

# **Nether Langwith Neighbourhood Development Plan 2022-2038**

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

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## **Executive Summary**

- 1 I was appointed by Bassetlaw District Council in January 2024 to carry out the independent examination of the Nether Langwith Neighbourhood Development Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 23 January 2024.
- 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 safeguarding its distinctive rural character. The Plan has been prepared in short order.
- 4 The Plan has been underpinned by community support and engagement. 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 Nether Langwith 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**  
**21 February 2024**

## 1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Nether Langwith Neighbourhood Development Plan 2022-2038 ('the Plan').
- 1.2 The Plan has been submitted to Bassetlaw District Council (BDC) by Nether Langwith Parish Council (NLPC) 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), the most recent version of which was published in December 2023.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether 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 because 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. It seeks to provide a context in which the neighbourhood area can maintain its distinctiveness and identity. It proposes a range of policies on a series of environmental matters.
- 1.6 Within this context, the 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 NLPC, to conduct the examination of the Plan and to prepare this report. I am independent of both the BDC and NLPC. 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 40 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. 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 as submitted proceeds 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 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 various appendices (Appendices 1-7).
- the SEA/HRA Screening Statement.
- the representations made to the Plan.
- NLPC's responses to the Clarification Note.
- the adopted Bassetlaw Core Strategy 2011.
- the emerging Bassetlaw Local Plan
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 23 January 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.13 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I concluded that the Plan could be examined by way of written representations and that a hearing was not required.

3.4 The NPPF was updated in December 2023 after the Plan was submitted. For clarity I have assessed the Plan against the December 2023 version of the NPPF for the way in which it has regard to national policy.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become part of 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 NLPC has prepared a Consultation Statement. The Statement is proportionate to the neighbourhood area and the policies in the Plan.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (June to July 2023).
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the early stages of the Plan. They are set out in the timeline on page 5 of the Statement. In addition, Appendix 3 reproduces examples of some of the publicity material used during the process.
- 4.5 The details in the Statement also set out the responses received to the pre-submission Plan. They demonstrate the way in which those responsible for the preparation of the Plan sought to address the expectations of the wider community. This exercise has been carried out in a proportionate and effective way. It also helps to describe the way in which the Plan has evolved.

### *Consultation Responses*

- 4.6 Consultation on the submitted Plan was undertaken by BDC. It ended on 5 January 2024. This exercise generated representations from the following organisations:
  - Bassetlaw District Council
  - The Coal Authority
  - Environment Agency
  - National Highways
  - Historic England
  - Natural England
  - Derbyshire County Council
  - Sport England
  - Welbeck Estates Group Limited
  - Tarmac
- 4.7 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 Nether Langwith. It is located to the north of Mansfield and to the south of Worksop in the northern part of Bassetlaw District. It sits in attractive rolling countryside. Its population in 2011 was 526 persons living in 209 households. It was designated as a neighbourhood area on 24 September 2020.
- 5.2 Nether Langwith is an attractive linear village based around the A632 and the River Poulter. These two features overlap around Queens Walk where an attractive green area provides a focus to the village to the immediate south of the Jug and Glass Inn. The green area provides a fitting home for the War Memorial.
- 5.3 An attractive group of historic buildings are located alongside the River Poulter to the east of the village. The remainder of the neighbourhood area is mainly in agricultural use.

### *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. Nether Langwith 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 Nether Langwith 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 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. 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.
- 5.8 BDC is now well-advanced on the production of a new Local Plan. It submitted the Bassetlaw Local Plan 2020-2038 (the Publication Version, Publication Version Addendum and Publication Version Second Addendum) to the Secretary of State for independent examination in July 2022. Once adopted, the Local Plan will replace the Core Strategy. I make further reference to the emerging Local Plan in the section on Monitoring and Review of the Plan later in this report.

*Visit to the neighbourhood area*

- 5.9 I visited the neighbourhood area on 23 January 2024. I approached from Bolsover to the west. This helped me to understand the neighbourhood area in its wider landscape context and its relation to the main road network.
- 5.10 I looked initially at the village centre. I saw that it had a very distinctive character based on its relationship with the River Poulter. I saw the attractive green area to the immediate south of The Jug and Glass Inn including the impressive War Memorial.
- 5.11 I walked along Queens Walk and saw the Village Hall and several well-maintained vernacular buildings.
- 5.12 I then drove to the east of the village and looked at the collection of historic buildings based on the River Poulter. I saw that one had been converted into residential use and that others were vacant.
- 5.13 I left the neighbourhood area on the A623 and drove to Cuckney. This highlighted the way in which the parish relates to the rural landscape to the east.



## 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 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) obligations and the European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of 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 in December 2023.
- 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 particularly relevant to the Nether Langwith 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 of 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 environmental matters. 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. Most of the 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. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies on residential development (Policy HBE4), and on employment development (Policies E1-E5). In the social dimension, it includes policies on community facilities (Policy CF1) and on housing types (Policies HBE2 and 3). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It includes specific policies on design (Policy HBE5), local green spaces (Policy ENV1) and important views (Policy ENV7). This assessment overlaps with NLPC'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. Subject to the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

#### *Strategic Environmental Assessment*

- 6.13 The Neighbourhood Plan (General) (Amendment) 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 In order to comply with this requirement, BDC undertook a screening exercise in September 2023 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that it is unlikely that significant environmental effects will arise from the implementation of the Plan and that SEA is not needed.

#### *Habitats Regulations Assessment*

- 6.15 BDC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It assesses the likely impact of the submitted Plan on protected sites.
- 6.16 The Assessment comments that no significant effects are likely to occur with regards to the integrity of the Birklands and Bilhaugh SAC or the Sherwood Forest potential SPA because of the implementation of the Plan. As such, it concludes that the Plan does not require a full HRA to be undertaken.
- 6.17 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 about 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 the appropriate regulations.

#### *Human Rights*

- 6.18 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*

- 6.19 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.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. 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 NLPC 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 (41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It includes a separate series of Community Actions.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity this section of the report comments on all the policies in the Plan.
- 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 1-6)*

- 7.8 The Plan is well-organised and presented. It makes an appropriate distinction between the policies and the supporting text.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Introduction comments about the way in which the Plan was prepared and when the neighbourhood area was designated. It properly identifies the neighbourhood area (Figure 1). Whilst the Plan period is defined on the front cover, I recommend that it is included in this part of the Plan to meet the prescribed conditions.

*At the end of the fourth paragraph of the Introduction add: 'As such, the Plan period is 2022 to 2038.'*

- 7.10 Section 2 comments about the relationship between the NPPF and existing and emerging local planning policy.
- 7.11 Section 3 introduces the concept of sustainable development.
- 7.12 Section 4 sets out the vision for the Plan and how it will be achieved. It makes a strong functional relationship between the various issues. The Vision neatly summarises the approach taken as follows:

- *'Protect what we've got and make it better.'*

- *Improve the visual appeal and accessibility of our environment.*
- *Champion the sentiment that it's a great place to live.*
- *We aren't against all new housing development.*
- *The village inherently lacks resilience to some forms of development.*
- *Renovation of brown field sites and existing property to protect open spaces.'*

7.13 Section 5 comments about the consultation processes which have underpinned the production of the Plan. It overlaps with the Consultation Statement.

7.14 Section 6 comments about the local context and the history of the parish.

7.15 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.

#### Policy HBE1: Development Boundary

7.16 This policy establishes a development boundary for Nether Langwith as the focus for new development on the parish. It has been designed to ensure that new development is located within the village. It will also ensure that the surrounding countryside is protected.

7.17 In the round I am satisfied that the policy has regard to national policy and will promote sustainable development. In this wider context I recommend that the first part of the policy is modified so that it refers to the wider development plan and not just the other policies in the submitted plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**Replace the first part of the policy with: 'Development proposals within the development boundary as shown in figure 2 will be supported where they comply with other relevant development plan policies.'**

#### Policy HBE2: Housing Mix

7.18 The policy comments that new housing development proposals should demonstrate how they will meet the current and future housing needs of the parish. It also advises that priority should be given to dwellings of 2 and 3 bedrooms and to homes suitable for older people, including bungalows and dwellings suitable for those with restricted mobility. The policy is underpinned by the Housing Needs Assessment 2022 (Appendix 2).

7.19 The policy takes a positive approach to this matter and is based on local evidence. In addition, it takes a non-prescriptive approach to the overall housing mix and allows an element of four bed houses where their number is subservient to the number of smaller homes.

7.20 In this overall context, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

### Policy HBE3: Affordable Housing

- 7.21 This is a wide-ranging policy on affordable housing. It is underpinned by the details in Appendices 2 and 3.
- 7.22 The policy has three related elements as follows:
- where affordable housing is to be provided as part of a development, it should be designed and delivered to be indistinguishable from market housing and be distributed evenly through the development;
  - the provision of smaller homes, especially for young families and young people and for older people who wish to downsize, will be supported, as is the provision of affordable housing for people with a local connection; and
  - the provision of First Homes at a discount of 40% is supported.
- 7.23 The policy takes a positive approach to this matter. It has a commendably non-prescriptive format. In the second part of the policy, I recommend that the reference to older persons is modified so that it has a more general effect. This acknowledges that not all of the need for housing for older persons relates to moving from a large house to a smaller house. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

### **In the second part of the policy delete ‘who wish to downsize’**

### Policy HBE4: Windfall Housing

- 7.24 The policy supports the development of windfall sites in the development boundary where they comply with a series of distinctive criteria.
- 7.25 BDC suggests that this policy is combined with Policy HBE1. Such an approach would be an acceptable alternative way of structuring the Plan. However, it is not required to ensure that the Plan meets the basic conditions.
- 7.26 The policy takes a positive approach to this matter. It complements the more general approach taken in Policy HBE1. However, in this context I recommend that criterion a) is incorporated into the initial part of the policy. I also recommend that criterion e) is modified so that it uses language better suited to national legislation on conservation areas.
- 7.27 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

### **Replace the opening element of the policy with: ‘Development proposals for infill and redevelopment sites within the development boundary for Nether Langwith will be supported where:’**

#### **Delete a)**

#### **Replace e) with: ‘The development preserves or enhances the character or appearance of the Conservation Area’**

## Policy HBE5: Design

- 7.28 The Plan advises that the context to this important policy is that the biggest challenge facing the future of Nether Langwith is to balance the desire to protect the character of the village with the need for it to grow and evolve in a sensitive and proportionate manner to sustain the community and its facilities
- 7.29 The policy comments that development proposals should demonstrate a high quality of design, layout and use of materials which make a positive contribution to the special character of the Neighbourhood Area. The approach taken is underpinned by the excellent Design Guidelines and Codes.
- 7.30 In the round the policy takes a very positive stance on these matters. In the round it is an excellent local response to Section 12 of the NPPF. In this overall context I recommend that the opening element of the policy is modified so that it can be applied on a proportionate basis. I also recommend that the wording has the clarity required by the NPPF and makes a clear reference to the Design Guidelines and Codes. Finally, I recommend that explanatory text from the policy is repositioned into the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

### Replace the policy with:

**‘Development proposals should demonstrate a high quality of design, layout and use of materials which make a positive contribution to the special character of the neighbourhood area.**

**As appropriate to their scale, nature and location, development proposals should respond positively to the Design Guide and Codes and demonstrate how its contents has been incorporated in their design and layout. Development proposals should contribute positively to the existing character of the part of the neighbourhood area in which it is located.’**

*At the end of the second paragraph of the supporting text in the Design heading add: ‘Policy HBE5 addresses this important issue. The approach taken is underpinned by the Design Guidelines and Codes (2022) (Appendix 4). Development proposals should address the code topic areas listed on page 56 of the Design Guide and Codes, including Character and Heritage, Housing design and quality, sustainability and energy and Green/Blue infrastructure.’*

## Policy ENV 1: Local Green Space

- 7.31 This policy proposes the designation of the Queens Walk Village Green as a local green space (LGS). The proposed designation is underpinned by the information in Appendix 6. The Village Green is an iconic feature of the parish.
- 7.32 I am satisfied that the proposed LGS is in reasonably close proximity to the community it serves (NPPF106a). It is located within the heart of the village. I am also satisfied



that it is local in character and is not an extensive tract of land (NPPF 106c). Finally, I am satisfied that the proposed LGS is demonstrably special to the local community and holds a particular local significance (NPPF106b).

- 7.33 In addition, I am satisfied that its proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that its designation is consistent with the local planning of sustainable development. It does not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGS is capable of enduring beyond the end of the Plan period. It is an established element of the local environment and has existed in its current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.
- 7.34 In general terms the policy takes the matter-of-fact approach as set out in paragraph 107 of the NPPF. Nevertheless, I recommend a modification to the wording used in the policy so that it is more appropriate to a neighbourhood plan. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development

**Replace ‘permitted’ with ‘supported’**

Policy Env 2: Important Open Spaces

- 7.35 This policy proposes the identification of six important open spaces. It comments that development proposals affecting a series of additional open spaces will not be supported unless the local benefit of the development can be shown to outweigh the existing open space value of the proposal site.
- 7.36 The supporting text comments about the overlap between the policy and the Open Space, Sport & Recreation sites in the Bassetlaw District Council Open Space Study update (2012), and with the Playing pitch strategy assessment report (2019) and the Open Space Assessment update (2020) prepared for the emerging Local Plan.
- 7.37 The policy recognises the importance of the various open spaces to the character of the neighbourhood area. It complements the approach taken in Policy ENV1 (on LGSs). I recommend a specific modification to the wording of the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

**Replace ‘significant adverse effect’ with ‘unacceptable effect’**

Policy ENV 3: Sites of natural environmental significance

- 7.38 This policy identifies a series of sites of natural environmental significance. Its approach requires that development proposals, or changes of use requiring planning permission, should demonstrate that the development’s local value outweighs the environmental significance of the site or feature. The identified sites are shown on figure 7.

- 7.39 The policy has regard to the approach taken in the NPPF (Sections 15 and 16). In general terms, I am satisfied that the policy meets the basic conditions. It seeks to take an approach which reflects the relationship between the importance of the site concerned and the development proposed. This is particularly important given the very significant range of sites of significance identified in the two figures. However, the wording in the second part of the policy is rather clumsy. I recommend a modification to being the clarity required by the NPPF.
- 7.40 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the second part of the policy with: ‘Development proposals which would affect an identified site of environmental significance should demonstrate that their local economic or societal value outweighs the environmental significance of the site or feature. Development proposals which would cause unacceptable harm to the biodiversity of the identified sites will not be supported unless their effects can be adequately mitigated, or addressed through compensation.’**

Policy ENV 4: Biodiversity and Habitat connectivity

- 7.41 The supporting text helpfully advises that whilst policy ENV 3 delivers site-specific compliance criteria with relevant BDC policies (both existing and emerging) and national legislation, this policy does the same for strategic planning and future development proposals across the parish.
- 7.42 In general terms the policy takes a positive approach to this important matter and has regard to national policy. It is particularly timely as the requirements for biodiversity net gain in the Environmental Act applied from 12 February 2024.
- 7.43 However, as submitted, the policy conflates several elements into a single policy. As such I recommend that the policy is broken down into its component parts. This will bring the clarity required by the NPPF and allow BDC to implement it in a consistent way through the development management process. I also recommend the deletion of the element of the policy which sets out the implications of development proposals which do not accord with the policy. Whilst this approach is appropriate to Policy ENV3 (which relates to identified sites of importance), it is not required in a general policy where the wider issue is already addressed by the NPPF and the details in the Environmental Act.
- 7.44 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the policy with:**

**‘Development proposals should safeguard habitats and species, including those of local significance, and to deliver biodiversity net gain of at least 10%.**

**Proposals to re-profile and re-wild suitable sections of the River Poulter and its tributaries will be supported.**

**Development proposals should not adversely affect the habitat connectivity provided by the wildlife corridor identified in figure 7a.**

**Wherever practicable, development proposals should create or enhance blue/green corridors to protect watercourses and their associated habitats.'**

Policy ENV5: Sites of Historic Environment Significance

- 7.45 This policy identifies a series of sites of historic environmental significance. Its approach requires that the significance of the features present should be balanced against the benefit of any development that would affect or damage them. The policy is underpinned by Appendix 5 and the sites are shown on figure 5.
- 7.46 I am satisfied that the policy meets the basic conditions. It seeks to take an approach which reflects the relationship between the importance of the site concerned and the development proposed. This is particularly important given the very significant range of sites of significance identified in figure 5. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy ENV6: Ridge and Furrow

- 7.47 This policy identifies a series of ridge and furrow fields in the parish. They are shown on figure 9. The policy advises that the fields are non-designated heritage assets and comments that development proposals which would affect the identified ridge and furrow resources will only be supported where the benefit of development outweighs any harm.
- 7.48 The policy is underpinned by detailed research and evidence. It is worded in a non-prescriptive fashion. As such I am satisfied that it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy ENV7: Important Views

- 7.49 The supporting text comments that consultation during preparation of the Plan identified a widely-held wish to protect Nether Langwith's rural setting, in particular its visual relationship with the surrounding landscape, including its location in the landscapes of National Character Area 30 Southern Magnesian Limestone and Bassetlaw Council Landscape Character Areas (2009) Magnesian Limestone Ridge and Sherwood.
- 7.50 The policy identifies five views which are important to the setting and character of the parish. They are shown on figure 12 and the approach is underpinned by the details on the views in Appendix 7. The policy advises that development proposals should respect and whenever possible protect these views. It also advises that development proposals which would have an adverse impact on the identified views will not be supported without mitigation.
- 7.51 The policy reflects the character of the parish and the sensitive relationship between the built elements of the parish and the countryside. It takes an evidence-based approach. In this context I am satisfied that it meets the basic conditions. It will

contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy ENV8: Footpaths and other walking routes

- 7.52 The supporting text comments that the manorial, agricultural and, particularly, industrial history of Nether Langwith means that a reasonably complete historical network of walking routes and which connect the village to neighbouring settlements has survived into modern times. It also advises that they are well-used and appreciated by local people and visitors. I saw elements of the network during the visit
- 7.53 The policy aims to ensure that new development avoids harm to the routes and specific characteristics of the existing network.
- 7.54 It also advises that development proposals that result in the loss of, or have a significant adverse effect on, the existing network of public rights of way (as shown in figure 13) will not be supported without appropriate mitigation.
- 7.55 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy ENV11: Flood Risk Resilience, watercourses, and Climate Change

- 7.56 The policy comments about the way in which new development proposals should address potential flood risk issues and provide resilience for the future.
- 7.57 In general terms the policy takes a positive approach to these matters and has regard to Section 14 of the NPPF. In this context I recommend that the opening element of the first part of the policy is reconfigured so that it better expresses its proportionate approach. I also recommend a similar modification to the wording of the third part of the policy for the same reason. Finally, I recommend a modification to the wording used in the second part of the policy to remove its unnecessarily restrictive approach. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the opening element of the first part of the policy with: ‘As appropriate to their scale, nature and location, development proposals should demonstrate that:’**

**In the second part of the policy delete ‘only’**

**In the third part of the policy replace ‘Development proposals’ with ‘As appropriate to their scale, nature and location, development proposals’**

Policy CF1: The retention of Community Facilities and Amenities

- 7.58 The Plan comments that the context to this policy is that the community facilities and amenities that exist in the parish make a significant contribution to its vitality and sense of community. It also advises that they have a positive impact on sustainability by enhancing the quality of life for residents and providing the potential for social interaction.

- 7.59 The policy advises that development leading to the loss of existing community assets will not be supported unless it can be demonstrated that three criteria are met. It also offers support for replacement or new community facilities.
- 7.60 I am satisfied that the policy has been carefully developed. The facilities identified in the supporting text are important to the well-being of the parish. In addition, the criteria take an appropriate approach to this issue. They acknowledge that circumstances may change in the Plan period and/or that the viability of the three facilities may alter. In this context, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Policy E1: Employment and Commercial Development**

- 7.61 The Plan advises that the context to this policy is that the strength of the local economy and of the community go hand in hand. It also comments that supporting the growth of a stronger local economy is recognised as an important theme of the Plan. Finally, it comments that the Bassetlaw Core Strategy supports employment development of a scale and type appropriate to the settlement and surrounding land uses
- 7.62 The policy comments that development proposals that result in the loss of, or have a significant adverse effect on, an existing employment use will not be supported unless it can be demonstrated that the site or building is no longer viable and suitable for employment use. It also advises that proposals for employment-related development (for new and/or expansion of employment uses) will be supported subject to a series of environmental criteria.
- 7.63 The policy takes a positive approach to rural employment. I am satisfied that it has regard to Section 6 of the NPPF. I recommend that the order of the two parts of the policy is reversed so that it has a more positive approach to employment development. In the second part of the policy (as submitted), I recommend the deletion of the unnecessary reference to the emerging Bassetlaw Local Plan and a reconfiguration of its wording so that it has the clarity required by the NPPF and removes duplication. I also recommend that the policy includes additional criteria to ensure that development proposals are of a scale which would be appropriate to a rural neighbourhood area and would align with the approach taken in Policy ST11 (Rural Economic Growth) of the emerging Local Plan.
- 7.64 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**Reverse the order of the two parts of the policy.**

**Replace the second part of the policy (as submitted) with:**

**‘Proposals for employment-related commercial development including new uses and the expansion of existing employment uses will be supported where:**

- **there is a proven need for the development in terms of a business opportunity or operational requirements;**
- **in the case of existing sites, the proposed development cannot physically and reasonably be accommodated within the existing curtilage;**
- **the scale of development is appropriate in the proposed location;**
- **where appropriate the proposal makes efficient use of previously developed land and re-use of existing buildings;**
- **the proposed use will not generate unacceptable levels of disturbance, noise, fumes, smell, or traffic;**
- **the proposed use would have an appropriate level of off-road parking; and**
- **the proposed use would respect and be compatible with the character of the local area and surrounding land uses.'**

#### Policy E2: Working from Home

- 7.65 This policy sets out the Plan's approach towards home working. It acknowledges that this way of working is now increasingly popular.
- 7.66 The policy offers support for proposals for home working and live-work units subject to a series of criteria. I am satisfied that the approach taken has regard to national policy. I recommend that the policy acknowledges that not all such proposals will require planning permission. I also recommend a modification to the wording used in the fourth part of the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**At the beginning of the opening element of the policy add: 'Insofar as planning permission is required,'**

**In the fourth part of the policy replace 'significant and adverse' with 'unacceptable'**

#### Policy E3: Re-use of Agricultural Buildings

- 7.67 The supporting text comments that conversion of former agricultural buildings enables farm diversification, leads to the sustainable reuse of vacant buildings, and provides opportunities for the establishment and development of small businesses which generate income and employment opportunities for local people.
- 7.68 The Plan also advises that the Welbeck Estates is the principal landowner and there are several tenant farmers employed to farm the land. In this context, and to help maintain the rural economy and protect open countryside from inappropriate development, the Plan supports the sustainable growth and expansion of business and enterprise through the development and conversion of existing farm buildings
- 7.69 The policy offers support to such developments subject to a series of criteria.
- 7.70 The policy takes a positive approach to this important matter and has regard to Section 6 of the NPPF. As with Policy E2, I recommend that the policy acknowledges that not

all such proposals will require planning permission. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**At the beginning of the opening element of the policy add: ‘Insofar as planning permission is required,’**

Policy E4: Tourism

- 7.71 The policy offers support to tourism activities. The supporting text comments that on a sunny day the Village Green and the Jug & Glass is a magnet for local people, visitors from neighbouring villages and tourists. The policy includes a series of criteria for tourism development.
- 7.72 BDC suggests that the policy should define the tourism uses which would be supported by the policy. On the one hand, this would assist with the legibility of the policy. On the other hand, such an approach may be restrictive and could fail to take account of new or innovative proposals which may arise in the Plan period. On the balance of the evidence, I am satisfied that the policy is sufficiently robust and that the various criteria will naturally identify acceptable tourism proposals in the parish.
- 7.73 I am satisfied that the policy has regard to national policy and that the criteria are locally distinctive. I recommend the correction of an error in one of the criteria. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**In a) replace ‘on’ with ‘of’**

Policy E5: Broadband and Mobile Phone Infrastructure

- 7.74 The policy advises that proposals to provide increased access to a superfast or ultra-fast broadband service and improve the mobile telecommunication network that will serve businesses and other properties will be actively supported.
- 7.75 In general terms the policy takes a very positive approach to this matter. Nevertheless, I recommend that the final sentence of the first part of the policy is modified so that it has the clarity required by the NPPF. I also recommend that the second part of the policy is deleted. Its initial element (on broadband connectivity) is now controlled through the Building Regulations. Its second element is an encouragement to service providers rather than a policy. In this context I recommend that it is repositioned into the supporting text.
- 7.76 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**Replace the final sentence of the first part of the policy with: ‘Where above ground network installations are necessary, they should be sympathetically located and designed to integrate into the landscape and should not be located in, or adjacent to, open landscapes.’**

**Delete ‘In addition:’ and a) and b)**

*At the end of the first paragraph of the supporting text under the Broadband heading add: ‘Telecommunication providers are encouraged to improve existing mobile coverage and provide the latest generation of network services across the Neighbourhood Area.’*

Policy T1: Traffic Management

- 7.77 The policy addresses a range of traffic and transport issues. It identifies a series of criteria with which development proposal should comply.
- 7.78 In general terms the policy takes a positive approach to these matters and the criteria are distinctive to the rural nature of the parish. Nevertheless, I recommend that the opening element of the policy is modified so that it can be applied in a proportionate way. The recommended modification removes the unnecessary explanatory text which is already included in the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the opening element of the policy with: ‘As appropriate to their scale, nature and location, development proposals should:’**

Policy T2: Car Parking

- 7.79 This policy seeks to retain existing public car parking. It advises that the loss of existing public car parking will not be supported unless a series of criteria are met.
- 7.80 The policy responds positively to local circumstances. I am satisfied that the approach taken meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Policy T4: Electric Vehicles

- 7.81 The policy comments about electric vehicle charging facilities. It advises that the provision of communal vehicular charging points will be supported where there is universal access, they meet the requirements of the design policy and their presence does not impact negatively on existing available parking in the parish
- 7.82 The policy carefully relates to communal facilities. The delivery of private facilities is now controlled by the Building Regulations. I recommend that the policy is modified so that its wording is clear and is more appropriate to a neighbourhood plan. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the policy with:**

**‘Development proposals for the provision of universal access communal vehicular charging points will be supported where they would meet the requirements of Policy HBE5 of this Plan and their design and location does not have an unacceptable impact on existing available parking in the parish.’**



## Community Actions

- 7.83 The Plan includes a package of community actions which have naturally arisen during the preparation of the Plan. They are weaved into the topic chapters along with the land use policies. National policy advises that Community Actions should be contained in a separate section of the Plan to distinguish them from the land use policies. I have considered the approach taken in the Plan carefully. On balance, I am satisfied that the way in which the Plan has incorporated the community actions is appropriate. I have come to this judgement for three reasons. The first is that, in most cases, the community actions consolidate the approach taken in the relevant land use policies. The second is that the community actions are shown in a different colour to the land use policies. The third is that the approach taken improves the legibility of the Plan as a whole.

## Other Matters – General

- 7.84 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 because 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 because of the recommended modifications to the policies. It will be appropriate for BDC and NLPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.
- 7.85 I also recommend that any references to NPPF paragraph numbers in the Plan are revised (where necessary) to those in the December 2023 version.
- 7.86 I also recommend that Policy ENV11 is renumbered so that it flows numerically from the preceding ENV policies.

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

*Any references to NPPF paragraph numbers should be revised (where necessary) to those in the December 2023 version.*

*Renumber Policy ENV11*

## Other Matters – Specific

- 7.87 In addition to its comments on the policies, BDC has provided a series of general comments on the Plan. They have been very helpful as part of the examination of the Plan. Based on those comments I recommend the following modifications to the Plan so that it will meet the basic conditions:

*Page 6, paragraph 4: Replace 'NPF' with 'NPPF'*

*Page 15, A. Housing and the Built Environment, paragraphs 3 and 4: The housing requirement figures quoted from the emerging Bassetlaw Local Plan are incorrect. The*

*District-wide requirement is a minimum of 9,720 dwellings for the 18 years from 2020-2038, and it is expected that about 1,715 dwellings of this will be delivered in Small Rural Settlements during the plan period (see paras 5.1.36 and 5.1.58 of the Bassetlaw Local Plan 2020-2038 Main Modifications, published August 2023).*

*Page 19, Housing Mix, paragraph 9: The reference to emerging Bassetlaw Local Plan Policy 32 should be to Policy ST30*

*Page 20, Affordable Housing, paragraph 8: In the emerging Bassetlaw Local Plan, affordable housing is mentioned in Policy ST29, not Policy ST31, and it requires 20% (not 10%) Affordable Housing provision on brownfield sites (for affordable home ownership) and 25% (not 20%) on greenfield sites.*

*Page 22, Design, paragraph 4: Promoting high quality design and design quality is addressed in Policy ST35 of the emerging Bassetlaw Local Plan, not Policy ST37.*

*Page 22, Design, paragraph 4: Replace 'Policy HBE6' with 'Policy HBE5'.*

*Page 24, Figures 4.1 and 4.2: The two maps would benefit from being increased in size, as the information is not legible at present.*

*Page 27, Important Open Spaces, paragraph 3: The plan period for the emerging Bassetlaw Local Plan period is from 2020 to 2038 (not 2021 – 2037), and it would be appropriate to refer to Policies ST46 and 47 (Open Space and Sports & Recreation sites), as opposed to Policy ST48.*

#### Implementation and Review

- 7.88 Section 8 of the Plan properly comments about the need for monitoring of any 'made' neighbourhood plan. It also recognises that a review of the Plan may be required at some point within the Plan period. The submitted Plan has been prepared within the context of a development plan context that pre-dates the introduction of the current version of the NPPF. As described elsewhere in this report, BDC is now well-advanced in the preparation of a new Local Plan. This process will be an important milestone in the development of planning policy in the District.
- 7.89 The submitted Plan describes the way in which it has recently been revised to take account of changes in the way in which BDC is anticipating that future housing delivery will come forward within the wider context of the emerging Plan. This is best practice and has regard to guidance on this matter in Planning Practice Guidance (41-009-20190509).
- 7.90 Nevertheless, I recommend that the Plan includes some commentary about the relationship between the emerging Local Plan and any made neighbourhood plan at that time. Plainly NLPC will need to consider the potential impact at that time and reach its own view on the need or otherwise for a review of the Plan.

*At the end of the third paragraph of Section 8 add: 'In addition, the eventual adoption of the Bassetlaw Local Plan 2020-2038 will be a key milestone in the formulation of the*

*development plan for the District. In this context, the Parish Council will consider the need for a review of the neighbourhood plan within six months of the adoption of the 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 2038. 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
- 8.2 Following the independent examination of the Plan I have concluded that the Nether Langwith 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 Nether Langwith 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 24 September 2020.
- 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**  
**21 February 2024**