

Everton Neighbourhood Development Plan 2018 -2034

**Joint Response to Independent Examiner's Questions,
prepared by Everton Parish Council and Bassetlaw
District Council**

14th November 2018

Overview

As detailed in this report, the responses of both Everton Parish Council (PC) and Bassetlaw District Council (BDC) to the questions posed have been inserted into the relevant sections of the body of the *Initial Comments of the Independent Examiner* report. The titles and numbering used are as per the original report.

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.

BDC Answer:

BDC notes these queries and is now in the process of re-screening the SEA/HRA screening report and are awaiting the opinions of the statutory consultees in light of the recent court decision. Any feedback will be fed into a revised screening report and forwarded on to the examiner.

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?

BDC Answer:

The current Core Strategy identifies Everton as a “Rural Service Centre” as described in Core Strategy Policy CS8. This policy does not give settlement specific housing requirements but merely a collective figure of 599 homes over the plan period. It is not expected that all 599 homes should be delivered in one community. It is noted that Everton has a number of existing planning permissions (commitments).

The emerging Bassetlaw Local Plan is still in its initial stage, but the current approach is to look at including a minimum requirement and a maximum “cap” for each community in the District.

Initial work during the preparation of the emerging Local Plan has looked at various ways of how to identify the 20% “cap”. Originally, the Local Plan was not going to include Harwell within the 20% figure, but due to the progression of the Neighbourhood Plan, the District Council is considering the inclusion of both Harwell and Everton within the 20% “cap” figure. This figure will provide an upper limit on new development in the Neighbourhood Plan Area over the plan period, equating to 68 new homes (20% growth). However, when considering the emerging Local Plan’s plan period, we can consider existing commitments from 1st April 2018. When considering these commitments, including 18/00632/FUL (Stonegate Farm – 7 dwellings) and 18/00812/FUL (Land west of Corner Farm – 9 dwellings), the figure is reduced from 68 to 52, and therefore supports the notion of the 40 homes in Everton being a minimum figure.

Scale of new housing development

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.

PC Answer:

With no NPPF compliant local plan in place, evidence for housing need in the Parish was assessed combining two approaches; at a strategic level (based on the SHMA and Bassetlaw Annual Monitoring Report, noted in the submitted version of the plan) and at a Neighbourhood level.

At a Neighbourhood level, the Parish Council conducted a housing need survey in 2004 (Everton Parish Appraisal Report, Everton Parish Council with Nottinghamshire Rural Community Council). Further information on housing need came from Rural Place Profile Everton (Parish), ACRE OSCI 2013. These, together with views expressed in several informal consultations, were used to inform the design of the Everton Neighbourhood Plan Questionnaire, May 2016, a survey which contained questions on Housing, particularly the number and type of housing that parishioners think is needed over the next 16 yrs, and questions about individual needs. An independent marketing company (Osiris MR, ISO 20252:2012 UKAS certified) helped in the development of the questionnaire and produced a Questionnaire Report (see NDP Evidence Base Everton Parish Neighbourhood Plan 2016 Survey Summary Report, 27 July 2016). This report certified a confidence level of 95% (+ or - 5%) in the results which were then used together with information in LGA Research Draft: People and Place Profile for Everton, Vanessa Cookson, Bassetlaw District Council, 2016 when developing an assessment of housing need in the Parish.

The Questionnaire Report noted (p.25) that:

"Looking at the types of property that respondents would like to see there is a difference in need between the rented sector and the owner occupier sector.

Within the rented sector people are looking for smaller properties, potentially to suit the needs of the ageing population, with warden controlled accommodation 35.9% topping the requirements closely followed by 2 bed roomed houses 31.8% and single person accommodation 29.1%. There would appear to be little taste for larger properties or for properties with work units attached.

In the owner occupier sector there would appear to be a desire for 2 bed and 3-4 bedroom houses with 59.1% and 58.6% of respondents actively identifying them as needed. 1/5 of respondents did identify a need for warden controlled property. 18.2% of respondents would like property with workspace attached.

Both groups agree that there is limited need for the 5+ bedroom properties within the Parish."

9. I note that the Plan, in para 6.18, refers to the ageing 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.

PC Answer:

Parishioners views that were expressed during the initial consultation events and in answering the Questionnaire suggested that the school was oversubscribed and some parishioners could not get places for their children. They thought that further house building would not be sensible as the school is on a small site with no opportunity to expand, the village hall and Metcalfe Recreation Ground being used to help deliver the curriculum.

The school is popular and currently its admissions policy allows for children attending from outside the parish making it more difficult for the children of parishioners to get a place.

It may be argued, given its popularity and the current number of planning applications and commitments, that no further new housing is needed to maintain the overall viability of the school as places could be filled by children who live outside the parish.

However, in discussions with the Headteacher and the Chair of Governors of the school, it was considered that while the school is currently at capacity, the age profile of the village

gives rise to a concern that as present cohorts move through the school there is a risk that there will be insufficient numbers of new starters at reception level.

The Questionnaire Report also noted that in five years time the number of pupils attending Everton school from within the parish is likely to fall from 65.8% to 43.8% and, on p.24, that "As we have seen with the number of potential students identifying a need for school places, by only building a limited number of properties over a 16 year period Everton Parish could suffer with an ageing population and the potential loss of viability of the local school and potentially other infrastructure such as shops."

The question for the Parish Council was how the school's place in the heart of the parish could be maintained, to support the viability and sustainability of the village and bolster the sense of community so valued by parishioners.

It is thought that by supporting a higher number of pupils at the school from within the Parish this sense of community may be maintained and there would be less need to fill places with children who have to travel to the village by car.

Nottinghamshire County Council Planning Policy and Corporate Services noted in response to planning application 15/01165/OUT for ten houses on Sluice Lane that, "Based on current projection, the primary schools are at capacity and cannot accommodate the additional primary places arising." These ten houses were projected to yield two primary school places.

Together with existing housing stock, the 56 housing commitments and planning applications and the minimum of 40 houses proposed in the Neighbourhood Plan, there would be approximately 500 houses in the parish by the end of the plan period, translating to 100 pupils using Nottinghamshire County Council's calculation for pupil provision of two primary school places per 10 houses.

The school has approximately 100 pupils from Reception to Year 6.

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.

NB:

Please see Appendix 1 for details of email exchange concerning the clarification of this question.

PC Answer:

Thank you for drawing attention to a typing error in Policy E8. The error is the "(approx 21 houses)" which should be deleted.

It is expected that the three sites identified in policy E9 would deliver 30 houses at a density of 20 dwellings per hectare or 46 houses at a higher density of 30 dwellings per hectare. If development was at the lower density of 20 houses per hectare it is expected that the shortfall would come from windfall/infill developments. Policy E8 has been prepared to support a flexible approach to new housing proposals by promoting both site allocations

for larger developments and other housing proposals, provided they meet the criteria in the policy.

Identifying a maximum threshold for new housing in Everton is not supported by the Parish Council although this is something Bassetlaw DC is considering in the new Local Plan.

It would be acceptable therefore to amend Policy E8 to provide for a minimum of 40 new homes within the plan period.

BDC Answer:

The current Core Strategy identifies Everton as a "Rural Service Centre" as described in Core Strategy Policy CS8. This policy does not give settlement specific housing requirements but merely a collective figure of 599 homes over the plan period. It is not expected that all 599 homes should be delivered in one community. It is noted that Everton has a number of existing planning permissions (commitments).

The emerging Bassetlaw Local Plan is still in its initial stage and has no weight. The current approach is to look at including a minimum requirement and a maximum "cap" for each community in the District. The emerging Local Plan is not expected to be completed and adopted by the Council until late 2021 and therefore little weight to these initial ideas and policies can be applied at this stage.

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?

PC Answer:

The PC considers that a maximum density of 30 dwellings per hectare is appropriate to help maintain the character of the village; such density is typical of the village where much of the housing is set in garden plots as described in Appendix VIII.

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?

PC Answer:

E10 supports the building of smaller houses. This is in line with the evidence from the Questionnaire report and the 2017 SHMA Update which is referred to in NDP paragraph 6.54.

E8 promotes schemes of 10 or less units. Perhaps it would be clearer to say in E8 third paragraph "In addition some further limited infill development and small scale sites (of 9 or fewer dwellings) adjacent to the existing built form of Everton village will be supported."

This would be consistent with the revised NPPF which identifies major schemes as comprising 10 houses or more or a site area of 0.5 hectares.

Criterion 3 could be amended to "Schemes are small to medium in scale (of 9 or fewer dwellings) and do not comprise major development."

Also, the supporting text (6.19) could be strengthened and made more positive by stating that, "while it is anticipated that larger developments will be provided through the site allocations in the Plan, the NDP also supports schemes of less than 10 units on other suitable sites which may come forward over the plan period."

In terms of infill, the reference of up to 2 dwellings in point 6.20 could be deleted.

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?

PC Answer:

There was a consultation on potential sites held in the village hall on 8th December 2016, advertised on posters and in the parish newsletter, HEDS. This included all sites submitted to Bassetlaw District Council in their call for sites process held between November 2015 to January 2016 and the Neighbourhood Plan Steering Groups call for sites process held in November 2016. There were 11 sites and each site was identified in relation to the others on an A0 O.S. map which displayed the whole Parish. Individual, O.S. site maps were also displayed showing greater detail. Information suggesting some of the possible issues with sites was displayed under each site map. Residents were asked to indicate their preferred sites with reasons. Maps and information were supplied by BDC. At this stage there were no explicit criteria for site selection.

Following the consultation all sites were put forward for detailed technical assessment by BDC in Jan-Feb 2017. One site had obtained planning permission in the interim and three sites were excluded due to issues identified by the technical assessment. The detailed technical assessment report was published on the parish website and a second consultation on the preferred 7 sites was held on 7th March. The assessment criteria and results were available at this event and on the website together with response forms asking parishioners if they supported each of the 7 sites. O.S. maps were displayed for each site alongside their technical assessments as well as an O.S. map of the parish including all the sites. A representative of BDC was available to answer questions.

14. Do both parties consider that a response of 16 residents, constitutes an expression of community support?

PC Answer:

Residents were given every opportunity to engage by various means throughout a lengthy process; public meetings, the local parish magazine HEDs, the parish website and posters. All responses were considered. No cut off for the level of engagement at various stages of the process was established.

The criteria used to assess community support was if a site had more responses in favour than against.

We would point to a recent report commissioned by WNECUMBRIA NHS which considered responses to public consultations. In this report, the Consultation Institute noted:

- 1. Consultations that achieve higher than 1% response rate are considered "good".*
- 2. The average response rate for UK public consultations stands at 0.7%.*

The adult population of Everton Parish is less than 700, therefore 16 responses means a response rate of 2.3%, over three times higher than the average UK response rate to public consultations.

If a Neighbourhood Plan goes to referendum, a single vote could decide the outcome.

BDC Answer:

In addition to the consultation undertaken on potential housing allocations, the opportunity for interested parties to comment on the proposed sites was also provided during the Regulation 14 and Regulation 16 consultations.

15. Would 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 similar relationship was considered acceptable when planning permission was granted under application 17/00635/OUT.

BDC Answer:

When the Site Assessment Report was produced, part of NP13 was subject to a planning appeal, which concluded that the principle of developing this site would negatively impact the character / appearance of the area, and was therefore dismissed. The findings of the site assessment report simply reflected the outcome of this appeal decision.

16. With regard to the ransom strip around site NP9 – could the Parish Council respond as to whether it understands that the ransom strip would extend around the complete frontage of the site?

PC Answer:

The understanding of the PC, based on a copy of a land registry entry for the site, is that the ransom strip extends to the end of Croft Way. Further, it is understood that the Highway Authority, in providing comments on the principle of allocating this site, assume that this will be frontage development with access provided directly from Croft Way. The Highway Authority also indicated that a 2.0 m wide foot way would be required along the site frontage up to and including Roe Lane.

Allocation Sites

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.

PC Answer:

If there were any more sites that had been technically assessed as suitable and had public support they would have been included. All the sites that have not been included were rated as unsuitable when technically assessed by Bassetlaw District Council and/or did not have community support.

An open and transparent process, including two Regulation 14 consultations, was followed in order to arrive at the agreed sites to be included in the plan. The selection of a reserve site at this stage would undermine a process that has been plan led and empowers local people to shape their surroundings by involving them in shaping the plans policies and proposals through extensive consultation and engagement activities in line with NPPF Core Planning Principles.

Policy E8 should provide a suitable and supportive local planning policy framework to guide decisions on any new sites that may come forward over the plan period. The NDP does not identify a settlement boundary and any proposals that do come forward would be considered against the NDP policies in their entirety.

BDC Answer:

BDC worked with the Neighbourhood Plan Group throughout the site assessment process. During this time, the District Council did not have a 5-year supply of housing and therefore a number of unplanned sites came forward, premature of the Neighbourhood Plan. Some of these sites were briefly assessed within the Bassetlaw SHLAA process. However, this did not involve application of a detailed methodology to assess the suitability of the sites, it merely identified any existing constraints and the sites availability by landowners.

The site assessment methodology used for the Neighbourhood Plan was employed during the development of the Bassetlaw Core Strategy, and has been used by a number of other Neighbourhood Plans in the district to effectively assess the suitability of potential housing allocations. BDC can confirm that all sites in the Everton Neighbourhood Plan have been assessed through this process.

With regard to the inclusion of a reserve site, BDC do not see this as necessary. Neighbourhood Plan Policy E8 sets a criterion to guide development outside the allocated sites, and provides a flexible approach to supporting appropriate additional residential development in the neighbourhood area. Instead of a reserve site, BDC suggest that a mechanism be built into the Neighbourhood Plan to see it reviewed within 5 years of being 'made', allowing the prospects of the proposed sites to be reviewed and, where necessary, to amend the allocations.

Appendix 1: Email exchange concerning clarification of Para 10.

From: JOHN SLATER

Date: 25 October 2018 at 10:01:24 BST

To: Ann

Cc: Luke Brown

Subject: Re: Everton Neighbourhood Plan

Good Morning Ann

Thank you for getting back and seeking clarification as I would not want there to be a misunderstanding. I hope that the following clarifies the issues.

Policy E9 would suggest that if both sites are developed these could deliver between 30 and 46 homes dependant upon the density they come in at. Policy E8 itself refers to "around 21 houses" from site allocations. It then says "*In addition* some further limited infill and small scale sites (of up to 10 units) will be allowed." The issue for clarification is how would the plan expect the difference between 40 and 21= 19 be dealt with under two scenarios. If the allocation sites deliver more than 40 - would any infill / other small sites be able to be approved under the policy. Alternatively if the allocation sites were to deliver "around 21", would there be a cap on the infill / small sites once the plan area itself had delivered the around 40 units. You will appreciate that this line of enquiry was leading to me raising the issue of the plan delivering at least 40 units. All this is unrelated to the existing planning commitments.

As this clarification is important to the examination I would ask that this email exchange is placed on the respective websites in the interests of transparency.

As this clarification

Kind regards

John Slater BA(Hons) DMS MRTPI

John Slater Planning Ltd

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On 25 Oct 2018, at 09:43, Ann wrote:

Thankyou for your report John. We are hopeful that we can meet your deadline of 14 th November but half term does cause problems! Can I just clarify question 10? When you refer to 19 allocations are you meaning current existing planning commitments?

What we are intending is 40 houses in addition to the existing planning commitments and we will answer along those lines. Is this what you are asking?

Regards

Ann

Sent from my iPad

On 24 Oct 2018, at 13:08, JOHN SLATER wrote:

Dear Ann and Luke

I have now completed my initial review of the plan documentation and carried out my site visit. I have now prepared the attached document that asks for responses to specific questions. if the timescale for responding is too challenging please let me know. Can the document and the responses be put on the appropriate websites

Kind regards

John Slater BA(Hons) DMS MRTPI

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