

Blyth Neighbourhood Development Plan 2018-2035

**A report to Bassetlaw District Council on the Blyth
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Bassetlaw District Council in October 2019 to carry out the independent examination of the Blyth Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 18 October 2019.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on bringing forward housing allocations, designating local green spaces and safeguarding its attractive character. It is a very well-developed Plan which carefully addresses a series of important issues that face the local community.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Blyth Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
18 May 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Blyth Neighbourhood Development Plan 2018-2035 (the Plan).
- 1.2 The Plan has been submitted to Bassetlaw District Council (BDC) by Blyth Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its distinctiveness and identity. It proposes a range of policies for the parish. They include the identification of housing allocations and the designation of a series of Local Green Spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by BDC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the BDC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all of the points have been met.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Sustainability Appraisal.
- the Neighbourhood Character profile.
- the Local Green Space Assessment.
- the Site Assessment Report.
- the representations made to the Plan.
- the Parish Council's comments on the representations received.
- the Parish Council's responses to my Clarification Note.
- the updated SEA/HRA screening report (20 January 2020).
- the updated Basic Conditions Statement (January 2020).
- the update Site Assessment Report (December 2019).
- the updated Consultation Statement (on the representations received at the pre-submission stage) (December 2019).
- the representations made to the updated documents.
- the adopted Bassetlaw Core Strategy 2011.
- The Bassetlaw Five Year Housing Land Supply Statement (September 2019).
- the National Planning Policy Framework (February 2019).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 18 October 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only and without the need for a hearing. Having considered all the information before me, including the representations made to the submitted plan, the representations to the updated documents and the Parish Council's responses to the clarification note I concluded that the Plan could be examined by way of written representations. The level of detail in several of the representations assisted me in coming to this conclusion.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is proportionate to the Plan area and its policies. Its strength is the way in which it summarises the key stages of consultation and provides the details in a series of appendices. This contributes significantly to its legibility.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. Additional information submitted during the examination (see paragraph 4.7 below) also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (February to April 2019).
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. It identifies seven key events as follows:
- Event 1 – Raising Awareness October 2017
 - Event 2 – Follow up session December 2017
 - Event 3 – Call for Land January 2018
 - Event 4 – Logo Competition January – March 2018
 - Event 5 – Scoping for the village survey June 2018
 - Event 6 – The outcome of the Call for Land exercise October 2018
 - Event 7 – The pre-submission Plan launch February 2019
- 4.5 The various appendices set out the nature of the community questionnaire and other consultation exercises and the responses received. They demonstrate the way in which those responsible for the preparation of the Plan sought to address the expectations of the wider community. The additional information submitted to supplement the Statement in December 2019 sets out how the submitted Plan took account of consultation feedback at the pre-submission phase. This information undertakes this task in a proportionate and effective way. This analysis helps to describe how the Plan has progressed to its submission stage.
- 4.6 Consultation on the submitted plan was undertaken by Bassetlaw District Council that ended on 2 October 2019. This exercise generated representations from the following persons and organisations:
- Coal Authority
 - Heyford Developments

- Highways England
- National Grid
- Natural England
- Nottinghamshire County Council
- Severn Trent Water
- Sport England
- Gladman Developments
- Bassetlaw District Council

4.7 During the examination the following documents were updated:

- the SEA/HRA screening report;
- the Basic Conditions Statement;
- the Site Assessment Report; and
- the Consultation Statement.

4.8 BDC undertook consultation on this additional information for a six-week period that ended on 2 March 2020. This separate exercise generated representations from the following organisations:

- Sport England
- Bassetlaw District Council
- Natural England
- Historic England
- Nottinghamshire County Council
- Canal and River Trust
- Coal Authority
- Severn Trent
- Highways England
- Max Design
- Heyford Developments

4.9 I have taken account of all the representations in preparing this report. Where it is appropriate to do so I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Blyth. It is irregularly- shaped and is principally rural in its nature. The two elements of built development are the village of Blyth itself, and the Blyth Services off the A1. Blyth village is located approximately 10 kms to the north-east of Worksop. Its population in 2011 was 1233 persons living in 549 households. It was designated as a neighbourhood area on 28 September 2017.
- 5.2 The village of Blyth is a traditional village based around the junction of Sheffield Road, Retford Road and High Street. The Blyth Conservation Area was designated in January 1978 and subsequently enlarged in October 2012. It covers the linear historic core based along the High Street. The village has had long associations with Blyth Hall. St Mary and St Martin’s Church occupies a prominent position in the village centre. It has an outstanding and well-preserved Norman nave.
- 5.3 The hamlet of Nornay is located immediately to the north of Blyth. The River Ryton separates the two settlements. The remainder of the neighbourhood area is largely in agricultural use and consists of the natural hinterland of Blyth.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Bassetlaw District Core Strategy and Development Management Policies Development Plan Document 2010 - 2028 (‘the Core Strategy’). The Core Strategy sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period.
- 5.5 Policy CS1 of the Core Strategy provides a focus for new development based around the existing principal settlements in the District. Blyth is identified as a Rural Service Centre where there will be limited rural growth in the Plan period.
- 5.6 Policy CS8 sets out specific development opportunities and requirements for the various Rural Service Centres. In summary these include:

Housing Development - Up to 10% (599 houses) of the District’s housing requirement will be delivered in the Rural Service Centres through existing permissions and allocations in the Site Allocations DPD, for the plan period 2010-2028. Residential development proposals will be supported within the Development Boundary, in line with other material considerations and planning policy requirements. All housing development resulting in a net gain of one or more units will be required to contribute towards the achievement of affordable housing targets. In the case of Blyth this figure is 25%. This will be either through on-site provision (where appropriate) or through a financial contribution to the delivery or improvement of affordable housing elsewhere within the rural areas of Bassetlaw.

Employment Development - Proposals that deliver rural employment opportunities, of a scale and type appropriate to the settlement and surrounding land uses, will be supported in line with other material considerations and planning policy requirements. Economic development proposals will be supported within Development Boundaries, in line with other material considerations and planning policy requirements.

Community Facilities - Proposals for the provision of rural community services and facilities will be supported where they are of a scale appropriate to, and accord with the role of, the village. Where no available sites exist within Development Boundaries, proposals for standalone community services and facilities will be supported on sites outside of, but adjoining, these Boundaries where need and long-term viability is proven and where there is explicit community support for the proposal.

- 5.7 The District Council has embarked on the preparation of a new Local Plan. Once adopted it will replace the Core Strategy. Consultation took place on a draft Plan in January and February 2020. On this basis it is not at a sufficiently advanced stage to play any significant role in the examination of the submitted neighbourhood plan.
- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the Core Strategy and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Visit to the neighbourhood area

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 18 October 2019. I drove into the neighbourhood area from the A1 from to the south. This helped me to understand the neighbourhood area in its wider landscape context. It also highlighted its proximity to the A1 and the way in which its position on the historic Great North Road has influenced its urban format.
- 5.10 I looked initially at the proposed housing allocation to the east of Spital Road (Policy 8). I saw its current agricultural use and the way in which it related both to the A1 to the east and to the recently-completed houses to the north west and to the recreation ground to the north.
- 5.11 I then drove into the village centre. Given the compact nature of the village I was able to undertake the majority of the visit on foot. I looked initially at St Mary and St Martin's Church. Its prominent setting in the village is entirely appropriate for the historic and architectural importance of the Church. I walked around the well-maintained churchyard, its splendid avenue of trees and saw ongoing repairs taking place. I saw that key elements of the setting of the Church were included in the proposed Church Green Local Green Space.

- 5.12 I then walked along Sheffield Road to the west of the village away from Church Green. I saw initially the concentration of vernacular buildings with their distinctive white Gothic windows. I walked along the proposed local green space at The Riding to the west of the village. It offered peace and solitude away from the bustle of the village itself. I was also able to see the wider agricultural setting of the village to the west. I then walked to the Village Green along Worksop Road.
- 5.13 I spent time looking at the Village Green. I saw why it had been proposed as a local green space. I saw the relationship of the Village Green with the former Hospital of St John the Evangelist, The Old Vicarage, Greystones and the more modest terrace of cottages with their Gothic windows and distinctive ivy. I continued to the roundabouts and saw The Old Methodist Church, Barnby Memorial Hall and The White House.
- 5.14 I then walked along Retford Road. I saw that it contained more modern development than that in the historic core. I looked at the proposed housing allocation to the north of the road and to the east of Meadow View. I saw the way that it related to the remainder of this part of the village.
- 5.15 I retraced my steps into the village centre and then walked to the north along the Bawtry Road. I noticed the clear distinction between Blyth and Nornay with the River Ryton acting as a very clear distinction between the two settlements. I walked up to the County Council Depot and looked at the proposed housing allocation to the east of Bawtry Road. On the way back to the village I looked at Norway House and Norway Dovecote.
- 5.16 I drove out of the neighbourhood area to the north along the A1. This helped me to understand the town's relationship to this important element of highway infrastructure.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued earlier this year.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Blyth Neighbourhood Development Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Bassetlaw Core Strategy;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of housing development and environmental matters. It proposes three housing allocations. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a policy on windfall sites (Policy 5), policies on three residential allocations (Policies 6-8) and for employment development (Policy 9). In the social role, it includes a policy on affordable housing (Policy 3) to safeguard its community facilities (Policy 10) and for local green spaces (Policy 12). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on housing design (Policy 2), important views (Policy 11), and on green infrastructure (Policy 13). This assessment overlaps with the Parish Council's comments on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider Bassetlaw District in paragraphs 5.4 to 5.8 of this report.

- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Core Strategy. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the Core Strategy. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations – Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 I have already commented in Section 4 of this report about the extent to which various documents were updated during the examination process. I sought clarification from both the Parish Council and the District Council on the way in which the screening process had been undertaken. Within the wider context of the submitted documents the Parish Council commissioned the preparation of a Sustainability Assessment (SA). It incorporated Strategic Environmental Assessment. Its findings have been scrutinised by other parties with an interest in the Plan. However, the District Council advised that it had not produced a screening report during the earlier stages of the Plan. It did so in January 2020. The screening report concluded that 'following consideration of the anticipated scope of the Blyth Neighbourhood Plan, the relevant environmental issues locally, and following consultation with Historic England, the Environment Agency, and Natural England, it is concluded that the potential for significant effects to arise as a result of the Plan is unlikely. Consequently, it is considered that a formal SEA is not required'
- 6.15 Plainly this series of events is unfortunate. However, to ensure the integrity of the examination process and to achieve consistency in terms of how representations have been submitted and considered I will examine the Plan on the basis of the information supplied in the SA/SEA.
- 6.16 The submitted SA is comprehensive in its scope and coverage. It assesses the various policies against a series of sustainability appraisal objectives and the vision and the objectives of the Plan. It is structured around the following headings:

The Sustainability Framework – this incorporates the Sustainability Framework that will be utilised to appraise the Plan. The Sustainability Framework is taken from the Sustainability Appraisal Scoping Report for the Plan produced in September 2018, which is in turn based on the Sustainability Framework developed for Bassetlaw District Council's emerging Local Plan.

Community Vision, Aim & Objectives Appraisal – this incorporates the Sustainability Appraisal of the Community Vision & Objectives using the Sustainability Framework Objectives.

Development Management Policies Appraisal – this incorporates the Sustainability Appraisal of the individual development management policies contained in the Neighbourhood Plan.

Alternatives – this incorporates an assessment of the effects of alternatives to the Plan, including the alternative where no Plan is produced.

Assessing Secondary, Cumulative and Synergistic Effects – this incorporates an assessment of the secondary, cumulative and synergistic effects of the Plan on the sustainability of the area.

Monitoring – this incorporates an assessment of how the document will be monitored.

- 6.17 The SA comments that '(no) element of the Vision nor Objectives scores negatively against the Sustainability Objectives and taken as a whole they are deemed to have a positive impact against each of the sustainability objectives. No alterations to the Vision and Objectives are considered necessary as a result of this appraisal'.
- 6.18 The SA acknowledges that the proposed allocation of sites for residential development is the most significant element of the Plan and is the basis on which it was prepared. In this context it assesses the impact of the proposed development of the sites identified in Policies 6, 7 and 8. Those sites were selected as a result of the outcome of the Site Assessments Report (SAR). This parallel process assessed a series of 14 potential housing sites against a common set of criteria.
- 6.19 The SA comments specifically about the three allocated sites as follows:

'These policies allocate three sites for development according to sustainability criteria and the comments received from statutory and non-statutory consultees. Sites have been selected based on criteria aimed at minimising flood risk and impact of flooding, prioritising brownfield land over productive greenfield and agriculture land, and avoiding negative impact on sites of key biodiversity value. For each site, a density recommendation based on the density of surrounding developments and design recommendations have been provided: these recommendations are based on the Neighbourhood Profile and are aimed at conserving and enhancing the character of the Village, its townscape and the surrounding landscape. A specific requirement to promote pedestrian connections and hence promote sustainable, healthier modes of transport has been included in all sites.'

- 6.20 The SA considers two reasonable alternatives to the approach taken in the Plan. The first alternative tested was the implementation of the current Neighbourhood Plan, with the exception of Policies 6-8: Site Allocations. The SA comments that the main rationale for undertaking a full SEA of the current Blyth Neighbourhood Plan is the allocation of residential sites. For this reason, an appraisal of an alternative not to allocate sites was considered relevant. The second alternative was to revert to the existing policy position for the area, managing development through the existing local and national legislation and plans.

Comments in the representations on the submitted SA

- 6.21 The proposed allocation of the land to the east of Spital Road (Policy 8) in general, and the way in which that site has been addressed in the Sustainability Appraisal in particular, forms part of the representation to the Plan made by Heyford Developments. Heyford Developments is promoting the development of land at Park Farm through the

plan-making process. It is one of the sites (NP08) which is considered in the Site Assessments Report.

6.22 The Heyford Developments representation raises the following concerns about the allocation of the Spital Road site (Policy 8) in the Plan:

- its deliverability;
- the number of houses to be delivered;
- its impact on the settlement form of Blyth; and
- the impact of the electricity pylons and the A1 on the layout and the amenities of the proposed site.

I address these issues in turn below.

6.23 On the issue of deliverability of the site I sought advice from the Parish Council as part of the clarification note process. It commented that:

‘This site is deliverable. It is noteworthy that the site owner has completed building 10 dwellings adjacent to the site within the last 12 months. He has already included access for the next stage of development up to the boundary, future proofing it for access of a road and other services’

6.24 On the basis of all the information available to me I am satisfied that the site is capable of being delivered. The site owner has engaged within the plan-making process in general, and the Site Assessment process in particular. The owner has not raised any comments about the impact of the criteria in Policy 8 on either the deliverability or the viability of the site. No other definitive information has been submitted which demonstrates that the site is not deliverable.

6.25 On the potential yield from the proposed Spital Road site Heyford Developments contend that it could deliver well in excess of the 53 dwellings identified in Policy 8. This assertion reflects that the Site Assessments work identified a potential yield of 86 dwellings. This has been reduced to the 53 dwellings in the submitted Plan to take account of the electricity pylons and the noise profile of the A1.

6.26 In my judgement the Spital Road site has the ability to generate in excess of 53 dwellings. Nevertheless, the eventual yield will ultimately be a matter for detailed design in the event that the Plan is ‘made’ and the development proceeds. In this context I am also satisfied that no direct harm will arise from a higher yield if that proves to be the case. The Site Assessments report identifies potential highways implications of this outcome which would need to be addressed at the relevant point if the various thresholds were tripped. This would be a matter for BDC to address in determining planning applications at that stage. In a broader sense I am also satisfied that a higher yield of homes on the site would be consistent with national policy to boost significantly the supply of housing land.

6.27 The submitted Plan makes reference to the emerging Local Plan in its paragraphs 6.7.6 to 6.7.10. This is a commendable approach which has regard to national policy on the relationship between adopted development plans, emerging neighbourhood plans and emerging local plans. However, the emerging Local Plan is at an early stage

of its development and has not yet been examined. In any event the basic conditions test for neighbourhood plan purposes is the adopted development plan and not any emerging Plan.

- 6.28 In addition the Core Strategy was adopted before the introduction of the 2012 NPPF and relies on former RSS data and information. The implication of this matter has been acknowledged in the decision of BDC not to proceed with its proposed Site Allocations and Development Management Document which was itself intended to underpin the Core Strategy. It is on this basis that it is now working towards the preparation of a new Local Plan.
- 6.29 In these circumstances I can give only limited weight to the cap of up to delivery of 599 dwellings in the collection of Rural Service Centres in Policy CS8 of the Core Strategy. This approach was not tested within the context of paragraph 47 of the 2012 version of the NPPF or the recent updates to the NPPF in 2018 and 2019. In this wider context a potential higher yield on the site would have regard to national policy. In addition, national policy is more recent (and therefore carries greater weight) than the strategic housing delivery policies in the development plan. Nevertheless, events have moved on locally on this matter. The most-recent BDC Five Year Housing Land Supply Statement (September 2019) indicates that the Council's current deliverable housing supply is 3,232 dwellings. This amount equates to a 10.1-year supply when assessed against the total five-year housing target of 1,607 dwellings (Table 7 of the document). In itself however this would not have direct bearing on the specific capacity of the proposed Spital Road housing allocation.
- 6.30 The issue of the impact of the development of the Spital Road site on the form of the village is a key consideration. It is addressed in the conclusion of the relevant part of the Site Assessments Report. I have considered this matter very carefully. In doing so I looked at the site and its surroundings when I visited the neighbourhood area. On the one hand, the development of the site would extend the form of the village significantly to the south. The southern part of the site would be approximately 500 metres to the south of the village centre and its retail and community facilities. In addition, the proposed site is at a higher level than that of the village centre. On the other hand, its development would consolidate the built form of the village within the triangle formed by the A1 to the east, by Spital Road to the west and by Retford Road to the north. In addition, its development would sit within the context provided by the recently-completed residential development off Spital Road (to the immediate north and west of the proposed site) and the existing built development at Blyth Country House/Spital House to the west of the southern tip of the proposed site.
- 6.31 On balance I am satisfied that, with appropriate design and access arrangements, the site would sit in a satisfactory fashion within the built form of the village. I have recommended modifications to Policy 8 later in this report to address associated matters of design and pedestrian access.
- 6.32 The issues of the electricity pylons and proximity of the proposed site to the A1 are acknowledged in the Site Assessment report. They are detailed matters which could be addressed in the wider context of the layout and design of the site in the event that

the Plan is 'made'. In general terms it is not uncommon for the development industry to provide successful solutions to such site constraints.

The appropriateness of the SA

- 6.33 Plainly the submitted SA and the associated work on the SAR sit at the heart of the Plan. In general terms I am satisfied that the Parish Council has undertaken the SEA process in a way which is proportionate to the Plan and its policies. It undertakes a high-level assessment of the objectives of the Plan against the sustainability objectives and an assessment of the Plan's policies against the sustainability appraisal objectives. It identifies the importance of Stages A-E in the wider process.
- 6.34 The key issue in the SA is the way in which it assesses new growth in general, and the allocation of housing sites in particular. The Parish Council commissioned the same consultant to undertake both pieces of work to ensure that the two reports are internally consistent with each other. The SAR considers fourteen potential residential sites against the following matters:
- an initial assessment by Bassetlaw District Council;
 - landowner support;
 - local community support;
 - compatibility with neighbouring land uses;
 - the impact upon agricultural land;
 - the impact upon landscape character zones;
 - the impact upon built environment;
 - the impact upon natural environment;
 - the impact upon heritage assets; and
 - the impact upon existing infrastructure.
- 6.35 As part of this process the SAR provides an assessment of each potential site on a Red-Amber-Green basis on each of the matters listed above. In addition, it lists any technical comments provided by BDC and then reaches its own conclusion on the appropriateness or otherwise of the inclusion of the sites concerned as housing allocations in the Plan. The December 2019 update corrected errors in the original SAR.
- 6.36 The SA captures the outcomes of the SAR process and the way in which it was fed into the wider plan-making process. In particular it assesses the preferred option (as included in the submitted Plan) against two reasonable alternatives as follows:
- the implementation of the Neighbourhood Plan, with the exception of Policies 6-8: (the housing site allocations); and
 - to revert to the existing policy position for the area, managing development through the existing local and national legislation and plans.

It then assesses the effect of the preferred option and the two alternative options against the sustainability appraisal objectives.

- 6.37 In the round I am satisfied that the combined effects of the SA and the SAR have addressed the related issues of housing growth and its distribution in the parish in a way which relates to EU legislation and best practice developed in the UK. I comment below on the details about the way in which the package of sites was selected (paragraphs 6.38- 6.44). This complements my earlier assessment of the details in the SA/SAR (paragraph 6.33), and the assessment of reasonable alternatives (paragraph 6.36).
- 6.38 The SA/SAR process undertaken has been both comprehensive and exhaustive. The SAR considered 14 potential residential development sites. The work undertaken has been underpinned by professional and technical advice. In particular the consideration of the various sites has been very thorough. The process has considered sites identified both by the Parish Council and by the BDC.
- 6.39 Within the wider context of the SA and the SAR I am satisfied that the Parish Council has assessed a healthy range of potential sites. They vary in size and location throughout the Parish. They are located within areas that are close to existing built development. In their different ways they also have the potential to contribute towards sustainable development.
- 6.40 I am also satisfied that the Plan has selected a package of residential development which is both appropriate to the characteristics of the neighbourhood area and is based on the evidence in the SA/SAR work. The preferred package of three sites relate well to the form and character of Blyth and Nornay to its north. They also vary in size. This will assist in both local choice and deliverability.
- 6.41 In this context the decision-making process in the plan has followed two important principles. The first is that the SA process provides the details for the decision-maker to reach a decision on the most appropriate development option to incorporate within the Plan. This reflects advice in the Office of the Deputy Prime Minister's 'A Practical Guide to the Strategic Environmental Assessment Directive 2005' which comments:
- 'It is not the purpose of the SEA to decide the alternative to be chosen for the plan or programme. This is the role of the decision-makers who have to make choices on the plan or programme to be adopted. The SEA simply provides information on the relative environmental performance of alternatives, and can make the decision-making process more transparent' (ODPM 2005 paragraph 5.B.7)*
- 6.42 The second principle is that the Plan does not necessarily need to incorporate the option (or in this case the package of sites) which performs best against the SA objectives. In this context the Spital Road site assessment identified a series of issues regarding infrastructure and its impact on the natural environment and the built character of the village. This reflects advice in Planning Practice Guidance which comments:
- 'This process is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are appropriate*

given the reasonable alternatives. It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met. Sustainability appraisal should be applied as an iterative process informing the development of the plan' (PPG 11-001-20190722)

- 6.43 In reaching this conclusion I have taken account of three related factors. The first is that the various tasks have been undertaken in a proportionate fashion. Whilst there will inevitably be a degree of professional judgement on the part of the consultancy undertaking the work the various disputed assessments within the SAR are neither unreasonable nor improbable. This approach reflects the advice in the Office of the Deputy Prime Minister's 'A Practical Guide to the Strategic Environmental Assessment Directive 2005' which comments that:

'Predictions do not have to be expressed in quantitative terms. Hard data may enable Responsible Authorities or expert advisers to make detailed quantitative predictions, and this can be particularly useful where a plan's or programme's effects are uncertain, close to a threshold, or cumulative. However, quantification is not always practicable, and qualitative predictions can be equally valid and appropriate. In current practice, these are often expressed in easily understood terms such as 'getting better or worse' or a scale from ++ (very positive) to -- (very negative). It can be useful to link predictions to specific objectives' (ODPM 2005 Section B3)

- 6.44 The second is that the various representations do not identify how any changes in the assessment of the sites concerned on the individual SA objectives would otherwise affect the overall assessment of the site and therefore its comparison with other reasonable alternatives. In this context I have given particular attention to the assertion by Heyford Developments that the SAR has given a disproportionate weight to the views of the community in determining the appropriateness or otherwise of the Park Farm sites. In my judgement it is not unreasonable to incorporate community views into the neighbourhood planning process. By definition the plan-making process is community driven and reflects key principles of the localism agenda as it has been translated into the Planning Acts. As such the plan-making process is underpinned by the need for a referendum. In addition, the community support criterion score was one of ten separate assessments on both this and the other thirteen sites considered.
- 6.45 The third is that, in any event, the SA and Site Assessment work has been designed to assist the Parish Council in its decision-making process rather than to provide prescriptive or absolute advice. This is made clear both in the SAR (paragraph 1.7) and the SA (paragraph 1.5).

European Legislation and Habitat Regulations – Habitats Regulations Assessment

- 6.46 BDC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It concludes that the submitted Plan is unlikely to have significant effects on a European site. The report is very thorough and comprehensive. In particular it assesses the likely effects of the implementation of the policies in the Plan on the following four sites. They are within 15km of the boundary of the neighbourhood area.

- Birklands and Bilhaugh SAC

- Hatfield Moor SAC
- Thorne Moor SAC
- Thorne and Hatfield Moors SPA
- Humber Estuary SAC, SPA and Ramsar

It concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and Appropriate Assessment is not required.

- 6.47 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.48 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.49 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report. Section 7 assesses each policy against the basic conditions. Where necessary it recommends modifications on a policy-by-policy basis.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It also includes a series of Community Projects and Aspirations. They are separately identified from the land use planning policies in Appendix A.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The Community Projects and Aspirations are considered thereafter.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-5)

- 7.8 The Plan as a whole is very well-organised and includes effective maps. It makes an appropriate distinction between the policies and their supporting text. Its design will ensure that it will comfortably be able to take its place as part of the development plan in the event that it is eventually 'made'. The initial elements of the Plan set the scene for the policies. They are proportionate to the Plan area and the subsequent policies.
- 7.9 The Introduction comments about the background to neighbourhood planning. It also helpfully describes the local planning context within which the Plan has been prepared. It includes a very effective map showing the designated neighbourhood area. Paragraph 1.1.1 advises about the Plan period.
- 7.10 Section 2 summarises how the submitted Plan was prepared. It sets out the management arrangements which were introduced. The timeline in paragraph 2.1.2 is very good summary of the key stages followed. It overlaps with the submitted Consultation Statement.
- 7.11 Section 3 describes the neighbourhood area. It does so in a very effective fashion. It is comprehensive in its coverage and includes information on:

- its history;
- an overview of the modern parish;
- the significance of the residential developments in the 1970s; and
- its transport links;

7.12 Section 4 sets out a comprehensive Vision for the Plan. It is underpinned by a series of Objectives. In all cases they are distinctive to the neighbourhood area. This is a key strength of the Plan. It is clear to understand and the policies flow from the evidence base and the supporting text. In addition, it has a clear focus on a comprehensive range of key development issues in the area. On this basis it deliberately avoids repeating national or local policies.

7.13 Section 5 provides a context to the Community Projects and Aspirations which appear later in the Plan in Appendix 1. Section 6 of the Plan sets out the policies. Section 7 addresses a potential review of the Plan in the event that it is made.

7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report. Thereafter it comments on the Community Projects and Aspirations

Policy 1: Sustainable Development

7.15 This policy seeks to address the importance of sustainable development within national planning policy. It offers support to development which would contribute towards the continued sustainability of the Parish subject to a series of environmental and locational criteria.

7.16 In general terms it is a good overall planning policy approach. In addition, it makes the necessary connections between growth, meeting housing needs, infrastructure capacity issues and design matters.

7.17 BDC queries the extent to which a policy of this type is required in a neighbourhood plan. Plainly a neighbourhood plan does not need to include a policy of this type and/or not need to reproduce national advice. However, policies of this type are increasingly found in both local plans and neighbourhood plans. In a general sense this demonstrates the way in which the various plans seek to have regard to national policy. In addition, in the case of the submitted Plan, it identifies issues which are distinctive to the neighbourhood area and which underpins other more specific policies

7.18 I recommend a modification to Section 1b of the policy with regards to meeting local housing needs. As submitted the policy approach does not have the clarity required by the NPPF. The proposed modification includes reference both to evidence and the up to date nature of that evidence base. Otherwise it meets the basic conditions.

In section 1b replace ‘the local housing needs’ with ‘the most up to date evidenced local housing needs’

Policy 2: Housing Design and Layout

- 7.19 This policy comments generally about housing design and layout. It provides a broader context to the site allocations which feature later in the Plan. The policy has five related parts as follows:
- design and character elements;
 - parking requirements;
 - the use of sustainable drainage solutions;
 - the application of Building for Life 12 principles for major development; and
 - the need for proposals to integrate with the built, natural and historic environment.
- 7.20 The first part of the policy has two related elements. The first requires that the design and the specification of new residential development should complement the character of the built-up area as described in the Neighbourhood Profile Report. The second requires that new development takes particular account of a series of design and layout matters.
- 7.21 The comprehensive nature of the policy has resulted in representations from BDC, Gladman Developments, Heyford Developments and Severn Trent Water. In their different ways they raise technical issues about the submitted wording of elements of the policy. Where it is appropriate to do so I have incorporated the content of these representations in my recommended modifications.
- 7.22 In general terms I am satisfied that the policy meets the basic conditions. It seeks to ensure that new residential development properly takes account of the character of the neighbourhood area and its built and natural environments. Nevertheless, I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF.
- 7.23 In the opening part of the policy I recommend the deletion of the word ‘only’. Within the context of a detailed criteria-based policy it is unnecessary. In any event the development plan is intended to be read as a whole rather than on a policy-by-policy basis. In addition, I recommend that the reference to the Neighbourhood Profile Report in the policy is refined so that it takes account of the location of any proposed development site in the relevant neighbourhood profile area.
- 7.24 In the sixth criterion of the first part of the policy I recommend a modification so that it is clear that the Supplementary Planning Document was produced by BDC.
- 7.25 In relation to the third element of the policy Severn Trent Water supports the approach towards SUDS. It also suggests that the policy addresses the nature of the wider drainage hierarchy and arrangements in Blyth. I recommend modifications to the supporting text to address this issue.
- 7.26 In relation to the fourth element of the policy I recommend that the wording used is modified so that it has a more general relationship with the wider policy. I also recommend that the definition of major development is repositioned into the supporting text.

- 7.27 In the fifth element of the policy I recommend detailed modifications to the wording used on renewable technologies so that it has a policy format. Otherwise this aspect of the policy meets the basic conditions

In the opening element of the first part of the policy delete ‘only’

In the opening element of the first part of the policy replace ‘Neighbourhood Profile Report’ with ‘the relevant neighbourhood profile area’

In criterion f of the first part of the policy insert ‘Bassetlaw District Council’ before ‘Supplementary Planning Document’

In the fourth part of the policy replace ‘Major development*.... criteria and’ with ‘Proposals for major development should comply with the contents of the first three parts of this policy and ensure that’

In the fourth part of the policy delete the definition of major development

In the fifth part of the policy replace ‘strongly encouraged and supported’ with ‘particularly supported’

Add a new element of supporting text (6.3.8) to read: ‘The third part of Policy 2 comments about sustainable urban drainage solutions. The approach is supported by Severn Trent Water. New development should also would also take account of the use of the Drainage Hierarchy. The drainage network within Blyth is a foul only network, therefore the connection of surface water to the foul system will not be permitted. As such it is important that the drainage needs associated with new residential development are properly addressed and accommodated’

Add a new element of supporting text (6.3.9) to read: ‘The fourth part of Policy 2 comments specifically about major development proposals. [Insert here the deleted element of the submitted policy on definitions]’

Policy 3: Housing Affordability

- 7.28 This policy comments about the allocation of all new affordable housing which may come forward in the Plan period. It arises from the outcome of local consultation in October 2017.
- 7.29 Through the clarification note process I sought the Parish Council’s view on whether the policy is a land use policy (and for control under the Planning Acts) or a matter to be determined by BDC under its powers under the Housing Acts. The Parish Council advised that the policy was largely replicating an equivalent policy of BDC. On this basis it was satisfied that the policy could be deleted without affecting its intentions.
- 7.30 I recommend accordingly. This reflects the national approach that neighbourhood plans should not replicate local policies.

Delete the policy

Delete paragraphs 6.4.1 to 6.4.5

Policy 4: Pre-application community consultation

- 7.31 This policy comments about the Plan's intentions that developers should engage with both the Parish Council and the local community when preparing planning applications. The approach taken reflects national policy in the NPPF on this matter.
- 7.32 In through the clarification note I sought the Parish Council's view on whether the policy is a land use policy in general terms and the extent to which its first two parts were statements of process. The Parish Council advised that the policy could be removed from the Plan.
- 7.33 I recommend accordingly. I also recommend consequential modifications to the supporting text. This reflects the national approach that neighbourhood plans should not replicate local policy.
- 7.34 However unlike the approach that I have taken in Policy 3 I am satisfied that the supporting text can remain in the Plan as it reinforces national policy. I recommend that elements of the third part of the submitted policy are incorporated into paragraph 6.5.3. Both that paragraph and paragraph 6.5.2 provide a local dimension to the approach taken in the NPPF.

Delete the policy.

In paragraph 6.5.1 delete the second sentence.

In paragraph 6.5.2 replace 'Policy 4 is intended to encourage' with 'The Plan encourages'

At the end of paragraph 6.5.3 add the deleted third part of the policy. In doing so replace 'The planning application should include' with 'In this context it would be helpful and transparent if the resulting planning applications included'

Policy 5: Windfall Sites

- 7.35 This is an important policy in the wider context of the Plan. It sets out an approach towards infill development in the built parts of the neighbourhood area.
- 7.36 In general terms I am satisfied that the policy is appropriate and relates to the character of the neighbourhood area. I recommend two detailed modifications to ensure that the policy has the clarity required by the NPPF. In both cases they were raised with the Parish Council as part of the clarification note process. The first removes 'only' from the initial part of the policy. Its inclusion is unnecessary given the wider construction of the policy. The second is the removal of the very specific density standards proposed in the second criteria. As submitted, they are both prescriptive and may restrict otherwise appropriate development from coming forward. The general elements of the criterion provide sufficient guidance for BDC to make development management decisions within the Plan period.

In the opening part of the policy delete 'only'

In criterion b delete the final part after 'surrounding area'

Proposed allocated sites

7.37 Policies 6-8 propose the allocation of three sites for residential development. They are as follows:

Policy 6 Land to the east of Bawtry Road

Policy 7 Land to the north of Retford Road

Policy 8 Land to the east of Spital Road

7.38 The selection of the sites arises from the work undertaken on the SAR and the SA. I have considered the site assessment process in Section 6 of this report. In this section I concentrate on the details of the three policies and the extent to which they meet the basic conditions.

7.39 Each of the three policies seek to anticipate the number of dwellings to come forward on each site in general terms, and to identify a maximum number in particular. I have made earlier comments about the planning policy context in the District and the weight which the submitted Plan has given to an emerging Local Plan. In these circumstances I recommend that the number of dwellings to be delivered is removed from the three policies and repositioned in the supporting text. As submitted the various policies have the clear ability to limit artificially the development of the site. A cap on development yields may also have unintended consequence on the design, layout and delivery of house types on the three sites. In the specific case of the site to the East of Bawtry Road its development may be best suited to the development of a single dwelling. This approach would reflect the scale and nature of the houses in adjacent plots. This will be a matter to be considered and determined through the planning application process in the event that the Plan is made.

At the end of paragraph 6.7.17 add:

‘The three policies provide detailed design guidelines for their eventual development. The Plan recognises that detailed proposals will need to be prepared by the land owners and developers concerned. As such Policies 6,7 and 8 do not provide any specific guidance or limit on the number of homes which could be delivered on each site. Nevertheless, given the scale and nature of the sites their anticipated yield are as follows:

Land to the east of Bawtry Road 1 or 2 homes

Land to the north of Retford Road 3 dwellings

Land to the east of Spital Road 55 dwellings’

Policy 6: Land to the east of Bawtry Road

- 7.40 This policy allocates a parcel of land to the east of Bawtry Road for residential purposes. The proposed site is currently within a residential curtilage to the rear of an existing property (Lynwood). It is located at the northern edge of Nornay. The policy anticipates a yield of up to two dwellings. I am generally satisfied that the site is appropriate to be allocated for residential development. Whilst its position is slightly isolated from the main retail and community facilities in Blyth village it is of a modest size and may have otherwise come forward through the planning application process as an infill site.
- 7.41 I recommend modifications to remove the reference to the potential number of houses to be delivered on the site. Other recommended modifications to the supporting text seek to provide a wider context for this approach. In this case it may well be that the development of a single dwelling on this site may relate better than two dwellings to the scale and nature of surrounding dwellings. This will be a matter of detailed development management consideration in the event that the Plan is 'made'.
- 7.42 I also recommend detailed modifications to the wording of the policy. As submitted, it comments that development proposals should 'give consideration' to a series of criteria. The recommended modifications are more prescriptive to ensure that the important matters identified in the policy are translated into the delivery of the site in the event that the Plan is 'made'.

In the opening part of the policy delete 'of up to...new dwellings'

In the second part of the policy replace 'give consideration to the following' with 'and provide positive designs which address the following matters:'

In a replace 'The impact' with 'The potential impact of the development'

Replace the second sentence of a with: 'Development proposals should demonstrate how their design, layout and materials would not have an unacceptable harm on heritage assets in the immediate vicinity'

Replace b with: 'Provides safe and adequate access to and from the site and a suitable level of parking provision for the size of the dwellings concerned'

Policy 7: Land to the north of Retford Road

- 7.43 This policy allocates a parcel of land to the north of Retford Road for residential purposes. The proposed site is currently within the Extensive residential curtilage of an existing house on Retford Road. Whilst the site is located close the eastern edge of the village by the A1 it is within comfortable walking distance of the retail and commercial facilities in the village centre. I am generally satisfied that the site is appropriate to be allocated for residential development. It is in a sustainable location.

- 7.44 I recommend detailed modifications to the wording of the policy. As submitted, it comments that development proposals should ‘give consideration’ to a series of criteria. The recommended modifications are more prescriptive to ensure that the important matters identified in the policy are translated into the delivery of the site in the event that the Plan is ‘made’.

In the opening part of the policy delete ‘of up to...new dwellings’

In the second part of the policy replace ‘give consideration to the following’ with ‘and provide positive designs which address the following matters:’

Replace a with: ‘Provides safe and adequate access to and from the site and a suitable level of parking provision for the size of the dwellings’

Replace b with: ‘Development proposals for this site should be accompanied by a Flood Risk Assessment. Where necessary a buffer zone between the north of the site and the area of flood risk should be provided in any design of the site.’

Policy 8: Land to the east of Spital Road

- 7.45 This is an important policy within the Plan. It allocates a parcel of land to the east of Spital Road for residential purposes. The proposed site is currently in agricultural use. The A1 trunk road forms the eastern boundary of the site. Recently-constructed houses are located to the immediate north-west of the site. Spital Road rises slightly from the north (in the village centre) to the south (at Spital House and its junctions with the A1).
- 7.46 The policy anticipates a yield of 53 dwellings. On this basis it is the most significant of the three proposed allocations in the Plan. This yield reflects the constraints of the electricity power lines which cross the southern part of the site and the need to take account of the noise profile of the A1 to the east. I have commented on a series of issues raised about the development of the site in the section on the SEA earlier in this report (Section 6). I will not repeat them here. Nevertheless, I have incorporated those comments into the recommended modifications to the policy.
- 7.47 In general terms I am satisfied that the allocation of the site in the Plan is both appropriate and evidence-based. It will represent the largest development in the neighbourhood area. Its development would consolidate the built form of the village within the triangle formed by the A1 to the east, by Spital Road to the west and by Retford Road to the north. In addition, its development would sit within the context provided by the recently-completed residential development off Spital Road (to the immediate north and west of the proposed site) and the existing built development at Blyth Country House/Spital House to the west of the southern tip of the proposed site. In addition, I am also satisfied that the site is capable of being developed in a satisfactory fashion through pre-application discussions and the development management process. Nevertheless, I recommend modifications to the policy to address design and pedestrian access matters. In turn these issues will assist in securing a high-quality outcome in general terms, and in ensuring the wider site is incorporated into the fabric of the village.

- 7.48 I sought advice from the Parish Council on the prescriptive nature of the 53 dwellings cap on the development of the site. I was advised that:

‘This figure is based on the Draft Bassetlaw Local Plan requirements to achieve the 20 per cent cap on development in rural areas, with a 10 per cent requirement. It is specifically in line with Rural Policy 8 of the same document, and the number of dwellings reflect the upper limit for flexibility and to offer more affordable housing. The site in reality could include more houses, however, it has some restrictions including overhead cables and the need for a noise bund between the houses and A1. These restrictions were taken into account when it was determined to propose 53 dwellings to the site to make the prerequisite dwelling numbers.’

- 7.49 I recommend that the policy makes specific reference to the need for the delivery of an appropriate level of affordable housing. In its response to the clarification note the Parish Council commented that it is expected:

‘that appropriate levels of affordable housing will be situated on this site, and that it will be addressed by Bassetlaw District Council through the planning application process. This site (is perceived) to be the only sizable site within Blyth which would include affordable housing’

- 7.50 I also recommend detailed modifications to the wording of the policy. As submitted, it comments that development proposals should ‘give consideration’ to a series of criteria. The recommended modifications are more prescriptive to ensure that the important matters identified in the policy are translated into the delivery of the site in the event that the Plan is made.

In the opening part of the policy delete ‘of up to...new dwellings’

In the second part of the policy replace ‘give consideration to the following’ with ‘and provide positive designs which address the following matters:’

In a replace ‘The impact’ with ‘The potential impact of the development’

In a combine the second sentence into the first sentence (by replacing ‘consideration should be given’ with ‘and)

In a (third sentence) replace ‘will be asked to’ with ‘should’

In b add ‘Provide’ at the beginning and delete the final sentence (on a transport assessment).

Insert an additional criterion between b and c (as submitted) to read: The provision of affordable housing to the most up-to-date Bassetlaw District Council standards’

Insert a further additional criterion between b and c (as submitted) to read: ‘The design of a site layout which takes account of its relationship to Spital Road and

provides safe and attractive pedestrian and cycle routes within the site and between the site and Spital Road'

Replace c with: 'The provision of a landscape buffer or other appropriate mechanisms to provide a noise and air quality buffer between built development on the site and the adjacent A1 trunk road'

Replace d with: 'The need to ensure the layout of the wider site has regard to the overhead power line running through the southern part of the site'

Policy 9: Employment

- 7.51 This policy comments about the future potential of local residents to work from their homes. This reflects the demographic profile of the neighbourhood area and the opportunities that exist for such activities with advances in technology.
- 7.52 I recommend detailed modifications to the wording of the policy so that it has the clarity required by the NPPF. In particular I recommend that the policy acknowledges that many proposals of this nature will not need planning permission as a material change of use will not take place. Plainly this will be a matter of judgement for BDC on a case-by-case basis. I also recommend consequential modifications to the supporting text. Otherwise the policy meets the basic conditions.

At the beginning of the policy insert: 'Insofar as planning permission is required'

Replace 'to allow' with 'for' and 'so long as' with 'where'

Replace 'a detrimental' with 'an unacceptable detrimental'

In criterion a delete 'and'

In criterion b delete 'or'

At the end of paragraph 6.11.5 add: 'Policy 9 addresses this important matter. It acknowledges that many such proposals are likely to be permitted development and for which express planning permission would not be required'

Policy 10: Community Facilities

- 7.53 This policy comments about the community facilities in the neighbourhood area. It is very well-crafted. It includes the following components:
- the identification of ten community facilities to which the policy would apply;
 - offering support to their enhancement/improvement/extension as relevant to any proposal; and
 - identifying the limited circumstances in which development which would result in the loss of the identified community facilities would be supported.
- 7.54 The policy properly reflects the importance of this matter to the local community. In addition, it is in general conformity with Policy CS8 of the Core Strategy. I recommend

the deletion of ‘across the Plan area’ in the second part of the policy as it is unnecessary. Otherwise it comfortably meets the basic conditions.

In part 2 delete ‘across the plan area’

Policy 11: Important Views

- 7.55 This policy identifies key views and vistas and sets out a policy approach for their relationship to future development proposals. The identified views originate from the work undertaken on the Neighbourhood Profile Report. I looked at the identified views when I visited the neighbourhood area. Having done so I am satisfied that they are important and self-evident in both the village itself and within the wider landscape.
- 7.56 The policy takes a non-prescriptive approach. It supports development that has been designed to take account of the identified views. In other circumstances it requires that development proposals which may harm the views will need to demonstrate how the benefits of the development would outweigh the harm caused.
- 7.57 I recommend modifications to the wording of the final part of the policy. As submitted, it lacks clarity on the scale and nature of the harm to the identified key views and vistas. Otherwise it meets the basic conditions.

Replace the third part of the policy with:

‘Development proposals which would cause unacceptable harm to the identified Key Local Views and Vistas should demonstrate how the benefits of the proposed development would outweigh the harm to any identified view and the scale and nature of any proposed mitigation. Development proposals which are unable to demonstrate that the proposed development meets these tests will not be supported’

Policy 12: Local Green Space

- 7.58 This policy proposes the designation of five local green spaces (LGS). The submitted Plan is associated with the LGS Assessment. It is a very impressive document which assesses each of the five proposed LGSs against the criteria in the NPPF (paragraph 100). In particular it includes information on:
- site ownership and commentary from the site owners;
 - the planning status of the proposed sites;
 - their size;
 - their proximity to Blyth; and
 - the extent to which they are demonstrably special.
- 7.59 I am satisfied that The Adventure Play Area Football Fields, Church Green, the Village Green and The Ridings comfortably meet the three criteria in the NPPF.
- 7.60 On the proposed fifth LGS (part of Blyth Hall park and garden) I sought advice from the Parish Council on the size of the site and the extent to which it was ‘local in character’. I was advised that:

'The green space highlighted is a sub-division of an 'unregistered Park and Garden'. The segment is approximately 30 per cent of the whole area and was deemed by the residents as having views across that area that gives character to the village. It is an area which residents use, appreciate and utilize regularly. Not only is this green space central to the village, anything larger would have been far too big. The 'boundary' of this area was taken from natural occurring features as it is curtailed by the old bridge and the river. It is notable that it excludes the Cricket Club to the east of the green space, as this is a community facility'

- 7.61 Having considered all the information I am satisfied that the proposed LGS at part of Blyth Hall meets the tests in the NPPF and therefore the basic conditions. Whilst the proposed LGS is significantly larger than the other proposed LGSs it is the smallest area that is practicable to safeguard this important historic site within the wider Parish.
- 7.62 In addition, I am satisfied that their designation accords with the more general elements of paragraph 99 of the NPPF. Firstly, the package of spaces is consistent with the local planning of sustainable development. In this context the submitted Plan includes a three allocated housing sites. In addition, none of the proposed LGS have been considered as potential development sites. Secondly, I am satisfied that they are capable of enduring beyond the end of the Plan period. Indeed, in many cases they are established elements of the local environment and are sensitively managed as green spaces in ways appropriate to their particular uses.
- 7.63 The policy itself lists the various LGSs and then sets out a policy approach which would resist development that would adversely affect the function of a designated LGS. Whilst this part of the policy largely follows the approach in national policy (NPPF paragraph 101), it does not have the necessary clarity for a development plan policy. In particular it fails to identify the types of development which would affect the purpose of such designation. I recommend that the policy is modified so that it takes on the matter of fact approach set out in the NPPF. It will be a matter for BDC's judgement to determine whether any proposals which may come forward within the designated LGSs would conflict with the policy approach.

Replace the final part of the policy with: 'Proposals for development within designated Local Green Spaces will only be supported in very special circumstances'

Policy 13: Green Infrastructure

- 7.64 The first part of the policy offers support for development which would improve or extend access to green infrastructure. It also identifies that development proposals will be expected to protect and enhance green infrastructure assets (parts 2 and 3 of the policy).
- 7.65 The supporting text (6.15.1 to 6.15.6) comprehensively addresses the Core Strategy context to this policy and draws attention to the Bassetlaw Green Infrastructure Study (May 2010).

- 7.66 In general terms the policy is appropriate and distinctive to the neighbourhood area. I recommend a series of modifications to ensure that its wording has the clarity required by the NPPF.

Replace the opening component of the first part of the policy with:

‘Development proposals which either directly relate to improved or extended access to green infrastructure or which provide opportunities for walking and cycling will be supported where such proposals:’

In both parts 2 and 3 of the policy replace ‘will be expected to’ with ‘should’

Community Projects and Aspirations

- 7.67 The Plan includes a series of Community Projects and Aspirations. Appendix A of the Plan correctly summarises their status as local issues which have arisen as part of the preparation of the Plan.
- 7.68 Planning Practice Guidance comments that such matters should be included in a separate part of the Plan distinct from the land use policies. The submitted Plan has taken precisely this approach.
- 7.69 The Community Projects and Aspirations are comprehensive. They include highway, community, parking and environmental matters. There is no need for this report to address them in turn as they will not ultimately be part of the development plan. However, I am satisfied that in their different ways they provide a clear list of priorities for the Parish Council and others to address in the Plan period. In some cases, the Projects and Aspirations directly complement the land use policies.
- 7.70 The following Projects and Aspirations are worthy of particular mention for their distinctive approach within the context of the wider neighbourhood area:
- the provision of cycle tracks (2);
 - pedestrian and pavement related matters (8/9/10);
 - vehicle speed related matters (14/17); and
 - potential improvements to the Blyth Cricket Ground and Pavilion (21).

Other Matters - General

- 7.71 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for BDC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Section 7 Reviewing the Plan

- 7.72 The Plan properly comments about the need for monitoring of any made Plan. It also recognises that a review of the Plan may be required at some point within the Plan period.
- 7.73 The submitted Plan has been prepared within the context of a development plan that pre-dates the introduction of the NPPF. BDC is now working towards the preparation of a new Local Plan. This process will be an important milestone in the development of planning policy in the District. Consultation on the draft Local Plan took place in January and February 2020. The draft Plan proposed that Blyth should be identified as one of a series of Large Rural Settlements. These settlements are in the second category in the District Settlement hierarchy (after the three main towns).
- 7.74 In these circumstances I recommend that the submitted neighbourhood plan includes a degree of commentary the relationship between the adoption of the emerging Local Plan and the status any ‘made’ neighbourhood plan at that time. Plainly the Parish Council will need to consider the potential impact at that time and reach its own view on the need or otherwise for a review of a ‘made’ neighbourhood plan.
- 7.75 I also recommend that this part of the Plan addresses a potential scenario where development does not proceed on the allocated housing sites in general, and on the Spital Road site (Policy 8) in particular.

At the end of the first sentence of paragraph 7.1.3 add: ‘or if the sites allocated for residential development in this Plan do not come forward in general terms or if the Spital Road site (Policy 8) in particular does not proceed’

At the end of paragraph 7.1.3 add: ‘The adoption of the Bassetlaw Local Plan 2037 will be a key milestone in this process’

Replace the opening sentence of paragraph 7.1.4 with ‘In this context the Parish Council will consider the need for a review of the Plan based on monitoring information and/or the contents of the emerging Local Plan’

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area and its community facilities.
- 8.2 Following my independent examination of the Plan I have concluded that the Blyth Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Bassetlaw District Council that subject to the incorporation of the modifications set out in this report that the Blyth Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Bassetlaw District Council on 28 September 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner.

Andrew Ashcroft
Independent Examiner
18 May 2020