to demonstrate that there is a local need for a community facility inside the development boundary. Point d) refers to the development being in accordance with Policy NP2; however this is entitled “Design Principles for Residential Development” and is not applicable to community facilities. All developments will be determined in accordance with the policies in the development plan and there is no need to specifically refer to this. It is unclear what is meant by the term “adequate parking for staff and parents”.
- 4.52 In view of my recommendation to delete Policy NP1, reference to the policy in point c) should be deleted.
- 4.53 I agree with the comments made by the District Council that there is no need to demonstrate a local need for improvements to community facilities or to specify compliance with the policies in the neighbourhood plan as NPPF paragraph 11 sets this out as a requirement. However it would be helpful to developers and decision makers to specify that proposals should be well designed to reflect the local design principles. I have made a recommendation that Policy NP2 should be modified to clarify that it should be applicable to all forms of development. Whilst I have recommended deletion of Policy NP1, it is good practice to undertake pre-application consultations with the community on new or improved community facilities.
- 4.54 I have asked the Qualifying Body whether it is likely that the provision of adequate parking for staff and parents is deliverable in view of the limited availability of land in the proximity to the school. They have commented this would require the use of adjacent land. No evidence has been provided to

show how many parking spaces are required or how they could be delivered should additional educational facilities be required. It is suggested that this aspiration to improve parking facilities at the school should be included in Project 1 in Appendix A.

- 4.55 Subject to the recommended modifications, it is considered that the policy satisfies the Basic Conditions.

Recommendation 11: Revise Policy NP7 Point 1 to read:

“Proposals to improve community facilities will be supported where they are of a high quality design that reflects the plan’s design principles and pre-application consultation with the community has been undertaken.”

Policy NP8: Reducing the Risk of Flooding

- 4.56 Policy NP8 sets out five matters that all development proposals other than residential extensions will be required to demonstrate to help reduce the risk of flooding in the village.
- 4.57 Policy DM12 sets out the strategic policy for flood risk, sewerage and drainage. Section B of the Policy sets out requirements for sewerage and drainage applicable in a number of settlements including East Markham. The District Council has commented that Policy NP8 does not add anything to Policy DM12 and should be deleted.
- 4.58 Whilst the principles contained in the two policies are similar, the wording is not the same and Policy NP8 sets out more detailed requirements. The justification notes that Severn Trent Water has endorsed the approach taken in Policy NP8.
- 4.59 The District Council has commented that the consultation responses set out in paragraphs 163 – 164 are not appropriate. I disagree with this comment and consider that it is helpful to appreciate the views of the Water Authority on the policy.
- 4.60 The District Council has also commented that it is unnecessary to refer to district policy in paragraph 166. In this instance, I consider it is helpful to understand that Policy NP8 sets out the requirements in the East Markham context. It would be helpful to include the Policy number referred to in the justification.
- 4.61 Subject to the recommended modifications, it is considered that the policy satisfies the Basic Conditions.

Recommendation 12: Revise paragraph 166 as follows:

“Core Strategy Policy DM12 requires

Policy NP9: Car Parking on Residential Development

- 4.62 The first part of Policy NP9 requires developments in parts of the village where the streets are narrow and vehicular congestion and parking safety concerns have been evidenced to produce a site specific parking demand calculation to demonstrate that adequate off street parking has been provided. The second part of the policy sets out parking standards to be applied in the conservation area or where there is limited on street parking for allocated parking spaces. The third part of the policy sets out lower parking standards for allocated parking where visitor parking can be safely accommodated on the street.
- 4.63 On my site visit it is evident that some of the streets in the village have limited width and lack one or both footpaths. However most of the houses in the village have garages and parking spaces or drives. Some of the older homes have no or limited off street parking resulting in vehicles parking on the roads. Policy NP9 will have no effect on the problem of on street parking arising from these houses.
- 4.64 Map 9 shows roads with no or one footpath and Map 10 shows roads where on street parking creates road safety issues. However Policy NP9 is not related to either map and it is unclear which parts of the village are to be addressed by the policy. It would therefore be difficult for decision makers to apply the policy consistently.
- 4.65 Bassetlaw District Council's Residential Parking SPD dated 2012 applies minimum parking standards and requires dwellings with 2 or more bedrooms in the rural area to have a minimum of 2 allocated parking spaces with 0.3 unallocated spaces for visitor parking.
- 4.66 NPPF paragraph 39 sets out the factors to be taken into account when setting local parking standards. Neighbourhood Plan paragraph 176 is quoted from the Written Statement to Parliament Planning update March 2015 which supported the rescinding of maximum parking standards.
- 4.67 The Neighbourhood Plan has demonstrated that car ownership levels in the parish are higher than the national average due to its rural location, poor accessibility to shops and services, poor public transport and the predominance of larger detached houses. Appendix F includes evidence from car parking surveys of the village. I am satisfied that there is justification to set a higher minimum parking standard for new houses in the village. I cannot see any reason why this standard should not be applied throughout the plan area. This would then avoid the need for developers to undertake a site specific demand calculation to justify the parking provision.
- 4.68 I have suggested to the Qualifying Body and LPA that rather than apply the standards to development on narrow streets, the standards should be differentiated between those developments that will have direct access onto

the existing village roads and those that will provide an estate road where some on street parking can be incorporated into the design of the estate. In this way each development should make provision for its their own parking requirements and not rely on parking on the existing streets.

- 4.69 The District Council has commented that they welcome the inclusion of specific parking standards although they would prefer the policy to focus on parts 2 and 3 only. They comment that part 1 needs clarifying to define the areas covered by narrow streets and what standards the site specific parking demand calculation should be based on. They have noted that increasing the parking requirements in the conservation area may make it harder for address the requirement and may increase the likelihood of new development being refused.
- 4.70 The District Council has commented that paragraph 175 which includes comments on a planning application and refers to a letter from a Steering Group member set out in Appendix G is not appropriate. I agree with this comment and recommend that the paragraph and Appendix G should be deleted. I also consider that the reference in paragraph 177 to compelling evidence that recent developments have not provided adequate parking is linked to these criticisms of recent planning applications and should be deleted.
- 4.71 The final line of paragraph 179 refers to consultation comments by the District Council on this policy which are unnecessary.
- 4.72 I have asked the Local Planning Authority and Qualifying Body to comment on the wording of the revised policy. The Qualifying Body has commented that the policy should define the level of visitor parking and the adequacy of the width of the estate roads. No proposals have been included in the draft Neighbourhood Plan about visitor parking requirements and the standard set out in the Council's Parking Standards should therefore be applied. The County Council's Highway Design Standards apply to the design of estate roads and I make no comments on them.
- 4.73 Subject to the recommended modifications, it is considered that the policy satisfies the Basic Conditions.

Recommendation 13: Revise Policy NP9 as follows

Delete part 1.

Revise parts 2 and 3 to read:

Throughout the plan area, new housing development shall meet following parking standard:

- 1. Where the dwelling has direct access to an existing road:**
 - 2 and 3 bedroomed dwellings are required to have a minimum of 3 off road allocated parking spaces**

- 4 or more bedroomed dwellings are required to have a minimum of 4 off road allocated parking spaces
2. Where the dwelling has direct access to a new estate road which is designed to accommodate visitor parking to meet the needs of the development:
- 2 and 3 bedroomed dwellings are required to have a minimum of 2 off road allocated parking spaces
 - 4 or more bedroomed dwellings are required to have a minimum of 3 off road allocated parking spaces

Revise paragraph 176 to read “In the March 2015 Written Ministerial Statement ...

Delete paragraphs 175 and 177 and Appendix G. Delete the final sentence of paragraph 179.

Implementation

- 4.74 The following revisions are recommended as a consequence of earlier recommendations.

Recommendation 14:

Revise paragraph 183 by deleting “for example as part of the pre-application process as outlined in NP1.”

Revise paragraph 185 to read: The Neighbourhood Plan will become part of the *local development plan*.”

- 4.75 Appendix A includes a list of six community projects. Paragraph 21 of section 6 explains that these projects are important to the community and that they do not form part of the Neighbourhood Plan. It would be helpful to plan users to include a statement to this effect at the start of Appendix A.

Typographical Errors and Minor Corrections

- 4.76 The following revisions should be made to correct typographical errors and other minor matters.

Foreword paragraph 3: Neighbourhood

Paragraph 3.6: policies

Replace “App” with Appendix in paragraph 25, 58, 61, 68, 69, 126, 170.

Remove brackets from final sentence of paragraph 33.

Remove brackets from final sentence of paragraph 84.

Renumber SWOT analysis table on Page 20.

Paragraph 95: “principles”

Paragraph 99: include year and source of house prices

Paragraph 95 at bottom of page 24 and subsequent paragraphs: correct paragraph numbering.

Delete Section 3 paragraph 7

Revise paragraph 100 to read “21% of the Parish’s residents were over 65 in 2001, compared to 16% of England’s population as a whole.”

5.0 Referendum

- 5.1 The East Markham Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 5.3 **I am pleased to recommend to Bassetlaw District Council that the East Markham Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Bassetlaw District Council on 24 December 2013.

6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- East Markham Neighbourhood Plan Submission Draft Version 2016 -2031 April 2016
- East Markham Neighbourhood Plan Basic Conditions Statement
- East Markham Neighbourhood Plan Consultation Statement
- East Markham Neighbourhood Plan SEA and HRA Screening Reports
- East Markham Conservation Area Appraisal Supplementary Planning Document December 2014
- East Markham Village Design Statement 1999
- Bassetlaw Landscape Character Area Assessment 2009
- Bassetlaw District Council's Supplementary Planning Document (SPD) "Successful Places a Guide to Sustainable Housing Layout and Design". 2013
- Bassetlaw District Council Residential Parking Standards Supplementary Planning Document 2012
- Bassetlaw District Local Plan Core Strategy and Development Management Policies July 2013
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Written statement to Parliament Planning update March 2015

7.0 Summary of Recommendations

Recommendation 1: Review the maps to ensure that they are legible, have a clear key and title, and the boundaries of sites can be identified. Distinguish between factual maps and the Policies Map. Integrate the factual maps within the text.

Include the title, source and date of the data in all tables and figures.

Include “Policy” before the number of each policy in its title.

Recommendation 2: Revise section 4 as follows:

“11. Bassetlaw District Council is responsible for preparing the strategic and development management planning policies for the District which are contained in the Local Development Framework / Local Plan.”

“12. The Localism Act 2011 gave new powers to Parish Councils to produce a Neighbourhood Plan, if they wish. This Neighbourhood Plan, when ‘made’, will form part of the development plan alongside the Bassetlaw Local Development Framework / Local Plan. National planning guidance states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.”

16. “It is expected that development in East Markham will also need to meet County policy requirements where applicable. For example, Nottinghamshire County Council’s Policy WCS2.....”

Recommendation 3: Revise Section 7 as follows:

Delete the final sentence of paragraph 30.

Delete paragraph 37.

Revise paragraph 41 to read: “.... the Plan period and the Plan should take account of the needs of the ageing population.”

Revise paragraphs 71 – 74 to read: “Bassetlaw District Council’s Landscape Character Assessment 2009 divides the district into Policy Zones. Almost all of the Plan area (except a small area on the north west boundary) is within Mid Notts Policy Zone 08. Map 11 shows the extent of the Policy Zone which is described as ‘predominantly flat, low lying... follows a series of water courses’ East Markham is in part of the Policy Zone that is afforded wide views as it sits on higher ground. The Landscape Assessment also notes the historic features that give the area a strong sense of place and assesses the area as having a very high landscape value as the landscape is in very good condition.”

Add the following at the end of the third sentence of paragraph 81:
“....and are subject to review from time to time. In June 2017, the following sites in East Markham were designated as Local Wildlife Sites. The sites are shown on Map 16.”

Recommendation 4: Revise Section 11 as follows:

Retain first sentence of paragraph 87 and paragraph 89. Revise paragraph 90 to read:

“Section 4 of the Basic Conditions Statement has assessed how the Neighbourhood Plan will contribute towards the delivery of sustainable development.

“The East Markham Neighbourhood Plan recognises that this is a balancing act and the objectives of the Plan comprise a balance of social, economic and environmental goals.

- *“The social goals are to maintain a thriving community, recognising that the community and its needs change over time. This Plan seeks to achieve this by encouraging the enhancement of community facilities and the extension and reconnection of footpaths and cycle routes to create additional opportunities for local residents to exercise and socialise within the parish.*
- *“The environmental goals are to protect the natural and built environment. Neighbourhood Plan policies ensure that proposals protect and where possible enhance existing landscape character. There is also a significant emphasis on protecting and enhancing the historic built environment which reflects the dominance of heritage assets in the Plan area.*
- *“The economic goals are to sustain existing businesses. East Markham’s location near the A1 means that the many residents work outside the parish. It is considered that Local Plan policies provide an adequate framework for business growth in the parish.”*

Recommendation 5: Delete Policy NP1 and paragraphs 91 - 93.

Recommendation 6: Revise Policy NP2 as follows

Revise part 5 to read: *“Major development proposals will be expected to include an assessment report to demonstrate that the scheme scores well against the Building for Life 12 questions or subsequent national best practice guidance on design and placemaking.”*

Revise the heading of section 13 to *“The Importance of Good Design in New Development”*

Revise paragraph 97 as follows: *“with the design principles contained in the SPD.”*

Add the following at the beginning of paragraph 98: “*It is important that new development addresses all of the principles contained in the SPD. However...*”

Revise paragraph 102 to specify those design aspects of this development that are to be highlighted.

Delete paragraph 103 – 104.

Revise paragraph 105 to make clear that the layout of the three sites would benefit from having safe pedestrian links with each other and other parts of the village, having adequate parking for residents and visitors, and having an estate road of adequate width for access of emergency, service and delivery.

Reposition paragraphs 106 – 108 to under paragraph 101. Revise paragraph 106 to read “*BfL is based on a simple traffic light system (red, amber, green) and proposed*”.

Recommendation 7: Revise Policy NP3 as follows:

Revise part 1: “*New housing developments should deliver...*”

Delete part 3 and paragraphs 118 and 119.

Revise paragraph 115 to read: “.... That would be suitable either as *homes for young people or first time buyers* or for older people wanting to downsize.....”

Delete paragraph 117.

Revise paragraph 121 to read: “*The village’s population is ageing and the community strongly supports the provision of smaller homes built to the accessible and adaptable dwellings standard under Building Regulation Requirement M4(2).*”

Recommendation 8: Revise Policy NP4 as follows:

Revise Part 1 to read: “*Development within the Conservation Area should be of a high design quality and should meet the following criteria:*”

Recommendation 9: Revise Policy NP5 as follows:

Delete “particularly the view corridors highlighted in Map 17” from part a). Delete paragraph 33 and Map 17.

Amalgamate criteria c) and d) and revise to read: “*It conforms to the principles of the Conservation Area Appraisal and the Landscape Character Assessment.*”

Recommendation 10: Revise Policy NP6 as follows:

Revise part 1 to “Development which is solely related to improving, extending or creating new non vehicular routes *should not* detract from the landscape character or areas of identified ecological value as defined in the Landscape Character Assessment.”

Revise part 2 to read “*The creation of links and bridges to connect routes identified on Map 18 will be encouraged.*”

Recommendation 11: Revise Policy NP7 Point 1 to read:

“Proposals to improve community facilities will be supported where *they are of a high quality design that reflects the plan’s design principles and pre-application consultation with the community has been undertaken.*”

Recommendation 12: Revise paragraph 166 as follows:

“*Core Strategy Policy DM12 requires*”

Recommendation 13: Revise Policy NP9 as follows

Delete part 1.

Revise parts 2 and 3 to read:

Throughout the plan area, new housing development shall meet following parking standard:

3. Where the dwelling has direct access to an existing road:
 - 2 and 3 bedroomed dwellings are required to have a minimum of 3 off road allocated parking spaces
 - 4 or more bedroomed dwellings are required to have a minimum of 4 off road allocated parking spaces
4. Where the dwelling has direct access to a new estate road which is designed to accommodate visitor parking to meet the needs of the development:
 - 2 and 3 bedroomed dwellings are required to have a minimum of 2 off road allocated parking spaces
 - 4 or more bedroomed dwellings are required to have a minimum of 3 off road allocated parking spaces

Revise paragraph 176 to read “In the March 2015 Written Ministerial Statement ...

Delete paragraphs 175 and 177 and Appendix G. Delete the final sentence of paragraph 179.

Recommendation 14:

Revise paragraph 183 by deleting “for example as part of the pre-application process as outlined in NP1.”

Revise paragraph 185 to read: The Neighbourhood Plan will become part of the *local development plan*.”

Typographical Errors and Minor Corrections

Foreword paragraph 3: Neighbourhood

Paragraph 3.6: policies

Replace “App” with Appendix in paragraph 25, 58, 61, 68, 69, 126, 170.

Remove brackets from final sentence of paragraph 33.

Remove brackets from final sentence of paragraph 84.

Re-number SWOT analysis table on Page 20.

Paragraph 95: “principles”

Paragraph 99: include year and source of house prices

Paragraph 95 at bottom of page 24 and subsequent paragraphs: correct paragraph numbering.

Delete Section 3 paragraph 7

Revise paragraph 100 to read “21% of the Parish’s residents were over 65 in 2001, compared to 16% of England’s population as a whole.”