

John Slater Planning Ltd

Everton Parish Neighbourhood Development Plan 2018- 2034

Submission Version

A Report to Bassetlaw District Council on the Examination of the Everton
Parish Neighbourhood Development Plan

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28th August 2019

Contents

	Page
Executive Summary	3
Introduction	4
The Examiner's Role	4
The Examination Process	5
The Consultation Process	8
Regulation 16 Consultation	9
The Basic Conditions	10
Compliance with the Development Plan	10
Compliance with European and Human Rights Legislation	12
The Neighbourhood Plan: An Overview	13
The Neighbourhood Plan Policies	27
The Referendum Area	35
Summary	36

Executive Summary

My examination has concluded that the Everton Parish Neighbourhood Development Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- The protection of the landscape policy be related to all aspects of the development, not just the landscaping proposals.
- Amend the green gaps policy to protect the areas against any built development which individually or cumulatively reduces its openness.
- Introducing more balanced criteria for assessing proposals which impact on biodiversity sites.
- Not requiring all applicants to have to consult the Nottinghamshire Historic Environment Records.
- Updating the Character Map to reflect recent developments on the west side of Mattersey Road.
- Removing requirements that extensions should be small in scale, removing reference to “generic schemes” and the policy relating to innovative design of lighting schemes.
- Deleting the site allocation policy, the plan should not allocate any residential sites but should rely upon a criteria based housing policy, which will be subject to a nine-unit scheme limit with a 20% ceiling on increases in the number of households in the parish over the plan period. Refining the flood risk criteria to be compliant with national guidelines.
- Bringing the housing mix policy regarding affordable homes into line with the Bassetlaw affordable housing policy.
- Removing reference to the need for new businesses to have to relate to the village setting, rather than the individual site and removing requirements for schemes to have to support local services and visitor economy.
- Amending the protection of recreational facilities policy, by referring to the Metcalfe Recreation Ground.
- Removing the requirement for any application to create or extend the cemetery to have to have to demonstrate public support.

The referendum area does not need to be extended beyond the plan area.

Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the Bassetlaw Core Strategy and Development Management Policies DPD. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been led by Everton Parish Council. A Steering Group was appointed to undertake the plan preparation made up of local volunteers. Everton Parish Council is a “qualifying body” under the Neighbourhood Planning legislation.
3. This report is the outcome of my examination of the Submission Version of the Everton Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be “made” by Bassetlaw District Council.

The Examiner’s Role

4. I was initially appointed by Bassetlaw District Council in August 2018, with the agreement of Everton Parish Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) which is administered by the Royal Institute of Chartered Surveyors (RICS).
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 41 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Bassetlaw District Council and Everton Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
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.
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Everton Neighbourhood Plan area.
 8. In examining the Plan, the Independent Examiner is expected to address the following questions
 - a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
 - c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?
 9. I am able to confirm that the Plan does relate only to the development and use of land, covering the area designated by Bassetlaw District Council, for the Everton Neighbourhood Plan, on 18th December 2015.
 10. I can also confirm that it does specify the period over which the plan has effect namely the period from 2019 up to 2034.
 11. I can confirm that the plan does not cover any “excluded development”.
 12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
 13. Everton Parish Council, as a parish council, is a qualifying body under the terms of the legislation.

The Examination Process

14. 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 if a person has a fair chance to put a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

16. I carried out an unaccompanied visit to Everton and the surrounding countryside on 17th October 2018. I was able to walk and drive around the village and the surrounding countryside to familiarise myself with the plan area. I visited each of the allocation sites and also the other sites that had been considered as part of the site assessment process.
17. Following my site visit and my initial assessment of the plan, I had a number of matters on which I wished to receive further information, both from the Parish Council and the District Council. That request was set out in a document entitled *Initial Comments of the Independent Examiner*, dated 24th October 2018 and it asked a number of specific questions to the District Council and the Parish Council, including a suggestion that Policy E8 should have been expressing the proposed housing figure, as a minimum number. It asked questions as to the basis that the allocation sites had been presented to local residents and questioned the low level of responses received to justify the selections. It also raised matters as to the adequacy of the access arrangements for two of the allocation sites.
18. I received a combined response from the Parish and District Council in a document dated 14th November 2018. This response led me to the conclusion that I did need to hold a public hearing, in order to explore, in some detail, the issues raised. At that time, the Parish Council were not supporting the imposition of a maximum cap on development within the settlement, which was proposed by Bassetlaw District Council, but stated that it was content that the figure of 40 new homes, should be expressed as a *minimum* figure.
19. The specific reasons were set out in my document "*Further Comments of the Independent Examiner*" dated 15th November 2018 and in particular I was inviting professional highway input, regarding the adequacy of the access arrangements to Sites 2 and 3. I also wanted to understand the basis for the changed site boundaries to the Willows allocation site and also to have a discussion as to the relative merits of the discounted site NP13, which had been the subject of representations at the Regulation 16 stage.
20. Accordingly, a hearing was arranged to be held on 10th January 2019, at Everton Village Hall. On 12th December 2018, I issued *Guidance Notes and Agenda for the Public Hearing* which set out the arrangements for the session and in particular, the four questions that I wished to be considered, as well as identifying the parties who I wanted to address each question. All the contributing parties were asked to submit a one-page resume to each question that they have been invited to respond to.
21. These position statements were particularly helpful, as it became apparent that there were underlying issues relating to access matters which could affect the capacity of the two of the three allocation sites.
22. These matters were debated at the hearing during the morning and early afternoon of 10th January 2019. Following the conclusion of the session, I carried out accompanied site visits to Hall Farm, the Willows and the site NP

13. I also made a point of seeing from the highway, the site referred to as NP4, Bramble Farm, which had come up during the hearing.
23. I summarised the outcome of the hearing in a *Post Hearing Note* which was issued on 15th January 2019. This note covered a number of the themes that had emerged during the discussions, included the need for the creation of a new access to serve Site 2, on the agricultural land to the west of the site, which fell outside the allocation site area, and also that the current intentions of the owners of the Willows had been clarified. The hearing had been told that their expectation was now to retain the existing dwelling and develop a maximum of five units on land to the rear of the site, all to be served off a new driveway access, which would be shared with the existing house.
24. At the conclusion of the hearing, in view of the drop off of housing numbers that the plan would now be allocating, the Parish Council agreed to discuss with planners at the District Council, a new strengthened windfall policy, which could reflect the overall approach that the emerging Local Plan was promoting. It was recognised that the reduced capacity of the two allocation sites and the possible changes to windfall policy, would not have been subject to any public consultation. I therefore requested there should be a period, within which the revised housing policies would be subject to a public consultation, organised by Bassetlaw District Council.
25. I understand that these meetings were held and a revised Policy E8 and Policy E9 along with a new supporting text, was prepared for my consideration, but an issue was identified regarding the timing of the subsequent public consultation, which would be impinging on the purdah period in the run-up to the May District Council elections. I therefore agreed that the public consultation on the proposed changes to the neighbourhood plan should take place after the elections.
26. I have now been advised that the consultation ran from 15th May 2019 until 25th June 2019. I was sent copies of the representations submitted to revised wording of Policy E8 and Policy E9 and the suggested revised text, which was sent to me by the District Council on 26th June 2019. These were received from
- Mark Guest
 - David Bardsley
 - Anthony Ballarini
 - Ann Ballarini
 - Douglas Haynes
 - Angela Haynes
 - John Dunn
 - Christine Dunn
 - AG Richardson
 - David and Jill Hirst
 - Martin Wright

- Jonathan Stephenson
- Jackie Gomes
- Danielle Troop
- Gladman Development Ltd
- Grace Machin on behalf of the Magnus Educational Foundation
- The Canal and Rivers Trust
- Anglian Water Services Ltd
- Sports England
- Harrison Grant on behalf of R Troop and Sons
- Nottinghamshire County Council Highways
- Nottinghamshire County Council
- Highways England
- The Metcalfe Trust
- Severn Trent

27. I have read and taken into consideration all the comments made. Mrs Troop's personal contributions included a number of appendices including a transcript of the hearing, with her very personal commentary on the proceedings. I have not had to rely upon her version of events as I had my own recording of the proceedings, which I have been able to refer to whilst preparing this report. She also asked Bassetlaw planners to forward me a number of Freedom of Information requests, asking a number of questions about post hearing matters. She was subsequently advised that the grounds for her request were not in line with the regulations and the District Council was not in a position to action it.
28. All documents have been placed on the respective websites.

The Consultation Process

29. A public meeting in 2015 voted in favour of Everton Parish preparing a neighbourhood plan and this decision was endorsed by the Parish Council at a meeting held on 5th October 2015. In December, a steering group was recruited, made up of two parish councillors and local residents.
30. Early in 2016, a number of drop-in sessions were held to raise awareness of the plan. These were held in a variety of venues including both pubs and the church, during February and March 2016 and the feedback from these sessions were presented at an event held on 19th March 2016.
31. A residents and business questionnaire survey was distributed between 3rd June and 17th June 2016. 250 responses were received, from 399 questionnaires sent out which equates to a response rate of 63.4%. These responses led to the preparation of an Issues and Options document, which went out for public consultation during September and October 2016, including an open event held on 24th September 2016. These responses were used to prepare a Preferred Option version, which was published alongside the

presentation of the possible housing sites in December 2016. An open meeting was held in the afternoon and evening of the 8th December in the Village Hall. The housing sites put forward has arisen from two “calls for sites”, the first initiated by the District Council and the second which had been sent out by the Parish Council in November. Residents were invited to comment on the sites, and in particular, to identify three sites which they supported and why, and three sites which they did not support and why. The response from that exercise was 18 completed questionnaires.

32. These sites were then sent to Bassetlaw planners to carry out what it described as a “technical site assessment process”.
33. The results reduced the number of Preferred Option sites and this was the subject of a public presentation of the option sites held on 7th March, during a three and half hour session held between 3 pm and 6.30 pm, with questionnaire being completed at the event.
34. All this work resulted in the publication of the first Regulation 14 consultation which ran from 10th April to 5th June 2017, an eight-week period which included the drop-in event, held on 16th May.
35. As a result of considering the responses to this Pre-Submission consultation, the Parish Council took the decision to publish a further draft plan, for public consultation – a second Regulation 14 consultation, as it felt the changes were so substantial and included several new proposed housing sites. This consultation took place between 1st November and 15th December 2017 and included a drop-in session at the Village Hall.

Regulation 16 Consultation

36. I have had regard, in carrying out this examination, to all the comments made during the period of post submission consultation which took place over a 7-week period, between 9th July 2018 and 27th August 2018. This consultation was organised by Bassetlaw District Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
37. In total, 14 individual responses were received from Natural England, Anglian Water, Gladman Development Ltd, Highways England, Historic England, National Farmers Union, Nottinghamshire County Council, Sports England, Mrs Troop, Mr and Mrs Hirst, Canal and River Trust, The Coal Authority, Environment Agency and Rural Solutions on behalf of R. Troop and Sons.
38. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

39. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
40. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
 - Will the making of the Plan contribute to the achievement of sustainable development?
 - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
 - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
 - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?
41. As this neighbourhood plan was submitted before the cut off of the transitional period, set out in paragraph 214 of the National Planning Policy Framework, this examination will consider the plan against the 2012 version of the Framework.

Compliance with the Development Plan

42. To meet the basic conditions test, the Everton Neighbourhood Plan is required to be in general conformity with the strategic policies of the adopted Development Plan. When the neighbourhood plan was initially being prepared, the relevant adopted development plan was the Bassetlaw Core Strategy and Development Management Policies DPD, which had been adopted in December 2011. That remains the case. However, it is generally acknowledged that the residual housing requirements for the Rural Service Centres was collectively 599 dwellings is out of date as this was a pre NPPF local plan. Nevertheless, this supports residential development within the development boundary and require housing development to be “of a scale

appropriate to the current size and role of the settlement and limited to that which will sustain employment, services and facilities.” No specific housing numbers were ascribed to Everton or Harwell for the period 2010 to 2028.

43. In parallel with the preparation of the neighbourhood plan, work has been under way, by the District Council, on preparing a replacement local plan. The version that was available when the submission draft of the Everton Plan was being prepared was the Initial Draft Bassetlaw Plan, published for consultation in October 2016. Everton was identified as a defined rural settlement which was part of a functional cluster along with Mattersey and Scaftworth. Strategic Policy 5 did not seek to identify a specific housing requirement, but set a 20% increase cap based on the on the existing number of dwellings in the settlement at the time of the plan is adopted. The plan was proposing the removal of development boundaries, to be replaced by a “more refined qualitative approach to decision-making – setting a number of criteria”. One of the criteria was that the 20% figure includes any housing allocations set in a neighbourhood plan, although it did accept that neighbourhood plans could choose to exceed the 20% cumulative cap “where it is considered to deliver the aims of the local community”.
44. At the time of the examination of the hearing, I was advised that a new version of the emerging local plan - Draft Bassetlaw Plan- Part 1: Strategic Policies was about to be published for consultation.
45. The new policy makes a significant change to the emerging local plan context for the plan area. The objectively assessed level of housing need is set using the NPPF standardized methodology. The plan proposes a housing requirement of 390 dwellings per annum which for the 17-year life span of the plan equates to a total of 6,630 dwellings.
46. In terms of the rural area, the relevant policy is Policy 8: Rural Bassetlaw, which sets a minimum requirement of 1,777 new dwellings for the period 2018 to 2035 to be delivered by sites with planning consent or allocations, whether it be through neighbourhood plans or the local plan. We heard at the hearing that the new plan was working on the basis of setting a minimum level of development in each area and a ceiling figure. Paragraph 8.13 refers to a minimum 10% increase for each designated neighbourhood plan areas, as a required housing figure as suggested by national advice. Therefore, the minimum level of development that will be expected to be delivered in Everton Parish is 37 dwellings.
47. The policy goes on to allow new residential development within settlements and/or on non-allocated sites, where appropriate to the character of the area and where amenity/highway safety is not directly affected. It states that housing will need to meet local need and that the character of the settlement should

reflect the scale of development and housing density. Green field extensions to the built-up area of the settlement must be designed to enhance the urban/rural interface. If the development is on a non-allocated site, in any area where the plan is not making allocations, consent will only be given if it meets the same criteria which includes a requirement that it should not increase the number of dwellings by 5%, which in the case of Everton parish would be 19 dwellings. Also relevant is the rural criteria which is the criterion h) which limits the amount of development to no more than 20%, including the proposal in combination with other development built or committed in the settlement – which will include allocations in the neighbourhood plan. The 20% figure for Everton village would be 68, according to the table on page 42 of the Draft Bassetlaw Plan, but based on the number of dwellings in the parish at August 2018, 371 dwellings then the 20% would be 74 dwellings.

Compliance with European and Human Rights Legislation

48. Bassetlaw District Council issued a Screening Statement, in 2017 which concluded, having consulted with the three statutory consultees, that a full assessment, as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required, as its view was that the Plan’s effects are unlikely to have significant effects on the environment.
49. The District Council, as competent authority, also issued, in the same report, its screening under the Habitat Regulations. This screening assessed the submitted plan and concluded that it would not have any adverse effects upon the European protected sites, namely Thorne and Hatfield Moors SPA and Hatfield Moor SAC and an Appropriate Assessment would not be required.
50. In my Initial Comments, I invited the District Council to consider whether the HRA screening assessment needed to be revisited in the light of the *People over Wind*, *Peter Sweetman v Coillte Teoranta* judgement. Following consultation with Natural England, Bassetlaw District Council produced a revised screening statement in late 2018 that concluded again that an Appropriate Assessment would not be required.
51. I am satisfied that the basic conditions regarding compliance with European legislation, including the newly introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

Introductory remarks

52. This has proved to have been a challenging examination to conduct. Equally I am sure that the Steering Group will agree this has proved to be a difficult neighbourhood plan to prepare. It is clear that the plan has come together against a backdrop of a number of external factors:
- a pre NPPF local plan, now somewhat dated.
 - an evolving draft replacement local plan.
 - planning consents been granted during the interim period.
 - challenges to the personal integrity of the volunteers, especially from those with specific land interests in the village that they wished to promote.
 - changing levels of community engagement at a number of key stages of the plan making process.
53. Notwithstanding the challenges, the Everton Neighbourhood Plan has now reached a major milestone, reaching its examinations stage and I congratulate members of the Steering Group for their stamina and perseverance, through what must have felt, at times, to be a never-ending process.
54. The neighbourhood plan proposes planning policies which cover a wide range of matters, all of which are clearly important to the residents of the parish. Most of these have not been controversial. I will be looking at each of the policies in detail in the next section of this report.
55. The neighbourhood plan has evolved, as it has gone through the various stages of its preparation and indeed the Parish Council is now suggesting that it be further changed, since the hearing, in respect of the overall extent of the housing numbers and specific proposals for the allocation sites.
56. The most difficult topics that the Steering Group has had to grapple with, was the quantum of new housing in the village and the site allocations. These subjects dominated the examination and triggered my decision to call a public hearing. I am satisfied that this examination has to a greater or lesser extent, clarified a number of important issues, and this is reflected in my conclusions as to whether, and in what form, the plan should or should not proceed. I need to stress that my role as examiner is limited to the consideration of the plan against the legislative tests set out including the “basic conditions” and other legal requirements, which I have described earlier in this report. It is also important that the plan that emerges from the process is recognisable to the community as the plan that it has prepared.
57. I have chosen to set out my overall conclusions as to the housing supply policy in this overview section of the report, as there are a number of interconnecting threads. I will look in detail at the specific criteria and the wording of the two

policies, E8 and E9 under the relevant policy headings in the next section of the report.

58. I will firstly look at the local plan position and assess the weight that can be given to policies in the adopted and the emerging local plan. That will then lead on to consideration of the overall level of new housing development that might be expected in the plan area. I then consider, in some detail, the allocation sites proposed both in the original submission plan and the post hearing submission put forward by the Parish Council, along with my conclusions of the way that the plan makers have approached the site allocation process. That will then set the scene for my conclusions and recommendations in respect of Policies E8 and E9.

The status of the development plan

59. The Bassetlaw Core Strategy and Development Management Policies DPD only included a housing figure of 599 dwellings to cover all the district's rural service centres, which including Everton, for the period 2010 to 2028. It did not allocate specific numbers to each of these centres and it merely sought to support development, most importantly, within the development boundary and requires developments to be of "a scale appropriate to the current size and role of the settlement and limited to that which will sustain local employment, community services and facilities".
60. If the neighbourhood plan had slavishly followed the approach set by the adopted plan, the Parish Council would not know what level of housing the plan needed to be providing for, but would have only concluded that development should take place within the Development Boundary. It could have "ducked the housing question" on the basis that existing policies were sufficient, but instead by grasping the nettle of housing, it wished to allow the community to have a greater input into the location of new homes in Everton and Harwell. Whilst a plan totally in accord with the adopted plan, especially Policy CS8, may have met the legal requirements of being in general conformity with the strategic policies in the adopted development plan, it could be argued that that plan would not have met other basic conditions, such as basic condition d) - whether the plan was delivering sustainable development, which inter alia, requires the balancing "the provision of a supply of housing required to meet the needs of present and future generations, with protecting the natural, built and historic environment". Another basic condition requirement is for the examination to consider whether the making of the plan, would reflect Secretary of State policy and advice. In this respect, there is clear national guidance that housing supply policies should be based on up-to-date evidence of housing need. This may be provided at a district, as well as neighbourhood plan area.
61. As well as the NPPF, the Secretary of State's advice is also set out in the online Planning Practice Guidance. Notwithstanding the transitional arrangements which requires this examination to be conducted against the provisions of the

2012 version of the Framework, the PPG is updated on a regular basis and it is against the latest guidance that this examination has to have regard to.

62. The plan is not required to be tested against the policies in the emerging local plan but as the Secretary of State has said - “the reasoning and evidence informing the local plan process, is likely to be relevant to the basic conditions”.
63. There is a specific section of the guidance that deals with neighbourhood plans that come in advance of an up to date adopted local plan. This advice stresses the importance of a dialogue between the Qualifying Body and the LPA. I am satisfied that the working relationship between the Parish Council and Bassetlaw planners, especially in the run-up to and following the hearing, has had regard to the requirements set out in paragraph 009 (Reference ID 41–0 09–20190509) which is to aim to agree the relationship between policies in:
- The emerging neighbourhood plan
 - The emerging local plan
 - The adopted development plan
64. Since the publication of the latest version of the Local Plan, the Parish Council now has a housing number to work to, in accordance with PPG advice. That was lacking when the plan was initially being prepared. The recently published PPG states that, in advance of a recently adopted local plan, an indicative housing requirement figure can be provided to the neighbourhood plan group but that this should be tested at examination. This is addressed in my conclusions.
65. I believe both parties have displayed a positive and proactive approach to collaborative working in the preparation of this plan.
66. Furthermore, the Secretary of State advice for dealing with a neighbourhood plan which is based on a likely change in local plan policy, is to aim to produce “complementary neighbourhood and local plan policies” and to “minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies”. That advice has had a major bearing on my conclusions.
67. I am conscious of the arguments put forward in the post hearing representations, that policies in the emerging local plan are capable of change, as the plan goes through its processes towards adoption. I am very aware of the specific objections from landowners in the plan area, submitted at the latest local plan consultation and which may or may not be considered at the local plan examination. However, I am reassured that if there is a conflict between the policies in the made Everton Neighbourhood Plan and the final policies in what will be an adopted replacement Bassetlaw Local Plan, under the terms of Section 38 (5) of the Planning and Compulsory Purchase Act 2004, that conflict should be resolved in favour of the policies in the adopted local plan, as that would be the last document to become part of the development plan.
68. Conversely if I were to take an approach, which ignored, disregarded or gave minimal weight to the provisions of the emerging district strategy, planning

consents could be granted that could cumulatively undermine the strategy of limiting development in villages and to place most development in the towns and new communities, which the new local plan is promoting.

69. I am therefore minded to give a significant degree of weight in my conclusions, to the emerging local plan and I will be taking a more precautionary approach, as that will lead, to what I believe, will be the delivery of sustainable development and will be more in line with national policy and advice, which are other basic conditions. It is not unusual for an examination to have to look at the plan in the round and make an assessment as to the relevant weight to be given to different basic conditions.

The Scale of Housing

70. At the start of the neighbourhood plan process, the absence of a local plan based housing figure, meant that it was left to the Parish Council to propose a housing figure for the neighbourhood plan. There had not been a parish based Housing Needs Survey conducted since 2004, which is now 15 years old, although some housing evidence did emerge through the parish questionnaires along with other information collected at a district level. The plan initially had to come up with its own housing figures.
71. Using a number of different methodologies, based on a variable growth rates used in the SHMAA or extrapolating past growth rates gave figures of between 39, 45 or 48 dwellings, for that period 2018 to 2034, which importantly would have, at that time, been on top of the existing commitments of 41 units. Therefore, ignoring the existing commitments, the submission version of the plan was proposing *approximately 40 additional homes*, which would have led to 81 dwellings being built, which would equate to a 21% increase in the number of homes in the parish in 2018.
72. As previously mentioned, Strategic Policy 5 of the Initial Bassetlaw Local Plan did not identify a specific housing requirement for Everton, but set a ceiling of a 20% increase, on top of the existing number of dwellings at the time of the plan is adopted, including neighbourhood plan allocations.
73. Everton would be expected to follow the Rural Bassetlaw spatial strategy strand, which refers to proportionate growth through a “careful mix of planned and managed organic development”.
74. In response to a question that I raised during the run up to the hearing, the Parish Council agreed to a suggestion that I put forward, that rather than refer to a figure of *around 40 dwellings*, the plan should express the figure of “40” as a *minimum* figure as the allocations alone, without any windfall, amounted to more than 40 dwellings. The Parish Council had, at that time, indicated that it did not support the proposed cap on housing at 20%. National guidance as set out in the PPG is that neighbourhood plans should meet and can exceed the housing requirement. That was the route that the neighbourhood plan was appearing to be taking, as it cited, for example, concerns regarding the long-

term sustainability of the local primary school, notwithstanding the majority of early responses from residents tended to a lower housing figure.

75. At the time of the examination hearing, it became clear that a new version of the emerging local plan was about to be published, which was offering a different spatial strategy, which would allow all parishes/plan area to grow by a consistent percentage of development, of at least 10% but no more than 20% including proposals in *combination with other developments built or committed in the settlement*– which will include allocations in the neighbourhood plan. The new policy marked a significant change in the approach Bassetlaw’s emerging local plan was taking for the plan area.
76. The objectively assessed level of housing need for the latest version of the local plan is set using the NPPF standardized methodology. The plan proposes a housing requirement of 390 dwellings per annum across the district (6,525 dwellings). In terms of Everton as a parish, the relevant policy is Policy 8: Rural Bassetlaw, which sets a minimum requirement of 1777 new dwellings for the period 2018 to 2035, to be delivered by sites with planning consent or allocations whether it be through neighbourhood plans or the local plan. It goes on to allow new residential development within settlements and/or on non-allocated sites where appropriate to the character of the area and where amenity/highway safety is not directly affected. Housing will need to meet local need and the character of the settlement should reflect the scale of development and housing density. Green field extensions to the built-up area of the settlement must be designed to enhance the urban/rural interface. If the development is on a non-allocated site, in any area where the plan is making allocations, consent will only be given if it meets the same criteria, which includes a requirement that it should not increase the number of dwellings in settlement by 5%, which in the case of Everton village would be 15 dwellings. That is the same criteria if the plan does not make allocations. Also relevant is the criteria h) which limits the amount of development: no more than 20% including the proposal in combination with other development built or committed in the settlement– which will include allocations in the neighbourhood plan.
77. For the neighbourhood plan to compliment the proposals emerging in the latest version of the local plan, the minimum level of development within the settlements of Everton and Harwell that will be expected to be delivered is 34 dwellings, which is broken down as 30 dwellings for Everton and 4 dwellings in the settlement of Harwell. The figure for the parish would be slightly higher at 37. The 20% would be, for all the parish, 74 new homes, not just those in the settlements. Bassetlaw District Council has agreed that the neighbourhood plan should be based on a parish basis rather than separate settlement figures.
78. Against these figures, it is necessary to then discount the number of units where development is underway. The figures I have been given, are 24 dwellings under construction at the requisite date, plus where planning permissions have been granted, but work has not started, - 10 dwellings and the sites where there

is outline consent - 12 dwellings. Altogether, assuming all the sites with planning permission are built, this would mean that the minimum requirements for the plan area set by the latest version of the local plan would be achieved and indeed exceeded. There is scope then for another 28 dwellings to be allowed and still fall within the 20% ceiling.

79. In the post hearing version of the policy, the Parish Council no longer refers to the figure of 40 dwellings, but rather the suggested Policy E8 refers to the allocation of 16 new houses plus “further limited infill development and small scale schemes of up to 9 dwellings, in or adjacent to the existing built form of Everton village”. Criterion 9 states that no single housing proposal can individually increase the number of dwellings in the relevant settlement by 5% or more from the baseline, August 2018 figure, and in the next criterion it goes on to say that a housing proposal must not cumulatively, increase the number of dwellings in the Parish by 20%, *when in combination with other developments built or committed in the settlement* – the cap or ceiling.
80. I agree with the District Council that in the context of the neighbourhood plan area, it is not sensible to refer to settlement as opposed to the parish, as the plan area as Everton village is the more sustainable location to direct development, in terms of access to school, community facilities, play area etc. It was also identified in the 2018 Rural Settlement Study as a settlement suitable for growth. To follow the proposed approach could mean that the 20% ceiling could be reached in Everton, but additional capacity should still exist in Harwell, which is not as sustainable location for new housing, due to the absence of community facilities. I will therefore be recommending that the 20% figure should relate to the plan area, rather than each settlement. I consider that change to be necessary to be able to deliver sustainable development which is a basic condition.
81. The plan then goes on to allocate 3 sites for an additional 16 units which I will address in the next section of the report. Therefore, in addition to the completions/ commitments and the allocations, the village would deliver 62 homes, just short of the 74-dwelling cap, without considering the addition of the windfalls that the policy allows. That then calls in to question the coherence of the policy that then includes a cap on 20% and I will discuss this further in my conclusions.

Site Allocations

82. I now turn to the issue of the actual sites being allocated in the neighbourhood plan.
83. The original submission version of the plan proposed that 21 of the requirements of “around 40” new homes would be built on allocation sites. However, the Parish Council, in its response to my Initial Comments questions, stated that the reference to the “approximately 21 houses” should be deleted. I have questioned that figure, as the variety of density scenarios could have led

for 49 dwellings being built under the allocations, under the maximum densities set by the policy, even ignoring the windfall element.

84. The submission version of the plan allocates three sites for residential development.
85. Site 1 in Harwell proposes a single dwelling, which would ordinarily be dealt with as windfall development. In my experience, it is unusual for a neighbourhood plan to allocate a site for a single dwelling. However, that has no significance regarding compliance with the basic conditions.
86. Site 2 is Land at Hall Farm, which was allocated for between 10 and 16 dwellings, depending on its density, which is shown as being between 20 dph and 30 dph. That allocation is dependent on a number of criteria, including that “schemes can ensure that safe access to the site and the required visibility splays can be achieved”. The proposal assumed the development would be served, both for vehicular and pedestrian movements, off the existing access. However, visibility is limited by existing walls and buildings, which fall within a conservation area.
87. Site 3 is Land at The Willows - the final site being proposed, was the redevelopment of the large detached house that sits on the site and the construction of between 19 and 29 dwellings, depending on the density of development. Again, the allocation was subject to achieving a safe access and meeting visibility requirements.
88. I was struck on my site visit by the limited visibility available for the vehicular access proposed at Hall Farm. I was also conscious that achieving an acceptable access to serve such a large development at The Willows would be challenging to achieve, requiring a significant junction on a busy A road. The access question was one of the principal reasons for seeking to hold a public hearing, as I felt it was important to seek the informed views of the Highway Authority, as well as professional input into these access matters.
89. There is no point in allocating land for a certain amount of development if it is impossible to achieve the pre-conditions set out in the policy. These concerns go directly to the basic conditions, both in terms of the deliverability of the housing numbers being proposed in the plan and also compliance with Secretary of State policy in the NPPF (2012), where, in paragraph 32, it states that plans should take account of whether “safe and suitable access to the site can be achieved for all people”. I needed to be satisfied that the neighbourhood plan was offering a realistic assessment of the likely capacity of the allocations sites being put forward.
90. In terms of the use of the existing access to Site 2, I heard at the hearing that the Highway Authority representative’s view was that the maximum level of development that could be served off the existing access, was 5 dwellings. This view was confirmed by the highway consultant acting for the land owners. It was clear that the capacity of a maximum of 16 units off the existing access,

being promoted by the plan, was over optimistic and the conditions would be incapable of being met.

91. I was presented with evidence, including indicative highway layouts and turning arcs, that the site could be serviced from a new access road to the west of the farm complex, which could achieve the necessary visibility splays and could allow large vehicles, such as service vehicles and refuse vehicle, to serve the site from this new road and be able to turn around, so that the vehicles would enter and leave the access in a forward gear. The new access road would be outside the red line of the allocation site. It would allow the development to deliver 10 units. There was a discussion as to the type of properties that would be built on the site, and it was offered by the representative of the landowner, that a mix of 50% 2/3 bed units could be included.
92. The allocation at The Willows has been the subject to the greatest level of change as the neighbourhood plan has evolved. The original scheme was an even larger site, extending further to the south. It then became a smaller site and subsequently it grew again, taking in the immediate land to the rear of the house, but not as extensive as the original proposal. The submission version of the plan had a stated site area of 0.98ha, and it was stated that it could have delivered up to 29 dwellings.
93. During the hearing, I heard representations, on behalf of the owner, that their intention is now no longer to demolish the house but they wanted to see the land to the rear developed for 5 units, which was the maximum level of development that could be served from a shared driveway. Therefore, over the course of the plan's preparation, this site has seen a reduction in its capacity of up to 24 units. This is reflected in post hearing submission.
94. The intention is that a development of 5 new houses, to be served off of an access through the grounds of the current retained dwelling. It is my judgement that the plan is actually advocating what would be a poor example of backland development, which would be out of character with the general pattern of development along the south side of Gainsborough Road.
95. Furthermore, I am concerned that the rear boundary of the allocation site is not defined by any logical landscape feature and the site is very open in terms of views from the rising land to the south. I am not confident that the allocation would meet all the criteria that the plan is setting, in terms of assessing the suitability of non-allocated sites. In particular, I do not consider that it would enhance the urban- rural interface and I am sure that it would have an adverse impact on the landscape character of the surrounding countryside and farmland.
96. It was acknowledged that both development on the south side of Gainsborough Road had inadequate pavements and there was insufficient width of highway margins to be able to provide them. Pedestrians would need to cross Gainsborough Road to use the pavements on the north side. At the hearing, the possibility of a pavement linking the Hall Farm site to the Sun Inn was raised

but the owner's land ownership only extended westward as far as Burlington House. I have subsequently been provided with plans showing the extent of the highway boundary. This shows that the verge in front of Burlington House is not in the control of the Highway Authority or the owners of Hall Farm.

97. I do have reservations as to whether both sites meet the criteria that links can be safely provided to existing pedestrian and cycle networks. I am conscious that whilst these sites are within the 30mph limits, this is a busy A road with a noticeable amount of lorry traffic and the location is quite some distance from village amenities. The concerns of the Highway Authority had been identified in the Site Assessment report, but it appears that no recognition had been given, to the fact that its access considerations were a serious constraint on the capacity of The Willows site, in particular, and to a lesser extent Hall Farm.
98. It is in the context of the site allocations that I have the greatest reservations as to the approach the Parish Council has taken in preparing this plan. Secretary of State advice in the PPG is that neighbourhood plans can allocate sites but "the qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria". Clearly the assessment of the two sites that has been found wanting, with the capacity of the two substantive sites having to be reduced from a possible 45 units down to 15 dwellings, merely on the basis of the consideration of the access capacity. All the technical assessments underestimated the constraints of the sites and overestimated their capacity.
99. At the hearing, the Parish Council representatives seemed to dismiss my concerns, regarding the constraints on the numbers to be delivered and the difference to the site capacity, by referring me to the emboldened paragraph 6.45. That stated that "the housing capacity should be read as indicative figures, based on the total area of each site and should not be read as the proposed housing numbers for each site". This prompted a discussion as to the importance of an allocation policy, when it comes to the determination of a planning application and the primacy of development plan policy. It was even suggested that, whilst the allocation may say that the site is large enough to accommodate 29 dwellings at a density of 30dph, nevertheless the site would be expected to be subject to the limit of 10 or fewer set out in Policy E8. I heard that this matter had been discussed within the Steering Group, whilst the plan was being prepared.
100. It is important that a neighbourhood plan will be used by landowners, developers and decision makers (who will not be the parish council) and if a site is allocated for the development with a capacity of x units then a planning application for that level of development would be expected to be granted, having regard to the legal requirement that planning applications should be determined in accordance with the development plan, unless material circumstances dictate otherwise. Secretary of State guidance is that neighbourhood plans should "provide a clear framework within which planning

applications can be made and they should give a clear indication of how a decision maker should react to a development proposal” Para 41 of the PPG (41-041-20140301) indicates policies in neighbourhood plans should be drafted with sufficient clarity so that decision makers can apply them consistently and with confidence when determining planning applications”. I am unclear whether the Parish Council representatives really understood the significance of the points I was making at the hearing or felt constrained by the advice, they indicated had been provided by the District Council.

101. I have also other reservations about the overall site assessment process. At this point, I need to address the matter of the consideration of other sites which have not been allocated in the plan. I do appreciate that the Parish Council has relied, to an extent upon the professional services of staff at the District Council, as well as its professional consultants, but I do need to make some comments on the assessment of the sites, and in particular the assessment of Site NP13. All the other sites were subject to some level of public consultation, in the context of alternative sites, during the course of the plan’s preparation. The site known as Site NP13, the site of land to the rear and west of Mattersey Road was not put forward by the land owners in the original call for sites. It was promoted as part of their response to the first Regulation 14 consultation. The Steering Group did submit the site for technical assessment by the District Council, alongside other sites or site configurations that had come forward since the initial call for sites. However, it was not included in the second Regulation 14 consultation version of the plan, as the site had been discounted because of the District Council’s conclusions in the Site Assessment report that “any development would lead to “backland” development and therefore have potential significant impacts to the existing linear character of this part of Everton as identified in the Everton Character Assessment. A recent planning appeal decision on the principle of development was dismissed for various reasons including character and appearance.” The Parish Council therefore decided not to put the site forward as a potential site for public consideration.
102. I have reviewed that appeal decision, especially in the context of the size and location of the appeal site and the illustrative material that the Inspector was being asked to consider. This was for a cul de sac on a small part of agricultural land immediately behind and running parallel to the new houses in Mattersey Road. There was no logical definition of that site and it appeared to me to be an arbitrarily chosen piece of land. I am not surprised with the Inspector’s conclusions that the particular proposal would not “allow scope to provide an appropriate and sympathetic boundary with the adjacent countryside” and “the site would be dominated by the access road and that the proposal would create an overly suburban and would appear out of keeping with the rural character and setting of the site on the edge of the village”. I consider that the Inspector’s decision was made, in response to what was offered as illustrative material to show how that particular site could be developed. That material proposed what

was, in my opinion, a particularly poor form of development, and based on that access arrangement and boundary, led to the refusal of that application/ appeal, rather than the implication that appears to have been drawn that the Inspector was ruling out any form of development in this part of the village.

103. I am also reinforced in my conclusions, by virtue of the fact that Bassetlaw District Council had granted planning permission for 5 suburban type plots on another part of the site, which could equally be described as “backland” and that development was approved, without any expressed concerns as to the impact on the character of the area. There have been other consents granted in the south-western quadrant of the village.
104. I consider it unfortunate, that solely based on the advice from the LPA, the Parish Council did not allow at least the public to express a view on that site alongside the other sites– especially as the matter is one of judgement and opinion, as to the acceptability of the impact on the character of the area when judged against benefits the site could offer, such as pedestrian links to village amenity. The Parish Council relied upon the conclusion that the site was “unsuitable” and so did not put it into the public realm.
105. There has been conflicting evidence presented as to the capacity of the NP 13 site. The LPA have advised me that the site could deliver 59 dwellings at 20 dph or 80 dwellings at 30 dph. The owners evidence is that excluding the site with planning permission for 5 units, and allowing for an easement for the power lines that cross the field, then the yield could be in the region of 30 – 35 dwellings. However merely following the precedent set by the consented scheme, would deliver a lower density development that I would suggest would not deliver the element of smaller homes that the neighbourhood plan is expecting to see built in the village. It could be that the numbers, on this 2.94 ha site, could be somewhere between the two. Nevertheless, if this scale of development were to be allocated in the plan, it would be well beyond the scale of housing that is likely to be acceptable to the local community to be built in the village on one green field site, based on the views expressed during the early stages of the plan making.
106. I have also received further representations, from the owners of another of the rejected sites, that Bramble Farm was not offered the opportunity to have alternative proposals considered by the community, which for example, could have merely replaced existing buildings on the site which could have delivered wider benefits by removing unsightly farm buildings. Whilst the reduced scheme was technically reassessed as Site NP4a) in the Site Assessment, it was never put to the community, who could potentially have possibly accepted the view that there were benefits in removing the many buildings and structures on the site. I would not agree that the redeveloped site would necessarily be treated as development in open countryside, as suggested in the last assessment. I sense an inconsistency of approach, to the same way that Hall Farm site, with

its agricultural buildings, is viewed, which is also outside the existing development boundary.

107. I do detect some inconsistency, as it appears that the Parish Council has shown flexibility in allowing some allocations sites to be varied and be put to the public i.e. Sites 2 and 3, but that opportunity was not offered to others.
108. It appeared that the initial public consultation took place before a technical assessment was carried out and the residents were asked to identify 3 sites they supported and three sites they did not, and why. I believe that a more informed public engagement could have been carried out, after a technical assessment so that the public could make a more informed choice as to which sites should be considered, based on an assessment of specific objective assessment criteria.

The Proposed Amendments to Policies E8 and E9

109. Towards the end of the hearing, a discussion took place as to whether it would be better, rather than to rely predominantly upon housing allocations and an associated windfall policy, just to have a windfall policy. The policy that has been suggested by the Parish Council post hearing, is a policy that still proposes a reduced number of new houses to come from allocations, down from 40 to 16, but with a complimentary policy element that allows limited infill development of up to 9 dwellings in or adjacent to the existing built form of Everton, where the scheme meet 13 specific criteria.
110. I have a number of observations. In policy terms, it would be possible for an allocation site, say Site 3 -The Willows in principle to achieve a greater number of units and still comply with criterion 9 i.e. be within the 5% threshold. It is not clear how an allocation site would be treated, if the level of commitments / consents plus windfalls, exceed the 20% threshold / ceiling at the time a planning application is being considered. It could imply that an allocation site could not be approved, despite it being an allocated site or alternatively the 20% figure needs to be reduced, to reflect the commitment to the 16 units in the allocation and still remain within the cap.
111. Whilst I was conducting my site visits, I saw a number of potential housing sites, closer to the heart of the village and its facilities, than the allocation sites, which would be better situated in terms of footpath links to the school and other recreational amenities, without having to cross the busy Gainsborough Road. I believe that an appropriate windfall policy would allow these other sites to come forward during the lifetime of the plan and could be as acceptable housing sites as the allocation sites or even better. A windfall policy could also allow appropriate schemes on the allocation sites to be promoted even if the allocation policy were to be removed. As I was told at the hearing by one of the Parish Councillors, the plan is expected to last many years and other sites, which have not come forward for various reasons, could become available in

the intervening years and these needed it be considered against the windfall policy.

112. There is a glaring inherent inconsistency contained within the revised Parish Council suggested policy, between the limit of 9 dwellings and the criteria that allows windfall development that can be up to 5% of the number of dwellings in the settlement (or the plan area), which could be for up to 18 dwellings. That would not be a basis for sound decision making.

Overall Conclusions

113. I have come to a number of conclusions in terms of the original submission and the revised housing policies set out in the Plan. I note that the revised policy draws heavily in part upon the wording current version of the draft Local Plan, but the Everton policy introduces an additional limit of 9 dwellings, inserted in response to the wishes of the local residents, yet the suggested policy is not consistent with the later proposed criteria, that could allow up to 18 units under the 5% rule.
114. The allocation sites could still be allowed to accommodate development under a windfall policy.
115. Sites not identified in the allocation Policy E9, could be said to be in as good or even better locations for residential development than the allocation sites, in terms of impact on the wider landscape, pedestrian links to the village etc. In two instances, the allocations deliver individually less units than other individual sites that come forward, which are not being allocated.
116. At least one of the allocation sites, Site 3 would not necessarily meet the criteria which would be applied to the development by the windfall policy.
117. I am not convinced of the robustness of the site allocation process carried out by the Parish Council, not least because, when tested, it has seen allocations drop from potentially 46 units to 16 units. The technical site assessment was completed after the public had expressed support or otherwise for sites and the public were never presented with all potential sites.
118. The adoption of a criteria based policy would more closely mirror the approach being promoted by the emerging local plan for villages.
119. I did suggest at the hearing, that the site allocation assessment could be re-run, allowing a reconsideration of all the sites being put before the residents, based on an up to date assessment of their suitability and what they realistically could deliver. I was hopeful that could give more confidence in the site allocation process, having heard the criticisms that had been made during the examination process, but the Parish Council representatives were concerned about the “integrity of the process” – a process which I have reservations about.
120. On balance, I have come to the conclusion that the site allocation process (and consequently Policy E9) does not meet the basic conditions, in that the site allocation process has not in my judgement been carried out in an objective basis, sites have been promoted and other sites have not been put forward for

- public consultation, based on what was, in my opinion, a flawed assessment, or that sites have been rejected without alternative proposals being considered.
121. Nevertheless, having set out my reservations about the site selection process, I consider that it is still appropriate that the Everton Neighbourhood Plan should include policies relating to the scale and location of housing, which was one of the underlying reasons for wanting to prepare a neighbourhood plan. I have concluded that a wholly criteria based policy would be appropriate, but that the 5% threshold is not consistent with requirements to restrict development to small scale schemes of up to 9 units.
 122. I do place great weight on the role of neighbourhood plans, which offers the community the ability to determine the type of development it wishes to see take place within its area. As was made clear in its introductory remarks at the start of the hearing, the Parish Council was seeking to respond to the clear message that came through the early community engagement, that the village would prefer to see new homes, delivered by a number of smaller development, reflecting the pattern of more recent development, rather than a single large estate. Such an outcome would be the result if I was to accept the proposed amendment to Policy E9, promoted by Harrison Grant, on behalf of R. Troop and Sons, in its latest submissions.
 123. Notwithstanding the capacity of the allocation sites originally chosen, it would not be sustainable development to allocate a site large enough to accommodate 20+ houses but to limit development to 9/10 units. I found the arguments advanced by the Parish Council at the hearing on this point unconvincing. Such an outcome reflects a failing of the allocation process rather than the underlying aspiration to see smaller development, as opposed to a large site development. The community is entitled to come to that judgement and it is not for me to undermine that. I therefore do not propose to recommend removing the threshold for small scale schemes.
 124. In terms of the 20% figure, having tested that approach in this examination, I will be recommending its retention within the policy but that the ceiling should be on a parish basis and not on a settlement basis. To allow significant higher levels of development could undermine the aspirations of the District Council in promoting its spatial strategy. If the approach being promoted by Bassetlaw District Council in its local plan is shown to be flawed, then the revised local plan policy would take precedence over the neighbourhood plan policy, upon adoption, if there was a conflict between the two.
 125. I also place great weight on the commitment given by the Parish Council in the final session of the hearing to conducting an early review of the plan. That can be either in full or in part (i.e. in respect of individual policies), if it is shown that the circumstances have changed or the policies are not having its desired effects. It will also allow consideration to be given to moving the base date for the 20% figure, if that ceiling is reached as an effective embargo on any new housing development may not be in the interest of the continued viability of

village facilities for example, or it could prevent the approval of development that the community supports. I will include a recommendation to that effect.

126. My recommendations have generally concentrated upon the wording of the development plan policies, as these will be the basis of how planning applications are determined. In view of the recommendations that I am making, it may be necessary for whole sections of the justification of the housing policies, in particular, to be revised in order that the neighbourhood plan reads as a coherent document. The District Council planners will have an important role in assisting the Parish Council in making these changes, to create what will be a Referendum Version of the plan. It is important that the supporting text reflects the policies which the plan will take forward, once the Decision Statement has been published.

Recommendations

That a section be inserted after section 10.0 Next Steps, setting out the Parish Council's commitment to review the plan, either as a document or individual policies in the light of changed circumstances and having considered the effectiveness of the policies, particularly the housing policies, after 5 years or if necessary, following the adoption of the Local Plan.

That Everton Parish Council should work, in collaboration with Bassetlaw DC planners, on the revisions to the supporting text and reasoned justification for the policies, following the changes which are proposed, including the changes to the housing policies and the removal of the housing allocations, so that the plan and especially the housing policies, reads as a coherent document which will become the Referendum Version of the neighbourhood plan.

The Neighbourhood Development Plan Policies

Policy E1: Protection of the Landscape

127. The policy wording appears to relate to what it describes as "landscaping proposals". I consider that the focus of the policy should be directed to all aspects of development proposals, such as the form, appearance, location and scale of the buildings/ works rather than just the landscaping scheme, as it is the totality of the development as a whole that will impact upon the landscape. This policy requirement should go beyond the need to "take into consideration" the recommendations/guidance set out in the Landscape Assessment, but should be extended to require that development "protect or enhance the character, local distinctiveness and landscape quality". That will deliver sustainable development and will be more in line with national advice.
128. I consider that in the element of the policy which deals with the important landscape features such as ditches, hedgerows and historic field patterns are important but the need for applicants to have to demonstrate the impact will not

be relevant in all cases, such as domestic development within the confines of the village. I will therefore be recommending the insertion of “where appropriate” so the requirement is imposed in cases where the development will have a potential landscape impact.

129. The final part of the policy deals with green gaps. The way that green gaps are being shown on Map 2, with cross hatched lines, does not precisely define the extent of the designation. It does not show the boundaries of the respective areas. The absence of a boundary line could give rise to uncertainty as to whether a site did or did not fall within the green gap.
130. I have now been provided with amended maps which show in detail the actual extent of the proposed green areas and I will recommend that Map 2 be amended to show the same boundaries as set out in the plans, that were provided to me by the Bassetlaw Planning Department. I consider it preferable for the information to be contained on a single plan, although if that were not feasible then the three plans could be inserted into the document, but that will be a less desirable outcome.
131. The wording of the final paragraph of the policy, which sets out its objectives, namely to prevent the coalescence of the settlements is, I believe justified, but some development could take place within the specific areas, such as the uses of land or underground development, which would retain its openness and accordingly I will modify the wording to allow appropriate development that does not individually or cumulatively impact on the openness of the green gaps.

Recommendations

Replace “Landscaping proposals should take into consideration” and replace with “Development proposals will be expected to protect or enhance the character, local distinctiveness and landscape quality of the parish and to have regard to...”

***In the second paragraph insert “Where appropriate,” before “Schemes”
Replace Map 2 with a map showing the boundaries of the Green Gaps in the manner set out in the 3 plans provided to the examination.***

In the final paragraph replace “regarded as open countryside and preserved” and replaced by “protected from any built development that individually or cumulatively reduces that openness,”.

Policy E 2: Type and Location of Development in the Countryside

132. I am satisfied that this is a policy that reflects the landscape character of the plan area in accordance with policy advice promoted in the Bassetlaw Landscape Assessment. I believe that the introduction of “where possible” is an important caveat, as it would not always be appropriate or practical to site some forms of developments close to residential properties, in order to protect their amenity. The scope of the policy should only cover the erection of new buildings

or structures, as the term “development” could involve changes in use, which can only take place where the building is located.

Recommendations

In the first sentence replace “development” with “buildings or structures”

Policy E3: Protecting and Enhancing Biodiversity

133. I have no issues with the first paragraph as the policy encourages biodiversity conservation or enhancement. That will deliver sustainable development and is consistent with national policy.
134. Similarly, the requirements of the second paragraph, requiring schemes to incorporate various ecological enhancements, is in line with national objectives and are acceptable “where applicable”.
135. My concern regarding the final paragraph is that it offers blanket protection, irrespective of the status of the protected site. Paragraph 113 of the NPPF (2012) requires plans to incorporate criteria based policies that distinguish “between the hierarchy of international, national and locally designated sites so that the level of protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to ecological networks”. I note that the plan area includes both an SSSI and Local Wildlife Sites. I therefore propose to introduce an assessment criteria, balancing the need for the development, in that location against the harm to the significance of the biodiversity interest.

Recommendations

At the end of the third paragraph, insert “unless the benefits of that development clearly outweigh the impact that it will have on the site’s biodiversity interest in its own right and its impact on the wider network of protected sites”.

Policy E4: Green Infrastructure

136. The second paragraph states that such green infrastructure networks should contribute towards ecological enhancement, flood risk, water management and enhance the landscape and historic character of the area. It is over ambitious to expect that every scheme can deliver all these benefits. For example, new green infrastructure may not be able to enhance the historic character of the parish. I have proposed to substitute “can” for “should”. Furthermore, individual schemes may be able to contribute to creating or maintaining green infrastructure networks” but they may not, in every instance.
137. The sections dealing with woodland appears to require indigenous woodlands to be a feature of all landscaping schemes including linkages with existing woodlands. There may be a few limited opportunities to deliver this objective having regard to the scale of ambition set out in the plan. I will therefore

recommend that the intention of the policy can be achieved by inserting “where appropriate”.

Recommendations

In the first sentence of the second paragraph replace “should” with “can”.

In the second sentence of the second paragraph after “should” insert “where possible”.

At the start of the third paragraph insert “Where appropriate”.

Policy E5: Archaeology

138. The second paragraph of the policy requires every applicant to have to consult with Nottinghamshire’s Historic Environment Records. Whilst this is a patently an important source of advice, I sought to interrogate their records online, as a resident in Everton may need to in proposing say a householder application and I found the information not as instantly helpful as some online constraint resources. A formal report from the HERS costs £50 per hour and interrogating its online resource, which initializes Street Map, is not in my view sufficiently accurate to rule in or rule out whether archaeology is a constraint. I am sure that upon receipt of an application, the planning department will consult appropriate archaeological resources on any relevant planning proposal.
139. I propose to rely upon the areas shown on Map 8 and refer to the criteria used in the Bassetlaw Local Validation Checklist which refers to “any known or suspected archaeological sites” where an archaeological assessment is required. Reference to the Nottinghamshire HERS database can be included in the supporting text. That will then bring the policy in line with the requirements set out in the paragraph 128 of the NPPF (2012) and is a proportionate response.
140. I will recommend that applicants should be *encouraged* to consult with HERS records but within the supporting text not as a statement of planning policy.

Recommendations

In the first paragraph replace” “on maps in the Nottinghamshire Historic Environment Records (HER) for Everton Parish” with “areas of known or suspected archaeological sites”

Delete the second paragraph but move to the supporting text “Applicants are encouraged to consult at an early stage the Nottinghamshire Historic Environment Record.”

Policy E6: Protecting the Conservation Area and its Setting

141. The only issue with this policy relates to the final paragraph this refers to “sustainable designs” I consider that to be too nebulous a description which could relate to, for example, materials or methods of construction, rather than the appearance of the building. I will recommend the policy merely refers to “contemporary design”.

142. I would add that Map 7 is shown at too small a scale to be capable of being used with confidence and I was provided with a new map at a larger scale that clearly shows which properties are either designated or non-designated heritage assets.

Recommendations

In the final paragraph delete “and sustainable”

Replace Map 7 with the larger scale map provided as part of the examination.

Policy E7: Encouraging High-Quality Design

143. There will be a small number of properties that do not fall within the character areas, where it is equally as important that the scheme relates to the site and its surrounding. This can be resolved by including the wording “and in particular the character areas”.
144. I do need to refer to the accuracy of Map 11 which is a matter that has been raised at the Regulation 16 stage. The map does not now accurately reflect the linear pattern of development on the west side of Mattersey Road which has extended as a result of recent developments to match the southern extent on the east side of the road. This map needs to be amended as it has implications as to how developments in that part of the village will be considered.
145. I have seen no evidence that justifies a policy requirement that extensions should be “small in scale”. There is no policy justification for why, for example, the building’s plot size and its relationships to adjoining properties could allow a larger extension, especially considering the fallback position that properties have through their permitted development rights. I do accept that the requirement for it be subordinate to the original building, can be justified.
146. The presumption against “generic schemes” would be impractical to interpret in a development management context, as it will be impossible for a decision maker to know whether any proposal being considered fell within this category. I consider that the aspirations of the policy can be achieved by positively wording the text, requiring “design should take account of the locally distinctive character of the area”.
147. I am unclear whether the policy relates to the innovative design of the lighting schemes or the energy efficiency of the development as a whole. I propose that the sentence be deleted as its intentions are unclear.

Recommendations

In design principle 1. insert “especially” after “surroundings”

Amend Map 11 to reflect the extension of the linear development on the west side of Mattersey Road.

In design principle 4. delete “small in scale and”

In design principle 5. remove “not feature generic schemes but”

In design principle 6. delete the second sentence.

Policy E8: Housing within Everton Parish

148. In view of my reasoning and my conclusions as set under the Plan Overview section of this report, the reference to the site allocations need to be removed from the wording of the policy.
149. Criterion 9 is inconsistent with the scale of development allowable within the policy, which set a maximum of 9 units and the criteria should be deleted as the two elements are contradictory.
150. In terms of criterion 10, the wording of the policy refers to dwellings in each of the “settlements”. In view of the agreement of Bassetlaw that the policy should be based upon the total number of houses in the parish rather than encourage development in Harwell, which does not enjoy the same access to amenities as Everton, I consider that it is more sustainable to refer to the number of dwellings in the parish, rather than each settlement.
151. I do have a concern with the final criteria regarding flooding which relates to development taking place in “areas at a lower risk of flooding, wherever possible”. As worded, the decision maker is faced with the question as to a lower risk of flooding than where. I consider that the aim of the policy should be to avoid inappropriate development in Flood Zones 2 and 3 as shown on the Environment Agency flood risk maps only where sites in Flood Zone 1 are not available. That is the essence of the sequential test. I suspect, by looking at the EA online flood maps, that all development around Everton and Harwell built up areas will fall outside the area is liable to flood.

Recommendations

Replace the policy with the replacement policy E8 submitted with the Post Hearing Alterations but with the following amendments to that wording -

Delete the first paragraph.

In the second paragraph, delete “In addition some further limited” and remove parenthesis around “of up to 9 dwellings”.

Delete criterion 9.

In 10., delete “each of the settlements in” and at the end replace “settlement” with “parish area”.

In 13. replace “is steered to areas at a lower risk of flooding wherever possible” by “is not located in Flood Zones 2 or 3 as shown on the Environment Agency flood maps unless it can be demonstrated that there are no sites available in Flood Zone 1”.

Insert a copy of the EA flood map in the plan.

Policy E9: Site Allocations for New Housing Development in Everton Parish

152. I have set out my reasons why the allocation policy does not meet the basic conditions in the Plan Overview section. In view of my conclusion, I propose that this policy and all supporting text regarding site allocations be deleted.

Recommendation

That the policy and all supporting text regarding site allocations be deleted.

Policy E10: Providing Appropriate House Types and Sizes to meet Local Needs

153. I am satisfied that the evidence has substantiated the plan's aspiration that developments must contain at least some element of small to medium sized units within the developments that come forward. The intention of the policy is not to build solely small units, but requires that such units should be an essential ingredient of the housing mix.
154. I do not consider that the occupation of any older person development can be limited to persons wishing to downsize or relocate to suitable accommodation but clearly any elderly person development that does come forward which the policy supports will meet that objective. I will recommend that the final part of the second element of the policy be deleted.
155. In the third element, the policy supports "community led sustainable housing schemes". I am not clear what is expected by the term "sustainable", whether it refers to materials, construction or location – would a decision maker be able to differentiate between it and "a community led *unsustainable* housing scheme"?
156. When the plan was being prepared, the Secretary of State's policy advice was that for schemes of 6 to 10 units in rural areas, such as this part of Nottinghamshire, affordable housing contributions should be sought in lieu of on-site in low of on-site provision. For developments of over 10 units, on-site provision was expected. However, since the 2018 NPPF that policy has changed to allow policy to require affordable housing to be required on 5 units or less. I note that the emerging local plan has that policy set at 5 dwellings for designated areas. I conclude that it would be appropriate for affordable housing contributions to be sought in line with Bassetlaw's affordable housing policy rather than referring to the evidence in the SHMA which was used to inform the district's affordable housing policy. I am conscious that this version of the Framework is not the benchmark for this examination, but there is no value in referring to an out of date requirement for requiring only financial contributions, which was in the PPG rather than the NPPF.

Recommendations

In 2. remove all text after "older people"

In 3. delete "sustainable"

In the final paragraph, replace all the text in the second sentence after "in line with" by "Bassetlaw's affordable housing policy."

Policy E11: Sustainable Design and Tackling Rural Poverty

157. The Secretary of State in a Written Statement to the House of Commons dated the 25th March 2015 stated that neighbourhood plans should not set “any additional local technical standards, or requirements relating to the construction, internal layout or performance of new dwellings”. These would be additional to the National Technical Standards which can only be triggered by a local plan policy and be based on local evidence.
158. I am satisfied that the first paragraph of the policy only “encourages” such provision and it is not a requirement. Accordingly, a planning application could not be refused, in the absence of these measures. Again, the use of “sustainable design” is vague and has not been defined. I consider that the policy will meet its objective if it merely relates to energy efficiency.
159. I am not convinced that the second paragraph offers flexibility, in that it says that schemes *should* “incorporate energy saving materials and reclaimed, salvaged or recycled products”. In recognition of the aspirations of the community, I will amend this part of the policy in my recommendations so that it “*encourages*” such use.

Recommendations

In the first sentence delete “sustainable design and”

In the second paragraph, replace “should” with “are encouraged to”

Policy E12: Supporting Local Economic Growth and Rural Diversification

160. I appreciate that this is a supportive policy. However, new enterprises may be set up and be accommodated in rural buildings, say as part of a farm’s diversification. Such economic development will be in line with national planning policy. There could be locations in the parish, where reference to the “village setting”, would not necessarily be appropriate. The requirement should be amended so as to relate it to the setting of the site, in terms of design and materials etc.
161. In my experience, it is generally unnecessary for every applicant providing rural employment to have to demonstrate how they have given consideration of the impact on infrastructure.
162. Equally I do not believe that is justified case for business start-up units and facilities to have to support local services and visitor economy and the policy would not be consistent with national policies set out in the NPPF, which requires “that policies support the sustainable growth and expansion of *all* types of business and enterprise in rural areas”. Conversions of existing buildings or redevelopment schemes should not be limited to only small-scale retail and professional services and small businesses. There are other uses which could be allowed to locating in certain areas. I consider that these can be covered by referring to the inclusion of small scale farm shops etc.

Recommendations

In criterion 1. replace “village” with “its”

Delete criteria 2. and 4.

In the final paragraph insert “, including those” after “encouraged”

Policy E13: Supporting Investment in New Facilities

163. I have no comment to make on this policy.

Policy E14: Protecting Existing Recreational Facilities

164. I recognise that these are all valued community facilities. However, planning control could not retain a football pitch or cricket square, which are essentially defined by a white line on grass, or maintain an area of grass suitable for bowls. I propose to substitute these four sports facilities, by referring to the importance of the Metcalfe Recreation Ground.

Recommendation

In the second paragraph, remove “football pitch, cricket pitch, bowling green and tennis courts” and insert “The Metcalfe Recreation Ground”

Policy E15: Supporting a New or Extended Cemetery

165. I am satisfied that this policy is locally important from the parish. However, I do not consider that requirement that planning consent should only be given if there is community consultation and local support. Any planning application will include the ability of residents and other stakeholders to comment and for these comments to be taken into consideration, in the determination of the planning application. I do not consider that this should be a prerequisite to any policy which supports a new or extended cemetery for the parish.

Recommendation

Remove criterion 2

The Referendum Area

166. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Everton Neighbourhood Plan as designated by Bassetlaw District Council on 18th December 2015, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

167. I must congratulate Everton Parish Council on grasping the opportunities presented by neighbourhood planning which allows the local community to shape its planning policies. I know that this has been a difficult process, particularly on the issue of site allocations. Some, if not all parties, will be disappointed in some aspects of my recommendations, particularly on the housing questions.
168. Neighbourhood planning is a powerful tool which allows communities to write the planning policies which will be used to determine planning applications in their area. The plan needs to be read as a whole and it is on the basis of the whole plan that the plan has to have regard to the basic conditions. It is against that background that I have made my recommendation that the plan can go forward.
169. There have been set backs during the neighborhood plan process, but I must commend the efforts of those volunteers who have given up their time and energy, to seize the opportunity of localism to prepare what will be part of the development plan for their community. Whilst I have made criticisms in this report on some aspects of the plan making, and in particular have had to recommend that the site allocations be omitted, nevertheless I am content that the plan retains its integrity and will deliver the overall vision for the parish that it set out to achieve. In particular, I consider the criteria based housing policy will allow the parish to deliver the type of development that it wishes to see, but in a way that will be complimentary to the emerging Bassetlaw Local Plan.
170. This is a locally distinct neighbourhood plan, which will provide a sound basis for dealing with planning applications in the Parish in the coming years. I do stress that it is important that the planning policies are kept under review, especially if the strategic planning context at district level were to change.
171. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
172. **I am therefore delighted to recommend to Bassetlaw District Council that the Everton Parish Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

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John Slater Planning Ltd
28th August 2019