

Elkesley Neighbourhood Development Plan

Report by Independent Examiner

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Report Summary

I have examined the Elkesley Neighbourhood Plan as submitted to Bassetlaw District Council. The examination was undertaken during August and September 2015 by considering all the documents submitted to me and listed in the report, together with all the representations.

I conclude that the Neighbourhood Plan meets all the requirements, including those set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990. However several modifications are required to ensure the Plan meets the Basic Conditions as defined in Paragraph 8(2) of the Schedule.

Subject to making modifications set out in my report, I recommend that the Neighbourhood Plan as amended be submitted to a referendum. I do not see any reason to alter the Plan area for the purpose of holding a referendum.

1 Introduction

- 1.1 I have been appointed by Bassetlaw District Council (BDC) with the consent of Elkesley Parish Council (EPC) to examine the Elkesley Neighbourhood Plan and report my findings as an Independent Examiner.
- 1.2 The Localism Act 2011 introduced the means for local communities to produce planning policies for their local areas through the preparation of neighbourhood plans. Elkesley Neighbourhood Plan has been produced by the Parish Council as the qualifying body and work has been progressed through a Steering Group
- 1.3 The Neighbourhood Plan area is coterminous with the parish boundary. The parish is bisected by the major trunk route, the A1, the main village being on the southern side of this road. The village itself, for the majority, follows a linear pattern alongside the High Street with more modern housing estates built on the west and south west of the old village. To the north of the A1 is an existing industrial estate and part of a private airfield. The remainder of the parish lies in open countryside.
- 1.4 The message running through the Neighbourhood Plan is that on the whole, new development is needed and welcomed. It will be an opportunity to create a more sustainable and self sufficient community with housing and employment to meet local needs and to ensure existing facilities remain viable.

2 Scope and Purpose of the Independent Examination

- 2.1 The independent examination of Neighbourhood Plans is intended to ensure that those plans meet four Basic Conditions together with a number of legal requirements.
- 2.2 In order to meet the Basic Conditions¹ a Neighbourhood 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 for the area

¹ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- Not breach and be otherwise compatible with EU obligations

2.3 In undertaking the examination I am also required to check whether:

- The Neighbourhood Plan policies relate to the development and use of land for the designated neighbourhood area²
- The Neighbourhood Plan meets the requirement to specify the period for which it is to have effect, not to include provision relating to 'excluded development' and not to relate to more than one neighbourhood area³
- The Neighbourhood Plan has been prepared for an area that has been properly designated⁴ and has been developed and submitted for examination by a qualifying body⁵
- Adequate arrangements for notice and publicity have been made in connection with the preparation of the Neighbourhood Plan⁶

I confirm that subject to the contents of this report, I am satisfied that each of the above requirements have been met.

2.4 As Independent Examiner, I must make one of the following recommendations:

- That the Neighbourhood Plan is submitted to referendum on the basis that it meets the Basic Conditions and other legal requirements or
- That modifications (as recommended in the report) are made to the draft Neighbourhood Plan and that the Plan as modified is submitted to referendum or
- That the Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the basic conditions and other legal requirements⁷

² Section 38A(2) Planning and Compulsory Purchase Act 2004

³ Section 38B(1) Planning and Compulsory Purchase Act 2004

⁴ Section 61G Town and Country Planning Act 1990

⁵ Section 38C Planning and Compulsory Purchase Act 2004

⁶ Section 38A(8) Planning and Compulsory Purchase Act 2004

⁷ Paragraph 10(2) Schedule 4B Town and Country Planning Act 1990

- 2.5 Modifications may only be recommended to ensure that the Neighbourhood Plan meets the Basic Conditions, that it is compatible with Convention Rights, or for the purpose of correcting errors.⁸
- 2.6 If recommending that the Neighbourhood Plan should proceed to referendum, I am required to consider whether the Referendum Area should extend beyond the Elkesley Neighbourhood Area and if so what that extended area should be.⁹
- 2.7 The general rule is that an examination is undertaken through consideration of written representations¹⁰ unless the examiner considers that a public hearing is necessary to ensure adequate examination of an issue or issues to ensure that a person has a fair chance to put a case. I judged that the consultation responses which have been submitted to the District Council, (the 'Regulation 16 responses'), could be considered on the basis of written representations. All representations have been considered although not necessarily referred to individually, in whole or in part in my report. I e-mailed a series of questions¹¹ to BDC and EPC requesting points of clarification.
- 2.8 I undertook an unaccompanied site visit around the parish on Saturday 29th August.

3 Background Documents

- 3.1 As part of the examination I have reviewed the following documents:
- Elkesley Neighbourhood Development Plan 2015-2028
 - Consultation Statement and Consultation Summary
 - Basic Conditions Statement
 - About Elkesley document
 - Scoping Report
 - SEA Screening Statement
 - National Planning Policy Framework
 - National Planning Practice Guidance
 - Town and Country Planning Act 1990 (as amended)

⁸ Paragraph 10(3) Schedule 4B Town and Country Planning Act 1990

⁹ Paragraph 10(5) Schedule 4B Town and Country Planning Act 1990

¹⁰ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

¹¹ Questions sent on 27th August and 2nd September

- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Plan (General) Regulations 2012 (as amended)
- Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD Adopted December 2011
- 7 representations
- Responses to questions sent from BDC on 28th August and 2nd September

4 Consultation

- 4.1 Effective consultation with the local community provides the foundation for a successful Neighbourhood Plan, creating a sense of public ownership and helps achieve consensus. The policies of the Neighbourhood Plan will become the basis for planning decisions and legislation requires that the production of those plans be supported by public consultation.
- 4.2 A Consultation Statement and Consultation Summary have been submitted in accordance with the Neighbourhood Planning Regulations (Regulation 15). This sets out who was consulted and how, together with the outcome of the consultation.
- 4.3 The Steering Group, overseen by the Parish Council, has carried out a variety of methods to engage the population of the village in the Plan preparation. There have been several consultation events, one with a specific focus on the proposed housing site allocation. Landowners and businesses have been consulted and specific consultation targeted at local school children. Leaflets, flyers and notices have been distributed throughout the parish, articles included in the parish magazine and information posted on the dedicated Neighbourhood Plan website. A key component of the community engagement was the preparation, distribution and analysis of a well presented questionnaire in January 2014 to give the whole community a chance to comment on the emerging issues and to provide evidence for the Plan.

- 4.4 The Draft Neighbourhood Plan (Regulation 14 consultation) was published between 24th November 2014 and 18th January 2015. Details of the persons and bodies that were consulted and a summary of the representations received, together with responses from the Steering Group are set out in Sections 3 and 4 of the Consultation Statement.
- 4.5 The Submission Plan has been the subject of a Regulation 16 publicity period between 19th May and 30th June 2015. 7 representations were received from individuals and organisations.
- 4.6 The Steering Group working on behalf of the Parish Council is to be congratulated on the extensive consultation that has taken place and the wide variety of methods that have been used to ensure that the local community (including local businesses and landowners) have had an opportunity to be involved. The consultation carried out clearly exceeds that which is required by the Regulations.

5 Basic Conditions

- 5.1 This section of the report considers whether the Neighbourhood Plan taken as a whole has regard to national policy, contributes to the achievement of sustainable development, is in general conformity with strategic local planning policy and addresses EU obligations.

5.1.1 National Policy

National planning policy is set out in the National Planning Policy Framework 2012(NPPF). At the heart of the NPPF is a presumption in favour of sustainable development¹² which when applied to neighbourhood planning means that neighbourhoods should support the strategic development needs set out in Local Plans and which plan positively to support and shape local development. Included in the 12 Core Principles in the NPPF, is a requirement to produce Neighbourhood Plans which set out a positive vision for the future of the area and which provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. National Planning Practice Guidance (NPPG) reinforces this point, stating that a policy in a Neighbourhood Plan

¹² NPPF paragraph 14

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.¹³ My report contains a number of modifications including deletion of some policies and modifications to others. Subject to these recommendations, the Neighbourhood Plan, taken as a whole, reflects the broad principles embedded in the NPPF.

5.1.2 The Development Plan

To meet the Basic Conditions, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan. This ensures that neighbourhood plans cannot undermine the overall development strategy set out in the Development Plan. BDC has advised me that the relevant Development Plan is the Bassetlaw District Core Strategy and Development Management Policies DPD Adopted in 2011.

5.1.3 The Site Allocations DPD which is referred to in the Neighbourhood Plan was withdrawn by BDC in December 2014.

5.1.4 Sustainable Development

The Neighbourhood Plan sets out land use policies to manage proposals for new housing, business and other forms of development. As mentioned in paragraph 5.1.1 above, a number of policy deletions and modifications are recommended in the report but subject to these being made, I am satisfied that the Neighbourhood Plan is capable of supporting the provision of sustainable development.

5.1.5 EU Obligations and European Convention on Human Rights

BDC issued a screening opinion on the need for a Strategic Environmental Assessment on 15th November 2014. The conclusions set out on Page 10 of the Screening Statement concluded that there are no significant negative impacts on the environment as a result of the contents of the Neighbourhood Plan, and as a result it is considered that a full a Strategic Environmental Assessment of the Plan is not required. One of my questions to BDC and EPC related to the need for a Habitat Regulation Assessment (HRA). BDC have confirmed that an HRA is not required.

¹³ NPPG paragraph041

5.1.6 No Equalities Impact Assessment (EIA) has been undertaken but I was provided with a statement from BDC that it is their opinion that an EIA is not required as the one undertaken for the Core Strategy is sufficient to cover Neighbourhood Plans in the District. The Basic Conditions Statement sets out how the Neighbourhood Plan is fully compatible with the European Convention on Human Rights. I am therefore satisfied that the Neighbourhood Plan meets the basic conditions in relation to EU and human rights obligations.

6 Overall Structure of the Plan

- 6.1 I find the overall structure of the Plan is well presented and the document is easy to follow. The opening sections provide a background to the Neighbourhood Plan area, the Plan preparation, the issues the Plan wishes to address and the community engagement that has taken place. The Community Vision is clearly set out with 4 Community Objectives covering environmental, social and economic issues. Policies are set out clearly in highlighted boxes to distinguish them from the introductory information and the policy justification. The Plan also contains a section on Implementation and Review.
- 6.2 The Neighbourhood Plan has also included a number community projects around each topic with aspirations of the parish and not related to the development and use of land. They will however play a part in the implementation of the Plan. Quite correctly, they are in a separate section of the Neighbourhood Plan and are not considered as part of this examination.
- 6.3 Appendix E sets out a summary of the Use Classes Order. As this is subject to change, a web link would direct readers to the most up to date version.

Recommendation

- **Delete text from Appendix E and leave a web link with brief explanation**

7 Plan Title and Introductory Chapters

7.1 The Neighbourhood title 'Elkesley Neighbourhood Development 2015 -2028 has no date on which it was published. Neither does it include its status ie the 'Submission Plan'.

7.2 Whilst the introductory chapters provide a useful background to the Neighbourhood Plan as mentioned above, I have a number of comments on the detailed content of this section.

- Figure 1 is not clear as none of the annotations can be read
- Paragraph 1.4 refers to Appendix B and a List of Consultation Activity which is a duplication of the Consultation Statement
- Paragraph 1.7 last sentence does not properly reflect the reason for the withdrawal of BDC's Site Allocation DPD
- Paragraph 1.10 should reflect the NPPF's aim of 'presumption in favour of sustainable development'
- Paragraph 1.11 should refer to the Basic Conditions with the correct reference ie Schedule 4B of the Town and Country Planning Act 1990
- Error in the last sentence of paragraphs 1.12
- Paragraph 3.1 – incorrect information on the direction of the A1

Recommendation

- **Date and name status of the Neighbourhood Plan on the front cover**
- **Improve the clarity of Figure 1**
- **Delete Appendix B**
- **Amend factual errors in paragraphs 1.7,1.10,1.12, and 3.1**

8 The Planning Policies

Policy 1 Sustainable Development

- 8.1 This policy reinforces the approach in the NPPF which is a presumption in favour of sustainable development. It sets out a framework for decision making on future development which will meet the community's overall vision and objectives.
- 8.2 The policy refers in Part 1 to major development defined in the footnote. However all development can contribute to sustainable development and I recommend this reference is deleted. Part 2d could therefore include a further category on support for small businesses.

Recommendation

- **Remove reference to all major development in Part 1**
- **Amend Part 2d to include small business development**

Policy 2 Design

- 8.3 Policy 2 seeks to ensure that new development is integrated within the existing village and consideration is given to local distinctiveness. Good design is recognised by the NPPF as a key aspect of sustainable development and requires good design to contribute to making places better for people.¹⁴
- 8.4 The Steering Group have carried out a character appraisal of the built area of the parish setting out the various character zones in the village which supports the policy.
- 8.5 BDC have commented that 1b and 1c do not comply with paragraph 60 of the NPPF. However the last sentence in that paragraph refers to promoting and reinforcing local distinctiveness and I consider these parts of Policy 2 meet the basic conditions.

¹⁴ NPPF paragraph 56

- 8.6 I do have concerns however about referring to the Council's SPD in the actual Neighbourhood Plan policy. Once the Neighbourhood Plan is made, decisions on planning proposals must be determined in accordance with that Plan unless material considerations indicate otherwise. The BDC SPD would then become part of that Neighbourhood Plan even though it has not been through the same process. I recommend that reference to that document should be deleted. Alternatively if there are particular elements of the SPD that the Parish Council consider should be part of the Neighbourhood Plan policy, then those elements should be 'lifted' from the SPD and inserted into policy requirements.
- 8.7 Similarly, I have concerns about using Building for Life 12 (BfL12) in the policy wording. This initiative may change over the life time of the Neighbourhood Plan making the policy out of date. If BfL12 is to be used in assessing development sites then further explanation is required regarding the 12 principles and the scoring mechanism; for example is it the aim to secure a score of 12 out of 12 greens?
- 8.8 BDC have also made a representation regarding part 2, car parking requirements. Whilst Government guidance has been updated on parking standards, the supporting text justifies the need for car parking to be accommodated within existing curtilages and flexibility is introduced into the policy by using the phrase where practicable.

Recommendation

- **Delete Part 1d and Part 3**
- **Provide information regarding BfL12 in the supporting text**

Policy 3 Housing Density

8.9 This policy proposed that housing schemes of more than 10 dwellings should reflect the densities across the Plan area. National policy no longer sets a minimum density requirement but suggests density should reflect local circumstances¹⁵. An analysis of housing zone densities has been included in the text. However although those densities may be appropriate in some locations, to insist that schemes will only be supported which reflect those densities (apart for dwellings with a specific local need) is prescriptive and does not allow any flexibility. It may for example stifle new design. BfL12 which the Neighbourhood Plan endorses, also advocates varying the density of development to help create areas with different character. It is considered that Policy 2 Design covers the issues that Policy 3 is attempting to address.

Recommendation

- **Delete Policy 3**

Policy 4 Housing Mix and Type

- 8.10 This policy promotes a mix of dwelling types on large sites to meet the needs of Elkesley parish. The 2013 Elkesley housing needs survey indicated a shortage of small dwellings suitable for first time buyers and the elderly wishing to down size.
- 8.11 As mentioned under my comments on Policy 1, no evidence has been produced as to why there is a threshold for this policy to come into effect. There is no reason why developments of say 9 or less dwellings could not provide a mix of housing. I recommend the threshold limit is deleted.
- 8.12 BDC have objected to this policy specifically, commenting on the status of Elkesley Housing Needs Survey. However the Core Strategy Policy DM5 specifically refers to local assessments of housing needs and demand to inform housing mix. The requirement to provide a mix of housing types and sizes also reflects the aims of the NPPF to deliver a wide choice of homes and to plan for a mix of housing based on current and future trends and the needs of different groups in the community. I do find the policy is repetitive and suggest a modification to the wording for clarity.

¹⁵ NPPF Paragraph 47

Recommendation

- **Re-write policy as follows ‘New housing development should provide a mix of dwelling types and sizes to meet the needs of local people based on the most up to date evidence including the key findings of the most recent Elkesley Housing Needs Survey.’**

Policy 5 Allocation of Affordable Housing

- 8.13 This policy requires that all new affordable housing within the village, whether it be provided as part of a section 106 agreement on sites for market housing or on exception sites should be allocated to those with a local connection. There is no definition of ‘an exception site’ within the text and this should be included to assist those reading this Plan who are unfamiliar with the term.
- 8.14 I understand that the local community has supported the housing allocation at the site at Yew Tree Avenue for more houses than originally proposed in the BDC Site Allocations Document. This will therefore yield more affordable housing than would have originally been provided and therefore if the development is to provide benefits to the local community, the Plan proposes that one of those benefits should be that affordable housing in the village be allocated to those persons with a local connection to Elkesley parish.
- 8.15 BDC have commented that a restriction of this nature, however laudable cannot form a planning policy. However I cannot agree with this comment. The NPPG¹⁶ does state that conditions can be used limiting benefits to a particular class of people. . There are many examples where restricting occupancy of affordable housing in the form of a planning policy has been achieved through planning conditions or legal agreements. In fact BDC Affordable Housing SPD¹⁷ promotes this approach on rural exception sites. In the same document dealing with section 106 agreements¹⁸, BDC expects Heads of Terms for affordable housing provision to set out the occupancy criteria.

¹⁶ NPPG paragraph 015

¹⁷ Paragraph 6.6

¹⁸ Paragraph 7.2

- 8.16 BDC do operate a local lettings policy which can include applicants with a local connection to the area although it is uncertain whether this is currently operated in Elkesley parish. The SPD mentioned above also considers using Local Lettings Plans on larger sites.¹⁹
- 8.17 In order to provide evidence for this policy, the Parish Council commissioned a housing needs survey in 2013 which identified a small affordable housing need. However this survey is only a 'snapshot' of need at the time of the survey and over the period of the Neighbourhood Plan circumstances may change. It is likely though that as in many rural areas, the prices of properties will be continue to be out of the price range of local people and there will be a need for affordable housing. However it is my view that evidence for the local connection requirement should be continually monitored.
- 8.18 The definition of local connection is also very tightly defined and contained within the policy itself rather than in the supporting text. As raised by BDC in their representation, more clarity is needed on the list as set out in Appendix D ie does each point in the list apply before the next. Also if the numbered categories are taken in priority order this would mean for example that a person residing in Bassetlaw for 5 years or more would take priority over an Elkesley resident who had lived in the parish for say 4 years. Is this what is intended?
- 8.19 Whilst I believe that a local connection policy based on appropriate evidence meets the Basic Conditions, I recommend the policy is re-worded and the exact local occupancy criteria be left for agreement based on up to date evidence at the time of a planning application. This will allow more flexibility in the policy to adapt to changing circumstances and promote sustainable development. If Appendix D is to remain as an example of how the local occupancy criteria would be used, then it needs greater clarity.

Recommendation

- **Define exception site in the supporting text**
- **Reword policy as follows: 'All new affordable housing on market sites or rural exceptions sites..... The terms for priority of**

¹⁹ Paragraph 3.7

selection will be based on the most up to date evidence of local need and to be included in a legal agreement.'

- **Amend supporting text to reflect policy re-wording**
- **Amend Appendix D for greater clarity**

Policy 6 Infill development

- 8.20 This policy seeks to support residential development within the built form of the village. There are several concerns regarding terminology and clarity of the policy. BDC have made a representation regarding the use of terms 'well designed' and 'small restricted'. I agree well designed is a subjective phrase and can be amended to high quality design, a phrase used in the NPPF. I agree there is no definition of small restricted but recommend this term is defined in the supporting text eg using the number of dwellings likely to be accommodated and/or how the plot would be assessed as being restricting or limiting for future development.
- 8.21 Part 1a. I recommend amending the text to include the word 'built up frontage' for clarification. Part 1c requires at least one 2 bed dwelling to be built for every 4 bed dwelling. I find this requirement lacks clarity. Would it for example only apply on developments of two or more dwellings? What would be the situation if the proposal was for two 3 bed dwellings? Policy 4 Housing Mix and Type requires development to provide a mix of housing to meet local needs and will cover the aim of this part of Policy 6 in providing small homes subject to the necessary evidence.
- 8.22 Part 2. I am uncertain as to why there is specific mention of schemes for one dwelling. To assist in clarity I recommend that Part 2 is incorporated into the body of the main policy.

Recommendation

- **Delete the words 'within Elkesley' in the opening paragraph**
- **Amend words 'being well designed' to 'of a high quality design'**
- **Amend Part 1b as follows 'Is in keeping with the character of the area particularly in relation to historic development patterns and building plot sizes'**
- **Delete Part 1c but include the criteria 'does not reduce the privacy or amenity of adjoining properties'**
- **Define 'small restricted gap' in the supporting text**

Policy 7 Yew Tree Road Site

- 8.23 This policy allocates a site at Yew Tree Road for up to 30 dwellings and which is to include an area of open space, retail and business uses (if viable) and also sets out other design criteria for the proposed development.
- 8.24 Part of this site was included in the now withdrawn LDF Site Allocations DPD. Although no formal assessments of other sites in the parish has taken place, the site now proposed has been the subject of wide consultation as part of the Site Allocations DPD and the Neighbourhood Plan process. One consultation event was specifically targeted at the Yew Tree Road site and the development proposals for the site were presented for discussion. The Steering Group has worked in a pro-active manner with the landowner/developer during the Neighbourhood Plan process.
- 8.25 The number of houses proposed is 'up to 30'. The imposition of a maximum figure creates a conflict with the NPPF as more housing, however sustainable would not be allowed. I recommend therefore the term at least 30 dwellings.
- 8.26 With regard to the actual criteria in the policy, BDC has commented that the proposed access (1c) should be indicated. Whilst this is not necessary to meet the Basic Conditions, I note that a Master Plan has been prepared for the site and was used at the consultation event mentioned in Section 4 of my report. Consideration should be given to using this Master Plan as an 'indicative layout' in the supporting text to this policy.
- 8.27 Parts 1f and 1g both duplicate other policies in the Neighbourhood Plan and should be deleted.
- 8.28 Part 2a refers to the potential relocation of the village shop to the site but is rather vague and casts some doubt as to whether a village shop exists or will exist. As part 2b of the policy includes the possibility of including retail use into the scheme if viable, then part 2a is unnecessary.

Recommendation

- **Change policy wording to at least 30 dwellings**
- **Delete Part 1f, 1g and 2a**
- **Consider using the Master Plan as supporting information for the policy.**

Policy 8 Elkesley Park Industrial Estate

- 8.29 This policy relates to an area of land on the north side of the A1 (outlined in red on Fig 7) and which according to the introductory paragraphs to this policy was developed for employment use in the early 1960's having previously been used as an RAF base. There are several businesses currently operating on the site. It is the aim of the Neighbourhood Plan to re-generate this land for employment purposes, once access to the site is improved with the completion of a bridge over the A1.
- 8.30 On my site visit I noted that the north/north eastern area of the site is currently a green area, currently vacant and does not contain any employment uses. I made further enquiries with BDC and it has been confirmed that this area is not employment land and is considered as a greenfield site. I appreciate that this land was considered as potential employment land in the Employment Land Capacity Study (2010). However this parcel of land has not been considered for an employment allocation in the Neighbourhood Plan. Its current status as a greenfield site means that the Neighbourhood Plan policy as written would be contrary to Core Strategy policy. However the issue can be resolved by deleting this area from within the red line.

8.31 The policy itself supports B1, B2 and B8 uses on the industrial site which is in line with NPPF²⁰ in securing economic growth. BDC have queried as to whether all B1 uses are supported on the site or only light industry. (see footnote on page 31). This needs to be clarified in the policy. The second criteria 1b, requires proposals to include landscaping along the boundary in order to minimise the visual impact on the village setting and residential properties to the north. The policy is not clear in this regard as it is uncertain as to whether this means along the industrial estate boundary or on the boundaries of individual sites/plots. I recommend simpler and clear wording. 1d requires car parking to be to County Council standards although it appears such a standard does not exist. Latest Government guidance on car parking states that. 'Local Planning Authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network'. I have made a recommendation to amend this part of the policy which acknowledges parking is an important part of the regeneration of the employment site but does not set an actual standard. 1e also requires proposed development to provide cycle access and cycle parking across the industrial estate. BDC has suggested this is an unreasonable requirement but that a re-wording which includes cycling provision for the development proposed is perfectly acceptable. I agree with this comment and recommend a modification to the policy.

Recommendation

- **Delete the north-eastern part of the area designated on Fig 7 north of the road 'Old London Road'**
- **Clarify the use of term B1 use in the policy and footnote 18**
- **Amend 1b as follows 'Development proposals should be accompanied by a full landscaping scheme in order to minimise the visual impact of the proposed development'**
- **Amend Part 1d as follows 'Car parking should be appropriately located within the development'**
- **Amend Part 1e as follows 'Facilities for cycle parking and wherever possible, links to existing and proposed cycle routes are provided.'**

²⁰ NPPF paragraph 19

Policy 9 Small Businesses

8.32 This policy supports small business opportunities within the village of Elkesley. I have several concerns about this policy. 1a allows for B1 uses which includes light industry and is contrary to the statement in paragraph 10.13 which states that industrial employment is only wanted on the industrial estate. 1b sets a size threshold under which development will not be supported without any evidence or justification. 1c requires the site to be within the development boundary and refers to the plan in Appendix A. This plan does not include the Yew Tree site allocation in which policy 7 specifically supports business use. In part 2 the policy states 'planning permission will be granted within the development boundary' to support home working and is subject to certain criteria including character, amenity and highway safety mentioned in part 1. I have recommended a modification to the wording below but consideration could be given to combining the two separate parts to avoid repetition. Interestingly the policy remains silent regarding proposals for small business uses outside the development boundary which will be determined using the NPPF paragraph 28 'Supporting a Prosperous Rural Economy' and Core Strategy policy DM1. As Policy 9 supports business use within the development boundary rather than restricting it only to that area, the policy subject to the modifications I recommend below, meets the Basic Conditions.

Recommendation

- **Clarify the B1 use in 1a**
- **Delete Part 1b**
- **Amend the map to indicate where this policy applies**
- **Part 2 amend as follows 'Businesses operating from integrated home/work locations and extensions to enable home working will be supported within the development boundary so long as.....highway safety'.**

Policy 10 Broadband

8.33 This policy supports access to an improved broadband network in the parish. Such intentions are compatible with the aim to support high quality communications infrastructure in the NPPF. However I consider the second part of the policy which requires new housing development to make provision for new residents and existing residents and businesses is onerous.

Recommendation

- **Delete Part 2 of the policy**

Policy 11 Protecting Community Facilities

8.34 As part of the consultation on the Neighbourhood Plan, the local community has reinforced the importance of retaining the existing community facilities within the parish. When Community Infrastructure Levy (CIL) payments are secured through new development, the Parish Council hope to deliver new facilities as community projects which are included in Appendix C. The Neighbourhood Plan sets out the existing facilities in Elkesley which it seeks to retain. These are indicated in Fig 5 although the individual premises are not annotated.

8.35 BDC have made a representation stating that parts of this policy are unreasonable. However additional wording to the policy as recommended below regarding the need or viability of the community facility and ensures that the policy is not overly prescriptive. The policy meets the NPPF objectives²¹ for delivering the facilities and services that a community needs. There is duplication in paragraphs 1 and 2c. of the policy which should be amended. The requirement that any community facility should be delivered prior to any development of which it forms a part would be unworkable and may make the development unviable. It should be deleted and any detailed proposals for delivery as set out in BDC's comments would be decided at the time of a planning application. Part 3 is unnecessary as its only purpose is to cross reference to policy 9.

²¹ NPPF paragraph 70

Recommendation

- **Re-word policy Part 1 as follows ‘In order to promote.....will be resisted unless it can be demonstrated that the operation of the facility is no longer financially viable or necessary or that a replacement facility of equal size and quality is provided elsewhere’**
- **Delete Part 1d and Part 3 in the policy**

Policy 12 Conservation and Enhancement of Vehicular Routes

8.36 The first part of this policy aims to conserve and enhance the non-vehicular routes in the parish which do not detract from the surrounding landscape and enhance the enjoyment of biodiversity. BDC have highlighted a factual error in paragraph 12.1 in that Elkesley straddles 2 landscape areas, Sherwood policy zones 40 and 21. The policy meets the NPPF aims of protecting landscapes and minimising impacts on biodiversity and meets the basic conditions. Part 2b. will be considered as part of the application process and is unnecessary as a policy requirement. BDC have suggested revised wording for 2c. which is less prescriptive.

Recommendation

- **Amend factual error in paragraph 12.1**
- **Delete Part 2b**
- **Amend Part 2c from ‘Retaining’ to ‘Seeking to retain’**

Policy 13 Designating Local Green Space

- 8.37 This policy designates an area of land to the south of the 'built-up' area as Local Green Space. (LGS). Paragraph 13.1 which precedes the policy refers to Local Green Space designation in paragraphs 76 to 78 of the NPPF. There are a number of errors in the descriptive text which have been raised by BDC, regarding the location of wildlife sites and the River Poulter in relation to the proposed area.
- 8.38 The policy seeks to embrace a new opportunity in the NPPF which enables local communities to protect green areas of particular importance to them and to designate them as Local Green Space. The designation offers a significant level of protection as it rules out new development other than in very special circumstances, and managing development within Local Green Space is consistent with policy for Green Belts. Local Green Space should only be designated when a plan is prepared or reviewed and capable of enduring beyond the plan period. Importantly the NPPF makes it clear that such a designation will not be appropriate for most green areas or open space. It should only be used when the green space is:
- In reasonable proximity to the community it serves
 - Where it is demonstrably special to the local community and holds a particular local significance
 - Where the green area concerned is local in character and is not an extensive tract of land

Therefore this policy requires robust justification.

- 8.39 The justification for the designation is set out in the opening paragraphs to Chapter 13. However as mentioned above there are a number of errors in the description of the site. As noted on my site visit, the land is mostly an area of agricultural fields with a small sewage works and a timber business located on the south west side. There does not appear to be any current public access from the lane to the north. BDC has also noted that the site is 50 ha in area, larger than the current 'built form' of Elkesley itself.

8.40 I have several reservations about this designation and how it fits with the NPPF criteria mentioned above. The area cannot be described as local in character. It is in my opinion an extensive area of open countryside and I cannot identify any particular feature of this land that would distinguish it from other open countryside within the parish. Nor has it been demonstrated as to how the area is special to the local community. Paragraph 13.2 does mention that the land is used for recreational purposes (walking, cycling, and horse riding) and paragraph 13.3 also mentions that part of the site is used by local families. (However this latter paragraph appears to refer to the wildlife site which is outside the proposed designation.) I could see no evidence that the proposed Local Green Space is available for public recreation use. Finally there is an active business currently operating on the site, so designation as LGS would involve planning constraints on its future plans.

Recommendation

Delete Policy S13

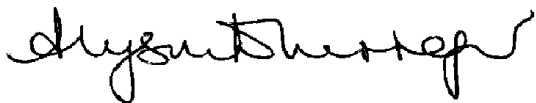
9 Declaration

In submitting this report I confirm that:

- I am independent of the qualifying body and the local authority
- I do not have any interest in any land that may be affected by the Plan
- I possess appropriate qualifications and 40 years experience in development management, planning policy, community planning and affordable housing gained across the private, public and voluntary sectors

Examiner

Alyson E Linnegar BSc (Hons) MRTPI



Dated 15th September 2015