

HEADON, UPTON, GROVE AND STOKEHAM NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Bassetlaw District Council
into the examination of the
Headon, Upton, Grove and Stokeham
Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP, MRTPI
NPIERS Independent Examiner
11 June 2018

Contents:

	Page
1 Summary	3
2 Introduction	4
3 The Neighbourhood Plan - as a Whole	13
The Neighbourhood Plan - Policies	14
4 Referendum	24
5 Background Documents	25
6 Summary of Recommendation	26

1.0 Summary

- 1.1 The Headon, Upton, Grove and Stokeham Neighbourhood Plan (HUGS NP) has been prepared to set out the community's wishes for this parish which contains the village of Headon, Nether Headon, Upton, Grove and Stokeham and surrounding countryside.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer including improvements to the mapping of sites referred to in policies to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the HUGS NP satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

Background Context

- 2.1 This report sets out the findings of the examination into the Headon, Upton, Grove and Stokeham Neighbourhood Plan (referred to as the HUGS NP).
- 2.2 The Parish of HUGS lies to the south-east of Retford within the boundary of Bassetlaw District Council. It is a rural parish with four historic villages and a number of farms. At 2011 there were 350 people living in 155 dwellings in the parish.

Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the HUGS NP by Bassetlaw District Council with the consent of HUGS Parish Council in April 2018. I do not have any interest in any land that may be affected by the HUGS NP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, that is 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 Planning and Compulsory Purchase Act 2004 Section 38A.
- 2.5 An Independent Examiner must consider whether a neighbourhood plan meets the "Basic Conditions". The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to

neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:

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 (or any part of that area);
4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
 - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further Basic Condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended).

2.6 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
- That the plan should proceed to referendum if modified; or
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

2.7 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if it is to be extended, the nature of that extension.

2.8 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.

- 2.9 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

The Examination Process

- 2.10 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.11 I have sought clarification on a number of factual matters from the qualifying body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.
- 2.12 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the HUGS Neighbourhood Plan dated March 2018.
- 2.13 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening reports for the Strategic Environmental Assessment and Habitats Regulation Assessment. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.
- 2.14 I have undertaken an unaccompanied visit to the Plan area and viewed the sites referred to under the policies in the plan.

Legislative Requirements

Qualifying Body

- 2.15 The neighbourhood plan making process has been led by HUGS Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group.
- 2.16 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the Town and Country Planning Act (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act) have been met.

The Plan Area

- 2.17 The Neighbourhood Plan area is co-terminus with the parish of HUGS. The area was designated by Bassetlaw District Council on 7th March 2017 as a Neighbourhood Area. The Qualifying Body has confirmed that there are no other neighbourhood plans relating to that area.
- 2.18 This satisfies the requirements of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

Plan Period

- 2.19 A neighbourhood plan must specify the period during which it is to have effect. Page 5 of the Basic Conditions states that the lifespan of the Neighbourhood Plan is from 2018 – 2036, however, no date is shown on the front cover of the Neighbourhood Plan. The top of each page of the Plan shows the date 2018 - 2035. It is recommended that the date is shown on the front cover of the Plan for clarity and the dates in the Plan and Basic Conditions Statement are consistent.

Recommendation 1: Show the dates of the Neighbourhood Plan on the front cover. Ensure that the dates in the Basic Conditions Statement are consistent with those in the Plan.

Excluded Development

- 2.20 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.

Development and use of land

- 2.21 The Neighbourhood Development Plan should only contain policies relating to development and use of land. Subject to the modifications proposed, the HUGS Neighbourhood Plan policies would be compliant with this requirement of Section 38B of the Planning and Compulsory Purchase Act 2004 as amended.
- 2.22 The submitted Plan contains one non land use Community Aspiration which is clearly distinguished from the land use planning policies.
- 2.23 I am satisfied therefore that the HUGS Neighbourhood Plan satisfies all the legal requirements set out in paragraph 2.4 above.

The Basic Conditions

Basic Condition 1 – Has regard to National Policy

- 2.24 The first Basic Condition is for the neighbourhood plan “*to have regard to national policies and advice contained in guidance issued by the Secretary of State*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “*consistent with national policy*”.
- 2.25 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
- 2.26 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 2.27 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that:
- “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*
- 2.28 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to be used in determining decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the strategic development needs set out in the Local Plan*” and further states that the neighbourhood plan must address the development and use of land by setting out planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan.
- 2.29 Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans should support the strategic development needs set out in local plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside

the strategic elements of the Local Plan. PPG guidance under Rural Housing states that “*all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless they can be supported by robust evidence*”.

- 2.30 Table 1 of the Basic Conditions Statement shows how the themes of the plan, the community objectives and the policies have had regard to the NPPF. I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

Basic Condition 2 - Contributes to sustainable development

- 2.31 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.
- 2.32 There is no legal requirement for a formal Sustainability Appraisal 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.
- 2.33 Section 3 of the Basic Conditions Statement confirms that the HUGS NP has taken account of the need to plan the future development of the parish sustainably. The Statement says: “*The HUGS NDP supports the NPPF and encourages positive sustainable growth in the village which will ensure economic, environmental and social progression for future generations. The plan has been prepared with a central understanding that the key areas it addresses that being the environment, economy and the community, are all closely linked. The policies therefore aim to facilitate change within the community whilst protecting what is highly valued.*”
- 2.34 I am satisfied that the Plan has considered the future social, economic and environmental needs of the parish and therefore meets this Basic Condition.

Basic Condition 3 – is in general conformity with strategic policies in the development plan

- 2.35 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan comprises the Bassetlaw Core Strategy and Development Management Policies which were adopted in December 2011. The Council has started work on a new Bassetlaw Local Plan although this is at a very early stage with consultations on the Initial Draft Plan undertaken between October and December 2016.
- 2.36 The Council has raised no concern over general conformity with the strategic policies of the development plan. Table 3 of the Basic Conditions Statement

sets out an assessment of how the policies of the plan are in general conformity with strategic policies. I consider in further detail in Section 3 below the matter of general conformity of the NP policies with the strategic policies of the LDF.

Basic Condition 4 – Compatible with EU obligations and human rights requirements

2.37 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

2.38 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 (Bassetlaw District Council) that the plan is not likely to have “significant effects.”

2.39 A screening opinion for the purposes of Strategic Environmental Assessment and Habitats Regulations Assessment was undertaken by Bassetlaw District Council in May 2017. The Screening Report concludes that:

“On the basis of the SEA Screening Assessment..., the conclusion is that the HUGS Neighbourhood Plan will not have significant environmental effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to a full SEA.”

“The Screening Assessment concludes that the implementation of the Plan will not result in significant effects with regards to the integrity of the SAC and SPA around HUGS. As such the Plan does not require a full HRA to be undertaken.”

“The main reasons for these conclusions are:

- *There are no plans for the proposed HUGS Neighbourhood Plan to allocate sites for development,*
- *The development supported in the Plan in Policies NP2, 3, 6 & 7 will have any effects on the identified sites addressed and mitigated at the planning application stage.*

2.40 The statutory environmental bodies: Historic England, Natural England and the Environment Agency were consulted on the screening reports and they made no comments on the conclusions.

2.41 I am satisfied that the SEA and HRA screening opinions have been carried out in accordance with the legal requirements.

2.42 The Basic Conditions statement includes a section on Human Rights and states in paragraph 6.1 that *“The NDP has regard to the fundamental rights*

and a freedom guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.”

- 2.43 However no assessment has been provided of how the plan has had regard to Human Rights. I have asked the Qualifying Body to confirm the steps they have taken to ensure that the views of all sections of the community including the hard to reach groups have been canvassed and taken into account in preparing the Plan. From the evidence provided, I have no reason to believe that they have failed to address the Human Rights requirements. It is, however, recommended that a brief assessment of how the plan making process has had regard to Human Rights should be included in the Basic Conditions Statement.

Recommendation 2: Include an assessment of how the plan has had regard to Human Rights in the Basic Conditions Statement.

- 2.44 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 HUGS NP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

Consultation on the Neighbourhood Plan

- 2.45 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.46 The Consultation Statement sets out an overview of the various stages of consultation that have been carried out during the preparation of the HUGS NP. It highlights the aims of each stage of the consultation and the main themes that emerged. Feedback from each stage of the consultation is recorded in the Appendices of the evidence report.
- 2.47 The preparation of the Neighbourhood Plan commenced in 2016. Publicity for the consultation open days was carried out by a leaflet drop to each household and notes on the Parish Council and Neighbourhood Plan websites.
- Consultation on the Neighbourhood Plan commenced with a public open day in August 2016 to enable the Parish residents to decide if wanted to create a plan
 - A parish questionnaire was circulated in January 2017.
 - An open day was held in March 2017 to explain the Neighbourhood Plan process and give feedback from the parish survey.
 - An open day was held in October 2017 to discuss the Draft Plan. The Regulation 14 consultation took place between 23 October and 4 December 2017. Twenty-six responses were received.

- 2.48 The Regulation 16 consultation on the Submission Draft Plan was undertaken by Bassetlaw District Council between 21 March and 5 May 2018. Four responses were received.
- 2.49 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.
- 2.50 This report is the outcome of my examination of the Submission Draft Version of the HUGS NP dated March 2018. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by Bassetlaw District Council.

3.0 Neighbourhood Plan – As a whole

- 3.1 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 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses 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).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The Plan is clearly and coherently presented with policies addressing residential development, design, landscape, employment at Headon Camp, community facilities, dark skies, green space, and rights of way. The policies are clearly distinguishable by surrounding boxes. The summary of the character of the villages is lengthy and is not necessary to applying the policies. It is recommended that it is deleted from the Plan itself to enable the plan to be more focused on the planning policies.
- 3.5 The Plan does not contain a Policies Map. The only sites referred to in the policies are at Headon Camp where Policy 4 states that it relates to the area shown on Maps 12 and 13 and the Local Green Spaces which are shown on Maps 14 - 16. Policy 3 refers to Map 10 showing environmental assets. I have recommended that this map should be replaced with a clearer one showing the boundaries of the Landscape Policy Zones referred to in the policy and a new map should be included to show the location of the views referred to in the policy. Appendix 2 contains maps showing the historic buildings and areas. Provided that the map of Headon Camp is included in Appendix 2 as recommended under Policy 4, it is considered that these maps clearly show the boundaries of the sites and buildings referred to in the policies.

The Neighbourhood Plan - Policies

Introduction

- 3.6 The Introductory section of the Plan is well presented and gives a clear and concise overview of the process of preparing the plan including a summary of the consultation process. It helpfully summarises the status of the villages in the hierarchy of settlements in the Core Strategy as “Other Settlements” as they are small villages with limited community services and facilities. There is a brief history of each village.
- 3.7 Section 2 of the Plan sets out the Community Vision and six Objectives which were developed through community consultation. The Vision seeks to ensure that the villages “*will continue to be safe, vibrant and picturesque places to live. New development will be located and designed so that it complements the existing character of the villages and enhances the strong identity with the surrounding landscape, views and vista*”.
- 3.8 The Vision is “unpacked” into six objectives which are developed through the policies of the Plan.
- 3.9 The Plan sets out a Statement of Intent and guidelines on how applicants should demonstrate community support for their proposals. It is considered that the guidelines accord with the principles of NPPF paragraph 188 which encourages early engagement for all parties to improve the effectiveness of the planning application system.

Policy 1: Residential Development in HUGS

- 3.10 The first part of the policy sets out support for new residential development to be achieved only through the conversion of existing buildings and through replacement dwellings. Criterion a) limits this to buildings within or directly adjacent to the development footprint of the settlement and specifically excludes isolated buildings in the countryside and agricultural buildings.
- 3.11 NPPF paragraph 55 advises that new houses in the countryside should be avoided unless there are special circumstances including where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate surroundings.
- 3.12 The four villages in the Plan area are all classed as “Other Settlements” in the Core Strategy in view of the limited range of community facilities that are available. Core Strategy Policy CS9 states that proposals for the development of housing within these settlements, other than for conversions or replacement dwellings in line with Policies DM2 and DM3, will not be supported.
- 3.13 Policy DM2 sets out the general principles that will be used in considering proposals for the conversion of rural buildings. Policy DM3 sets out the

principles that will be used in considering proposals for replacement dwellings. It is noted that neither policy specifically precludes such proposals in the countryside outside the development footprint of the village.

- 3.14 A representation has been made stating that Policy 1 unnecessarily restricts development to meet identified housing need.
- 3.15 It is considered that part 1 of Policy 1 is unduly restrictive in excluding new residential development though conversions and replacement dwellings outside the villages and is contrary to national guidance and strategic policies. To rectify this, it is recommended that criterion a) and the word “only” in line 2 of the policy are deleted.
- 3.16 As the emerging Local Plan is at an early stage, the future approach to new housing development in the rural parishes with few facilities has not been confirmed. I am satisfied that the policy, subject to the recommended modifications, would not place a blanket restriction on housing development in the parish to meet housing need. However, if a less restrictive approach is adopted in the forthcoming Local Plan, it may be necessary to review the Neighbourhood Plan policy on housing development or accept that development proposals will be considered against the subsequently adopted Local Plan policy.
- 3.17 The first paragraph is unclear and ambiguous in a number of respects. Line 1 refers to new residential development including “the extension of existing buildings”. To clarify the meaning of this it is recommended that it be revised to read “*including new dwellings created through the extension and sub-division of existing dwellings*”. Inclusion of the word “only” in line 2 is unnecessary and restrictive. The word “and” has been omitted from line 3.
- 3.18 Criterion d) refers to “private amenity” of nearby properties. The usual terminology is “residential amenity of nearby dwellings”.
- 3.19 Part 2 of the policy sets out that rural affordable housing exception sites may be developed if there is an un-met local need for affordable housing and there is support from the local community and Parish Council.
- 3.20 There is no specific policy in the Core Strategy relating to Rural Exceptions Sites for affordable housing in “Other Settlements”. Policy CS8 for the larger Rural Service Centres refer to sites for affordable housing schemes, of a scale appropriate to the size and role of the settlement, being supported on sites outside of, but adjoining, the Development Boundaries where local need is proven and explicit community support is demonstrated.
- 3.21 In addition to Rural Exceptions Sites, affordable housing may be secured through Policy CS9 which states that “*All housing development resulting in a net gain of one or more units will be required to contribute towards the achievement of the District’s rural affordable housing targets. This will be either through on-site provision (where appropriate) or through a financial contribution to the delivery or improvement of rural affordable housing*”.

- 3.22 Policies DM2 and DM3 make provision for affordable housing to be provided through the conversion of existing buildings, and on previously developed land in the countryside.
- 3.23 In order to avoid the development of isolated clusters of new housing on greenfield sites in the countryside contrary to national policy on development in the countryside, and to be consistent with the principles for the location of rural exception housing sites in Rural Service Centres, it is recommended that part 2 of Policy 1 should be worded along the lines of Policy CS8. This would state that acceptable sites would be of a scale appropriate to the size and role of the settlement, and would be supported on sites outside of, but adjoining, the development footprint of the village as defined in the footnote.
- 3.24 It is considered that the use of the word “may” in part 2 makes the policy unclear and ambiguous. The revisions include a number of requirements that will have to be satisfied to demonstrate whether a site is suitable and the policy should therefore be amended to read “will be supported”.

Recommendation 3: Revise Policy 1 as follows:

Revise section 1 to read: “Proposals for new residential development, including new dwellings created through the extension and sub-division of existing dwellings will be supported where.....existing buildings and the replacement of.....”

Delete criterion a).

Revise criterion d) to read “residential amenity of the occupiers of nearby dwellings”.

Revise part 2 of Policy 1 to read: “.....and exception will be made.....that the proposal will help meet the identified un-met need, *the site is of a scale appropriate to the size and role of the settlement, is outside of, but adjoining, the development footprint of one of the villages* and the proposal has the support from the local community and Parish Council. **”

Policy 2: Local Design Principles

- 3.25 This policy is linked to the HUGS Neighbourhood Plan Character Assessment which describes the landscape setting of the villages in the parish and character profiles of each village. The Character Assessment is descriptive only and does not include guidelines for development in the way that Village Design Guidance normally does. It is referred to as being in Appendix 1 but is actually published as a separate document.
- 3.26 A lengthy summary of the Character Assessment is included in the Neighbourhood Plan. To ensure that the Plan is focused on the planning policies it is recommended that the summary is deleted from the

Neighbourhood Plan and reference to the Character Assessment being in Appendix 1 should also be deleted.

- 3.27 A representation has been received suggesting that the policy should be worded more flexibly to accord with paragraph 60 of the NPPF which states:

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

- 3.28 It is considered that subject to the recommended modifications, the policy includes clear design principles, that there is sufficient flexibility in the wording of the criteria and the policy seeks to promote or reinforce local distinctiveness in accordance with the NPPF guidance. The following recommendations are made to ensure that the policy wording is clear and unambiguous and can be applied consistently by decision makers.
- 3.29 Paragraph 1 should be simplified to read: “Development proposals should demonstrate how they have taken account of the HUGS Neighbourhood Plan Character Assessment and met the following principles:”
- 3.30 Criterion e) provides little in the way of guidance to decision makers to assist in determining planning applications affecting heritage assets. Core Strategy Policy DM8 sets out the strategic policy for the definition of heritage assets and the matters to be taken into account in considering of development proposals affecting them. To aid plan users and provide clarity, it is recommended that Core Strategy Policy DM8 should be referenced from this policy.
- 3.31 The map of heritage assets referred to is in Appendix 2 and it shows designated and non-designated assets. Bassetlaw District Council has undertaken a comprehensive programme to identify non-designated heritage assets and unregistered Parks and Garden and the maps in Appendix 2 draw on these records. However, I have made a recommendation on Policy 4 on Headon Camp about the omission of the map showing historic buildings on the site from Appendix 2.
- 3.32 Criterion f) concerns the preservation and enhancement of views. This repeats the second part of Policy 3 and it is recommended that it be deleted as unnecessary.
- 3.33 Criterion g) refers to proposals incorporating carbon reduction and energy efficient material and gives an example of solar panels. It is considered that if examples are to be given of how a policy is to be applied, this should be included in the supporting text and not the policy itself. It is recommended, therefore, that the example of solar panels should be deleted from the policy wording.

Recommendation 4: revise Policy 2 as follows:

Revise paragraph 1 to read: “*Development proposals should demonstrate how they have taken account of the HUGS Neighbourhood Plan Character Assessment and met the following principles:*”

Revise criterion e) to read: “....from inappropriate development in accordance with Core Strategy Policy DM8 (or as subsequently revised).....setting.”

Delete criterion f).

Delete “such as solar panels” from criterion g).

Revise paragraph 5.5 to read “*The Character Assessment is available as a separate document and can be viewed at (provide a weblink)*”.

Delete the village character summaries (pages 22 – 44).

Policy 3: Landscape Character

- 3.34 The policy seeks to preserve and where possible enhance the environmental assets of the plan area as identified on Map 10. This map has no key and is barely legible. It originates from the Character Assessment Report and shows Landscape Policy Zones and SSSIs. The Character Assessment Report describes the landscape character and quality in each Landscape Policy Zone.
- 3.35 Apart from the SSSI, (only one of which is in the Plan area) it is not possible to identify the “environmental assets” from Map 10. In order to improve the clarity of the policy so that it can be used consistently by decision makers, it is recommended that it be revised to refer only to the Landscape Policy Zones and their qualities as identified in the Character Assessment. Map 10 should be redrawn on an OS base to clearly show only the boundaries of the Landscape Policy Zones.
- 3.36 As the SSSI is a nationally designated site of nature conservation importance and not a landscape zone, reference to it should be deleted from the policy. The justification to the policy may be revised to state that any proposals that may affect the SSSI will be considered against the relevant policies in the Core Strategy.
- 3.37 The Character Assessment includes photographs of key views, some of which are very long distance views of churches. However it would be helpful to plan users if these were identified on a map in the Plan. The Qualifying Body has supplied me with a map showing the location of the views referred to in the Character Assessment and it is recommended that it is included in the NP with the views listed and numbered in Policy 3.

- 3.38 The policy states that the environmental assets and views should be “preserved”. The word “conserve” is normally used in environmental policies although “safeguarded” may be more appropriate when considering views. When considering development proposals affecting the views the policy states that development proposals must demonstrate that they are not “blocking these views and their associated amenity value”. I have concerns about how this aspect of the policy is to be used by developers and decision makers. Views may be blocked by a building close to the viewpoint or even by high hedges or trees; it is unlikely to occur with a development further away from the viewer which may nevertheless impact on the quality of the view. The “amenity value” of the view rests with the attractiveness of the countryside and landscape which is addressed in the first part of the policy and reference to it should be deleted from part 2 of the policy as it is superfluous.
- 3.39 A decision maker would usually assess whether a proposed development would have “an unacceptable adverse impact on the view”. It is recommended that this form of wording is used in the policy. In view of the limited amount of development that would be acceptable in the countryside in the Plan area it is considered that this policy would be unlikely to result in a blanket restriction on development.
- 3.40 Core Strategy Policy DM9 includes a section on Landscape Character which states that “*Proposals will be expected to respond to the local recommendations made in the Assessment by conserving, restoring, reinforcing or creating landscape forms and features accordingly*”. Subject to the modifications proposed, it is considered that Policy 3 has had regard to the strategic policy.
- 3.41 A representation has been made that the policy fails to distinguish between nationally and locally important environmental sites and the different weight that should be given to each. It also states that new development can often be located in areas without eroding the views considered to be important and can be designed to take account of considerations of the wider landscape features to provide views and vistas. The representation states that further evidence is needed to demonstrate why these views and landscape areas are considered special to avoid inconsistencies in decision making. I have considered the points made and addressed them in my comments above.

Recommendation 5: revise Policy 3 to read:

“1. Development proposals should seek to conserve, and where possible, enhance the landscape quality as identified in the HUGS Character Assessment. Where opportunities exist,poorly maintained landscape, whilst retaining their amenity value.”

“2. “The following important views identified on Map XX should be safeguarded. Development proposals should demonstrate that they will

not have an unacceptable adverse impact on the views. List of views 1-7.”

Replace Map 10 with a clear and legible map showing only the Landscape Policy Zones.

Include a new map to show the 7 landscape viewpoints and views.

Include a paragraph in the justification to identify and describe briefly the importance of the SSSI and state that any development proposals affecting it will be considered against the relevant Core Strategy Policies.

Policy 4: Headon Camp

- 3.42 Policy 4 sets out criteria to be used in considering proposals for economic development on this employment area.
- 3.43 Criterion d) refers to the re—use of vacant or redundant buildings, especially those of historic value. The historic buildings are not shown on Map 13. In response to my question about their location, the Qualifying Body has responded to say that they are shown in Appendix 2.
- 3.44 Appendix 2 includes two identical maps of Headon village but does not include a map of Headon Camp. It is recommended that the error is rectified and a map is included in Appendix 2 to show the historic buildings at Headon Camp and cross referenced from Policy 4.
- 3.45 It is considered that the policy has had regard to NPPF paragraph 28 and Policies DM3 and DM7 of the Core Strategy.

Recommendation 6: revise Policy 4 criterion d) to state:

“....especially those with historic merit shown in Appendix 2.”

Include a map of Headon Camp in Appendix 2 showing the boundary of the non-designated heritage asset and the buildings of historic interest. Delete one of the maps of Headon village.

Policy 5: Existing Community Facilities

- 3.46 Policy 5 part 1 sets out the criteria to be satisfied in considering proposals for the redevelopment or change of use of a community facility. The policy refers to the proposal being “permitted”.
- 3.47 The Neighbourhood Plan policies cannot indicate whether planning permission should be permitted for a particular form of development. NPPF paragraph 2 states that applications for planning permission must be determined in accordance with the development plan unless material

considerations indicate otherwise. The development plan consists of the Local Plan as well as the Neighbourhood Plan and there may be other matters that have to be considered before granting planning permission. Modifications are proposed to the policy to avoid this form of wording to take account of national policy.

- 3.48 Part 2 of the policy refers to “community services and facilities” being supported. The provision of community services would not usually require planning permission. It is recommended that reference to it be deleted from the policy.

Recommendation: 7 Revise Policy 5 as follows:

Revise part 1 to read: “.....will only be *supported* where:”

Revise part 2 to read: “..new community facilities in the HUGS area.....”

Policy 6: Dark Skies

- 3.49 The Policy sets out factors to be considered in planning applications for lighting proposals. Paragraph 9.4 includes a list of the types of lighting proposals that will be subject to this policy and there is no need to include the example of floodlighting in the wording of the policy itself.

Recommendation 8: Delete “(eg. floodlighting)” from part 1 of Policy 6.

Policy 7: Local Green Spaces

- 3.50 The policy proposes the designation of the three churchyards as Local Green Spaces under the provisions of paragraphs 76 – 77 of the NPPF.
- 3.51 Paragraph 77 sets out the factors to be used in assessing the suitability of sites for designation as Local Green Space. It states “*The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- *where the green space is in reasonably close proximity to the community it serves;*
 - *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - *where the green area concerned is local in character and is not an extensive tract of land.”*
- 3.52 Figure 7 includes a brief assessment of how the proposed sites satisfy the factors set out in NPPF paragraph 77. I consider that the churchyards satisfy the NPPF criteria and are worthy of designation as Local Green Space.

- 3.53 The second part of the policy refers to associated buildings, spaces, fixtures and fittings required to enhance the spaces for public use, being supported. It is considered that this part of the policy is unclear and does not accord with national guidance on Green Belts. I have asked the Qualifying Body to explain their intentions behind this part of the policy. They have stated that this refers to possible future improvements of the spaces.
- 3.54 However NPPF paragraph 78 is clear that local policies for managing development in a Local Green Space should be consistent with policy for Green Belts. Paragraph 87 states that inappropriate development which is harmful to the Green Belt should not be approved except in very special circumstances.
- 3.55 In order to accord with national policy on Green Belts, it is recommended that part 2 of Policy 7 is revised to refer to development in a Local Green Space being supported where it does not affect the openness of the area or where very special circumstances are demonstrated.

Recommendation 9: revise part 2 of Policy 7 to read:

“Development in a Local Green Space will be supported where it does not affect the openness of the area or where very special circumstances are demonstrated.”

Policy 8: Enhancing our Public Rights of Way

- 3.56 The policy sets out criteria to be considered in determining proposals for the improvement and extension of the rights of way network. As stated in paragraph 3.45 above, neighbourhood plan policies cannot indicate whether planning permission should be permitted for a particular form of development. Consequently, it is recommended that the policy wording be revised to read “will be supported”. Reference to the Character Assessment in Appendix 1 should be deleted.

Recommendation 10: revise Policy 8 as follows:

Revise part 1 to read: “.....as identified on Map 17, will be *supported* where.....”

Delete “(see Appendix 1)” from criterion a).

Aspiration 1: Road Safety and Traffic

- 3.57 This sets out a non land use community aspiration to address community concerns about road safety. I make no comments on the section.

Appendices

- 3.58 I have made recommendations concerning the deletion of Appendix 1 under Policy 2 and the inclusion of a map of Headon Camp in Appendix 2 under Policy 4.

4.0 Referendum

- 4.1 The HUGS Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Bassetlaw District Council that the HUGS Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by the Bassetlaw District Council on 7th March 2017.

5.0 Background Documents

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

- HUGS Neighbourhood Plan Submission Draft Version March 2018
- HUGS Neighbourhood Plan Basic Conditions Statement
- HUGS Neighbourhood Plan SEA / HRA Screening Reports
- HUGS Neighbourhood Plan Consultation Statement
- HUGS Character Assessment September 2017
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Bassetlaw Local Development Framework Core Strategy and Development Management Policies
- Bassetlaw District Non-Designated Heritage Assets 2017

6.0 Summary of Recommendations

Recommendation 1: Show the dates of the Neighbourhood Plan on the front cover. Ensure that the dates in the Basic Conditions Statement are consistent with those in the Plan.

Recommendation 2: Include an assessment of how the plan has had regard to Human Rights in the Basic Conditions Statement.

Recommendation 3: Revise Policy 1 as follows:

Revise section 1 to read: “Proposals for new residential development, *including new dwellings created through the extension and sub-division of existing dwellings* will be supported where.....existing buildings *and the replacement of.....”*

Delete criterion a).

Revise criterion d) to read “residential amenity of the occupiers of nearby dwellings”.

Revise part 2 of Policy 1 to read: “.....and exception *will be made.....that the proposal will help meet the identified un-met need, the site is of a scale appropriate to the size and role of the settlement, is outside of, but adjoining, the development footprint of one of the villages* and the proposal has the support from the local community and Parish Council. **”****

Recommendation 4: revise Policy 2 as follows:

Revise paragraph 1 to read: “*Development proposals should demonstrate how they have taken account of the HUGS Neighbourhood Plan Character Assessment* and met the following principles:”

Revise criterion e) to read: “...from inappropriate development in accordance with Core Strategy Policy DM8 (or as subsequently revised).....setting.”

Delete criterion f).

Delete “such as solar panels” from criterion g).

Revise paragraph 5.5 to read “*The Character Assessment is available as a separate document and can be viewed at (provide a weblink)”*.”

Delete the village character summaries (pages 22 – 44).

Recommendation 5: revise Policy 3 to read:

“1. *Development proposals should seek to conserve, and where possible, enhance the landscape quality as identified in the HUGS*

Character Assessment. Where opportunities exist,poorly maintained *landscape*, whilst retaining their amenity value.”

“2. “The following important views identified on Map XX should be *safeguarded*. *Development proposals should demonstrate that they will not have an unacceptable adverse impact on the views. List of views 1-7.*”

Replace Map 10 with a clear and legible map showing only the Landscape Policy Zones.

Include a new map to show the 7 landscape viewpoints and views.

Include a paragraph in the justification to identify and describe briefly the importance of the SSSI and state that any development proposals affecting it will be considered against the relevant Core Strategy Policies.

Recommendation 6: revise Policy 4 criterion d) to state:

“....especially those with historic merit *shown in Appendix 2.*”

Include a map of Headon Camp in Appendix 2 showing the boundary of the non-designated heritage asset and the buildings of historic interest. Delete one of the maps of Headon village.

Recommendation: 7 Revise Policy 5 as follows:

Revise part 1 to read: “.....will only be *supported* where:”

Revise part 2 to read: “..new community facilities in the HUGS area.....”

Recommendation 8: Delete “(eg. floodlighting)” from part 1 of Policy 6.

Recommendation 9: revise part 2 of Policy 7 to read:

“*Development in a Local Green Space will be supported where it does not affect the openness of the area or where very special circumstances are demonstrated.*”

Recommendation 10: revise Policy 8 as follows:

Revise part 1 to read: “.....as identified on Map 17, will be *supported* where.....”

Delete “(see Appendix 1)” from criterion a).