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certain groups were 'harder to reach' and discussion workshops and meetings were held with young people, primary school children, older people, the disabled and small businesses. The questionnaire survey was completed by 71 respondents.

3.2.3 The Consultation Summary document sets out the detail of these early consultations and the comments and survey results. It is clear that opportunities were available to the community to be involved and that the consultations gave a reasonable basis for the preparation of the plan.

3.2.4 The pre-submission consultation as required by Regulation 14 involved a 6 week period from 14 July 2016 to 26 August 2016. The MNP was made available online and locally and the consultation was advertised by the methods set out in 3.2.1. Statutory consultees and other key community stakeholders were consulted by email with a link to the plan website on 14 July 2016. MPC set up a drop-in workshop on 16 July 2016. During the period 7 submissions were made in writing from statutory consultees. No responses were received from residents.

3.2.5 The Neighbourhood Planning Regulations are part and parcel of the 1st Basic Condition and regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement and the supporting Consultation Summary I am satisfied that it is compliant with Reg 15 in demonstrating who was consulted, how they were consulted, what the main issues and concerns were and what action has been taken in response to these to arrive at the Submission Draft Plan. Notwithstanding the lack of any community responses at the pre-submission stage I am satisfied from the evidence that the communication and consultation which took place provided adequate opportunity for the community's participation.

4. Preparation of the Plan and Legislative Requirements

In terms of the procedural tests set out in paragraph 1.3.3 of this report my findings are as follows:

4.1 Qualifying body

4.1.1 Misson Parish Council as the duly elected lower tier council is the qualifying body for preparation of the Plan.

4.1.2 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

4.2 Plan area

4.2.1 The Misson Neighbourhood Area as designated coincides with the boundaries of the Parish.

5.5.3 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair and public hearing in determination of an individual's rights and obligations - the process for preparing the MNP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.

5.5.4 In respect of Article 14 of the Conventions Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground, the policies and proposals of the MNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible. Although no specific Equalities Impact Assessment has been carried out I am satisfied that, across the plan as a whole, no sectors of the community are likely to be discriminated against and no objections have been raised that would suggest otherwise. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.

5.5.5. I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.

5.5.6 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the MNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

6. The Neighbourhood Plan – Assessment

The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in section 5 above that the plan as a whole is compliant with Basic Conditions Nos 4 (EU obligations) and 5 (Other prescribed conditions), this section largely focusses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General Conformity with strategic policies of the Development Plan).

Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.

6.1 The General Form of the Plan

6.1.1 The structure of the MNP is generally logical and clear with early sections setting the context and then policy sections. Each policy is accompanied by some supporting text and the plan distinguishes between the policies themselves, and their justification.

6.1.2 I have two concerns with the general structure and content of the plan. The first is that the plan must provide a clear and unambiguous guide to developers and to that end there is a need for some of the policies to be defined spatially on a policies plan. An

example of this is the Misson Mill site which is proposed to be allocated for mixed use redevelopment. The second concern is a more minor point, that paragraphs 19-55 should all form part of the subheading 'Misson Today'. Currently paragraphs 19- 54 fall under the heading 'Status of Projects and Actions' which is incorrect.

6.1.3 There are a number of other such typographical errors apparent in the MNP. The procedure for the examination, as well as allowing modifications to the plan to be recommended where the basic conditions would not otherwise be met, allows the examiner to correct typographical errors. Where necessary I have included these within my recommendations below.

Recommendation 1 –

1A – Prepare a Policies Map for the Plan identifying the plan area and an Inset for Misson at a larger scale that clearly shows the Misson Mill allocation and other policies where there is a spatial component as set out in the rest of section 6 below.

1B - Insert “*Misson Today*” sub heading before paragraph 19 and adjust contents page accordingly. Challenges and Opportunities at paragraph 55 would become Part J of ‘Misson Today’.

6.2 What is the Misson Neighbourhood Plan?

6.2.1 This section of the MNP is largely factual describing the plan and its role. However Paragraph 1 in explaining the status and usage of the plan after it is 'made' does not have full regard to Section 38(6) of the PCPA 2004. The plan needs to make clear that after it is 'made' it is part of the development plan and will be used not just in assessing planning applications but more importantly in determining them including determination by Inspectors at appeal.

Recommendation 2 – Revise last sentence of paragraph 1 to read

“Once the plan has been ‘made’ by Bassetlaw District Council (BDC) it is part of the development plan with statutory weight and will be used by :

- a) Developers as they prepare planning applications for submission to BDC***
- b) BDC in assessing and determining planning applications***
- c) Inspectors in determining appeals”***

6.3 Why do we want a neighbourhood plan

6.3.1 This section sets out what the MPC and the community seeks to achieve through the MNP. I have no comments to make on this section.

6.4 How does this Neighbourhood Plan work with the planning system

6.4.1 The section sets out how the neighbourhood plan interacts with the rest of the planning system. Paragraph 9 as with paragraph 1 does not have full regard to S38(6) of

the PCPA 2004 by referring to the plan having 'significant weight'.

In addition BDC has drawn attention to the fact that there is a factual inaccuracy in the web address provided which needs to be corrected.

Recommendation 3

3A – Revise last sentence of paragraph 9 to read :

“Planning applications will therefore be determined in accordance with the neighbourhood plan unless material considerations indicate otherwise.”

3B – Revise the weblink to read :

<http://www.bassetlaw.gov.uk/everything-else/planning-building/planning-policy/core-strategy-development-management-policies/core-strategy/the-core-strategy.aspx>

6.5 Consultation

6.5.1 This section of the plan briefly summarises the consultation that was carried out in connection with the preparation of the MNP. There is one factual correction to make in paragraph 15 as the plan has moved on from the submission stage.

Recommendation 4 - Delete the last part of the sentence in paragraph 15 after 'Consultation Statement'.

6.6 Status of Projects and Actions

6.6.1 This section explains the fact that the MPC has taken the opportunity to identify some community projects related to the MNP policies and that Community Infrastructure Levy and other funding will be used to implement these. The section correctly confirms that these projects are not part of the Neighbourhood Plan. The section raises no issues with respect to the basic conditions.

6.7 Misson Today (Paras 19 to 55 – See Recommendation 1)

6.7.1 The section Misson Today from paragraph 19-55 (See Recommendation 1) is largely a factual explanation of the background to Misson Parish and the issues that the preparation of the plan has identified. There are no matters of concern relating to the basic conditions but there are a number of minor typographical errors which require correction as follows:

Recommendation 5

5A – Table 1 – Make clear that the entries in the rows are percentages – Thus ‘% Under 16’; ‘%16-65’; ‘%Over 65’ and insert the source of the data.

5B – Paragraphs 41 and 42 duplicate each other. BDC suggest that paragraph 41 is removed as it is no longer accurate. I have no reason to disagree – delete paragraph 41 and retain paragraph 42 with appropriate renumbering.

5C – Map 3 – does not include a source for the mapping - include a source for the Flood Zone Map.

5D – It is not clear in paragraph 46 what DM12 relates to. Revise wording to read : *“Policy DM12 of the Bassetlaw Core Strategy deals with Flood Risk, Sewerage and Drainage and requires that.....”*

5E – Referencing in paragraph 47 is incorrect. The reference to the website in line 6 of the paragraph should read “Nottingham City Council’s website” and it should be the “2010 Green Infrastructure Study” that is referred to in line 6.

5F – Paragraph 51 – The quote is unsourced. Either remove quote marks and italics or provide the source.

5G – The reference to the Open Spaces Strategy 2012 is incorrect it should refer to the “Open Spaces Study 2012”

6.8 and 9 Community Vision and Community Objectives

Section 8 and 9 of the MNP sets out the vision of the plan, and the community objectives to deliver the vision and provides the basis for the policies. This approach contributes to providing a clear thread linking the issues identified in Section 7 Misson Today and in the questionnaire responses and the SWOT analysis, to the vision and the policies of the plan.

The vision and community objectives do draw on the matters of concern within the community and set out the need to meet the local needs of the community without losing the rural character of the parish. The plan therefore has regard to the PPG advice in respect of neighbourhood plans that they *“provide the opportunity for communities to set out a positive vision for how they want their community to develop... in ways that meet identified local need and make sense for local people”* .

The vision also encapsulates in a succinct way the vision and strategic objectives, particularly those relevant to Misson, SO1 and SO5-10 set out in section 3 of the BCSDMP.

The vision and objectives for the plan were assessed in the SA against the 14 Sustainability Assessment Objectives and were found to have either a positive or neutral outcome. They are therefore likely to contribute to the achievement of sustainable development.

Accordingly, the Vision and Community Objectives meet basic conditions 1, 2 and 3.

6.10 How the Neighbourhood Plan Policies Work Together with Other Strategic Policies

6.10.1 Section 10 of the plan is largely factual as to how the MNP will operate but there is a significant omission in this section of the plan in that the plan does not discuss the development boundary in place for Misson through policy CS8 of the BCSDMP and the fact that a substantial part of the Misson Mill development would be outside the boundary and no change to the boundary is proposed.

6.10.2 Moreover there are factual errors in paragraph 60 where policy referencing is incorrect. Policy 2 refers to all development. It is policy 7 that relates specifically to Misson Mill. Policy 11 no longer exists.

6.10.3 This omission and factual errors need to be corrected as they will create significant confusion and a lack of clarity contrary to the advice in the PPG. Without modifications being made Basic Condition No 1 would not be met.

Recommendation 6

6A – Replace paragraph 61 to read:

“ These neighbourhood plan policies are also written in the context of District policies which aim to support sustainable development. *The Bassetlaw Core Strategy and Development Management Policies DPD establishes a sustainable development hierarchy in which Misson village is identified as a Rural Service Centre and development boundaries are identified for these centres. The development boundary for Misson was established before proposals to redevelop the Misson Mill site were brought forward and excludes a significant area now proposed for development. The Misson Neighbourhood Plan has therefore been taken as the appropriate opportunity to review the development boundary and incorporate all of the Misson Mill land within it to enable the future redevelopment the plan proposes. The policies map identifies the new development boundary.*”

6B – Reword paragraph 60 to read:

“*Only Policy 7 relates specifically to the Misson Mill site. All the other 9 policies*”

6.11 Sustainable Development Principles

6.11.1 Section 11 of the MNP sets out what the plan means by sustainable development and in particular at paragraph 68 sets out the locally important elements of a sustainable future for Misson Parish. The section is consistent with the principles of sustainability set out in the NPPF and the BCSDMP and meets the basic conditions.

6.12 Consulting the Community (Policy 1)

6.12.1 The NPPF at paragraph 189 encourages developers to consult with the community prior to applying for permission to develop and at paragraph 66 it states that “*Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community*”. Policy 1 has regard to this advice in the NPPF in encouraging pre application discussion.

6.12.2 Representations at the Reg 16 stage raised concerns that policy 1 is not consistent with the NPPF in that it does not accord with paragraph 189 and is in conflict with the MNPs own community objective No 1. As far as the NPPF is concerned consistency is not the test of the basic condition the test is that the policies ‘*must have regard to*’. Paragraph 189 goes on to state that “*They (LPAs) should also, where they think this would be*

beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications". The MNP is intended to become part of the development plan and will be applied by the LPA and a policy merely encouraging pre- application consultation with the community has regard to paragraphs 66 and 189 and I have no concern with the principle.

6.12.3 However the PPG requires that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests clause 2 in policy 1 is problematic. There is nothing to suggest in the justification to policy 1 or in the NPPF that consultation, particularly in respect of design, is only necessary in respect of residential development which is what clause 2 seeks. The rest of the policy relates to all development. Further confusion is caused by the reference to Appendix A in paragraph 74. The appendix gives very little additional detail to what is included in Policy 1 and as such it is unclear in its purpose and how it would operate with the policy and should be deleted.

6.12.4 Accordingly in order to meet Basic Condition No 1 I recommend that the Policy is modified.

Recommendation 7

7A – Reword clause 2 of policy 1 to read:

“In consulting with the community it will be considered best practice for the applicant to work with the Parish Council to understand local views particularly about the design of new development.....”

7B – Delete Appendix A

6.12.5 Otherwise the content of the policy is in general conformity with the BCSDMP and inasmuch as it seeks development that simply reflects the local community’s aspirations it is likely to contribute to achieving sustainable development.

6.13 The Importance of Good Design in Residential Development (Policy 2)

6.13.1 Policy 2 seeks to establish sound design principles for all residential development in the plan area based on the findings of the Misson Design Guide produced as an appendix and part of the evidence base to the MNP.

6.13.2 Policy 2 has regard to the high level of importance which the NPPF places on high quality design particularly the importance of development reflecting and enhancing local character and local distinctiveness.

6.13.3 In addition the policy is in general conformity with policy DM4 on Design and Character in the BCSDMP and adds local detail to the higher order principles set out in

that policy. The *principle* of the policy therefore meets Basic conditions Nos 1 and 3.

6.13.4 However again the NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests Policy 2 has a number of shortcomings. It is not clear from the policy in clause 3 exactly what is meant by “higher level streets” nor in clause 4 what part of the village is considered to be the historic core. For the policy to be sufficiently clear to be operated successfully section 3 needs to name the streets and use the same terminology as in the supporting text and the historic core area referred to in section 4 needs to be defined on a Policies Map (See Recommendation 1)

6.13.5 In addition BDC at the Reg 16 consultation stage raised 2 concerns with the policy. First that the requirement in clause 5 for tree planting in front gardens was overly specific and should be removed and secondly that clause 6 was repetitious and therefore unnecessary and should be removed.

6.13.6 One of the core planning principles of the NPPF is that planning should take account of the different roles and characters of different areas. It may therefore not always be appropriate to require tree planting in front gardens and the NPPF encourages a more flexible approach to secure high quality design. I therefore consider that, as clause 5 already encourages landscaping to soften the built form, the specific reference to trees in front gardens is unnecessary and inappropriate. The wording in clause 6 may in part repeat that in clause 4 but clause 4 relates to the historic core of Misson whereas clause 6 is intended to apply to the whole village. Some simplification of the clause however would remove repetition of detail also set out in clause 5.

Recommendation 8

8A – Reword clause 3 to read:

“Development on the ‘higher order’ streets used as thoroughfares within the village (Top Street and High Street) should also....”

8B – Identify the historic core of Misson on the Policies Map proposed at Recommendation 1 and reword clause 4 to read :

“In the historic core of the village, defined on the Policies Map, development should....”

8C Reword clause 5 C to read:

“the use of landscaping to soften the built form;

and” 8D – Reword clause 6 line 2 onwards to read:

“....where the scheme is brought together through use of a narrow range of appropriate local materials, roofing approaches and boundary treatments.”

6.14 A Mix of Housing (Policy 3)

6.14.1 Policy 3 draws on evidence from the Strategic Housing Market Assessment Bassetlaw Report 2014 and consultation throughout the preparation of the MNP and seeks to respond to concerns that housing in the community is dominated by larger detached dwellings and that a mix with smaller units is required to support a sustainable community.

6.14.2 The Pegasus Group commenting at the Reg 16 stage has raised concerns that the policy is very prescriptive and restrictive, limiting the type and nature of development and is not consistent with the NPPF.

6.14.3 The NPPF however at paragraph 50 encourages planning for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and goes on to say that the size, type, tenure and range of housing that is required in particular locations reflecting local demand should be identified. To that end the principle of the policy is not inappropriate. However I accept that the thrust of the NPPF is towards a choice of quality housing and a flexible approach. Policy 3 still fundamentally seeks a housing mix but, because of the notable preponderance of larger detached dwellings, securing that mix to offer housing choice to smaller households in Misson will mean delivering a number of smaller houses. With the removal of the word “required” in policy 3 I am satisfied that the policy is sufficiently flexible and is not overly prescriptive or restrictive. Clause 2 still leaves it open for developers to make the case to demonstrate how their proposed mix takes account of local need.

6.14.4 The policy reflects and complements policy DM5 of the BCSDMP on Housing Mix and Density. Policy 3 of the MNP has taken account of the evidence base set out in policy DM5 which also states that consideration will be given to local market factors – which is what policy 3 of the MNP seeks to do. The policy as proposed to be modified is therefore in general conformity with policy DM5.

6.14.5 Given that the outcome of the policy is to provide smaller housing for younger people and older people within the community it is likely to contribute to achieving a more sustainable community. The SA indicates that the policy will have positive benefits in respect of the social SA objectives and largely neutral in respect of the other objectives.

6.14.6 Finally there are two editing and typographical errors in this section. The quote of Government policy at paragraph 106 must be referenced or deleted. Line 1 of Clause 2 of the policy 3 has a redundant word “in”.

Recommendation 9

9A – Reword Line 1 of clause 1 of policy 3 to read:

“Planning applications for housing schemes should deliver.....”

9B – Remove the word “in” between the words “been” and “taken” in line 1 of clause 2 of policy 3.

9C – Provide the source reference for the government policy in paragraph 106.

6.14.7 With these modifications the policy meets the Basic Conditions Nos 1, 2 and 3.

6.15 Infill Development in Misson Village (Policy 4)

6.15.1 Policy 4 seeks to guide infill and redevelopment proposals in the village and to encourage such development to provide smaller dwellings well related to village services. The principle of the policy has regard to the NPPF and is complementary and additional to policy CS8 of the BCSDMP setting out the development strategy for the rural service centres including Misson.

6.15.2 However again the NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests Policy 4 is unclear. It is obvious from the wording of the policy that the intention is to cover both infill and redevelopment opportunities and yet the title to the policy and the wording at clause 3 and indeed the wording in the supporting text is not consistent. This creates a policy which is unclear in its intent and fails to have adequate regard to national policy and advice and modification is necessary.

6.15.3 In addition there are also typographical errors and words missing in paragraph 113 of the supporting text.

Recommendation 10

10A - Amend the titles to section 15 and to policy 4 to read:

“Infill *and* Redevelopment in Misson Village”

10B - Reword line 1 of clause 3 of policy 4 to read:

“Proposals that include smaller dwellings to meet local needs on *infill and redevelopment sites* that.....”

10C – reword paragraph 113 Lines 1 and 2 to read:

“...the accompanying Conservation Area *Character Appraisal and Management Plan* would detail the distinctive character of the village and *require* development to....”

6.15.4 With these modifications in place the policy would meet Basic Conditions Nos 1, 2 and 3.

6.16 Enhancing the Provision of Community Facilities (Policy 5)

6.16.1 Policy 5 encourages and supports the provision of community facilities appropriate to the rural setting. As such the policy has regard to paragraph 70 of the NPPF encouraging plans to plan positively for community facilities and is in general conformity with policy CS8 of the BCSDMP which supports community facilities in rural service centres such as Misson. In as much as the development of community facilities in the village would also contribute to achieving a sustainable community the policy meets Basic Conditions Nos 1,2 and 3.

6.16.2 However there are factual inaccuracies in the supporting text of paragraph 121 which conflict with national policy. Planning gain is not a term that is recognised in national policy. All developer contributions secured through S106 planning obligations and deemed to be necessary to make a development acceptable have to be directly related to the development and fairly and reasonably related to it. It is misleading for the plan to imply that planning gain can be secured through S106 and applied by the parish council to the improvement of community facilities. It is true however that once the MNP is 'made' that 25% of the Community Infrastructure Levy can be applied locally so the text should be amended to reflect that.

Recommendation 11 – reword the second sentence of paragraph 121 to read:

“The Parish Council intends that *once the Neighbourhood Plan is ‘made’ some of the 25% of the developer contributions secured through the Community Infrastructure Levy and available to Parishes with Neighbourhood Plans will be used to....”*

6.17 Protecting and Enhancing Heritage Assets (Policy 6)

6.17.1 Policy 6 of the MNP does not replicate policy advice in either the NPPF or policy DM8 of the BCSDMP which primarily seek to ensure heritage assets are preserved or enhanced. Rather the policy encourages the restoration of listed buildings at risk for uses compatible with their designation and in particular supports the development of facilities at St John's church that will enable a more sustainable use in the future. In this respect the policy is complementary to national and local policy, has regard to the NPPF at section 12, in particular paragraphs 126 and 131 and is in general conformity with the Development Plan. Inasmuch as the policy is likely to secure a more sustainable future for heritage assets the policy is likely to contribute to sustainable development.

6.17.2 As such the policy meets Basic Conditions Nos 1,2 and 3 and I have not identified any need to modify the policy.

6.18 Developing Misson Mill (Policy 7)

6.18.1 Policy 7 and its supporting text sets out the basis for the main allocation of

development land in Misson at Misson Mill. The intention to seek a mixed use redevelopment of previously developed land for residential, business and possibly small scale retail purposes and provide additional public open space well related to Misson village has regard to the policies of the NPPF.

6.18.2 However the proposal relates to substantial development outside of the development boundary for Misson established through BCSDMP policy CS8. The MNP does not address this and indeed makes no mention of the development boundary and therefore is not in general conformity with this strategic policy and therefore Basic Condition No 3.

6.18.3 I have considered the implications of this and whether modification of the plan would be possible or whether the plan should not proceed. On balance and for the following reasons I consider the plan can be modified to meet Basic Condition No 3. First, the proposal takes forward a proposed allocation in the Site Allocations Development Plan Document which BDC was producing and which, had it not been withdrawn, would have formally revised the Misson development boundary to accommodate the allocation. Secondly the proposal to develop the Misson Mill site has been an understood and accepted part of the plan from its early stages with no in principle objections to the proposal. The community appears to clearly understand and support the proposed development. Thirdly allocating land for development and by implication adjusting boundaries where necessary is an appropriate function of neighbourhood plans. I therefore consider that modifying the plan as proposed at recommendation 6 above and 12 below is appropriate, would not come as a surprise to the Misson community and would not require the plan to be the subject of further consultation or re-submission.

6.18.4 In addition to this significant oversight there are a number of other concerns with this section of the plan. The NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests policy 7 and its supporting text fails as there are a number of areas in which the proposal is unclear.

6.18.3 The status of the illustrative map at paragraph 139 is unclear. The extent of the development area should be clearly identified on a policies map (as proposed at Recommendation 1) with a parallel change necessary in the first part of the policy.

6.18.4 In the supporting text BDC have advised that there are factual inaccuracies in the text at paragraph 131 and 132 and have proposed a replacement wording. I accept that the clarification is necessary. In paragraph 133 there is reference to policy 2 but policy 2 does not specifically refer to Misson Mill and the reference should be policy 7. Paragraph 134 simply repeats the text at figure 1 which appears to be an editing error. In paragraph

135 the reference to previous development land should use the terminology as it appears in the NPPF of 'previously developed land'. In paragraph 139 it is not clear that what is shown in the figure is the preferred development that the plan is now proposing. Paragraph 141 omits reference to policy 7 which is the main controlling policy for development at Misson Mill. In paragraph 144 it is unclear which District Council Policy is referred to. It should state policy DM7. Finally the statement regarding self-build only relates to Misson Mill whereas the subtitle before the paragraph implies that it refers to self-build throughout the parish.

6.18.5 Whilst not significant individually these errors and omissions together make for a policy proposal that is unclear and inconsistent and therefore fails against Basic Condition No 1 unless modified.

Recommendation 12 –

12A – Prepare the policies map as per recommendation 1 and include within it the Misson development boundary revised to include the Misson Mill site proposed for development and show the exact extent of the allocated Misson Mill redevelopment area to which Policy 7 applies.

12B – Insert new paragraph 141 under Sub heading 'New Development on the Misson Mill Site' as follows:

“The Development Boundary for Misson established through policy CS8 of the Bassetlaw Core Strategy and Development Management Policies DPD excludes a large part of the Misson Mill site proposed for allocation. To allow the redevelopment proposals which the Neighbourhood Plan proposes the development boundary is revised to include the Misson Mill site. The new boundary and the exact extent of the area for redevelopment is identified in the Policies Map”.

(Note – Subsequent paragraphs will have to be renumbered)

12C - Modifications to Policy 7:

i) Reword Clause 1 to read:

“Development on the Misson Mill site will be supported within the boundary defined on the Policies Map and where the proposals are in general conformity with the indicative layout at paragraph 139 of the plan”.

ii) Delete “and” at the end of clause 2f)

12D – Other modifications to supporting text:

i) – Delete paragraphs 131 and 132 and replace with new paragraphs to read:

“131 The draft Sustainability Appraisal (SA) produced by BDC for this site to accompany the draft Site Allocations Preferred Options Consultation Paper advised that the site was the only realistic option for development in the village. Although the Site Allocations Development Plan Document has now been withdrawn, the work undertaken for the SA is still useful.

132 Paragraphs 5.115 to 5.117 of the SA are set out in Figure 1”

ii) – Reword paragraph 133 line 2 to read:

“and the land surrounding it for development *in Policy 7 – Mixed Use Development on the Misson Mill site*”

iii) – Delete paragraph 134 which simply repeats the second paragraph of Figure 1

iv) - Replace “previous development land” in line 1 of paragraph 135 with “*previously developed land*”

v) – Reword paragraph 139 to read The indicative layout for approximately 50 dwellings shown in option 4 below is therefore the preferred development approach

vi) – Paragraph 141 line 3 – add “*and 7*” after “Policy 2”

vii) – Paragraph 144 Add to line 2 “*DM7*” after District Council Policy

viii) - Paragraph 146 – remove the words “in Misson” from the title.

6.18.6 With these modifications in place the policy would meet Basic Conditions 1 and 3 and would achieve sustainable development by helping to secure a viable rural economy.

6.19 Energy Efficiency of New Development (Policy 8)

6.19.1 The plan and policy 8, in adopting a positive approach to renewables, has had regard to section 10 of the NPPF and in particular paragraph 97. In the same way nothing in policy 8 raises any conformity issues with policy DM10 of the BCSDMP. The support for use of renewable energy solutions compatible with the type of development should generally further sustainable development principles. The policy meets Basic Conditions Nos 1, 2 and 3 without the need for modification.

6.20 Better Broadband (Policy 9)

6.20.1 Paragraph 43 of the NPPF encourages plans to support the expansion of electronic communications networks including telecommunications and high speed broadband. In that respect policy 9 has regard to national policy. However the policy in part 3 sets a higher test than that in the NPPF by requiring provision of the necessary means for residents to access superfast broadband. This is an unreasonable expectation.

6.20.2 In addition Part 2 of the policy implies that all development if it provides access to superfast broadband will be supported. As the Planning Practice Guidance requires that policies in a neighbourhood plan should be clear and unambiguous, as drafted the policy is not entirely clear. In order to meet Basic Condition No 1 I recommend the wording is modified as follows:

Recommendation 13

13A - Reword the text at clause 2 of policy 9 to read:

“...Proposals that *accord with development plan policies and provide access to ...*”

13B – Delete clause 3

6.21 Green Infrastructure and the Natural Environment (Policy 10)

6.21.1 Section 11 of the NPPF and paragraph 114 in particular encourages planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. The principle of MNP policy 10 therefore has regard to national policy advice.

6.21.2 However again the NPPF indicates that plans should provide a practical basis within which decisions on planning applications can be made with a high degree of predictability and efficiency and the PPG that policies in a neighbourhood plan should be clear and unambiguous. They should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Against these tests policy 10 fails as there are a number of areas in which the policy is unclear.

6.21.3 In clause 1 it is unclear from the wording what is intended. It is the infrastructure to provide the opportunity for walking that is supported throughout the parish not walking across the parish per se. Sub clause b) is incorrect in that the Map quoted should be Map 8. In clause 4 there is more than one SSSI in the parish the text should refer to SSSIs in the plural.

6.21.4 In its comments at the Reg 16 stage BDC proposed a revision to the wording of Clause 3. I accept that the source of the definitions in clause 3 would be more clearly expressed as footnotes thus avoiding changes to the policy if the definition source changes. I also accept that the focus of the NPPF and BCSDMP is on protecting and enhancing areas of biodiversity interest and therefore it will not always be appropriate to provide links from residential areas to these assets which may suffer from added pressure as a result. However I am not satisfied that the alternative wording proposed by BDC is any clearer. The NPPF and BCSDMP policy DM9 provides sufficient control and MNP policy 10 can simply omit the reference to residential areas and instead focus simply on improving green infrastructure linkage.

6.21.5 Policy DM9 of the BCSDMP sets out a very comprehensive approach to the natural environment including green infrastructure and biodiversity and as amended Policy 10 of the MNP will be in general conformity with it.

6.21.6 As the policy seeks to strengthen and support green infrastructure it is likely to contribute to achieving sustainable development and the SA indicates that the outcomes are strongly positive.

Recommendation 14

14A – Reword line 1 of clause 1 of policy 10 to read:

“Development which is directly related to improving or extending *the opportunities for walking in the parish* will be encouraged....”

14B – Replace “Map 5” in clause 1 b) with “Map 8”

14C – Reword line 2 onwards of clause 3 to read:

“...enhance existing green infrastructure assets¹ and priority habitats and species² affected by development and show the opportunities taken to improve green infrastructure linkages.

1. Defined in the Bassetlaw Green Infrastructure Study 2010

2. Defined in the Natural Environment and Rural Communities Act 2006.

14D - Express SSSI in the plural in line 3 of clause 4

6.21.6 Once modified the policy will meet the basic conditions Nos 1, 2 and 3.

6.22 Implementation and Monitoring and Review

6.22.1_These sections of the MNP set out how the plan is to be implemented and commit to carrying out monitoring and review of the plan.

6.22.2 Although there is not a specific requirement on the Parish Council to monitor and review the MNP it is recognised that regular monitoring and review of planning policy documents is good practice. I have no concerns about the plan meeting the Basic Conditions in respect of these sections.

7. Other Matters

7.1 Proposed Allocation of Land East of Gibdyke

7.1.1 A representation from the Pegasus Group was received on behalf of Mr Dermot Marley at the Reg 16 stage and amongst other points referred to above concludes that the *“soundness of the plan in respect of effectiveness and consistency with national policy would be improved by the inclusion of the allocation of land east of Gibdyke”*.

7.1.2 This examination process is not undertaken in the same way as that for Local Plans and does not examine ‘soundness’ – it only examines the plan against the Basic Conditions. Notwithstanding that, I did take the opportunity to view the Gibdyke site whilst carrying out the site visit of the Neighbourhood Area.

7.1.3 I note the points made regarding the Housing White Paper, the stated position regarding housing land supply in Bassetlaw and the encouragement given to development of small sites in rural areas. The focus of housing development in the BCSDMP is in the sub-regional centre of Worksop, the core service centre of Retford, the main regeneration settlement of Harworth Bircotes and it would be in these settlements that any substantive shortfall in housing provision should be made up. The rural service centres such as Misson have a smaller role to play providing for appropriately scaled local development - a role which it is not proposed to change in the emerging Bassetlaw Plan. The MNP in allocating the Misson Mill site for appropriately scaled local development already contributes to a

significant extent towards the level of development identified in the BCSDMP for the Rural Service Centres.

7.1.4 There is no record in the evidence before me of the Gibdyke site being proposed at an earlier stage of the neighbourhood plan's preparation in particular no record at the pre-submission stage consultation asking for it to be considered when procedurally it would have been possible to consider the addition of a further site. To add additional sites at this stage in the neighbourhood plan process leaves no opportunity for consultation with the community on the revised proposal.

7.1.5 By their own admission the respondents consider the development of land east of Gibdyke as windfall and in that respect not necessarily a site that needs to be allocated in the plan. In order that neighbouring residents and the wider community can express their views about this proposal before the principle of development is established it is now best left to be dealt with through the process of development management and a future planning application which would be assessed against the policies of the development plan (including this neighbourhood plan once 'made') and the NPPF.

7.1.6 I acknowledge that the site was part of an earlier Strategic Housing Land Availability Assessment process but was ruled out primarily as the landowner was not known and it therefore could not be considered to be available. Although the landowner's intentions are now clear from the Reg 16 representation, allocation for development would be inappropriate as the site would be outside the development boundary defined in the BCSDMP. Although I have recommended above modifications to revise the development boundary in respect of the Misson Mill site I see this as materially different to revising the boundary to include Gibdyke. This is because the proposed development of Misson Mill is a well-established proposal that has confirmed community support and the need to revise the development boundary is an essential part of delivering this long-expected proposal. The same is not the case with the Gibdyke site.

7.1.7 In conclusion I see no reason in terms of the Basic Conditions to suggest that the Gibdyke site should be added at this late stage.

8. Referendum

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Misson Neighbourhood Plan should proceed to a Referendum.

8.2 I am required to consider whether the Referendum Area should be synonymous with the Misson Neighbourhood Area or extended beyond it.

8.3 The Neighbourhood Area mirrors the boundaries of the parish. Given the scale and nature of the plan and the fact that the allocation proposed would not affect residents in

adjoining parishes I do not consider that extension of the area would be warranted.

8.4 Accordingly, I consider that it is unnecessary to recommend any other referendum area than the Neighbourhood Area and no evidence has been submitted to suggest any alternative approach.

Recommendation 15

I recommend to Bassetlaw District Council that the Misson Neighbourhood Plan, modified as specified above, should proceed to a Referendum based on the Misson Neighbourhood Area as approved by Bassetlaw District Council on 20 March 2015.

Peter D Biggers

4 May 2017

Independent Examiner

Argyle Planning Consultancy Ltd