

MATTERSEY NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Bassetlaw District Council
into the examination of the
Mattersey Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP, MRTPI

NPIERS Independent Examiner

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1.0 Summary

- 1.1 The Mattersey Neighbourhood Plan has been prepared to set out the community's wishes for this parish which contains the villages of Mattersey and Mattersey Thorpe 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. I have also recommended the deletion of two site allocations and the amendment of the boundaries of one site 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 Mattersey Neighbourhood Plan 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 Mattersey Neighbourhood Plan.
- 2.2 The Parish of Mattersey lies 7 miles to the north of Retford within the boundary of Bassetlaw District Council. It is a rural parish with two historic villages. At 2011 there were 792 people living in 325 dwellings in the parish.

Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Mattersey Neighbourhood Plan by Bassetlaw District Council with the consent of Mattersey Parish Council in September 2018. I do not have any interest in any land that may be affected by the Mattersey Neighbourhood Plan nor do I have any professional commissions in the area currently. 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 by the Conservation of Habitats and Species and Planning (various Amendments) Regulations 2018) sets out a further Basic Condition in addition to those set out in the primary legislation: that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

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 Mattersey Neighbourhood Plan 2018 – 2033 dated July 2018.
- 2.13 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening statement for the Strategic Environmental Assessment and Habitats Regulation Assessment, and the Sustainability Appraisal. 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 Mattersey 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 Mattersey. The area was designated by Bassetlaw District Council on 18 April 2015 as a Neighbourhood Area. The Basic Conditions statement confirms 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. The front cover of the Neighbourhood Plan shows the date 2018 - 2033. However, paragraph 3 of the plan states that it has been produced to cover the period to 2031 and paragraph 2.3 of the Basic Conditions Statement refers to the Plan covering the period 2017 - 2032. It is recommended that the dates in the Plan and Basic Conditions Statement are checked and revised to be consistent with that on the front cover of the Plan.

Recommendation 1: Ensure that the dates in the Mattersey Neighbourhood Plan and the Basic Conditions Statement are consistent with those on the front cover of 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 Mattersey 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 five non land use Community Projects which are set out in Appendix A clearly distinguished from the land use planning policies.
- 2.23 I am satisfied therefore that the Mattersey 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 The NPPF of 2012 is referred to in this examination. Paragraph 214 of Appendix 1 of the February 2019 NPPF states that the policies of the 2012 NPPF will apply for the purpose of examining plans where those plans are submitted on or before 24 January 2019. The footnote to this paragraph confirms that this applies to neighbourhood plans.
- 2.29 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.

- 2.30 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*”.
- 2.31 Tables 1 and 2 of the Basic Conditions Statement shows how the 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

- 2.32 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.
- 2.33 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. The Mattersey Neighbourhood Plan is supported by a comprehensive Sustainability Appraisal which has considered varying levels of growth in the parish, the effect of the community objectives and the policies and site allocations. The Sustainability Appraisal highlights the following:
- Most of the Neighbourhood Plan objectives and Sustainability Appraisal objectives are compatible with one another or have a neutral impact.
 - The positive effects of the Plan are likely to increase over time with the application of the policies having a long lasting impact on the area.
 - The Neighbourhood Plan seeks to protect, support and enhance local community infrastructure in the Plan area.
 - Protecting and enhancing the local landscape, open spaces, biodiversity and wildlife corridors in the plan area has the potential to have an indirect positive effect on the Green Infrastructure in the Parish.
 - The Neighbourhood Plan seeks to support the improvement of local services and facilities within the Neighbourhood Plan area.
- 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 the Draft Plan being published for consultation in January 2019.
- 2.36 Table 4 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 Neighbourhood Plan 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 November 2017 on the Regulation 14 draft Plan. The Screening Report concludes that:

“On the basis of the SEA Screening Assessment, the conclusion is that the Mattersey and Mattersey Thorpe 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 HRA 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 Mattersey and Mattersey Thorpe. As such the Plan does not require a full HRA to be undertaken.”

“The main reasons for these conclusions are:

- The plans for the proposed allocated sites for development are either previously developed land or are small in size; and*
- The development supported in the Plan is of such a small scale that it is unlikely to have any effects on the identified sites, and any adverse impacts could be mitigated through the planning application stage.”*

- 2.40 The statutory environmental bodies: Historic England, Natural England and the Environment Agency were consulted on the screening reports between 4 July and 16 September 2018 and they made no comments on the conclusions. The bodies were re-consulted between October and November 2018 following the Sweetman II Judgement. Natural England advised that:
- “any “embedded” mitigation relating to protected sites under the Habitat Regulations 2017 Regulation 63 (1) should no longer be considered at the screening stage, but taken forward and considered at the appropriate assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained.”*
- 2.41 The HRA screening does not include any mitigation measures. 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 paragraphs 5.8 that *“The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. Whilst an Equality Impact Assessment Report has not been specifically prepared, great care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.”*
- 2.43 Paragraph 5.9 of the Basic Conditions Statement sets out how the plan makers have considered this subject: *“The main issues for planning are the right to family life and in preventing discrimination. The Plan makes positive contributions, such as through seeking to provide housing to meet local needs. The population profile has revealed that there are not significant numbers of people who do not speak English (as a first language) and it has not been necessary to produce consultation material in other languages.”*
- 2.44 From the evidence provided, I have no reason to believe that they have failed to address the Human Rights requirements.
- 2.45 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 Mattersey Neighbourhood Plan is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

Consultation on the Neighbourhood Plan

- 2.46 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.
- 2.47 The Consultation Statement sets out an overview of the various stages of consultation that have been carried out during the preparation of the Mattersey Neighbourhood Plan. 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.

- 2.48 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.
- An initial meeting was held on 9 September 2015 to decide whether a Plan should be prepared for the area. The Steering Group was established.
 - Over 300 questionnaires were delivered to all households on 17 March 2016. 211 forms were returned.
 - First Consultation Event was 23 April 2016 at Mattersey Primary School. It was advertised on the village noticeboards and a reminder leaflet was printed and hand-delivered to all houses. Attendees were also asked to identify potential housing and business development locations.
 - Children's questionnaire Mattersey Primary School on 25 May 2016.
 - Business questionnaire took place in October 2016.
 - The second Consultation event was 3 December 2016 at Mattersey Primary School to provide an opportunity to comment on the Neighbourhood Plan Vision and Objectives and on the 23 potential development sites. Publicity was given on the website and email. 60 people attended and 45 response forms were completed expressing views on the potential sites.
 - The third Consultation event was 8 April 2017 at Mattersey Primary School aimed to present the community with the potentially developable sites, and to provide an indication of the amount of development on each in order to develop a preferred shortlist of sites. The event was publicised through the village newsletter, a leaflet distributed to all households, on the village noticeboards, on the website and by email. 79 feedback forms were received containing the views of 121 people.
 - Regulation 14 consultation on the draft Plan was held for 8 weeks from 17 March to 12 May 2018. Two drop in consultation events were held at Mattersey Primary School on 17 March and 28 April 2018. Publicity was as for the previous events. Statutory consultees were also consulted.
- 2.49 The Regulation 16 consultation on the Submission Draft Plan was undertaken by Bassetlaw District Council between 10 August 2018 and 21 September 2018. Four responses were received.
- 2.50 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.
- 2.51 This report is the outcome of my examination of the Submission Draft Version of the Mattersey Neighbourhood Plan dated July 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 landscape character, design, infill development, heritage, community facilities, local green space, rights of way and residential development, including 8 site allocations. The policies are clearly distinguishable by surrounding boxes.
- 3.5 The Plan contains two Proposals Maps (13 and 19) which only show the housing allocations. There are more detailed maps showing the boundaries of each housing site and other sites referred to in the policies. It is recommended that all the sites allocated or designated through the policies are included on the relevant Proposals Map. These should be published at a suitable scale so that the site boundaries can be clearly distinguished by decision makers.
- 3.6 The Plan contains a lengthy introductory section containing contextual material. To enable the Plan to be more focused on the policies it would be helpful to summarise the key facts in the introduction and to place the remaining material in an Appendix.
- 3.7 Appendix A contains a list of five projects to support the policies and to be implemented by the Parish Council.
- 3.8 Appendices B and C include the Site Assessment Report. This is background evidence and when the Plan is finalised it should be set out as a separate report to ensure that the Plan remains focused on the policies.

Recommendation 2: Place Section 6 Mattersey in Context in an Appendix and set out a brief summary of key facts in section 6.

Set out Appendix B the Site Assessments as a background evidence report.

Include all the policy designations on the Proposals Maps. Include a key to cross reference the site to the relevant policies.

The Neighbourhood Plan - Policies

Introduction

- 3.9 The Introductory section of the Plan is well presented and gives a clear and concise overview of the reasons for preparing the plan and a summary of the consultation process. It helpfully summarises the status of the villages in the hierarchy of settlements in the Core Strategy. The status of the community projects in Appendix A is explained.
- 3.10 Section 6 sets out a considerable amount of contextual material and as recommended above should be summarised to some key facts and a brief description of the villages so that the Plan can be focused on the policies.
- 3.11 Sections 8 and 9 of the Plan sets out the Community Vision and eight Objectives which were developed through community consultation. The Vision seeks to ensure that “*Mattersey parish will be a thriving community and sensitively developed area*” and have “*sufficient housing and facilities to attract and retain families*”.
- 3.12 The Vision is developed into eight objectives; the first seven are implemented through the policies of the Plan. Objective 8 sets out the Parish Council’s aspiration for early consultations on planning applications with the Parish Council and community which is set out as a key principle. As this is a procedural matter and not a planning policy it is recommended that it be deleted as an objective of the Plan to improve the clarity of the Plan. I comment further on this aspiration in paragraphs 3.14 - 16 below.

Recommendation 3: Delete Community Objective 8.

- 3.13 Section 10 sets out the principles used in preparing the Plan to ensure that it delivers sustainable development.
- 3.14 Section 11 sets out a key principle to encourage applicants for new or replacement housing to consult the Parish Council prior to submitting the scheme for planning permission.
- 3.15 There is no legal requirement for applicants to consult the Parish Council or the local community at the pre-application stage although it is recognised that there are significant benefits to be gained from pre-application discussions and its importance is recognised in paragraph 188 of the NPPF. It is recommended that paragraphs 82 and 84 should be revised to describe this as a community aspiration and not as “requirements” or a “key principle” of the plan.

- 3.16 Paragraph 82 states that the principle is to apply to applicants submitting applications for new build or replacement buildings. However, the wording of the key principle is such that it would apply to all development proposals. A revision is recommended to reflect the intention set out in paragraph 82.

Recommendation 4: Revise paragraph 82 to read: “.....The *community aspiration* set out below.....”

Revise paragraph 84 to read “The *community aspiration* to consult the community at the pre-application stage is set out below.”.

Revise the heading of the Key Principle to “*Community Aspiration:...*”

Revise paragraph 1 of the key principle to read: “Applicants *who are preparing planning applications for new or replacement buildings* are encouraged...” Revise paragraph 2 of the key principle to read: “...Parish Council, about *such* proposals...”

Policy 1: Protecting the Landscape Character of Mattersey Parish

- 3.17 The policy seeks to protect the landscape character of the parish by highlighting important view points and encouraging mitigation planting including native species as recommended by the Bassetlaw Landscape Character Assessment. Development proposals are to take account of the Village Appraisal. It is considered that this policy builds on Core Strategy Policy DM9c).
- 3.18 During my site visit I considered all the viewpoints shown on Maps 9a and 9b. Many of these are along the village roads and others are across areas of public open space. There appears to be little in the views along the roads that is particularly sensitive and the areas of open space should be safeguarded in any case. It is not apparent how Policy 1a) is to be applied to them.
- 3.19 I consider that the viewpoints that afford interesting views over the surrounding countryside are 09 (Newall Drive, Mattersey Thorpe), 17, 18, 23, 24 and 29 on the northern edge of Mattersey. I propose to recommend that only these viewpoints should be retained to give clarity to the application of Policy 1a) and to ensure that it can be applied consistently by decision makers.
- 3.20 The policy also defines a settlement break between the two villages. I have considered whether this would create a blanket restriction on housing development contrary to advice in the NPPG on Rural Housing. The NPPG advises that such restrictions should not be imposed unless they are supported by robust evidence. The Mattersey Neighbourhood Plan explains that the settlement break is proposed to ensure that the villages remain separate and the policy requires development proposals in the area to

demonstrate that they would not create coalescence between the two villages.

- 3.21 I am satisfied that the policy approach to the settlement break reinforces the development boundary for Mattersey village which is a rural service centre and the restrictions on development in the smaller village of Mattersey Thorpe which is classed in the Core Strategy as an “Other Settlement”. The Plan has demonstrated that sufficient sites can be made available in other parts of the two villages.

Recommendation 5: Delete the following viewpoints from Maps 9a and 9b under Policy 1: 01, 02, 03, 04, 05, 06, 07, 08, 16, 31, 32, 33, 35 and 36.

Policy 2: Design Principles

- 3.22 The policy sets out a number of design principles for development within the two villages. It is considered that the principles have taken account of and build on those set out in section 7 of the NPPF and Core Strategy Policy DM4. The principles are based on an in depth analysis of the character of the two villages. I propose no modifications to Policy 2.

Policy 3: Infill and Redevelopment in Mattersey village

- 3.23 This policy sets out principles for considering infill developments in Mattersey village. Point 2 of the policy encourages smaller dwellings on sites within “a safe walking distance” of local amenities. This term should be defined so that it can be applied consistently by decision makers. Rather than prescribe a distance, the Qualifying Body has suggested the following: “*The walking route between a site and local amenities, preferably via a footpath, which avoids the need to walk along the highway.*” Consequently I shall recommend that criterion 2 should be revised to refer to sites that are on a safe walking route to local amenities and include the Qualifying Body’s definition in the justification.
- 3.24 Paragraph 112 largely repeats the text of paragraph 110 and it is recommended that it should be deleted. The typographical error in paragraph 113 should be corrected. (NB there are two paragraphs numbered 113.)

Recommendation 6: Revise Policy 3 as follows:

Revise criterion 2 to read: “...that are on a safe walking route to local amenities...”.

Delete paragraph 112.

Correct the typographical error in paragraph 113: “Development on infill plots *is* required....”

Add the following to paragraph 113: “Developments on infill sites that include smaller dwellings will be encouraged where there is a safe walking route between the site and local amenities, preferably via a footpath, which avoids the need to walk along the highway.”

Policy 4: Protecting and Enhancing Heritage Assets

- 3.25 The policy sets out the approach for considering proposals within the Mattersey Conservation Area and affecting non-designated heritage assets. It provides local guidance that has taken account of Core Strategy Policy DM8 and NPPF section 12.
- 3.26 Apart from the typographical error in paragraph 116, I propose no modifications to Policy 4.

Recommendation 7: Revise the second sentence of paragraph 116 to read: “However, Policy 4,....

Policy 5: A Mix of Housing Types

- 3.27 This policy requires the delivery of a housing mix to reflect the needs demonstrated through the most recent Housing Needs Survey which is currently for a high proportion of 2 and 3 bed homes.
- 3.28 The policy provides local guidance that has taken account of Core Strategy Policy DM5. I propose no modifications to Policy 5.

Policy 6: Enhancing Facilities in the Parish

- 3.29 The Neighbourhood Plan has identified the need for specific new community facilities and this policy sets out a framework to support proposals for their development. The second part of the policy seeks to safeguard community facilities. Such development will help to ensure that the villages continue to develop as sustainable communities as supported by NPPF paragraph 69 – 70.
- 3.30 The recommendation is proposed to correct the text of the policy and to improve its clarity. There is no need to stipulate “particular” support.

Recommendation 8: Revise the second and third sentences of part 1 of Policy 6 as follows: “Development that improves these and expands the range of facilities for the local community *will be supported*. Support will be given to proposals for a *public house* and village hall in either of the settlements and a multi-use community building in Mattersey Thorpe, where it can be demonstrated that the proposal:”

Policy 7: Local Green Space

- 3.31 The policy designates The Green and the Playing Fields as Local Green Space. These areas are both owned by Bassetlaw District Council and are publicly assessable for recreation. Although no formal assessment has been carried out of the sites against the criteria of NPPF paragraph 77, from the descriptions of the sites in the Plan and my visit to the sites, it is evident that they satisfy the requirements.
- 3.32 The policy does not set out any guidance on the management of development on the Local Green Space as required by Paragraph 78 of the NPPF. It is recommended that this should be added to the policy.

Recommendation 9: Revise Policy 7 as follows:

Add a new criterion: “*Development that would be harmful to the openness of the site would not be acceptable except in very special circumstances*”.

Policy 8: Conservation and Enhancement of Footpath and Cycling Routes

- 3.33 The policy supports and encourages the improvement on non-vehicular routes. Point 1 states that certain types of development “will be permitted”. The NPPF paragraph 11 states that “*applications for planning permission must be determined in accordance with the development plan unless other material considerations indicate otherwise*”. A neighbourhood plan policy cannot dictate whether a particular form of development will or will not be permitted. It is recommended that the policy be rephrased as “will be supported”.

Recommendation 10: Revise Policy 8 as follows:

Revise point 1 to read: “ ...non-vehicular routes will be *supported* where....”

Site Allocations

- 3.34 In considering the appropriateness of the site allocations, I have to consider whether together they will deliver sufficient new homes to deliver the requirements of the adopted strategic policies and that the locations selected support the delivery for the strategy for the type of settlement.
- 3.35 The adopted strategic policies are contained in the Core Strategy 2011. Policy CS8 identifies Mattersey as a “Rural Service Centre” and requires any future development within the Rural Service Centre to be of a scale appropriate to the size and role of that settlement and limited to that which will sustain local employment, community services and facilities. Overall up to

10% (599 houses) of the District's housing requirement will be delivered in the Rural Service Centres

- 3.36 Mattersey Thorpe is defined as an "Other Settlement" where Policy CS9 limits housing development to conversions or replacement dwellings.
- 3.37 The emerging Local Plan makes provision for sites to be brought forward in neighbourhood plans. Both Mattersey and Mattersey Thorpe are defined as Rural Settlements under Policy 8. Development in Rural Settlements will generally be supported where it meets a range of comprehensive criteria and satisfies the policies of the Plan.
- 3.38 In supporting new development, the Local Plan recognises that it can have significant impacts on communities and should be managed to ensure that, cumulatively, new development over the course of the plan period does not place excessive strain on communities. The emerging Local Plan sets out an indicative housing requirement for the Mattersey Neighbourhood Plan area for the plan period 2018 to 2035 of 10% growth which equates to 32 dwellings with a cap of 60 dwellings (20% growth).
- 3.39 The Core Strategy, however, dates from 2011 prior to the publication of the NPPF. Paragraph 55 of the 2012 NPPF states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities, for example where there are groups of smaller settlements, development in one village may support the services in a village nearby.
- 3.40 Furthermore the PPG on Rural Housing states that all settlements can play a role in delivering sustainable development in rural areas. I therefore raise no concerns to the principle of allocating housing sites in Thorpe Mattersey as this accords with the principles of national planning policy and the emerging Local Plan.
- 3.41 The Neighbourhood Plan does not include any indication of the potential housing numbers to be developed on each site. Bassetlaw District Council has provided me with the following table which also includes details of the number of houses that have received planning permission.

Policy Number	9	10	11	12	13	14	15	16	Total
Indicative Housing	6	4	7	3	5	7	11	2	45
PA Permissions	-	4	7	3	5	-	-	2*	21

(* Permission granted as part of a joint proposal for 5 dwellings on an adjacent site.)

- 3.42 Bassetlaw District Council has confirmed that "At April 2018, there was already planning commitments for 31 dwellings and since then a further eight dwellings have been permitted. It follows that the indicative housing

requirement has been met. The remaining Neighbourhood Plan allocations without planning permission (policy nos. 9, 14 and 15) are ‘over and above’ the stated housing requirement and we would be happy with a ‘design-led’ approach to these sites.”

- 3.43 It would be helpful to plan users to include the information on the housing requirement, housing commitments and an indication of the likely number of houses to be delivered each site in the Neighbourhood Plan.
- 3.44 A comprehensive assessment of 22 potential sites was undertaken as part of the preparation of the plan of which 8 have been selected for inclusion in the Neighbourhood Plan. The Sustainability Appraisal included an assessment of 4 approaches to development including the approach of allocating the 8 sites. The potential sites have been subject to community consultation.
- 3.45 Representations have been made to Policies 14 and 15. I have taken them into account in considering the proposals

Sites in Mattersey Village

Policy 9: Land west of Main Street, Mattersey (Map 14)

Policy 10: Land north of Thorpe Road, Mattersey (Map 15)

Policy 11: Land east of Retford Road, Mattersey (Map 16)

Policy 12: Land south of Thorpe Road, Mattersey (Map 17)

Policy 13: Land west of Main Street, Mattersey (Map 18)

Sites in Mattersey Thorpe

Policy 14: Land north of Newall Drive, Mattersey Thorpe (Map 20)

Policy 15: Land south of Breck Lane, Mattersey Thorpe (Map 21)

Policy 16: Land to the rear of Gilbert’s Croft, Mattersey Thorpe (Map 22)

- 3.46 Each policy commences with the wording “*Planning permission will be granted for residential development on the site shown on*”. It is considered that this does not have regard to national policy. NPPF paragraph 2 states that “*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. A neighbourhood plan policy will be taken into account by decision makers but it cannot tie the hands of decision makers in determining planning applications. I have recommended revisions to delete this form of wording.

- 3.47 Following my site visit, I have sought the views of Bassetlaw District Council and the Qualifying Body on a number of site specific matters.

Policy 11: Land east of Retford Road, Mattersey (Map 16)

- 3.48 The site appears to form part of an area of playing fields. NPPF advice is that evidence should be provided to demonstrate that it is surplus to requirements. The trees along the roadside are protected by a Tree Preservation Order; it is unclear how it is proposed to obtain access to the site that minimises the loss of the protected trees.
- 3.49 Bassetlaw District Council has stated that *“outline planning permission (17/00746/OUT) for seven dwellings was granted on this site on 03 Oct 2017. In relation to loss of recreation facilities, the site forms part of a field which adjoins a playing pitch which is sited on higher ground to the east. Sport England were content that the lower field is physically separate from the useable playing area and there is no loss of identified playing pitch space and the village has a number of alternative sports facilities which are under-used. A suitable access has been shown which minimises the impact on the 16 early mature lime trees.”*
- 3.50 A plan demonstrates that the approved layout is served by an access which also serves the playing field using the existing access at the north west corner of the field. I therefore conclude that the proposed allocation under Policy 11 satisfies the Basic Conditions for national and strategic policy requirements.
- 3.51 There is a typographical error in paragraph 180 which should refer to “Tree Preservation Orders”.

Policy 12: Land south of Thorpe Road, Mattersey (Map 17)

- 3.52 The development of three dwellings on this site is under construction. It is recommended that the site is deleted as an allocation. The site may be included in the housing numbers as a commitment.

Policy 14: Land north of Newall Drive, Mattersey Thorpe (Map 20)

- 3.53 Paragraph 191 states that the site had been developed previously, however, it is stated that it was cleared about 30 years ago. It now appears to be an uncultivated area with potential to form part of a wildlife corridor along the edge of the field. As such the site does not fall within the definition of previously developed land within the NPPF.
- 3.54 I have concerns about the suitability of the area for new housing development as its development is likely to conflict with Policy 1 as there are attractive views across the whole area from the adjacent unadopted road and recreation ground. Residential development on the site would result in a ribbon of housing that is not well related to the rest of the built up part of the village.

- 3.55 Furthermore, the development of the site would require the making up of Wavell Close and Newall Drive to adoptable standards. I have asked the Qualifying Body for their evidence to demonstrate that the site is deliverable. However, they have not provided me with evidence to this effect.
- 3.56 It is considered that the Plan makers have not demonstrated that the site can be implemented without conflicting with Policy 1 or that the requirements for accessing the site would mean that the site would be viable and deliverable as required by national planning guidance. It is recommended that the policy should be deleted.

Policy 15: Land south of Breck Lane, Mattersey Thorpe

- 3.57 This is an extensive site of 1.95 hectares of agricultural land. Its development would create a large extension to the village southwards into open countryside. The Qualifying Body has provided an indicative number of 11 dwellings for the site which is based on a proposal put forward by the landowner. However, given the size of the site it could be developed for considerably more dwellings than this; an average density development of 25 – 30 dwellings to the hectare would result in about 50 - 60 dwellings.
- 3.58 I have concerns that the development of the whole of the site at this density would result in an excess of dwellings above the proposed cap in the emerging Local Plan and may therefore impact on the strategic policies for managing the development of housing in the rural area.
- 3.59 The Conservation Officer has commented that the development of the site should carefully consider its significance in the setting of non-designated heritage assets. The Tree Officer has expressed concerns about the value of the mature trees and that they should be incorporated into the scheme where possible. Criteria a) and c) of Policy 15 include heritage and landscape considerations although the requirements could be worded more clearly.
- 3.60 The Highways Authority has raised concerns about the adequacy of the road width to the north of the site and the need to improve it to accommodate vehicles from the development. The Qualifying Body has stated that the consultation response from the Highways Authority recommended widening of the carriageway, provision of a footway, visibility splays, street lighting and the extension of the speed limit. They have stated that that they are not aware of any reason why these requirements could not be delivered.
- 3.61 It is considered that Policy 15 as worded without any indication on the number of dwellings to be delivered could result in a development of 50 or more houses at an average density of 25 per hectare which may create a conflict with the strategic policies for development in the villages in the rural area. On the other hand, limiting the number of dwellings on the site to 11 would result in a very low density development of large detached houses which is a form of development that would not support the delivery of the community's needs and aspirations for a suitable mix of housing as set out in Policy 5 of the Plan.

- 3.62 The Qualifying Body has advised me that the landowner provided an alternative proposal for 21 dwellings. This would provide the opportunity to include some smaller properties to deliver the mix of dwellings advised under Policy 5.
- 3.63 I have also considered whether the area of the site area should be reduced either to that to the north of the stream or by the inclusion of an area of landscaping around the edge of the site and the retention of the stream and its associated landscaping.
- 3.64 As this is one of the few remaining site allocations in the Plan that does not have planning permission, it is important that the policy is worded to provide sufficient detail to steer future developers and decision makers to ensure that the site delivers a suitable form of development to meet the needs of the community and that it is designed and laid out to respect its location adjacent to the oldest part of the village and its rural setting. It is therefore recommended that the policy includes an indicative number of dwellings that is envisaged in the form of a range in the order of 20 – 25 dwellings, that the mix of dwellings should support the delivery of Policy 5 and an expectation that there should be landscaping around the periphery of the site as well as the retention of the stream and its associated landscaping.

Policy 16: Land to the rear of Gilbert's Croft, Mattersey Thorpe

- 3.65 The Qualifying Body has informed me that outline planning permission was granted on appeal for residential development for five dwellings and means of access at land adjacent to Gilberts Croft, Breck Lane, Mattersey Thorpe on 21 September 2018. Land to the rear of Gilberts Croft forms part of the permitted site.
- 3.66 It is recommended that the site of Policy 16 is revised to reflect the site of the outline planning permission. This provides the means of access to the site which would otherwise be landlocked. The supporting text should be updated to reflect the change in the site boundary.

Recommendation 11: Revise the wording of Policies 9, 10, 11, 13 and 16 to read:

“Land is allocated for residential development on the site shown on Map XX. Development proposals should demonstrate that:”

Delete Policy 12 Land South of Mattersey Road, Mattersey and the supporting text.

Delete Policy 14 Land north of Newall Drive, Mattersey Thorpe and the supporting text.

Revise Policy 15 to read: *“Land is allocated for residential development for between 20 and 25 dwellings.....that:*

- a) ***Delivers a mix of house types in accordance with Policy 5 and the latest Housing Needs Assessment;***
- b) ***Former criterion a)***
- c) ***Former criterion b)***
- d) **revised criterion c): “a landscape scheme that includes *new landscaping around the periphery of the site using native species* and retains the mature trees, mature hedgerow and stream, where possible. The reasons for the loss of any of the mature trees and hedgerow will have to be fully justified and subject to replanting with native species.”**
- e) **Former criterion d)**

Revise the site of Policy 16: Land to the rear of Gilbert’s Croft, Mattersey Thorpe to include the adjacent land to accord with the boundary of the site with outline planning permission. Revise paragraph 199 to include the map number.

Revise paragraph 180 to read “Tree *Preservation Orders*”.

Include information on the housing requirement, housing commitments and an indication of the likely number of houses to be delivered on each site allocation in the introductory section to the housing allocations.

Public Transport

- 3.67 Nottinghamshire County Council has made a representation that the plan should include an objective and reference to the Parish Council working with the County Council to secure developer funding where appropriate to support public transport provision in Mattersey, including community transport. They request that the requirement for developer contributions towards public transport improvement should be included as a criterion for the development sites.
- 3.68 Core Strategy Policy DM11 includes the provision and improvement of public transport services and facilities as infrastructure that may be funded through developer contributions. It is not however included in the CIL 123 list that was adopted by Bassetlaw District Council in September 2018.
- 3.69 I have sought the views of Bassetlaw District Council and the Qualifying Body on this representation. They have commented that they agree that the suggestion made by Nottinghamshire County Council should be included as a Community Project in Appendix A.

Recommendation 12: Include a new Community Project in Appendix A that the Parish Council work with the County Council to secure developer funding where appropriate to support public transport provision in Mattersey, including community transport.

4.0 Referendum

- 4.1 The Mattersey 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 Mattersey 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 18 April 2015.

5.0 Background Documents

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

- Mattersey Neighbourhood Plan Submission Draft Version 2018- 2033 July 2018
- Mattersey Neighbourhood Plan Basic Conditions Statement
- Mattersey Neighbourhood Plan SEA / HRA Screening Statement (undated)
- Mattersey Neighbourhood Plan Consultation Statement
- Mattersey and Mattersey Thorpe Village Appraisal 2017
- Mattersey and Mattersey Thorpe Sustainability Appraisal 2018 - 2033
- 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 2011
- Bassetlaw Local Plan draft January 2019

6.0 Summary of Recommendations

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

Recommendation 2: Place Section 6 Mattersey in Context in an Appendix and set out a brief summary of key facts in section 6.

Set out Appendix B the Site Assessments as a background evidence report.

Include all the policy designations on the Proposals Maps. Include a key to cross reference the site to the relevant policies.

Recommendation 3: Delete Community Objective 8.

Recommendation 4: Revise paragraph 82 to read: “.....The *community aspiration* set out below.....”

Revise paragraph 84 to read “The *community aspiration* to consult the community at the pre-application stage is set out below.”.

Revise the heading of the Key Principle to “*Community Aspiration:...*”

Revise paragraph 1 of the key principle to read: “Applicants *who are preparing planning applications for new or replacement buildings* are encouraged...” Revise paragraph 2 of the key principle to read: “...Parish Council, about *such proposals*...”

Recommendation 5: Delete the following viewpoints from Maps 9a and 9b under Policy 1: 01, 02, 03, 04, 05, 06, 07, 08, 16, 31, 32, 33, 35 and 36.

Recommendation 6: Revise Policy 3 as follows:

Revise criterion 2 to read: “...that are on a safe walking route to local amenities...”.

Delete paragraph 112.

Correct the typographical error in paragraph 113: “Development on infill plots *is* required....”

Add the following to paragraph 113: “*Developments on infill sites that include smaller dwellings will be encouraged where there is a safe walking route between the site and local amenities, preferably via a footpath, which avoids the need to walk along the highway.*”

Recommendation 7: Revise the second sentence of paragraph 116 to read: “However, *Policy 4,....*”

Recommendation 8: Revise the second and third sentences of part 1 of Policy 6 as follows: “Development that improves these and expands the range

of facilities for the local community *will be supported*. Support will be given to proposals for a *public house* and village hall in either of the settlements and a multi-use community building in Mattersey Thorpe, where it can be demonstrated that the proposal:"

Recommendation 9: Revise Policy 7 as follows:

Add a new criterion: “*Development that would be harmful to the openness of the site would not be acceptable except in very special circumstances*”.

Recommendation 10: Revise Policy 8 as follows:

Revise point 1 to read: “ ...non-vehicular routes will be *supported* where....”

Recommendation 11: Revise the wording of Policies 9, 10, 11, 13 and 16 to read:

“*Land is allocated for residential development on the site shown on Map XX. Development proposals should demonstrate that:*”

Delete Policy 12 Land South of Mattersey Road, Mattersey and the supporting text.

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- g) *Former criterion a)***
- h) *Former criterion b)***
- i) *revised criterion c): “a landscape scheme that includes **new landscaping around the periphery of the site using native species** and retains the mature trees, mature hedgerow **and stream, where possible. The reasons for the loss of any of the mature trees and hedgerow will have to be fully justified and subject to replanting with native species.***”**
- j) *Former criterion d)***

Revise the site of Policy 16: Land to the rear of Gilbert’s Croft, Mattersey Thorpe to include the adjacent land to accord with the boundary of the site with outline planning permission. Revise paragraph 199 to include the map number.

Revise paragraph 180 to read “*Tree Preservation Orders*”.

Include information on the housing requirement, housing commitments and an indication of the likely number of houses to be delivered on each site allocation in the introductory section to the housing allocations.

Recommendation 12: Include a new Community Project in Appendix A that the Parish Council work with the County Council to secure developer funding where appropriate to support public transport provision in Mattersey, including community transport.