

# **TUXFORD NEIGHBOURHOOD PLAN**

Tuxford Neighbourhood Plan Examination,  
A Report to Bassetlaw District Council

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**Contents:**

**1. Introduction**

**2. Basic Conditions and Development Plan Status**

**3. Background Documents and Tuxford Neighbourhood Area**

**4. Public Consultation**

**5. The Neighbourhood Plan: Introductory Section**

**6. The Neighbourhood Plan: Policies**

**7. The Neighbourhood Plan: Other Matters**

**8. Summary**

**9. Referendum**

## **1. Introduction**

### The Neighbourhood Plan

This Report provides the findings of the examination into the Tuxford Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*

(Paragraph 183, National Planning Policy Framework)

The Neighbourhood Plan was produced by a Steering Group working on behalf of Tuxford Town Council. Tuxford Town Council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Bassetlaw District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Tuxford Neighbourhood Area.

## Role of the Independent Examiner

I was appointed by Bassetlaw District Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. 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 Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

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

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Tuxford Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

## Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly sets out the plan period, which runs from 2015 to 2030. In addition, paragraph 3 states:

*“The Plan will run from 2015-2030”*

and paragraph 17 sets out that:

*“The Neighbourhood Plan covers the period until 2030.”*

Given the above, the Neighbourhood Plan satisfies the relevant requirement in this regard.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of all of the relevant information, I confirmed to Bassetlaw District Council that I was satisfied that the Tuxford Neighbourhood Plan could be examined without the need for a Public Hearing.

## **2. Basic Conditions and Development Plan Status**

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>1</sup> following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against the basic conditions.

The wording of the basic conditions is the result of careful consideration and paraphrasing them frequently results in incorrect interpretations. As with many neighbourhood plans at submission stage, there are parts of the Tuxford Neighbourhood Plan that set out the basic conditions incorrectly. This is something that can easily be remedied via the following recommendations:

- **Paragraph 4, change to “...Bassetlaw’s planning policies *are guided by the National Planning Policy Framework (NPPF).*”**
- **Paragraph 4, delete sentence at the top of page 6**
- **Page 16, change to “...strategic planning documents. *The Plan has regard to national policy and advice, and is in general conformity with Bassetlaw’s strategic planning policies, as required by legislation.*”**

A Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out the basic conditions in paragraph 1.3 and states why, in the Parish Council’s opinion, the Neighbourhood Plan meets the basic conditions. Whilst I note that the Basic Conditions Statement includes an erroneous reference to the “2009 Core Strategy,” the Neighbourhood Plan provides the correct reference to the “2011 Core Strategy.”

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<sup>1</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

## European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

## European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>2</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA).

With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is referred to as a “screening” report, opinion or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

Bassetlaw District Council has produced a “Sustainability Appraisal – Scoping Report,” which was submitted alongside the Neighbourhood Plan. This considers the economic, social and environmental impacts of the Neighbourhood Plan. The Sustainability Appraisal states that:

*“This SA Scoping Report was consulted on with the Environment Agency, English Heritage and Natural England as the statutory environmental consultees in England.”*

An SEA screening statement was also submitted alongside the Neighbourhood Plan. This concludes that a full SEA is not required for the Neighbourhood Plan. Each of the statutory consultees named above provided representations to the submission version of the Neighbourhood Plan. None of the statutory consultees dissented from the SEA screening statement’s conclusion.

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites. In this regard, the Basic Conditions Statement establishes that:

*“The Neighbourhood Plan is not in close enough proximity to any European designated nature sites to warrant an Appropriate Assessment under the EU Habitats Regulations so this has not been required...”*

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<sup>2</sup> Paragraph 026, Planning Practice Guidance 2014.

Neither Bassetlaw District Council, nor any of the statutory consultees, has expressed any concerns in this regard.

In addition to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations is placed on the local planning authority,

*“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.”* (Planning Practice Guidance<sup>3</sup>)

With regards this latter point, there is nothing before me to indicate that Bassetlaw District Council, which undertook the Sustainability Appraisal – Scoping Report, has any concerns with regards the Neighbourhood Plan’s compatibility with EU obligations.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

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<sup>3</sup> (Paragraph Reference: 11-031-20150209)



### **3. Background Documents and Tuxford Neighbourhood Area**

#### Background Documents

In undertaking this examination, I have considered various information in addition to the Tuxford Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- Bassetlaw Core Strategy and Development Management Policies DPD (December 2011)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal – Scoping Report
- SEA Screening Statement
- Tuxford Place Analysis and Summary
- Tuxford Neighbourhood Plan Executive Summary

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Tuxford Neighbourhood Area.

## Tuxford Neighbourhood Area

A plan showing the boundary of the Tuxford Neighbourhood Area, which corresponds to that of Tuxford Parish, is provided on page 5 of the Neighbourhood Plan.

Further to an application made by Tuxford Town Council, Bassetlaw District Council approved the designation of Tuxford as a Neighbourhood Area on 29<sup>th</sup> September 2014. The Neighbourhood Plan provides an incorrect reference to this and I recommend:

- **Paragraph 1, change last line to “...in *September 2014.*”**

Subject to the above recommendation, this satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **4. Public Consultation**

### Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

### Tuxford Neighbourhood Plan Consultation

Tuxford Parish Council submitted a Consultation Statement to Bassetlaw District Council in line with legislative requirements. As required by the neighbourhood planning *regulations*<sup>4</sup>, this sets out who was consulted and how, together with the outcome of the consultation. There are also references to the importance of the consultation process throughout the introductory section to the Neighbourhood Plan and further relevant information is contained within an Executive Summary.

From July to October 2014, events were held to raise awareness and encourage people to get involved in the production of the Neighbourhood Plan. These included exhibiting at a Summer Fair, a Drop-in session at a local café and sessions at the Sun Inn and the Working Men's Club. Attendees included children, parents and young adults and at the latter of the four events, 30 questionnaires were completed.

To further engage with younger people, photography competitions were held during October 2014, helping to further raise the profile of the plan-making process. In the same month, business questionnaires were sent to all businesses in the town and replies were received from 19 businesses.

A school consultation event was held in November 2014, in which 37 young people and children took part in an interactive session. The event was reported on a dedicated Neighbourhood Plan website.

Also, prior to production of the draft plan, 750 questionnaires were distributed in the Neighbourhood Area, 122 of which were completed.

Information that emerged from all of the above helped to inform the production of the draft plan, which underwent consultation during August and September 2014.

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<sup>4</sup>Neighbourhood Planning (General) Regulations 2012.

The draft plan consultation period was supported by separate events held at St Nicholas Church, Chilli Petals Café (two events on different days) and the Working Men's Club. Issues raised by attendees were taken into account and helped to inform the submission version of the plan.

The plan-making process was widely advertised and reported. Reports featured in the quarterly town magazine, the Tuxfordian, and also in the Retford Times. Posters and a public banner in the centre of Tuxford were used to advertise the plan, the consultation period and events. Further, the dedicated Neighbourhood Planning website provided a source of information, including updates and copies of documents.

The Consultation Statement demonstrates that consultation was well-publicised and that the reporting process was transparent. There is a significant volume of evidence to show that the Neighbourhood Plan reflects the views of local people. I also note in particular, the concerted efforts made to engage children and younger people in the neighbourhood planning process.

Taking everything into account, I am satisfied that the consultation process was comprehensive and robust.

Bassetlaw District Council has drawn my attention to a number of errors, including omissions and non-attributable comments, contained within the Consultation Statement submitted alongside the Neighbourhood Plan. I confirm that I have taken these into consideration as part of this examination.

Further to the above, whilst it is unfortunate that the Consultation Statement does contain errors, I note that the document does not form part of the Neighbourhood Plan, but simply provides supporting information. I confirm that it is my role, as Independent Examiner, to test the Neighbourhood Plan against the basic conditions and that I have done this.

As set out above, I am satisfied that the Consultation Statement, alongside other information provided, does contain sufficient supporting information to demonstrate that the Neighbourhood Plan was supported by an appropriate consultation process.

## 5. The Neighbourhood Plan – Introductory Section

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.**

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and set out recommendations below that are aimed at making it a clear and user-friendly document.

As a general comment, the overall design of the Neighbourhood Plan is excellent. The document is very clearly set out, with simple and effective use of paragraphs. Policies are easily distinguishable from the main body of the text and the Maps, figures and photographs add distinctiveness, visual interest and relevant detail.

The Foreword is similarly impressive. It embellishes the spirit of neighbourhood planning and instils a real sense of community, setting a positive tone for everything that follows.

I make a recommendation regarding the date the Neighbourhood Plan was designated earlier in this Report. The following recommendations provide for further clarity in section 1.1:

- **Paragraph 2, change to “...with *Bassetlaw’s development plan, which will include this...*”**
- **Paragraph 3, change to “...*councillors...*”**
- **Paragraph 3, add “...applications for submission *in the Neighbourhood Area.*”**

I make a recommendation regarding Paragraph 4 earlier in this Report. There are some small errors in section 1.2 and I recommend:

- **Paragraph 6, change to “...that was classed *by English...*”**
- **Paragraph 7, change to “...*totalling...*” and whilst it suggests a socially sustainable approach and potentially a land use planning policy for the future, change “Conversation Area” to “*Conservation Area*”**

For clarity, I recommend:

- **Paragraph 14, change to “and *will, at some stage in the future, be superseded by a new Local Plan. However, until a new Local Plan is adopted, the policies of the 2011 Core Strategy remain in place.*”**

I make a recommendation regarding a change to Paragraph 16 earlier in this Report. The rest of Chapter 1 provides interesting and relevant background information and no changes are recommended. Whilst I acknowledge that Bassetlaw District Council has expressed concerns regarding the SWOT analysis and some of the background information, I note that this simply reflects some of the issues that emerged through the consultation process and does not, itself, comprise land use planning policy.

The Vision and Objectives provide a strong link between the views of local people and the Policies that follow.

Page 17 of the Neighbourhood Plan introduces the Tuxford Place Analysis (TPA). The TPA was submitted alongside the Neighbourhood Plan, although it does not form part of the Neighbourhood Plan and its production is not a legislative requirement.

The TPA is a comprehensive document. It provides a detailed analysis of townscape character within the Neighbourhood Area and as such, it provides a very useful and helpful guide. It reflects the fact that a strong desire to promote good design lies at the heart of the Neighbourhood Plan.

However, as it does not form part of the Neighbourhood Plan and is not an adopted document, it can only provide a guide for development. I comment further on this when considering Policy 3, below. Consequently, the commentary on pages 17-19 cannot impose Policy requirements.

Taking the above into account, I recommend:

- **Paragraph 41, delete second sentence and replace with “*The TPA is referred to in the Neighbourhood Plan’s design policy, Policy 3.*”**
- **Paragraph 45, line four, change “required” to “*encouraged*”**
- **Paragraph 50, change to “...these areas *per se*. Rather it is intended to *provide detailed guidance to help developers to understand local character and to promote high quality design. The amount of housing to be...*”**

Paragraph 3.1 recognises that not all important community aspirations can be achieved through land use planning policies. However, rather than lose sight of issues that have emerged through the plan-making process, the Neighbourhood Plan identifies a series of projects and sets them out in full in an Appendix. This approach is to be commended.

## **6. The Neighbourhood Plan – Neighbourhood Plan Policies**

For clarity, I recommend:

- **Paragraph 54, change to “...will be used to inform planning decisions relating to development proposals in Tuxford up to 2030.”**
- **Paragraph 56, change to “...these policies will form part of the development plan, against which decisions will be made. Consequently, the Neighbourhood Plan’s policies will carry statutory weight alongside District-wide and national planning policy and advice.”**

## The Need for Sustainable Development in Tuxford

### Policy 1: Sustainable Development

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Further, Core Strategy Policy CS6 supports development that achieves the aim of making Tuxford “*a sustainable town.*” By promoting sustainable development, the general approach set out in Policy 1 has regard to national policy and advice, and is in general conformity with the Core Strategy.

However, there is no evidence to demonstrate that the first part of Policy 1 is deliverable, or to demonstrate how the approach set out within it could be controlled. Furthermore, this part of Policy 1 is confusingly worded. It suggests support for development comprising a “*balanced mixture of housing types to meet local needs, employment, retail and community development*” and goes on to add the requirement that such development must “*ensure the town remains an attractive and vibrant place.*”

“*Balanced mixture*” is undefined, as is “*local needs.*” No indication is provided of what a balanced mixture of housing types “*to meet employment, retail and community development*” actually means, or who will assess this and on what basis. Similarly, it is not clear what any such development must do to “*ensure*” that the town remains “*attractive and vibrant.*” There is, for example, no indication of what the current “*vibrancy*” level is – or whether this even exists. Therefore, it would be difficult to measure whether a “*balanced mixture of housing types...*” would ensure that the town remains vibrant.

Taking all of the above into account, the first part of Policy 1 fails to provide decision makers with a clear indication of how to respond to a development proposal.

The second part of the Policy is simply an unjustified statement and does not comprise a land use planning policy. I make a recommendation below which better sets out, in land use planning terms, the intention of this part of the Policy.

The third part of Policy 1 is entirely unclear. No specific detail is provided of what the “*vitality*” of Tuxford currently comprises. It is therefore unclear on what basis it will be assessed as to whether or not a development proposal enhances vitality. This part of the Policy then goes on to refer to other policies in documents other than the Neighbourhood Plan, which are not matters that the Policy can control.

Part 3a) of the Policy only supports the development of new homes that “*meet identified local need.*” No such need is identified and there is nothing to justify why the Policy would only support this kind of development.



Part 3b) of the Policy repeats a reference to access to the countryside made earlier in the Policy and Part 3c) is so general as to run the risk of inappropriate development taking place within the Neighbourhood Area.

Part 4 of the Policy opens with a reference to development needing to take the Neighbourhood Plan's Policies into account. This is unnecessary. If the Neighbourhood Plan is made, its Policies will form part of the development plan.

The Policy then goes on to require all development to “ensure” that it does not cause any material harm to amenity, local character and related things. Such an approach fails to provide for balance, whereby a development proposal could be sustainable if the totality of any harm arising is outweighed by the benefits of the proposal. In this way, Policy 1 conflicts with national policy, which sets out a presumption in favour of sustainable development (Paragraph 14, Framework) and thus fails to contribute to the achievement of sustainable development.

Taking all of the above into account, I recommend:

- **Policy 1, delete part 1**
- **Policy 1, change part 2 to “Development that leads to economic, social and environmental benefits is encouraged. Improved access to the countryside and to open spaces will be supported.”**
- **Policy 1, delete parts 2 and 3**

I recognise that the above recommendations significantly alter the proposed Policy. However, were Policy 1 to remain in its current form, then the Neighbourhood Plan would not meet the basic conditions and it could not progress to Referendum.

## Pre-Application Community Consultation

### Policy 2

Public consultation and community engagement is strongly endorsed by national policy and advice. Paragraph 188 of the Framework states:

*“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.”*

Policy 2 encourages pre-application discussion. In so doing, it has regard to national policy and contributes to the achievement of sustainable development.

The first part of the Policy is well-constructed. It is not possible for a land use planning policy to require applicants submitting major development proposals to engage in pre-application discussions with the community. This would go beyond legislation pertaining to planning applications.

The Policy seeks to address this through use of the word *“should.”* I find that the wording could be further refined in this regard and propose a modification to this effect below. Taking this into account, I find that the Policy provides a clear direction to potential applicants. The Policy would encourage any applicant wishing to bring forward a genuinely sustainable development, in line with the Framework, to ensure that early engagement is built into the application process.

Best practice, by its very nature, is dynamic. Consequently, the second part of Policy 2 runs the risk of being overtaken by events. I address this in the recommendations below:

- **Policy 2, change first line to “...proposals *are encouraged to actively...*”**
- **Policy 2, change second part to “...with the community *applicants are encouraged to follow the guidelines set out in Appendix B.*”**

Part of the supporting text to Policy 2 appears to steer away from the carefully worded Policy itself. Use of the words *“must”* and *“ensure”* leads the supporting text to appear as though it comprises a Policy, which it does not. Further, parts of Paragraph 63 do not make grammatical sense.

In the above regard, I recommend:

- **Paragraph 61, second and third sentences, change to “*The intention of Policy 2 is to encourage developers to consult the community on major development proposals (10 dwellings or more) at an early stage, as a matter of course. Proposals should seek to take account of the issues and concerns of the community across Tuxford.*”**
- **Paragraph 62, change to “*Involving the community at an early...*”**
- **Paragraph 63, change to “*...development proposals to encourage developers, when preparing planning applications, to take into account the issues...Provision of infrastructure to support...Provision of high quality design, in keeping with...Improvement of community facilities, public open spaces and green infrastructure.*”**
- **Delete Paragraph 64 (which comprises unnecessary repetition and refers to “*requirements*”)**

Subject to the above, Policy 2 meets the basic conditions.

## Design Principles for New Development

### Policy 3: Design Principles for New Development

Good design is recognised by national policy as comprising

*“a key aspect of sustainable development...indivisible from good planning”*  
(Paragraph 56, The Framework)

In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework) and Core Strategy Policy DM4 supports high quality design.

Policy 3 promotes high quality design. In this respect, it is in general conformity with Policy DM4 and has regard to national policy.

However, as worded, Policy 3 effectively seeks to afford the Tuxford Place Analysis (TPA) significant material weight. This is inappropriate for a document that does not form part of the Neighbourhood Plan and which has not been adopted further to undergoing the rigours of any examination process.

The TPA provides a useful and informative guide and can help to encourage good design. As such, it is appropriate for Policy 3 to refer to it. However, requiring proposals to be *“in accordance”* with the TPA goes well beyond this, without any clear policy-based justification to do so. There is no evidence to demonstrate that such an approach meets the basic conditions.

Further, Policy 3’s reference to *“all development”* is potentially confusing. Much of the criteria set out in Policy 3 will simply not be relevant to many development proposals – for example, the majority of household extensions – and the Policy provides no indication of the circumstances under which the Policy will be *“applicable.”*

Part 1 of the Policy requires development to provide easy, direct movement for people of all ages, to and from services and facilities. No evidence is provided to demonstrate that this can happen and further, as worded, it comprises a generalised requirement that fails to take into account all manner of things. Consequently, it could have unforeseen consequences. Further, no indication is provided as to when such development would be *“applicable.”* I make a recommendation in respect of this part of the Policy below.

Part 2 of the Policy is confusing in that the wording makes little grammatical sense and I also seek to address this in the recommendations below.

Part 3 of the Policy comprises a “*requirement*” based on the TPA and as such, it is inappropriately worded. Part 4 of the Policy then seeks to impose national design standards onto all major development. This approach effectively raises the status of non-mandatory guidance to that of a mandatory requirement. No substantive evidence is provided to justify this and nor is there anything to demonstrate that the introduction of such an approach would meet the basic conditions.

Part 5 of Policy 3 goes on to place an additional burden on major development by requiring independent assessment to demonstrate that proposals accord with non-mandatory guidance. Again, no justification is provided for this approach and there is no evidence to demonstrate that it is an approach that meets the basic conditions.

Notwithstanding the above, I recognise that, in the supporting text, the Neighbourhood Plan endorses the use of Building for Life 12.

The final part of Policy 3 is vague and no indication is provided of how “*very high quality, innovative design proposals*” will be assessed, or of who will assess them and on what basis. Further, it is not clear what the “*flexible application*” of Policy 3 would comprise. Consequently, Policy 3 does not provide a decision maker with a clear indication of how to respond to a development proposal.

Taking all of the above into account, I recommend the following:

- **Policy 3, delete the first two sentences**
- **Policy 3 Part 1, delete and replace with “*New development should demonstrate good design and sustainable patterns of movement will be encouraged.*”**
- **Policy 3, delete part 2 and replace with “*New development should respect local character. Proposals are encouraged to take the relevant parts of the Tuxford Place Analysis into account. Major development will be expected to demonstrate consideration of: a) buildings...b) integrating car parking...c) responding to the...d) clearly distinguishing between...e) providing streets...*”**
- **Policy 3, delete parts 3 – 6, inclusive.**

Parts of the supporting text are worded as though they comprise Policies, which they do not. I recommend:

- **Paragraph 70, change to “*...development that should be taken into account...*”**
- **Paragraph 75, change to “*...development should enhance not...*”**
- **Paragraph 76, change to “*Where possible, new development should support the town centre and is encouraged to do so by promoting more sustainable*”**

*patterns of movement. Direct, safe and pleasant connections are sought. The TPA shows...*

- Paragraph 77, change to “...period, *the Town Council will seek to encourage new development to provide...*”
- Paragraph 80, change to “*The Town Council endorses drawing on nationally recognised...*”
- Paragraph 85, delete and replace with “*The Town Council will encourage developers to use Building for Life 12.*”

## **Residential Development Adjoining Tuxford**

### **Policy 4: Residential Development Adjoining Tuxford**

Whilst the Neighbourhood Plan does not seek to allocate land, Policy 4 sets out a list of requirements to be met by development.

Parts 1a) and 1d) of the Policy require development to maintain visual openness and to enhance existing public views into the countryside. However, by its very nature, development on the edge of a settlement is likely to reduce both openness and public views into the countryside.

No evidence is provided to demonstrate that Tuxford can meet the requirement to provide for sustainable growth, referred to elsewhere in the Neighbourhood Plan, whilst maintaining visual openness and enhancing public views into the countryside. Further, no indication is provided regarding where and why visual openness is of such importance that it needs to be protected, or regarding which specific public views warrant protection and why.

I find that the requirements of parts 1a) and 1d) would be so onerous as to prevent the achievement of sustainable development, rather than contribute to it and there is no evidence before me to the contrary.

Part 1b) seeks to impose a requirement for development not to harm the Conservation Area or its setting. Such an approach conflicts with national policy, as set out in Chapter 12 of the Framework, "*Conserving and enhancing the historic environment*," which allows for benefits to be weighed against harm, where appropriate. Further, I note that Policy 5 addresses heritage matters and that reference to these in Policy 4 is unnecessary and potentially confusing.

Parts 1c), 1e) and 3 seek to impose requirements based upon the Tuxford Place Analysis (TPA). As set out earlier, this does not comprise an adopted statutory document. Earlier recommendations provide for an appropriate reference to the TPA.

I note that the operation of the A1 trunk road is not a matter under the control of the Neighbourhood Plan and that no clarity or guidance is provided to indicate what "*scale of development*" would impact upon it. Consequently, this part of the Policy is unclear.

Having regard to all of the above, taken individually and as a whole, the requirements set out within Policy 4 fail to meet the basic conditions. I recommend:

- **Delete Policy 4**
- **Delete supporting text on pages 28 and 29**



## Protecting and Enhancing the Historic Core

### Policy 5: Protecting and Enhancing the Conservation Area

The Framework recognises that heritage assets are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance (Paragraph 126). Core Strategy Policy DM8 seeks to protect and enhance the historic environment.

Generally, by seeking to protect and enhance the Conservation Area, Policy 5 has regard to national policy and is in general conformity with the Core Strategy.

However, the first part of the Policy is confusingly worded with regards the Conservation Area and its setting and no justification is provided for focusing only on *“building lines and boundary treatment”* and not taking into account any of the many other characteristics of the Tuxford Conservation Area and its setting.

With regards parts 2 and 3 of the Policy, no indication is provided with regards why the Tuxford Place Analysis should be afforded the same status as the approved Tuxford Conservation Area Appraisal and no indication is provided with regards what *“uses compatible to designation”* actually means.

The final part of Policy 5 relates to Read’s Grammar School. As worded, this part of the Policy lacks clarity and may serve to prevent, or restrict, the more clear community aspirations set out in the supporting text. I note that Bassetlaw District Council has proposed alternative text for this part of the Policy and I consider that this provides a form of wording that would lead the Policy to contribute to the achievement of sustainable development.

I recommend:

- **Policy 5, delete part 1 and replace with *“Development should not detract from the significance of the Tuxford Conservation Area or its setting.”***
- **Policy 5, delete parts 2 and 3**
- **Policy 5, delete part 4 and replace with *“Proposals for a change of use for the Grade II\* Listed Read’s Grammar School will be considered favourably where all of the following can be demonstrated: a) there is no reasonable prospect of the building having a community use; b) the proposed development would represent a viable use that would secure the future of the heritage asset, including its boundary walls; and c) the change of use will not be detrimental to the significance of the heritage asset and its setting.”***

In the supporting text, Paragraph 104 provides a confused reference with regards to Map 3. I recommend:

- **Delete Paragraph 104**

## Provision of a Mix of Housing Types

### Policy 6: Housing Type

The Framework supports the delivery of a wide choice of high quality homes (Chapter 6). Generally, Policy 6 has regard to this and to the need to

*“identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...”* (Paragraph 50, The Framework).

As worded, Policy 6 requires all residential development to provide a housing mix, including starter homes and smaller market dwellings for older people. It is not clear how a residential development of one home, for example, could achieve this requirement; or whether it would be viable or appropriate in all cases for residential developments of more than one home to do so. I address this point in the recommendations below.

Use of the phrase *“near the main facilities in the town”* in the second part of Policy 6 is vague, both in terms of distance and exactly what/where the main facilities are. The supporting text is somewhat clearer, as it refers specifically to the town centre.

Taking the above into account, I recommend:

- **Policy 6, part 1, change to *“Where possible, residential development should provide a housing mix that reflects local need. This should...”***
- **Policy 6, part 2, change to *“...encouraged in locations in or adjacent to the town centre.”***

## **Policy 7: Infill Development**

Subject to the recommendations below, by supporting infill development, Policy 7 contributes to the achievement of sustainable development.

It is not clear how, in all circumstances, an infill development can reflect “*historic development patterns and building plot sizes*” and why departure from such a requirement would necessarily harm local character. Further, I concur with Bassetlaw District Council’s comment that, by its very nature, infill development may necessarily conflict with historical development patterns.

Notwithstanding the above, part a) of the Policy protects local character and consequently, there is no need to refer to historic development patterns and building plot sizes.

I note that it may be that some degree of harm to residential amenity could arise from an infill development, but that such harm is outweighed by other benefits resulting from a proposal. Part 1b) of the Policy fails to allow for this and resultantly, it could prevent sustainable development from coming forward. I address this in the recommendations below.

Part 1c) of Policy 7 affords undue weight to unadopted guidance and Bassetlaw District Council has raised concerns with the final part of the Policy’s reference to “*safe walking distance.*” I address these matters below.

Taking everything into account, I recommend:

- **Policy 7, part a), delete “...particularly in relation...sizes;”**
- **Policy 7, part b), replace with “*the proposals demonstrate that they have taken full account of existing residential amenity;*”**
- **Policy 7, delete part c)**
- **Part 2, change to “...within safe *and easy* walking distance...”**
- **Supporting text, Paragraph 119, delete last sentence**

## Strengthening the Retail Centre

### Policy 8: Strengthening the Retail Centre

Chapter 2 of the Framework, “*Ensuring the vitality of town centres,*” recognises town centres as the heart of communities and supports policies to enhance their vitality and viability.

Policy 8 seeks to encourage the provision of A3 (cafes and restaurants) and D2 (assembly and leisure) uses within the town centre. This reflects a local feeling that there are too few places for social interaction, especially in the evening.

I note that, in encouraging A3 and D2 uses, Policy 8 does not seek to discourage other uses or permitted development appropriate to the town centre.

The second part of Policy 8 is unduly restrictive in that, in the same way as earlier Policies addressed by the recommendations, it fails to provide for a balanced approach. Consequently, it would be likely to prevent A3 and D2 uses from coming forward, rather than encourage them. This would conflict with the purpose of the Policy. I make a recommendation in this regard below.

Retail frontages, by their very nature, tend to comprise active frontages. In this regard, it is unclear why part 3 of the Policy has been included. Furthermore, I note that Bassetlaw District Council’s Shop Front Design Supplementary Planning Guidance provides appropriately detailed advice with regards shop fronts, whereas Part 3 of Policy 8 would introduce unnecessary ambiguity in this regard.

Taking the above into account, I recommend:

- **Policy 8, part 2, change to “*The development of A3 and D2 uses outside the town centre is encouraged, subject to any such development respecting local character and residential amenity.*”**
- **Policy 8, delete part 3**

## Improving Access to the Countryside

### Policy 9: Improving Access to the Countryside

Chapter 9 of the Framework seeks to promote healthy communities. In this regard, national policy states that:

*“Planning policies should protect and enhance public rights of way and access.”*  
(Paragraph 75)

Policy 9 has regard to this. However, the wording of the Policy is unclear and is ambiguous to the extent that it may have unforeseen circumstances. For example, it supports any kind of development so long as it is directly related to *“improving or extending cycling...”* No indication of what *“extending cycling”* means is provided. Further, it is unclear how part a) of the Policy would work in practice, as, for example, the Landscape Character Assessment Study is concerned with landscape character rather than detailed matters relating to *“ecological value,”* as referred to by the Policy.

The Policy then goes on to refer to the improvement of *“routes.”* These routes are shown in Map 7 as *“Proposed Routes.”* There is no evidence to demonstrate that they all currently comprise public rights of way and that they are capable of being improved for public access. Consequently, whilst Map 7 itself provides an indication of where Tuxford Town Council would like to see improvements to access, this, in itself, does not provide an appropriate basis for a statutory land use planning policy.

The final part of the Policy seeks to impose a requirement that improvements to access do not harm local habitats. No evidence is provided to indicate what *“local habitats”* actually are, or to demonstrate that the blanket requirement imposed by the Policy is something that can be achieved or controlled. This part of the Policy fails to contribute to the achievement of sustainable development and does not meet the basic conditions.

Taking the above into account, I recommend:

- **Policy 9, delete and replace with *“The improvement of existing public rights of way will be supported. The provision of new public rights of way that respect local character will be encouraged.”***

## Community Facilities

### Policy 10: Community Facilities

Paragraph 70 of the Framework supports positive planning for the provision of community facilities. Policy 10 has regard to this.

As worded, the Policy is confusing. It suggests that community facilities with retail and office use will be supported, but then goes on to require retail and office use to be ancillary to the community use. The Policy then goes on to state that the primary use of any such community facility will be for assembly and leisure.

Policy 10 also refers to “*the site*,” but no site is allocated or identified.

Taking all of the above into account, I recommend:

- **Policy 10, delete and replace with “*Proposals for a community building, primarily for assembly and leisure use, will be supported.*”**

## **Town Centre Parking**

### **Policy 11: Town Centre Parking**

In Chapter 4 of the Framework, “*Promoting sustainable transport,*” Paragraph 40 supports the improvement of the quality of parking in town centres.

In supporting the provision of an additional car park in the town centre, Policy 11 has regard to national policy and to the Framework’s support for the viability and vitality of town centres, referred to earlier in this Report.

However, as worded, the Policy fails to provide for a balanced approach to development, whereby harm might be outweighed by the benefits brought about by a sustainable development. Also, as with other Policies in the Neighbourhood Plan, it seeks to afford undue material weight to the Tuxford Place Analysis.

Taking the above into account, I recommend:

- **Policy 11, change to “*...will be supported, subject to respecting local character and residential amenity.*”**

Subject to the above, Policy 11 contributes to the achievement of sustainable development and meets the basic conditions.



## Car Parking on New Development

### Policy 12: Residential Parking on new Development

Paragraph 39 of the Framework requires local planning authorities to take into account a wide variety of factors when setting local car parking standards. In this regard, Bassetlaw District Council has adopted a Supplementary Planning Document (SPD), “*Residential Car Parking Standards*” (2012). This provides for an appropriate, detailed and justified approach to car parking standards.

Policy 12 is considerably less detailed than the adopted SPD. It also seeks to place a requirement on developers to take into account non-adopted guidance. Such an approach would be inappropriate, as it would introduce unnecessary uncertainty.

Further, it would comprise an ambiguous approach, whereby developers would be encouraged to provide unallocated car parking spaces to “*reflect car ownership rates in Tuxford.*” Such an approach fails to fully reflect the various criteria set out in Paragraph 39 of the Framework. Further, it would introduce conflict with the SPD, without any substantive evidence in justification.

The final part of the Policy partially repeats matters already covered in the SPD. It is not the role of neighbourhood planning policies to repeat existing policy.

Taking all of the above into account, I recommend:

- **Delete Policy 12**
- **Delete all related supporting text, and Figure 3, on pages 42 and 43**

## Supporting the Local Economy

### Policy 13: Supporting Local Business

Chapter 1 of the Framework supports the building of a strong, competitive economy and Core Strategy Policy CS6 supports economic development in Tuxford. Subject to the comments below, Policy 13 has regard to national policy and is in general conformity with the Core Strategy.

The first part of Policy 13 simply repeats part of Core Strategy Policy CS6. It is unnecessary. Part 2 of the Policy seeks to introduce criteria that are in direct conflict with Core Strategy Policy CS6. No justification or substantive evidence is provided for limits on employment space or use types that would be contrary to an existing strategic policy in the development plan.

In addition to the above, policies in the Core Strategy and elsewhere in the Neighbourhood Plan already protect local character, residential amenity and highway safety. There is no further need for repetition with specific regard to employment-related development.

I note that many home businesses can operate without the need for planning permission and that it is not clear what the third part of Policy 13 is referring to under the term “*small scale home based businesses*” as no definition is provided. Consequently, this part of the Policy fails to provide decision makers with a clear indication of how to react to a development proposal.

It is unduly onerous to require all development to demonstrate how it will contribute to “*current digital connectivity*.” There is no evidence to demonstrate that such a requirement meets the basic conditions. Similarly, there is nothing to justify a requirement for all development to access the superfast broadband network. This may not be a relevant consideration for, say, a household extension or a replacement sign on a shop-front. Consequently, Parts 4 and 5 of Policy 13 are unduly onerous and unjustified.

Taking all of the above into account, I recommend:

- **Delete Policy 13**

The supporting text provides interesting background information. Rather than lose sight of this, I recommend the introduction of the following to replace the deleted Policy. For clarity, the recommendation does not comprise a land use planning policy.

- Create new ***“Community Action: The Town Council supports local business and will, where possible and appropriate, encourage the expansion of existing businesses and the creation of new businesses in the Neighbourhood Area.”***
- Paragraph 175, delete last sentence
- Delete Paragraph 183

## **The Neighbourhood Plan: Other Matters**

Taking the recommendations above into account, I recommend:

- **Update the Contents page, to take into account recommended changes**

## **8. Summary**

I have recommended a number of modifications further to consideration of the Tuxford Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Tuxford Neighbourhood Plan

- 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 of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Tuxford Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## **9. Referendum**

I recommend to Bassetlaw District Council that, subject to the modifications proposed, the **Tuxford Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Tuxford Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case. Consequently, I recommend that the Plan should proceed to a Referendum based on the Tuxford Neighbourhood Area approved by Bassetlaw District Council on 29<sup>th</sup> September 2014.

**Nigel McGurk, May 2016**  
**Erimax – Land, Planning and Communities**

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