# Misterton Neighbourhood Plan (Review)

# Regulation 16 Consultation (15 September to 27 October 2023)

# Consultation Responses (Compiled)



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## Overview

This document compiles all of the responses received during the Regulation 16 consultation. Original copies of the responses have been supplied to the Independent Examiner, so as to inform the assessment of the Plan. Please contact the [Neighbourhood Planning Team](mailto:neighbourhoodplanning@bassetlaw.gov.uk?subject=Hayton%20Neighbourhood%20Plan) with any queries, including reference to any supplementary documents not included here.

## 1: Bassetlaw District Council: Conservation

Having looked through the latest version, it is evident that only a small number of my earlier suggested changes have been carried out. Those changes were made for various reasons, especially accuracy, legibility and to ensure the plan accords with national heritage policy and legislation. I must strongly urge the NP Group to make the changes requested, otherwise the plan will not have the support of the Conservation Team.

I should add that the Chesterfield Canal is already identified as a non-designated heritage asset, as set out in our approved Criteria. It is also not the place for the NP Group to identify heritage assets – that is solely the function of Bassetlaw District Council and Nottinghamshire County

Council. I have edited the various paragraphs and policies accordingly.

All suggested changes in red:

**Page 50, Paragraph 102:**

The historic core of Misterton village is not designated as a conservation area. The analysis in the Misterton Design Guidelines and Design Code, along with historic mapping, shows that the

Church of All Saints, Church Street, High Street, Station Street and Haxey Road can be seen as the historic core, but with historic farm buildings scattered amongst the other character areas. The analysis in the Misterton Design Guidelines and Design Code helps set out the historic significance of the area.

**Page 50, Paragraph 103:**

The maps below show the heritage assets in the village. These include listed buildings (as identified by Historic England) and non-designated heritage assets (identified by Bassetlaw

District Council and Nottinghamshire County Council, being buildings that have a local level of historic and/or architectural significance).

**Page 50, Paragraph 104:**

In addition, the Chesterfield Canal is regarded as one of the most important heritage assets in

Nottinghamshire, being identified by Bassetlaw District Council as a non-designated heritage asset in its own right. The Canal and Rivers Trust support this stance, describing the canal as a “valuable reminder of the industrial heritage of the area”. The NPG agree and this has been reflected on Map 11a.

**Page 50, Paragraph 105:**

There are also a few more isolated listed buildings and non-designated heritage assets in the rural parts of the Parish, which include Haxey Gate Bridge, Cornley Carr Farm, Gringley Road

Farmhouse and Fountain Hill Farmhouse.

**Page 53, Policy 9R**

*---Please remove part 3 – it is unnecessary.---*

**Page 53, Policy 8R, Part 3 (was part 4):**

The effect of a proposal on non-designated heritage assets, positive buildings or listed buildings as shown on Maps 11a, 11b & 11c, will be considered based on the asset’s significance.

Proposals should seek to minimise the conflict between the heritage assets’ conservation and any aspect of the scheme. A balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. Note that the Chesterfield Canal is regarded as a non-designated heritage asset in its own right.

*-Note: reference to Listed Buildings isn't required in this paragraph, as Part 1 covers Listed*

*Buildings. Also, ‘positive buildings’ is irrelevant as that relates to buildings in Conservation Areas.*

**Page 67, Policy 15R NP02, part 1:**

a. Retain and, where necessary, replace the low red brick wall along the boundary frontage (subject to allowing safe vehicular and pedestrian access);

b. A layout that reflects the prevailing street character and extends the built form frontages along Church Street;

c. Preserves the setting of the adjacent grade II listed The Farmhouse;

d. A consideration of the key view west from the site and east to All Saints Church in the orientation of the built form and street;

e. Considers the site’s location in relation to both The Farmhouse and All Saints Church to the east and the open countryside to the west;

f. respects the setting of the non-designated heritage asset on the site’s boundary.

I hope this is of use.

## 2: Bassetlaw District Council: Neighbourhood Planning

**General**

**Plan duration:** There are noted inconsistencies in the end date for the Plan, with this being noted as 2018 in some parts, and 2038 in others.

**References**: It may be necessary to update general and specific references to the Bassetlaw Local Plan, pending the outcome of the current examination.

**Maps 2 and 14a**: Treatment of the development boundary where it crosses over into adjoining Walkeringham Parish (south eastern corner) needs reconsideration. The emerging Bassetlaw Local Plan is not proposing to maintain development boundaries, unless identified in a neighbourhood plan, and this element is not identified in the Walkeringham Neighbourhood Plan.

**Policies Map:** The inclusion of a map detailing all of the designations included in the Plan would be a useful addition.

**Specific**

**Para 2:** The text will need updating as the Plan progresses towards referendum / subject to adoption.

**Policy 1R – 1:** Minor formatting error - there are two criterion ‘a)’.

**Policy 1R and 2R:** There appears to be a degree of overlap between these two policies; it may be that they could be effectively combined into one, or a clearer distinction made as to their specific roles. That said, it is appreciated that the effective management of infill development was a key reason for the review being instigated, hence any modification would need to be balanced with upholding this intent.

**Para 69 / Photo 3:** Minor formatting error – it is assumed that this should not be listed as para 69, with consequent renumbering of all following paragraphs.

**Para 71:** Minor formatting error – para 71 is missing.

**Policy 7R – 2**: Minor formatting error - unnecessary hyphen between ‘resultant’ and ‘built’.

**Policy 8R – 2:** This clause mentions a car park, but does not mention the railway station that would need to be developed in order for the stopping train service to call there; in the interests of clarity this may be a sensible inclusion.

**Para 138:** The third sentence would benefit from review in the interests of clarity; technically, the Plan is allocating the identified sites, albeit with the addition of updated policy stipulations.

**Map 14b:** In the interests of clarity, it would be advantageous for this map to be drawn in the same style / at the same scale as those for the other site allocations.

**Para 151 / Policy 16R:** This site has an extant planning permission (22/00466/FUL), and construction work is now underway.

**Figure 8:** This diagram, from the Design Code, depicts the development boundary incorrectly (it matches the site boundaries, as per Map 14a). This figure should either be corrected, if possible, or removed, to avoid confusion.

**Policy 17R – 4**: Minor formatting error – 17R - 4 should be 17R – 3.

## 3: Bassetlaw District Council: Planning Policy

**Specific Planning Policy Comments:**

**Policy 1R and Policy 2R**

The Policy Team maintain the view that the merging of Policy 1R and 2R would provide a stronger and more effective policy when considering developments within and outside the development boundary. As currently presented, Policy 1R enables infilling development as long as it meets criteria a-g.

Policy 2R also enables infilling but identifies a slightly different criteria. Would applications for infilling need to comply with Policy 1R, Policy 2R or both?

**Policy 3R**

It is unclear how part 4 of the Policy would be effective or implemented. The National Tree Planting Programme is not a national Planning Policy and therefore where is the evidence for this part of the policy? Does it apply to all applications residential/ non-residential?

**Policy 4R**

Part 1 of Policy 4R refers to ‘All proposals are required’’……but what if a proposal is not located within a significant Green Gap or an identified Important View? Should ‘where appropriate’ replace ‘All’ at the start of the second sentence to Part 1 of the Policy?

**Policy 6R**

Not all the identified criteria would necessarily apply to all development. Part 3 of the Policy might benefit from adding ‘Where appropriate’ after ‘should’.

Part 3 c

How/where should they show? In their design and access statement?

Part 3 e

Is this too prescriptive? Not all properties are red-brick or rendered?

**Policy 7R**

Does part 6 of the Policy include larger scale development inside and outside the development boundary? If so, it may benefit the policy to provide clearer introductory text to outline what type(s) of development this part of the Policy is seeking to manage.

**Policy 8R**

The introductory text needs to be made clearer as to whether this is a site allocation or not. If not, then it is unclear how deliverable or effective this policy will be. It is more aspirational in its narrative so it might be better to sit as a community aspiration rather than a Policy.

**Policy 10R**

This Policy needs to be clearer in the type of uses it is promoting. Not all economic/business development would be supported or appropriate in Misterton. This Policy should refer to the uses appropriate for the location in both National and Local Planning Policy. These uses are more likely to be those that are small in scale and support the rural economy or existing businesses.

This applies to Part 3 of the Policy. Again, not all economic/business development would be appropriate outside the development boundary.

**Policy 12R**

Not all developments will provide a mix of homes. Generally, larger developments – such as the identified allocations in this Plan – will provide a greater mix of homes. The Policy should be amended to reflect this. The housing allocation policies might benefit from having a criteria for housing mix within them.

**Policy 13R**

Is a Coop Convenience Store and a Pharmacy considered a community facility or a business?

**Policies 14R – 18R**

These policies are good in relation to their design principles. However, they lack management tools for the housing element. Design is one part of an allocation, but the delivery and type of housing is another. All these policies would benefit from further detail about the type and mix of housing they are seeking to achieve. This would compliment Policy 12R and also enable the right type of development being delivered for the community over the Plan period. This forms a key part of the community vision and objectives.

## 4: British Horse Society

The response below is from the British Horse Society however our volunteers in the county may also respond at a local level. There are **633 horses** registered in the DN10 postcode areas (DEFRA, 2021). This equates to an annual **contribution to the economy of £** **3,511,884**.

The British Horse Society is the UK’s largest equestrian Charity, representing the UK’s 3 million horse riders. Nationally equestrians have just 22% of the rights of way network and are increasingly forced to use busy roads to access them. The **NPPF para 100** states: *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.*

Comments:

The value of green and blue infrastructure and Rights of Way are highlighted. Policy 4R does mention extending or enhancing PRoW. Please consider that walking, wheeling and horse-riding/carriage driving are all leisure activities which make best value of off-road routes if they are **shared/multi-user**. Footpaths exclude all vulnerable road users except pedestrians. Towpaths are accessible to horse riders as well as pedestrians and cyclists in many areas, for example Milton Keynes. Any physical creation of new paths is to be welcomed (provided that equestrians are included), as this will enhance the ability of the public to increase its access to safe off road routes for leisure and utility.

Community Objective 6 relates to quality of life and this should extend to health and wellbeing.

(Data comes from research undertaken by the University of Brighton and Plumpton College on behalf of The British Horse Society)

• 68% of questionnaire respondents participated in horse riding and associated activities for 30 minutes or more at least three times a week. Sport England estimate that such a level of sporting activity will help an individual achieve or exceed the government’s recommended minimum level of physical activity.

• Women have been identified in government studies as a social group with relatively low levels of participation in physical activity. Some 93% of questionnaire respondents were women and 49% percent of female respondents were aged 45 or above. These are comparable figures to a major Sport England survey which found that 90 percent of those participating in equestrianism are women and 37 percent of the female participants in equestrianism are aged 45 or above. The gender and age profile of equestrianism is not matched by any other sport in the UK[[1]](#footnote-1) .

• Amongst the horse riders who took part in the survey, 39% had taken no other form of physical activity in the last four weeks. This highlights the importance of riding to these people, who might otherwise be sedentary.

• Horse riders with a long-standing illness or disability who took part in the survey are able to undertake horse riding and associated activities at the same self-reported level of frequency and physical intensity as those without such an illness or disability.

The BHS has further information for reference available here: <https://www.bhs.org.uk/advice-and-information/free-leaflets-and-advice>

## 5: Canal & River Trust

Thank you for consulting the Canal & River Trust on the submission version of the Misterton Neighbourhood Plan (Review).

Having reviewed the document I can confirm that the Trust has no comments to make.

## 6: Environment Agency

Thank you for consulting us on the Misterton Neighbourhood Plan Regulation 16 submission and please see our comments detailed below.

Overall, we are very pleased to note that all our recommendations from our previous response have now been implemented into the updated neighbourhood plan.

**Flood Risk – Former Newell’s factory site**

We are please that our recommendations have been incorporated into Policy 8R. One minor note we would like to make is that point 99 correctly identifies that due to historic uses there could be land contamination present at the Newell’s site which would need remediation if discovered however this is not present within the actual policy wording.

We would recommend that this is incorporated into the wording of policy 8R.

**Biodiversity Net Gain**

We are pleased to see that our recommendations around wording within this section have been implemented. Point 54 emphasises the requirement for a minimum of 10% net gain being supplied on new development sites and encourages net gain more than this figure up to 20% where possible.

We are very pleased to see that policy 3R point 3 also reiterates the requirement for a minimum of 10% net gain.

**Green Infrastructure**

In our previous response we noted that while we welcomed the inclusion of a policy to address green infrastructure, we would recommend that this is renamed to Green and Blue Infrastructure. We are pleased to see that the neighbourhood plan has integrated the requested change to wording.

## 7: GPS Planning

I write further to your invitation to make timely representations in relation to the above.

It is understood that a Review of the Misterton Neighbourhood Plan is underway, and the Misterton Review Neighbourhood Plan Submission document dated 13.09.2023 is currently out for consultation, the deadline date for comments to be submitted being 27 October 2023.

As we trust you are aware, we are also actively involved and have submitted representations on the new Draft Bassetlaw Local Plan 2020- 2038 which is at an advanced stage, is currently under Examination and is evolving further since the publication of the Main Modifications schedule (MOD-001) and associated papers including the Housing background paper (MOD-008). A copy of our latest submissions in relation to the new Local Plan main modifications consultation are attached for ease of reference. We also attach copies of our correspondence and those prepared in association with ourselves by Shakespeares which have been sent to Misterton Parish Council.

As explained in detail in our earlier correspondence, set against a minimum requirement of 196 dwellings expected to be delivered at Misterton, the latest evidence clearly shows there to be a notable shortage of allocated sites for housing at Misterton.

Our calculations show, based on the latest evidence, **an outstanding minimum requirement of at least 44 dwellings would remain.**

In light of the above, it therefore remains our firm opinion that **further land needs to be allocated for housing at Misterton now to meet the expected minimum housing delivery rates envisaged by the new Local Plan.** As the development boundary around Misterton has been so tightly drawn which leaves little or no opportunities for limited infill development, it is our considered opinion that further land on the edge of the settlement needs to be allocated now to achieve the latest minimum outstanding requirement of at least 44 dwellings.

As part of the Neighbourhood Plan Review consultation process that you are undertaking, we once again respectfully urge you and MPC to consider looking at further land allocation(s) at Misterton now to ensure that both the new emerging Local Plan 2020-2038 and the Neighbourhood Plan that is currently being reviewed align with one another.

As previously advised, it would be very unfortunate should the emerging Bassetlaw Local Plan be adopted before the neighbourhood plan is made, because the revised neighbourhood plan will be found to not be in general conformity with the development plan, and thus contrary to the requirement of paragraph 8(2)(b) of Schedule 4B of the TCPA.

It is evidently clear in our view that further land needs to be allocated at Misterton now to achieve the minimum housing land supply requirement envisaged by Policies ST1 and ST2 of the new Bassetlaw Local Plan.

As previously advised our clients land fronting Grovewood Road between the Primary school and Gravelholes Lane represents a logical and ideal parcel of land for such an allocation to deliver the increased quantum of housing required at Misterton. Attached is a Site Assessment and Updated Concept Indicative Layout Plan to demonstrate how this site could be developed to deliver the additional minimum requirement of dwellings (around 48 dwellings) that are required at Misterton.

In summary, given that a sizeable ‘minimum’ quantum of new housing is required at Misterton, it is our professional opinion that **further land needs to be allocated for housing now at the Neighbourhood Plan review stage to meet the expected minimum housing delivery rates envisaged by BDC’s new draft Local Plan latest evidence base at Misterton.**

National planning policy guidance (NPPG) at Paragraph: 106 Reference ID: 41-106-20190509 list three types of modifications which can be made to a Neighbourhood Plan, these being:

* Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
* Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
* Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

As you will read from the above anything more than Minor (non-material) modifications, such as correcting errors in documents, would require examination and/or a referendum, which we suspect is the case here.

It is noted from the Misterton Neighbourhood Plan (Review): Statement of Extent and Nature of Review (13 September 2023) that the proposed changes are considered, by both yourselves, and Misterton Parish Council, to constitute a significant material amendment to the made Neighbourhood Plan but acknowledge that it is for the Independent Examiner to make a definitive judgement.

Our view is that the modifications are more substantive than minor or non-material updates and materially affect the policies in the plan.

NPPG Paragraph: 084 Reference ID: 41-084-20190509 sets out guidance on when it will be necessary to review and update a neighbourhood plan and states,

‘A neighbourhood plan must set out the period for which it is to have effect (section 38B(1)(a) of the Planning and Compulsory Purchase Act 2004). Neighbourhood plan policies remain in force until the plan policy is replaced.

There is no requirement to review or update a neighbourhood plan. ***However, policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence (our emphasis).*** In addition, where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust. ***To reduce the likelihood of a neighbourhood plan becoming out of date once a new local plan (or spatial development strategy) is adopted, communities preparing a neighbourhood plan should take account of latest and up-to-date evidence of housing need, (our emphasis).*** as set out in guidance on preparing a neighbourhood plan or Order.

***Communities in areas where policies in a neighbourhood plan that is in force have become out of date may decide to update their plan, or part of it. (our emphasis).*** The neighbourhood area will already be designated, but the community may wish to consider whether the designated area is still the most suitable area to plan for.’

We trust our representations will be carefully taken into consideration in the Misterton Neighbourhood Plan (Review): Reg 16 Consultation.

We kindly ask that you can acknowledge safe receipt of our correspondence and please do not hesitate to contact me should you have any questions or queries.

*Supporting evidence also included with this response, and provided to the Independent Examiner:*

* *Letter to BDC reps on Local Plan Main Mods (Letter)*
* *Letter to BDC reps on Local Plan Main Mods (Indicative Layout)*
* *Letter to BDC reps on Local Plan Main Mods (Site Analysis)*
* *Letter to Misterton Parish Council*
* *Letter from Shakespeares to Misterton Parish Council and BDC (see also Representation 17)*

## 8. Historic England

Thank you for consulting us on the Regulation 16 Consultation of the Misterton Neighbourhood Plan.

We have no further comments to make in addition to those we made at Regulation 14 stage? a copy of which I have attached for your information.

(Reg 14 Response)

Thank you for consulting Historic England about your Neighbourhood Plan.

The area covered by your Neighbourhood Plan includes a number of important designated heritage assets. In line with national planning policy, it will be important that the strategy for this area safeguards those elements which contribute to the significance of these assets so that they can be enjoyed by future generations of the area.

If you have not already done so, we would recommend that you speak to the planning and conservation team at your local planning authority together with the staff at the county council archaeological advisory service who look after the Historic Environment Record. They should be able to provide details of the designated heritage assets in the area together with locally-important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available on-line via the Heritage Gateway ([www.heritagegateway.org.uk](http://www.heritagegateway.org.uk)). It may also be useful to involve local voluntary groups such as the local Civic Society or local historic groups in the production of your Neighbourhood Plan.

Historic England has produced advice which your community might find helpful in helping to identify what it is about your area which makes it distinctive and how you might go about ensuring that the character of the area is retained. These can be found at:-

<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

You may also find the advice in *“Planning for the Environment at the Neighbourhood Level”* useful. This has been produced by Historic England, Natural England, the Environment Agency and the Forestry Commission. As well as giving ideas on how you might improve your local environment, it also contains some useful further sources of information. This can be downloaded from:

## 9: Isle of Axholme & North Nottinghamshire Water Level Management Board

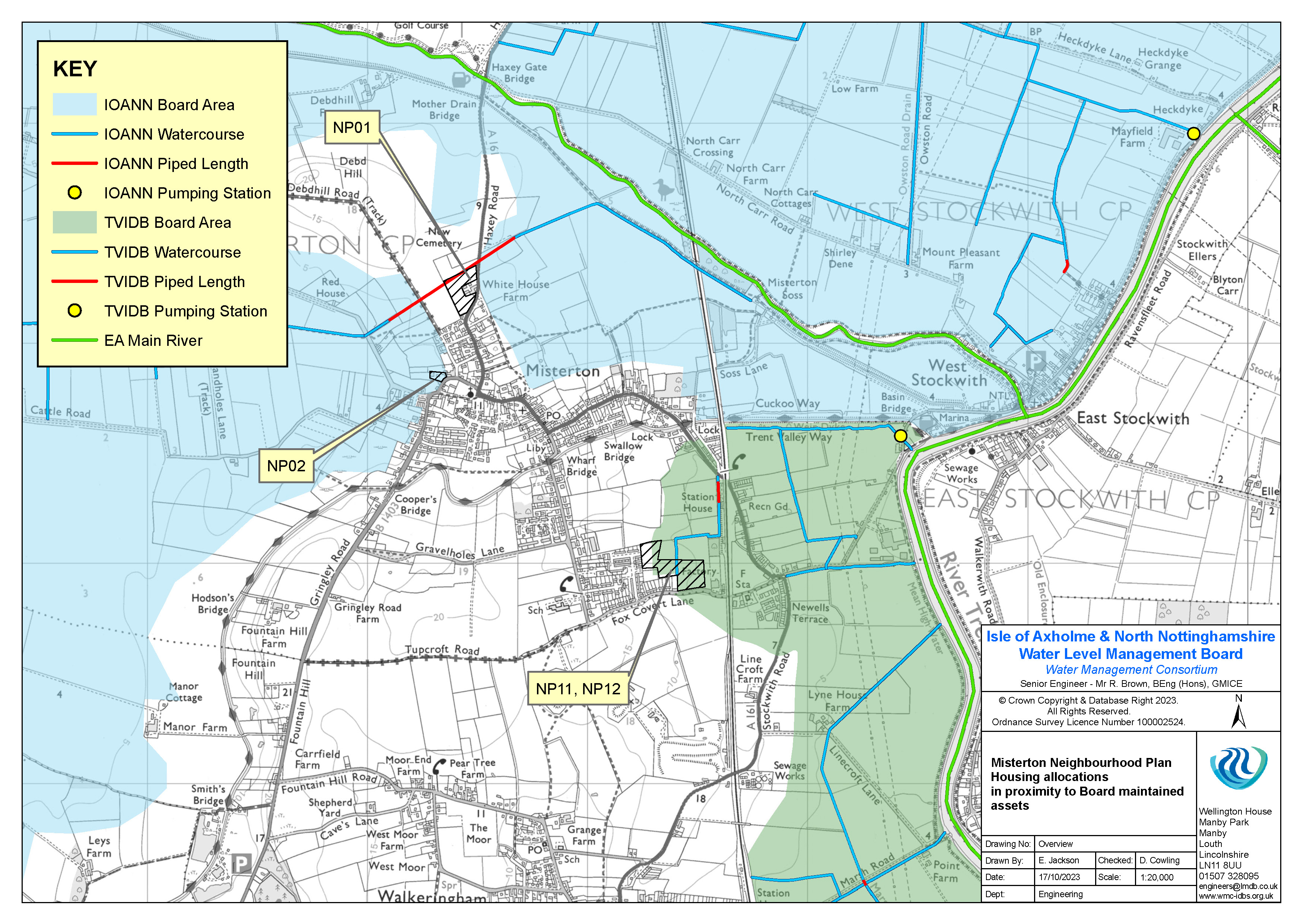
Please find a plan attached, showing the housing allocations highlighted within the Misterton

Neighbourhood Plan, which are in proximity to both Isle of Axholme and North Nottinghamshire

WLMB and Trent Valley IDB assets.

For your information, please note the following comments for each site listed on the plan@

* NP01 – A culverted section of the Board maintained AXD571400 Mother Drain (SSSI) runs along the northern boundary of the site. The Board would require a 9 metre easement along this culvert, for retained access in relation to any required maintenance and repairs. The Board’s consent would be required for any treated foul water/surface water discharge.
* NP02 – The Board has received an application from the developers, for discharge of surface water into a riparian watercourse.
* NP11 and NP12 – The Board maintained TVD400201 – Un-named Drain 41 is located between these 2 sites. The Board’s consent is required for any structures within 9 metres of this watercourse, as well as for any treated foul water/surface water discharge. A 9 metre access strip would be required on at least 1 side of this watercourse, for continued maintenance access. It is understood that the Board currently undertake maintenance from the western side of the watercourse.



## 10: National Gas (Avison Young)

National Gas Transmission has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

**About National Gas Transmission**

National Gas Transmission owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK’s four gas distribution networks where pressure is reduced for public use.

**Proposed sites crossed or in close proximity to National Gas Transmission assets:**

An assessment has been carried out with respect to National Gas Transmission’s assets which include high-pressure gas pipelines and other infrastructure.

National Gas Transmission has identified that no assets are currently affected by proposed allocations within the Neighbourhood Plan area.

National Gas Transmission provides information in relation to its assets at the website below.

• <https://www.nationalgas.com/land-and-assets/network-route-maps>

Please also see attached information outlining guidance on development close to National Gas Transmission infrastructure.

**Distribution Networks**

Information regarding the gas distribution network is available by contacting:

[plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)

**Further Advice**

Please remember to consult National Gas Transmission on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets.

## 11: National Grid (Avison Young)

National Grid Electricity Transmission has appointed Avison Young to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

**About National Grid Electricity Transmission**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators, so it can reach homes and businesses.

National Grid no longer owns or operates the high-pressure gas transmission system across the UK. This is the responsibility of National Gas Transmission, which is a separate entity and must be consulted independently.

National Grid Ventures (NGV) develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States. NGV is separate from National Grid’s core regulated businesses. Please also consult with NGV separately from NGET.

**Proposed development sites crossed or in close proximity to NGET assets:**

An assessment has been carried out with respect to NGET assets which include high voltage electricity assets and other electricity infrastructure.

NGET has identified that no assets are currently affected by proposed allocations within the Neighbourhood Plan area.

NGET provides information in relation to its assets at the website below.

• <www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/>

Please also see attached information outlining guidance on development close to NGET infrastructure.

**Distribution Networks**

Information regarding the electricity distribution network is available at the website below:

<www.energynetworks.org.uk>

**Further Advice**

Please remember to consult NGET on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets.

## 12: National Highways

Thank you for consulting National Highways on the Misterton Neighbourhood Plan (Review) Reg 16, the plan period being 2018 - 2035. The plan is to be in conformity with the Bassetlaw Local Plan which is recognised in the document. We previously responded to the Regulation 14 consultation in December last year.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.

In responding to Local Plan consultations, we have regard to DfT Circular 01/2022: The Strategic Road Network and the Delivery of Sustainable Development (‘the Circular’). This sets out how interactions with the Strategic Road Network should be considered in the making of local plans. In addition to the Circular, the response set out below is also in accordance with the National Planning Policy Framework (NPPF) and other relevant policies.

National Highways principal interest is in safeguarding the operation of the A1 and the M180 motorway which route approximately ten miles to the west and eight miles to the north of the Plan area respectively.

It is noted that allocated sites remain largely unchanged and that any additional development although supported, will be restricted to small infill/windfall sites of 1 - 3 dwellings. Due to the scale and anticipated distribution of the additional development growth being proposed through the Neighbourhood Plan, it is unlikely that there will be any significant impacts on the operation of the SRN in the area.

As such National Highways has no further comments to make on the Misterton Neighbourhood Plan at this time.

If I can be of any further assistance on this matter, please do not hesitate in contacting me.

## 13: Natural England

Thank you for your consultation on the above dated 15 September 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

**Natural England does not have any specific comments on this draft neighbourhood plan.**

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require a Strategic Environmental Assessment. Further information on protected species and development is included in [Natural England's Standing Advice on protected species](https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications) .

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant a Strategic Environmental Assessment. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a Strategic Environmental Assessment is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If an Strategic Environmental Assessment is required, Natural England must be consulted at the scoping and environmental report stages.

For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk) .

## 14: Nottinghamshire County Council – Highways

Dear Sirs

I attach the Highway Authority’s consultation response to the previous consultation which remains relevant.

*(Reg 14 Response)*

I refer to the Misterton Local Plan Reg 14 consultation and respond on behalf of

Nottinghamshire County Council in its role as Highway Authority.

There are no objections on highway grounds to the revised plan.

The Design Code, Part H Major Development, Paragraph 4.9.1 Movement & Connectivity

Second bullet point - It is unlikely that a major development in Misterton would be of a scale that would justify the inclusion of a cycle track as set out in the Department for Transport, Local Transport Note LTN1/20 Cycle Infrastructure Design. It is also unlikely that existing streets would be of sufficient width for it to be possible to introduce meaningful cycling infrastructure within Misterton.

The forth bullet point suggests that new streets should include trees set within verges alongside the carriageway. This arrangement may not be favoured by the Highway Authority. Verges located adjacent the carriageway can cause severance for pedestrians wishing to cross streets, and present difficulties for motorists and/or their passengers when alighting from vehicles. Visibility splays from junctions and can be obstructed where verges contain trees close to the edge of a carriageway.

## 15: Nottinghamshire County Council – Planning Policy

Thank you for consulting NCC on the above, we have no comments to make.

## 16: Nottinghamshire County Council – Transport and Travel Services

Nottinghamshire County Council Transport and Travel Services (TTS) wish the following observations to be considered as part of the consultation in respect of Misterton Review Neighbourhood Plan and supporting documents. The existing Misterton Neighbourhood Plan was formally 'made' by Bassetlaw District Council in September 2019.

**Background**

The Transport Act 1985 places a duty on Nottinghamshire County Council to secure a “Socially necessary” bus network. Local bus operators provide services that they consider as commercial, and the Council provide revenue subsidies to provide additional services to ensure communities have access to essential services including education, work, health, shopping and leisure.

The level of revenue funding available to the Council to provide supported services is diminishing. Therefore, other funding sources are required to enable the council to maintain a socially necessary and sustainable network.

In 2021 the government published its document ‘Bus Back Better – A National Bus Strategy for England’, as part of an initiative to build back better services post pandemic. The strategy requires Local Transport Authorities to implement ambitious bus priority schemes and Bus Service Improvement Plans (BSIPs) delivered through Enhanced Partnerships with bus operators which consider how a coherent and integrated network should serve schools, health, social care, employment and other services. This includes requiring the provision of economically necessary bus services. The requirements of the National Bus Strategy should be reflected in the Plan.

**Current Misterton Public Transport Network**

Misterton is served by Stagecoach East Midlands Services 97 and 98 operating between Gainsborough and Retford/Doncaster on Mondays to Saturdays, which provide a combined approximate hourly service from the village with Retford/Doncaster served 2-hourly during the day. There is no Sunday service. This is supplemented by home to school services. Nottinghamshire County Council provides funding support for the Bassetlaw network. Service performance is reviewed by the council as part of ongoing reviews following the pandemic. Reference to the current bus network could be referred to within the plan.

**Neighbourhood Plan**

TTS welcomes the draft Plan and the emphasis on public transport as part of sustainable development, including the Community Vision, Community Objectives 5, 7 and Policy 1R.

**Page 9 - Section 3 (para 19)**. It is noted that ‘Social’, ‘Environment’ and ‘Economic’ are stated as key issues. It is suggested that the role of the local public transport network should be included as part of the identified issues as part of the above especially in context with the National Bus Strategy and related Enhanced Partnerships with bus operators.

**Page 12 – Section 6** – proactive engagement with developers is supported to establish the principles for sustainable development set out in the Plan.

**Page 13 - Section 8** - The need for sustainable development in Misterton is supported. The Neighbourhood Plan Policies should specifically promote sustainable development that is accessible to public transport.

**Development Sites**

**Page 4 – Section 2** – It is noted that the current Neighbourhood Plan includes provision allocated 5 development sites for up to 187 dwellings.

**Page 6- Section 2 (para 7)** – it is noted that the current site allocations are for in the region of 152 dwellings.

TTS request that developer contributions towards improved public transport services and infrastructure is specified as a criterion to be met for a site to be supported by the Neighbourhood Plan. Sites/schemes that provide access to existing public transport facilities should be given priority for development.

Transport & Travel Services will wish to explore with developers the provision of contributions for the provision of public transport services and waiting facilities to meet the Council’s published standard including real time departure displays, shelters and raised kerbs where appropriate, through Planning Conditions and/or Section 106 agreements. A statement within the plan which supports this approach will complement other strategic documents and enable the council to effectively negotiate for developer contributions.

**Community Transport**

The document doesn’t refer to the important role of Community Transport in delivering transport provision, especially in rural areas. Bassetlaw Action Centre provide a range of community transport services, and it is suggested that reference to their work is included within the Plan, together with the potential for Community Transport and related services i.e. Demand Responsive Transport to complement the local bus network.

**Taxis**

There is no reference in the document to the role of taxis, which are licensed by Bassetlaw District Council and play an import role in the local economy.

## 17: Planning with People

I would like to advise that there are 3 minor editing errors in the Basic Conditions Statement for the Misterton NP.

In table 1 I have omitted to identify the NPPF paragraph numbers before the description as follows:

Policy 3R NPPF paragraph numbers 179 and 186 should be added page 6 column 3

Policy 7R NPPF paragraph numbers 152,154 and 155 should be added page 8 column 3

There was also a reference error in the sustainability matrix page 22 for policy 9R which should say Parish and Plan Area not Sturton Ward in column 3.

I attach a revised Basic Conditions Statement with these amendments made and would ask this this version be considered in the examination. Please note this version has an amended date of 8th October 2023.

*Supporting evidence also included with this response, and provided to the Independent Examiner:*

* *Amended version of the Basic Conditions Statement, correcting the above editing errors.*

## 18: Shakespeare Martineau, on behalf of Sophie Cooke

I write on behalf of Sophie Cooke, the owner of land adjoining the primary school, immediately adjacent to the defined settlement boundary at Misterton, in response to the current consultation on the Misterton Neighbourhood Plan Review.

It is noted from the Misterton Neighbourhood Plan (Review): Statement of Extent and Nature of Review (13 September 2023) that the proposed changes are considered, by both yourselves, and Bassetlaw District Council, to constitute a significant material amendment to the made Neighbourhood Plan.

As you will be aware, neighbourhood plans form part of the statutory development plan for the area that they cover, and can be developed before, after or in parallel with a local plan.

The basic conditions for making a neighbourhood plan are set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (‘TCPA’), and sub paragraph (e) requires that the neighbourhood plan must be *“in general conformity with the strategic policies contained in the development plan for the area.”*

You will also be aware that the policies in a neighbourhood plan may become out of date if they conflict with policies in a local plan covering the neighbourhood area, which is adopted after the making of the neighbourhood plan.

The PPG advises that *“to reduce the likelihood of a neighbourhood plan becoming out of date once a new local plan (or spatial development strategy) is adopted, communities preparing a neighbourhood plan should take account of latest and up-to-date evidence of housing need…”* (Paragraph 084 Reference UD:41-084-20190509).

You will be aware that Bassetlaw District Council are currently bringing forward a new Local Plan, and that this process is at an advanced stage, having already been subject to examination. It is noted that Main Modifications to the Bassetlaw Local Plan 2020-2038 were published in August 2023, and the consultation period for comment upon those advanced.

The proposed policy ST1 of the emerging local plan identifies Misterton as a Large Rural

Settlement. ST1 makes clear that the spatial strategy for Bassetlaw will deliver a minimum

of 9,720 dwellings across the plan period, through completed sites, sites with planning permission, new site allocations in the Local Plan and site allocations made in neighbourhood plans in accordance with the settlement hierarchy.

The settlement hierarchy identifies Misterton as falling within the second tier, being a large rural settlement. Policy ST1 expects the delivery of approximately 1412 dwellings in Large Rural Settlements.

Policy ST2 – Housing Growth in Rural Bassetlaw sets out minimum housing requirements for individual settlements which will come from completed sites, sites with planning permission, sites allocated in the Local Plan, site allocations made in neighbourhood plans or unallocated sites which meet the criteria in Part 2.

Misterton is expected to deliver a minimum number of 196 dwellings across the plan period.

The current Misterton Review Neighbourhood Plan seeks to allocate five sites for housing as follows:

| **Site** | **No. of Dwellings** |
| --- | --- |
| NP01 | 38 |
| NP02 | 4 |
| NP06 | 17 |
| NP11 | 44 |
| NP12 | 49 |
| **TOTAL** | **152** |

Taking the figures at face-value, set against a minimum requirement for 196 dwellings, it is therefore evident that there will be a shortfall against the minimum requirement of the emerging Local Plan of 44 dwellings.

Such a shortfall would equate to c. 22% of the minimum level of housing required in

Misterton.

However, it is understood that following the grant of planning permissions in respect of NP06 and NP12 those sites are likely to deliver fewer dwellings, meaning that the anticipated delivery figures are:

| **Site** | **No. of Dwellings** |
| --- | --- |
| NP01 | 38 |
| NP02 | 4 |
| NP06 | 9 (22/00466/FUL) |
| NP11 | 44 |
| NP12 | 48 (21/01811/FUL) |
| **TOTAL** | **143** |

In which case, this would result in a shortfall against the minimum requirement of the emerging Local Plan of 53 dwellings, a 27% shortfall.

In either case, any such shortfall would mean that the neighbourhood plan was not in general conformity with the emerging local plan, contrary to footnote 18 of the National

Planning Policy Framework (2023) (‘NPPF’).

It is noted that the neighbourhood plan review (Policy 2R Infill Development and Density) is supportive of applications for infill development where the resulting development is ‘limited to up to three dwellings’. For the identified shortfall to be met through infill development alone would therefore require at least eighteen individual infill sites to come forward, which I am advised will be almost impossible to achieve given the tightly drawn development boundary which would minimise any infill development opportunities within Misterton.

Paragraph 29 of the NPPF makes clear that *“Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”*

The consequence of proceeding with a neighbourhood plan which promoted less development than required by the emerging strategic policy for the area are set out in paragraph 30 of the NPPF, which states that:

*“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or no-strategic polices that are adopted subsequently.”*

In effect, once the emerging local plan is adopted, the weight to be afforded to the neighbourhood plan would be significantly diminished, and much of the current work undertaken would in effect have been wasted.

You will also appreciate that should the emerging Bassetlaw Local Plan be adopted before the neighbourhood plan is made, that the revised neighbourhood plan will be found to not be in general conformity with the development plan, and thus contrary to the requirement of paragraph 8(2)(b) of Schedule 4B of the TCPA.

The Planning Practice Guidance seeks to highlight this potential risk, noting:

*“In order to preserve the weight to be afforded to your emerging neighbourhood plan, it is therefore necessary for you to take steps now to allocate additional land to meet the minimum requirements of the local plan.”(Paragraph 84 Reference ID: 41-084-20190509)*

It is therefore clear, that should you fail to allocate sufficient land to meet the local plan requirement, you will be faced by a scenario whereby either:

1. the new neighbourhood plan is very quickly superseded by the local plan as soon as the local plan is adopted; or
2. the neighbourhood plan fails to confirm with the strategic policies of the development plan and as such risks being recommended for refusal upon examination.

It is therefore considered that urgent action is required in order to address the shortfall in housing allocations within the neighbourhood plan review.

You will be aware that my client has previously sought the allocation of land fronting Grovewood Road which it is anticipated could accommodate approximately 48 dwellings and which would therefore make a significant step in meeting the requirements of the local plan.

In short, by allocating additional land, the neighbourhood plan would avoid falling into either

of the two pitfalls identified above as it would either:

1. remain in accordance with the local plan, should it be made prior to the adoption of the local plan, or
2. conform with the strategic policies of the development plan and thereby satisfy the requirement of paragraph 8(2)(e) of Schedule 4B of the TCPA.

I note that GPS Planning and Design Limited have already contacted you in this regard, and would invite you to engage with them, and allocate the land fronting Grovewood Road, in an effort to ensure the allocation of sufficient land for housing within the neighbourhood plan period, and avoid significant wasted effort in bringing forward an otherwise potentially flawed neighbourhood plan.

## 19: Sport England

Thank you for consulting Sport England on the Misterton Neighbourhood plan.

Sport England responded to the Pre-submission draft plan on 11th November 2022.

Sport England is a statutory consultee on planning applications affecting playing field land. We assess planning consultations against the five exceptions in our Playing Fields Policy and Guidance Document [https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport](https://protect-eu.mimecast.com/s/zwg6C4RyPIJGX4JHO89Bf?domain=sportengland.org) which reflects the wording in paragraph 99 of the National Planning Policy Framework.

**Protecting Sport Facilities**

Paragraph 99 of the NPPF offers clear advice on how sport facilities and playing fields should be considered in the planning system.

The inclusion of Policy 5R which designates areas of Local Green Space for protection is welcomed. It is noted that the list includes sites which contain sports and recreation facilities, including playing fields, for example LGS 7 - Misterton Sports Field. This is in accordance with paragraph 102 b of the NPPF which enables the designation of Local Green Space where an area is demonstrably special to a local community because it holds a particular local recreational value (including a playing field). It will, however, be important to ensure that the designation does not have unintended consequences in preventing development which relates to the sporting and recreational use of sites, for example provision of facilities for outdoor sport. We would therefore support an amendment to the policy which addresses this point.

The inclusion of Policy 13R – Enhancing the Provision of Community Facilities and Services is welcomed. However, facility VIII which is the primary school includes land which is playing field. For this policy to be consistent with paragraph 99 and Sport England’s Playing Fields Policy for playing fields and sports facilities, it is recommended that a separate criterion is added which applies to the playing field as the exceptions listed in part 3 are contrary to the wording in paragraph 99 of the NPPF.  The new criterion should read:

*Development proposals which would reduce the quality or quantity of sports facilities or playing field land will only be supported if:*

* *An assessment has been undertaken which demonstrates the sports facility or playing field is surplus to requirements; or*
* *Existing facilities are replaced by equivalent or better provision in terms of quality and quantity and in a suitable location; or*
* *The development is for alternative sports and recreation provisions, the benefits of which outweigh the loss.*

This would also ensure that the policy is in conformity with Policy DM9 of the Bassetlaw Core Strategy and Development Management Policies DPD.

**Active Design**

The inclusion of criteria 1 e) of Policy 1R – Sustainable Development and the Development Boundary which requires residential development to promote walking, cycling and use of public transport and Policy 3R – Improving Green and Blue Infrastructure and Biodiversity which supports the improvement or extension of access to green infrastructure such as opportunities for walking and cycling and the creation of linkages to and from existing green infrastructure assets new development is welcomed. Sport England, in conjunction with Active Travel England and the Office for Health Improvement and Disparities, has produced ‘Active Design’ (2023), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government’s desire for the planning system to promote healthy communities through good urban design. The document can be downloaded via the following link: [http://www.sportengland.org/activedesign](https://protect-eu.mimecast.com/s/9HCVC59zXs0OBk0HOtM-u?domain=sportengland.org).

If you require any further information or clarification, please do not hesitate to contact me.

## 20: West Lindsey District Council

Thank you for inviting my Council to consider the above plan.

The plan is well presented with clear plans, graphics, and photographs.

It is good to see that many of its policies are informed by a supporting design code document, as encouraged by recent national planning guidance. We have no other comments to make. I hope the plan’s examination goes well.

1. Sport England (2010) Active People Survey (2010/11) [↑](#footnote-ref-1)