

# **MISSON NEIGHBOURHOOD PLAN 2016-2031**

**SUBMISSION PLAN 2016**

## **A Report to Bassetlaw District Council of the Examination into the Misson Neighbourhood Plan**

by Independent Examiner, Peter Biggers BSc Hons MRTPI

*Argyle Planning Consultancy LTD*  
May 2017

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## Summary and Overall Recommendation

0.1 Following my examination of the Misson Neighbourhood Plan (MNP), including a site visit to the Neighbourhood Area on 2 March 2017, it is my view that the MNP reflects the views of the community and sets out a clear vision and suite of policies and proposals for the Neighbourhood Area.

0.2 However my report highlights a number of areas where I consider the wording of the plan as submitted is not wholly in accordance with one or more of the Basic Conditions.

0.3 I have therefore recommended a number of modifications to the Plan which should be made before the plan can proceed to Referendum. These are intended to ensure that, first and foremost, the Plan can meet the Basic Conditions.

0.4 In proposing the modifications I have tried to ensure that the integrity and value of the MNP and its vision is retained and that the intention of neighbourhood planning, where the community's wishes should be central to the plan, is honoured.

0.5 By its nature the examination has to be rigorous. Any criticism is not at all to undermine the significant community effort that has gone into the plan. Rather the purpose of the examination is to ensure that the Neighbourhood Plan is as robust as possible and that it can play its part in planning decisions and managing change in the future in an effective way.

0.6 In addition to the recommended modifications it should also be noted that there may be a number of consequential changes for example to referencing that will be needed as a result of making the modifications. It will also be necessary to ensure all document referencing is up to date. I have not highlighted all such changes.

0.7 Subject to the recommended modifications in the report being completed I am satisfied that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

0.8 The MNP also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

0.9 With the modifications in place the Misson Neighbourhood Plan will meet the Basic Conditions and can proceed to a Referendum.

0.10 When that takes place I also recommend that the Misson Neighbourhood Area which is synonymous with the Parish's administrative boundary is taken as the area for the Referendum.

**Peter Biggers**  
**4 May 2017**  
**Argyle Planning Consultancy Ltd**

## 1. Introduction

### 1.1 Background Context

1.1.1 This Report provides the findings of the Examination into the Misson Neighbourhood Plan (referred to as the MNP throughout this report).

1.1.2 The MNP was produced by the Misson Parish Council (MPC) and in consultation with interested parties and local stakeholders.

1.1.3 The Misson Neighbourhood Area equates to the administrative area of the parish.

1.1.4 Misson Parish lies to the south-east of Doncaster at the northern end of Bassetlaw District and is a rural parish in a flat, low-lying landscape comprised of the River Idle washlands, ditches, dykes and large open arable fields. The geomorphology of the parish is an important resource for sand and gravel extraction which is active around Misson. Apart from Misson village itself at the south end of the parish and the small hamlet of Newington, built development mainly takes the form of scattered farm steadings. The parish has an area of around 2495 hectares and a population of around 745.

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

### 1.2 Appointment of the Independent Examiner

1.2.1 I was appointed by Bassetlaw District Council, with the consent of MPC, to conduct the 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 MNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I have planning and development experience, gained over 35 years across the public and private planning sectors and am a Member of the Royal Town Planning Institute and a member of the Neighbourhood Planning Independent Examiners Referral Service run by the Royal Institute of Chartered Surveyors.

### 1.3 Role of the Independent Examiner

1.3.1 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the "Basic Conditions." The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004

(PCPA). They are that \* :

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. The making of the neighbourhood plan contributes to the achievement of sustainable development;
3. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
4. The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

1.3.2 Pursuant to Basic Condition 5 above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes the following basic condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA:

The making of the Neighbourhood Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.

1.3.3 In examining the Plan, I have also considered whether the legislative requirements are met namely:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area) and
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the PCPA Section 38A.

1.3.4 I have examined the MNP against the Basic Conditions and legislative requirements above and, as Independent Examiner, I must make one of the following recommendations:

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*\* NB Two other matters relating to the desirability of preserving or enhancing listed buildings and conservation areas are also included in the basic conditions but as these only concern neighbourhood development orders and not neighbourhood plans they are not included in this report.*

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

1.3.5 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Misson Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

1.3.6 The role of the independent examiner is not expressly to comment on whether the plan is sound or how the plan could be improved but rather to focus on the compliance with the Basic Conditions.

## **2. The Examination Process**

2.1 It is a general rule that neighbourhood plan examinations should be held without a public hearing ie by written representations only. However, according to the legislation, when the Examiner considers it necessary to ensure adequate examination of an issue, or to ensure a person has a fair chance to put a case, a public hearing may be held.

2.2 With regard to the above and on consideration of all the evidence before me, I am satisfied that there is no need for a hearing in respect of the MNP and I confirm that *all* representations on the Neighbourhood Plan received at the Regulation 16 stage have been taken into account in undertaking this examination.

2.3 I have had an email exchange on matters of fact with Bassetlaw District Council and undertook an unaccompanied site visit around the Neighbourhood Area on 2 March 2017. I am grateful to the District Council for responding to my factual queries.

2.4 In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the Misson Neighbourhood Plan 2016-2031:

1. National Planning Policy Framework (NPPF)
2. The National Planning Practice Guidance
3. Town and Country Planning Act 1990 (as amended)
4. The Planning and Compulsory Purchase Act 2004 (as amended)
5. The Localism Act (2011)
6. The Neighbourhood Planning (General) Regulations (2012) (as amended)
7. Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD 2011.
8. Initial Draft Bassetlaw Plan – Setting the Direction for Bassetlaw’s Future 2016
9. Misson Neighbourhood Plan Basic Conditions Statement 9 October 2016

10. Misson Neighbourhood Plan Consultation Statement and Consultation Summary Document December 2016
11. Sustainability Appraisal Scoping Report - Misson Neighbourhood Development Plan
12. Misson Draft Neighbourhood Development Plan - Sustainability Appraisal
13. Misson Strategic Environmental Assessment and Habitats Regulations Assessment Screening Statement July 2016
14. Misson Neighbourhood Area Map and Designation Application Statement
15. Misson Neighbourhood Plan Evidence Base Documents including Misson Design Guide May 2016.

Also:

16. Representations received during the Regulation 16 publicity period post submission ending 14 February 2017

### **3. Public Consultation**

#### 3.1 Background

3.1.1 An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.

3.1.2 MPC submitted a Consultation Statement, as required by regulation 15 of the Neighbourhood Planning (General) Regulations, to Bassetlaw District Council in December 2016. A companion Consultation Summary document sets out consultation that took place earlier in the plan preparation process.

3.1.3 Public consultation on the MNP commenced with initial consultations in Autumn 2014 – Spring 2015 including a questionnaire in Spring 2015. This was followed by various consultation stages, including :

- A specific consultation about Misson Mill in September 2015
- The pre submission consultation from 14 July 2016 to 26 August 2016
- The formal, publicity stage, as required by Reg 16, (the consultation period post submission of the plan from 20 December 2016 to 14 February 2017)

This last stage resulted in 9 consultation responses. These are considered as necessary within my assessment of the plan in section 6 below.

#### 3.2 Misson Neighbourhood Plan Consultation

3.2.1 The MNP Steering Group has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used involved neighbourhood plan newsletters, Bawtry News, Bawtry Today, public notices, banners, posters, the Misson Hub, Parish Council website and direct email drops. Copies of the Pre Submission Draft and Submission Plan were uploaded to the Misson Hub and Parish Council website as well as being available locally.

3.2.2 The initial consultation stage of the plan sounding out the community on issues started in Autumn 2014 through to Spring 2015. The Steering Group recognised that

certain groups were 'harder to reach' and discussion workshops and meetings were held with young people, primary school children, older people, the disabled and small businesses. The questionnaire survey was completed by 71 respondents.

3.2.3 The Consultation Summary document sets out the detail of these early consultations and the comments and survey results. It is clear that opportunities were available to the community to be involved and that the consultations gave a reasonable basis for the preparation of the plan.

3.2.4 The pre-submission consultation as required by Regulation 14 involved a 6 week period from 14 July 2016 to 26 August 2016. The MNP was made available online and locally and the consultation was advertised by the methods set out in 3.2.1. Statutory consultees and other key community stakeholders were consulted by email with a link to the plan website on 14 July 2016. MPC set up a drop-in workshop on 16 July 2016. During the period 7 submissions were made in writing from statutory consultees. No responses were received from residents.

3.2.5 The Neighbourhood Planning Regulations are part and parcel of the 1st Basic Condition and regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement and the supporting Consultation Summary I am satisfied that it is compliant with Reg 15 in demonstrating who was consulted, how they were consulted, what the main issues and concerns were and what action has been taken in response to these to arrive at the Submission Draft Plan. Notwithstanding the lack of any community responses at the pre-submission stage I am satisfied from the evidence that the communication and consultation which took place provided adequate opportunity for the community's participation.

## **4. Preparation of the Plan and Legislative Requirements**

In terms of the procedural tests set out in paragraph 1.3.3 of this report my findings are as follows:

### **4.1 Qualifying body**

4.1.1 Misson Parish Council as the duly elected lower tier council is the qualifying body for preparation of the Plan.

4.1.2 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

### **4.2 Plan area**

4.2.1 The Misson Neighbourhood Area as designated coincides with the boundaries of the Parish.

4.2.2 An application was made by the MPC on 5 November 2014 to designate the Misson Neighbourhood Area. This was approved by Bassetlaw District Council on 20 March 2015 following consultation.

4.2.3 This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

#### 4.3 Plan period

4.3.1 A neighbourhood plan must specify the period during which it is to have effect. The MNP clearly states on its title page and in the introductory sections that it covers the period from 2016 – 2031. The plan period extends beyond that of the Bassetlaw LDF Core Strategy because it draws on the evidence base for the new local plan. There is no requirement to align the timescale of the neighbourhood plan with other elements of the Development Plan and the intended time period to 2031 still satisfies the requirements of Section 38B of the PCPA as amended.

#### 4.4 Excluded development

4.4.1 The Plan does not include policies or proposals that relate to any of the categories of excluded development – county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the TCPA 1990. The MNP relates solely to the neighbourhood area and no other neighbourhood and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies requirements of Section 38B of the PCPA as amended.

#### 4.5 Development and use of land

4.5.1 The Neighbourhood Plan should only contain policies relating to development and use of land. Subject to the modifications proposed below in section 6, the MNP policies would be compliant with this requirement of Section 38B of the PCPA as amended and all relate to development and the use of land. Some community projects are set out at Appendix C of the plan to deal with matters the community has raised which cannot be addressed through the formal neighbourhood plan. This section is not examined in this report.

#### 4.6 Plan Publication Following Submission

4.6.1 Bassetlaw District Council undertook a final validation check of the MNP on submission in December 2016 and was satisfied that the Plan could proceed to be publicised under Regulation 16 and proceed to this independent examination.

## 5. The Basic Conditions

### 5.1 National policy and advice

5.1.1 The main document that sets out national policy is the *National Planning Policy Framework* (the NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan.

5.1.2 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. They cannot promote less development than that set out in the Development Plan or undermine its strategic policies.

5.1.3 The NPPF indicates that plans should provide a framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

5.1.4 National advice on planning is set out in the *Planning Practice Guidance* (PPG) which includes specific advice regarding neighbourhood plans.

5.1.5 I consider the extent to which the plan meets this Basic Condition No 1 in section 6 below.

### 5.2 Sustainable development

5.2.1 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development:- economic, social and environmental.

5.2.2 There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However good practice suggests that where neighbourhood plans are allocating land for development an appraisal should be carried out and one has been carried out in this case incorporating a Strategic Environmental Assessment (SEA). The SA was carried out by Bassetlaw District Council and used 14 SA objectives (reflecting the environmental, social and economic dimensions of sustainability) to test the MNP policies and proposals. These were derived from the SA for the Bassetlaw Local Development Framework Core Strategy and adapted for the MNP. The findings of the SA were that the MNP policies and proposals had broadly positive or neutral effects and no likely negative impacts on economic, social or environmental objectives and no need for mitigating

changes.

5.2.3 The SA was the subject of consultation with the statutory environmental consultees and no issues were raised regarding the methodology or findings. In general therefore I am satisfied that this assessment process does support a conclusion that overall the MNP will contribute to the achievement of sustainable development. However, I consider detailed points regarding the plan's ability to meet Basic Condition No 2 in section 6 below.

### 5.3 Conformity with the Development Plan

5.3.1 The adopted development plan in force for Bassetlaw District is the Bassetlaw District Local Development Framework – Bassetlaw Core Strategy & Development Management Policies DPD (BCSDMP).

5.3.2 Bassetlaw District Council has begun work to prepare a new Local Plan to replace the BCSDMP and has carried out an early round of consultation in Autumn/Winter 2016. Whilst there may be some of the evidence base for this plan which has a bearing on my consideration of the basic conditions it is the BCSDMP that sets out the strategic policies and which must be used in assessing the plan against Basic Condition No 3.

5.3.3 Bassetlaw District Council has confirmed in a letter dated 14 February 2017 that the Submission version MNP meets the basic conditions which I take to include general conformity with the strategic policies of the development plan. I consider in further detail in Section 6 below the matter of general conformity with the plan.

### 5.4 European Union (EU) Obligations

5.4.1 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant.

#### *Strategic Environment Assessment and Habitat Regulations Assessment*

5.4.2 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environment Assessment (SEA) Directive. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

5.4.3 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (BDC)

that the plan is not likely to have 'significant effects.'

5.4.4 A screening opinion both in respect of the need for Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) was prepared by BDC in consultation with the statutory bodies. This determined that there would be no likely significant effects and therefore no need to carry out either assessment. However Historic England took a different view and concluded that because of the Misson Mill allocation in the plan a SEA should be carried out.

5.4.5 This was done as part of the Sustainability Appraisal as explained above and no adverse environmental effects were identified. These findings have subsequently been accepted by the statutory environmental consultees.

5.4.6 Regarding Habitats Regulations Assessment the test in the additional Basic Condition is that the making of the neighbourhood development plan is "*not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) either alone or in combination with other plans or projects.*"

5.4.7 No European sites are located within the Neighbourhood Area. The nearest are Thorne and Hatfield SPA and Hatfield Moor SAC both about 3 kilometres to the north of the northern boundary of the neighbourhood area and about 10 kms from Misson. The HRA screening considered the impact of development in the MNP, particularly at Misson Mill, on these areas but concluded that, as it was the intention to create open recreation space as part of the development, recreational pressures on the European sites would be limited. Moreover any residual effects of climate change and recreational pressure are deemed to be of a local scale and can be managed through development management. The screening concluded that there would be no in combination effects of development in the Misson NDP as the Misson Mill proposal was the only one in the area of any scale. Neither the statutory environmental consultees nor anyone else has taken a different view and I have no reason to reach a different view regarding direct significant effects.

## 5.5 Other EU obligations

### *European Convention on Human Rights (ECHR)*

5.5.1 The Human Rights Act encapsulates the Convention and its articles into UK Law.

5.5.2 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions; although the MNP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

5.5.3 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair and public hearing in determination of an individual's rights and obligations - the process for preparing the MNP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.

5.5.4 In respect of Article 14 of the Conventions Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground, the policies and proposals of the MNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible. Although no specific Equalities Impact Assessment has been carried out I am satisfied that, across the plan as a whole, no sectors of the community are likely to be discriminated against and no objections have been raised that would suggest otherwise. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.

5.5.5. I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.

5.5.6 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the MNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

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

The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in section 5 above that the plan as a whole is compliant with Basic Conditions Nos 4 (EU obligations) and 5 (Other prescribed conditions), this section largely focusses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General Conformity with strategic policies of the Development Plan).

Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.

### 6.1 The General Form of the Plan

6.1.1 The structure of the MNP is generally logical and clear with early sections setting the context and then policy sections. Each policy is accompanied by some supporting text and the plan distinguishes between the policies themselves, and their justification.

6.1.2 I have two concerns with the general structure and content of the plan. The first is that the plan must provide a clear and unambiguous guide to developers and to that end there is a need for some of the policies to be defined spatially on a policies plan. An

example of this is the Misson Mill site which is proposed to be allocated for mixed use redevelopment. The second concern is a more minor point, that paragraphs 19-55 should all form part of the subheading 'Misson Today'. Currently paragraphs 19- 54 fall under the heading 'Status of Projects and Actions' which is incorrect.

6.1.3 There are a number of other such typographical errors apparent in the MNP. The procedure for the examination, as well as allowing modifications to the plan to be recommended where the basic conditions would not otherwise be met, allows the examiner to correct typographical errors. Where necessary I have included these within my recommendations below.

### **Recommendation 1 –**

**1A – Prepare a Policies Map for the Plan identifying the plan area and an Inset for Misson at a larger scale that clearly shows the Misson Mill allocation and other policies where there is a spatial component as set out in the rest of section 6 below.**

**1B - Insert “*Misson Today*” sub heading before paragraph 19 and adjust contents page accordingly. Challenges and Opportunities at paragraph 55 would become Part J of ‘Misson Today’.**

## 6.2 What is the Misson Neighbourhood Plan?

6.2.1 This section of the MNP is largely factual describing the plan and its role. However Paragraph 1 in explaining the status and usage of the plan after it is 'made' does not have full regard to Section 38(6) of the PCPA 2004. The plan needs to make clear that after it is 'made' it is part of the development plan and will be used not just in assessing planning applications but more importantly in determining them including determination by Inspectors at appeal.

### **Recommendation 2 – Revise last sentence of paragraph 1 to read**

***“Once the plan has been ‘made’ by Bassetlaw District Council (BDC) it is part of the development plan with statutory weight and will be used by :***

- a) Developers as they prepare planning applications for submission to BDC***
- b) BDC in assessing and determining planning applications***
- c) Inspectors in determining appeals”***

## 6.3 Why do we want a neighbourhood plan

6.3.1 This section sets out what the MPC and the community seeks to achieve through the MNP. I have no comments to make on this section.

## 6.4 How does this Neighbourhood Plan work with the planning system

6.4.1 The section sets out how the neighbourhood plan interacts with the rest of the planning system. Paragraph 9 as with paragraph 1 does not have full regard to S38(6) of

the PCPA 2004 by referring to the plan having 'significant weight'.

In addition BDC has drawn attention to the fact that there is a factual inaccuracy in the web address provided which needs to be corrected.

### **Recommendation 3**

**3A** – Revise last sentence of paragraph 9 to read :

*“Planning applications will therefore be determined in accordance with the neighbourhood plan unless material considerations indicate otherwise.”*

**3B** – Revise the weblink to read :

<http://www.bassetlaw.gov.uk/everything-else/planning-building/planning-policy/core-strategy-development-management-policies/core-strategy/the-core-strategy.aspx>

## 6.5 Consultation

6.5.1 This section of the plan briefly summarises the consultation that was carried out in connection with the preparation of the MNP. There is one factual correction to make in paragraph 15 as the plan has moved on from the submission stage.

**Recommendation 4** - Delete the last part of the sentence in paragraph 15 after 'Consultation Statement'.

## 6.6 Status of Projects and Actions

6.6.1 This section explains the fact that the MPC has taken the opportunity to identify some community projects related to the MNP policies and that Community Infrastructure Levy and other funding will be used to implement these. The section correctly confirms that these projects are not part of the Neighbourhood Plan. The section raises no issues with respect to the basic conditions.

## 6.7 Misson Today (Paras 19 to 55 – See Recommendation 1)

6.7.1 The section Misson Today from paragraph 19-55 (See Recommendation 1) is largely a factual explanation of the background to Misson Parish and the issues that the preparation of the plan has identified. There are no matters of concern relating to the basic conditions but there are a number of minor typographical errors which require correction as follows:

### **Recommendation 5**

**5A** – Table 1 – Make clear that the entries in the rows are percentages – Thus '% Under 16'; '%16-65'; '%Over 65' and insert the source of the data.

**5B** – Paragraphs 41 and 42 duplicate each other. BDC suggest that paragraph 41 is removed as it is no longer accurate. I have no reason to disagree – delete paragraph 41 and retain paragraph 42 with appropriate renumbering.

**5C** – Map 3 – does not include a source for the mapping - include a source for the Flood Zone Map.

**5D** – It is not clear in paragraph 46 what DM12 relates to. Revise wording to read : *“Policy DM12 of the Bassetlaw Core Strategy deals with Flood Risk, Sewerage and Drainage and requires that.....”*

**5E** – Referencing in paragraph 47 is incorrect. The reference to the website in line 6 of the paragraph should read *“Nottingham City Council’s website”* and it should be the *“2010 Green Infrastructure Study”* that is referred to in line 6.

**5F** – Paragraph 51 – The quote is unsourced. Either remove quote marks and italics or provide the source.

**5G** – The reference to the Open Spaces Strategy 2012 is incorrect it should refer to the *“Open Spaces Study 2012”*

### 6.8 and 9 Community Vision and Community Objectives

Section 8 and 9 of the MNP sets out the vision of the plan, and the community objectives to deliver the vision and provides the basis for the policies. This approach contributes to providing a clear thread linking the issues identified in Section 7 Misson Today and in the questionnaire responses and the SWOT analysis, to the vision and the policies of the plan.

The vision and community objectives do draw on the matters of concern within the community and set out the need to meet the local needs of the community without losing the rural character of the parish. The plan therefore has regard to the PPG advice in respect of neighbourhood plans that they *“provide the opportunity for communities to set out a positive vision for how they want their community to develop... in ways that meet identified local need and make sense for local people”* .

The vision also encapsulates in a succinct way the vision and strategic objectives, particularly those relevant to Misson, SO1 and SO5-10 set out in section 3 of the BCSDMP.

The vision and objectives for the plan were assessed in the SA against the 14 Sustainability Assessment Objectives and were found to have either a positive or neutral outcome. They are therefore likely to contribute to the achievement of sustainable development.

Accordingly, the Vision and Community Objectives meet basic conditions 1, 2 and 3.

### 6.10 How the Neighbourhood Plan Policies Work Together with Other Strategic Policies

6.10.1 Section 10 of the plan is largely factual as to how the MNP will operate but there is a significant omission in this section of the plan in that the plan does not discuss the development boundary in place for Misson through policy CS8 of the BCSDMP and the fact that a substantial part of the Misson Mill development would be outside the boundary and no change to the boundary is proposed.

6.10.2 Moreover there are factual errors in paragraph 60 where policy referencing is incorrect. Policy 2 refers to all development. It is policy 7 that relates specifically to Misson Mill. Policy 11 no longer exists.

6.10.3 This omission and factual errors need to be corrected as they will create significant confusion and a lack of clarity contrary to the advice in the PPG. Without modifications being made Basic Condition No 1 would not be met.

### **Recommendation 6**

#### **6A – Replace paragraph 61 to read:**

**“ These neighbourhood plan policies are also written in the context of District policies which aim to support sustainable development. *The Bassetlaw Core Strategy and Development Management Policies DPD establishes a sustainable development hierarchy in which Misson village is identified as a Rural Service Centre and development boundaries are identified for these centres. The development boundary for Misson was established before proposals to redevelop the Misson Mill site were brought forward and excludes a significant area now proposed for development. The Misson Neighbourhood Plan has therefore been taken as the appropriate opportunity to review the development boundary and incorporate all of the Misson Mill land within it to enable the future redevelopment the plan proposes. The policies map identifies the new development boundary.*”**

#### **6B – Reword paragraph 60 to read:**

**“Only Policy 7 relates specifically to the Misson Mill site. All the other 9 policies ....”**

### 6.11 Sustainable Development Principles

6.11.1 Section 11 of the MNP sets out what the plan means by sustainable development and in particular at paragraph 68 sets out the locally important elements of a sustainable future for Misson Parish. The section is consistent with the principles of sustainability set out in the NPPF and the BCSDMP and meets the basic conditions.

### 6.12 Consulting the Community (Policy 1)

6.12.1 The NPPF at paragraph 189 encourages developers to consult with the community prior to applying for permission to develop and at paragraph 66 it states that “*Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community*”. Policy 1 has regard to this advice in the NPPF in encouraging pre application discussion.

6.12.2 Representations at the Reg 16 stage raised concerns that policy 1 is not consistent with the NPPF in that it does not accord with paragraph 189 and is in conflict with the MNPs own community objective No 1. As far as the NPPF is concerned consistency is not the test of the basic condition the test is that the policies ‘*must have regard to*’. Paragraph 189 goes on to state that “*They (LPAs) should also, where they think this would be*

*beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications*". The MNP is intended to become part of the development plan and will be applied by the LPA and a policy merely encouraging pre- application consultation with the community has regard to paragraphs 66 and 189 and I have no concern with the principle.

6.12.3 However the PPG requires that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests clause 2 in policy 1 is problematic. There is nothing to suggest in the justification to policy 1 or in the NPPF that consultation, particularly in respect of design, is only necessary in respect of residential development which is what clause 2 seeks. The rest of the policy relates to all development. Further confusion is caused by the reference to Appendix A in paragraph 74. The appendix gives very little additional detail to what is included in Policy 1 and as such it is unclear in its purpose and how it would operate with the policy and should be deleted.

6.12.4 Accordingly in order to meet Basic Condition No 1 I recommend that the Policy is modified.

### **Recommendation 7**

#### **7A – Reword clause 2 of policy 1 to read:**

**“In consulting with the community it will be considered best practice for the applicant to work with the Parish Council to understand local views particularly about the design of new development.....”**

#### **7B – Delete Appendix A**

6.12.5 Otherwise the content of the policy is in general conformity with the BCSDMP and inasmuch as it seeks development that simply reflects the local community’s aspirations it is likely to contribute to achieving sustainable development.

### 6.13 The Importance of Good Design in Residential Development (Policy 2)

6.13.1 Policy 2 seeks to establish sound design principles for all residential development in the plan area based on the findings of the Misson Design Guide produced as an appendix and part of the evidence base to the MNP.

6.13.2 Policy 2 has regard to the high level of importance which the NPPF places on high quality design particularly the importance of development reflecting and enhancing local character and local distinctiveness.

6.13.3 In addition the policy is in general conformity with policy DM4 on Design and Character in the BCSDMP and adds local detail to the higher order principles set out in

that policy. The *principle* of the policy therefore meets Basic conditions Nos 1 and 3.

6.13.4 However again the NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests Policy 2 has a number of shortcomings. It is not clear from the policy in clause 3 exactly what is meant by “higher level streets” nor in clause 4 what part of the village is considered to be the historic core. For the policy to be sufficiently clear to be operated successfully section 3 needs to name the streets and use the same terminology as in the supporting text and the historic core area referred to in section 4 needs to be defined on a Policies Map (See Recommendation 1)

6.13.5 In addition BDC at the Reg 16 consultation stage raised 2 concerns with the policy. First that the requirement in clause 5 for tree planting in front gardens was overly specific and should be removed and secondly that clause 6 was repetitious and therefore unnecessary and should be removed.

6.13.6 One of the core planning principles of the NPPF is that planning should take account of the different roles and characters of different areas. It may therefore not always be appropriate to require tree planting in front gardens and the NPPF encourages a more flexible approach to secure high quality design. I therefore consider that, as clause 5 already encourages landscaping to soften the built form, the specific reference to trees in front gardens is unnecessary and inappropriate. The wording in clause 6 may in part repeat that in clause 4 but clause 4 relates to the historic core of Misson whereas clause 6 is intended to apply to the whole village. Some simplification of the clause however would remove repetition of detail also set out in clause 5.

### **Recommendation 8**

**8A** – Reword clause 3 to read:

***“Development on the ‘higher order’ streets used as thoroughfares within the village (Top Street and High Street) should also....”***

**8B** – Identify the historic core of Misson on the Policies Map proposed at Recommendation 1 and reword clause 4 to read :

***“In the historic core of the village, defined on the Policies Map, development should....”***

**8C** Reword clause 5 C to read:

***“the use of landscaping to soften the built form; and”***

**8D** – Reword clause 6 line 2 onwards to read:

***“....where the scheme is brought together through use of a narrow range of appropriate local materials, roofing approaches and boundary treatments.”***

## 6.14 A Mix of Housing (Policy 3)

6.14.1 Policy 3 draws on evidence from the Strategic Housing Market Assessment Bassetlaw Report 2014 and consultation throughout the preparation of the MNP and seeks to respond to concerns that housing in the community is dominated by larger detached dwellings and that a mix with smaller units is required to support a sustainable community.

6.14.2 The Pegasus Group commenting at the Reg 16 stage has raised concerns that the policy is very prescriptive and restrictive, limiting the type and nature of development and is not consistent with the NPPF.

6.14.3 The NPPF however at paragraph 50 encourages planning for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and goes on to say that the size, type, tenure and range of housing that is required in particular locations reflecting local demand should be identified. To that end the principle of the policy is not inappropriate. However I accept that the thrust of the NPPF is towards a choice of quality housing and a flexible approach. Policy 3 still fundamentally seeks a housing mix but, because of the notable preponderance of larger detached dwellings, securing that mix to offer housing choice to smaller households in Misson will mean delivering a number of smaller houses. With the removal of the word “required” in policy 3 I am satisfied that the policy is sufficiently flexible and is not overly prescriptive or restrictive. Clause 2 still leaves it open for developers to make the case to demonstrate how their proposed mix takes account of local need.

6.14.4 The policy reflects and complements policy DM5 of the BCSDMP on Housing Mix and Density. Policy 3 of the MNP has taken account of the evidence base set out in policy DM5 which also states that consideration will be given to local market factors – which is what policy 3 of the MNP seeks to do. The policy as proposed to be modified is therefore in general conformity with policy DM5.

6.14.5 Given that the outcome of the policy is to provide smaller housing for younger people and older people within the community it is likely to contribute to achieving a more sustainable community. The SA indicates that the policy will have positive benefits in respect of the social SA objectives and largely neutral in respect of the other objectives.

6.14.6 Finally there are two editing and typographical errors in this section. The quote of Government policy at paragraph 106 must be referenced or deleted. Line 1 of Clause 2 of the policy 3 has a redundant word “in”.

### **Recommendation 9**

**9A – Reword Line 1 of clause 1 of policy 3 to read:**

***“Planning applications for housing schemes should deliver.....”***

**9B** – Remove the word “in” between the words “been” and “taken” in line 1 of clause 2 of policy 3.

**9C** – Provide the source reference for the government policy in paragraph 106.

6.14.7 With these modifications the policy meets the Basic Conditions Nos 1, 2 and 3.

#### 6.15 Infill Development in Misson Village (Policy 4)

6.15.1 Policy 4 seeks to guide infill and redevelopment proposals in the village and to encourage such development to provide smaller dwellings well related to village services. The principle of the policy has regard to the NPPF and is complementary and additional to policy CS8 of the BCSDMP setting out the development strategy for the rural service centres including Misson.

6.15.2 However again the NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests Policy 4 is unclear. It is obvious from the wording of the policy that the intention is to cover both infill and redevelopment opportunities and yet the title to the policy and the wording at clause 3 and indeed the wording in the supporting text is not consistent. This creates a policy which is unclear in its intent and fails to have adequate regard to national policy and advice and modification is necessary.

6.15.3 In addition there are also typographical errors and words missing in paragraph 113 of the supporting text.

#### **Recommendation 10**

**10A** - Amend the titles to section 15 and to policy 4 to read:

**“Infill and Redevelopment in Misson Village”**

**10B** - Reword line 1 of clause 3 of policy 4 to read:

**“Proposals that include smaller dwellings to meet local needs on *infill and redevelopment sites* that.....”**

**10C** – reword paragraph 113 Lines 1 and 2 to read:

**“...the accompanying Conservation Area *Character Appraisal and Management Plan* would detail the distinctive character of the village and *require* development to....”**

6.15.4 With these modifications in place the policy would meet Basic Conditions Nos 1, 2 and 3.

## 6.16 Enhancing the Provision of Community Facilities (Policy 5)

6.16.1 Policy 5 encourages and supports the provision of community facilities appropriate to the rural setting. As such the policy has regard to paragraph 70 of the NPPF encouraging plans to plan positively for community facilities and is in general conformity with policy CS8 of the BCSDMP which supports community facilities in rural service centres such as Misson. In as much as the development of community facilities in the village would also contribute to achieving a sustainable community the policy meets Basic Conditions Nos 1,2 and 3.

6.16.2 However there are factual inaccuracies in the supporting text of paragraph 121 which conflict with national policy. Planning gain is not a term that is recognised in national policy. All developer contributions secured through S106 planning obligations and deemed to be necessary to make a development acceptable have to be directly related to the development and fairly and reasonably related to it. It is misleading for the plan to imply that planning gain can be secured through S106 and applied by the parish council to the improvement of community facilities. It is true however that once the MNP is 'made' that 25% of the Community Infrastructure Levy can be applied locally so the text should be amended to reflect that.

**Recommendation 11**– reword the second sentence of paragraph 121 to read:  
***“The Parish Council intends that once the Neighbourhood Plan is ‘made’ some of the 25% of the developer contributions secured through the Community Infrastructure Levy and available to Parishes with Neighbourhood Plans will be used to....”***

## 6.17 Protecting and Enhancing Heritage Assets (Policy 6)

6.17.1 Policy 6 of the MNP does not replicate policy advice in either the NPPF or policy DM8 of the BCSDMP which primarily seek to ensure heritage assets are preserved or enhanced. Rather the policy encourages the restoration of listed buildings at risk for uses compatible with their designation and in particular supports the development of facilities at St John’s church that will enable a more sustainable use in the future. In this respect the policy is complementary to national and local policy, has regard to the NPPF at section 12, in particular paragraphs 126 and 131 and is in general conformity with the Development Plan. Inasmuch as the policy is likely to secure a more sustainable future for heritage assets the policy is likely to contribute to sustainable development.

6.17.2 As such the policy meets Basic Conditions Nos 1,2 and 3 and I have not identified any need to modify the policy.

## 6.18 Developing Misson Mill (Policy 7)

6.18.1 Policy 7 and its supporting text sets out the basis for the main allocation of

development land in Misson at Misson Mill. The intention to seek a mixed use redevelopment of previously developed land for residential, business and possibly small scale retail purposes and provide additional public open space well related to Misson village has regard to the policies of the NPPF.

6.18.2 However the proposal relates to substantial development outside of the development boundary for Misson established through BCSDMP policy CS8. The MNP does not address this and indeed makes no mention of the development boundary and therefore is not in general conformity with this strategic policy and therefore Basic Condition No 3.

6.18.3 I have considered the implications of this and whether modification of the plan would be possible or whether the plan should not proceed. On balance and for the following reasons I consider the plan can be modified to meet Basic Condition No 3. First, the proposal takes forward a proposed allocation in the Site Allocations Development Plan Document which BDC was producing and which, had it not been withdrawn, would have formally revised the Misson development boundary to accommodate the allocation. Secondly the proposal to develop the Misson Mill site has been an understood and accepted part of the plan from its early stages with no in principle objections to the proposal. The community appears to clearly understand and support the proposed development. Thirdly allocating land for development and by implication adjusting boundaries where necessary is an appropriate function of neighbourhood plans. I therefore consider that modifying the plan as proposed at recommendation 6 above and 12 below is appropriate, would not come as a surprise to the Misson community and would not require the plan to be the subject of further consultation or re-submission.

6.18.4 In addition to this significant oversight there are a number of other concerns with this section of the plan. The NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests policy 7 and its supporting text fails as there are a number of areas in which the proposal is unclear.

6.18.3 The status of the illustrative map at paragraph 139 is unclear. The extent of the development area should be clearly identified on a policies map (as proposed at Recommendation 1) with a parallel change necessary in the first part of the policy.

6.18.4 In the supporting text BDC have advised that there are factual inaccuracies in the text at paragraph 131 and 132 and have proposed a replacement wording. I accept that the clarification is necessary. In paragraph 133 there is reference to policy 2 but policy 2 does not specifically refer to Misson Mill and the reference should be policy 7. Paragraph 134 simply repeats the text at figure 1 which appears to be an editing error. In paragraph

135 the reference to previous development land should use the terminology as it appears in the NPPF of 'previously developed land'. In paragraph 139 it is not clear that what is shown in the figure is the preferred development that the plan is now proposing. Paragraph 141 omits reference to policy 7 which is the main controlling policy for development at Misson Mill. In paragraph 144 it is unclear which District Council Policy is referred to. It should state policy DM7. Finally the statement regarding self-build only relates to Misson Mill whereas the subtitle before the paragraph implies that it refers to self-build throughout the parish.

6.18.5 Whilst not significant individually these errors and omissions together make for a policy proposal that is unclear and inconsistent and therefore fails against Basic Condition No 1 unless modified.

### **Recommendation 12 –**

**12A –** Prepare the policies map as per recommendation 1 and include within it the Misson development boundary revised to include the Misson Mill site proposed for development and show the exact extent of the allocated Misson Mill redevelopment area to which Policy 7 applies.

**12B –** Insert new paragraph 141 under Sub heading 'New Development on the Misson Mill Site' as follows:

*"The Development Boundary for Misson established through policy CS8 of the Bassetlaw Core Strategy and Development Management Policies DPD excludes a large part of the Misson Mill site proposed for allocation. To allow the redevelopment proposals which the Neighbourhood Plan proposes the development boundary is revised to include the Misson Mill site. The new boundary and the exact extent of the area for redevelopment is identified in the Policies Map".*

(Note – Subsequent paragraphs will have to be renumbered)

**12C-** Modifications to Policy 7:

i) Reword Clause 1 to read:

*"Development on the Misson Mill site will be supported within the boundary defined on the Policies Map and where the proposals are in general conformity with the indicative layout at paragraph 139 of the plan".*

ii) Delete "and" at the end of clause 2f)

**12 D –** Other modifications to supporting text:

i) – Delete paragraphs 131 and 132 and replace with new paragraphs to read:

*"131 The draft Sustainability Appraisal (SA) produced by BDC for this site to accompany the draft Site Allocations Preferred Options Consultation Paper advised that the site was the only realistic option for development in the village. Although the Site Allocations Development Plan Document has now been withdrawn, the work undertaken for the SA is still useful.*

*132 Paragraphs 5.115 to 5.117 of the SA are set out in Figure 1"*

ii) – Reword paragraph 133 line 2 to read:

**“and the land surrounding it for development *in Policy 7 – Mixed Use Development on the Misson Mill site*”**

**iii) – Delete paragraph 134 which simply repeats the second paragraph of Figure 1**

**iv) - Replace “previous development land” in line 1 of paragraph 135 with “*previously developed land*”**

**v) – Reword paragraph 139 to read The indicative layout for approximately 50 dwellings shown in option 4 below is therefore the preferred development approach**

**vi) – Paragraph 141 line 3 – add “*and 7*” after “Policy 2”**

**vii) – Paragraph 144 Add to line 2 “*DM7*” after District Council Policy**

**viii) - Paragraph 146 – remove the words “in Misson” from the title.**

6.18.6 With these modifications in place the policy would meet Basic Conditions 1 and 3 and would achieve sustainable development by helping to secure a viable rural economy.

### 6.19 Energy Efficiency of New Development (Policy 8)

6.19.1 The plan and policy 8, in adopting a positive approach to renewables, has had regard to section 10 of the NPPF and in particular paragraph 97. In the same way nothing in policy 8 raises any conformity issues with policy DM10 of the BCSDMP. The support for use of renewable energy solutions compatible with the type of development should generally further sustainable development principles. The policy meets Basic Conditions Nos 1, 2 and 3 without the need for modification.

### 6.20 Better Broadband (Policy 9)

6.20.1 Paragraph 43 of the NPPF encourages plans to support the expansion of electronic communications networks including telecommunications and high speed broadband. In that respect policy 9 has regard to national policy. However the policy in part 3 sets a higher test than that in the NPPF by requiring provision of the necessary means for residents to access superfast broadband. This is an unreasonable expectation.

6.20.2 In addition Part 2 of the policy implies that all development if it provides access to superfast broadband will be supported. As the Planning Practice Guidance requires that policies in a neighbourhood plan should be clear and unambiguous, as drafted the policy is not entirely clear. In order to meet Basic Condition No 1 I recommend the wording is modified as follows:

#### **Recommendation 13**

**13A - Reword the text at clause 2 of policy 9 to read:**

**“...Proposals that *accord with development plan policies and provide access to ...*”**

**13B – Delete clause 3**

## 6.21 Green Infrastructure and the Natural Environment (Policy 10)

6.21.1 Section 11 of the NPPF and paragraph 114 in particular encourages planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. The principle of MNP policy 10 therefore has regard to national policy advice.

6.21.2 However again the NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests policy 10 fails as there are a number of areas in which the policy is unclear.

6.21.3 In clause 1 it is unclear from the wording what is intended. It is the infrastructure to provide the opportunity for walking that is supported throughout the parish not walking across the parish per se. Sub clause b) is incorrect in that the Map quoted should be Map 8. In clause 4 there is more than one SSSI in the parish the text should refer to SSSIs in the plural.

6.21.4 In its comments at the Reg 16 stage BDC proposed a revision to the wording of Clause 3. I accept that the source of the definitions in clause 3 would be more clearly expressed as footnotes thus avoiding changes to the policy if the definition source changes. I also accept that the focus of the NPPF and BCSDMP is on protecting and enhancing areas of biodiversity interest and therefore it will not always be appropriate to provide links from residential areas to these assets which may suffer from added pressure as a result. However I am not satisfied that the alternative wording proposed by BDC is any clearer. The NPPF and BCSDMP policy DM9 provides sufficient control and MNP policy 10 can simply omit the reference to residential areas and instead focus simply on improving green infrastructure linkage.

6.21.5 Policy DM9 of the BCSDMP sets out a very comprehensive approach to the natural environment including green infrastructure and biodiversity and as amended Policy 10 of the MNP will be in general conformity with it.

6.21.6 As the policy seeks to strengthen and support green infrastructure it is likely to contribute to achieving sustainable development and the SA indicates that the outcomes are strongly positive.

### **Recommendation 14**

**14A – Reword line 1 of clause 1 of policy 10 to read:**

**“Development which is directly related to improving or extending *the opportunities for walking in the parish* will be encouraged....”**

**14B – Replace “Map 5” in clause 1 b) with “Map 8”**

**14C – Reword line 2 onwards of clause 3 to read:**

**“...enhance existing green infrastructure assets<sup>1</sup> and priority habitats and species<sup>2</sup> affected by development and show the opportunities taken to improve green infrastructure linkages.**

**1. Defined in the Bassetlaw Green Infrastructure Study 2010**

**2. Defined in the Natural Environment and Rural Communities Act 2006.**

**14D - Express SSSI in the plural in line 3 of clause 4**

6.21.6 Once modified the policy will meet the basic conditions Nos 1, 2 and 3.

## 6.22 Implementation and Monitoring and Review

6.22.1\_These sections of the MNP set out how the plan is to be implemented and commit to carrying out monitoring and review of the plan.

6.22.2 Although there is not a specific requirement on the Parish Council to monitor and review the MNP it is recognised that regular monitoring and review of planning policy documents is good practice. I have no concerns about the plan meeting the Basic Conditions in respect of these sections.

## **7. Other Matters**

### 7.1 Proposed Allocation of Land East of Gibdyke

7.1.1 A representation from the Pegasus Group was received on behalf of Mr Dermot Marley at the Reg 16 stage and amongst other points referred to above concludes that the *“soundness of the plan in respect of effectiveness and consistency with national policy would be improved by the inclusion of the allocation of land east of Gibdyke”*.

7.1.2 This examination process is not undertaken in the same way as that for Local Plans and does not examine ‘soundness’ – it only examines the plan against the Basic Conditions. Notwithstanding that, I did take the opportunity to view the Gibdyke site whilst carrying out the site visit of the Neighbourhood Area.

7.1.3 I note the points made regarding the Housing White Paper, the stated position regarding housing land supply in Bassetlaw and the encouragement given to development of small sites in rural areas. The focus of housing development in the BCSDMP is in the sub-regional centre of Worksop, the core service centre of Retford, the main regeneration settlement of Harworth Bircotes and it would be in these settlements that any substantive shortfall in housing provision should be made up. The rural service centres such as Misson have a smaller role to play providing for appropriately scaled local development - a role which it is not proposed to change in the emerging Bassetlaw Plan. The MNP in allocating the Misson Mill site for appropriately scaled local development already contributes to a

significant extent towards the level of development identified in the BCSDMP for the Rural Service Centres.

7.1.4 There is no record in the evidence before me of the Gibdyke site being proposed at an earlier stage of the neighbourhood plan's preparation in particular no record at the pre-submission stage consultation asking for it to be considered when procedurally it would have been possible to consider the addition of a further site. To add additional sites at this stage in the neighbourhood plan process leaves no opportunity for consultation with the community on the revised proposal.

7.1.5 By their own admission the respondents consider the development of land east of Gibdyke as windfall and in that respect not necessarily a site that needs to be allocated in the plan. In order that neighbouring residents and the wider community can express their views about this proposal before the principle of development is established it is now best left to be dealt with through the process of development management and a future planning application which would be assessed against the policies of the development plan (including this neighbourhood plan once 'made') and the NPPF.

7.1.6 I acknowledge that the site was part of an earlier Strategic Housing Land Availability Assessment process but was ruled out primarily as the landowner was not known and it therefore could not be considered to be available. Although the landowner's intentions are now clear from the Reg 16 representation, allocation for development would be inappropriate as the site would be outside the development boundary defined in the BCSDMP. Although I have recommended above modifications to revise the development boundary in respect of the Misson Mill site I see this as materially different to revising the boundary to include Gibdyke. This is because the proposed development of Misson Mill is a well-established proposal that has confirmed community support and the need to revise the development boundary is an essential part of delivering this long-expected proposal. The same is not the case with the Gibdyke site.

7.1.7 In conclusion I see no reason in terms of the Basic Conditions to suggest that the Gibdyke site should be added at this late stage.

## **8. Referendum**

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Misson Neighbourhood Plan should proceed to a Referendum.

8.2 I am required to consider whether the Referendum Area should be synonymous with the Misson Neighbourhood Area or extended beyond it.

8.3 The Neighbourhood Area mirrors the boundaries of the parish. Given the scale and nature of the plan and the fact that the allocation proposed would not affect residents in

adjoining parishes I do not consider that extension of the area would be warranted.

8.4 Accordingly, I consider that it is unnecessary to recommend any other referendum area than the Neighbourhood Area and no evidence has been submitted to suggest any alternative approach.

**Recommendation 15**

**I recommend to Bassetlaw District Council that the Misson Neighbourhood Plan, modified as specified above, should proceed to a Referendum based on the Misson Neighbourhood Area as approved by Bassetlaw District Council on 20 March 2015.**

**Peter D Biggers**

**4 May 2017**

**Independent Examiner**

**Argyle Planning Consultancy Ltd**