

# **Harworth and Bircotes Neighbourhood Development Plan**

**Report by Independent Examiner**

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**October 2015**



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## **Report Summary**

I have examined the Harworth and Bircotes Neighbourhood Plan as submitted to Bassetlaw District Council. The examination was undertaken during September 2015 by considering all the documents submitted to me and listed in the report, together with all the representations.

I conclude that the Neighbourhood Plan meets all the requirements, including those set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990. However several modifications are required to ensure the Plan meets the Basic Conditions as defined in Paragraph 8(2) of the Schedule.

Subject to making modifications set out in my report, I recommend that the Neighbourhood Plan as amended be submitted to a referendum. I do not see any reason to alter the Plan area for the purpose of holding a referendum.

## **1 Introduction**

- 1.1 I have been appointed by Bassetlaw District Council (BDC) with the consent of Harworth and Bircotes Town Council (HBTC) to examine the Harworth and Bircotes Neighbourhood Plan and report my findings as an Independent Examiner.
- 1.2 The Localism Act 2011 introduced the means for local communities to produce planning policies for their local areas through the preparation of neighbourhood plans. Harworth and Bircotes Neighbourhood Plan has been produced by the Town Council as the qualifying body and work has been progressed through a Steering Group
- 1.3 The Neighbourhood Plan area equates to the administrative boundary of HBTC which comprises the vacant colliery site, the High Street which is the main retail and business area, areas of residential development to the north and west, a small industrial estate to the north-east and areas of open countryside on the eastern side. The large industrial estates to the south of the town are close to but outside the Neighbourhood Plan boundary and therefore not considered as part of this examination.
- 1.4 The message running through the Neighbourhood Plan is that growth is welcomed to regenerate the town following the closure of the colliery and other employment sources. However the local community wish to shape that new development to bring benefits to the town with a balance of uses which integrate well with the existing development.

## **2 Scope and Purpose of the Independent Examination**

- 2.1 The independent examination of Neighbourhood Plans is intended to ensure that those plans meet four Basic Conditions together with a number of legal requirements.
- 2.2 In order to meet the Basic Conditions<sup>1</sup> a Neighbourhood Plan must:
  - Have regard to national policies and advice contained in guidance issued by the Secretary of State.

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<sup>1</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- Contribute to the achievement of sustainable development.
- Be in general conformity with the strategic policies of the Development Plan for the area.
- Not breach and be otherwise compatible with EU obligations.

2.3 In undertaking the examination I am also required to check whether:

- The Neighbourhood Plan policies relate to the development and use of land for the designated neighbourhood area<sup>2</sup>.
- The Neighbourhood Plan meets the requirement to specify the period for which it is to have effect, not to include provision relating to 'excluded development' and not to relate to more than one neighbourhood area<sup>3</sup>.
- The Neighbourhood Plan has been prepared for an area that has been properly designated<sup>4</sup> and has been developed and submitted for examination by a qualifying body<sup>5</sup>.
- Adequate arrangements for notice and publicity have been made in connection with the preparation of the Neighbourhood Plan<sup>6</sup>.

I confirm that subject to the contents of this report, I am satisfied that each of the above requirements have been met.

2.4 As Independent Examiner, I must make one of the following recommendations:

- That the Neighbourhood Plan is submitted to referendum on the basis that it meets the Basic Conditions and other legal requirements or
- That modifications (as recommended in the report) are made to the draft Neighbourhood Plan and that the Plan as modified is submitted to referendum or
- That the Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the basic conditions and other legal requirements<sup>7</sup>.

<sup>2</sup> Section 38A(2) Planning and Compulsory Purchase Act 2004

<sup>3</sup> Section 38B(1) Planning and Compulsory Purchase Act 2004

<sup>4</sup> Section 61G Town and Country Planning Act 1990

<sup>5</sup> Section 38C Planning and Compulsory Purchase Act 2004

<sup>6</sup> Section 38A(8) Planning and Compulsory Purchase Act 2004

- 2.5 Modifications may only be recommended to ensure that the Neighbourhood Plan meets the Basic Conditions, that it is compatible with Convention Rights, or for the purpose of correcting errors.<sup>8</sup>
- 2.6 If recommending that the Neighbourhood Plan should proceed to referendum, I am required to consider whether the Referendum Area should extend beyond the Harworth and Bircotes Neighbourhood Area and if so what that extended area should be.<sup>9</sup>
- 2.7 The general rule is that an examination is undertaken through consideration of written representations<sup>10</sup> unless the examiner considers that a public hearing is necessary to ensure adequate examination of an issue or issues to ensure that a person has a fair chance to put a case. I judged that the consultation responses which have been submitted to the District Council, (the 'Regulation 16 responses'), could be considered on the basis of written representations. All representations have been considered although not necessarily referred to individually, in whole or in part in my report. I e-mailed a series of questions to BDC and HBTC over the course of the examination period requesting points of clarification.
- 2.8 I undertook an unaccompanied site visit around the Neighbourhood Plan area on 24<sup>th</sup> September.

### **3 Background Documents**

3.1 As part of the examination I have reviewed the following documents:

- Harworth and Bircotes Neighbourhood Development Plan 2015-2028.
- Consultation Statement and Summary of Consultation.
- Basic Conditions Statement.
- Understanding Harworth and Bircotes.
- Scoping Report.
- Sustainability Appraisal.

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<sup>7</sup> Paragraph 10(2) Schedule 4B Town and Country Planning Act 1990

<sup>8</sup> Paragraph 10(3) Schedule 4B Town and Country Planning Act 1990

<sup>9</sup> Paragraph 10(5) Schedule 4B Town and Country Planning Act 1990

<sup>10</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

- Scoping Report (OPUN).
- Harworth and Bircotes Design Guide.
- Harworth and Bircotes Green Infrastructure Proposal.
- SEA Screening Statement.
- National Planning Policy Framework.
- National Planning Practice Guidance.
- Town and Country Planning Act 1990 (as amended).
- Planning and Compulsory Purchase Act 2004 (as amended).
- Localism Act 2011.
- Neighbourhood Plan (General) Regulations 2012 (as amended).
- Bassetlaw District Local Development Framework Core Strategy and Development Management Policies DPD Adopted December 2011
- 8 representations.
- Responses to questions I sent to BDC and HBTC over the examination period.

## **4 Consultation**

- 4.1 Effective consultation with the local community provides the foundation for a successful Neighbourhood Plan, creating a sense of public ownership and helps achieve consensus. The policies of the Neighbourhood Plan will become the basis for planning decisions and legislation requires that the production of those plans be supported by public consultation.
- 4.2 A Consultation Statement and Consultation Summary have been submitted in accordance with the Neighbourhood Planning Regulations (Regulation 15). This sets out who was consulted and how, together with the outcome of the consultation.

- 4.3 The Steering Group, overseen by the Town Council has carried out a variety of methods to engage the local community in the preparation of the Neighbourhood Plan. The aims of the Steering Group were to 'front load' the consultation, reach all areas of the community, ensure 'hard to reach groups' participated and to ensure transparency. There have been several consultation events, landowners and businesses have been consulted and specific consultation targeted at young people. A shop along the busy Scrooby Road was used as a 'drop in' to engage passing residents. A resident's questionnaire was distributed in early 2014. Other targeted consultation covered topics such as affordable housing, green infrastructure and the redevelopment of the colliery site.
- 4.4 The Draft Neighbourhood Plan (Regulation 14 consultation) was published between 29<sup>th</sup> September to 10<sup>th</sup> November 2014. Details of the persons and bodies that were consulted and a summary of the representations received, together with responses from the Steering Group are set out in Sections 3 and 4 of the Consultation Statement.
- 4.5 The Submission Plan has been the subject of a Regulation 16 publicity period between 17<sup>th</sup> June and 31<sup>st</sup> July 2015. Eight representations were received from individuals and organisations.
- 4.6 The Steering Group working on behalf of the Town Council is to be congratulated on the extensive consultation that has taken place and the wide variety of methods that have been used to ensure that the local community have had an opportunity to be involved. The consultation carried out clearly exceeds that which is required by the Regulations.

## **5 Basic Conditions**

- 5.1 This section of the report considers whether the Neighbourhood Plan taken as a whole has regard to national policy, contributes to the achievement of sustainable development, is in general conformity with strategic local planning policy and addresses EU obligations.



### 5.1.1 National Policy

National planning policy is set out in the National Planning Policy Framework 2012(NPPF). At the heart of the NPPF is a presumption in favour of sustainable development<sup>11</sup> which when applied to neighbourhood planning means that neighbourhoods should support the strategic development needs set out in Local Plans and which plan positively to support and shape local development. Included in the 12 Core Principles in the NPPF, is a requirement to produce Neighbourhood Plans which set out a positive vision for the future of the area and which provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. National Planning Practice Guidance (NPPG) reinforces this point, stating 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.<sup>12</sup> My report contains a number of modifications including deletion of some policies and modifications to others. Subject to these recommendations, the Neighbourhood Plan, taken as a whole, reflects the broad principles embedded in the NPPF.

### 5.1.2 The Development Plan

To meet the Basic Conditions, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan. This ensures that neighbourhood plans cannot undermine the overall development strategy set out in the Development Plan. BDC has advised me that the relevant Development Plan is the Bassetlaw District Core Strategy and Development Management Policies DPD adopted in 2011.

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<sup>11</sup> NPPF paragraph 14

<sup>12</sup> NPPG paragraph 041

The Site Allocations DPD(SADPD) which is referred to in the Neighbourhood Plan was withdrawn by BDC in December 2014. Currently BDC are progressing with a Local Plan which is in the early stages of preparation. A representation states that the Neighbourhood Plan is premature pending the adoption of an up to date Local Plan. It is true that a Neighbourhood Plan is not tested against the policies in an emerging Local Plan but currently the BDC Local Plan is in the very early stages of preparation. The Neighbourhood Plan has had regard to potential allocations contained in the SADPD.

#### 5.1.3 Sustainable Development

The Neighbourhood Plan sets out land use policies to manage proposals for new housing, business and other forms of development. Although not a legal requirement for a Neighbourhood Plan, a Sustainability Appraisal has been undertaken by the Steering Group as a means to ensure and demonstrate that the principles of sustainable development have been taken in account in the preparation of the Plan. As mentioned in paragraph 5.1.1 above, a number of policy deletions and modifications are recommended in my report but subject to these being made, I am satisfied that the Neighbourhood Plan is capable of supporting the provision of sustainable development.

#### 5.1.4 EU Obligations and European Convention on Human Rights

BDC issued a screening opinion on the need for a Strategic Environmental Assessment on 24<sup>th</sup> August 2014. The conclusion set out on Page 7 of the Screening Statement concluded that there are no significant negative impacts on the environment as a result of the contents of the Neighbourhood Plan, and as a result it is considered that a full a Strategic Environmental Assessment of the Plan is not required. One of my questions to BDC and HBTC related to the need for a Habitat Regulation Assessment (HRA). BDC have confirmed that an HRA is not required.

5.1.5 No Equalities Impact Assessment (EIA) has been undertaken but I was provided with a statement from BDC that it is their opinion that an EIA is not required as the one undertaken for the Core Strategy is sufficient to cover Neighbourhood Plans in the District. The Basic Conditions Statement sets out how the Neighbourhood Plan is fully compatible with the European Convention on Human Rights. I am therefore satisfied that the Neighbourhood Plan meets the Basic Conditions in relation to EU and human rights obligations.

## **6 Overall Structure of the Plan**

- 6.1 I find the overall structure of the Plan is well presented and the document is easy to follow. The opening sections provide a background to the Neighbourhood Plan area, the Plan preparation, the issues the Plan wishes to address and the community engagement that has taken place. The 'Community Vision' is clearly set out with an overall 'Aim' and 7 'Community Objectives' covering environmental, social and economic issues. Policies are set out clearly in highlighted boxes to distinguish them from the introductory information and the policy justification. The Plan also contains a section on Implementation and Review. A representation has pointed out that policies cannot be amended after a review without implementing the legislative process.
- 6.2 The Neighbourhood Plan has also included a number of community projects around each topic with aspirations of the parish and not related to the development and use of land. They will however play a part in the implementation of the Plan. Quite correctly, they are in a separate section of the Neighbourhood Plan and are not considered as part of this examination.

## 7 Plan Title and Introductory Chapters

7.1 The Neighbourhood title 'Harworth and Bircotes Neighbourhood Development 2015 - 2028' has no date on which it was published. Neither does it include its status ie the 'Submission Plan'.

7.2 Whilst the introductory chapters provide a useful background to the Neighbourhood Plan as mentioned above, I have a number of comments on the detailed content of this section:-

- Paragraph 1.4 is not clear on what basis the Neighbourhood Plan is tested at examination and the process from examination to referendum. It should refer to the Basic Conditions in full.
- Paragraph 1.10 mentions the 'recently withdrawn Site Allocations Development Plan Document' (SADPD). This phrase is used throughout the Plan and BDC have commented that given the lifespan of the Neighbourhood Plan, it may be more appropriate to explain the current situation with the SADPD which has identified potential housing and employment sites.
- Paragraph 1.11 lacks clarity. In addition the term is to 'make' a Neighbourhood Plan, not to 'adopt.'
- Paragraph 1.12 repeats paragraphs 1.2 and 1.3.
- Figure 1 is not clear as none of the annotations can be read.
- Table 1 Consultation Summary repeats information in the Consultation Statement and Summary documents.
- Table 2 Background Studies is the evidence base for the Neighbourhood Plan and should be in an Appendix rather than the main text.
- Paragraph 2.1 refers to Figure 2 which is not clearly annotated. Harworth cannot be identified clearly and if the purpose of Figure 2 is to show the town's location in relation to Sheffield and Doncaster and the A1 (paragraph 2.5), then these towns and road should be shown on the map.
- There are references to other documents in the footnotes which are apparently available on the Neighbourhood Plan website. This is currently not the case.

- The Community Vision includes a 14 year time frame. This should be aligned with the date covered by the Neighbourhood Plan.

### **Recommendation**

- **Date and name status of the Neighbourhood Plan on the front cover.**
- **Amend Paragraph 1.4 to incorporate the Basic Conditions.**
- **Re-write paragraph 1.10 and all subsequent references to the SADPD in the Plan including changing ‘proposed allocations’ to ‘potential allocations’.**
- **Re-write paragraph 1.11.**
- **Delete paragraph 1.12.**
- **Improve the clarity of Figure 1.**
- **Delete Table 1.**
- **Move Table 2 to an Appendix covering evidence base.**
- **Amend paragraph 2.1 and Figure 2 so they can be cross referenced.**
- **Ensure that all documents referenced in the text and footnotes are available. (This recommendation applies throughout the Plan.)**
- **Amend time frame of the Community Vision.**

## **8 The Planning Policies**

8.1 The Neighbourhood Plan contains 14 policies on topics which have arisen from the Plan's Vision and Objectives. In considering whether these policies meet the Basic Conditions I have been mindful of the advice in the NPPF<sup>13</sup>. Unclear or ambiguous policies are likely to cause problems for those responsible for making decisions on planning applications and appeals. Many of my recommendations to modify policies have been based on this advice.

### **Chapter 6 Sustainable Development**

#### **Policy 1 Sustainable Development Principles**

8.2 HBTC have acknowledged the fact that the town is to experience significant growth over the Plan period. It hopes that by working with developers it will be possible to deliver development that brings a number of improvements to the whole town. Policy 1 is intended to provide a positive framework for decision making in the context of the NPPF's presumption in favour of sustainable development.

8.3 BDC have commented that Part 1 of the policy reads as an objective instead of a planning policy that will be used to determine planning applications. I agree with this comment and recommend Part 1 is deleted. Part 2b) needs to reference the document correctly ie the 'Harworth and Bircotes Green Infrastructure Project Proposal' with a link to be provided in the footnote. Parts 2c) and 2d) include the term 'adjoining the town'. The Neighbourhood Plan cannot influence planning policy outside its designated area, however close sites are to the boundary. (Interestingly Part 2d) supports new and expanded businesses although there is no specific policy on this topic). Part 2f) - Is non-vehicular connectivity to only include pedestrian movement? If so I suggest changing the wording. Part 2g) is not clear as to what is meant by 'public transport priority measures'. I recommend this part is deleted.

#### **Recommendation**

- **Delete Part 1.**
- **Part 2b).Reference correctly the Harworth and Bircotes Green Infrastructure Proposal.**
- **Delete 'and adjoining' in Parts 2c) and 2d).**
- **Amend 2f) to read good pedestrian and cycle connectivity.**
- **Part 2g) delete the words after 'waiting facilities'.**

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<sup>13</sup> NPPF paragraph 17

## Chapter 7 Regeneration of the Town Centre

8.4 The regeneration of the town centre is a key component of the Neighbourhood Plan and is covered by the four policies numbers 2 to 5. This reflects the aims of the NPPF<sup>14</sup> that recognise that town centres are at the heart of their communities and policies should support their viability and vitality. Paragraph 7.4 mentions various current retailers in the town centre. As this is likely to be subject to frequent change, I recommend this paragraph is re-written to be of a more general nature covering the various types of retail shops found or likely to be found in the town centre. Figure 4 'Current Uses in the Town Centre' will also be subject to change. I recommend that a date is included in the title and the Figure moved to an Appendix as part of the evidence base.

### Recommendation

- **Re-write paragraph 7.4.**
- **Include a date on Figure 4 and move to an Appendix as part of the evidence base.**

## Policy 2 New development in the town centre

8.5 The Neighbourhood Plan has identified the town centre area which is wider than that set out in the Core Strategy. This is to reflect the consequences of the population increase expected as a result of new housing development. As part of the preparation of the Neighbourhood Plan a Design Guide was commissioned which sets out the principles that development on the High Street (Scrooby Road) should seek to follow.

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<sup>14</sup> NPPF Paragraph 23

8.6 Part 1 of the policy explains that policy will be applied to the town centre boundary indicated on Figure 5. (The key needs to be amended to 'town centre' boundary for consistency.) This is a statement and not a planning policy and should be removed to the supporting text. For consistency each part should begin with the words 'Development proposals'. Part 2 refers to a development boundary but with no explanation as to the location of the development boundary or its relationship with the revised town centre boundary. For consistency with Part 3 'within the town centre' should be included in Part 2 also. Part 3 refers to a number of criteria but it is not clear whether all these criteria have to be met. The words 'and or' or 'need to be inserted between each criterion. Part 3 e) refers to parking standards set out at District and County Council level. Although it is not necessary to refer to those standards I realise that parking is an important issue for the regeneration of the town centre so recommend deleting the latter section of this Part.

#### **Recommendation**

- **Amend opening words of each Part 'Development proposals'.**
- **Delete Part 1 and insert text into the justification.**
- **Part 2. Delete words 'within the development boundary'.**
- **Part 3. Use and/or between criteria.**
- **Part 3e) Delete words after 'parking provision'.**

#### **Policy 3 Shopping Frontages**

8.7 This policy proposes an enlarged primary shopping frontage to assist in the overall regeneration of the town. The primary and secondary frontages are indicated on Figure 5. Community feedback has indicated that further loss of A1 retail units should be resisted.

8.8 Part 1 reads like a statement or objective and should be moved to the supporting text. Part 3 – 'subject to permissible change of use' is unnecessary as planning policy only deals with development which requires planning permission. If further explanation regarding 'permitted development' is considered necessary, this should be moved to the supporting text. Part 4 does not make sense, and suggested town centre uses taken from the Use Classes Order, which is subject to frequent change, could make the Plan out of date. I recommend change in wording and listing the suitable uses in a footnote.



### **Recommendation**

- **Delete Part 1 and move text to the justification.**
- **Part 3. Delete the word ‘Subject to permissible changes of use’.**
- **Reword Part 4 as follows:- ‘In secondary shopping frontages a mix of new retail development and other town centre uses (insert footnote of uses) will be supported’.**

### **Policy 4 Development of Sites A and B**

8.9 This policy relates to the development of two grassed mounds which are sited close to the health centre on the south side Scrooby Road and which were created from the excavation of land for that building. My view is that the policy would be clearer if it referred to ‘Areas of Open Space’ or similar wording rather than Sites A and B. Site A is mentioned in a preceding paragraph 7.7 although it is not made clear at that point what in fact Site A is. The description and current status of the 2 sites could also be made clearer in the opening paragraphs to the policy. Furthermore a map indicating the two sites would be better placed on a page close to the policy. (It is currently on the Town Centre Plan on Page 27.)

### **Recommendation**

- **Re-word supporting text.**
- **Change policy title.**
- **Map to indicate the two sites to be inserted close to the policy.**

### **Policy 5 Traffic and Parking in the Town Centre**

8.10 Traffic and parking are issues that affect the use of businesses and shops in the High Street. The Harworth and Bircotes Design Guide sets out the principles that development in the town centre needs to follow to help support existing facilities and services and to benefit residents.

8.11 However as written the policy is confusing. It refers to all development as opposed to proposed development. It would also be unreasonable for all new development to address all the issues covered in the policy. The second sentence reads like a statement and would be better placed in the supporting text.

## **Recommendation**

- **Part 1 second sentence to be included in supporting text.**
- **Amend policy to read as follows:- ‘Development proposals are required to demonstrate that they are in accordance with the principles of town centre enhancement as set out in the Harworth and Bircotes Design Guide and where appropriate, consideration should be given to the following:-**
  - a) Car parking provision for the proposed development**
  - b) Design of the highway and pavements**
  - c) Traffic calming measures**

## **Chapter 8 Redeveloping the Colliery Site**

### **Policy 6 Colliery Site Redevelopment**

- 8.12 One of the main objectives of the Neighbourhood Plan is the redevelopment of the former colliery site which lies within the heart of the town. I understand that there is currently an extant outline permission for a mixed use development on the site, part of which has already been implemented.
- 8.13 A Master Plan for the site has been prepared and the landowner of the site has worked closely with the Neighbourhood Plan Steering Group in its preparation. Whilst the original permission included land for new employment uses, this has not now been deemed necessary due to a substantial area of land being developed for such uses immediately outside the Neighbourhood Plan area. The Neighbourhood Plan Steering group has also produced a Scoping Report which looked at future uses for the colliery site and a Design Guide which includes design principles for the development of the site.

- 8.14 As a result of questions I posed to BDC and HBTC, it appears that the explanatory text in the introduction to the policy does not exactly reflect the current situation with regards to the development of the colliery site and the Master Plan is in some respects, out of date. This is due to the fact that the site now has 'Housing Zone' status and development will be brought forward earlier than indicated in the Master Plan. In addition there are a number of other anomalies and errors. The Master Plan puts forward two options for the site but are now referred to as phases in the Neighbourhood Plan. Paragraph 8.4 refers specifically to two sites, the spoil heap and Area 6 which will be left undeveloped in the short term. This is confusing as Area 6 on the Master Plan only indicates the tip itself. The original Master Plan 2011 indicates Area 6 as the employment site (Area 2 in the current Master Plan.) Phase 2 of the Master Plan indicates on the drawing itself that Area 2 is to be developed for housing but the key is annotated as existing employment use. Policy 6 (Part 1) specifically refers to the fact that development will be supported where it is demonstrated that the parameters in the Master Plan have been addressed. Therefore it is essential that the introductory text is re-written to reflect the current position and to include clarification of the points that I have raised above.
- 8.15 BDC have raised points in paragraph 8.10 which require clarification. 'Environmental features' should be defined and 'views' should include those into the site as well as out.

8.16 In the policy itself Part 2 repeats the fact that the minimum number of dwellings to be provided is in addition to that which already has permission. Therefore the first part of Part 2 can be deleted. Part 2d) refers to Sites B and C (which are sites A and B). As mentioned in the Policy 4 Sites A and B, it would be preferable to refer to these sites as areas of open space rather than by 'letters'. Part 2 f) is unclear. There is no explanation in the text for example of what is meant by 'route and block structure' or how this structure would 'reflect the spatial arrangement of the existing town'. I sought clarification from HBTC and it was confirmed that this criteria is required to ensure that the new development should show how it reflects the existing layout of development close to the site and where possible the settlement. I have recommended that for clarification, supporting information be inserted in the text and/or reference to the Design Guide. BDC has requested clarification as to whether Parts 3 g) and 3 h) are definitive requirements for delivery of the site and if so the wording 'seek to' should be removed from the text. After clarification with HBTC it appears these requirements are still subject to viability so I recommend the existing wording is unchanged.

### **Recommendation**

- **Provide accurate and the most up to date information on the Master Plan in the text.**
- **Amend wording of Paragraph 8.10.**
- **Delete first part of the first sentence so it begins "Development on the Colliery Site".**
- **Amend Part 2d) to correctly identify the sites.**
- **Provide supporting information in the text in relation to Part 2f).**

## **Chapter 9 Housing**

8.17 The Neighbourhood Plan has chosen not to allocate sites for housing other than on the colliery site (Policy 6) and there is no requirement for the Plan to do so. Paragraph 9.2 acknowledges that potential housing sites have been identified by BDC and these are indicated in Appendix D. (Note my previous recommendation following paragraph 7.2 to amend the references ('Recently Withdrawn Site Allocations DPD'). Housing policy is therefore restricted to covering the details of housing schemes coming forward.

## Policy 7 Housing Mix

- 8.18 This policy promotes a mix of dwelling types on large sites to meet the needs of the town. The requirement to provide a mix of housing types and sizes also reflects the aims of the NPPF<sup>15</sup> to deliver a wide choice of homes and to plan for a mix of housing based on current and future trends and the needs of different groups in the community.
- 8.19 A representation states that housing mix should be dealt with at the strategic level. However HBTC commissioned a local housing needs survey in 2014 and Core Strategy Policy DM5 specifically refers to local assessments of housing needs and demand to inform housing mix. The conclusions of the 2014 survey indicated a shortage of small dwellings suitable for first time buyers and bungalows for the elderly wishing to downsize. No evidence has been produced as to why there is a threshold for this policy to come into effect. There is no reason why developments of say 9 or less dwellings could not provide a mix of housing. I recommend the threshold limit is deleted.
- 8.20 The first part of Part 2 reads like a statement rather than a policy. The requirement in the second part is onerous and the need for developers to meet the most up to date housing need is covered by Part 1. Part 3 has regard to the location of housing to meet the needs of people with mobility issues. Whilst BDC have pointed out that their Accessibility Study 2013 indicated a 10 minute walking distance is the normal standard, Policy 3 only 'encourages' rather than being a requirement.

### Recommendation

- **Part 1. Delete 'of 10 or more dwellings.'**
- **Delete Part 2.**

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<sup>15</sup> NPPF Paragraph 50

## **Chapter 10 Design**

### **Policy 8 Design Principles for New Development**

- 8.21 This policy requires new development to be of a high quality design, contributing to the wider regeneration objectives of the Plan and ensuring that new development is integrated with the existing. Good design is recognised by the NPPF as a key aspect of sustainable development and requires good design to contribute to making places better for people.<sup>16</sup> The policy is supported by Natural England.
- 8.22 It should be made clear if this policy relates to new housing or all new development. Part 2 which requires applications to consider BDC's Successful Places SPD is not necessary as developers will have to consider that document in submitting their proposals where it is applicable. If there are 'principles' from that document that are considered important to this policy, then I recommend they are 'lifted' into Policy 8.
- 8.23 Similarly, I have concerns about using Building for Life 12 (BfL12) in the policy wording (Part 3). This initiative may change over the life time of the Neighbourhood Plan making the policy out of date. If BfL12 is to be used in assessing development sites then further explanation is required regarding the 12 principles and the scoring mechanism.

#### **Recommendation**

- **Amend policy title if it relates solely to residential development.**
- **Delete Part 2 or insert design principles into the policy.**
- **Delete Part 3 and refer to BfL12 and the assessment criteria in the supporting text.**

## **Chapter 11 Environment and Green Infrastructure**

- 8.24 This chapter covers policies 9 to 11 covering green infrastructure, sports facilities and Local Green Space.

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<sup>16</sup> NPPG Paragraph 56

## **Policy 9 Improving Green Infrastructure**

- 8.25 HBTC commissioned planning work on local Green Infrastructure (GI) to feed into the preparation of the Neighbourhood Plan. A report was produced 'Green Infrastructure Project Proposal' (GIPP) which identifies the potential for a GI corridor around the settlement ('The Green Wheel') linking areas of green space. Natural England supports this policy.
- 8.26 Representations have been received regarding this policy on the use of planning obligations and conditions to secure GI provision which include requirements over and above those set out in the NPPF <sup>17</sup> The policy needs to be re-worded and explanation on the use of planning obligations and conditions included in the supporting text. A further representation relates to the proposed route of the 'Green Wheel' on the south-west side of the settlement. However I note that the GIPP states that further surveys need to be undertaken and negotiations with landowners until a 'preferred route' is agreed upon.
- 8.27 Bicycles are considered to be vehicles so an amendment is required to part 3a) to specify the proposed 'users' of this route.

### **Recommendation**

- **Include clarification of use of planning obligations and planning conditions in the text using the wording in the NPPF.**
- **Insert the following words at the beginning of Part 2:'On all eligible development....'**
- **Amend Part 3a) to include cycling.**

## **Policy 10 Sports Fields Provision**

- 8.28 Consultation with the local community has highlighted the fact that open spaces and sports facilities are highly valued by local people. There is currently a deficiency in sports pitches in the town and with the population due to increase significantly, there is a need to secure more provision.

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<sup>17</sup> NPPF Paragraphs 203 to 206

8.29 I find however that Policy 10 is very poorly worded. As written it would seem to suggest that all development proposals that meet the 2 criteria would be supported regardless of any other matters pertinent to the application. I believe the policy is attempting to ensure, firstly that existing sports facilities should be retained unless better provision is provided elsewhere, and secondly any development proposals that cause a deficiency in provision will be expected to provide new or improved facilities. These 2 issues are dealt with in the NPPF <sup>18</sup> and Core Strategy Policy DM9D. It is not necessary to merely repeat national and local policy in a Neighbourhood Plan and Policy 10 does not add any local dimension to those policies. Therefore I recommend this policy is deleted.

### **Recommendation**

- **Delete Policy 10**

### **Policy 11 Designating Local Green Spaces**

8.30 This policy designates two areas of land within the Neighbourhood Plan area as Local Green Space. (LGS). Paragraph 11.20 which precedes the policy refers to Local Green Space designation in paragraphs 76 to 78 of the NPPF.

8.31 The policy seeks to embrace a new opportunity in the NPPF which enables local communities to protect green areas of particular importance to them and to designate them as Local Green Space. The designation offers a significant level of protection as it rules out new development other than in very special circumstances, and managing development within Local Green Space is consistent with policy for Green Belts. Local Green Space should only be designated when a plan is prepared or reviewed and capable of enduring beyond the plan period. Importantly the NPPF makes it clear that such a designation will not be appropriate for most green areas or open space. It should only be used when the green space is:

- In reasonable proximity to the community it serves.
- Where it is demonstrably special to the local community and holds a particular local significance.
- Where the green area concerned is local in character and is not an extensive tract of land.

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<sup>18</sup> NPPF Paragraph 74



Therefore this policy requires robust justification.

- 8.32 Droversdale Wood (note it is on the south east of the settlement and not the south west) is described in Table 5 as an important component of the Green Infrastructure Proposal (see paragraph 8.25 above) and will become an important area of open space as the population increases on the south side of Scooby Road. It is suggested that it will protect enhance and safeguard biodiversity within the woodland.
- 8.33 Pedestrian access to the site is currently from the north off Scooby Road and through an existing part of Droversdale Wood which is not within the proposed designation. (After clarification with BDC and HBTC it appears that this northern area is being protected for a future road access to the proposed residential development). Currently therefore the proposed designation is a small piece of woodland surrounded by other woodland to the north and south (the latter being outside the Neighbourhood Plan area). Its only access point is from the north and it is currently isolated from the local area. BDC has commented that the area does not meet the NPPF criteria as there is no justification as to how it is demonstrably special and holds a particular local significance. I appreciate that Droversdale Wood is included as an important feature in relation to the 'Green Wheel' but this appears to be the whole of the wood and not just the southern area. As development progresses on the colliery site, it may be opportune to re-visit a LGS designation at a later date with a review of the whole wooded area. I conclude that currently this area does not meet the NPPF criteria and the site should be deleted from the policy and supporting text.
- 8.34 Snipe Park Woodland is an area of trees and other vegetation on the north side of Scooby Road adjoining the Leisure Centre, a play area and existing housing. Ownership of the land is to be transferred to HBTC. There are a number of footpaths within the site and community consultation has confirmed that the area is highly valued and well used. I conclude that this area of green space within the heart of the town meets the NPPF criteria.

8.35 The policy wording however goes beyond national policy which is explicitly clear that new development will only be allowed in special circumstances. It does not suggest what can or cannot be developed 'close' to the designated area. Part 2 and Part 4 of the policy should therefore be deleted. Part 3 is an aspirational policy to improve the use of the area and would be better included within the community projects section of the Plan.

#### **Recommendation**

- **Policy to read 'The site, Snipe Park Wood, indicated on Figure 9, is designated as Local Green Space where new development is ruled out other than in very special circumstances.'**
- **Delete Parts 2 and 4.**
- **Delete Part 3 and move to the section on Community Projects.**

### **Chapter 12 Public Transport**

#### **Policy 12 Promoting Public Transport**

8.36 This policy seeks to promote public transport provision in the town and to ensure that residents have good access to that transport. This meets the aims of the NPPF<sup>19</sup> in promoting sustainable modes of transport. Part 1 of the policy requires all major development to show they have considered the need for access to public transport using BfL12 criteria. As mentioned in paragraph 8.23, I have concerns about using this initiative in a planning policy. If this part of the policy is to remain I recommend 'lifting' the BfL12 criteria in Section 3 into the policy itself. This may need minor re-wording. Major development is not defined so a threshold as to when this policy is applicable should be included and evidence to support this threshold in the supporting text. Part 2 is a duplication of Policy 6 Part 2h) and should be deleted.

#### **Recommendation**

- **Delete reference to BfL12 and insert revised text into the policy using BfL12 criteria.**
- **Define and evidence the word 'major' in the text.**
- **Delete Part 2.**

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<sup>19</sup> NPPF Paragraph 35

## **Chapter 13 Digital Connectivity**

### **Policy 13 Improving Digital Connectivity**

8.37 This policy supports access to an improved broadband network within the town. Such intentions are compatible with the aim to support high quality communications infrastructure in the NPPF<sup>20</sup>. However I consider the second part of the policy which requires new housing development to make provision for new residents and existing residents and businesses is onerous.

#### **Recommendation**

- **Delete second sentence of the policy.**

## **Chapter 14 Community Services and Facilities**

### **Policy 14 Community Facilities**

8.37.1 Although the Neighbourhood Plan acknowledges there is a good range of community facilities in the town there is strong support from the community to seek improvement and retention of these important assets. When Community Infrastructure levy (CIL) payments are secured through new development, the Town Council hope to update or replace some of these facilities. .

8.38 Policy 14 supports development proposals for new and improved community facilities and seeks to retain existing facilities. It meets the NPPF objectives for delivering the facilities and services that a community needs<sup>21</sup>. However the wording of the policy can be improved. Part 1 for example are normal considerations in the determination of a planning application. Part 2 makes specific references to Core Strategy (CS) policies which will make the Neighbourhood Planning policy out of date when the Core Strategy is replaced. The actual criteria should be 'lifted' from the CS policy and inserted into Policy 14 if this is what is required. If the term 'shared facilities' is to be included in the policy then this needs to be explained in the supporting text.

#### **Recommendation**

- **Reword policy as follows:-**  
**Part 1 'Proposals.....supported where: a) the proposed use is compatible with adjoining and nearby uses and b) the proposed use would not cause traffic congestion'.**

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<sup>20</sup> NPPF Paragraph 42

<sup>21</sup> NPPF paragraph 70

- **Part 2 Delete reference to Bassetlaw District Council and the Core Strategy Policies. Insert relevant criteria from those policies into the policy.**
- **Define meaning of ‘shared facilities’.**

## **9 Minor Amendments**

The following corrections are highlighted below and require amending.

- **Paragraph 1.2 ‘applications’.**
- **Paragraph 2.3 ‘4 Designated’.**
- **Table 3 Unemployed figure.**
- **Paragraph 3.5 Objective 2 ‘at’**
- **Paragraph 4.1 and 9.7 ‘Nathaniel Lichfield and Partners’.**
- **Paragraph 4.6 ‘sites’**
- **Policy 1(f) ‘within’.**
- **Policy 6 h) add ‘and’**
- **Paragraph 8.5 change ‘required’ to ‘supported’.**
- **Paragraph 9.2 ‘intention’.**
- **Paragraph 10.4 SPD reference.**
- **Figure 8 use term ‘potential housing allocations.**
- **Table 5 Site 1 Justification ‘South east’ and ‘intention.’**

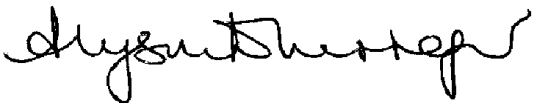
## 10 Declaration

In submitting this report I confirm that:

- I am independent of the qualifying body and the local authority
- I do not have any interest in any land that may be affected by the Plan
- I possess appropriate qualifications and 40 years experience in development management, planning policy, community planning and affordable housing gained across the private, public and voluntary sectors

### Examiner

Alyson E Linnegar BSc (Hons) MRTPI



Dated 5<sup>th</sup> October 2015