

# **Epperstone Parish Draft Neighbourhood Plan 2016 - 2033**

**Report by Independent Examiner to Newark and  
Sherwood District Council**

**Janet L Cheesley BA (Hons) DipTP MRTPI**

**CHEC Planning Ltd**

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## Summary and Conclusion

1. The Epperstone Parish Draft Neighbourhood Plan has a clear Vision and sets out clear objectives to achieve this vision.
2. A large part of the Parish is within the Green Belt. The Plan does not allocate any sites for housing, but includes policies to guide new development that may come forward.
3. I have recommended modification to some of the policies in the Plan for the reasons set out below. A large number of the recommended modifications ensure that the policies are precise.
4. Even though I have recommended a number of modifications to the Plan, these do not significantly or substantially alter the intention or nature of the Plan.
5. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Epperstone Parish Draft Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Epperstone Parish Draft Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

## Introduction

6. On 24 April 2015, Newark and Sherwood District Council (NSDC) approved that the Epperstone Parish Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Epperstone.
7. The qualifying body is Epperstone Parish Council. The Plan has been prepared by the Neighbourhood Plan Steering Group on behalf of Epperstone Parish Council. The Plan covers the period 2016 to 2033.
8. I was appointed as an independent Examiner for the Epperstone Parish Draft Neighbourhood Plan 2016 – 2033 in June 2019. I confirm that I am independent from the Parish Council and NSDC. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

## Legislative Background

9. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Plan meets the requirements of Section 38B of the 2004 PCPA where 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
- that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

10. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.

11. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:

*Amendment to the Neighbourhood Planning (General) Regulations 2012.*

*3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*

*(2) In Schedule 2 (Habitats), for paragraph 1 substitute:*

*“Neighbourhood development plans*

*1. In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*

*The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).”*

12. Since 28 December 2018, a neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter below.
13. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

## **EU Obligations Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)**

14. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
15. NSDC prepared the Epperstone Neighbourhood Plan SEA Screening Statement in January 2018. It concludes that there are no clear significant negative impacts on the environment resulting from the policies and proposals contained in the Plan. Therefore, there is no requirement to conduct an SEA. The statutory consultees concurred with this view.
16. Based on the screening determination and consultee response, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
17. As regards Habitat Regulation Assessment (HRA), NSDC prepared an SEA Screening Statement Addendum in May 2019. Part of the Parish lies within the five kilometre buffer zone of the Sherwood Forest ppSPA, so the risk-based approach proposed by Natural England was followed and assessment carried out as if it were a European site. The screening concludes: *An Appropriate Assessment of the Newark and Sherwood District Council Publication Amended Core Strategy (PACS) was completed in June 2018, which concluded that ‘the PACS satisfies the Habitat Regulations and this appropriate assessment document has helped to ensure that the PACS and its HRA process remain legally compliant in light of recent case law including the Sweetman ruling of April 2018’. The ‘Sweetman ruling’ refers to the European Court judgement People over Wind, Peter Sweetman v Coillte Teoranta (12 April 2018). This decision meant that mitigation measures cannot be considered when carrying out screening for appropriate assessment. In light of this Appropriate Assessment for the whole of the Newark and Sherwood Plan Area that includes Epperstone, the fact that the NP does not allocate sites for development and that any future development is likely to be small scale in-fill development our initial conclusion is that further assessment is not necessary.* Natural England has not raised concern with this conclusion.

18. Planning Practice Guidance advises: *an individual assessment of non-strategic policies and projects may not be necessary in some limited cases where the strategic appropriate assessment is sufficiently robust. This would need to contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt on the impacts of the non-strategic policies (e.g. neighbourhood plans) and/or project(s). As long as these measures have been properly considered in a recent plan, and the development will not create additional risks of a significant effect on a habitats site, they may not need further assessment at the non-strategic level. This is a high standard to meet and will need to be assessed on a case by case basis.* (Extract part of paragraph 008 Reference ID: 65-008-20190722 revision date: 22 07 2019)
19. Based on PGG guidance, the screening determination and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of *the Conservation of Habitats and Species Regulations 2017(7)*.
20. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

## Policy Background

21. The *National Planning Policy Framework (NPPF)* (2019) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
22. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

23. The development plan for the Epperstone Parish Neighbourhood Plan Area includes the Newark and Sherwood Amended Core Strategy (adopted March 2019) and the Allocations and Development Management Development Plan Document (A&DM DPD) (2013). The Neighbourhood Plan has been produced in parallel to the production of the recently adopted Amended Core Strategy. The strategic policies in the development plan include policies regarding the delivery of homes and jobs in the area and conservation and enhancement of the natural and historic environment.

## **The Neighbourhood Plan Preparation**

24. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
25. The initial consultation process included a drop in event/exhibition in July 2015 to explain to the community the purpose of the Plan and to seek their thoughts on potential topics. This was followed by a similar event in July 2016 to present emerging policies and receive feedback. A further drop in event/exhibition was held in July 2017 to present the emerging draft Plan and receive feedback.
26. A consultation period on the pre-submission draft of the Plan ran from 26 June 2017 to 12 September 2017. The draft Plan was made available for inspection on the Parish Council's dedicated Neighbourhood Plan web page and paper copies were made available at convenient locations throughout the Parish. Notices were placed on the Parish Council website and Notice Board. A paper copy of the Plan was delivered to every household and business in the Parish by hand by members of the Steering Group.
27. A second consultation period on the pre-submission draft of the Plan ran from 7 December 2018 to 1 February 2019 as the Parish Council considered it prudent to widen the consultation on the draft Plan and to be in accordance with Regulation 14. The draft Plan was made available on the Parish Council's and NSDC's websites and local libraries and was publicised on these websites and on posters and flyers. Paper copies of the Plan and supporting evidence could be requested. A letter was delivered to all households and businesses in the Parish.
28. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General)



Regulations 2012. It is clear that the qualifying body ensured that local residents and businesses were able to engage in the production of the Plan. I congratulate them on their efforts.

29. NSDC publicised the submission Plan for comment during the publicity period between 8 May 2019 and 19 June 2019 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 13 responses were received.
30. Unfortunately the Basic Conditions Statement did not accord with the Regulations in that it sought to explain how the Plan was in general conformity with strategic policy in the former Core Strategy.
31. An updated Basic Conditions Statement was prepared and a further Regulation 16 consultation period was held between 27 June and 8 August 2019. During this time the examination of the plan was suspended. A total of 6 responses were received. I have taken these representations, together with those previously submitted during the first Regulation 16 consultation period into consideration. I am satisfied that all these responses can be assessed without the need for a public hearing.
32. Some responses suggest amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations from both consultation periods. I have taken their comments into consideration. Their comments have been placed on the NSDC web site.

## **The Epperstone Parish Neighbourhood Plan 2016 – 2033**

33. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
34. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).

35. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.
36. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
37. I have been provided with a detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information.
38. Paragraph 1.2 summarises the Basic Conditions. Whilst it is not necessary for a neighbourhood plan to include such a summary, as it does so, it should make reference to the new Basic Condition: *The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7)*. **I see this as a minor editing matter.**
39. Paragraph 1.2 needs to be updated to refer to the recently adopted Core Strategy. **I see this as a minor editing matter.**
40. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

## Vision and Objectives

41. A clear Vision for the Parish has been established as follows:  
*to sustain and enhance Epperstone Parish as a proud, distinctive and thriving community and an excellent place to live and visit. The attractive built and natural environment as well as its rural setting will continue to be protected whilst meeting the changing needs of the community.*
42. Nine plan objectives have been established to help realise this vision.

## Housing

### Policy EP 1: Housing Mix

43. Paragraph 77 in the NPPF states: *in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.*

44. Paragraph 59 in the NPPF states that the needs of groups with specific housing requirements need to be addressed, to support the Government's objective of significantly boosting the supply of homes.
45. Paragraph 133 in the NPPF explains that the *fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence.*
46. Much of Epperstone village lies within the Epperstone Conservation Area. The vast majority of the Parish, including the village of Epperstone, is designated as Green Belt.
47. Core Strategy Spatial Policy 4B focuses new housing and employment in the Green Belt into the principal villages which are specifically excluded from the Green Belt. Epperstone is not one of these villages. No villages 'washed over' by the Green Belt have been identified for limited infilling. In or adjacent to the main built-up area of Epperstone, consideration will be given to the development of 'Rural Affordable Housing Exceptions Sites' to meet local housing need. Other development in the Green Belt not identified in this policy will be judged according to national Green Belt policy.
48. The above policies are specifically relevant to both Neighbourhood Plan Policies EP 1 and EP2.
49. Core Strategy Core Policy 3 seeks to secure new housing development which adequately addresses the housing need of the District. It identifies the need for family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.
50. Policy EP 1 seeks to ensure that new housing provides for the existing and future needs of the Parish, especially the provision of smaller homes of three bedrooms or less. This policy is supported by the *Housing Need and Characteristics – Supporting Evidence* (March 2018).
51. Future residential development within the Green Belt part of the Parish is significantly restricted by national and strategic Green Belt policy. Policy EP 1 seeks to ensure that any new housing development provides for the existing and future needs of the Parish, taking into account the most up to date assessment of housing need. This has regard to national policy, contributes towards sustainable development and is in general conformity with strategic housing policy. Policy EP 1 meets the Basic Conditions.

### **Policy EP 2: Affordable Housing**

52. Core Strategy Core Policies 1 and 2 set out the NSDC policies on affordable housing with regard to thresholds and rural affordable housing.

53. Policy EP 2 seeks to ensure that for any affordable housing provided in the Parish, nomination rights will normally be expected to give priority to applicants with a local connection to Epperstone. The supporting text states that there were some difficulties in finding local people or people with a local connection to Epperstone to take up these new affordable homes in the Epperstone Manor Development.
54. Policy EP 2 does not define 'local connection'. I sought clarification from NSDC as to their definition of 'local connection' and was informed that this is set out in the NSDC *Affordable Housing Supplementary Planning Document* (July 2013). In the interest of precision, I recommend that Policy EP 2 refers to the District Council's allocation scheme. If there are no qualifying people with a local connection to Epperstone, this allows for others to be allocated the affordable housing.
55. Policy EP 2 refers to legal and other agreements. I cannot think what an 'other agreement' would be in planning terms. In the interest of precision, I recommend the deletion of this reference.
56. Subject to the modifications I have suggested above, Policy EP 2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy EP 2 meets the Basic Conditions.
57. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP 2 to read as follows:**

#### **POLICY EP 2: AFFORDABLE HOUSING**

**The Plan acknowledges and accepts district planning policies that require certain housing developments to provide affordable housing. In legal agreements connected to planning consents that deliver affordable housing, nomination rights will normally be expected to give priority to applicants with a local connection to Epperstone, in accordance with the District Council's allocation scheme.**

### **Community Facilities And Services**

#### **Policy EP 3: Protecting Community Facilities**

58. Paragraph 92 in the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other matters, plan positively for the provision of community facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

59. Core Strategy Spatial Policy 8 resists the loss of existing identified community facilities.
60. The above policies are relevant to Neighbourhood Plan Policies EP 3, EP4 and EP 5.
61. Policy EP 3 seeks to protect identified community facilities and lists three facilities identified as being especially important to the community. As it currently reads, this policy infers that there may be other identified community facilities other than the three that are especially important to the community. This does not appear to be the case. Therefore, in the interest of precision, I have suggested revised wording.
62. Holy Cross Church is a listed building. Therefore Policy EP 14 applies. Epperstone Village Hall is within the playing fields Local Green Space. Therefore, Policy EP 6 applies. The Cross Keys Public House is an Asset of Community Value. Therefore, Policy EP 5 applies. Whilst not always necessary to cross refer to other policies, in the interest of precision, I recommend such a cross reference for these identified community facilities.
63. Subject to the modifications I have suggested above, Policy EP 3 has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Modified Policy EP 3 meets the Basic Conditions.

64. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP 3 to read as follows:**

**POLICY EP 3: PROTECTING COMMUNITY FACILITIES**

**Development proposals that would result in either the loss of, or have a significant adverse effect on, the identified community facilities listed below will not be supported, except where:**

**a) it can be clearly demonstrated that its continued use as a community facility is no longer viable or it is no longer required by the community; or**

**b) equivalent or better alternative provision in terms of quantity and quality and in an equally suitable location in the Parish can be provided; and**

**c) in accordance with Policy EP 14 (Holy Cross Church), Policy EP 5 (The Cross Keys Public House) and Policy EP 6 (Epperstone Village Hall).**

**The following facilities have been identified as being especially important to the community:**

- 1. Holy Cross Church.**
- 2. The Cross Keys Public House.**

### 3. Epperstone Village Hall.

#### **Policy EP 4: Supporting New And Enhanced Community Facilities**

65. Core Strategy Spatial Policy 4B requires development, other than housing and employment specified in that policy, to be judged according to national Green Belt Policy.
66. Core Strategy Spatial Policy 8 encourages the provision of new and enhanced community and leisure facilities.
67. Policy EP 4 supports the provision of small scale new or enhanced community facilities to meet local need, recognising Green Belt restraints. There may be limited opportunities for small scale community facilities, but if there are proposals, this policy will ensure that they are appropriate in the predominately Green Belt setting.
68. Policy EP 4 has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Policy EP 4 meets the Basic Conditions.

#### **Policy EP 5: Assets Of Community Value**

69. Policies in a neighbourhood plan can only be for the development and use of land.
70. Policy EP 5 supports the listing and retention of Assets of Community Value. Listing of Assets of Community Value is not a development and land use matter. Therefore I suggest that this reference is moved to the supporting text. I note that The Cross Keys Pub is designated as an Asset of Community Value on the NSDC list. So as to ensure that Policy EP 5 is a policy for the development and use of land, I have suggested revised wording.
71. Subject to the modification I have suggested above, Policy EP 5 has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Modified Policy EP 5 meets the Basic Conditions.
72. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP 5 to read as follows:**

#### **POLICY EP 5: ASSETS OF COMMUNITY VALUE**

**Development proposals that support the longevity of Assets of Community Value will be viewed positively where in accordance with other relevant planning policies, including Green Belt.**



## Natural Environment

73. The fourth paragraph on page 22 seeks to summarise national Green Belt policy. It is not strictly correct as it does not use the specific Green Belt jargon of national policy. I suggest this paragraph is revised as follows:

**The strong presumption against development in the open countryside in Epperstone also accords with local and national policy. The vast majority of the Parish is ‘washed over’ by Green Belt designation. Green Belt is a powerful national designation. The Plan supports and endorses national and Newark and Sherwood District Council’s policies for the Green Belt in Epperstone, which emphasise its importance, its continuing role and that inappropriate development in the open countryside within the Green Belt should only take place in very special circumstances.**

74. I see this as a minor editing matter.

### Policy EP 6: Local Green Spaces

75. The NPPF in paragraphs 99 - 101 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

*The Local Green Space designation should only be used where the green space is:*

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

*Policies for managing development within a Local Green Space should be consistent with those for Green Belts.*

76. PPG states: *if land is already protected by Green Belt policy, or in London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.*

*One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community. (Paragraph: 010 Reference ID: 37-010-20140306).*

77. Core Strategy Core Policy 12 seeks to conserve and enhance the biodiversity and geological diversity of the District. This Policy is relevant to Neighbourhood Plan Policies EP 6, EP 7 and EP 8.
78. Policy EP 6 identifies six Local Green Spaces (LGS) where their complete or partial loss will not be supported except in very special circumstances. *The Local Green Spaces - Supporting Evidence* (March 2019) provides a comprehensive assessment of each LGS.
79. From the supporting evidence and from my visit to the Parish, I am satisfied that all the proposed LGS meet the criteria for designation. They are all in close proximity to the community and are local in character and not extensive tracts of land. The playing fields, allotments and community meadowland are demonstrably special, particularly for their recreational value. The land around the church and green spaces either side of Main Street are demonstrably special, particularly due to their tranquillity.
80. Despite already being in the Green Belt, I consider that it is appropriate to designate the above sites as LGS as it has been clearly demonstrated that they are of particular importance to the local community.
81. The owners of the area of meadow land including Dovecote have objected to its designation as a LGS. It is located in a prominent location in the heart of the village within the Conservation Area. The Dovecote is a Grade II Listed Building and the surrounding meadow land provides the setting for this building. There is no public access to this site and the meadow land is in agricultural use.
82. *The Epperstone Conservation Area Appraisal Supplementary Planning Document* (2006) makes specific reference to this site. It states: *this is one of the few points from which open countryside can be viewed from within the village proper and therefore its importance as a space in the conservation area is significant and should be retained.*
83. From my visit to the Parish and the background evidence, I do consider that this site is demonstrably special to the local community, particularly due to its rural beauty within the heart of the village and its historical significance with regard to the setting of Dovecote. As such, this site meets the criteria for designation as LGS and despite already being in the Green Belt, I consider that it is appropriate to designate the site as LGS as it has been clearly demonstrated that it is of particular importance to the local community.
84. The owners of this area of meadow land have suggested that there is development potential for dwellings on this site. The site is within the Green



Belt. Should a planning application be submitted for housing, policies for managing development within a LGS are consistent with those for Green Belts. Core Strategy Spatial Policy 4B will continue to be relevant to the determination of any planning application. Therefore, the designation as LGS is consistent with local planning for sustainable development in the area.

85. Policy EP 6 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy EP 6 meets the Basic Conditions.
86. The LGS map(s) needs to be of a suitable scale for ease and accuracy of identification. The scale of Figure 3 is not sufficient. In the interest of precision, I recommend the inclusion of inset OS based maps at an appropriate scale that ensures the precise boundaries of the LGS are clearly identifiable.
87. **Recommendation: to meet the Basic Conditions, I recommend the inclusion of inset OS based map(s) at an appropriate scale that ensure the precise boundaries of the Local Green Spaces are clearly identifiable.**

#### **Policy EP 7: Trees And Hedgerows**

88. Paragraph 170 in the NPPF requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes, minimising impacts on biodiversity, providing net gains in biodiversity where possible and recognising the wider benefits gained from trees and woodland. This paragraph is relevant to Neighbourhood Plan Policies EP 7, EP 8 and EP 9.
89. Trees and hedgerows make an important contribution to the character of the Parish. Policy EP 7 supports the planting and management of trees and hedgerows, with an emphasis on planting native species. As not all development proposals will have any impact on trees or hedgerows, in the interest of precision, I recommend the inclusion of 'where relevant' in the second paragraph with regard to this matter.
90. Subject to the modification I have suggested above, Policy EP 7 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy EP 7 meets the Basic Conditions.
91. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP 7 to read as follows:**

#### **POLICY EP 7: TREES AND HEDGEROWS**

**The Plan supports the planting and management of trees and hedgerows. Trees and hedgerows of good arboricultural, biodiversity and amenity value should be protected from loss or damage as a result of development. Where possible, they should be integrated into the design of development proposals.**

**Where relevant, development proposals should demonstrate how they have taken into account the need to protect trees and hedgerows of good value.**

**Landscaping schemes, in connection with new development, are encouraged to place an emphasis on the use of local native planting, as shown in Appendix 1.**

### **Policy EP 8: Biodiversity**

92. Paragraph 175 in the NPPF with regard to habitats and biodiversity states: *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
93. A&DM DPD Policy DM7 seeks the protection of habitats for protected species and priority species. Where it is apparent that a site may provide a habitat for protected or priority species, development proposals should be supported by an up-to date ecological assessment. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided. On sites of local importance, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.
94. Policy EP 8 supports development proposals that conserve, enhance and incorporate biodiversity. To ensure that Policy EP 8 is in general conformity with strategic policy, I recommend the expansion of Policy EP 8 to include the relevant criteria in A&DM DPD Policy DM7 that is specific to the identified sites of local importance. I have suggested revised wording. Whilst this is partly a repetition of strategic policy, it can be justified in this instance as the Plan identifies other habitat types and features within the Parish that the Plan seeks to protect. This will ensure that the policy has regard to national policy for mitigation measures and is in general conformity with strategic policy regarding the need for ecological assessments. Subject to this modification, Policy EP 8 meets the Basic Conditions.
95. The owners of Gonalston Lane Grassland have raised concern regarding the description of this site as 'species rich'. This site is identified as a Local

Wildlife Site by Nottinghamshire County Council and the description has come from the County Council. I am not in a position to verify whether the site merits such a designation, but as it is currently identified as a Local Wildlife Site, I see no reason to exclude it from the list of sites in the Plan.

96. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP 8 to read as follows:**

**POLICY EP 8: BIODIVERSITY**

**Development proposals which conserve, enhance and incorporate biodiversity in and around them (including networks) will be supported, particularly where they conserve significant habitat types, Local Wildlife Sites and features of the Parish.**

**On Local Wildlife Sites (identified above and on Figure 4), or on a significant habitat type or feature (identified above), planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.**

**All development proposals affecting the above sites should be supported by an up-to date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where they cannot be avoided.**

**Policy EP 9: Distinctive Views And Vistas**

97. Core Strategy Spatial Policy 3 is a strategic policy for the rural areas. Within this policy, it seeks to protect the countryside and enhance the landscape. This is further emphasised in A&DM DPD Policy DM8. Core Strategy Core Policy 13 seeks to ensure that landscapes, including valued landscapes, have been protected and enhanced.
98. Policy EP 9 seeks to ensure that important views are respected and enhanced. This policy is supported by the *Distinctive Views and Vistas – Supporting Evidence* (March 2019).
99. The views and vistas were identified in consultation with the local community. The ones finally chosen were considered to have most local significance.
100. *The Epperstone Conservation Area Appraisal Supplementary Planning Document (SPD)* (2006) identifies views 3, 5, 6 and 7. In the interest of precision, I suggest reference is made to the Conservation Area Appraisal views in Policy EP 9. NSDC has made this suggestion and I concur with

their opinion. This will ensure that there is a clear basis for identification of the views and a means of establishing exactly what is being sought to be protected. I have suggested revised wording.

101. The owners of the Dovecote have raised objection to the inclusion of this site within view 6 in Policy EP 9. From my observations, this view offers an excellent view linking the village to the surrounding countryside and I see no justification for its deletion from the policy.
102. NSDC has raised concern that some of the identified views are landscape vistas rather than views. I have in mind views 1, 2 and 4. I have been referred to the Newark and Sherwood Landscape Character Assessment SPD (2013). This is a District level assessment of landscape character. NSDC has suggested that Policy EP 9 is modified to require that proposals within the broad area of the vistas are required to be acceptable in landscape character terms, having regard to the Landscape Character Assessment SPD and Core Strategy Core Policy 13. In the interest of precision and to ensure general conformity with strategic policy, I concur with this suggested modification. I have suggested revised wording.
103. I am satisfied that the protection of the views and landscape vistas identified in Policy EP 9 is justified by the supporting evidence and SPD. Subject to the modification I have suggested above, Policy EP 9 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy EP 9 meets the Basic Conditions.
104. The scale of Figure 5 is not sufficient. In the interest of precision, I recommend the inclusion of inset OS based maps at an appropriate scale that ensures the views and landscape vistas are clearly identifiable.
105. The supporting text to Policy EP 9 will need to be amended in the light of my suggested modification to the policy. **I see this as a minor editing matter.**
106. **Recommendation: to meet the Basic Conditions, I recommend**
  - 1) the inclusion of inset OS based map(s) at an appropriate scale that ensure the views and landscape vistas are clearly identifiable.**
  - 2) modification to Policy EP 9 to read as follows:**

#### **POLICY EP 9: DISTINCTIVE VIEWS AND LANDSCAPE VISTAS**

**Development proposals should respect and, wherever possible, enhance distinctive views and landscape vistas by ensuring that their visual impact on these views and landscape vistas is carefully and sympathetically controlled.**

The following views (accessible to the public) have been identified as especially important. These are identified on Figure 5. Development proposals within the broad area of the views are required to have regard to the Epperstone Conservation Area Appraisal Supplementary Planning Document (2006):

**3. Views south and south-west from the high point from the field public footpath before it comes onto Hagg Lane near to Eastwood Farm looking down towards the village of Epperstone across open fields.**

**5. Standing on Main Street between the Cottage and The Laurels and immediately in front of the Pinfold (a Listed Building), looking north over the lawned garden offers views of open fields with hedgerows dotted with mature trees directly linking Main Street to the open countryside. From the footpath, beyond the garden, the view becomes panoramic.**

**6. Looking south, standing on Main Street between Meadowside and Dovecote House the view starts with the Dovecote (a Listed Building) in the immediate foreground beyond which is a long and largely unbroken view of the attractive open countryside. This offers the best view of, and link to, the countryside from the village. This offers an excellent view linking the village to the surrounding countryside**

**7. Standing on the field/public footpath close to the historic Wash Bridge off Lowdham Road the view west towards the Dover Beck and associated meadowlands as well as the view north towards the Epperstone village.**

The following landscape vistas (accessible to the public) have been identified as especially important. These are identified on Figure 5. Development proposals within the broad area of the landscape vistas are required to be acceptable in landscape character terms, having regard to the Newark and Sherwood Landscape Character Assessment Supplementary Planning Document (2013) and Core Policy 13 in the Amended Core Strategy:

**1. Looking south-east from the most northern point of Epperstone Park towards Epperstone village across open fields and mature trees.**

**2. Looking from the bridleway between Cottage Farm and Norwood Farm next to the woodlands offering a long and largely unbroken view towards Epperstone village across open countryside and mature trees.**

**4. Standing on the public footpath the view from the end of Parr Lane offers a panoramic 180-degree vista across beautiful open countryside and towards the Dover Beck and Ploughman's Wood beyond.**

## **Policy EP 10: Renewable Energy And Low Carbon Technologies**

107. Paragraph 148 in the NPPF supports the transition to a low carbon future in a changing climate, including support for renewable and low carbon energy and associated infrastructure.
108. Core Strategy Core Policy 10 promotes energy generation from renewable and low-carbon sources. A&DM DPD Policy DM4 supports this Core Policy.
109. Policy EP 10 lists detailed criteria against which proposals for renewable energy and low carbon installations should be assessed. It does not include Green Belt policy, Southwell views, highway safety and aviation interests of local or national importance that are listed in A&DM DPD Policy DM4. I see no reason for such omissions. To be in general conformity with strategic policy, I suggest cross reference to A&DM DPD Policy DM4.
110. Criterion f) in Policy EP 10 specifies a minimum separation distance between wind turbines and residential properties.
111. NSDC has produced a *Wind Energy Supplementary Planning Document* (March 2014), which explains the approach NSDC takes to wind energy development within the District. It specifically states that there is no basis in national or local policy for the imposition of fixed separation distances between residential and wind energy development.
112. PPG states: *local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses. This is why it is important to think about in what circumstances proposals are likely to be acceptable and plan on this basis.* (Paragraph: 008 Reference ID: 5-008-20140306).
113. To have regard to national policy and be in general conformity with strategic policy, I recommend the deletion of criterion f) from Policy EP 10.
114. A footnote to paragraph 154 of the NPPF regarding renewable and low carbon development states: *except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.*
115. NSDC has confirmed that no areas in Newark and Sherwood have been identified as suitable for wind energy developments involving turbines of sufficient size to require planning permission.



116. Paragraph 40 in the NPPF states: *Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.*
117. Policy EP 10 seeks to ensure consultation with the local community for all renewable energy installations. Where proposals for wind energy development are required to consult with the local community, this is already a national requirement. Other forms of renewable energy and low carbon installation development proposals are not required by law to engage with the local community. The NPPF clearly encourages rather than requires such community consultation. I have no reason to suppose that it is the government's intention that the procedural requirements on developers should be more onerous where neighbourhood plans are in existence than elsewhere. There would therefore need to be a special justification for a policy imposing these requirements to relate to all renewable energy and low carbon installation development proposals and none has been presented to me.
118. Criterion c) in Policy EP 10 refers to SSSIs, important geological sites and Special Landscape Area. I sought clarification on whether there were any such sites/areas in the Plan area. NSDC confirmed that there are no SSSIs or important geological sites in Epperstone Parish or Special Landscape Area. Therefore, I have recommended revised wording. In the interest of precision, reference to the Conservation Area in Criterion c) should be included in Criterion d).
119. Criterion k) is a statement rather than a policy requirement and thus should be deleted.
120. I have suggested revised wording to Policy EP10. Local people may be disappointed. However, I must emphasise that national requirements for local consultation will continue to be required where applicable. All requirements listed in A&DM DPD Policy DM4 will be covered. In particular, the purpose of including land within the Green Belt will be a consideration for any proposal for renewable energy and low carbon installations.
121. Subject to the modifications I have suggested above, Policy EP 10 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy EP 10 meets the Basic Conditions.
122. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP 10 to read as follows:**

## **POLICY EP 10: RENEWABLE ENERGY AND LOW CARBON TECHNOLOGIES**

**The Plan does not identify any areas suitable for the development of renewable energy installations due to the special nature of its landscape. However, suitably located and designed proposals that promote and encourage the development of renewable and low carbon energy resources will be viewed sympathetically where it can be demonstrated that the following planning impacts (either in isolation or cumulatively) of the development proposal, are satisfactorily addressed. Development proposals will be supported where they are in accordance with Policy DM4 in the Newark & Sherwood Allocations & Development Management Development Plan Document (2013) and :**

**a) do not have an unacceptable adverse impact on the amenity of local residents (such as noise, visual impact, shadow flicker, water pollution, odour, air quality, emissions).**

**b) do not have an unacceptable adverse impact on the location, in relation to visual impact and impact on the character and sensitivity of the surrounding landscape.**

**c) do not have a significant adverse effect on any regionally or locally important site of ecological value or Local Green Space or their settings.**

**d) do not have an unacceptable adverse impact on Listed Buildings or the Conservation Area or their settings.**

**e) in the case of wind turbines, it can be demonstrated that the development would not result in an unacceptable adverse effect (either in isolation or cumulatively) on protected bird species, including important sites and migration routes.**

**f) in the case of ground mounted solar panels, it can be demonstrated that they do not result in the loss of good quality agricultural land.**

**g) they have addressed operational requirements (including accessibility and suitability of road network, ability to connect to the grid underground, proximity of any relevant feedstock).**

**h) they have measures included for the removal of structures and the restoration of sites, should sites become non-operational.**



## Design And The Built Environment

### Policy EP 11: Design Principles

123. Paragraph 124 in the NPPF emphasises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
124. Paragraph 125 in the NPPF states: *plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.*
125. Paragraph 127 in the NPPF lists criteria for design policies, including that developments *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
126. Core Strategy Core Policy 9 expects new development proposals to demonstrate a high standard of sustainable design. A&DM DPD Policy DM5 details design criteria for consideration in all new development and Policy DM6 specifies criteria for household development.
127. The above policies are relevant to Neighbourhood Plan Policies EP 11, EP12 and EP 13.
128. Policy EP 11 sets out a list of design principles. Criterion a) requires new development to respect and enhance the local character. Even in a Conservation Area, national policy only requires development to 'preserve or enhance'. Therefore, I recommend that this criterion should refer to 'respect or enhance'.
129. Criteria d), e), h) and i) are too prescriptive to be consistent with the presumption in favour of sustainable development or with the support for innovative design in the NPPF. They are more appropriate as supplementary planning guidance rather than policy requirements. Criterion f) is already covered by Policy EP 7 and A&DM DPD Policy DM5. Therefore, I recommend the deletion of these criteria.
130. There are grammatical errors in criteria c) and g). **These are minor editing matters, which I have corrected.**
131. PPG, (at Paragraph: 001 Reference ID: 56-001-20150327), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in

neighbourhood plans. Therefore, to meet the Basic Conditions, criterion j) can only apply to non-residential development. Even so, as this criterion adds no local policy detail above that stated in strategic policy, it should be deleted.

132. Subject to the above recommendations, Policy EP 11 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy EP 11 meets the Basic Conditions.

133. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP 11 to read as follows:**

#### **POLICY EP 11: DESIGN PRINCIPLES**

**Development proposals must respond positively to the character and historic context of existing developments within the Parish. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context. The Plan requires that they have regard to the following design principles, where appropriate:**

**a) they should respect or enhance (but not necessarily replicate) the local character, having regard to scale, density, massing, height, landscape, layout, materials, access arrangements and detail (e.g. size and shape of windows and doors).**

**b) the amenity of neighbouring occupiers or uses should not be adversely affected through overlooking, privacy, overshadowing, loss of outlook, over dominance or disturbance.**

**c) extensions to properties should ideally be of subordinate scale to the original buildings and the resulting building should be in keeping with, and not adversely affect, the form, scale, appearance, the general character and design of the original building and its setting.**

**d) development does not reduce garden space to an extent where it has an unacceptable adverse impact on the character of the area, or the amenity of neighbours and the occupiers of the development.**

**e) redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the Parish should be especially sensitive to their distinctive character, materials and form.**

### **Overhead Cables And Broadband And Other Telecommunications Provision**

#### **Policy EP 12: Overhead Cables, Poles And Wires**

134. Policy EP 12 seeks to ensure that overhead cables, poles and wires are sympathetically located and designed. This will help ensure that the unique

character of the streetscene and rural landscape within the Parish is maintained and, where possible, enhanced. As much of this development is undertaken as permitted development, in the interest of precision, I recommend the inclusion of 'where planning permission is required' at the beginning of this policy. Subject to this amendment, Policy EP 12 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy EP 12 meets the Basic Conditions.

135. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP 12 to read as follows:**

**POLICY EP 12: OVERHEAD CABLES, WIRES AND POLES**

**Where planning permission is required, overhead poles, cables or wires required for development proposals should be sympathetically located and designed. Wherever possible they should be buried below ground level.**

**Policy EP 13: Broadband And Other Telecommunications Provision**

136. Paragraph 112 in the NPPF states: *advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks.*
137. I note that broadband connection in the Parish is variable. Policy EP 13 encourages enhanced broadband provision and other telecommunications infrastructure, subject to sympathetic location and design. As much of the Parish lies within the Green Belt, in the interest of precision and to have regard to national Green Belt policy, I recommend the inclusion of reference to according with Green Belt policy.
138. Subject to the above recommendation, Policy EP 13 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy EP 13 meets the Basic Conditions.
139. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP 13 to read as follows:**

**POLICY EP 13: BROADBAND AND OTHER TELECOMMUNICATIONS PROVISION**

**Development proposals and actions that support and/or provide enhanced broadband and other telecommunications infrastructure provision will be encouraged, where they are sympathetically located and designed and are in accordance with national Green Belt policy.**

## Heritage

### Policy EP 14: Listed Buildings

140. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
141. The NPPF advises at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
142. Core Strategy Core Policy 14 seeks: *the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance as required in national policy.*
143. A&DM DPD Policy DM 9 supports Core Strategy Core Policy 14.
144. The above policies are relevant to Neighbourhood Plan Policies EP 14, EP 15, EP 16 and EP 17.
145. Policy EP 14 supports proposals that conserve and enhance the character, longevity and appreciation of listed buildings and their settings. With regard to listed buildings, it is not a national requirement for development proposals to conserve and enhance, as conserving alone may be sufficient. I have no strong evidence before me to suggest that both conserving and enhancing are required for listed buildings within the Parish, beyond that required under national policy. Therefore, I have suggested revised wording accordingly.
146. Subject to the modification above, Policy EP 14 has regard to national policy, contributes towards sustainable development and in general conformity with strategic policy. Modified Policy EP 14 meets the Basic Conditions.
147. The table on page 42 lists the Church of the Holy Cross as both a Grade I and Grade II listed building. This does not appear to be correct. **I see this as a minor editing matter.**
148. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP 14 to read as follows:**

### **POLICY EP 14: LISTED BUILDINGS**

**Development proposals requiring planning permission that conserve or enhance the character, longevity and appreciation of a Listed Building and its setting will be supported. The proposals will be required to describe the significance of any Listed Buildings affected and the**

**impact of the proposal on that significance in accordance with national planning policy.**

**Policy EP 15: Epperstone Character Buildings, Walls And Structures Of Local Heritage Interest**

149. Recently updated PPG states:

*There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.*

*Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.*

(Extract part of Paragraph: 040 Reference ID: 18a-040-20190723 dated 23 July 2019).

150. Policy EP 15 identifies buildings, walls and structures of local heritage interest. I note that the supporting evidence document, *The Epperstone Character Buildings, Walls and Structures of Local Heritage Interest Supporting Evidence* (March 2019), was compiled using criteria for selection as advised by Historic England in *the Historic England Advice Note 7: Local Heritage Listing*.

151. It is clear from the evidence before me that the buildings and structures identified in Policy EP 15 are historic buildings and structures of significance to the local community. They have been chosen using clear criteria for selection and have been identified on sound evidence.

152. Important views have been identified in Policy EP 9. Thus, to avoid unnecessary repetition, I suggest deleting this reference in Policy EP 15.

153. Paragraph 197 in the NPPF states: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

154. Policy EP 15 states: *the loss of, or substantial harm to, a locally important asset will be resisted, unless exceptional circumstance can be demonstrated.* This elevates the status of these assets above the heritage significance of listed buildings and does not have regard to the above

paragraph 197 in the NPPF. There is no need to repeat national policy with regard to the need for a balanced judgement, but the significance of these identified buildings and structures should be included as a consideration. I have suggested revised wording.

155. Subject to the modifications I have recommended above, modified Policy EP 15 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy EP 15 meets the Basic Conditions.

156. The scale of Figure 6 is not sufficient. In the interest of precision, I recommend the inclusion of inset OS based maps at an appropriate scale that ensures the Epperstone Character Buildings, Walls and Structures of Local Heritage Interest are clearly identifiable.

157. **Recommendation: to meet the Basic Conditions, I recommend:**

**1) the inclusion of inset OS based map(s) at an appropriate scale that ensure the Epperstone Character Buildings, Walls and Structures of Local Heritage Interest are clearly identifiable.**

**2) modification to Policy EP 15 to read as follows:**

**POLICY EP 15: EPPERSTONE CHARACTER BUILDINGS, WALLS AND STRUCTURES OF LOCAL HERITAGE INTEREST**

**The Plan identifies the buildings, walls and structures listed below (and shown in Figure 6) as Epperstone Character Buildings, Walls and Structures of Local Heritage Interest.**

**Development proposals will be required to take into account the character, context, significance and setting of Epperstone Character Buildings, Walls and Structures of Local Heritage Interest.**

**1. Epperstone House.**

**2. The Old School.**

**3. The Old Methodist Church (formerly the Wesleyan Methodist Chapel).**

**4. Dovecote at Grove Farm.**

**5. Boundary walls to the north of Main Street from junction with Hagg Lane to the Cross Keys.**

**6. Boundary walls to the south of Main Street from junction with Lowdham Road to Toad Lane.**

**7. Churchyard retaining wall, Main Street.**

**8. The wall surrounding The Manor both on Main Street and Chapel Lane.**



**9. The stone walls bordering Epperstone House on Main Street and Bland Lane.**

**10. Boundary wall to Orchard Cottages, Chapel Lane.**

**11. Wash Bridge.**

**12. Rifle Range.**

**13. Old School House, Toad Lane (1, 2 & 3 Sunny Row).**

#### **Policy EP 16: Epperstone Conservation Area**

158. The *Epperstone Conservation Area Appraisal Supplementary Planning Document* (2006) provides a comprehensive appraisal of the special and distinct character of the area.
159. Policy EP 16 seeks to ensure that the character of the Epperstone Conservation Area is preserved and where possible, enhanced. As such, Policy EP 16 has regard to national policy, contributes towards sustainable development, particularly the environmental objective where it seeks to protect and enhance the historic environment, and is in general conformity with strategic policy. Policy EP 16 meets the Basic Conditions.

#### **Policy EP 17: Epperstone Historic Character**

160. Paragraph 170 in the NPPF requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes.
161. The *Epperstone Conservation Area Appraisal Supplementary Planning Document* explains that the village is split by a north-south divide *between land classified as 'Dumble Farmlands' (north) and 'River Meadowlands' (south)*.
162. The distinction between these two contrasting landscapes makes an important contribution to the character of the area. In the interest of precision, I recommend the inclusion of a map identifying these two broad areas within the Parish, and cross reference to that map within Policy EP 17. Subject to these recommendations, Policy EP 17 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy EP 17 meets the Basic Conditions.
163. **Recommendation: to meet the Basic Conditions I recommend the inclusion of a map identifying the broad areas of 'Dumble Farmlands' and 'River Meadowlands' within the Parish and cross referencing to the map in Policy EP 17.**

## Getting Around

### Policy EP 18: Traffic Management In Epperstone Village

164. Section 9 in the NPPF promotes sustainable transport. This includes the need to actively manage patterns of growth and the provision of high quality walking and cycling networks.
165. Core Strategy Spatial Policy 7 encourages an improved and integrated transport network with an emphasis on non- car modes as a means of access to services and facilities. The list of criteria includes the need for new development to ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems, provide appropriate and effective parking provision, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use.
166. The above policies are relevant to Neighbourhood Plan Policies EP 18, EP 19 and EP 20.
167. Paragraph 109 in the NPPF states: *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
168. Traffic management measures to improve vehicular and pedestrian safety are not development and land use matters. Therefore I recommend that the first sentence of Policy EP 18 is removed from the policy. It can be included in supporting text as a non-planning aspiration.
169. Policy EP 18 seeks to ensure that new development does not have a severe impact on highway safety and congestion. As such, this part of Policy EP 18 has regard to national policy, contributes towards sustainable development, particularly the social objective where it seeks to ensure a safe built environment. In addition, this part of Policy EP 18 is in general conformity with strategic policy. Highway safety has to be of paramount importance anywhere. Thus I see no justification in the last phrase 'especially in the village' in Policy EP 18. Subject to the modifications I have suggested above, Policy EP 18 meets the Basic Conditions.
170. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP 18 to read as follows:**

### **POLICY EP 18: TRAFFIC MANAGEMENT IN EPPERSTONE VILLAGE**

**Development proposals should be able to demonstrate that any traffic generation created by the proposal does not result in severe, direct or cumulative, impact on congestion, or road and pedestrian safety.**



### **Policy EP 19: Car Parking In Epperstone Village**

171. During my visit to the Parish I was able to see the existing road layout and appreciate the concerns of the local community with regard to car parking. Policy EP 19 seeks to ensure an adequate level of car parking provision and the prevention of a reduction in parking provision where highway safety is an issue. As such, Policy EP 19 has regard to national policy, contributes towards sustainable development, particularly the social objective where it seeks to ensure a safe built environment and is in general conformity with strategic policy. Policy EP 19 meets the Basic Conditions.

### **Policy EP 20: Footpaths And Bridleways**

172. Policy EP 20 supports the improvement and expansion of the existing network of footpaths and bridleways and for development proposals to protect and, where possible, enhance footpaths and bridleways.
173. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in *the Community Infrastructure Levy Regulations 2010*.
174. I am concerned that the requirement for development proposals to enhance, wherever possible, the footpaths and bridleways could impose a scale of obligations on future developers that would threaten the viability of any development, which is likely to be small scale due to Green Belt constraints. In the interest of precision, I recommend that such enhancement of the footpaths and bridleways should be in accordance with the tests as set out in the *Community Infrastructure Levy Regulations 2010*. I have suggested revised wording.
175. Subject to the modification I have suggested above, Policy EP 20 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy EP 20 meets the Basic Conditions.
176. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP 20 to read as follows:**

#### **POLICY EP 20: FOOTPATHS AND BRIDLEWAYS**

**The improvement and expansion of the existing network of footpaths and bridleways will be supported. Priority will be given to those that extend and join the existing network. Development proposals should protect footpaths and bridleways and, wherever possible, enhance them in accordance with the tests as set out in the *Community Infrastructure Levy Regulations 2010*.**

## Developer Contributions

### Policy EP 21: Developer Contributions

177. Paragraph 92 in the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other matters, plan positively for the provision of community facilities.
178. As mentioned above, developer contributions can only be sought where they meet the statutory tests in the Community Infrastructure Levy Regulations 2010.
179. Core Strategy Spatial Policy 6 seeks to ensure the delivery of infrastructure to support growth in the District, including local facilities and services.
180. Policy EP 21 seeks contributions towards community facilities identified as priorities by the Parish Council in accordance with the statutory tests. The level of development over the Plan period is unlikely to be significant, particularly given the Green Belt constraints. Nevertheless, Policy EP 21 has regard to national policy, contributes towards the social role of sustainable development and is in general conformity with strategic policy. Policy EP 21 meets the Basic Conditions.

## Referendum and the Epperstone Neighbourhood Plan Area

181. I am required to make one of the following recommendations:
  - the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
  - the Plan as modified by my recommendations should proceed to Referendum; or
  - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
182. **I am pleased to recommend that the Epperstone Parish Draft Neighbourhood Plan 2016 – 2033, as modified by my recommendations, should proceed to Referendum.**
183. I am required to consider whether or not the Referendum Area should extend beyond the Epperstone Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

## **Minor Modifications**

184. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan. In particular, the Forward and Introduction will need updating.

**Janet Cheesley**  
2019

**Date** 10 September

## Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2019)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning (General) Regulations (2012)  
The Neighbourhood Planning (General) (Amendment) Regulations (2015)  
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)  
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)  
The Neighbourhood Planning Act (2017)  
The Planning Practice Guidance (2014)  
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The Epperstone Conservation Area Appraisal Supplementary Planning Document (2006)  
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