

# **Kings Clipstone Parish Neighbourhood Plan 2017 - 2033**

**Report by Independent Examiner**

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**CHEC Planning Ltd**

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## Summary and Conclusion

1. The Kings Clipstone Parish Neighbourhood Plan has a clear Community vision supported by nine objectives.
2. There is not an up-to-date strategic policy against which to assess overall housing figures. The Neighbourhood Plan does not allocate sites for housing development, but seeks to direct infill development to locations within the Built-Up Area boundary.
3. I have recommended modification to some of the policies in the Plan, for the reasons set out in detail below. 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.
4. **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 as modified by my recommendations. Subject to my recommendations being accepted, I consider that the Kings Clipstone Parish Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Kings Clipstone Parish Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

## Introduction

5. On 25 June 2014 Newark & Sherwood District Council (NSDC) approved that the Kings Clipstone Parish Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The area covers the whole of the parish of Kings Clipstone.
6. The qualifying body is Kings Clipstone Parish Council. The Plan has been prepared by the Kings Clipstone Parish Neighbourhood Plan Steering Group. The Plan covers the period 2017 to 2033.
7. I was appointed as an independent examiner for the Kings Clipstone Parish Neighbourhood Plan in September 2018. 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.

## Legislative Background

8. 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.
9. 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.
10. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

## EU Obligations

11. 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).
12. NSDC published the *Kings Clipstone Neighbourhood Plan The Environmental Assessment of Plans and Programmes Regulations 2004 SEA Screening Statement* in November 2017 and a re-screening in August 2018. Both documents concluded: *The results of the assessment contained in Table 1 in 3 indicate that there are no clear significant negative impacts on the environment resulting from the policies and proposals contained in the Kings Clipstone Neighbourhood Plan. Therefore it is the opinion of Newark &*

*Sherwood District Council that there is no requirement to conduct an SEA on the NP. The statutory consultees concurred with this conclusion.*

13. 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.
14. As regards Habitat Regulation Assessment (HRA), the Parish lies within 15km of a Natura 2000 site at Birklands and Bilhaugh SAC and within a 5km buffer from Woodlark and Nightjar breeding areas. The government has identified that the populations of nightjar and woodlark in Sherwood Forest may warrant protection as a Special Protection Area (SPA).
15. The HRA Screening Assessment (August 2018) has taken into consideration the ruling of the recent European Court judgement *People over Wind, Peter Sweetman v Coillte Teoranta* (12 April 2018). The Screening Assessment states: *an Appropriate Assessment of the Newark and Sherwood District Council Publication Amended Core Kings Clipstone Neighbourhood Plan Re-screening Statement 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.'* In light of this Appropriate Assessment for the whole of the Newark and Sherwood Plan Area that includes Kings Clipstone, the fact that the NP does not allocate sites for development and any future development is likely to be small scale in-fill development our initial conclusion is that a full assessment is not necessary.
16. Both the November 2017 and August 2018 HRA screening assessments conclude that *no significant effects are likely to occur with regards to the integrity of the Birklands & Bilhaugh SAC to the north of Farnsfield and the identified breeding areas in relation to the Sherwood Forest pSPA, due to the implementation of the Plan. As such the Plan does not require a full HRA to be undertaken.*
17. The main reason for these conclusions are: *the Plan does not directly allocate any sites for development; and the development that is supported in the Plan which may have some effect on the environment is determined to be local in scale and these local impacts will be addressed and mitigated at the planning application stage.*
18. Natural England concurred with this conclusion for the November 2017 Screening Assessment and has not subsequently raised concern during the Regulation 16 consultation stage.
19. Based on the screening determinations and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive.

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 revised *National Planning Policy Framework* has recently been published on 24 July 2018. At paragraph 214 it states: *The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.*
22. The revised *National Planning Policy Framework* incorporates policy proposals previously consulted on in the Housing White Paper and the Planning for the Right Homes in the Right Places consultation, as well as changes to planning policy implemented through Written Ministerial Statements since the *National Planning Policy Framework* was published in 2012.
23. In accordance with paragraph 214 in the revised *National Planning Policy Framework*, I have examined this Plan against the previous *National Planning Policy Framework* (2012) (NPPF). Where I refer to the NPPF, it is to the 2012 version. This sets out the Government's planning policies for England and how these are expected to be applied.
24. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy. Similarly, I have examined the Plan against PPG guidance and any Written Ministerial Statements that related to the 2012 Framework. The PPG is currently being revised in accordance with the revised NPPF. I have referred to paragraphs in the PPG that may be in the process of being archived as part of this revision, as it is necessary in this transition period to refer to PPG related to the 2012 NPPF.
25. Paragraph 7 in the NPPF identifies the three dimensions to sustainable development:

*There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

**•an economic role** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

**• a social role** – *supporting strong, vibrant and healthy communities, by*

*providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

*•an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

26. The development plan for the Kings Clipstone Parish Neighbourhood Plan Area comprises the Newark and Sherwood Core Strategy (2011) and the Allocations and Development Management Development Plan Document (A&DM DPD) (2013). 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.
27. NSDC is undertaking a plan review and at the time of my examination of the Neighbourhood Plan the Publication Amended Core Strategy Development Plan Document has been the subject of examination and consultation on the proposed main modifications has been undertaken.
28. There is no legal requirement to test the Neighbourhood Plan against emerging policy although PPG advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the neighbourhood plan is tested.
29. The qualifying body and the local planning authority should aim to agree the relationship between policies in the emerging Neighbourhood Plan, the emerging Publication Amended Core Strategy and the adopted development plan, with appropriate regard to national policy and guidance. Whilst there is no requirement for the Neighbourhood Plan to conform to emerging policies, it has been produced in parallel with the production of the emerging amended Core Strategy and in cooperation with NSDC.

## **The Neighbourhood Plan Preparation**

30. 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.
31. The preparation of the Plan began formally in March 2014. Newsletters were circulated to dwellings and businesses inviting attendance to public meetings. A survey was undertaken sampling more than a third of homes. In July 2014 a two week exhibition was held. A further refined survey was undertaken.

32. The Consultation period on the pre-submission draft of the Plan ran from 1 October 2017 to 19 November 2017. Copies of the Plan were available on the Parish website and copies were placed in local libraries and with NSDC. Businesses were informed and residents received a newsletter with a questionnaire. Two open days were held.
33. The Consultation Statement does not include a list of people consulted on the pre-submission draft Plan. Regulation 15 (2) requires the Consultation Statement to contain details of the persons and bodies who were consulted about the proposed neighbourhood plan. At my request, NSDC has subsequently published the list on the Council's web site for this Plan. I do not consider anyone has been prejudiced by this omission from the Consultation Statement. As such, I am satisfied that the pre-submission consultation and publicity has met the requirements in The Neighbourhood Planning (General) Regulations 2012.
34. The consultation and publicity went well beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents were able to engage in the production of the Plan. I congratulate them on their considerable efforts.
35. NSDC publicised the submission Plan for comment during the publicity period between 29 August 2018 and 12 October 2018 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 16 responses were received including a response by NSDC. I am satisfied that all these responses can be assessed without the need for a public hearing.

## The Kings Clipstone Parish Neighbourhood Plan

### Background To The Neighbourhood Plan

36. Background information in the first eight sections of the Plan provides an overview of the Plan area, including its location, history, population, development pattern, housing type, local amenities, landscape, biodiversity, tourism, employment and 'getting around', As such, this provides a clear background to the Plan.
37. 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.
38. Paragraph 19 refers to the Neighbourhood Plan area being designated in May 2014, whereas it was designated on 25 June 2014. **I see this as a minor editing matter.**
39. It is necessary for Neighbourhood Plans to provide a practical framework within which decisions on planning applications can be made with a high

degree of predictability and efficiency as stated in the core planning principles in paragraph 17 in the NPPF. 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 to provide a practical framework in accordance with the core principles in the NPPF, thus ensuring that the Plan has regard to national policy in this respect.

40. Paragraph 42 is written as policy, without a corresponding policy in the Plan. In the interest of providing a practical framework for decision making, I recommend the deletion of paragraph 4.2.
41. 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).
42. 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.
43. **Recommendation: to meet the Basic Conditions, I recommend the deletion of paragraph 42.**

## Community Vision

44. A clear Community Vision for the Parish has been established. It states: *in 15 years' time, Kings Clipstone Parish will continue to be proud of its heritage which will be reflected in its protected landscape and built environment. It will be a tourist destination and both residents and visitors will be able to visit the Palace site and walk and cycle from the village to the attractions in Sherwood Pines and the Sherwood Forest National Nature Reserve and beyond. The Parish will be a welcoming and thriving community for all ages with community facilities providing indoor and outdoor meeting places. The special landscape which defines the Parish will continue to inspire the community.*
45. The Community Vision is supported by nine objectives.

## Key Principle

46. The Key Principle in the Plan encourages consultation with the Parish Council and the local community as part of the design process at pre-application stage. There is no doubt that such involvement is desirable. Paragraph 189 in the NPPF clearly indicates that local planning authorities should encourage developers to engage with the local community before submitting their applications where they think this would be beneficial.
47. The second part of the Key Principle requires planning applications for developments, other than residential extensions, to include information regarding consultation, conformity with the Design Guide and meeting local housing need. I have no reason to suppose that it is the government's intention that the procedural requirements on developers for planning applications should be more onerous where neighbourhood plans are in existence than elsewhere. There would therefore need to be a special justification for the Key Principle imposing these requirements to relate to all applications other than residential extensions and none has been presented to me.
48. In the interest of precision, I recommend modification to the second part of the Key Principle to state that applicants will be encouraged, (rather than required) to include a short document with planning applications. This would have regard to national policy.
49. **Recommendation: to meet the Basic Conditions, I recommend modification to the second part of the Key Principle to read as follows:**
- Applicants submitting a planning application will be encouraged to include a short document explaining:**
- a) how the developer has consulted with the community; and**
  - b) how issues of concern have been addressed; and**
  - c) how the layout, boundary treatment and design of the proposal responds and reinforces local character (as detailed in the Kings Clipstone Design Guide); and**
  - d) (where the proposals are for housing development), how this meets local housing need.**

## NP 1 Sustainable Development

50. Paragraph 55 in the NPPF promotes sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Sustainable development does not preclude development in the countryside and paragraph 55 in the NPPF lists special circumstances where isolated homes may be acceptable.

51. Core Strategy Spatial Policy 1 identifies the settlement hierarchy for the District. Kings Clipstone is an 'Other Village' for the purposes of this policy where development will be considered against the sustainability criteria set out in Core Strategy Spatial Policy 3.
52. The housing strategy in the Core Strategy allows limited development to meet local needs in Other Villages in the Rural Areas. Core Strategy Spatial Policy 3 assesses proposals for new development against criteria concerning location, scale, need, impact and character. Local housing need will be addressed by focusing housing in sustainable, accessible villages and strictly controlling development in the countryside. In this context, A&DM DPD Policy DM8 lists the limited development allowed away from the main built up areas of villages, including rural workers dwellings.
53. Policy NP 1 seeks to ensure that development is located so that it can make a positive contribution towards sustainable development. In doing so, the Plan identifies a Built - Up Area boundary for the village.
54. The definition of development in planning policy encompasses a wide range, including change of use. Policy NP 1 refers to all development, not only housing. Clearly, national and strategic policy allows restricted sustainable development in the countryside.
55. Whilst NSDC has suggested that criterion 1 a) in Policy NP 1 should only refer to residential development, it is clear that A&DM DPD Policy DM8 allows residential development in the countryside in some circumstances.
56. It is clear from strategic policy that new development in rural areas should be directed towards the built up areas, with restricted development in the countryside. As such, Policy NP 1 criterion 1 a) should be modified to state that development is directed to being located within the Built - Up Area boundary and that development outside the Built - Up Area boundary will be strictly controlled and restricted to uses which require a rural setting. This would be in general conformity with strategic policy.
57. Criteria 1 c) and d) in Policy NP 1 seeks to conserve the landscape character and heritage assets and avoid damage to nature conservation. Whilst these are laudable aims, they do not go far enough.
58. The NPPF, in Paragraph 109 requires the planning system to contribute to and enhance the natural and local environment. This includes minimising impacts on biodiversity and providing net gains in biodiversity where possible. Core Strategy Core Policy 12 seeks to conserve and enhance biodiversity. Criterion 1 d) in Policy NP 1 does not refer to net gains or enhancement.
59. Paragraph 126 in the NPPF refers to the desirability of sustaining and enhancing the significance of heritage assets. Core Strategy Core Policy 14 seeks the preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment. By only

referring to the conservation of heritage assets, criterion 1 c) does not have regard to national policy and is not in general conformity with strategic policy.

60. Core Strategy Core Policy 13 states: *the District Council will expect development proposals to positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting Landscape Conservation and Enhancement Aims for the area.*
61. Kings Clipstone lies within five Landscape Policy Zones as identified in the *Newark and Sherwood Landscape Character Assessment Supplementary Planning Document (December 2013)*. The actions identified for three of these policy zones are to conserve and reinforce; for one zone it is to conserve and create and for another it is to restore and create. All these go beyond the need to conserve the landscape character as specified in Policy NP 1 criterion 1 c).
62. I realise that Policy NP 1 is a general overriding policy and details regarding landscape, heritage and biodiversity are found in other policies in the Plan. Therefore, rather than expanding Policy NP 1 to cover all the issues I have raised above, I have suggested revised wording requiring new development to have regard to landscape character and heritage assets and I have suggested revised wording regarding biodiversity.
63. Subject to the modifications I have suggested above, Policy NP 1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy NP 1 meets the Basic Conditions.
64. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy NP 1 to read as follows:**

**NP 1 Sustainable Development**

**1. Development in Kings Clipstone Parish should be located so that it can make a positive contribution towards the achievement of sustainable development by;**

**a) directing development to locations within the Built - Up Area boundary as defined in Policy NP 2, with development outside the built up area being strictly controlled and restricted to uses which require a rural setting; and**

**b) ensuring that the density of development is appropriate and related to the rural character; and**

**c) having regard to the landscape character and heritage assets in the Parish including the setting of the village; and**

**d) minimising impacts on biodiversity and providing net gains in biodiversity where possible.**

## **NP 2: Development within the Built - Up Area Boundary**

65. The NPPF at paragraph 58 requires neighbourhood plans to include policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.
66. Core Strategy Core Policy 9 *expects new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.*
67. The Plan does not allocate land for development, but directs development to within a defined built up area. Policy NP 2 allows infill development within the Built - Up Area boundary subject to a list of criteria.
68. The definition of infill development is not defined in strategic policy, but is generally recognised as being small scale development between existing development.
69. I have sought a definition of infill development in the Plan and can only find reference in paragraph 127 with regard to the scale of residential development within the village *being limited to small scale (1-2 dwellings) schemes.*
70. NSDC has raised concern as to whether Policy NP 2 refers to all development or just residential. The Parish Council has not specified that this policy is restricted to residential development. Therefore, I have taken Policy NP 2 to refer to all types of development.
71. The *Kings Clipstone Design Guide* (November 2016) informs policies in the Plan and is part of the Plan. It includes a comprehensive analysis of the character of the village and includes lessons for future development proposals. As such, this document provides an understanding and evaluation of the defining characteristics of the village.
72. NSDC has raised concern as to whether the playing field should be within the Built - Up Area. As criterion 1 b) specifies a level of protection to open spaces important to the character of the settlement, I do not see the need to remove it from the Built - Up Area.
73. Policy NP 2 sets out the quality of development that will be expected within the Built - Up Area boundary. As such, it has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. Policy NP 2 meets the Basic Conditions.

### **NP 3: Protecting the Landscape Character of Kings Clipstone Parish**

74. I have already referred to national and strategic policy regarding landscape character under Policy NP 1.
75. The *Kings Clipstone Design Guide* includes an examination of the way the character of Kings Clipstone is informed by its setting.
76. The Plan identifies four vistas and viewpoints that are important to the local community. I have visited the Parish and seen for myself the importance of these vistas and viewpoints.
77. Policy NP 3 seeks high-quality design that protects and contributes to the distinctive landscape character of the Parish. The *Design Guide* and work undertaken in Appendix B regarding vistas and viewpoints provide robust justified evidence for the detailed requirements of Policy NP 3. I only have two concerns regarding the wording of this policy.
78. Section 12 in the NPPF refers to the significance and the setting of heritage assets. In the interest of precision, to have regard to national policy, I recommend that criterion 3 in Policy NP 3 refers to the setting of, and significance of, the scheduled monument. In addition, in the interest of precision, I recommend reference to the viewpoints C and D being found on Map 6.
79. Criterion 4 requires conformity with actions in the *Newark and Sherwood Landscape Character Assessment Supplementary Planning Document (December 2013)*. As this document is guidance rather than policy, it is necessary, in the interest of precision, for development proposals to have regard to the guidance, rather than being required to conform to it. In addition, in the interest of precision, I recommend the full title of the Landscape Character Assessment document is included in Policy NP 3.
80. NSDC has suggested that the view cones on Map 6 are identified as being indicative. Whilst I note that Map 6 could be easier to read with better graphics, in the interest of providing a practical framework for decision making, the view cones need to be precise, rather than indicative. It may be that this could be described in a clearer way on a revised Map 6. **I see this as a minor editing matter.**
81. Subject to the modifications I have recommended above, Policy NP 3 has regard to national policy, contributes towards sustainable development, particularly the environmental role and has regard to strategic policy. Modified Policy NP 3 meets the Basic Conditions.
82. **Recommendation: to meet the Basic Conditions, I recommend modification to criteria 3 and 4 in Policy NP 3 to read as follows:**

### **3. Development that will affect viewpoints C and D on Map 6, including the sense of openness and/or the sense of place surrounding King**

**Johns Palace, must include an objective assessment of the effects the proposals will have on the setting and significance of the scheduled monument. This can be in the form of artist's scaled drawings or photography from critical viewpoints or techniques such as 3D modelling. Proposals that include vegetation screening as mitigation against negative impact on views C and D, must include an objective assessment of the effects the mitigation will have on these viewpoints and the view objects, when it reaches maturity.**

**4. Development proposals should have regard to the actions of the landscape and built features recommended for the policy zone as designated in the Newark and Sherwood Landscape Character Assessment Supplementary Planning Document (December 2013). Where appropriate, mitigation planting should include native species recommended for the Sherwood Forest Character Area.**

#### **NP 4: Design Principles for Residential Development**

83. I have already referred to national and strategic policy regarding design quality under Policy NP 2.
84. Policy NP 4 sets design principles for residential development. The *Kings Clipstone Design Guide* is part of the Plan and it provides robust evidence to justify the detailed design requirements in Policy NP 4.
85. The Building for Life Standards set out deliverable standards for 12 topics relating to the design of new developments. Building for Life is a well-respected set of standards and the NPPF places great emphasis on the importance of good design. Policy NP 4 encourages the use of such standards. My only concern in this regard is that the explanatory text in paragraph 137 refers to new housing development being 'expected' to use these standards, whereas Policy NP 4 only refers to there being encouragement for their use. To ensure that there is no internal conflict in the Plan, to create a practical framework for decision making, I recommend that paragraph 137 is modified to accord with the policy requirement in Policy NP 4.
86. Policy NP 4 has regard to national policy where it set out the quality of development that will be expected based on stated objectives and an understanding and evaluation of defining characteristics. In addition, Policy NP 4 contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. Policy NP 4 meets the Basic Conditions.
87. There is a typing error in paragraph 125. Paragraph 136 needs updating. **I see these as minor editing matters.**
88. **Recommendation: to meet the Basic Conditions, I recommend modification to paragraph 137 to read as follows:**

**New housing development will be encouraged to use Building for Life 12 to help shape design proposals. This will provide assurance to the community that the scheme will be of the highest design standards, reflecting the value of the built and natural environment in the Parish.**

#### **NP 5: Protecting or Enhancing Heritage Assets**

89. The NPPF advises 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. The more important the asset, the greater the weight should be.
90. Core Strategy Core Policy 14 seeks: *the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment.*
91. There are two listed buildings in the Plan area and one scheduled monument. The NPPF, at paragraph 132, states that substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, should be wholly exceptional. The first criterion in Policy NP 5 has regard to this national policy where it seeks to protect King John's Palace and setting.
92. Paragraph: 039 (Reference ID: 18a-039-20140306) in the Planning Practice Guidance states: *Local planning authorities may identify non-designated heritage assets.*
93. Paragraph 143 states that neighbourhood plans can identify locally important heritage assets. Unfortunately, a neighbourhood plan cannot identify non-designated heritage assets. It is for local authorities to identify such sites. Appendix C in the Plan identifies nominated non-designated heritage assets. Paragraph 144 states that the Parish Council will work with NSDC to assess these buildings and where eligible they will be added to the NSDC local listing records.
94. There is no reason why the accompanying text to Policy NP 5 cannot state that the community wishes to see the sites in Appendix C considered as non-designated heritage assets. However, in the interest of precision, it should be acknowledged within the text that it is for NSDC to determine whether to make such designations. In this respect, I have suggested revised wording for paragraphs 143 and 144 and modified titles for Map 7 and Appendix C. In addition, in the interest of precision, I have suggested modification to paragraph 51, where it refers to designated heritage assets.
95. In the light of my comments regarding non-designated heritage assets, it is necessary to modify criteria 2 and 3 in Policy NP 5. It is clear from the evidence before me that the buildings and structures identified in Appendix C are historic structures of significance to the local community. Therefore, I

recommend modification to Policy NP 5 to recognise that they are historic buildings and structures of local significance, which are worthy of being preserved and enhanced. I have suggested revised wording.

96. Subject to the modifications I have suggested above, Policy NP 5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy NP 5 meets the Basic Conditions.

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

**1) modification to the title of Map 7 to read: Buildings and Structures for consideration by NSDC as possible non designated heritage assets.**

**2) modification to the title of Appendix C to read: Buildings and Structures for consideration by NSDC as possible non designated heritage assets.**

**3) modification to paragraphs 143 and 144 to read:**

**Local residents have identified a number of buildings and structures that they consider are of significant local historic and/or architectural merit. Further local and commissioned work for this Neighbourhood plan provides more analysis of these assets. They are listed at Appendix C and identified on Map 7. NSDC will be requested to consider adding these buildings and structures to their local listing records where they accord with the NSDC criteria for listing as non-designated heritage assets.**

**4) modification to paragraph 51 by the deletion of the last sentence.**

**5) modification to Policy NP 5 to read as follows:**

**NP 5: Protecting or Enhancing Heritage Assets**

**1. Development must not cause substantial harm to the significance of King John's Palace and/or its setting (as defined by Historic England and identified on Map 5) by virtue of its impact upon the significance of the scheduled monument or its setting, or in relation to the Great Pond.**

**2. The buildings and structures identified in Appendix C and on Map 7 are regarded as historic buildings and structures of local significance. Development adversely affecting these buildings and structures or their settings will be resisted.**

## **NP 6: Protect or Enhance Cycling, Walking Routes and Bridleways**

98. The NPPF seeks to promote sustainable transport. At paragraph 75, the NPPF seeks to protect and enhance public rights of way and access.
99. Core Strategy Spatial Policy 7 encourages and supports development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access to services and facilities. Core Strategy Core Policy 12 seeks to conserve and enhance biodiversity by, amongst other matters, implementing the Green Infrastructure Strategy.
100. Policy NP 6 seeks to conserve or enhance cycling, walking routes and bridleways.
101. I note local concern regarding safety for pedestrians and cyclists and the priority to secure a safe route from Squires Lane to National Cycle Route 6 and along to Sherwood Pines. In addition, there is a need for a multi user route as identified in *A Green Infrastructure Strategy for Newark and Sherwood* (February 2010). These provide sufficient evidence to support Policy NP 6.
102. In the interest of precision, I recommend modification to the title and first sentence in Policy NP 6 to refer to cycling routes and walking routes. In addition, in the interest of precision, I recommend that the full titles of the Landscape Character Assessment and Green Infrastructure Report are referred to in this policy.
103. Whilst the proposed multi user route is identified on Figure 5, the National Cycle Route 6 is not identified in the Plan. In the interest of precision, I recommend the identification of this route (or the part of it in and/or close to the Plan area) and a cross reference to Figure 5 in Policy NP 6.
104. Subject to the modifications I have suggested above, Policy NP 6 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy NP 6 meets the Basic Conditions.
105. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to Figure 5 to include part of the National Cycle Route 6 that is in and/or close to the Plan area; and**
- 2) modification to Policy NP 6 to read as follows:**
- NP 6: Protect or Enhance Cycling Routes, Walking Routes and Bridleways**
- 1. Planning permission will be supported for development that conserves or enhances cycling routes, walking routes and bridleways where the proposals;**

a) do not detract from the landscape character or ecological value as defined in the Newark and Sherwood Landscape Character Assessment Supplementary Planning Document (December 2013); and

b) show how they contribute towards the creation of a network of walking and cycling routes in accordance with A Green Infrastructure Strategy for Newark and Sherwood (February 2010); and

c) are for enhancing the understanding or enjoyment of the area's biodiversity.

2. The provision of a safe cycling or walking route from Squires Lane to National Cycle Route 6, (as identified on Figure 5), and into Sherwood Pines for walkers and cyclers is supported.

3. Proposals that secure the completion of a multi user route, (as identified on Figure 5), through Kings Clipstone to Sherwood Forest in accordance with NSDC policy is supported.

#### **NP 7: Protect or Enhance the Parish's Biodiversity**

106. The NPPF, in Paragraph 109, requires the planning system to contribute to and enhance the natural and local environment. This includes minimising impacts on biodiversity and providing net gains in biodiversity where possible.
107. Core Strategy Core Policy 12 seeks to conserve and enhance biodiversity.
108. Policy NP 7 seeks to protect and enhance biodiversity including the enhancement of a defined wildlife corridor within the Parish that has been identified by Notts Wildlife Trust. As such, Policy NP 7 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. Policy NP 7 meets the Basic Conditions.
109. Map 2 and Map 9 are both the same and identify local wildlife sites and a wildlife corridor. However, they do not identify in their keys the other areas - notably the green and pink areas, shown on these maps. If these are areas to be protected and enhanced under criterion 1. a) in Policy NP 7, they should be annotated. Otherwise, I suggest they are removed. **I see this as a minor editing matter.**
110. Paragraph 163 refers to the Sherwood Forest Landscape Area. The Plan does not specify where this designated area is and does not specify what part of the landscape area is within the Parish. I suggest paragraph 163 is modified to make this clear. **I see this as a minor editing matter.**

## **NP 8: Enhancing the provision of community facilities**

111. The social role of sustainable development includes supporting strong, vibrant and healthy communities. Paragraph 70 in the NPPF requires planning policies to plan positively for the provision and use of community facilities to enhance the sustainability of communities and to guard against unnecessary loss of valued facilities and services.
112. Core Strategy Spatial Policy 3 supports and promotes local services and facilities in the rural communities. Core Strategy Spatial Policy 8 encourages the provision of new and enhanced community and leisure facilities, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities.
113. Whilst the Mission Hut is sometimes used for community events, it is in private ownership and requires renovation. The Plan identifies the lack of an indoor community facility as a local concern. Policy NP 8 supports the provision of a village hall on the playing field and the refurbishment of the Mission Hut. I consider both of these would enhance the sustainability of the local community. In addition, Policy NP 8 resists the change of use of the Mission Hut and/or Dog and Duck Pub. This has regard to national policy where it seeks to guard against the unnecessary loss of such facilities.
114. My only concern with Policy NP 8 is with the wording of criterion 2. Criterion 2 a), supports the refurbishment of the Mission Hut where it leads *to at least equivalent public access*. I assume this means a level of public access that is at least equivalent to the public access currently available. In the interest of precision, I have suggested revised wording. In addition, following my comments on Policy NP 5 regarding heritage assets, I suggest that criterion 2 b) refers to the Mission Hut being a historic building of local significance.
115. Subject to the above modifications, Policy NP 8 has regard to national policy, contributes towards the social role of sustainable development and is in general conformity with strategic policy. Modified Policy NP 8 meets the Basic Conditions.
116. **Recommendation: to meet the Basic Conditions, I recommend modification to criterion 2 in Policy NP 8 to read as follows:**
- 2. The refurbishment of the Mission Hut is supported where**
- a) this leads to a level of public access that is at least equivalent to the public access currently available; and**
- b) the proposals recognise that the building is an historic building of local significance.**

## **NP 9: Tourism Development.**

117. Paragraph 28 in the NPPF supports *sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.*
118. Core Strategy Core Policy 7 supports tourism and visitor based development, subject to a list of criteria.
119. Policy NP 9 supports the provision of tourist facilities subject to criteria that include ensuring the development is appropriate to its location. As such, Policy NP 9 has regard to national policy, contributes towards all roles of sustainable development and is in general conformity with strategic policy. Policy NP 9 meets the Basic Conditions.

## **Aspirations**

120. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations these have to be clearly differentiated from policies for the development and use of land.
121. The Plan identifies two aspirations. Firstly, for the Parish to become part of a Sherwood Forest Regional Park. Secondly, to seek solutions to control speeding through the village and to explore opportunities to provide alternative pedestrian and cycle routes. This latter aspiration is defined in Aspiration Policy 1 in the Plan. In order for this aspiration to be clearly differentiated from policies for the development and use of land, I recommend that the word 'policy' is removed. That will provide a practical framework for decision making that meets the Basic Conditions.
122. Paragraph 67 refers to Aspiration Policy 1 with regard to a Sherwood Forest Regional Park. This is incorrect and should cross refer to Project 5 in Appendix D. **I see this as a minor editing matter.**
123. **Recommendation: to meet the Basic Conditions, I recommend modification to the title of Aspiration Policy 1 Pedestrian Safety to read:**

### **Aspiration 1: Pedestrian Safety.**

## **Appendices**

124. The Design Guide in Appendix A includes images of properties within the Parish, on page 16, considered to be of poor design. NSDC considers using these images of actual properties located in the Parish is inappropriate and requests their removal. In addition, throughout the Design Guide there are images of vehicles with their number plates visible. NSDC has requested,

for the purpose of data protection and the privacy of residents, that these images are removed.

125. As my role as an examiner is limited to testing whether or not a draft neighbourhood plan meets the basic conditions and other matters set out in Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), I can only really recommend that the images identifying registration numbers are removed, having regard to national data protection policy. However, I would urge the Parish Council to consider the request from NSDC to remove the images of the houses as well.
126. **Recommendation: to meet the Basic Conditions, I recommend the deletion of images identifying vehicle registration numbers from the Design Guide in Appendix A.**
127. Appendix B identifies viewpoints and vistas and describes these in detail, including lists of heritage assets within these viewpoints and vistas. In the light of my comments under Policy NP 5 regarding non-designated heritage assets, it will be necessary to alter the sections regarding heritage assets to clearly differentiate between designated heritage assets and other buildings or structures identified of local significance. **I see this as a minor editing matter.**

## **Referendum and the Kings Clipstone Parish Neighbourhood Plan Area**

128. 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.
129. **I am pleased to recommend that the Kings Clipstone Parish Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
130. I am required to consider whether or not the Referendum Area should extend beyond the Kings Clipstone Parish Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

## **Minor Modifications**

131. 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.

**Janet Cheesley**

**Date** 16 November 2018

## Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (The Framework) (2012)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning Regulations (2012)  
The Neighbourhood Planning (General) (Amendment) Regulations (2015)  
The Planning Practice Guidance (2014)  
The Newark and Sherwood Core Strategy (2011)  
The Allocations and Development Management Development Plan Document (A&DM DPD) (2013).  
The Newark and Sherwood Publication Amended Core Strategy Development Plan Document  
Kings Clipstone Neighbourhood Plan Consultation Statement (May 2018)  
Basic Conditions Statement Kings Clipstone Neighbourhood Plan (July 2018)  
Kings Clipstone Neighbourhood Plan The Environmental Assessment of Plans and Programmes Regulations 2004 SEA Screening Statement in (November 2017) (and a re-screening in August 2018)  
Kings Clipstone Design Guide (November 2016)  
Regulation 16 Representations  
Response to Regulation 16 Representations from the Parish Council Newark and Sherwood, Landscape Character Assessment Supplementary Planning Document (December 2013)  
A Green Infrastructure Strategy for Newark and Sherwood (February 2010);  
Nottingham Outer 2015 Strategic Housing Market Assessment (2015): and update (2017)