

Misterton Neighbourhood Development Plan 2018-2035

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

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Bassetlaw District Council in March 2019 to carry out the independent examination of the Misterton Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 10 April 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding green infrastructure and community facilities. It proposes the designation of a suite of Local Green Spaces. It also identifies allocations for new residential development. In doing so it delivers Core Strategy objectives and positively addresses the future of the neighbourhood area. It is a good example of a neighbourhood plan which proactively plans for future growth.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Misterton 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
4 June 2018

1 Introduction

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

2 The Role of the Independent Examiner

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

Examination Outcomes

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

The Basic Conditions

- 2.5 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; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.11 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to comply with this requirement, BDC undertook a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process BDC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 2.9 BDC also prepared a parallel Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The assessment has been produced in a similar standard to the SEA screening report. Whilst there are no designated sites within the neighbourhood area itself the screening report addressed the Thorne and Hatfield Moors SPA. It is located approximately 11km to the north west of the boundary of the neighbourhood area. Natural England agree with the conclusion of the Assessment.
- 2.10 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. This includes Natural England's commentary on the HRA work after the European court case. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.11 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.

Other examination matters

- 2.12 In examining the Plan I am also 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.

2.13 Having addressed the matters identified in paragraph 2.12 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

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

- the submitted Plan and the various Assessments;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Sustainability Appraisal;
- the Site Allocation: Assessment Criteria;
- the BDC SEA and HRA report;
- the Parish Council's responses to my Clarification Note;
- the representations made to the Plan;
- the adopted Bassetlaw District Core Strategy;
- the National Planning Policy Framework (March 2012 and July 2018);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 10 April 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised BDC of this decision early in the examination process.

3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version. The 2018 version of the NPPF was subsequently updated in February 2019. However, those updates do not affect the transitional arrangements which have resulted in the submitted Plan being assessed against the 2012 version of the NPPF.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (April to June 2018). It complements the general details in Section 2 of the Plan itself.
- 4.3 The combination of the Statement and Section 2 of the Plan set out details of the range of consultation events that were carried out in relation to the initial stages of the Plan. They include:
- the consultation events in the Misterton Centre and Library;
 - the consultation events in the local schools;
 - the use of posters and articles in local periodicals;
 - the circulation of information to all households in the neighbourhood area;
 - the creation of a Facebook page; and
 - ongoing engagement with statutory consultees.
- 4.4 From Section 3 onwards the Statement also provides specific details on the comments received as part of the consultation process that took place on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. They help to describe the evolution of the Plan.
- 4.5 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.6 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

Representations Received

- 4.7 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 7 March 2019. This exercise generated comments from a range of organisations and private individuals as follows:

- Anglian Water

- Bassetlaw District Council
- Canal and River Trust
- Coal Authority
- Gladman Developments Limited
- Highways England
- Historic England
- National Grid
- Natural England
- Nottinghamshire County Council Highways
- Oxalis Planning
- Planning and Design Practice (for separate owners)
- Robert Doughty Consultancy
- Severn Trent Water
- Sport England
- Sustrans
- Two local residents

4.8 Where it is appropriate to do so I make specific references to some representations in the detailed sections of this report

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Misterton. Its population in 2011 was 2140 persons. It was designated as a neighbourhood area on 7 July 2016. It is located approximately 5 kilometres to the north-west of Gainsborough and to the immediate west of the River Trent.
- 5.2 The village of Misterton dominates the neighbourhood area. Its layout reflects its location along the A161 and at the junction of that road with the B1403 Gringley Road. The attractive historic core of the village is located at the junction between the two roads in general, and around All Saints Church in particular. The village's main retail and commercial services are located slightly to the east of the historic core off High Street and Station Street. A separate part of the village is located around the Primary School off Grovewood Road and Fox Covert Lane.
- 5.3 The neighbourhood area includes the River Trent, the River Idle and the Chesterfield Canal. In their different ways these waterways contribute significantly to its attractiveness. The Canal runs through the heart of the village and provides recreational and access facilities for the local community. Outside the built-up village of Misterton the neighbourhood area is 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. Misterton is identified as a Local Service Centre where there will be regeneration opportunities together with the services, facilities and development opportunities available to support moderate levels of growth.
- 5.6 Policy CS7 sets out specific development opportunities and requirements for Misterton. In summary these include:
- the provision of 89 dwellings to meet the overall strategic requirement;
 - supporting new economic development;
 - supporting the ongoing viability of the local centres; and
 - supporting opportunities for the development of new community infrastructure.
- 5.7 The District Council has embarked on the preparation of a new Local Plan. Once adopted it will replace the Core Strategy. The Local Development Scheme indicates

that the Local Plan will be submitted for examination in June 2020. On this basis it is not at a sufficiently advanced stage to play any significant role in the examination of the submitted neighbourhood plan.

- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the Core Strategy and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 10 April 2019. The weather was bright and breezy and provided a perfect backcloth.
- 5.10 I drove into the area from the east along the A161. This gave me an initial impression of the setting and the character of the neighbourhood area in general, and its relationship to the River Trent to its east in particular.
- 5.11 I looked initially at that part of the neighbourhood area around the village centre and Haxey Lane. I looked at the proposed housing allocations off Haxey Road and Church Street. I then took the opportunity to look at the Parish Church of All Saints. I saw the rather splendid 1721 heraldic painting at the end of the nave above the Choir area. Outside I saw the different ways in which the Garden of Remembrance and the more traditional graveyard were maintained. The combination of the two maintenance regimes was very attractive.
- 5.12 Thereafter I looked at the civic space around the War Memorial and the children's play area. The play area was proving to be very popular in the early afternoon sunshine. This part of the visit highlighted the attractive way in which the public realm in the neighbourhood area is maintained and the interconnectivity of many of its public places and footpaths. On the other side of the main road I found the tree planted to commemorate the Queen's Silver Jubilee in June 1977.
- 5.13 I continued along the main road to the east to the Co-op food store and the Post Office. With the independent butcher's shop on the opposite side of the roads, and the adjacent Library and Misterton Centre, it formed a vibrant and attractive commercial and community heart of the neighbourhood area. The Library/Misterton Centre is clearly making a very effective use of the former 1872 school building.
- 5.14 I then walked along Wharf Road to the Chesterfield Canal. I was rewarded with very pleasant views in either direction along this important waterway. I saw how it was being used for a wide range of informal recreational uses. Equally I saw how the canal towpath was well-connected to the wider series of informal and formal footpath networks. I then took the opportunity to look at the proposed housing allocation at the

southern end of Meadow Drive and the proposed local green space between the Chesterfield Canal and the Church Farm Estate. I retraced my steps back to the main road. At that point I saw the Jubilee Gardens that had been developed to commemorate the Queen's Diamond Jubilee in 2012. I took the opportunity to plot out the remainder of my visit using the excellent village plan in the Gardens. I then saw the well-detailed Methodist Church with its very impressive marble pillars on either side of the central doorway.

- 5.15 I then drove to the other parts of neighbourhood area. I drove south along Gringley Road. In doing so I looked at the proposed housing allocation to the west of that road. I then drove along Gravelholes Lane and Grovewood Road. Thereafter I looked at the two proposed housing allocations off Grange Avenue and Fox Covert Lane. I then walked along Marsh Lane. I saw the remains of the Newell's factory site.
- 5.16 I finished my visit by looking at the more outlying parts of the neighbourhood area. In particular I drove to the north along the A161 to the River Idle and Haxey Quays and along Gringley Road and Fountain Hill to the south towards Walkeringham. I also saw the West Stockwith Industrial Park. This also helped me to understand the wider landscape setting in which the neighbourhood area is located.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.11 of this report have already addressed the issue of conformity with European Union legislation.

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 March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 and 2019 versions of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Misterton Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan, the adopted Bassetlaw District Core Strategy 2010-2028;
 - 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;
 - always seeking to secure 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, which is identified as a golden thread running through the planning system. Paragraph 16 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 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 plan area within the context of its position in the settlement hierarchy. In particular it

positively allocates six sites for residential development. It includes a series of policies that seek to safeguard the quality and nature of its natural environment and designates local green spaces. 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 (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing and employment development (Policies 7-12 and 13-14 respectively). It also offers support for communication connectivity (Policy 15). It has addressed this element of sustainability in a very positive fashion. In the social role, it includes policies on community facilities (Policy 16) and on housing mix and type (Policy 4). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on development and design principles (Policy 1 and 2), on Green Infrastructure (Policy 17) and on local green spaces (Policy 18). The Parish Council has undertaken its own assessment of 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 area 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. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan. Indeed, it positively seeks to deliver the ambitions of the Core Strategy in the neighbourhood area.

7 The Neighbourhood Plan policies

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

The initial sections of the Plan (Sections 1-7)

- 7.8 These introductory sections of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is presented in a very professional way. It is colourful and makes a very effective use of tables and maps. A very clear distinction is made between its policies and the supporting text. It also draws a very clear connection between the Plan's objectives and its resultant policies.
- 7.9 The initial elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the Plan area and the subsequent policies.
- 7.10 Section 1 (Introduction) provides a very clear context to the neighbourhood area and when it was designated. It identifies how the Plan was prepared, how it will fit into the wider planning system in the event that it is 'made' and what the Plan sets out to achieve. It is a particularly effective introduction to a neighbourhood plan. It includes a very effective and clear map of the neighbourhood area (Figure 1).

- 7.11 Section 2 summarises the consultation exercises undertaken as part of the plan-making process. It provides a useful context for the more detailed Consultation Statement.
- 7.12 Section 3 provides a very helpful and comprehensive context to Misterton. It draws a useful comparison between its history and its current character and appearance. Table 1 provides a very useful summary between the neighbourhood area and Bassetlaw District on a series of demographic, housing and employment matters.
- 7.13 Section 4 identifies key issues for the neighbourhood area. It helpfully does so around the three strands of sustainability.
- 7.14 Section 5 establishes a Community Vision for the Plan. Its focus is on preserving and enhancing the rural and historic character of the village for current and future generations. The vision is underpinned by four community objectives in Section 6.
- 7.15 Section 7 addresses a series of Local Infrastructure Projects
- 7.16 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 1: Sustainable Development

- 7.17 The policy sets a strategic approach to development in the Plan period. It has three related components. The first identifies that the Plan will take a positive approach to development to ensure that the Parish meets the needs of its residents and grows in a manner that recognises its local context. The second supports development where it would maintain the continued sustainability of the neighbourhood area. Important components are identified. The third component has a focus on design and amenity.
- 7.18 The approach taken is both commendable and one which meets the basic conditions in general terms. It has the added advantage of establishing a strong and positive context for the wider Plan.
- 7.19 I recommend two detailed modifications to the policy. The first would provide a more general approach in the first part of the policy to safeguarding environmental assets in the neighbourhood area. As submitted the policy refers in an unspecific way to 'maximising the environment assets in and around Misterton'. The second recommends the deletion of the reference to examples of employment sites. In particular this will ensure consistency with my recommended modification to Policy 12 on the West Stockwith Industrial Park later in this report.

In the first part of the policy replace 'will maximise the environmental assets' with 'should safeguard and where practicable enhance environmental assets'

In the second part of the policy criterion c delete 'for example.... (Fox Covert Lane)'.

Policy 2: Design

- 7.20 This policy sits at the heart of the Plan. The supporting text explains how it has sought to respond to the feedback from the community questionnaire about the importance of new development respecting the traditional style of built development in the neighbourhood area. This matter is particularly important given the level of new development promoted in the Plan at a local level, and the importance of design in national policy.
- 7.21 The policy is underpinned by an assessment of character areas within the main areas of built development. This is included within the submitted 'Neighbourhood Profile'. It is a first-class document that provides helpful information for the seven identified character areas.
- 7.22 The policy has four related parts. The first supports good design where it relates to the established character of the village as described in the Neighbourhood Profile. The second part refers to parking standards. The third part relates to the principles of good design. The fourth part identifies a series of circumstances of unsympathetic design which will not be supported.
- 7.23 Part three of the policy makes specific reference to Building for Life 12. The guide was published by Nottingham Trent University on behalf of the Building for Life partnership (Design Council, Cabe, the Home Builders Federation and Design for Homes). It is based on the National Planning Policy Framework and responds to the Government's commitment to build more homes, better homes and involve local communities in planning. It is an excellent document and template for good house construction. One developer has commented that not all of the developments proposed in the Plan will be capable of meeting the standards in this document. Plainly only time will tell. However, I am satisfied that this part of the policy has been appropriately included in the Plan as it requires new development to demonstrate its association with the principles of good design set out in the document rather than following the document in a regimented or structured fashion.
- 7.24 In general terms the policy meets the basic conditions. Nevertheless, in order to ensure that it has the clarity required by the NPPF I recommend the following modifications:
- in the second part of the policy to clarify that the standards in the Parking Standards document produced by BDC offers the potential for the delivery of a lower figure than two off street parking spaces rather than offering an alternative approach;
 - in the fourth part of the policy concentrating its contents on biodiversity rather than an approach which would not support development which was contrary to the overall effect of policies 1 and 2.

In the second part of the policy replace 'or alternatively in line with' with 'or otherwise any lower standard to meet the'

Replace the fourth part of the policy with:

‘Proposals which have regard to the principles of good design in this policy and which would take account of and respond sensitively to renewable energy technologies, the landscape setting of the neighbourhood area and its biodiversity will be supported.’

Policy 3: Housing Density

- 7.25 This policy refers to housing densities for new development. It seeks to provide a local interpretation of Core Strategy Policy DM5.
- 7.26 As submitted the policy requires that the density of new developments of more than ten houses reflects the site’s location and that of its immediate surroundings. It then continues by commenting that proposals that would result in a higher density would only be supported where they were responding to an identified local need (such as retirement or affordable housing).
- 7.27 I sought clarification from the Parish Council on the ten-dwelling threshold for the policy. Its implication is that the policy would support smaller schemes which might not reflect the site’s location and the immediate surrounding area. The Parish Council commented that it would want the policy to apply to all schemes irrespective of their size. I recommend accordingly. As part of the modification I also recommend that the policy is positively worded by the deletion of the word ‘only’.
- 7.28 I also recommend that the second part of the policy is repositioned into the supporting text. Otherwise the policy has the potential to be confusing
- 7.29 I recommend consequential modifications to the supporting text.

In the first part of the policy delete ‘of more than 10 dwellings’ and ‘only’

Delete the second part of the policy

Replace paragraph 10.8 with:

Any Proposed development for new dwellings should demonstrate how its density is appropriate to its location. [Insert at this point the deleted second paragraph of the policy].

Policy 4: Housing Mix and Type

- 7.30 The policy refers to housing mix and type. In essence it requires that proposals for more than ten dwellings should deliver a Misterton-specific housing mix that meets the housing needs in the neighbourhood area in general, and for 2- and 3-bedroom houses in particular. The second part of the policy comments about how a developer would demonstrate compliance with this policy.

- 7.31 The policy is properly underpinned by supporting text and evidence. It refers to the 2013 Strategic Housing Market Assessment and its update in 2017. BDC has drawn my attention to the detailed wording in paragraph 10.12 about the two studies. I recommend a modification to this paragraph so that the chronology of the studies is clearer and to ensure that the Plan is relying on the most up to date published information. This modification does not affect the integrity of the main part of the policy itself.
- 7.32 I recommend a modification to the first part of the policy so that it better relates to the development management process. As submitted, it does not provide any guidance on the outcome of a planning application.
- 7.33 I recommend that the second part of the policy is addressed in the supporting text rather than directly within the policy. I do so for two reasons. The first is that it is largely a process requirement (in terms of the details to be submitted with any planning application). The second is that as submitted it is unclear on its requirements. Whilst a developer would be able to relate the details of a planning application to published housing studies the reference to 'neighbourhood plan consultations' would be impracticable.

In the first part of the policy replace 'are required' with 'will be supported where they would'

Delete the second part of the policy.

In paragraph 10.12 (second sentence) replace '2013 Strategic Housing Market Assessment (SHMA)' with 'North Derbyshire and Bassetlaw SHMA – OAN Update 2017'

Replace paragraph 10.12 (final sentence) with 'The 2017 SHMA has re-emphasised the findings of the 2013 SHMA'

At the end of the modified paragraph 10.12 insert the deleted second part of the policy with the exclusion of 'Neighbourhood Plan consultations'

Thereafter add:

'Where it is appropriate and practicable to do so development proposals should identify how they have addressed additional matters relating to housing needs beyond these published studies which were raised as part of the consultation stages of the neighbourhood plan.'

Policy 5: Allocation of Affordable Housing

- 7.34 This policy addresses the allocation of affordable housing in the neighbourhood area. Paragraph 10.21 comments that the Plan supports the BDC policy approach for local connection criteria on this important matter.
- 7.35 The policy has attracted representations from both BDC and a developer. The former comments about the details of the approach taken and their relationship to the Choice

Based Lettings Policy. Gladman Developments raises specific matters about the details of the policy in general, and the 5-year periods for compliance in particular.

- 7.36 In a more general context I sought advice from the Parish Council on the extent to which the policy is a land use policy given that its focus is on the allocation of affordable housing rather than its provision. I have considered the response together with the other representations to the policy very carefully. In doing so I recommend that the policy is deleted. It is a process-related matter rather than a land use matter. In any event the Parish Council's response to my clarification note suggested that the policy should be modified so that it fully accords with BDC's Choice Based Lettings Policy. In this regard there is no general need for a neighbourhood plan policy to repeat policy or other guidance that has already been adopted by the local planning authority.
- 7.37 I have also considered carefully the need or otherwise for the supporting text to remain in the Plan without the policy itself. However, I am satisfied that the submitted text provides commentary on an important matter to the local community and that it would be appropriate to identify the Plan's support for the relevant BDC policy. It will also serve as a pointer to the development industry as it prepares planning applications in the neighbourhood area.

Delete the policy.

At the end of paragraph 10.21 add:

'This is captured in the District Council's Choice Based Lettings Policy (May 2017).'

Policy 6: Windfall Development

- 7.38 The policy addresses windfall developments. Paragraphs 10.22 and 10.23 identify the nature of the sites which may come forward by this route in the Plan period. The delivery of such windfall site will complement the development of the larger sites separately identified in Policies 7-12 of this Plan.
- 7.39 I recommend a series of modifications to the policy so that it would have the clarity required by the NPPF. The first makes a distinction between proposed developments within and outside the development boundary. As submitted the policy refers to Misterton whereas elements of the first criterion relate only to sites within the development boundary. The recommended modification provides a direct connection to the relevant policy in the Core Strategy. The second breaks down the second part of the policy into its component parts. As submitted this part of the policy addresses several matters and does so through a series of double negatives.

Replace the policy with:

'Proposals for residential development within the development boundary will be supported subject to the following criteria:

- **they would not cause unacceptable harm to the residential amenity of properties in the immediate locality;**

- they would be consistent with the character and appearance of the immediate locality; and
- they would provide suitable vehicular access.

Proposals for residential development outside the development boundary will be supported where they would accord with the principles included within Policy DM3 of the Bassetlaw District Local Development Framework Core Strategy and Development Management DPD.'

The Allocation of sites for new residential development

- 7.40 Policies 7-12 allocate specific sites for residential development. I comment on each site in turn under the relevant policy headings. To avoid repetitive commentary for each of the sites this part of the report looks at the assessment criteria for the allocation of the sites. The process is helpfully set out in a separate and comprehensive document.
- 7.41 The Site Allocation report describes both how the process itself was undertaken and the criteria which were used to assess the various sites considered. On the process issue the report assessed all the sites identified through the emerging Plan and their potential for being included as a housing allocation in the final plan. The sites that were considered came from two main sources. The first was sites identified through public consultation which the community felt were worthy of consideration. The second was sites submitted to the District Council as part of the Local Plan "Call for Sites" in the Land Availability Assessment.
- 7.42 The report built upon the work undertaken as part of the Site Assessment Report (SAR). This document assessed each site's development potential and included initial feedback from the District Council based on feedback from various consultees.
- 7.43 On the assessment issue the Site Allocation report took a very thorough approach to this important matter. In particular it assessed each site against the following matters:
- the initial assessment made in the Site Assessment Report
 - is the landowner supportive of developing the site?
 - is the local community supportive of the development of the site?
 - will development of the site be compatible with existing and/or proposed neighbouring land uses?
 - will the site result in the loss of best and most versatile agricultural land?
 - is the site in a landscape character Policy Zone that should be conserved?
 - will the development detract from or enhance the existing built character of the neighbourhood?
 - will the development detract from or enhance the Natural Environment of the neighbourhood?
 - will the site impact upon identified heritage assets (including setting)?
 - what impact would developing the site have on existing infrastructure?
- 7.44 The site assessment process resulted in six sites being identified as potentially suitable for housing development. In each case the Site Allocation report sets out key

information about specific issues in relation to the development of the site concerned and any relevant comments from statutory bodies. This part of the exercise is very helpful in explaining how the sites have been allocated and how their development should take place. However, the details are not translated directly into the Plan itself. As such a potential developer and the development management team at the District Council would need to access the Site Assessment document to understand the criteria in the relevant policy. In these circumstances I recommend that the site-by-site assessment (from page 18 onwards in the Site Assessment document) should be reproduced collectively within an appendix to the Plan. For clarity I recommend this approach within the context of the six policies. To avoid repetition, I will not repeat this explanation for the recommended modification in each policy.

- 7.45 Each of the policies for the allocation of land for residential use requires that the resulting development takes into consideration the findings of the Neighbourhood Profile Report and the commentary in the Site Assessment Report. Thereafter it identifies specific criteria as relevant to the site concerned. I am satisfied that in general terms that this approach meets the basic conditions. However, in each case I recommend that the language used is modified so that it becomes clearer and policy-based. As submitted the Plan uses rather general language such as 'take into consideration' and 'give consideration to'.
- 7.46 In summary the process that has been taken is very comprehensive. It provides assurance that the sites concerned can be developed in a satisfactory and sustainable fashion.

Reproduce the site-by-site assessment (from page 18 onwards in the Site Assessment document) collectively within an appendix to the Plan.

Policy 7: Land off Haxey Road

- 7.47 This site is located on the northern edge of the village off Haxey Road. It is currently occupied by a caravan and camping park.
- 7.48 BDC raise issues about the ability of the site to be accessed safely from the highways network. However, the County Council in its capacity as the highway authority raises no specific comments on this matter beyond the general guidance in the Site Assessment Report. In any event one of the detailed criteria in the policy is that the development of the site should provide appropriate and safe vehicular and pedestrian access.
- 7.49 The development of the site will present a new boundary to the village with the wider context of the surrounding agricultural land. I recommend the inclusion of an additional criterion within the policy to ensure that this matter is addressed in a sensitive fashion.
- 7.50 I am satisfied that the development of the site would represent sustainable development. I recommend a series of modifications so that the policy has the clarity required by the NPPF.

**Replace the opening element of the second part of the policy with:
‘Development proposals should have regard to the appropriate section of the Neighbourhood Profile Report and the relevant commentary for this site in the Site Assessment Report (as set out in Appendix [Insert Number]).’**

**Insert an additional part of the policy (before the list of criteria) to read:
‘Proposals for the residential development of the site will be supported subject to the following criteria:’**

Replace the first criteria with: ‘They take account of the wider setting of the cemetery to the north of the site both in its own right and in its capacity as a non-designated heritage asset’

Replace the second criteria with: ‘They provide satisfactory vehicular and pedestrian access into the site from Haxey Road’

In the third criterion replace ‘Reflecting’ with ‘They reflect’

**Add a fourth criterion to read:
‘They provide sensitive boundaries on the south west and north west of the site that reflect the relationship of the site to the countryside surrounding the village.’**

Policy 8: Land off Church Street

- 7.51 The site is located on the north-western boundary of the village. It includes a series of former traditional agricultural buildings.
- 7.52 The owner of the site supports the proposed allocation. An extension of the site to the west is suggested in the owner’s representation. However, I am satisfied that the site in the submitted Plan has been correctly and sensitively chosen.
- 7.53 I am satisfied that the development of the site would represent sustainable development. I recommend a series of modifications so that the policy has the clarity required by the NPPF.

**Replace the opening element of the second part of the policy with:
‘Development proposals should have regard to the appropriate section of the Neighbourhood Profile Report and the relevant commentary for this site in the Site Assessment Report (as set out in Appendix [Insert Number]).’**

**Insert an additional part of the policy (before the list of criteria) to read:
‘Proposals for the residential development of the site will be supported subject to the following criteria:’**

In the fourth criterion add ‘and that reflect the relationship of the site to the countryside surrounding the village.’

Replace the sixth criterion with:

‘They provide satisfactory vehicular and pedestrian access into the site from Church Street’

In the seventh criterion replace ‘Reflecting’ with ‘They reflect’

Policy 9: Land off Gringley Road (South)

- 7.54 This policy addresses the proposal to allocate land off Gringley Road (South) for residential use. The site is a rectangular strip of land between two existing residential properties. It is located off Gringley Road to the south of the Chesterfield Canal.
- 7.55 I looked carefully at the site when I visited the neighbourhood area given its isolated location from the built-up part of the village. In this regard it is very different to the other proposed housing allocations. This is clearly demonstrated in Figure 4. The remoteness of the site from the heart of the village is reinforced by two factors. The first is the way in which Gringley Road rises in elevation from north to south. The second is the speed of traffic movement on the road especially to the south of the Canal.
- 7.56 Whilst I can see that the proposed development of the site would fill a gap between existing dwellings, I am not satisfied that it would represent sustainable development. The existing dwellings are intermittent buildings that are detached from the continuous built-up area of the settlement. In any event the Chesterfield Canal forms a strong southern boundary to the village. In addition, the intermittent nature of development in the area is reinforced as there is no corresponding pattern of development on the opposite side of the road.
- 7.57 I saw from my visit that the site is adjacent to a bus stop on the 97 and 98 service to and from Retford and Gainsborough. Whilst this facility may provide some benefit to residents of the site in the event that it was developed, the relative infrequency of the service would not provide for their day-to day-needs in general, and to access the range of community and other services within the wider village in particular.
- 7.58 On the basis of all the information available to me as part of the examination I recommend the deletion of policy.

Delete the policy

Policy 10: Land off Meadow Road

- 7.59 This site is an open paddock at the southern end of Meadow Drive. It sits comfortably with the relatively modern residential development in this part of the village. I have taken account of the representation made by a local resident on the capacity or otherwise of Meadow Drive to accommodate new development. However, the highway authority has raised no objection to the proposed allocation.

- 7.60 I am satisfied that the development of the site would represent sustainable development. I recommend a series of modifications so that the policy has the clarity required by the NPPF.
- 7.61 I recommend detailed changes to the criteria included in the policy. The development of the site will present a new boundary to the village with the surrounding agricultural land. I recommend the inclusion of an additional criterion within the policy to ensure that this matter is addressed in a sensitive fashion.

**Replace the opening element of the second part of the policy with:
‘Development proposals should have regard to the appropriate section of the Neighbourhood Profile Report and the relevant commentary for this site in the Site Assessment Report (as set out in Appendix [Insert Number]).’**

**Insert an additional part of the policy (before the list of criteria) to read:
‘Proposals for the residential development of the site will be supported subject to the following criteria:’**

**Replace the first criterion with:
They provide satisfactory vehicular and pedestrian access into the site from Meadow Drive’**

In the second criterion replace ‘Reflecting’ with ‘They reflect’

**Add a third criterion to read:
‘They provide sensitive boundaries on the southern and eastern boundaries of the site that reflect the relationship of the site to the countryside surrounding the village.’**

Policy 11: Land off Grange Walk

- 7.62 This policy addresses the largest of the various sites promoted for residential development in the Plan. It is located to the north of Fox Covert Lane and to the east of Grange Avenue/Grange Walk. It is currently occupied by two adjacent areas of open grassland.
- 7.63 I am satisfied that the development of the site would represent sustainable development. I recommend a series of modifications so that the policy has the clarity required by the NPPF.

‘Development proposals should have regard to the appropriate section of the Neighbourhood Profile Report and the relevant commentary for this site in the Site Assessment Report (as set out in Appendix [Insert Number]).’

**Insert an additional part of the policy (before the list of criteria) to read:
‘Proposals for the residential development of the site will be supported subject to the following criteria:’**

Replace the first criterion with:

‘They provide satisfactory vehicular and pedestrian access into the site from Grange Avenue/Grange Walk/Grange Drive’

In the second criterion replace ‘Reflecting’ with ‘They reflect’

Add a third criterion to read:

‘They provide a sensitive boundary on the northern boundary of the site that reflect the relationship of the site to the countryside surrounding the village.’

Policy 12: Land off Fox Covert Lane

- 7.64 This policy addresses the development of land to the immediate north of Fox Covert Lane. The proposed site is located to the immediate east of the site identified in Policy 11. It is open grassland area.
- 7.65 I am satisfied that the development of the site would represent sustainable development. I recommend a series of modifications so that the policy has the clarity required by the NPPF.

‘Development proposals should have regard to the appropriate section of the Neighbourhood Profile Report and the relevant commentary for this site in the Site Assessment Report (as set out in Appendix [Insert Number]).’

Insert an additional part of the policy (before the list of criteria) to read:

‘Proposals for the residential development of the site will be supported subject to the following criteria:’

Replace the first criterion with:

‘They provide satisfactory vehicular and pedestrian access into the site from Fox Covert Lane’

In the second criterion replace ‘Reflecting’ with ‘They reflect’

Add a third criterion to read:

‘They provide a sensitive boundary on the northern boundary of the site that reflect the relationship of the site to the countryside surrounding the village.’

Policy 13: West Stockwith Industrial Park

- 7.66 This policy proposes a policy approach for employment-related development at West Stockwith Park Industrial Park. It is an existing industrial park located in a triangular area with the River Trent forming its eastern boundary. It is located separately and remotely from the main part of the village.
- 7.67 The policy itself is relatively straightforward. It offers support for employment uses (B1/B2/B8) subject to a series of criteria. It also offers support for non -residential

institutions (such as creches and nurseries) (Class D1) where such uses would provide a service that would support other businesses on the wider site.

- 7.68 BDC comment that the whole site lies within Flood Risk Zone 3 and questions the extent to which it has had regard to the National Planning Policy Framework's policies on flood risk including the application of the Sequential Test.
- 7.69 I sought clarification from the Parish Council on this matter. I was advised that it had not specifically addressed the position of the site within Flood Zone 3. In these circumstances I recommend the deletion of the policy. In particular it is beyond my remit to resolve its conflicts with national policy and/or to undertake sequential testing.
- 7.70 I have also considered carefully the need or otherwise for the supporting text to remain in the Plan without the policy itself. However, I am satisfied that the submitted text comments on an important matter to the local community and that it would be appropriate to identify the Plan's support for employment development in general terms and for overall improvements to the appearance of the Park in particular. It will also serve as a pointer to the development industry as it prepares planning applications that relate to the Industrial Park. In the circumstances I recommend that the remaining text highlights the sensitive location of the wider site adjacent to the River Trent and within Flood Risk Zone 3.
- 7.71 Whilst I have recommended the deletion of the policy BDC will be able to determine any planning applications which might come forward within the Plan period on their merits. This would recognise that the existing businesses on the Park are likely to generate development proposals within this time period

Delete the policy

At the end of paragraph 11.2 add:

'The Industrial Park is located immediately adjacent to the River Trent. As such it lies within Flood Risk Zone 3 which is the highest flood category. Any future planning application should take account of this important consideration. Where appropriate this would need to be accompanied by sequential testing'

Policy 14: Small Business

- 7.72 This policy has two related parts. The first offers support to new or expanded employment uses subject to a series of criteria. They include locational issues and environmental and traffic considerations. The second offers support for home working.
- 7.73 The policy and the supporting text are well-designed. They provide appropriate strategic linkages with national and local policy. I am satisfied that the policy meets the basic conditions. However, I recommend that the supporting text is modified by way of an addition which identifies that not all proposals for home working will need planning permission. Otherwise local residents may conclude that any such proposal would automatically be development for which planning permission would be required.

At the end of paragraph 11.10 add:

'Policy 14 offers support for such proposals. The policy will only apply to proposals which require planning permission. Many smaller proposals will not be of a scale or type which would represent a material change of use'

Policy 15: Communication Connectivity

- 7.74 This policy offers support for proposals which would result in the expansion of electronic communications networks and high-speed broadband. It has three criteria based on the location of the facilities (and opportunities for sharing buildings and other structures), keeping equipment to a minimum and siting to minimise impact on the neighbourhood area.
- 7.75 I recommend that the policy recognises that any particular development should comply with the three criteria as relevant to the particular proposal. Otherwise the policy meets the basic conditions

After supported add 'as applicable to the development concerned'

Policy 16: Enhancing the provision of community facilities

- 7.76 This policy acknowledges the importance of existing community facilities to the social well-being of the neighbourhood area.
- 7.77 It is a comprehensive policy. In particular it identifies nine community facilities that are considered to be sufficiently important to retain and where possible to improve. As such the policy has three parts. The first identifies the facilities. The second offers support for their enhancement, improvement or extension. The third sets out a policy approach to resist the change of use or the redevelopment of the sites or premises unless a series of criteria are met.
- 7.78 BDC comment that the third part of the policy duplicates Core Strategy Policy CS9 (part c) and therefore should be deleted. I have given careful consideration to this matter within the context of an otherwise excellent policy. On balance I am satisfied that the third part of the policy should remain. In the event that it was removed the policy would be incomplete and may in itself cause local residents and/or potential developers to conclude that the Plan did not address potential proposals which would result in the loss of local community facilities.
- 7.79 I recommend very specific modification to the wording of the second part of the policy.

In the second part of the policy replace 'are supported' with 'will be supported'

Policy 17: Improving Green Infrastructure

- 7.80 This policy refers to green infrastructure. It has two overlapping parts. The first refers to development that would improve or extend access to green infrastructure. The

second refers to the need for more general development to protect and enhance existing biodiversity assets.

- 7.81 I am satisfied that the first part of the policy meets the basic conditions subject to a very specific modification to its wording.
- 7.82 The second part of the policy is more confusing. In particular it attempts to address a wide range of issues, some of which are not directly incorporated within the supporting text. I recommend a modification which makes the policy much simpler in general terms, and which BDC could implement through the development management process in particular.

In the first part of the policy replace ‘encouraged’ with ‘supported’

Replace the second paragraph with:

‘Development proposals will be supported where they protect or enhance existing green infrastructure assets as identified in Figure 8. Where appropriate development proposals should demonstrate how they would provide linkages to and from existing green infrastructure assets.’

Policy 18: Local Green Space

- 7.83 This policy seeks to protect local green space in the neighbourhood area. It does so by proposing the designation of ten local green spaces. They are shown on Figure 9.
- 7.84 The policy makes appropriate references to the three criteria within the NPPF on this important matter. The submitted Local Green Space Assessment considers each of the proposed local green spaces (LGSs) against the NPPF criteria. It does so in a proportionate way. I looked at the various LGSs when I visited the neighbourhood area. I saw that they had been carefully-selected. The policy itself applies the matter of fact NPPF policy approach.
- 7.85 The identified LGSs largely reflect the planning and foresight of the strategic and local planning process in providing open spaces in residential developments as the village has expanded. In other similar circumstances the LGSs safeguard planned facilities such as sports fields and school playing fields.
- 7.86 BDC raised a series of issues in relation to the designations of the proposed LGS at Old Church Field (LGS1), Chesterfield Canal (LGS4), Grange Estate (LGS5) and the Primary School Playing Fields (LGS9). I looked at these sites carefully, and sought information from the Parish Council on the size of the land between the Chesterfield Canal and Church Farm Estate. I am satisfied that the Parish Council has made proportionate judgements on these sites in the LGS Assessment. Plainly the NPPF criteria are intended to be applied locally and based on evidence. In particular I am satisfied that the LGS4 is not an extensive tract of land. I also saw that it would be impractical to attempt to apply LGS designation for a smaller part of the wider site. I am also satisfied that the school playing field meets the three NPPF criteria.

- 7.87 I recommend a detailed modification to the wording of the policy. Otherwise it meets the basic conditions.

In the second part of the policy replace ‘permitted’ with ‘supported’

Local Infrastructure Projects

- 7.88 Section 7 of the Plan comments about Local Infrastructure Projects. It identifies that whilst they are not directly related to the land use policies in the Plan, they will play a key part in its implementation. Plainly they are also projects of great significance to the local community

- 7.89 The Projects are detailed in Appendix C. This properly responds to national guidance that Projects of this type should be separately identified from the land use policies.

- 7.90 The Projects are as follows:

- The provision of a Village Hall
- Improvements to the Sports Field car park
- The protection and enhancement of local green spaces and wildlife
- The re-establishment of a railway station
- The further redevelopment of community-based groups.

- 7.91 Plainly the various Projects have differing degrees of complexity. Nevertheless, in their different ways I am satisfied that they are both appropriate and distinctive to the neighbourhood area.

Other matters

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

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

Modification of specific text

- 7.93 BDC has suggested a series of amendments to the Plan in its representations. I have found its comments very helpful. I recommend modifications in the following matters. They are those required to ensure that the Plan meets the basic conditions.

Replace paragraph 1.7 with:

‘The Misterton Neighbourhood Plan has been produced within the context provided by the Bassetlaw District Local Development Framework Core Strategy and Development Management DPD. The Core Strategy was adopted in 2011 and operates up to 2028. Misterton is identified as a Local Service Centre within the settlement hierarchy of the Core Strategy.

In paragraph 1.9:

- *replace ‘2011-2028’ with ‘2010-2028’*
- *replace ‘Following its adoption around 2019/2020’ with ‘Following its eventual adoption’*
- *replace the final two sentences with ‘The neighbourhood plan will be reviewed as necessary to ensure that it remains up to date and in general conformity with the Local Plan’*

In paragraph 1.13 replace ‘2011-2028’ with ‘2010-2028’

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community. The quality of the submitted Plan is reflected in the limited range of recommended modifications included in this report
- 8.2 Following my independent examination of the Plan I have concluded that the Misterton 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 Misterton Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 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 the District Council on 7 July 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to my Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
4 June 2019