

Cuckney & Norton and Holbeck & Welbeck Neighbourhood Development Plan

Submission Version

June 2016

Report to the Bassetlaw District Council on
the Independent Examination of the draft
Cuckney & Norton and Holbeck & Welbeck
Neighbourhood Development Plan
2016 - 2031

December 2016

Examiner: John R. Mattocks BSc DipTP MRTPI FRGS

Contents	Page No(s)
0. Summary of main findings	1
1. Introduction	2 - 5
Appointment	2
My role as an examiner	2 - 3
Procedural matters	3 - 5
2. Preparation of the plan and pre-submission consultation processes	5 - 6
3. The Plan	6 - 34
Human Rights Act and EU Obligations	6 - 7
General Conformity with the strategic policies of the Development Plan for the area	7 - 9
<i>Summary of Development Plan policy</i>	7 - 8
<i>General conformity</i>	8 - 9
Having regard to national policy and guidance and the achievement of sustainable development	10 - 34
<i>Policy 1: Sustainable Development</i>	12 - 14
<i>Policy 2: Pre-application Community Consultation</i>	14 - 15
<i>Policy 3: Heritage at Risk</i>	15 - 16
<i>Policy 4: Housing Mix and Type</i>	16 - 18
<i>Policy 5: Allocation of Affordable Housing</i>	18 - 20
<i>Policy 7: Residential Car Parking in Cuckney A60/616</i>	20 - 21
<i>Policy 8: Creation of a Public Car Park in Cuckney</i>	21
<i>Policy 9: Enhancing the provision of community facilities</i>	22
<i>Policy 10: Energy efficiency in new developments</i>	22 - 23
<i>Policy 11: Tourism Development</i>	23
<i>Policy 13: Designating Local Green Spaces</i>	24 - 26
Site allocation Policies 14 to 20	26 - 27
<i>Policy 14: Former depot site and adjoining field, Budby Road</i>	28
<i>Policy 15: Land South of Creswell Road, Cuckney</i>	28 - 29

Contents continued	Page No(s)
<i>Policy 16: Development of Village Hall and Car Park</i>	29 - 30
<i>Policy 17: Land adjacent to Woodhouse Hall Barns, Holbeck</i>	30 - 32
<i>Policy 18: Lady Margaret Hall, Holbeck</i>	32
<i>Policy 19: Lady Margaret Crescent, Norton</i>	33
<i>Policy 20: Provision of Business Space at Hatfield Plantation</i>	34
Correction of errors	34
4. Formal Conclusion, Recommendations and consideration of Referendum area	35
Annex A. Abbreviations used in report	36

Summary of main findings

0.1 It is a requirement of the Localism Act that this report should contain a summary of its main findings. The reasons for each of the recommendations are given in the following sections of the report.

0.2 The principal findings in this report are that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in the 1990 Act, does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

0.3 My main recommendations for modifications to the individual policies are:-

- Policy 1 should be re-worded and clarified avoiding unnecessary overlap with Policy 4;
- Policy 2 should be deleted as a policy but retained as a 'key principle';
- Policy 4 is re-worded and clarified that it applies to all allocations for housing obviating the need for repeat in individual policies:
- Policy 5 should be deleted and replaced by a policy relating affordable housing to identified local housing need. References to housing allocation policies should be moved to a plan appendix;
- Policy 13 to be re-written with the Local Green Spaces listed thereunder but excluding site 3, Church Meadow and Fielding's Bank, which should be deleted as an LGS;
- References in Policies 14, 15, 17 and 19 to making a contribution towards the improvement of public transport services should be deleted;
- The criterion in Policy 17 for the provision of a safe crossing of the A60 to be made a definite requirement of any development.

Introduction

Appointment

1.1 I have been appointed by the Bassetlaw District Council (BDC), acting as the Local Planning Authority (LPA), under the provisions of the Localism Act 2011, to carry out an independent examination of the Cuckney & Norton and Holbeck & Welbeck Neighbourhood Development Plan ('the CNHW plan'). The proposed plan was submitted to the LPA on 11 July 2016. The BDC carried out publicity for the proposed plan for 6 weeks and 1 day between 12 July and 23 August 2016 giving details of how representations might be made, in accordance with Regulation 16 of the Neighbourhood Plans (General) Regulations 2012 ('the 2012 Regulations'). I was sent the documentation required under Regulation 17 on 17 October 2016 including copies of all of the representations received under Regulation 16. I have taken that documentation into account in carrying out the examination.

1.2 I am a Chartered Town Planner (Member of the Royal Town Planning Institute) with over 43 years post-qualification professional experience in local and central government. I am independent of the Cuckney & Norton, Holbeck and Welbeck Parish Councils and of the Local Planning Authority. I have no land interests in any part of the plan area.

My role as an examiner

1.3 The terms of reference for the independent examination of a Neighbourhood Development Plan are statutory. They are set out in the Localism Act 2011 and in the 2012 Regulations. As an examiner I must consider whether the plan, as submitted, meets what are called 'the basic conditions'¹ or whether any modifications to the plan should be made in order that it meets the basic conditions. In summary, the basic conditions are that the plan-maker should:-

- Have regard to national policies and to advice contained in guidance issued by the Secretary of State;

¹ These are set out in paragraph 8(2) of Schedule 4B

- Consider whether the making of the plan contributes to the achievement of sustainable development;
- Consider whether the plan is in general conformity with the strategic policies contained in the development plan for the area;
- Ensure that the plan does not breach, and is otherwise compatible with EU obligations relating to Strategic Environmental and Habitats Assessment and that the plan is compatible with Convention rights, within the meaning of the Human Rights Act 1998.
- Ensure that 'prescribed conditions' are met and 'prescribed matters' have been complied with in plan preparation and submission.

1.4 Legislation requires that my report on the draft plan should contain one of the following recommendations:-

- a) that the draft plan is submitted to a referendum, or
- b) that modifications are made to the draft plan and the modified plan is submitted to a referendum, or
- c) that the proposal for the plan is refused.

I may make recommendations for modifications which I consider need to be made to secure that the plan meets the basic conditions or for compatibility with EU obligations and (Human Rights) Convention Rights. The only other modifications which I may recommend are those to correct errors.

Procedural matters

1.5 On 17 March 2014 Bassetlaw District Council formally designated the two parishes of Cuckney & Norton and Holbeck & Welbeck² as a single Neighbourhood Area. The plan relates solely to the designated area and has been submitted by the Cuckney and Norton Parish Council (CNPC) as the 'Qualifying Body'. The full title of the plan is given on the front cover as the 'CNHW Submission Neighbourhood Development Plan' with a sub-title 'Neighbourhood Plan for the Parishes of Cuckney & Norton, Holbeck & Welbeck' and an indication that the submission version is dated

² An ampersand (&) symbol is used to combine the names of the two villages in each of the two parishes

June 2016. The period covered by the plan is given in a side column on the front cover as 2016-2031³ and this is confirmed in paragraph 2.3 of the Basic Conditions Statement. Thus the statutory requirement to specify the period covered by the plan is met.

1.6 It is confirmed in paragraph 2.4 of the Basic Conditions Statement that the plan policies do not relate to mineral extraction or waste development, to nationally significant infrastructure or any other 'excluded development'⁴.

1.7 The legislation states that the 'general rule' is that the examination of the issues by the examiner should take the form of the consideration of written representations. However, an examiner must hold a hearing 'for the purpose of receiving oral representations about an issue' where he or she considers a hearing 'is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case'⁵.

1.8 From my initial appraisal of the plan and the representations made, I came to the view that additional written clarification was required on a number of points relating to the implementation of the policies in the plan, most especially on the operation of CNHW Policy 5 on affordable housing. I put some questions to both the BDC and the CNPC by e-mail on 23 November 2016 and received responses from both by e-mail on 5 December. After considering those responses I decided that I had sufficient information on the subject and that a hearing would not be required. I have also sought clarification in writing of a few other points during the course of the examination.

1.9 Although I did not consider that a hearing was necessary I nevertheless felt it important that I should visit the neighbourhood area so that I might fully appreciate the character and heritage of the villages in their landscape setting and to look at the development sites mentioned in the neighbourhood plan, as well as those proposed as Local Green Space. I did this on 8th December 2016.

³ There is an error in the plan title in the side column which reads 'CHNW' rather than 'CNHW'.

⁴ Sections 61J(2) and 61K(a) of the Town and Country Planning Act 1990, as amended by Schedule 9 of the Localism Act 2011.

⁵ Paragraph 9 of Schedule 4B to the 1990 Act (as in reference 1 above)

1.10 The CNPC have submitted a Basic Conditions Statement in accordance with the Regulations. It provides a detailed assessment, including commentary in tabular form in relation to each of the policies in the plan, of the extent to which the plan meets the basic conditions, as summarised in paragraph 1.3 above. I have taken that assessment into account in my examination

1.11 I have taken into account all of the written representations made on the submitted draft plan.

Preparation of the plan and the pre-submission consultation process

2.1 As required by legislation⁶, the CNPC have submitted a Consultation Statement which includes an indication of the representations made on the pre-submission draft plan during the statutory (Regulation 14) consultation between 15th June and 27th July 2015. The statement omitted a list of those 'persons and bodies' who were formally consulted but I have since received that list and I am satisfied that all statutory bodies were consulted. An additional document entitled 'summary of consultation' has been submitted which sets out in detail the results of the various meetings held during the earlier preparatory stages of plan-making.

2.2 The consultation statement includes an indication of the responses of the CNPC to those representations and what changes were made to the draft plan in drawing up the submission version. A representation by the Environment Agency at the Regulation 14 stage is not mentioned but I have taken account of their representation on the submission plan.

2.3 The 'summary of consultation' gives a very clear picture of the extensive public engagement undertaken from the first 'interest meeting' attended by over 50 residents on 8th July 2014 and describes the setting up of steering group to help prepare the plan. The results of the various consultation events, including a special meeting with primary school children and a 'young people' consultation show the very considerable efforts made to involve a wide range of the population in plan preparation.

⁶ The Neighbourhood Planning (General) Regulations 2012, Regulations 15(1)(b) and 15(2)

2.4 I have little doubt that the thoroughness of the engagement process has resulted in the noticeable lack of criticism in any of the representations made on the plan by the local community with a number in support. The parish council and the steering group are to be congratulated on the effectiveness of the public engagement process.

The Plan

3.1 In paragraph 1.3 above I have set out the terms of reference for my examination of the plan in accordance with the relevant Act and Regulations. In doing so I will first consider the consistency of the plan with the Human Rights Act and then whether EU Regulations have been complied with. I will then consider the extent to which the plan meets the basic conditions.

The Human Rights Act and EU Obligations

3.2 Section 6 in the Basic Conditions Statement is headed 'Compatibility with EU Obligations'. It is stated in paragraph 6.3 that the plan has regard to, and is compatible with, the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. It is acknowledged that an Equality Impact Assessment had not been prepared but that great care had been taken to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups. No representations have been made concerning these aspects and from my own assessment I have no reason to conclude other than that the approach taken in the plan is fully compatible with Convention Rights.

3.3 A screening opinion was issued by the CNPC in accordance with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004⁷ indicating that the plan proposals would not result in any significant environmental effect. Nevertheless, on advice from the BDC a Sustainability Appraisal (SA) was undertaken, incorporating a Strategic Environmental Assessment (SEA), and that has been consulted upon. The statutory consultees have indicated agreement with the screening opinion. The SA evaluates plan options and policies against SA

⁷ Commonly called the SEA Regulations, 2004 No. 1633

objectives and also secondary, cumulative and synergistic effects and identifies the outcomes.

3.4 The plan-making body must also consider the provisions of the Habitats Regulations.⁸ Some of the sites proposed for development in the plan are within Impact Risk Zones for SSSIs with the Birklands and Bilhaugh SSSI also being a Special Area of Conservation (SAC). Also in the vicinity is the possible future Sherwood Forest Special Protection Area (SPA) with an interest for breeding birds, as acknowledged in paragraphs 16.2 and 16.3 of the plan. An HRA screening assessment was issued on 14 September 2016 and, with minor amendment following initial consultation, Natural England accepted by e-mail dated 14 October 2016 the results of the assessment that there would not be a significant effect on any European site as the result of the plan proposals. The revised assessment does, however, recommend additional criteria in CNHW Plan Policies 11, 18 and 20 and these are considered later in this report.

3.5 Taking the above into account, I am satisfied that the submitted plan is compatible with EU environmental obligations and does not breach Convention Rights.

General conformity with the strategic policies of the Development Plan for the Area

Summary of development plan policy

3.6 The statutory development plan for the neighbourhood plan area consists of the Bassetlaw Core Strategy and Development Management Policies DPD (BCS), adopted in December 2011. There are also Minerals and Waste Local Plans adopted by Nottinghamshire County Council but no policies in those documents have a direct bearing on the neighbourhood plan. I am informed that the strategic policies in the BCS of relevance to the neighbourhood plan are policies CS1-9 inclusive and DM1-3.

3.7 The adoption of the BCS pre-dates the issue of the National Planning Policy Framework (NPPF) and, at the time, was required to be in general conformity with the Regional Spatial Strategy which has since been revoked. The BCS includes a

⁸ The Conservation of Habitats and Species Regulations, 2010 ('the Habitats Regulations')

settlement strategy identifying a hierarchy of settlements. In policy CS1 Cuckney is identified as a 'rural service centre' where there is a range of local services and access to public transport such as to make it suitable for 'limited rural growth'. Policy CS8 applies. The other smaller settlements in the parish, Norton, Holbeck, Holbeck Woodhouse and Welbeck are all listed in Appendix 4 of the BCS as 'other rural settlements' which, under Policy CS1, are not considered suitable for growth and to which policies CS9 and DM1 apply.

General conformity

3.8 There is a paragraph in the national Planning Practice Guidance (PPG)⁹ under the heading 'What is meant by 'general conformity?'' in which it is stated: When considering whether a policy is in general conformity a qualifying body, the independent examiner, or Local Planning Authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.

3.9 The general principle behind the BCS approach is to ensure that development, particularly housing development, in rural areas takes place in the most sustainable manner. The National Planning Policy Framework has been issued since that plan was adopted and clarifies, in paragraph 55, that to promote sustainable development in rural areas housing should be located where it would enhance or maintain the vitality of rural communities and recognises that, where there are groups of smaller villages, development in one may support services in a village nearby. However, it is to be noted that isolated dwellings in the countryside should be permitted in only very limited circumstances.

⁹ Paragraph 074 reference ID: 41-074-20140306

3.10 In their response to this plan the BDC have not raised any issue with those proposals which look to the allocation of housing on sites adjoining the village development boundary for the rural service centre of Cuckney. They have stated that the development proposed in Norton and Holbeck 'represents clearly planned aspirational growth based on local justification and evidence'. They conclude that the allocations are proportionate to the scale and character of the settlements and that the plan is 'not considered to contradict the strategic approach of the Core Strategy'.

3.11 I agree that the CNPC have put forward a convincing argument in the plan as to why a modicum of new development would go towards meeting identified local housing needs¹⁰ and to demonstrate how such development would help to maintain the vitality of a somewhat special community. The allocation of small sites for housing on the edge of the main village of Cuckney would, although mostly outside the established village development boundary, be closely associated with it and thus help to retain the character and heritage of the village. Norton is relatively close to Cuckney such that housing there would support the services in the larger village. The allocation at Woodhouse Hall Farm is more isolated and is discussed in more detail below but, overall, the degree of conflict between the CNHW Plan policies and those of the Core Strategy is not so great that the basic principle of the local plan strategy would be undermined. The plan may, therefore, be accepted as being in general conformity with the development plan for the area.

3.12 I note the suggestion in the representations by the BDC that in order to future-proof the neighbourhood plan that wherever possible reference should be made to the strategic policies in the emerging Bassetlaw Plan. However, that document is in a very early stage of preparation with adoption not expected before 2019. What has been issued to date is in the form of an issues and options discussion paper which does not include policies. In the circumstances, I consider it premature to make other than passing reference to it. It might well be that the CNHW Plan will require review after adoption of the Bassetlaw Plan especially as the strategic policies in the new local plan will take precedence over those in the neighbourhood plan.

¹⁰ In the Housing Needs Survey, 2014

Having regard to national policy and advice and contributing to the achievement of sustainable development

3.13 It is stated in paragraph 6 of the NPPF that the purpose of the British town planning system is to contribute to the achievement of sustainable development. The main body¹¹ of the NPPF itself constitutes the Government's view of what sustainable development means in practice. There is, therefore, a close relationship between the two basic conditions of consistency of the plan with national policy, as expressed in the NPPF together with relevant Planning Practice Guidance (PPG), and making a contribution to sustainable development. It is the plan as a whole which needs to meet these basic conditions but In assessing this I have examined each of the policies in turn taking account of the written representations made.

3.14 I have two general points to make about the policy content of the plan. My first concern is that although the policies are helpfully distinguished from the text and objectives by inclusion in a light blue box with bold text, the approach taken in the formulation, that is the wording, of the policies themselves does not show that sufficient regard has been had to national policy and advice. There are several statements in the NPPF which set out the nature and purpose of neighbourhood plan policies. The core land-use planning principles in paragraph 17 include that both local and neighbourhood plans should 'provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency'. Also, in paragraph 183 it is stated that parishes and neighbourhood forums can use neighbourhood planning to set planning policies through neighbourhood plans *to determine decisions on planning applications*. (My emphasis) Furthermore, in the PPG it is stated: '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.'¹²

3.15 Therefore, although it is undoubtedly the case that the policies in the plan will provide a guide to the way the parish councils might respond to the LPA when consulted on planning applications, the policies in the plan should be worded so that

¹¹ More precisely paragraphs 18 to 219 inclusive

¹² Ref. ID: 41-041-20140306

they provide a clear-cut basis for the actual planning decision. This applies to the rather large number of policies in the CNHW Plan which are expressed in terms of support for a particular type or form of development, although I will assume this is synonymous with planning permission being granted if the policy criteria are met. More problematic are those policies which indicate that development proposals will be 'encouraged' (policies 9 and 10) or even 'strongly encouraged' (Policy 11) because any actions which might be taken to actively encourage development are likely to fall outside the scope of a land-use planning document, for example in the provision of financial incentives. For that reason, Policies 9, 10 and 11 do not meet the basic condition of regard having been had to national policy in their formulation. Otherwise, where I consider it necessary to recommend that a policy be modified so that it would meet the basic conditions I will consider re-wording to relate directly to decisions on planning applications. If no mention is made of a policy in this report it means that I am satisfied that the plan meets the basic condition with the policy remaining as drafted.

3.16 The second point on the policy content is that it is made clear in the PPG that neighbourhood plans must address the development and use of land. That is, indeed, a statutory provision. The guidance also states: 'Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land-use matters should be clearly identifiable. For example, set out in a companion document or annex.'¹³ As discussed below, this applies to Policies 2 and 5.

3.17 In the following paragraphs I set out my conclusions on the degree to which each of the policies in the plan meets the basic conditions and whether any modification would be needed in order that the plan as a whole would meet those conditions.

¹³ Ref. ID: 41-004-20140306

Policy 1: Sustainable Development

3.18 Before turning to the policy itself, I see that the BDC raise issue with the third bullet point of the introductory paragraph 6.1 which refers to ‘the stringent requirements for housing to meet local need first’. As the District Council state, those words give the impression that the plan includes policies to control the first occupancy of all dwellings of whatever tenures when it does not do that. Policy 5 seeks to control the first tenancy of affordable housing but, as I indicate below, that policy is not acceptable in its existing form. The alternative wording suggested by the BDC is a proper reflection of what can be realistically achieved by the plan and I recommend accordingly.

Recommendation 1

Delete the third bullet point in paragraph 6.1 and replace by ‘the requirement for housing to meet local needs’

3.19 As stated in paragraph 6.2 in the plan this policy is intended to be over-arching. Seeking to ensure that it does indeed contribute to sustainable development is commendable. However the BDC have made representation that, as worded, the first part of the policy does not distinguish between the different land uses which are considered appropriate on each of the allocated sites. I go further and say that it is not at all clear how the policy is intended to ‘sit alongside’¹⁴ those for the allocated sites. Criteria 1(a) and 1(b) are both concerned about the same issue: that new housing should meet identified local needs of which the provision of affordable housing is but one aspect. The criteria are repeated, in different words, by policy 4 which is also intended to be of plan-wide application. Indeed, policy 4 is much more clearly expressed and properly identifies that it relates to the determination of planning applications. The implementation of the plan will not be assisted by the unnecessary duplication of policies nor by cross-referencing between them because planning decisions need to take account of the development plan as a whole. Criteria 1(a) and 1(b) should be deleted for clarity in interpretation of the plan.

¹⁴ To quote from paragraph 6.2 in the plan

3.20 It is not at all clear what is intended to be achieved by criterion 1(c). However, the provision of social and community infrastructure and recreational facilities, where directly related and proportionate to any proposed development, is a justifiable requirement which may be achieved by a s106 obligation subject to meeting the 'tests' for such obligations under paragraph 204 in the NPPF. In reality, that is only likely to arise for housing schemes. Such a policy requirement appears not to be covered elsewhere in the plan. Criterion 1(d) is only of relevance for the allocation of a site for business space at Hatfield Plantation under Policy 20. As stated in paragraph 22.14 of the plan, that site along with the adjoining former colliery site, 'will provide a significant boost to the local economy'. So the intention behind criterion 1(d) of policy 1 appears to be met by Policy 20. Therefore, criterion 1(d) of policy 1 is superfluous and should be deleted for clarity of application.

3.21 For clarification I recommend a complete re-wording of the first part of Policy 1 which, in essence, retains only criterion (c) applying to the housing allocations. As for the second part of the same policy I consider it to be far too restrictive in its potential application. Despite the intention stated in paragraph 6.2 of the plan the policy does not provide the positive framework for sustainable development required in paragraph 14 of the NPPF. Decisions on planning applications will, for example, need to balance any harm to the significance of an heritage asset with any wider public benefits which may accrue from development, as stated in paragraphs 133 and 134 of the NPPF. A policy which requires development to 'minimise' any harm to the stated interests would allow a judgment to be made on the appropriate balance taking account of the circumstances applying for any individual development proposal. I recommend accordingly.

Recommendation 2

Delete the first part of Policy 1 and replace it by a revised policy to read as follows:-

Development on the sites allocated for housing in this plan should support, facilitate or enhance the provision of infrastructure associated with leisure or recreational pursuits; social and community facilities within the parishes. Such provision should be secured by an obligation under section 106 of the Town and Country Planning Act 1990.

Delete the introductory wording in the second part of Policy 1 and replace it by the following words:-

All development should be located and designed so as to minimise any harm to:

Policy 2: Pre-application Community Consultation

3.22 In the questions I have raised on the plan as part of this examination I have drawn attention to the national policy and guidance that plan policies should be clearly expressed in order to provide a basis for decisions on planning applications and that although community aspirations may be included in the plan they should be kept separate, such as in an annex.

3.23 Policy 2 relates entirely to procedural matters in the handling of planning applications. No policy can require community consultation and it would be very difficult for the Local Planning Authority to refuse an application if community engagement had not taken place at the pre-application stage. Indeed, if a development proposal accords with the development plan there is an onus on the LPA to approve it without delay.

3.24 Having said that, I do accept that section 7 in the plan is concerned with proposals which either are, or relate to, the development and use of land. Therefore, although I do not consider Policy 2 in itself meets the basic condition of having regard to national policy and advice and so should not be identified within a blue box as 'policy' there is a place in the first part of the plan for a section on community consultation. It may assist in contributing to sustainable development. Therefore, in principle, I accept the stance suggested in the response to my question. However, I see no reason to remove or amend Appendix A in the plan as it is not policy but represents best practice and accords with the approach advocated in the NPPF. Indeed, I have no basis for recommending its deletion because it satisfies the basic conditions. Consequently my recommendation relates only to the deletion of the policy statement and the inclusion of a 'key principle' instead. It is important to stress that pre-application consultation is only required for 'major development' as defined.

Recommendation 3

Amend the title of section 7 in the plan to read ‘Consulting the Community: A Key Principle’

Delete the second sentence of paragraph 7.2 in the plan text and move the reference to, and definition of, ‘major development’ to be included in the new ‘Key Principle’, as below.

Delete paragraphs 7.4 and 7.5 of the plan text and Policy 2.

Insert a new paragraph 7.4 worded as follows:-

7.4 The requirements necessary to constitute ‘community consultation’ are set out in the key principle below.

Key Principle: Pre-application Community Consultation

- 1. Those submitting proposals for major development are encouraged to actively engage in consultation with local people and other stake holders, and particularly the Parish Councils as part of the design process at the pre-application stage.**
- 2. In consulting with the community it will be considered best practice for the applicant to follow the guidelines set out in Appendix A.**

Policy 3: Heritage at Risk

3.25 I recognise that this policy is an especially important one for this particular neighbourhood plan and it gives it a degree of individuality which is to be commended. The whole of section 8 in the plan reflects the significant collection of listed buildings within the parishes and looks towards taking a very positive approach to their conservation. I am aware that there have been detailed discussions with Historic England as well as Bassetlaw District Council in the preparatory stages of the plan.

3.26 It is, therefore, somewhat surprising that the Principal Conservation Officer at the BDC should have found it necessary to make a representation on this policy which is largely a matter of fine detail. Nevertheless, it does highlight the fact that the policy is not dealing solely with the development of heritage assets but also

might apply to enabling development within the setting of such an asset. Such a clarification would ensure that the policy has full regard to national policy as would the addition of a criterion referring to enabling development, although I consider that best included as part of criterion (d) of part 1 with which it is closely associated. The second part of the policy deals adequately with changes of use and there is no need to cross-reference to allocations in this or other plans because those plans should have taken account of the location of heritage assets and the plan(s) are to be read, and applied, in their entirety.

Recommendation 4

In the first line of Policy 3, after ‘The development of’ insert ‘, or affecting the setting of,’.

In the second line of the policy replace ‘will be supported’ by ‘will be permitted’.

Add at the end of criterion (d) in the first part of policy:-

‘and the benefit of an enabling development proposal has been fully demonstrated.’.

Include a footnote referring to Historic England’s guidance on enabling development.

Policy 4: Housing Mix and Type

3.27 As I have concluded in relation to policy 1 this policy is ‘over-arching’ at least in so far as it applies to the consideration of the housing allocations. Indeed, the CNPC have accepted that in order to eliminate unnecessary duplication and slight differences in wording between different policies that the references to housing meeting local needs might be deleted from the individual allocation policies with policy 4 applying across the board. I agree that would assist in clarifying the plan and thus in meeting the basic conditions.

3.28 When faced with a planning application for housing development on any of the sites allocated for the purpose in the plan, the LPA would normally need to be able to refer to some quite robust evidence in order to require any particular mix of house types to be provided. In rural areas, planning ‘to meet local needs’ as

expressed in paragraph 54 of the NPPF is often taken in terms of numbers rather than house sizes or types. Intervention in a free market can undermine viability. However, I recognise that the situation in the CNHW area where virtually all of the land available for development is owned by a single landowner might be somewhat different from the norm.

3.29 Nevertheless, I have reservations as to the adequacy of the evidence base available for this plan in providing a clear-cut basis for the LPA to require any particular mix of house types and sizes on any of the allocated sites. The Strategic Housing Market Assessment (SHMA), by its very nature, can only provide a high level analysis of need and cannot easily be translated to need at a parish level, especially for rural parishes with small populations. The methodology available for assessing housing need at district level does not lend itself to smaller area analysis. For example, the data included in the 'rural profiles' shows a very high level of population movement between censuses especially in the working age groups.

3.30 I do accept that the parishes' own survey for this plan has identified a particular mismatch between the age and type of housing available, with a high proportion of large older houses in the privately rented sector, which is unusual. The plan rightly seeks to improve and sustain the vitality of the area by seeking to re-balance housing provision. In response to one of my questions the parish have suggested an additional paragraph for further clarification and justification of the approach taken to housing mix which I consider would be useful and help to ensure that the plan does contribute to sustainable development. I recommend its inclusion.

Recommendation 5

Insert a new paragraph to follow paragraph 9.5 worded as follows:-

The dominance of detached houses (see para 3.4 and 3.8) and the evidence of an aging population has implications for the future sustainability of the Plan area. Changing social norms and an ageing population fuel a growing demand for smaller dwellings. To ensure the future sustainability of the village, smaller properties for older residents and starter homes for young people should form part of the housing mix on new developments, to reduce the present dominance of large detached family homes.

3.31 A difficulty as I see it is that the 2014 Housing Needs Survey (HNS) was designed primarily to identify an existing need for affordable housing. In that sense it does provide robust and proportionate evidence as required by the NPPF. However, the reference in that study to there being a need for a wider range of house types and for more open market housing is not directly supported by any survey data. It is expressed more as a matter of opinion.

3.32 For the plan to be truly successful in providing an appropriate mix of house types, other than for affordable housing, it will be necessary for the LPA to have the necessary evidence of need within the private sector which I do not believe is currently available. As the wording of Policy 4 is dynamic and refers to the mix of housing to 'reflect the demonstrable needs identified in the most recent Housing Needs Survey' that provides an opportunity for a more wide-ranging survey to be undertaken which will provide hard evidence of actual need arising from the existing population. I am fully satisfied that given the nature of the housing stock in the plan area, as evidenced by the parish survey and the area profiles, there is a justification for the particular stance taken in the plan but there is a need for more detailed guidance on the house types required to assist the LPA in determining applications when they are forthcoming. With that proviso, the plan has the potential to contribute to sustainable development and, with policy 4 as it is, meets the basic conditions.

Policy 5: Allocation of Affordable Housing

3.33 This is the policy in the plan which has given me the greatest cause for concern about the compatibility of the plan with the basic condition of having regard to national policy. Clearly, it is an important objective of the plan that it should meet identified housing needs and the HNS demonstrates a need for 9 affordable houses. Providing houses so that people growing up within the community might stay and continue to contribute to the vitality of the rural community is an important aspect of sustainability.

3.34 In terms of the overall deliverability of affordable housing the plan does not propose the development of land for as many as 60 houses which, it is suggested in paragraph 9.8, would be needed to yield 9 affordable houses on the basis of the 15% target in the Bassetlaw Local Plan. That is now even less likely in the light of

the Government policy that councils should not seek the provision of, or contributions towards, affordable housing on sites smaller than for 11 dwellings¹⁵.

3.35 In the circumstances, bearing in mind the nature of the local landowner, I find it surprising that the plan does not identify sites that would be developed as 'rural exception sites' for 100% affordable housing. It seems to me that virtually all of the sites put forward for housing development in the neighbourhood plan might have been contenders for such treatment although I do recognise that the local community sees the sustainability benefits in broadening the local housing offer and to do so is clearly in line with Government policy as set out in paragraph 50 of the NPPF.

3.36 In response to my questions, the CNPC have acknowledged the potential shortfall in affordable housing provision and have clarified the intention that the development of the 4 dwellings proposed under Policy 16 on former allotments off Creswell Road, Cuckney should be for affordable housing only, in other words it would be an exception site. (*See Recommendation 17 below*)

3.37 The BDC made representation on the requirement in Policy 5 which, as the heading suggests, looks to determine the initial tenancy of affordable housing which should be offered first to those with a 'strong local connection'. The second part of policy 5 indicates that a legal agreement would be required to 'formalise' the arrangements. The fundamental point raised by the BDC objection is that housing allocation policy is a matter for the Local Housing Authority working with a Registered Housing Provider. It could not be used by the LPA in determining a planning application. It is possible, in exceptional circumstances, to condition the first occupancy of dwellings or to secure it by s106 agreement but the tests in paragraph 204 of the NPPF must be met. The BDC have made it clear that it is only for rural exception sites that a condition or obligation might be used to stipulate the owner or occupier of specialist or affordable housing in accordance with the Bassetlaw Affordable Housing SPD. The overall mix and type of dwellings, including tenure, is covered by CNHW Policy 4.

3.38 At my request the BDC have expanded upon their initial representation on Policy 5. As formulated in the submission plan the policy fails to meet the basic

¹⁵ Written Ministerial Statement of 28 November 2014; NPPG Ref. ID 23b-031-20161116

conditions because it is not directly related to what can be delivered through the planning system and thus does not have sufficient regard to national policy. An alternative form of words has been put forward by the BDC which would not refer to lettings policy but to meeting local needs. In that respect it would be very similar to Policy 4 but more explicitly relate to affordable housing. The CNPC have signalled their agreement to such a modification to the plan. I recommend a replacement policy based upon it. Consequential changes will be required to the supporting text. As a link to local connection criteria is something which the community, working with Welbeck Estates, might well be able to achieve through means other than the planning system, I regard it as an aspiration which would be best included in an appendix to the plan.

Recommendation 6

Delete policy 5. In its place insert the following new policy 5:-

Policy 5: Affordable housing

Affordable housing will be delivered on the allocated sites taking account of the findings of the most up-to-date Housing Needs Survey and any other appropriate supporting evidence which identifies a local need for such housing.

Delete the reference to Policy 5 in paragraph 9.11 and move the rest of that paragraph and paragraphs 9.12 and 9.13, along with the box showing local connection criteria, to an annex in which the community's approach to the allocation of affordable housing is set out.

Policy 7: Residential Car Parking in Cuckney along the A60 and A616

3.39 I have sought clarification of the meaning of 'adequate' car parking in this policy. For it to provide a clear basis for decision-making some indication is required of what would be considered 'adequate'. In response the CNPC have proposed a revised wording which would meet this requirement. However, it is not necessary to include references to higher car ownership or the limited provision for off-street parking in the policy itself. It is part of the justification and would be better placed in the text.

Recommendation 7

Delete Policy 7. Replace by the following new policy:-

Proposals for housing development adjacent to both the A60 and the A616 in Cuckney will be required to demonstrate that residents and visitors parking requirements can be accommodated off street to facilitate traffic flow and accessibility for service and emergency vehicles. Proposals should ensure parking is integrated into the layout of the scheme.

Include in the supporting text references to higher car ownership and usage due to the rural location and to the very limited provision for off-street parking.

Policy 8: Creation of a Public Car Park in Cuckney

3.40 This is one of the policies the wording of which does not give a clear indication of how a decision-maker might react to a development proposal. I do not doubt that the community would strongly support any proposal which does come forward but the neighbourhood plan can only deal with actions that fall within the ted scope of the planning system. A modification to the policy setting criteria which need to be met if permission is to be granted is a way forward but there may be 'material harm' which is not of such significance as to warrant a refusal of permission. The site lies within the Cuckney Conservation Area where the test, in line with the NPPF, would be 'substantial' or 'less than substantial' harm in order that the area be 'preserved or enhanced'. The car park would clearly be a public benefit and a balancing exercise would need to be carried out. The policy requires re-wording In order to have full regard to national policy and advice.

Recommendation 8

Re-word the first part of policy 8 to read:-

Permission will be granted for a car park in the vicinity of the school for use by parents and those visiting the play area provided that:

- a) the amenity of nearby residents would not be significantly harmed;**
- b) the proposals would preserve or enhance the character and appearance of the Cuckney Conservation Area.**

Policy 9: Enhancing the provision of community facilities

3.41 In a similar way to policy 8 this policy states that certain types of development will be 'encouraged' although it is not stated how that is to be done other than linking to Policy 16 which provides a site for a new village hall. Other than positive land-use proposals which look to facilitate the provision sought, many forms of encouragement are likely to fall outside the remit of the plan. The CNPC have suggested a revised wording to overcome that difficulty which I recommend.

3.42 However, other re-wording is required to ensure there is no ambiguity in application for decision-making.

Recommendation 9

Re-word the first part of Policy 9 to read:-

- 1. Permission will be granted for the enhancement and improvement of community facilities across the plan area ...**
- 2. The relocation of community uses will be permitted if the location ...**
- 3. The appropriate extension of existing community buildings will be permitted provided that ...**

Policy 10: Energy efficiency in new developments

3.43 Paragraph 14.1 is no longer correct. It represents the policy of the previous Government as set out in The Carbon Plan of December 2011. There followed consultation on a possible small sites exemption from level 6 of the Code for Sustainable Homes which was proposed to be introduced from April 2016. However, in The Government's productivity plan published on 10 July 2015 it was announced that the Government would not proceed with those proposals, indeed the Code for Sustainable Homes has been abandoned. The current position is that the Government will keep energy efficiency standards under review, as now put into statute in the Housing and Planning Act 2016, section 165, which amends the Building Act, 1984. Paragraph 14.1 should be deleted from the plan.

3.44 Policy 10 does not set standards and it is entirely in accordance with Government guidance that local communities should look to their own solutions for renewable energy. However, to reflect my general comment on the precision of

policy wording in paragraph 3.15 above some re-wording is necessary to avoid use of 'support' and 'encourage'.

3.45 Furthermore, taking account of the public benefit arising from renewable energy schemes the requirement in the second part of the policy that the development should not be detrimental to the character of a conservation area or to the setting of listed buildings is too strict a test. In the terms of paragraph 134 of the NPPF it needs to be shown that any harm would be 'less than substantial'.

Recommendation 10

Re-word policy 10 as follows:-

- 1. Proposals should include the use renewable energy solutions, or other low energy systems, in so far as that is compatible with the type of development.**
- 2. Development within Conservation Areas or near listed buildings the installation of renewable energy systems should result in less than substantial harm to the character or appearance of the area and/or to the setting of the listed buildings.**

Policy 11: Tourism Development

3.46 This is a very positively worded policy which, as with other policies, requires re-wording to provide a clear basis for taking decisions on planning applications.

Recommendation 11

Re-word the initial paragraphs to each part of the policy as follows:-

- 1. Permission will be granted for new build or for the change of use or conversion of existing buildings where the development would enhance the offer of tourist facilities by:**
- 2. Permission will be granted for a bike hire facility and café on the Heritage area adjacent to Hatfield Business Park where the development:**

Policy 13: Designating Local Green Spaces

3.47 I have drawn attention to the very specific nature of Government policy relating to the designation of Local Green Spaces (LGS) as set out in paragraphs 76-8 of the NPPF. In particular, the intention is that development management policies should be as apply in green belts, meaning that inappropriate development should only be permitted when very special circumstances are shown to exist. In response, the qualifying body have suggested that the policy should only designate the LGS. As it is envisaged that LGS may be identified in neighbourhood plans such an approach would clearly have regard to national policy which also needs to be stated in the policy for ease of reference. However, although the site assessments are set out in Appendix B, they should be listed in the policy itself so that it cross-references to Map 7. It is important too that the plan user should be in no doubt about the areas to which the LGS designation applies. Map 7 is drawn to too small a scale to fulfil that function. As all but one site (no. 5) is in or around Cuckney a larger scale plan covering that area, with a small inset for site no. 5, might still fit an A4 page to substitute for Map 7.

3.48 The CNPC have also suggested that with the above modification to the policy the content of parts 3 and 4 in the submitted plan policy be included in the text as an additional paragraph to follow paragraph 17.5. I agree that modification is necessary and I recommend it.

3.49 It needs to be borne in mind that LGS designation 'will not be appropriate for most green areas or open space' and that all of the requirements listed under paragraph 77 of the NPPF need to be met¹⁶. I assessed all of the proposed LGS sites when I visited the area on 8 December and I have considered the more detailed information about them in appendix B of the plan as well as in the Green Infrastructure Study. I have no hesitation in confirming that LGS sites 1, 2, 5 and 6 are fully compliant with Government policy.

3.50 Site 4 is located a little way to the east of Cuckney village within otherwise open countryside although it abuts a well-used public footpath, Sandy Lane, and thus might be regarded as reasonably close to the area it serves. It is relatively large

¹⁶ Further guidance is given in the PPG, ref. ID: 37-005/022-20140306

at 4 ha. but owing to the very strong enclosure by woodland planting on all sides I would not regard it as an 'extensive tract'. Also, as private land originally established to give cover for birds as part of the Welbeck shoot it is not the sort of site which would normally be considered suitable for LGS status, especially as it is also within the Cuckney Conservation Area and unlikely to come under any pressure for development. Nevertheless, the evidence is that the area has been planted with wildflowers (not visible on a December day!) and that it is now a breeding ground for buzzards rather than game birds. As a 'remise' it is a particular feature of the local landscape of some historic significance although LGS designation could not prevent agricultural or forestry activity. I agree that there would be potential for public access although I note that is not listed as a project in Appendix C.

3.51 Although site 3, Church Meadow and Fielding's Bank, is close to Cuckney village it is a large area (15 ha.) of agricultural land. The fact that it is skirted by a public footpath on its eastern side from which there are views across the river valley to the fine parish church and the fact that it is used for the annual village bonfire are not factors of such significance as to convince me that the area is 'demonstrably special'. It also lies within the Conservation Area forming an important part of the setting of the church and, including land around the river which floods, is not under threat of development. However, the conclusive factor which makes this site unsuitable for LGS status is its size. There is no hard and fast rule about what might be regarded as an 'extensive tract' but 15 ha. of open countryside close to a settlement is advised as not being appropriate for designation in Planning Practice Guidance¹⁷. For these reasons, the inclusion of the site in the plan as an LGS has not had sufficient regard to national policy and it should be deleted for the plan to meet the relevant basic condition.

Recommendation 12

Delete Policy 13 and replace it by the following policy:-

The following sites are designated as Local Green Spaces where inappropriate development will not be permitted except in very special circumstances. The Local Green Spaces, as shown on Map 7, are:-

¹⁷ Ref. ID 37-015-20140306

- 1. Mill Hill, Cuckney;**
- 2. Cuckney Community Garden;**
- 3. Remise on Sandy Lane, Cuckney;**
- 4. Millenium Garden, Holbeck Woodhouse;**
- 5. The Lady Margaret Crescent Lawn, Norton**

Amend paragraph 17.3, penultimate line, to refer to 5 Local Green Spaces, not 6.

Insert a new paragraph in the supporting text to follow paragraph 17.5 as follows:-

So far as is consistent with their predominantly open and undeveloped character, opportunities to improve public access and the recreational use of these Local green Spaces will be encouraged for the benefit of the wider community. Opportunities to conserve, enhance and/or restore the biodiversity of these Local Green Spaces will be a priority.

Replace the existing Map 7 by a larger scale plan which clearly shows the boundaries of the Local Green Spaces.

Remove site 3, Church Meadow and Fielding's Bank, from the list of sites in Appendix B.

Site Allocation Policies 14 to 20

3.52 I have drawn attention to the variation in wording in the criteria of Policies 14, 15 and 17 relating to the requirement for a mix of types and tenures including affordable housing. The CNPC have accepted that the issue is covered by Policy 4, and for affordable housing it is covered by district and Government policy as well as CNHW Policy 5. The application of the policies would be clarified for the purpose of decision-taking by the deletion of the individual criteria and reliance on the general policies.

Recommendation 13

Delete the following policy criteria:-

Policy 14 – criteria 1(e) and (f);

Policy 15 – criterion 2;

Policy 17 – criterion 1(b)

3.53 In addition to the general comments I have already made about the clarity and precision of policy wording, some of the criteria included in the site allocation policies are more in the nature of an aspiration than a strict policy criterion. I have queried in connection with Policies 15 and 17 whether a contribution towards public transport services in the area would be necessary to make the sites sustainable. The qualifying body's response was no, but that this was requested by Nottinghamshire County Council, the Local Highway Authority, in consultation.

3.54 I am aware that the bus services in this rural area are very limited in extent and, as the County Council have indicated in their Regulation 16 response, there is pressure on the funding required to subsidise even the existing two-hourly service to Worksop (service 209). I am in no doubt that a financial contribution towards the service from development would be welcome but for it to be secured under s106 in relation to any individual scheme it would have to be shown to be directly related to that scheme and necessary for it, in other words, the tests in paragraph 204 of the NPPF would need to be satisfied. Pooling of contributions is not permitted unless there is provision for it under the CIL scheme. The inclusion of the criteria relating to public transport contributions has not been justified and should be deleted in order to meet the basic conditions. Any aspirational statements relating to enhanced public transport provision, which is not in itself a land-use matter, should be included in a non-statutory appendix to the plan.

Recommendation 14

Delete the following criteria:-

Policy 14 - criterion 3;

Policy 15 – criterion 3;

Policy 17 – criterion 2;

Policy 19 – criterion 2.

Policy 14: Former Depot Site and adjoining field, Budby Road, Cuckney

3.55 This is an important site within the Cuckney Conservation Area lying directly on the southern approach to the village on the A60. It is indeed a 'gateway' site as recognised in paragraph 19.5 but that is not reflected in the wording of the policy criteria. Criterion (c) should make reference to it. As the whole site lies within the Conservation Area it is not the 'setting' which is the likely issue but the effect on the character or appearance of the Conservation Area itself. Criterion (d) should be amended to that effect. Criteria (e) and (f) are to be deleted in accordance with recommendations above. The second criterion in this policy is covered by policy 10 and, therefore, is unnecessary. Only a minor adjustment in wording is required, for consistency, to avoid the use of 'supported'.

Recommendation 15

Amend the wording of the first part of Policy 14 to read:-

Development in the region of 15 dwellings will be permitted provided that (the applicant) ...;

In criterion (c), insert 'and southern' after 'northern' in the second line and amend 'boundary' to 'boundaries';

In criterion (d), delete the word 'setting' in the first line and substitute 'preservation or enhancement of the character or appearance';

Delete part 2 of Policy 14.

Policy 15: Land South of Creswell Road, Cuckney

3.56 Although this site is not within the Conservation Area it abuts it. The rural and open nature of the site with the land dropping away to the south and east clearly contributes to the setting of the area. The policy provision to 'protect' the setting of the Conservation Area would be best replaced by the word 'preserve' in line with the statutory wording although that will be a challenging criterion to meet.

3.57 The position with regard to the provision of a footpath link is fully explained in paragraph 19.17. From this it appears that the Local Highway Authority have not agreed to a continuous footpath eastwards from the site on the south side of Creswell Road. Although that may be a community aspiration it is clearly not necessary to

make the scheme acceptable in planning terms and so could not be secured by a s106 obligation. The reference to it should be deleted from criterion (c).

3.58 The policy refers to a development 'in the region of 10 dwellings'. Although the Welbeck Estates as both landowner and, through Welbeck Housing Ltd., as a Registered Housing Provider may affect the situation the Qualifying Body will be aware that should the development be for 10 dwellings or fewer (or 1000 sq.m. total floor area) the LPA will not be able to require any affordable housing provision. It is a factor which will need to be weighed in the balance with those listed under this policy when a decision is taken on the number of dwellings to be provided on this site.

Recommendation 16

Amend the wording of the first part of Policy 14 to read:-

Development in the region of 10 dwellings will be permitted provided that (the applicant) ...;

In criterion (b) replace 'protects' by 'preserves';

Delete the words 'or via a new footpath to the village' at the end of criterion (c)

Policy 16: Development of Village Hall and Car Park on former allotments, Creswell Road, Cuckney

3.59 This is an open 'gap' site within the Conservation Area and, as such, clearly makes a contribution to the area's character and appearance. In paragraph 19.25 of the plan it is indicated that there has been community support for the provision of 'in the region' of 4 dwellings on the site 'particularly starter homes' but in response to a question by me the CNPC have stated that they should be treated as affordable dwellings. Although it has been suggested that starter homes may be included in the definition of affordable dwellings that is not currently the position. The site does not qualify as a 'starter homes exception site' which is limited to underused or unviable commercial or industrial land which is not allocated for housing¹⁸. However, the site could be regarded as a rural exception site for affordable housing and that needs to be explicitly stated. Only if 4 or more affordable dwellings are built on the site would the plan meet the objective of providing for the identified need for 9 affordable homes

¹⁸ Ministerial Statement, 2 March 2015

in the next 5 years. Also, as a rural exception site the provisions in the Bassetlaw Affordable Housing SPD would apply to it.

3.60 The Environment Agency have made a representation expressing concern that it is not clear whether the site may be at risk of flooding from the River Poulter. In the circumstances a precautionary approach should be taken by the addition of a criterion requiring a flood risk assessment to be undertaken. Without such a criterion I cannot conclude that the plan would meet the basic conditions.

Recommendation 17

Amend paragraph 19.25 to state explicitly that the site is to be treated as a rural exception site and that the 4 dwellings proposed will all be affordable homes.

In the paragraph of Policy 16 insert the word 'affordable' between '4' and 'dwellings' in the first line and replace 'supported where' by 'permitted provided'.

Add a criterion that a flood risk assessment has been undertaken which establishes that the proposed development would not give rise to an increased risk of flooding either on the site or in the vicinity which cannot be effectively mitigated.

Policy 17: Land adjacent to Woodhouse Hall Barns, Holbeck

3.61 This allocation covers an extensive range of former agricultural buildings surrounding the listed barns. Although there is a more modern steel framed barn towards the western side of the complex the majority of the buildings are stone or brick built, mostly single storey with some two storey sections, including the listed building. All the buildings are disused or derelict.

3.62 The complex is not immediately adjacent to either of the villages of Holbeck or Holbeck Woodhouse although it is relatively close to housing in the latter village to the south. It is a relatively isolated site within otherwise open countryside although its proximity to the community hub at Lady Margaret Hall, just across the A60, makes it somewhat unusual as well as being adjacent to the amenity provided by the Millennium Garden, a designated LGS under CNHW Policy 13. From my visit I would say that the description of the site as 'within a short walking distance' from the

facilities at Welbeck village is not entirely accurate given that 400 m. is generally regarded as coming within such a definition. However, as explained in paragraph 20.1 of the plan the development would complement a renovation scheme for the barns in accordance with the heritage at risk Policy 3. It appears that, in principle, the development would accord with paragraph 55 of the NPPF although much would depend upon the details of any final scheme.

3.63 The site lies within the Holbeck Conservation Area and, as it contains listed buildings, it is not just the 'setting' which should be protected (preserved or enhanced). To achieve that aim any scheme would have to be of the very highest standard. Also the open countryside location and proximity to parkland strongly suggests that the total coverage and massing of building form on the site should increase.

3.64 There is no indication in the plan as to the number of dwellings which might be developed on this site although indications are that it could be in the region of 30. That is a significant number of dwellings. In such a rural location where residents are likely to make use of cars for the great majority of journeys. The two hourly bus service to Worksop on the A60 with bus stops close-by might well receive some support but to my mind, even with the benefit of an enabling scheme for the barns, the site could not be regarded as sustainable one if it were not for the close proximity to Lady Margaret Hall where the range of community activities, clubs and societies, based there is impressive. In that regard, I regard a policy requirement for an improved and safe crossing of the A60 as essential for such a scale of development to be acceptable in this location. It is much more than a 'material consideration' as suggested in paragraph 20.5.

3.65 As worded in the submission plan, however, the proposals would be 'supported' provided a safe crossing 'has been sought'. That is meaningless in practice. Something may be sought but never achieved. I see that development of a safer crossing is project 4 in the list in appendix C, which is relatively high on the list. My attention has been drawn to the existence of a tunnel under the road from the Millennium Garden to the Lady Margaret Hall side. However, when I visited the site, even though there has been relatively low rainfall this autumn, the tunnel was deeply under water with small lakes on both sides of it. Making it suitable for pedestrian

and/or cycle access would appear to be a major task. Nevertheless, some form of safer crossing of this fast section of the A60 is necessary and I recommend making it a specific policy requirement to ensure the sustainability of the proposals and hence that the plan meets the basic conditions.

Recommendation 18

Delete Policy 17 and substitute the following revised policy:-

Residential development will be permitted provide that the proposal ensures the protection of the listed buildings and their setting and preserves or enhances the character or appearance of the Holbeck Conservation Area and the setting of the unregistered parkland around Woodhouse Hall. Any proposal shall demonstrate that a safe pedestrian or cycling route across the A60 between the site and the Lady Margaret Hall can be provided satisfactorily.

Policy 18: Lady Margaret Hall, Holbeck

3.66 This policy is to facilitate improvements to the major community facility at Lady Margaret Hall. Within the detailed wording, as discussed previously, the reference should be to not causing 'less than substantial' harm to heritage asset. The site lies outside the Conservation Area itself. As it is divided from Woodhouse Hall Farm by the A60 and development is most unlikely to affect the setting of that listed building.

3.67 The HRA screening assessment identifies a need for mitigation measures to ensure that there is no significant effect on the Welbeck Lakes SSSI from additional surface water discharge. An additional criterion is required to secure this.

Recommendation 19

In the first part of the policy replace 'is supported' by 'will be permitted'.

Re-word criterion (a) to read: any harm caused by the proposed development to the setting of the Conservation Area would be less than substantial and would be outweighed by a wider public benefit.

Add a criterion to require that adequate provision can be made to ensure that that any additional surface water discharge from the site as the result of the proposed development would not have a significant effect on the Welbeck Lakes SSSI.

Policy 19: Lady Margaret Crescent, Norton

3.68 Although the particular housing type permitted on this site may be controlled so that it is suitable for older people the usual way for the actual occupation to be secured is by way of planning condition(s). The way in which a development is marketed does not fall within the remit of the Local Planning Authority.

3.69 Reference is made in paragraph 14.5 of the plan to the newly constructed biomass plant which, as I saw on my site visit, is actually on part of the allocated land. It is not clear whether that reduces the capacity of the site or whether such a plant gives rise to any noise or smell which might represent a development constraint. The land also backs on to a farm where a large barn appears to still be in use and is in very close proximity to the site. Agricultural activities involving the use of farm machinery are often not 'good neighbours' for residential use. However, as all of the land is in the hands of the Welbeck Estates I assume that any such issues can be satisfactorily resolved. However, the allocation map on page 63 of the plan should be amended to exclude the area taken by the biomass plant. (I treat that as an error).

Recommendation 20

Modify the wording of Policy 19 to read as follows:-

Development in the region of 4 dwellings will be permitted provided that:

- (a) the housing is designed to be suitable for older people, and/or people with special needs, such as the disabled and the occupancy of dwellings is limited by condition to such persons and any carers or dependents;
and**
- (b) the scheme ...**

Policy 20: Provision of Business Space at Hatfield Plantation

3.70 The BDC have made representation to the effect that for clarity the word ‘and’ should be inserted at the end of each criterion in this policy. However, with an adjustment to the introductory wording for consistency with other policies avoiding the ‘support’ phraseology, it is reasonably clear that all criteria need to be met.

Recommendation 21

In the first part of Policy 20 replace the words ‘supported where:’ by ‘permitted provided that:’

The correction of errors

3.71 There are relatively few errors in this plan. A few have come to light as a result of questions I have raised and others by inadequate proof checking from the consultative draft (Regulation 14) version.

Recommendation 22

Front cover, right side grey column, should be CNHW not CHNW.

Remove a) Land Immediately opposite the Church, from the list in paragraph 18.3.

In paragraph 20.1, second line, ‘Policy 18’ should be ‘Policy 17’.

In paragraph 20.3, delete ‘on the edge of’ and substitute ‘within the’.

On the plan on page 63 showing the boundary in black of the land allocated under policy 19, redraw the boundary to exclude the land now occupied by a biomass plant.

FORMAL CONCLUSION, RECOMMENDATIONS AND CONSIDERATION OF REFERENDUM AREA

Conclusion

4.01 I conclude that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in Schedule 4B to the Town and Country Act 1990 (as amended), does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights. Modifications also need to be made by way of the correction of errors.

Overall Recommendation 1

I recommend that the modifications specified in section 3 of this report be made to the draft Cuckney & Norton and Holbeck & Welbeck Neighbourhood Development Plan and that the draft plan as modified be submitted to a referendum.

4.02 As I have recommended that the draft plan as modified be submitted to a referendum I am also required under s10(5)(a) of Schedule 4B to the Town and Country Planning Act 1990 to recommend as to whether the area for the referendum should extend beyond the neighbourhood area.

4.03 There have been no representations seeking an extension of the referendum area. As the plan is specifically concerned with the future development of three parishes and the settlements within them with no cross-boundary issues, I find there to be no need to extend the referendum area beyond the designated neighbourhood area.

Overall Recommendation 2

The area for the referendum should not extend beyond the neighbourhood area to which the plan relates.

Signed:

John R Mattocks

JOHN R MATTOCKS BSc DipTP MRTPI FRGS

14 December 2016

APPENDIX 1.

Abbreviations used in this report.

BCS	Bassetlaw Core Strategy and Development Management Policies DPD
BDC	Bassetlaw District Council
CIL	Community Infrastructure Levy
CNHW	Cuckney & Norton, Holbeck and Welbeck
CNPC	Cuckney and Norton Parish Council ('the Qualifying Body')
DPD	Development Plan Document
EU	European Union
ha.	hectare
HNS	Housing Needs Study
HRA	Habitats Regulations Assessment
LGS	Local Green Space
LPA	Local Planning Authority (the BDC)
NP	Neighbourhood Plan (generic term)
NPPF	The National Planning Policy Framework
PPG	Planning Practice Guidance
RHP	Registered Housing Provider
s106	section 106 (of the Town and Country Planning Act 1990)
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SHMA	Strategic Housing Market Area
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest