

Everton Neighbourhood Development Plan 2018 -2034

Initial Comments of the Independent Examiner

Prepared by

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John Slater Planning Ltd

24th October 2018

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Everton Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents that I have been sent. I visited the two villages Everton and Harwell, and the surrounding countryside on the morning of Wednesday 17th October 2018.
2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only, but that will, to a large extent, depend upon the responses I receive to this note. I do still have to reserve the right to call for a public hearing, if I consider that it will assist my examination and indeed that may well be required to enable me to fully explore some issues. I will confirm my conclusions on that matter when I receive all the responses.

Habitat Regulation Assessment.

3. This is a matter that needs to be addressed by Bassetlaw District Council. A recent judgment from the Court of Justice of the European Union ‘People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)’ ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment, and should not be taken into account at the screening stage.
4. The precise wording of the ruling is as follows:

“Article 6(3)must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.”
5. I am therefore inviting the District Council to consider whether the undated HRA Screening Report, which I presume it prepared and which was based on an earlier version of the Plan, needs to be updated in the light of the Sweetman judgement made earlier this Spring. I have noted in respect of at least Policy H2, the screening decision relies upon policies in the plan to “*lessen the impact* on the SAC or SPA”, which could be construed as the screening relying on proposed mitigation in the plan
6. Once the screening has been reassessed in the light of this judgement, I would request that the District Council planners inform me whether there is a need to update the screening and then if necessary provide me with the updated document or at least a timescale for its preparation.

Scale of New Housing Development

7. Does the District Council have a view as to whether the evidence coming forward as part of the preparation of the new Bassetlaw Plan, has any relevance to my consideration of the overall level of development which the neighbourhood plan is promoting, in Policy E4 of “around 40 new homes”, is appropriate?
8. Could the Parish Council confirm whether there has been a Housing Need Survey or other assessment as to existing housing need within the plan area conducted. Similarly does the District Council have access to any up to date information, for example from the Housing Register, of persons who have indicated a housing need within the plan area?
9. I note that the Plan, in para 6.18, refers to the aging population of the plan area and the need to sustain the viability of the local school. Has there been any considerations been given by the Parish Council, perhaps in conjunction with the Education Service, as to what level of housing development would be required to maintain the viability of the local school.
10. Does the Parish Council consider that Policy E8 should be seeking to place a limit on development within the plan period to “around 40 units”? For example, is the intention that once the housing allocations have been completed, there should be a limit on infill sites and other small sites (10 or under) to around 19 units and that subsequent applications should be refused. Or should I be considering amending the policy to provide for a *minimum* of 40 new homes within the plan period.
11. In view of the plan’s preference to the building of small 1-3 bed houses, would the Parish Council consider that it is appropriate to limiting the density of the allocation sites to a maximum of 30 dwellings per hectare?
12. Would the Parish Council let me have its views as to whether the limit on small scale sites to 10 or fewer, is consistent with the desire set out in Policy E10 which seeks small to medium sized accommodation of 1-3 bedrooms? Would the policy not lead to the tendency to build 10 - 4 bed houses rather than say 14 small units, which would appear to conflict with the policy? Is it appropriate to arbitrarily limit numbers on a site, as a site’s capacity will to some extent be dependent on the site area and the size of the homes to be built on that site? One of the criteria in Policy E8, is that support will be given to schemes that are “small to medium in scale”. It could be argued that such a criterion too vague and it may assist a decision maker if it would be possible to define what would be considered the threshold for a scheme to be “small or medium”. What is the justification for limiting the definition of “infill” to no more than 2 dwellings – surely again, it depends on the size of the units and the size of the gap?

Site Selection of Allocated Sites

13. What information was given to residents on the relative constraints / opportunities of each site when they were initially asked to choose to express support for individual sites. Were there explicit criteria set for site selection at that stage e.g. distance from village facilities or were they introduced later, when Bassetlaw Planners prepared the Site Allocation- Assessment Criteria and Assessment Report?
14. Do both parties consider that a response of 16 residents, constitutes an expression of community support?
15. Would the Bassetlaw District Council comment on the statement in the Site Assessment Report that the development of Site NP 13 “would lead to *backland development*”, when a similar relationship was considered acceptable when planning permission was granted under application 17/00635/OUT.
16. With regard to the ransom strip around site NP9 – could the Parish Council respond as to whether it understand that the ransom strip would extend around the complete frontage of the site?

Allocation Sites

17. I note that the policy for the allocation of Sites 2 and 3 includes the proviso that “Schemes can ensure that safe access to the site and the required visibility splays can be achieved”. In the Site Assessment for Site 2, I noted that the Highway Authority “has strong reservations with respect of direct access to the A361 Gainsborough Road”. On my site visit I stood at the site entrance and I saw how restricted the visibility is, due to the position of adjacent buildings, which are within the Conservation Area. In respect of Site 3, I noted that this was outside the 30-mph zone. I also experienced that speeds were often quite high, including a significant number of lorries.
18. If these allocation sites are to be considered deliverable, I need to be confident that the highway access concerns are capable of being overcome in order that the plan will deliver the requisite amount of housing. My fear is that whilst the allocations can be put forward in the plan, it will not be technically feasible to provide the necessary safe access, including incorporating the needs for a significant number of children, who could be occupying the houses, to have a safe route to school. I note that the Highway Authority would be requiring a pedestrian route connecting Site 3 to the footway in front of the Sun Inn, but from my site visit, I have concerns that in places, there is insufficient width to create an acceptable footway.
19. Whilst I could request that indicative plans are prepared, to demonstrate to me that safe access arrangements can be delivered, which would allow the principle of housing on these sites to be established, I am conscious that there could be cost implications in preparing the necessary information, unless the landowners are prepared to commission such works to support the allocation in the neighbourhood plan. I am therefore considering whether the

plan should be considering a reserve site, which could be brought forward in the event that the highway issues in respect of these allocation sites cannot be overcome. I would appreciate the views of both the Parish Council and the LPA on this suggestion.

Concluding Remarks

20. I am sending this note direct to Everton PC, as well as Bassetlaw District Council. I would request that all parties' responses should be collated by the Bassetlaw planners and sent to me in a single email. I would ask that all the responses should be sent to Luke Brown, electronically at Luke.Brown@bassetlaw.gov.uk by 5 pm on **14th November 2018**, who will then forward them to me. I will then decide whether I need to call for a public hearing based on the responses I receive.

21. I will be grateful, if a copy of this note and any subsequent response is placed on the appropriate neighbourhood plan website.

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Independent Examiner to the Everton Neighbourhood Development Plan.

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