

Carlton-in-Lindrick Neighbourhood Development Plan

2018-2033

**A report to Bassetlaw District Council on the
Carlton-in-Lindrick 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 September 2018 to carry out the independent examination of the Carlton-in-Lindrick Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 19 September 2018.
- 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 local character and community facilities. It identifies allocations for new residential development. It delivers Core Strategy objectives and positively addresses the future of the neighbourhood area. It is a first-class example of a neighbourhood plan.
- 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 Carlton-in-Lindrick 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
26 November 2018**

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Carlton-in-Lindrick Neighbourhood Development Plan 2018-2033 (the 'Plan').
- 1.2 The Plan has been submitted to Bassetlaw District Council (BDC) by Carlton-in-Lindrick 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 and 2018. 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 three 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 be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

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 2.12 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 (January 2018) 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.
- 2.8 The Parish Council has nevertheless taken a thorough and responsible approach to environmental matters in the neighbourhood area. It has produced a Sustainability Appraisal to ensure that the development management policies in the Plan are sustainable and to ensure that the Plan demonstrates the principles of sustainable development. The Appraisal meets these ambitions.
- 2.9 BDC also prepared a parallel Habitats Regulations Assessment (HRA) of the Plan in January 2018. 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 nearby Birklands and Bilhaugh SAC and the Sherwood Forest SPA.
- 2.10 Since the Plan and its HRA screening work was prepared a European court case has had implications for how competent authorities undertake HRA screening assessments. BDC helpfully reassessed the Plan in this context during the examination. This process concluded that the January 2018 assessment remains appropriate and that no changes are necessary in the light of the recent judgement.
- 2.11 Having reviewed the information provided to me as part of the examination, including the most recent HRA assessment, 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.
- 2.12 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

2.13 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.

2.14 Having addressed the matters identified in paragraph 2.13 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;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Sustainability Appraisal;
- the Site Allocation: Draft Assessment;
- the BDC SEA and HRA report;
- the information from BDC in October 2018 assessing the HRA Screening report following the Sweetman/People over Wind court case;
- the comments from Natural England (23 November 2018) on the Sweetman issue;
- 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 19 September 2018. 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.

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 (January to March 2018).
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about:
 - the launch event;
 - the business breakfast;
 - the household and business surveys;
 - the village fetes; and
 - the public event on the proposed site allocations.
- 4.4 The Statement also provides photographic details and evidence of the various consultation events. This gives depth and colour to the Statement and provides a helpful flavour of the way in which the community became engaged in the plan making process. The event with food looked particularly attractive. This consolidates the evidence provided elsewhere on the number of persons who attended the various events.
- 4.5 From page 8 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.
- 4.6 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.
- 4.7 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. BDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 9 September 2018. This exercise generated comments from a range of organisations and private individuals as follows:

- Anglian Water
- Canal and River Trust
- Mark and Anne Emmerson
- Gladman Developments Limited
- Historic England
- Miss N.J. Purcicoe
- National Grid
- Nottinghamshire County Council
- NFU East Midlands Region
- Sport England
- Wyndthorpe Developments
- Highways England
- Mrs Valerie Bowles
- Cllr David Pidwell
- The Coal Authority

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

5.1 The neighbourhood area consists of the parish of Carlton-in-Lindrick. Its population in 2011 was 5623 persons living in 2474 houses. It was designated as a neighbourhood area on 26 June 2015. It is located approximately 2 kilometres to the north of Worksop and a kilometre to the south of Langold in pleasant countryside. Much of the neighbourhood area is in agricultural use.

5.2 The village of Carlton-in-Lindrick dominates the neighbourhood area. It is principally located to the immediate west of the A60 Doncaster Road. The format of the village is based around properties served from either Long Lane or Rotherham Baulk. An extended conservation area was designated in 2010. It covers an area to the immediate south and east of the principal built up area of Carlton and includes the distinct character areas of The Green, The Cross, High Road, South Carlton, Carlton Hall and Park and Wigthorpe.

5.3 The neighbourhood area is one of great contrasts. It displays its strong mining heritage with the now redundant Firbeck Colliery site. In the Plan this site is allocated for residential development. St John the Evangelist Church is of Saxon origin with Norman and Gothic additions. Langold Country Park and Lake, the southern part of which sits within the neighbourhood area, is a fine example of the work of the renowned landscape designer Humphry Repton. The area to the south of the village is dominated by the parkland and the outbuildings formerly associated with Carlton Hall, an early seventeenth century hunting lodge.

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. Carlton-in-Lindrick 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 CS5 sets out specific development opportunities and requirements for Carlton-in-Lindrick (and its immediate neighbour Langold). In summary these include:

- a priority for the redevelopment of brownfield sites;
- delivering improvements to the mix and tenure of housing;
- delivering improvements to the amount of employment space;

- contributing to the enhancement of Langold Park;
- contributing towards the delivery of affordable housing;
- supporting the ongoing viability of local Centres; and
- supporting the redevelopment of the former Firbeck colliery and other brownfield sites for residential development.

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.

Site Visit

5.9 I carried out an unaccompanied visit to the neighbourhood area on 19 September 2018. The weather was warm, bright and breezy as Storm Ali worked its way across the country that day.

5.10 I drove into the area from Oldcotes to the north along the A60. This gave me an initial impression of the setting and the character of the neighbourhood area. I saw the site of the former Firbeck Colliery and the Langold Country Park.

5.11 I looked initially at that part of the neighbourhood area around the aptly-named Long Lane. I saw the School, the Civic Centre and the neighbourhood centre shops.

5.12 Thereafter I looked at the residential areas to the north and south of Long Lane. I saw their different characters and ages. I also took the opportunity to visit the Civic Centre and Beckett Avenue proposed local green spaces.

5.13 I continued to the north and west to look at the northern parts of the neighbourhood area. I walked up Doncaster Road to the Co-op store and the Lime Tree Nursery. I looked at the proposed Doncaster Road housing site (Policy 3). I looked in particular at its existing agricultural context, its relationship with the proposed Pinfold Road local green space and how it would relate to existing residential properties.

5.14 I then walked back towards the High Road Neighbourhood Centre. Along the way I stumbled across the very pleasant Lambert Gardens on the eastern side of Doncaster Road. I took the opportunity to have a brief rest on one of the three new benches. I

saw the tree planted by the Women's Institute in 2000. It had clearly been well-planted and was looking particularly healthy.

- 5.15 I then looked at that part of the neighbourhood area around the High Road neighbourhood centre. I saw the range and vibrancy of the facilities in the neighbourhood centre. Thereafter I walked down into Low Street and The Cross. I saw a very different character from High Road based on traditional vernacular buildings. I saw the stone cottages with pantile roofs (Numbers 1-7 Low Street), The Old Post Office and The Grey Horses Inn.
- 5.16 I finished my visit by looking at the area based around Church Road. I saw the Church itself and the very attractive mix of traditional and modern buildings in that part of the neighbourhood area. I also saw its relationship with Carlton Lake. Thereafter I drove to Wigthorpe and the scattered properties on the B6046.

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 2.12 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 version 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 Carlton-in-Lindrick 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 allocated three 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 2-6 and 7 respectively). It also offers support for the future vitality of neighbourhood centres (Policy 14). In the social role, it includes policies on community facilities (Policy 13), on housing mix and type (Policy 2) and on the Langold Country Park (Policy 11). 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 8), on the conservation area (Policy 9), on important views (Policy 10) and on local green spaces (Policy 12). 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 includes a series of Community Aspirations which the Plan recognises cannot be delivered directly through the planning process. These Aspirations are appropriately identified in a separate part of the Plan and in a different colour to the land use policies.
- 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.
- 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 1-4)

- 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.
- 7.11 Section 2 establishes a Community Vision for the Plan. Its focus is on a regenerated Firbeck Colliery site, an improvement in design and the development of a greener village. The vision is underpinned by five community objectives.

- 7.12 Section 3 provides information about the community engagement that underpinned the production of the Plan. It provides a helpful introduction to the more detailed Consultation Statement. The development of a Statement of Intent provides a sharp focus for the consultation process.
- 7.13 Section 4 provides a list of the Plan's policies. This is particularly helpful as a route map for the casual reader.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1 Sustainable Development

- 7.15 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 as its role as a Local Service Centre, to deliver new homes and for the delivery of infrastructure. The third component has a focus on design and amenity.
- 7.16 This policy sets the scene for the more detailed policies. Its strategic approach mirrors similar policies in local plans. It is well structured as a policy, is supported by effective text in paragraphs 5.1-5.4 and follows naturally from the Community Vision and the associated objectives. It will make a significant contribution generally to the delivery of sustainable development within the Plan period. The policy meets the basic conditions.

Policy 2 Housing Mix and Type

- 7.17 The policy comments on the type and mix of housing to be delivered on the three allocated sites. It has three component parts. The first addresses the need for a range of house types of sites of five or more dwellings. The second requires the delivery of affordable housing to BDC standards. The third requires that the affordable housing provision is fully-integrated into the overall housing layout of the site concerned.
- 7.18 The policy is well-considered. It will contribute towards the social dimension of sustainable development in the Plan period. Nevertheless, I recommend that the first component of the policy is modified so that the single criterion is fully incorporated into the policy itself. This process also generates consequential modifications to its wording. Nonetheless its intentions remain consistent. I also recommend that the application of the policy is modified. As submitted the policy generates an overlap between proposals over five dwellings and the allocated sites. Plainly the latter are all over five dwellings. On this basis I recommend that the first component of the policy applies to all new development of more than 5 dwellings and that the second and third components apply only to the allocated sites.

7.19 Finally I recommend a detailed word change in the first component of the policy so that its effect is clear. The submitted wording of 'shall be expected' is potentially ineffective.

Modify the title of the policy by the deletion of 'on Allocated Sites'.

In the first part of the policy:

- **replace 'shall be expected to' with 'should';**
- **incorporate criterion a) directly within the policy;**
- **in the opening part delete 'in accordance with the following';**
- **in the submitted part a) delete 'housing developments.... tenures and sizes'.**

Policy 3 Allocation of land at Firbeck Colliery (Site 1)

7.20 This policy proposes the allocation of the former Firbeck Colliery for residential purposes. It is located in the northern part of the neighbourhood area and to the immediate north of the Lawns Road industrial area. The site is 6.61 hectares in size and has been vacant since the closure of the colliery forty years ago. It is a classic brownfield site.

7.21 Its residential redevelopment would assist in delivering the Core Strategy's ambitions for the neighbourhood area. Outline planning permission was granted in 2017. I am satisfied that the site should be allocated for residential development notwithstanding that outline planning permission is already in place. This site has proved difficult to develop in the past. A supportive policy will provide flexibility for development to proceed within the Plan period. It is encouraging that 'the community strongly supports the redevelopment of the site to become a well-integrated part of the community' (paragraph 9.4 of the Plan).

7.22 The Coal Authority makes technical comments on the proposed allocation. Whilst they are helpful matters for the planning application process their inclusion within the Plan are not essential to ensure that it meets the basic conditions.

7.23 I recommend two minor modifications to the policy. The first replaces 'consider' with 'incorporate'. The use of the former in the submitted Plan is potentially ineffective. The second recommends the insertion of 'and' at the end of the fifth criterion. This will clarify that a developer would need to comply with all the listed criteria.

In the second part of the policy replace 'consider' with 'incorporate'.

At the end of the fifth criterion add 'and'.

Policy 4 Allocation of land at Doncaster Road (Site 2)

7.24 This policy proposes the allocation of 5.19 hectares of land to the north and east of Doncaster Road for approximately 150 dwellings. Paragraphs 10.3 to 10.5 helpfully

explain the way in which the community identified the site in general terms, and determined its precise size in particular.

7.25 The policy adopts a very comprehensive criteria-based approach. Its first part addresses strategic issues. Its second part addresses a series of site-specific issues. They include vehicular access, appropriate boundary treatment and screening, car parking and the mix of housing types and tenures.

7.26 The policy is well-considered. Its integrity is highlighted as developers have made representations to confirm that the site is available for development and is deliverable. This was further reinforced whilst the examination was taking place with the submission of a planning application on the site (18/01148/FUL).

7.27 Criterion f) in the second part of the policy comments on the need for appropriate boundary treatments and screening. This is seen as the creation of a green landscaped buffer between the site and the surrounding countryside and between the site and the existing houses on Pinfold Drive. Having looked at the site in detail I confirm that this criterion is both appropriate and necessary as part of the development of the site. In particular it is an important element of the decision of the community to define the extent of the site as it appears in the submitted Plan.

7.28 I have considered the representation made by Cllr Pidwell. Within the context of his overall support for the Plan he suggests that an additional criterion is included within the policy to respect the views across the Ryton Valley from the Co-op store. As I have already commented in Section 5 I looked carefully at this part of the neighbourhood area on my visit. I am satisfied that the policy and the wider allocation has the ability to achieve the ambitions that Cllr Pidwell has raised. Plainly the extent of the site has been reduced as part of the Plan preparation process. In any event criterion e) in the second part of the policy requires that developers take advantage of the local topography, landscape views, native trees, hedgerows and site orientation. Finally, the Plan has identified a series of Important Views on Map 5 and in Policy 10. It is not within my remit to include additional Important Views which themselves have not been subject to consultation.

7.29 I recommend three modifications to the policy so that it has the clarity required by the NPPF. The first replaces 'consider' with 'incorporate' in the opening sentence of the second part of the policy. As submitted the policy might allow a potential developer to 'consider' any or all of the various criteria and then decline to incorporate them within a planning application. The second repositions the criterion on the Transport Assessment to the supporting text. Plainly a developer would need to comply with the various traffic-related criteria in the policy. A Transport Assessment would be the means by which that compliance would be demonstrated. The third recommends the insertion of 'and' at the end of the ninth criterion. This will clarify that a developer would need to comply with all of the listed criteria.

In the second part of the policy replace 'consider' with 'incorporate'.

In the second part of the policy delete criterion k).

In the second part of the policy add ‘and’ at the end of criterion i).

At the end of paragraph 10.6 add:

‘Policy 4 sets out a comprehensive series of requirements for the development of the site. They include various highways-related matters. Planning applications for the development of the site should be accompanied by a Transport Assessment to assess the suitability of the design and the operation of the proposal concerned’.

Policy 5 Allocation of land behind existing properties on Doncaster Road (Site 3)

- 7.30 This policy proposes the allocation of 0.71 hectares of land to the rear of existing dwellings on Doncaster Road for approximately 10 dwellings. Paragraphs 11.3 to 11.5 helpfully explain the way in which the community came to identify the site in general terms, and to determine its precise size in particular.
- 7.31 The policy adopts a very comprehensive criteria-based approach. Its first part addresses strategic issues. Its second part addresses a series of site-specific issues. They include vehicular access, car parking and the mix of housing types and tenures. It is a well-constructed policy which adopts a similar format to that taken by Policy 4.
- 7.32 I recommend two modification to the policy so that it has the clarity required by the NPPF. The first replaces ‘consider’ with ‘incorporate’ in the opening sentence of the second part of the policy. As submitted the policy might allow a potential developer to ‘consider’ any or all of the various criteria and then decline to incorporate them within a planning application. The second recommends the insertion of ‘and’ at the end of the fifth criterion. This will clarify that a developer would need to comply with all the listed criteria.

In the second part of the policy replace ‘consider’ with ‘incorporate’.

In the second part of the policy add ‘and’ at the end of criterion e).

Policy 6 Residential Infill Development

- 7.33 This policy addresses proposals for infill development. It is designed so that it applies only to sites within the existing settlement boundary. The policy establishes a healthy balance. On the one hand it recognises the potential that such sites can offer for the delivery of specialist and/or smaller market homes. On the other hand, it recognises the importance of new developments respecting the existing character of the village.
- 7.34 This approach is reflected in a supporting criteria-based policy. The environmental criteria include one on general character, one on listed buildings and another on the character or appearance of the conservation area.
- 7.35 I recommend two modifications to the policy to ensure that it has the clarity required by the NPPF. The first modifies the format of the opening part of the policy so that it supports infill development subject to the series of criteria. This replaces the rather negative form of wording in the submitted Plan. The second recommends the insertion

of 'and' at the end of the fourth criterion. This will ensure that a developer needs to comply with all five criteria (insofar as they apply to the proposal concerned).

**In the opening part of the policy delete both 'only' and 'all'.
Insert 'and' at the end of criterion d).**

Policy 7 Enabling Employment Opportunities

7.36 This policy addresses the longer-term employment needs of the neighbourhood area. It has two related components. The first provides a general supporting context for new employment development. In particular it provides a degree of geographical guidance on locations for such development. The second refers to proposals for rural diversification.

7.37 The policy meets the basic conditions in general terms. It has regard to national policy and is in general conformity with the strategic policies in the Core Strategy. I recommend a series of technical modifications to ensure that the policy has the clarity required by the NPPF. In particular the recommended modification to the first component provides the clarity that the various initiatives will be supported.

In the opening part of the first component replace 'shall be subject...criteria' with 'will be supported subject to the following criteria'.

In the first component add 'and' at the end of criterion b).

In the opening part of the second component replace 'shall be supported provided that' with 'will be supported subject to the following criteria'.

In the second component of the policy add 'and' at the end of criterion c).

Policy 8 Development and Design Principles

7.38 This policy establishes the Plan's ambitions for high quality design. It follows on from the Community Vision set out earlier in the Plan. Paragraph 14.3 of the Plan correctly identifies that 'a fundamental part of achieving high quality sustainable design, and ultimately high-quality sustainable places, is the need to develop a thorough understanding of the local character and the qualities that contribute to local distinctiveness'. This approach works its way into the policy itself.

7.39 The policy requires that new development must achieve high quality design. Development proposals are expected to demonstrate how they have considered a series of design principles. They are both extensive and varied, and include the need that new development:

- is well integrated with neighbouring properties;
- retains mature hedging and established trees;
- retains/enhances identified important views;
- meets parking standards and garage sizes;
- respects heritage assets; and

- (as appropriate) provides accessible open space, sport and recreational facilities.

7.40 Having reviewed all the submission documents and the representations received on this policy I am satisfied that the approach adopted is entirely appropriate. The neighbourhood area has the characteristics and appearances that warrant such an approach. One of the 12 core planning principles in the NPPF (paragraph 17) is 'always seek to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).

7.41 The policy meets the basic conditions

Policy 9 Carlton Conservation Area

7.42 As its title suggest this policy relates to the designated conservation area. As with the overarching design policy (Policy 8) it identifies a series of principles which development in the conservation area should respect. They include sustaining significant views, respecting existing plot ratios and respecting its vernacular materials.

7.43 I am satisfied that the policy is both robust and distinctive to the neighbourhood area. It will consolidate the policies already available to the District Council to control new development in the conservation area. In general terms it meets the basic conditions.

7.44 However within this supporting context I recommend two modifications to the policy. The first ensures that the first criterion has regards to national policy. The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the 'character or appearance of a conservation area'. The submitted policy refers to 'character and appearance'. Whilst I appreciate that the difference is marginal it has the ability to be significant in its application. I recommend accordingly.

7.45 The second would ensure that the fifth criterion of the policy has the clarity required by the NPPF.

In criterion a) replace 'character and appearance' with 'character or appearance'.
In criterion e) replace 'that part of the Conservation Area' with 'the part of the Conservation Area concerned'.

Policy 10 Important Views

7.46 This policy identifies important views and then establishes a policy context within which they can be protected. Six views are identified. They are shown on Map 5. In each

case they look eastwards from Doncaster Road over the Ryton Valley. I looked at several of these views when I visited the neighbourhood area.

7.47 The significance of the policy is highlighted in paragraph 15.4 of the Plan. It comments that the gaps along Doncaster Road allow for long views into the relatively undeveloped flood plains to the east, and that these form an important part of the character of this area of the village. Thereafter paragraphs 15.5-15.13 provide specific detail on each of the six views.

7.48 The policy has three components. The first would not support development which would detract from the open views. The second offers strong support to proposals that would conserve or enhance the various views. The third requires any new development proposals should have regard to the setting and significance of Blyth Church tower and Hodsock Grange which are visible from parts of Doncaster Road.

7.49 I recommend two modifications to the first part of the policy. The first is to relocate supporting text from the policy into the associated supporting text. The second is to include the six views within the body of the policy itself. This will provide absolute clarity to the matter - as currently submitted the views are simply shown diagrammatically on Map 5 and in the various photographs in the supporting text.

At the beginning of the first part of the policy insert the following:

The following views (as identified on Map 5) are designated as Important Views: [List View Numbers and View Titles].

In the first part of the policy delete 'which is.... on map 5'.

At the end of paragraph 15.2 add:

'This approach is captured in the first component of Policy 10. Its overall objective is to preserve the open views towards the Ryton Valley and the wider open countryside'.

Policy 11 Langold Country Park

7.50 This policy has a focus on Langold Country Park. The Park is located partly within the neighbourhood area and partly to the north of the neighbourhood area. This distinction is identified on Map 7. Paragraph 16.7 highlights that, through the mechanisms of the Open Space and Play Pitch Assessment undertaken by BDC in 2010, the Park is highly valued but of poor quality. The incorporation of a policy in the neighbourhood plan is consistent with the approach adopted in Policy CS5 of the Core Strategy.

7.51 The policy itself has two related parts. The first part comments that development proposals should assist in the delivery of an easily accessible and attractive pedestrian corridor connecting the Park with the rest of the village. The second part identifies that development proposals should seek to incorporate attractive street furniture, signage and surface treatments.

7.52 I am satisfied that the general approach adopted meets the basic conditions. The policy provides a local dimension to Policy CS5 of the Core Strategy. However, I recommend a series of modifications to the policy and the supporting text/map to ensure that the policy has the necessary clarity as follows:

- modifying the language used in both parts of the policy so that they identify what will be supported. As submitted both parts of the policy simply suggest that development proposals should assist or seek to incorporate other matters;
- inserting additional supporting text to clarify that the policy can only apply within that part of the Park within the neighbourhood area; and
- reflecting this matter in Map 7.

7.52 The County Council has commented about the historic significance of the Country Park. The incorporation of these comments into the Plan is not required to ensure that the policy meets the basic conditions. Nevertheless, the recent findings support the strategic approach adopted in both the Core Strategy and the submitted neighbourhood plan. In these circumstances I recommend that the text is consolidated accordingly.

In the first part of the policy replace ‘should assist in the delivery of’ with ‘will be supported where they deliver’.

In the second part of the policy replace ‘Proposals should seek to’ with ‘Development proposals will be supported where they’.

At the end of paragraph 16.7 add:

‘The extent of the wider Langold Country Park is identified on Map 7. The southern part of the Park falls within the neighbourhood area. The northern part falls within Langold Parish. Given that a neighbourhood plan can only comment about development within its designated neighbourhood area Policy 11 applies only to the part of the Park within the neighbourhood area’. This distinction is also highlighted on Map 7.’

Modify Map 7 so that the northern part of the boundary of the Park is incorporated into the tonal surrounding.

At the end of paragraph 16.8 add:

‘Recent research has identified that the Country Park has significant eighteenth century and earlier heritage. It is an example of the work of the pre-eminent garden designer, Humphry Repton. Plainly this association presents significant opportunities for local interest/education and tourism’.

Policy 12 Local Green Spaces

7.53 This policy proposes the designation of six local green spaces (LGS). They are shown on Map 9. I looked at some of the proposed designations as part of my visit to the neighbourhood area.

7.54 Paragraph 17.1 helpfully sets out the background to the designation of LGSs in the NPPF. Paragraph 17.2 identifies how the sites have been identified and reviewed as part of the plan-making process. This part of the Plan is particularly interesting as photographs of three of the proposed LGSs are included. They give life and interest to the matter.

7.55 Table 6 identifies the way in which the six proposed designations satisfy the requirements in the NPPF paragraph 77. The exercise undertaken and its presentation is exemplary. I am satisfied that each of the six sites comfortably meet the various tests.

7.56 LGS designation has a particular significance in planning policy terms. Paragraph 78 of the NPPF is clear that development should not take place on such sites other than in exceptional circumstances. However, Policy 12 identifies the six proposed LGSs but fails to identify the significance of that designation. I recommend a modification to remedy this matter and to bring clarity to the effect of the policy.

7.57 In addition the second part of the policy comments that proposals for associated buildings, spaces and fixtures and fittings would be supported where they would enhance the spaces for public use. I acknowledge that such development may come forward and could prove to be acceptable within the Plan period. Nevertheless, this will be a matter for BDC to assess on a case-by-case basis rather than a policy statement. By definition, built development would conflict with LGS designation and it would be impractical to identify 'exceptional circumstances' in a policy context. On this basis I recommend that the second part of the policy is deleted and replaced (with modifications) within the supporting text.

Replace the first part of the policy with the following:

**'The following areas as shown on Map 9 are designated as Local Green Spaces
[List the various sites]**

**New development will not be supported on land designated as local green space
except in very special circumstances.'**

Delete the second part of the policy

In paragraph 17.2 insert '(as shown in Table 6)' after 'following sites'.

At the end of paragraph 17.2 add:

'Proposals for associated buildings, spaces and fixtures and fittings may come forward within the Plan period where they would enhance the six spaces for public use. This will be a matter for the District Council to assess on a case-by-case basis. Whilst built development would conflict with local green space designation there may well be exceptional circumstances that would allow such proposals to achieve planning permission'.

Policy 13 Enhancing our community facilities

7.58 This policy addresses the Plan's ability to safeguard and enhance community facilities in the neighbourhood area. Its existing facilities are helpfully identified on Map 10. I saw several of the facilities on my visit to the neighbourhood area. Without exception they were being well-used.

7.59 The policy has three related components. The first requires that development proposals should recognise the existing community facilities. The second and third addresses circumstances where new community facilities may be required as part of a wider development proposal.

7.60 I sought clarification from the Parish Council on the first part of the policy. I was advised that its intention is to safeguard the existing community facilities as identified on Map 10. I recommend a modification accordingly so that the policy has the necessary clarity.

Replace the first part of the policy with the following:

'The existing facilities shown on Map 10 outside the two designated neighbourhood centres will be safeguarded for community purposes throughout the Plan period. Proposals for their redevelopment or change of use to other purposes will not be supported unless alternative community facilities are proposed as part of the development concerned or that it can be demonstrated that the existing use is unviable'.

Policy 14 Neighbourhood Centres

7.61 This policy addresses the two identified neighbourhood centres in the neighbourhood area. Paragraphs 19.3 and 19.4 provide helpful commentary on the community's views about the two neighbourhood centres and opportunities for their improvement and regeneration.

7.62 The policy is well-detailed. The Long Lane and the High Road neighbourhood centres are shown on Map 11. The supporting text includes photographs of each centre.

7.63 The policy has four related parts. The first sets out to resist the loss of retail facilities in these areas. It includes an important viability clause. The second part of the policy offers encouragement to new retail facilities. The third part relates to shop front and signs. It includes important environmental and heritage safeguards. The final part of the policy refers to improvements to the public realm in the two identified areas. It has a specific focus on the relationship between the materials used and the character of the area concerned.

7.64 I am satisfied that the approach taken in the policy is appropriate and distinctive to the neighbourhood area. In particular it provides a local interpretation and a policy tool for the achievement of the Core Strategy ambitions for Carlton-in-Lindrick.

7.65 I recommend two modifications to bring the clarity required by the NPPF. The first incorporates section a) of the first part of the policy directly into the policy. There is no need for a single criterion. The second replaces 'encouraged' with 'supported' in the second part of the policy. Whilst the distinction may appear academic the word 'encouraged' has little if any relevance as policy wording.

In the first part of the policy incorporate criterion a) directly into the policy.

In the second part of the policy replace 'encouraged' with 'supported'.

Community Aspirations

7.66 The Plan includes four community aspirations. They aim to achieve community priorities whilst recognising that they may not be deliverable through the planning process. They are well developed and have clear overlaps with the vision, objectives and policies of the wider Plan. They are closely related to the community's views on the Community Infrastructure Levy. I comment briefly on them in turn below.

Community Aspiration 1: Improvements to Doncaster Road/Long Lane junction

7.67 Local residents have raised concern about traffic flow and pedestrian safety at the junction.

7.68 I saw the junction when I visited the neighbourhood area. The Aspiration is both distinctive and appropriate.

Community Aspiration 2: Regeneration of the vacant site at Warwick Avenue

7.69 The Community would like to see this site redeveloped. The Aspiration is both distinctive and appropriate.

Community Aspiration 3: Improved Langold Park

7.70 There is widespread support for the improvement of the Park. Four specific areas of improvement are identified.

7.71 The Aspiration is both distinctive and appropriate. It would assist in the delivery of Core Strategy objectives.

Community Aspiration 4: Improved skills and training opportunities

7.72 This aspiration is wide-ranging. It intends to improve the socio-economic issues identified in the Plan.

7.73 The Aspiration is both distinctive and appropriate. It would assist in the delivery of Core Strategy objectives.

Other matters

7.74 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.

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 2033. 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 Carlton-in-Lindrick 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 Carlton-in-Lindrick 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 26 June 2015.
- 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
26 November 2018