

SHIREOAKS NEIGHBOURHOOD PLAN

Submission Draft Version

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

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1.0 Summary

- 1.1 The Shireoaks Neighbourhood Plan has been prepared to set out the community's wishes for this parish which contains the village of Shireoaks. The context for the preparation of the Plan is the adopted Bassetlaw District Council's Core Strategy 2011 which included Shireoaks within the development boundary of the sub regional centre of Worksop. The Sub Region is required to take 32% of the District's housing requirements. Outline planning permission has been granted for the development of land for 175 houses and 15.4 hectares of employment land on the north eastern edge of Shireoaks village. The site lies within the Neighbourhood Plan area. The Neighbourhood Plan aims to ensure that development on this scale does not diminish the qualities of the rest of the Plan area.
- 1.2 This Neighbourhood Plan sets out local planning policy and seeks to draw down investment from new development in the locality to ameliorate the impact of the development.
- 1.3 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 6 of the report sets out a schedule of the recommended modifications.
- 1.4 The main recommendations concern:
- improving the clarity of the wording of several policies;
 - updating references to the major development proposals to reflect the grant of outline planning permission and the associated references to the management of flood risk and traffic;
 - revising the policy on developer contributions to ensure that it accords with national policy and guidance; and
 - the deletion of the policy on pre-application community consultation.
- 1.5 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Shireoaks Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process 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 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. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

Legislative Background

- 2.5 I was appointed as an independent examiner to conduct the examination on the Shireoaks Neighbourhood Plan by Bassetlaw District Council in March 2016. I am a chartered town planner with over 30 years' experience in local authorities preparing Local Plans and associated policies. My appointment was facilitated through the Neighbourhood Planning Independent Examiner Referral Service.
- 2.6 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.
- 2.7 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.
- 2.8 The Neighbourhood Plan area is co-terminus with the parish of Shireoaks and was designated by Bassetlaw District Council on 8 January 2013 as a Neighbourhood Area. Paragraph 2.5 – 2.6 of the Basic Conditions statement states that the Plan relates to the Shireoaks Neighbourhood Area and that there are no other neighbourhood plans relating to that area.
- 2.9 Paragraph 2.3 of the Basic Conditions states that the lifespan of the Neighbourhood Plan is to be from 2015 to 2028 and this date is shown on the front cover of the Neighbourhood Plan. However, paragraph 1.4 states that it covers the 15 years from 2014-2029. It is considered that this is confusing and the following recommendation is made to clarify the date of the plan.

Recommendation 1: Revise paragraph 1.4 to read:

....and sets out planning policies for Shireoaks for the period 2015 - 2028.

- 2.10 The neighbourhood plan making process has been led by Shireoaks Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group made up of parish councillors and community volunteers.
- 2.11 I am satisfied therefore that the Shireoaks Neighbourhood Plan satisfies all the requirements set out in paragraph 2.6 above.

Conformity with Basic Conditions and other statutory requirements

- 2.12 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:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;

- 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);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- 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).

Policy Background

- 2.13 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”.
- 2.14 Lord Goldsmith has provided guidance that ‘have regard to’ means “such matters should be considered”. The 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.”
- 2.15 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.
- 2.16 The third basic condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The strategic policies covering the neighbourhood plan area are contained in the Bassetlaw Core Strategy and Development Management Policies DPD adopted December 2011

- 2.17 The Basic Conditions Statement sets out an assessment of each objective and policy to demonstrate how it has had regard to national policy and that it is in general conformity with the local strategic policies of the adopted Core Strategy and Development Management Policies DPD.
- 2.18 I have considered the policies of the Neighbourhood Plan against the NPPF and PPG and the strategic policies in the adopted Bassetlaw Core Strategy and Development Management Policies DPD 2011. 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

- 2.19 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.
- 2.20 A screening opinion for the Strategic Environmental Assessment was undertaken on the draft Neighbourhood Plan. The conclusion was that the Neighbourhood Plan was unlikely to have significant environmental effects not already considered in the Sustainability Appraisal of the Bassetlaw Core Strategy and a full SEA was not required. The SEA screening report was consulted on in May 2015 alongside the draft Neighbourhood Plan.
- 2.21 Paragraph 6.7 of the Basic Conditions statement confirms that the Neighbourhood Plan area is not in close enough proximity to any European designated nature sites to warrant an Appropriate Assessment under the Habitats Regulations. The District Council has confirmed that they do not consider that a HRA assessment is required, as the Neighbourhood Plan is deemed to be in general conformity with the strategic policies contained in Bassetlaw Core Strategy (of which a HRA was undertaken) and does not seek to allocate further land for development.
- 2.22 Paragraph 6.3 of the Basic Conditions statement states that the Neighbourhood Plan has had 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, it is stated that 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.
- 2.23 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

- 2.24 Section 4 of the Basic Conditions Statement addresses the contribution of the plan to the achievement of sustainable development. Paragraph 4.5 states that Policy 1: Sustainable Development sets out the overarching approach of the Plan to new development across Shireoaks Parish; the approach underpins the rest of the policies ensuring the delivery of sustainable development over the long term.
- 2.25 I am satisfied that, subject to the modifications proposed, the Shireoaks 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

- 2.26 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.
- 2.27 Section 2 of the Neighbourhood Plan sets out an overview of the consultation process. The Consultation Statement sets out the details of the consultation on the pre-submission draft plan under Regulation 14. The preparation of the Neighbourhood Plan commenced in June 2012 with a public meeting to establish support for the plan. This was followed up with a household survey and community consultation events in March – July 2013 to draw up the vision and objectives. Consultation on the draft policies was undertaken in October – November 2014.
- 2.28 Consultation on the pre-submission draft plan was undertaken between 26 May and 13 July 2015. Statutory consultees, local businesses and landowners as well as the local community were informed of the consultation.
- 2.29 A comprehensive summary of the issues raised at each stage of pre-submission consultation and the action taken to address them, as appropriate, is included in the Consultation Statement.
- 2.30 Consultation on the submission draft Neighbourhood Plan ran from 18 January 2016 until the 29 February 2016. This resulted in 10 representations.
- 2.31 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

- 2.32 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. I have sought clarification on a number of matters from the qualifying body

and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.

- 2.33 I had before me background evidence in the appendices to the plan which have assisted me in understanding the background to the matters raised in the Neighbourhood Plan.
- 2.34 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening report for the Strategic Environmental Assessment. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.
- 2.35 This report is the outcome of my examination of the Submission Draft Version of the Shireoaks Neighbourhood Plan October 2015. I am required to give reasons for each of my recommendations and also 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. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by Bassetlaw District Council.
- 2.36 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.
- 2.37 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.
- 2.38 Apart from minor corrections and consequential adjustment of text (referred to in paragraph 3.95 of this report) I have only recommended modifications to the Neighbourhood Plan where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

3.0 Neighbourhood Plan – As a whole

3.1 Where modifications are recommended, they are highlighted in bold print, with any proposed new wording in italics.

3.2 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.”

3.3 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.”

3.4 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 out planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”.

3.5 Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans should support the strategic development needs set out in local plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. PPG guidance under Rural Housing states that *“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 they 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.

- 3.7 Before considering the policies individually, I have considered whether the plan as a whole has had regard to national and local strategic planning policies. The plan provides for the future development of the area, promotes good quality design in new development, safeguards the environment and promotes improved accessibility. The plan supports the strategic development needs set out in the Local Plan and does not place blanket restrictions on new development in the area. It is considered therefore that the plan as a whole, subject to the modifications proposed, has had regard to national policies and advice contained in guidance issued by the Secretary of State and is in general conformity with the strategic local policies.

Why do we want a Neighbourhood Plan?

- 3.8 This section sets out the context for preparing the neighbourhood plan and includes an overview of the strategic planning context, the local concerns about proposals for a major development site in the north eastern part of the parish and the role of the neighbourhood plan in encouraging development that will enhance the quality of life of Shireoaks' residents.
- 3.9 The strategic planning context is set out in paragraph 1.7. A representation has been received stating that this does not accurately reflect the Core Strategy policies CS1 and CS2.
- 3.10 Bassetlaw Core Strategy Policy CS1 states that Worksop (including the villages of Shireoaks and Rhodesia) is identified as the sub-regional centre and is to be the focus for major housing, employment and town centre retail growth. Policy CS2 makes provision for at least 32% (1993 houses) of the District's housing requirement to be delivered at Worksop and at least 45% (48 ha) of the District's employment land needs.
- 3.11 It is considered that the brief statement on strategic planning policy in paragraph 1.7 does not fully reflect the Policies CS1 and CS2. It is recommended that the paragraph be revised to set out the strategic planning context more clearly for the benefit of plan users.

Recommendation 2: revise the second sentence of paragraph 1.7 to read:

The sub-regional centre is to be the focus for major housing, employment and town centre retail growth. Policy CS2 makes provision for at least 32% (1993 houses) of the District's housing requirement to be delivered at Worksop and at least 45% (48 ha) of the District's employment land needs.

- 3.12 The Neighbourhood Plan makes reference in paragraph 1.7 and 10.2 to a "proposed allocation of land for 175 houses and 15.4 hectares of employment land on the north eastern edge of Shireoaks village". A representation has been made by the developer that outline planning permission has been granted for the development. It is recommended that these statements be updated to reflect the fact that outline planning permission has been granted

for the development in January 2016. It would be helpful to plan users to show the boundary of the development site on a map.

Recommendation 3: revise the third sentence of paragraph 1.7 to read:

Outline planning permission was granted for the development of 175 houses and 15.4 hectares of employment land on the north eastern edge of Shireoaks village in January 2016. The boundary of the site is shown on Map XX.

Include a map showing the boundary of the development site in the plan.

- 3.13 The first sentence of paragraph 1.8 refers to “*previous large scale housing to the north of the village (adjacent to the proposed site allocation) has already contributed to flooding issues in Shireoaks*”. A representation from the District Council expresses concern about the lack of evidence to support this statement and the anecdotal nature of the evidence included in Appendix F.
- 3.14 Concerns about flooding and flood risk is a theme that runs through this plan. Appendix F sets out a Flooding Report prepared from evidence compiled by the community to help in the preparation of a Flood Mitigation and Management Plan which is set out in Appendix H. There would appear to be several potential causes that may have affected the level of flood risk in the parish. Rather than single out the previous housing development, it is recommended that a more generalised statement be included that would accurately express the community’s concerns about flooding.

Recommendation 4: Revise the first sentence of paragraph 1.8 to read:

There have been long standing concerns in the village about the effects of flooding.

The Neighbourhood Plan’s Vision for Shireoaks

- 3.15 The Plan includes a Vision statement that states that the Neighbourhood Plan will ensure that the distinctive character of the village is maintained with four statements about what the community will be like.
- 3.16 Bassetlaw District Council has made a representation that the vision would read better as a statement of what the community wants Shireoaks to become in the future which can then be interpreted through the community objectives.
- 3.17 The customary format for a vision statement is to paint a picture of the aspiration for life in the community at the end of the plan period from which the plan’s objectives are devised. It is recommended that a revision be made to the Vision to express it as a picture of the community in the future.

Recommendation 5: Revise the first sentence of the Vision as follows:

By 2028, Shireoaks continues to maintain its distinctive village character:

Objectives

- 3.18 The plan includes seven objectives covering the physical separation of Shireoaks; environmental assets; community facilities; the development of Woodlands and Coachwood Green; developing non-vehicular routes and supporting public transport; addressing flooding and the design of new development. All the objectives have been translated into policies in the plan.

Status of Projects

- 3.19 Paragraphs 6.2 to 6.4 explain the role of a series of projects that are set out in Appendix L and the part that they will play in the implementation of the plan. The NPPF states that once they are made, neighbourhood plans will become part of the development plan and as such they should set out planning policies for the development and use of land.
- 3.20 The projects are clearly separated from the planning policies of the neighbourhood plan. They have not been considered as part of this examination. To provide clarity to future users of the plan it is recommended that paragraph 6.2 and Appendix L explicitly states the projects do not form part of the planning policies of the neighbourhood development plan.

Recommendation 6: Add to the following to paragraph 6.2 and Appendix L:

The projects do not form part of the planning policies of the neighbourhood development plan.

The Neighbourhood Plan Policies

Policy 1 Sustainable Development Principles

- 3.21 The policy sets out basic principles for development in the plan area to promote sustainable development. Part A covers the scale and type of development that will support the continued viability of Shireoaks; part B covers the factors to be taken into account in considering the design and location of development. Part A of the policy refers to development “*that accord with policies set out in this Neighbourhood Plan*” and part B refers to development having regard to “*the principles and advice set out in this Neighbourhood Plan*”.
- 3.22 When the neighbourhood plan is made, following the referendum, it will become part of the development plan along with the Local Plan. When determining planning applications consideration will be given to the policies of the development plan, national planning guidance and other material considerations. It is recommended that Policy 1 be revised to refer to the “development plan” rather than the “Neighbourhood Plan” to accord with

national guidance and explanatory text is added to the justification to the policy.

- 3.23 Part B3 refers to the development being located where it does not cause material harm to the assets of parish. Bassetlaw District Council has made a representation that this statement is too vague. The Qualifying Body has responded to my question on the matter to state that they “*are all the designated assets in the Plan area, these include historically designated assets (conservation area, listed buildings etc.) as well as the environmental designated assets (local wildlife sites, SSSI etc.)*”

Recommendation 7: Revise Policy 1 as follows:

Revise the opening sentences in parts A and B to read “*the development plan*” instead of “*this Neighbourhood Plan*”.

Revise Part B3 to read: “*the designated historic and environmental assets of the parish*”.

Add the following to the beginning of paragraph 8.6: “*Once this neighbourhood plan is made, planning applications in the parish will be determined in accordance with the policies of the development plan which will consist of the Local Plan and the Shireoaks Neighbourhood Plan, as well as national planning policy and other material considerations.*”

Policy 2 Conservation and Enhancement of Existing Natural Features

- 3.24 Part A of Policy 2 encourages development to protect and enhance local wildlife sites, and maintain landscape distinctiveness through the use of a Landscape Character and Visual Impact Appraisal or a Visual Impact Assessment. Major wildlife corridors and local wildlife sites are to be protected. Protection and enhancement will also be sought through the retention of landscape features in new development and the use of boundary treatments that will help to enhance biodiversity. Part B requires development in appropriate locations to assess its impact on local biodiversity and to include mitigation to achieve at least a zero overall biodiversity net impact.
- 3.25 NPPF paragraph 109 supports the use of the planning system to contribute to and enhance the natural and local environment. The third bullet point of the paragraph refers to “*minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*”.
- 3.26 Bassetlaw Core Strategy Policy DM9 is a wide ranging policy covering Green Infrastructure; Biodiversity & Geodiversity; Landscape; Open Space and

Sports Facilities. The policy expects development to take opportunities to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance, including local wildlife sites.

- 3.27 The policy states that development *“that will result in the loss of such features may be supported where replacement provision is made that is considered to be of equal or greater value than that which will be lost and which is likely to result in a net gain in biodiversity. Where new development may have an adverse impact on such features, alternative scheme designs that minimise impact must be presented to the Council for consideration before the use of mitigation measures is considered. Where sufficient mitigation measures cannot be delivered, compensation measures must be provided as a last resort”*.
- 3.28 Nottingham County Council has made representations that it would be useful to include the following in Policy 2A:
- *“Where the impact of development is minimised by complying with recommended Landscape Actions for the relevant policy zones as designated in the Bassetlaw Landscape Character Assessment 2009”.*
 - *“Where appropriate, mitigation planting should include native species recommended for the Magnesian Limestone Ridge Landscape Character Area”.*
- 3.29 It is recommended that the additional text be included as additional points in Part A of the policy as it would provide valuable advice for prospective developers to ensure that their landscaping schemes are designed to reflect local distinctiveness.
- 3.30 Bassetlaw District Council has made a representation to Part B of Policy 2 to seek clarification to the policy so that it would be easier to use in determining planning applications by replacing *“in order to achieve at least a zero overall biodiversity net impact”* with *“to ensure no net loss of biodiversity on the site”*.
- 3.31 It is recommended that Part B of Policy 2 be revised as proposed to improve its clarity to ensure that it can be interpreted consistently by decision makers.
- 3.32 Part B is worded as a requirement for developments in “appropriate locations”. It is unclear which locations these are. To improve the clarity of the policy it is recommended that this phrase be deleted.

Recommendation 8: Revise Policy 2 as follows:

Add the following points to Part A:

- ***Where the impact of development is minimised by complying with recommended Landscape Actions for the relevant policy zones as designated in the Bassetlaw Landscape Character Assessment 2009.***

- ***Where appropriate, mitigation planting should include native species recommended for the Magnesian Limestone Ridge Landscape Character Area.***

Revise Part B to read:

Development *proposals should* assess the impact of the proposals on local biodiversity. The developer must show that appropriate mitigation has been provided in order *to ensure no net loss of biodiversity on the site*. Schemes which achieve a net enhancement would be particularly encouraged.

The Map in Appendix D should shade all Local Wildlife Sites consistently and include the colouring in the key. The site at Coachwood Green should be shaded differently and shown as a proposed Local Wildlife Site. The map should be at a scale that boundaries can be clearly interpreted.

Policy 3: Green Space, Landscaping and Major Development

- 3.33 Policy 3 sets out a requirement for applications for major developments to include a landscape strategy and for proposals for the major development to the north of Shireoaks to consider near and distant views, particularly how the development will impact on the northern boundary of Shireoaks village and to provide a wildlife corridor running east to west to provide a landscape buffer between the new development and the employment area.
- 3.34 Bassetlaw District Council had included a proposal in its Site Allocations DPD to allocate land to the north of Shireoaks for an urban extension to provide housing and employment land in accordance with the Core Strategy policies for Worksop. The Council has pointed out that this DPD has been withdrawn and that planning permission has now been granted for the proposal. It is therefore recommended that paragraph 10.2 be updated to reflect the change in circumstances and the advice in the PPG that neighbourhood plans should support the strategic development needs set out in the Local Plan.
- 3.35 The District Council has made a representation requesting that Part B1 of Policy 3, concerning the assessment of views as part of the major development to the north of Shireoaks, be deleted. The policy is viewed as unclear and considers that the matter is adequately addressed by Core Strategy Policy DM9 part C Landscape Character.
- 3.36 The District Council has also expressed concerns about the requirement in Part B2 of the policy that the wildlife corridor should run west to east. It is proposed that an appropriate buffer/ wildlife corridor should run between the proposed housing and employment areas.
- 3.37 A representation has been made requesting that the text in paragraph 10.2 be updated to refer to the planning permission for the development. The

representation also questioned the requirements of Part B of Policy 3 for the consideration of near and distant views of the development and the provision of a wildlife corridor running west to east. It is stated that the landscape impacts were considered as part of the outline planning application and the proposal includes a wildlife corridor. It is maintained that the details proposals can be adequately controlled through the conditions attached to the planning consent.

- 3.38 It is considered that Part B of the policy helps to ensure that development in the northern part of the plan area is designed in a sensitive way and to promote a wildlife corridor between the housing and employment development. These matters are in general conformity with Policy DM9 of the Core Strategy. They have been taken into account in the determination of the outline planning application; however, this is not a reason for their being deleted from the neighbourhood plan. To improve the clarity of the policy, it is recommended that Part B1 is revised to include reference to Policy DM9 part C and that reference to “running west to east” is deleted from Part B2. In addition the word “and” should be added at the end of Part B1 to indicate that both parts of the policy need to be met.

Recommendation 9: Revise paragraph 10.2 to read:

Neighbourhood Plans should support the strategic development needs set out in the Local Plan which includes the provision of housing and employment land in the Worksop area. Outline planning permission was granted for the development of 175 houses and 15.4 hectares of employment land on the north eastern edge of Shireoaks village in January 2016. The Neighbourhood Plan includes policies to steer the design and landscaping of the development proposals in order to:.....

Revise Policy 3 B1 by adding “in accordance with Core Strategy Policy DM9 part C; and”.

Delete “running west to east” from Policy 3 part B2.

Policy 4: Design Principles

- 3.39 Policy 4 sets out design principles for new development covering the design of the development, the enhancement of biodiversity and supporting the use of Building for Life 12 principles.
- 3.40 NPPF paragraph 58 states that neighbourhood plans should develop robust and comprehensive policies to set out the quality of development that will be expected.
- 3.41 Core Strategy Policy DM4 sets out design principles for major and smaller developments. Bassetlaw District Council has prepared the “Successful Places SPD” jointly with adjacent local authorities and it was adopted in 2013.

This SPD recognises the need to improve the quality of residential design in the region and provides comprehensive guidance.

- 3.42 The Building for Life 12 is a government-endorsed industry standard for well-designed homes and neighbourhoods. It provides a means whereby new housing development can be assessed and achieve a national design standard.
- 3.43 Paragraph 11.5 states that new development should reflect “*the existing dispersed settlement pattern*”. It is considered that this term is unclear. The policy itself does not refer to development being in this style and in any case it is considered that it would be unlikely to be possible to develop a major scheme in such a manner. It is therefore recommended that it be deleted.
- 3.44 A representation has been made by Nottinghamshire County Council concerning the statement in paragraph 11.6 that: “*Consideration must be given to the additional traffic impact of a significant amount of new housing and employment so that it does not exacerbate existing traffic congestion through the village by creating a ‘rat run’ along Shireoaks Common or Shireoaks Road, or adding to the problem of insufficient off street parking in the historic part of the village.*”
- 3.45 The Strategic Highways Section has confirmed that all planning applications for significant development will need to be accompanied by a detailed Transport Assessment. The County Council will consider the impacts and seek, where necessary, traffic management and highway improvement measures to mitigate and minimise the impacts of additional travel demands. Improvements to the roundabouts on the strategic road network are proposed and will be designed to accommodate forecast levels of future traffic to ensure that traffic is encouraged to use the strategic road network in preference to seeking routes through Shireoaks.
- 3.46 In the light of this evidence, it is recommended that paragraph 11.6 be revised to reflect these proposed transport improvements.
- 3.47 Paragraph 11.7 refers to the Conservation Area Appraisal, however, the final sentence of the paragraph refers to public transport. It would be more appropriate to include this sentence with the statements on transport in paragraph 11.6.
- 3.48 Bassetlaw District Council made a representation to Policy 3 which
- has questioned the need to include the policy as the matters are already covered in the Core Strategy Policy DM4 and the Residential Design Guide SPD;
 - seeks the deletion of the bird species from the policy as there is no justification to single out these species; and
 - seeks the deletion of Part C of the policy as Building for Life is an aspirational/non mandatory document setting out a framework for the

achievement of high quality development. The Council's adopted Residential Design SPD encompasses the principles of Building for Life.

- 3.49 The PPG recognises that the development of neighbourhood plans can help to inspire people and businesses to improve their community and they can include specific policies in the plan to help to do this. Ensuring that new development is well designed is one area that the local community can express its views. It is considered that Policy 4 will supplement the strategic local Policy DM4 rather than duplicate it.
- 3.50 More detailed design guidance is set out in the Successful Places SPD which has been developed using the principles of Building for Life 12. In the circumstances, I consider that there is no reason why the national design standard should not be included in the neighbourhood plan policy.
- 3.51 No justification has been given to specifying three particular bird species in Part B of the policy. It is recommended that the species be deleted.
- 3.52 Policy 4 includes matters that the community consider to be important in the design of new development to ensure that it is well designed and integrated into the fabric of the community. It is considered that subject to the modifications proposed, Policy 4 has regard to national policy and is in general conformity with strategic local policy.

Recommendation 10:

Delete “the existing dispersed settlement pattern” from line 1 of paragraph 11.5.

Revise paragraph 11.6 to read: “*Transport Assessments have been undertaken to consider the impact of the proposed development in the Local Development Framework including that to the north of Shireoaks. Proposals have been made for improvements to the roundabouts on the A57 Worksop bypass to accommodate the additional traffic to be generated. It will be important to ensure that the road improvements are designed to accommodate forecast levels of future traffic to ensure that traffic is encouraged to use the strategic road network in preference to seeking routes through Shireoaks. Public transport should be considered as a way of providing sustainable links that reduce the use of the private car.*”

Delete “(house sparrow, starling and swift)” from Policy 4 Part B.

Policy 5: Reducing the Risk of Flooding

- 3.53 The justification to Policy 5 highlights that the risks from flooding in the parish are significant. Appendix E sets out the findings of a background study commissioned for the neighbourhood plan to provide a general commentary on the evidence base concerning flooding with particular reference to the

major development site. Other evidence concerning flooding incidents and the local drainage system is included in Appendix F.

- 3.54 The policy seeks to ensure that new development has adequate drainage and does not lead to increased risk of flooding in the area. The policy also seeks to safeguard watercourses, and encourage de-culverting of watercourses, the use of permeable surfaces and sustainable drainage techniques.
- 3.55 NPPF paragraphs 99 – 104 provides guidance on managing development in areas of flood risk. Core Strategy Policy DM12 sets out the strategic local policy on flood risk and drainage. This includes the sequential test, support for opening up culverted watercourses and the use of Sustainable Drainage Systems (SuDS).
- 3.56 Bassetlaw District Council has made representation that:
- The flooding policies in the NPPF and Local Plan are sufficient to meet the flooding needs in Shireoaks.
 - The report in Appendix F contains anecdotal assumptions concerning the compensatory flood plan for the Bovis Homes estate.
 - The comments in Appendix F that the Shireoaks Common site would result in the loss of almost 8 ha of flood plain are considered to be a misinterpretation of the Strategic Flood Risk Assessment (SFRA) map included as Map 3 in the plan. The representation seeks for all references to the area as flood plain to be amended or deleted.
 - Paragraph 12.9 and Map 3 is a non-fluvial flood risk map due to surface water run-off. The areas are not protected for flooding and are not part of the flood plain. The representation seeks the removal of the word “protected” in any reference to the map. The quality of the map does not allow the caveats on the map to be read. Requests that the map be deleted and a link to the original in the SFRA be inserted or the quality of the map be improved so as to be legible.
- 3.57 A representation has been made that the plan should refer to the evidence submitted as part of the planning application for the major development scheme and which received no objections from the Environment Agency or the Council’s drainage consultants. The plan should note that issues of flood risk were satisfactorily addressed in the application and are covered by planning conditions. It requests that Parts A and B of the policy are unnecessary and should be deleted.
- 3.58 The representation goes on to request that Maps 3 and 4 should be deleted as they are not up-to-date. The plan should be amended to make reference to Core Strategy Policy DM12.
- 3.59 The Environment Agency has requested a revision to Part C of the policy as follows:
- “New development should protect existing watercourses and land drainage wherever possible or re-align and improve to the satisfaction of

Local Planning Authority, *in consultation with the Environment Agency or Lead Local Flood Authority.*”

- 3.60 Severn Trent Water has requested that developers providing sewers on new developments should safely accommodate floods which exceed the design capacity of the sewers.
- 3.61 The neighbourhood plan has highlighted issues of flooding that have been experienced in the parish. Whilst the flooding may not have been some of the worst in the District, nonetheless it is of concern to the local community. The implications of the major development site on potential flood risk from local watercourses has raised concerns which are being addressed through the conditions attached to the planning application.
- 3.62 The District Council has confirmed that flood risk matters associated with the major development proposals are still to be finalised. They are satisfied that flood risk matters can be satisfactorily addressed through the design of the development which will be enforced through conditions to be included in the reserved matters for the proposed development. It is recommended that text be added to section 12 to reflect the latest position on the requirements for the proposed development.
- 3.63 I agree with the District Council and the representor that Maps 3 and 4 are unclear and potentially misleading and recommend that they be deleted. A link should be provided to the original map. Reference to Maps 3 and 4 should be deleted from Policy 5 Part A as a consequence.
- 3.64 The Environment Agency has proposed a minor amendment to Part C of the policy to reflect the fact that they do not have a policy in relation to flood risk. It is recommended that this amendment be included.
- 3.65 Part F refers to incorporating sustainable drainage techniques “*in line with current policy*”. Policies may change over the lifetime of the plan and it is therefore recommended that this requirement be deleted. It would be helpful to plan users to make reference NPPF policy and to the Core Strategy Policy DM12 in the background text.
- 3.66 It is not stated who has authored Appendix F. It appears to include anecdotal evidence which is not substantiated and the Council claims that it includes some statements that are a misinterpretation of the SFRA. It is recommended that the source of the evidence is verified and errors are corrected.

Recommendation 11: Revise Policy 5 as follows:

Add additional text to section 12 after paragraph 12.2 to set out the latest position regarding the management of flood risk associated with the major development proposals.

Delete Maps 3 and 4 and provide a web link to the maps.

Delete “as defined on Maps 3 and 4” from Policy 5A. Renumber subsequent maps.

Revise Policy 5C to read: “New development should protect existing watercourses and land drainage wherever possible or re-align and improve to the satisfaction of Local Planning Authority, *in consultation with the Environment Agency or Bassetlaw District Council or Lead Local Flood Authority.*”

Delete “in line with current policy” from Part F of Policy 5.

Revise Appendix F to more accurately reflect the findings of the SFRA. Include the author and source of the evidence.

Policy 6: Pre Application Community Consultation

- 3.67 Policy 6 encourages applicants of major development proposals to engage with the parish council and the community during the pre-application design stage.
- 3.68 The PPG advises that neighbourhood plans should include policies for the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority.
- 3.69 It is considered that Policy 6 addresses procedural matters on consultations on planning applications. As such it does not deal with the development and use of land. It is therefore recommended that it be deleted. The matter may be moved to the projects section as an alternative.

Recommendation 12: Delete Policy 6 and section 13. Renumber subsequent policies and sections.

Policy 7: Enhancing the Provision of Community Facilities

- 3.70 Policy 7 encourages the improvement of community facilities in the parish and makes provision for new facilities on sites adjoining the development boundary where there is a proven need and long term viability for the scheme and there are no available sites within the settlement.
- 3.71 Bassetlaw District Council has commented that paragraph 14.3 should be amended to refer to the need to comply with the policies of the adopted Core Strategy and the NPPF.
- 3.72 Core Strategy Policy CS2 covers various forms of development in Worksop which includes Shireoaks. However it does not include a policy on the development of community facilities. Neighbourhood Plan Policy 7 has

included the principles set out in Policy CS8 on community infrastructure in rural service centres.

- 3.73 It is considered that Policy 7 provides an appropriate policy to address the future potential need for new or improved community facilities in the parish and is in general conformity with the strategic local policies. It would be helpful to include the development boundary on Map 5.
- 3.74 Part C of the policy encourages pre-application engagement on any proposals for new community facilities outside the development boundary. Although it is recommended that Policy 6 is deleted from the plan, it will be beneficial to engage the community in the development of any new community facilities. It is recommended that the phrase “in accordance with this plan” is deleted as a consequence of deleting Policy 6.

Recommendation 13:

Revise the last sentence of paragraph 14.3 to read:other policies “of the development plan”.

Delete “in accordance with this Plan” from Policy 7 Part C.

Include the development boundary on Map 5.

Policy 8: Creation of a Public Car Park

- 3.75 The need for further car parking in the village to serve local shops and for visitors has been established through the responses to the consultation. Some initial work has been undertaken to assess potential sites and paragraph 14.10 recognises that further investigation is needed to establish the suitability and viability of identified sites. Policy 8 sets out support for the development of an additional car park and criteria to be considered in selecting a site.
- 3.76 Improved parking provision will help to improve accessibility of the local shops and community facilities. The policy is considered to have had regard to national policy and to be in general conformity with strategic local policy. The amendments are recommended to improve the clarity of the policy.

Recommendation 14: Revise Policy 8 by:

Deleting “Planning permission for” from line 1.

Revise point 4 to read “the flow of traffic along the main thoroughfare as a result of the access to the car park.”

Policy 9: Promote Sustainable Movement and Connections

- 3.77 The policy requires developments to link to existing cycling, walking and bridleway routes and to extend the routes to link to the development site. The third part of the policy requires development proposals to enhance the local transport network and associated infrastructure. The Plan places a high priority on securing improvements to these routes as part of planning gain from development.
- 3.78 NPPF paragraph 75 supports the improvement and extension of public rights of way. Core Strategy Policy DM11 provides the framework for developer contributions. The extension and improvement of the cycle network and pedestrian facilities is identified in Policy DM11 as a possible use of developer contributions.
- 3.79 Representations have been made by Bassetlaw District Council that:
- The term “across the plan area” in part A of Policy 9 is unclear and could be interpreted to require developers to provide off-site improvements. It is noted that the planning system cannot require developers to provide additional off-site improvements if they do not reasonably relate to the development itself.
 - The term “out from the proposed development site” in Part B is unclear. This could be interpreted to mean providing connections up to the borders of the site to allow connections to be made to existing routes or to require the provision of off-site linkages to existing routes.
 - The financial burden of delivering the requirements set out in Parts A and C should be carefully considered and flexibility introduced in the wording of the policy so as to ensure that the scale of obligations does not mean that the viability of the development is threatened.
- 3.80 Policy 9 parts A and C are worded as requirements such that the development “must include” improvements to routes and public transport. However developer contributions are subject to negotiation. The PPG advises that local authorities should ensure that the combined total impact of requests for developer contributions does not threaten the viability of the site.
- 3.81 Planning obligations assist in mitigating the impact of development which benefits local communities and support the provision of local infrastructure. The PPG advises that it is appropriate for local communities to be involved in the setting of planning obligations policies in a neighbourhood plan. The policy should be clear that such planning obligations will take into account specific site circumstances.
- 3.82 Planning obligations must be fully justified and evidenced. They should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms.

- 3.83 In order to ensure that the policy has regard to national advice on planning obligations, it is recommended that the policy be worded to provide greater flexibility, to recognise that the contributions are subject to negotiation and tests of viability. The policy should make it clear what matters are to be provided within the development site and what are to be sought through developer contributions.

Recommendation 15: Revise Policy 9 as follows:

A. Development proposals should include provision for walking and cycling routes within the development and where feasible provide for linkages to off-road routes adjacent to the site.

B. Subject to viability, developer contributions may be sought towards proposals that enhance the attractiveness of walking, cycling and horse riding and the use of public transport.

For the avoidance of doubt, point C should be deleted.

Delete paragraph 15.10 and revise to reflect the updated policy wording:

New development should be designed to encourage people to walk or cycle by including suitable safe routes through the development which should be designed to create a network of routes. Where there are off road routes adjacent to the development site, linkages should be provided from the development site.

Core Strategy Policy DM11 sets out the framework for negotiating planning obligations and the types of infrastructure that will be the subject of such contributions. Contributions should be directly related to the development, and fairly and reasonably related in scale and kind. Contributions to the improvement of off-road routes and public transport infrastructure in the plan area will be encouraged in order to promote modal shift away from the car.

Policy 10 Designate Coachwood Green as a Local Green Space

- 3.84 Policy 10 seeks to designate Coachwood Green as a Local Green Space. The site is an area that has been reclaimed following the closure of the colliery and comprises a play area, recreation area, woodland and pasture. It is managed by the County Council with support from the Friends of Woodlands and Coachwood Green.
- 3.85 Paragraph 77 of the NPPF sets out three tests that should be applied in considering whether to designate a site as a Local Green Space.
- where the green space is in reasonably close proximity to the community it serves;

- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - where the green area concerned is local in character and is not an extensive tract of land.
- 3.86 From the evidence provided, the site meets the tests: it is adjacent to the housing area, it is supported by a local Friends group to provide valuable open space of recreational value that is important to the local community.
- 3.87 Core Strategy Policy DM9 supports the safeguarding and enhancement of Green Infrastructure.
- 3.88 Bassetlaw District Council has made a representation that a separate map should be included in the neighbourhood plan that identifies the boundaries of the site clearly.
- 3.89 The Coal Authority has made a representation in support of the policy. They have noted that there are two capped mine entries in the area.
- 3.90 It is considered that Policy 10 has had regard to national policy and is in general conformity with strategic local policy. The recommendation is made to ensure that the boundary of the area can be identified so that the policy interpreted consistently.

Recommendation 16: Include a map in the Neighbourhood Plan that identifies the boundary of the Local Green Space.

Policy 11: Develop Woodlands as a Proposed Country Park

- 3.91 The Woodlands site is part of the former colliery which Policy 11 proposes should be developed as a country park. The area adjoins the canal where a marina has been developed. An appraisal has been undertaken to develop ideas for enhancing the visitor experience with improved parking, café, visitor centre, a network of paths and enhancing opportunities for wildlife.
- 3.92 NPPF paragraph 28 supports the development of sustainable rural tourism and leisure developments; paragraph 73 recognises the importance of high quality open spaces to the health and well-being of communities. Core Strategy Policy DM9 supports the safeguarding and enhancement of Green Infrastructure.
- 3.93 The Coal Authority has made a representation in support of the policy, however, they have noted that there are three capped mine entries in the area. Built development over the mine entries or within their zones of influence would not be supported in principle. They have requested that a third criterion be added: *“are not affected by land instability”*.

- 3.94 It is considered that Policy 11 has had regard to national policy and is in general conformity with strategic local policy. The recommendation is made to ensure that the safety risks associated with the former colliery mines are taken into account when developing proposals for the site.

Recommendation 17: add the following criterion to Policy 11:

3. are not affected by land instability.

Typographical Errors

- 3.95 The following typographical errors should be corrected:

Policies that include a list of criteria should be punctuated with a semi-colon at the end of each criterion except for the last one which should have a full stop. Where it is intended that all criteria should be considered then “and” should be added at the end of the penultimate criterion. If the criteria are optional the word “or” should be added at the end of each.

Community Objective 2: “*its* protected wildlife habitats....”

Policy 1B “principles and *advice*”.

Paragraph 9.8 and 11.3 xxx “*Magnesian* Limestone”.

Paragraph 10.3 line 3 “Policy 3 *aims to ensure...*”

Policy 3 Part A, delete “detailed” from line 1.

Paragraph 11.3 “pantile” and superscript footnote 14.

Paragraph 12.2 eliminate break in the final sentence.

Paragraph 14.3 “principles” of the plan.

Paragraph 14.6 replace “British Rail “ with “Network Rail”.

Policy 8 point 3 add comma between historic and cultural.

Paragraph 15.5 superscript footnote 15.

Paragraph 16.8 refers to Appendix K as the Marina Appraisal. However Appendix K is the title page for the Village Appraisal.

Policy 11 delete “proposed” from the title. Revise “visitor’s” to read “visitor”.

4.0 Referendum

- 4.1 The Shireoaks 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.
- 4.2 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
- 4.3 **I am pleased to recommend to Bassetlaw District Council that the Shireoaks Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 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 8 January 2013.

5.0 Background Documents

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

- Shireoaks Neighbourhood Plan Submission Draft Version October 2015 and Appendices
- Shireoaks Neighbourhood Plan Basic Conditions Statement
- Shireoaks Neighbourhood Plan SEA Screening Report
- Shireoaks Neighbourhood Plan Consultation Statement
- 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
- Bassetlaw Core Strategy and Development Management Policies DPD adopted December 2011
- Successful Places A Guide to Sustainable Housing Layout and Design, Supplementary Planning Document 2013
- Building for Life 12 Design Council / CABI 2015

6.0 Summary of Recommendations

Recommendation 1: Revise paragraph 1.4 to read:

....and sets out planning policies for Shireoaks for the period 2015 - 2028.

Recommendation 2: revise the second sentence of paragraph 1.7 to read:

The sub-regional centre is to be the focus for major housing, employment and town centre retail growth. Policy CS2 makes provision for at least 32% (1993 houses) of the District's housing requirement to be delivered at Worksop and at least 45% (48 ha) of the District's employment land needs.

Recommendation 3: revise the third sentence of paragraph 1.7 to read:

Outline planning permission was granted for the development of 175 houses and 15.4 hectares of employment land on the north eastern edge of Shireoaks village in January 2016. The boundary of the site is shown on Map XX.

Include a map showing the boundary of the development site in the plan.

Recommendation 4: Revise the first sentence of paragraph 1.8 to read:

There have been long standing concerns in the village about the effects of flooding.

Recommendation 5: Revise the first sentence of the Vision as follows:

By 2028, Shireoaks continues to maintain its distinctive village character:

Recommendation 6: Add to the following to paragraph 6.2 and Appendix L:

The projects do not form part of the planning policies of the neighbourhood development plan.

Recommendation 7: Revise Policy 1 as follows:

Revise the opening sentences in parts A and B to read “*the development plan*” instead of “*this Neighbourhood Plan*”.

Revise Part B3 to read: “*the designated historic and environmental assets of the parish*”.

Add the following to the beginning of paragraph 8.6: “*Once this neighbourhood plan is made, planning applications in the parish will be determined in accordance with the policies of the development plan*”

which will consist of the Local Plan and the Shireoaks Neighbourhood Plan, as well as national planning policy and other material considerations.”

Recommendation 8: Revise Policy 2 as follows:

Add the following points to Part A:

- *Where the impact of development is minimised by complying with recommended Landscape Actions for the relevant policy zones as designated in the Bassetlaw Landscape Character Assessment 2009.*
- *Where appropriate, mitigation planting should include native species recommended for the Magnesian Limestone Ridge Landscape Character Area.*

Revise Part B to read:

Development proposals should assess the impact of the proposals on local biodiversity. The developer must show that appropriate mitigation has been provided in order to ensure no net loss of biodiversity on the site. Schemes which achieve a net enhancement would be particularly encouraged.

The Map in Appendix D should shade all Local Wildlife Sites consistently and include the colouring in the key. The site at Coachwood Green should be shaded differently and shown as a proposed Local Wildlife Site. The map should be at a scale that boundaries can be clearly interpreted.

Recommendation 9: Revise paragraph 10.2 to read:

Neighbourhood Plans should support the strategic development needs set out in the Local Plan which includes the provision of housing and employment land in the Worksop area. Outline planning permission was granted for the development of 175 houses and 15.4 hectares of employment land on the north eastern edge of Shireoaks village in January 2016. The Neighbourhood Plan includes policies to steer the design and landscaping of the development proposals in order to:.....

Revise Policy 3 B1 by adding “in accordance with Core Strategy Policy DM9 part C; and”.

Delete “running west to east” from Policy 3 part B2.

Recommendation 10:

Delete “the existing dispersed settlement pattern” from line 1 of paragraph 11.5.

Revise paragraph 11.6 to read: “Transport Assessments have been undertaken to consider the impact of the proposed development in the Local Development Framework including that to the north of Shireoaks.

Proposals have been made for improvements to the roundabouts on the A57 Worksop bypass to accommodate the additional traffic to be generated. It will be important to ensure that the road improvements are designed to accommodate forecast levels of future traffic to ensure that traffic is encouraged to use the strategic road network in preference to seeking routes through Shireoaks. Public transport should be considered as a way of providing sustainable links that reduce the use of the private car.

Delete “(house sparrow, starling and swift)” from Policy 4 Part B.

Recommendation 11: Revise Policy 5 as follows:

Add additional text to section 12 after paragraph 12.2 to set out the latest position regarding the management of flood risk associated with the major development proposals.

Delete Maps 3 and 4 and provide a web link to the maps.

Delete “as defined on Maps 3 and 4” from Policy 5A. Renumber subsequent maps.

Revise Policy 5C to read: “New development should protect existing watercourses and land drainage wherever possible or re-align and improve to the satisfaction of Local Planning Authority, *in consultation with the Environment Agency or Bassetlaw District Council or Lead Local Flood Authority.*”

Delete “in line with current policy” from Part F of Policy 5.

Revise Appendix F to more accurately reflect the findings of the SFRA. Include the author and source of the evidence.

Recommendation 12: Delete Policy 6 and section 13. Renumber subsequent policies and sections.

Recommendation 13:

Revise the last sentence of paragraph 14.3 to read:other policies “*of the development plan*”.

Delete “in accordance with this Plan” from Policy 7 Part C.

Include the development boundary on Map 5.

Recommendation 14: Revise Policy 8 by:

Deleting “Planning permission for” from line 1.

Revise point 4 to read “the flow of traffic along the main thoroughfare as a result of the access to the car park.”

Recommendation 15: Revise Policy 9 as follows:

A. Development proposals should include provision for walking and cycling routes within the development and where feasible provide for linkages to off-road routes adjacent to the site.

B. Subject to viability, developer contributions may be sought towards proposals that enhance the attractiveness of walking, cycling and horse riding and the use of public transport.

For the avoidance of doubt, point C should be deleted.

Delete paragraph 15.10 and revise to reflect the updated policy wording:

New development should be designed to encourage people to walk or cycle by including suitable safe routes through the development which should be designed to create a network of routes. Where there are off road routes adjacent to the development site, linkages should be provided from the development site.

Core Strategy Policy DM11 sets out the framework for negotiating planning obligations and the types of infrastructure that will be the subject of such contributions. Contributions should be directly related to the development, and fairly and reasonably related in scale and kind. Contributions to the improvement of off-road routes and public transport infrastructure in the plan area will be encouraged in order to promote modal shift away from the car.

Recommendation 16: Include a map in the Neighbourhood Plan that identifies the boundary of the Local Green Space.

Recommendation 17: add the following criterion to Policy 11:

3. are not affected by land instability.