

Misson Neighbourhood Development Plan Review 2023-2031

**A report to Bassetlaw District Council on the Review
of the Misson Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Bassetlaw District Council in May 2024 to carry out the independent examination of the review of the Misson Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 16 July 2024.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It has a focus on safeguarding its built and natural environment and on designating Local Green Spaces.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Misson Neighbourhood Plan Review meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should coincide with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
18 November 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the review of the Misson Neighbourhood Development Plan Review 2023-2031 (the Plan).
- 1.2 The Plan has been submitted to Bassetlaw District Council (BDC) by Misson Parish Council (MPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF). The NPPF continues to be the principal element of national planning policy. It was most recently updated in December 2023.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises because of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. It can include whatever range of policies it sees as appropriate to its designated neighbourhood area. In this case, the Plan is a review of the 'made' Plan. It has been designed to be distinctive in general terms, and to be complementary to the development plan. The Plan has a focus on safeguarding its built and natural environment and on designating Local Green Spaces.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then form a part of the wider development plan and be used to determine planning applications in the neighbourhood area.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by BDC, with the consent of MPC, to conduct the examination of the Plan and to prepare this report. I am independent of both the BDC and MPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 42 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I have significant experience of undertaking neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 There are a variety of ways in which a review of a neighbourhood plan can be examined. They are described in Section 3 of this report. In this case, I have concluded that the Plan needs both examination and a referendum.
- 2.5 In this context, as the independent examiner I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

Other examination matters

- 2.6 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report, I am satisfied that each of the points have been met subject to the contents of this report.

3 Procedural Matters

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

- the submitted Plan
- the Basic Conditions Statement.
- the Consultation Statement.
- the Statement of the Extent and Nature of the Review.
- the BDC SEA/HRA Screening report.
- the representations made to the Plan.
- MPC's responses to the clarification note.
- the adopted Bassetlaw Local Plan (2020 to 2038).
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 The various documents are helpfully available on the BDC's website. Wherever possible, I will refer to the document concerned for the purposes of keeping this report as concise as possible.

3.3 I visited the neighbourhood area on 16 July 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.15 of this report.

The examination process for the review of a neighbourhood plan

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as and when qualifying bodies seek to review 'made' neighbourhood plans and introduces a proportionate process to do so based on the changes proposed.

3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan; or
- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

- 3.6 The submitted statement by MPC and BDC comments that the modifications to the policies constitute a minor material amendment to the Plan which require examination but not a referendum.
- 3.7 Having considered the Modifications Statement very carefully, I concluded that the proposed designation of local green spaces (in Policy 10b) is so substantial and significant to change to the nature of the Plan and require both an examination and a referendum. MPC acknowledged this conclusion and agreed to the examination of the Plan on this basis. This report has been prepared accordingly.

Updates to the NPPF

- 3.8 The Plan has been prepared whilst national policy has been changing and the NPPF was updated in both September and December 2023. For clarity, I have assessed the Plan against the December 2023 version of the NPPF.

The method of examining the Plan

- 3.9 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, MPC has prepared a Consultation Statement. The Statement is proportionate to the neighbourhood area and the review of the policies in the made Plan. It reflects the specific circumstances that have generated the community's desire to review the Plan.
- 4.3 The Statement sets out the various activities that were held to engage the local community during the initial stages of the plan-preparation process. They also provide details about the consultation process that took place on the pre-submission version of the Plan (October to November 2023).
- 4.4 MPC has built on the success of the consultation process associated with the made Plan. Most of the background information has stayed the same in terms of local opinion. Nevertheless, a thorough additional consultation process was undertaken for the review of the Plan. The series of events which were organised are set out in Table 1 of the Statement.
- 4.5 Appendix A of the Statement set out how the submitted Plan took account of consultation feedback at the pre-submission phase. This is a helpful way to set out the information. In addition, it explains how the Plan was refined based on consultation and feedback.

Consultation Feedback

- 4.6 Consultation on the Plan was undertaken by BDC and ended on 29 May 2024. This generated representations from the following organisations:
- Historic England
 - National Highways
 - Sport England
 - Bassetlaw District Council
 - Natural England
- 4.7 I have taken all the comments into account in preparing this report. Where appropriate, I refer to specific representations in my commentary on the various policies in the Plan.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Misson. In 2011 the population of the parish was 745 persons living in 328 households. It was designated as a neighbourhood area on 20 March 2015.
- 5.2 The neighbourhood area is approximately two miles to the north and east of Bawtry. The River Idle is an important feature in the parish and flows to the south of Misson village. The flat low-lying nature of the parish (including river washlands, ditches and dykes) is reflected in its identification in Flood Zone 3 where there is a high probability of flooding from rivers and the sea.
- 5.3 Misson is an attractive village which has retained its historic street pattern and the conservation area covers most of the village. It includes several attractive green areas.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Bassetlaw District Local Plan (2020 to 2038). It sets out a vision, objectives, a spatial strategy, and overarching planning policies that guide new development in the Plan period. The Local Plan was adopted in May 2024.
- 5.5 The submitted neighbourhood plan had been prepared within the context of the former Core Strategy and the emerging Local Plan. This is reflected in the submitted Basic Conditions Statement.
- 5.6 Misson is identified as one of a series of Small Rural Settlements in the Local Plan. Policy ST2 comments that such settlements will experience residential growth over the plan period to support their role and function through the following minimum housing requirements for each individual settlement. However, the policy does not require the delivery of new dwellings in Misson due to flooding constraints.
- 5.7 The Local Plan includes a series of other policies which will affect the neighbourhood area as follows:
- Policy ST27 Affordable Housing;
 - Policy ST28 Housing Mix;
 - Policy ST30 Sites for Gypsies and Travellers;
 - Policy ST33 Design Quality;
 - Policy ST35 Landscape Character;
 - Policy ST37 Green and Blue Infrastructure;
 - Policy ST39 Trees, Woodland, and Hedgerows;
 - Policy ST40 The Historic Environment;
 - Policy 46 Protecting Amenity; and
 - Policy ST48 Reducing Carbon Emissions, Climate Change Mitigation and Adaptation.

- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Visit to the Neighbourhood Area

- 5.9 I visited the neighbourhood area on 16 July 2024. I approached it from Bawtry to the south and west. This helped me to understand its connection to the strategic road network and its setting in the wider countryside.
- 5.10 I looked initially at Misson Mill. I saw its position on the edge of the village and its range of commercial uses. The popularity of the Cash and Carry was self-evident
- 5.11 I then took time to look at the village. I visited the proposed local green spaces in turn. I saw that they varied in size and uses. I sat awhile in the Pinfold and saw the beautiful way in which it and the Village Green were maintained. I also enjoyed the walk along River Lane to the proposed local green space by the River Idle. I saw the way in which it connected to the footpath running to the east.
- 5.12 I also took the opportunity to look at the location and significance of the various community buildings.
- 5.13 I also looked at the cemetery on the edge of the village. As with the Pinfold and the Village Green, I saw that it was beautifully maintained.
- 5.14 Throughout the visit, I sought to understand the way in which the Character Assessment had influenced the revised and new policies in the Plan. I also appreciated the tranquillity of the village.
- 5.15 I also took time to appreciate the mediaeval street plan and the way in which it continues to influence the layout of the buildings and their relationship one with the other.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in December 2023.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Misson Neighbourhood Plan Review:

- a plan-led system – in this case the relationship between the neighbourhood plan and the adopted Bassetlaw Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It proposes revisions to the policies in the made Plan and introduces a sharper focus on design matters. It also proposes the designation of a package of Local Green Spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted, the Plan does not fully accord with this range of practical issues. Many of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for infill residential development (Policy 4) and for the regeneration of Misson Mill (Policy 7). In the social dimension, it includes policies for housing mix (Policy 3), community facilities (Policy 5), and local green spaces (Policy 10b). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on design (Policy 2), heritage assets (Policy 10), and trees (Policy 10c). This assessment overlaps with MPC's comments on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Bassettlaw District in paragraphs 5.4 to 5.8 of this report.

- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. It responds positively to the growth agenda in Policy ST2 of the Local Plan. Subject to the recommended modification in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement BDC published a screening report in April 2024 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It includes the responses from the consultation bodies. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.

Habitat Regulations

- 6.16 BDC prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It concludes that the submitted Plan is unlikely to have significant effects on protected sites site. The report is very thorough and comprehensive. It assesses the impact of the Plan on the Thorne and Hatfield Moor SPA and Hatfield Moor SAC. It concludes that the Plan will not give rise to likely significant effects on protected site, either alone or in combination with other plans or projects, and Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan Policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and MPC have spent time and energy in identifying the issues and objectives that they wish to be included in the review of the 'made' Plan. The community has successfully marshalled the capacity to prepare the Plan to reflect changing circumstances including updated national planning policies and an emerging Local Plan (which has been adopted recently). This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. The Plan includes a series of Community Actions in Appendix B.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Thereafter I comment on the Actions
- 7.6 For clarity this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-4)

- 7.8 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. Section 1 identifies the neighbourhood area (Map 1) and specifies the Plan period. It also helpfully sets out the reasons for the review of the Plan and includes a comprehensive comparison of the policies in the made and the submitted plans.
- 7.9 The section on Projects and Actions comments about the role and status of the non-land use Projects identified in Appendix B.
- 7.10 The third section sets out the nature of the parish and its current circumstances. It comments on key issues in the parish. Some elements of this section have underpinned the policies in the Plan.
- 7.11 The fourth section sets out a comprehensive vision and objectives for the Plan. They are very distinctive to the neighbourhood area and provide an overall context for the resulting policies. The Vision is as follows:

'In 20 years' time, Misson will continue to be a village and a close, friendly community. It will value the countryside and those that live and/or work in the Parish. It will provide people with the options to stay (whether leaving home or getting old). It will be a rural place where there are local work opportunities and where everyone can enjoy the rural environment.'

- 7.12 Section 5 comments about the way in which the Plan overlaps with other policies, including those produced by BDC.
- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

General comments on policies

- 7.14 The Plan helpfully consolidates the review process within the structure of the 'made' Plan. This results in a series of new policies and the retention of existing policies in the 'made' Plan. For the purposes of this report, I do not comment in any detail on the retained policies other than where they may have been affected by updates in national planning policy since the Plan was made.
- 7.15 In some cases, I have recommended modifications to the wording of policies in the made Plan to reflect the approach and language now taken in neighbourhood plans (which has matured since the Plan was made).

Policy 1: Sustainable development

- 7.16 This policy is refocused so that it addresses sustainable development. The commentary about pre-application discussions in the policy in the made Plan is revised as a statement of intent.
- 7.17 In the round, this is a good policy which has a non-prescriptive format. BDC suggests that it should be a community aspiration rather than a land use planning policy. I have considered this matter carefully, including MPC's response to the clarification note. On the balance of the evidence, I am satisfied that the submitted policy is a land use policy which can be retained in the Plan
- 7.18 The second part of the policy sets out requirements for development proposals. Whilst the policy correctly takes a universal approach, I recommend that it includes a proportionate element so that BDC can apply the policy more realistically through the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

In the second part of the policy replace 'All development' with: 'As appropriate to their scale, nature and location, development proposals'

Policy 2: Design Principles for Residential Development

- 7.19 The policy continues to require high-quality design based on the principles set out in the Misson Design Guide. In this context I am satisfied that it has regard to Section 12 of the NPPF.
- 7.20 Elements of the supporting text (paragraphs 7.25 and 7.26) have been updated to acknowledge national and local documents which have been prepared since the Plan was made.
- 7.21 In general terms, I am satisfied that the policy meets the basic conditions. However, I recommend that elements of the policy are updated so that it highlights that its focus is on residential development. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In part 1 replace 'Development' with 'Residential development'

In part 2 replace 'Where development' with 'Where residential development'

In part 3 replace 'Development' with 'Residential development'

In part 4 replace 'development' with 'residential development'

Policy 3: Types and Mix of Housing

- 7.22 Certain elements of the policy are reworded so that it has a clear focus on the needs of older people and the delivery of adaptable and accessible homes. The proposed second part of the policy sets out a requirement for the development of lifetime housing.
- 7.23 In general terms, I am satisfied that the policy takes an appropriate approach. Nevertheless, I recommend the following modifications to bring the clarity required by the NPPF and to allow BDC to apply the policy through the development management process:
- an acknowledgement in the second part of the policy that the Plan's approach towards lifetime homes may not always be practicable or viable;
 - the deletion of the negative (and unnecessary) approach in the third part of the policy; and
 - an expansion of the supporting text so that the policy more closely aligns to the strategic approach to Misson in the recently-adopted Local Plan.

- 7.24 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the second part of the policy replace 'All new housing' with 'Where practicable and commercially-viable, residential developments'

Delete the third part of the policy.

At the end of paragraph 7.32 add: 'The recently-adopted Bassetlaw Local Plan does not identify a housing requirement for Misson given the potential flooding issues in the

parish. On this basis, Policy 3 has been designed to provide guidance on the mix of any new residential development proposals which may come forward in the Plan period. New residential developments should respond positively to potential local flooding issues in the parish.'

Policy 4: Infill Development in Misson Village

- 7.25 Certain elements of the policy are reworded and it now includes an element on flood risk. Otherwise, the purpose of the policy remains unchanged.
- 7.26 In addition the policy adopts a criteria-based format and cross relates to other policies (such as Policy 2 on design).
- 7.27 BDC recommends that a that a map identifying the development boundary of Misson Village should be included within this policy. MPC agreed with this suggestion in its response to the clarification note. I recommend accordingly.
- 7.28 Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Incorporate a map identifying the development boundary of Misson Village within the supporting text.

Policy 5: Protecting and enhancing the provision of community facilities.

- 7.29 The principal change to this policy is that specific community facilities are now identified. I looked at the facilities carefully during the visit. I am satisfied that they are appropriate to be included in a policy of this type. In addition, the policy includes a new element which identifies the limited circumstances where a development plan which would involve a loss of the identified community facilities would be supported.
- 7.30 BDC recommends that a that a map identifying the facilities should be included within this policy. MPC agreed with this suggestion in its response to the clarification note. I recommend accordingly.
- 7.31 Otherwise, I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Incorporate a map identifying the location of the community facilities in the supporting text.

Policy 6: Protecting and Enhancing Heritage Assets

- 7.32 This policy remains unchanged from the made Plan.
- 7.33 I am satisfied that the policy continues to meet the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy 7: Potential Development Opportunities at Misson Mill

- 7.34 I looked carefully at the Mill during the visit. I saw the interesting range of existing uses, and the popularity of the Cash and Carry. The policy has been comprehensively revised to take account of the time which has elapsed since the Plan was made. The Plan highlights that the flood risk issues are now more significant.
- 7.35 In addition, the supporting text has been significantly expanded so that it addresses the current opportunities and constraints relating to the site.
- 7.36 I am satisfied that the first part of the policy provides as positive context for the regeneration of the site on the one hand, whilst identifying a series of issues to be addressed on the other hand. However, I recommend that its third bullet point is modified to incorporate Sport England's representation which was agreed by MPC in its response to the clarification note. Finally, I recommend that the second part of the policy is recast so that it more fully relates to the first part.
- 7.37 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the third bullet point of the first part of the policy with: 'retention or replacement of existing on-site open space including the playing field.'

Replace the second element of the policy with: 'Development proposals for the redevelopment of the site should be underpinned by a masterplan which sets out the proposed uses and way in which the proposal responds positively to the constraints identified in the first part of the policy.'

Policy 8: Energy Efficiency, Renewable Energy and Low Carbon Technologies in New Developments and Retrofitting Existing Developments

- 7.38 This is largely a new policy which sets out to respond to Section 14 of the NPPF and the significant national agenda for the development of sustainable buildings.
- 7.39 The policy has three related elements as follows:
- all new buildings should be designed and constructed to reduce carbon emissions, minimise the use of scarce resources and mitigate against, and adapt to, climate change. Where feasible, alterations to existing properties should also incorporate sustainable design features to reduce carbon emissions and maximise energy efficiency;
 - proposals for the construction of low-carbon homes and commercial buildings making sustainable use of resources and high energy-efficiency levels will be supported, provided that the resultant-built form respects the character of the setting, and in this context, consideration should be given to a series of measures; and
 - the retrofitting of existing buildings to improve their energy efficiency is supported, including the retrofitting of listed buildings and non-designated heritage assets, provided that the character and appearance of these heritage assets is not harmed.

- 7.40 In general terms, this is a good policy which provides a local iteration of Section 14 of the NPPF. Its general and non-prescriptive approach has regard to national policy, including the Written Ministerial Statement of December 2023 on Planning: Local Energy Efficiency Standards. Nevertheless, I recommend that the opening part of the policy is modified so that it can be applied in a proportionate way. As submitted, the policy would have a universal effect which may not be practical for small buildings and/or other buildings in certain parts of the parish.
- 7.41 In addition I recommend the deletion of part 2g of the policy (on EPC rating). Such an approach is both prescriptive and controlled through separate legislation. In addition, the supporting text does not provide any justification for such an approach.
- 7.42 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

In the first part of the policy replace ‘All new buildings’ with ‘As appropriate to their scale, nature and location, development proposals

Delete part 2g of the policy

Policy 9: Better Broadband

- 7.43 The context to the policy is the importance of broadband connections to the social and economic well-being of the parish. The Plan advises that better broadband connection will enable more home working. This can also bring benefits to a village like Misson including reduced car usage (especially at peak times) and increased vibrancy in the village in the day time which will help to support local pubs and cafes where they provide social and business facilities. In addition, the Plan advises that the policy is intended to ensure that all developers consider the connectivity requirement of their proposals at an early stage.
- 7.44 The supporting text has been appropriately updated.
- 7.45 I am satisfied that the general first element of the policy meets the basic conditions. The second part of the policy comments on the specific delivery of broadband facilities to new buildings. However, matters have progressed since the Plan was made and access to broadband is now addressed in Part R of the Building Regulations. On this basis, I recommend that the second element is deleted. Nevertheless, I recommend that the supporting text is expanded to highlight this important update.
- 7.46 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Delete the second part of the policy

At the end of 7.78 add: ‘The delivery of broadband to new buildings is now addressed in Part R of the Building Regulations. On this basis Policy 9 has been designed to have a general rather than a specific effect.’

Policy 10 (General comments)

- 7.47 Policy 10 of the made Plan has been broken down into its separate elements and to allow for a new policy on proposed Local Green Spaces (Policy 10b). This approach is entirely appropriate. I comment on each of the three sections of the revised policy below

Policy 10a: Improving Green Infrastructure and the Natural Environment

- 7.48 This policy includes significant updates to Policy 10 in the made Plan. It provides a much sharper focus towards green infrastructure and the natural environment. In addition, it takes account of the biodiversity agenda since the Plan was made.
- 7.49 In general terms I am satisfied that the policy takes a positive approach to these issues and has regard to Section 15 of the NPPF. Within this broader context, I recommend the following modifications to bring the clarity required by the NPPF and to allow BDC to be able to apply the policy effectively through the development management process:
- using words more appropriate to a neighbourhood plan;
 - the deletion of the fifth part of the policy as it overlaps with and possibly conflicts the contents of Policy 10c; and
 - the mapping and/or listing of existing green infrastructure and priority habitats in the supporting text.
- 7.50 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the second part of the policy replace ‘will be expected to’ with ‘should

Delete this fifth part of the policy

Map and/or list existing green infrastructure and priority habitats in the supporting text

Policy 10b: Local Green Space

- 7.51 This is a new policy. It proposes the designation of seven local green spaces (LGSs). The approach taken is underpinned by the details in Appendix E.
- 7.52 I looked at the proposed LGSs carefully during the visit. I saw the way in which they contributed to the character of the village. I am satisfied that they meet the criteria in paragraphs 105 and 106 of the NPPF. The Pinfold and the Village Green are very good examples of LGSs, and are prominently located in the heart of the village.
- 7.53 The final element of the policy goes beyond the matter-of-fact approach towards LGSs in paragraph 107 of the NPPF. In its response to the clarification note, MPC advised that

‘In the consultation for the 2016 (Plan), the Steering Group received a significant number of comments regarding the importance of retaining a rural feel within the village as well as in the surrounding areas. In addition, there was support for the trees and

green open spaces within the village and noted that the aim should be able to retain these spaces for community use. This was the basis of the choice of LGS – village green for community use, school fields for children to play sport etc, space in front of the bungalows for residents use etc. All this is noted and summarised in Appendix E and formed the basis for the specific space.'

7.54 I have considered MPC's comments very carefully. On the balance of the evidence I recommend that the second part of the policy is replaced so that it takes the matter-of-fact approach of paragraph 107 of the NPPF. As submitted, the policy implications are over-complicated. In addition, BDC will be able to come to an appropriate judgement about any development proposals affecting LGSs on a site-by-site basis. Finally, the approach taken in the submitted Plan suggests that the Recreation Ground (LGS3) has a higher status or importance than the other proposed LGSs.

7.55 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the final part of the policy with: 'Development proposals affecting the designated Local Green Spaces will only be supported in very special circumstances.'

Policy 10c: Trees

7.56 This policy addresses two related elements. The first is the protection of trees whilst development takes place. The second comments about tree planting within new development.

7.57 I saw the importance of natural vegetation in the parish during the visit. In general terms, the policy takes a positive approach to trees. Nevertheless, the first part of the policy mainly relates to detailed conditions which a local planning authority might traditionally apply to the grant of planning permissions.

7.58 BDC comment about the extent to which the policy can be achieved, and the extent to which it relates to other policies in the Plan.

7.59 I have considered BDC's comments carefully and related them to my own observations. In this context, I recommend the following package of modifications to bring the clarity required by the NPPF and to allow BDC to be able to apply the policy in a clear and consistent way through the development management process:

- the deletion of the first part of the policy to acknowledge that it is a detailed development management issue rather than a land use planning policy;
- the recasting of the second part of the policy so that the separate policy components (as submitted) become tree-related criteria;
- the incorporation of a proportionate element into the policy;
- the expansion of the supporting text to acknowledge that tree planting may not always be the most appropriate mitigation for new development and that ground and soil conditions may sometimes not allow such solutions.

- 7.60 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘As appropriate to their scale, nature and location, development proposals involving the erection of new buildings should respond positively to the following criteria:

- **the incorporation of a tree planting scheme that will enhance the character of the area and contribute to the local biodiversity. The number, type, and location of trees should be determined through consultation with the local planning authority and any relevant environmental agencies;**
- **tree planting should be an integral part of the design and layout of new developments, and trees should be planted in suitable locations to ensure their long-term survival and growth;**
- **tree species should be selected to provide a range of ecological and biodiversity benefits as appropriate to the site concerned; and**
- **the tree-planting scheme should incorporate measures to ensure that all newly planted trees are maintained for at least two years after planting to ensure their establishment and survival.’**

At the end of paragraph 7.88 add: ‘Policy 10c takes a proportionate approach to this important matter. Whilst tree planting will be an important element of some development proposals there are different types of biodiversity net gain schemes that could benefit the community depending on habitats within the area. In addition, tree planting schemes might not be suitable for all schemes depending on soil and land type.’

Community Projects

- 7.61 Section 6 of the Plan includes a series of Community Projects which have arisen as the Plan was developed. It comments about road safety and traffic. They are a non-land use matter which cannot directly be addressed as planning policies. In accordance with national advice, it is included in a separate section of the Plan. The Projects remain unchanged from those in the made Plan.
- 7.62 I am satisfied that the Projects are both appropriate and distinctive to the parish.

Monitoring and Review

- 7.63 Section 9 of the Plan addresses the way in the Plan will be monitored and review. This is best practice.

Other Matters - General

- 7.64 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I

have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. It will be appropriate for BDC and MPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

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

Other Matters - Specific

7.65 BDC has made detailed comments on the Plan. They have been very helpful as part of the wider examination process. Where they relate directly to specific policies, I have considered them in my assessment on a policy-by-policy basis. BDC has also made a series of more general comments on the wording used in the Plan. They relate to the wording used and the way in which the Plan is organised. I recommend the following modifications to address these matters (using the BDC numbering system):

- Format/Formatting/Annotation
- Page 4
- Paragraphs 1.3 to 1.5
- Paragraph 1.6
- Paragraphs 1.7
- Paragraphs 1.10 to 1.11
- Paragraph 1.15
- Paragraph 3.15
- Paragraph 3.16
- Page 9
- Maps 3 and 5
- Paragraph 3.35
- Paragraph 3.42 and Table 3
- Paragraphs 5.1 to 5.6
- Paragraph 5.4
- Paragraph 7.6
- Paragraph 7.9
- Paragraph 7.11
- Paragraph 7.13
- Paragraph 7.24
- Paragraph 7.26
- Paragraph 7.31
- Paragraph 7.36
- Paragraph 7.42
- Paragraph 7.43
- Paragraph 7.46
- Paragraph 7.47
- Paragraph 7.52
- Paragraph 7.56

- Paragraph 7.58 to 7.64

7.66 BDC also suggest other revisions to the Plan. Whilst they would be helpful, they are not required to ensure that it meets the basic conditions.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character of the neighbourhood area and to designate Local Green Spaces. In the round, it is a good example of a review of a neighbourhood plan.
- 8.2 Following the independent examination of the Plan, I have concluded that the submitted Misson Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 Based on the findings in this report I recommend to Bassetlaw District Council that subject to the incorporation of the modifications set out in this report the Misson Neighbourhood Development Plan Review should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by the District Council on 20 March 2015.

Andrew Ashcroft
Independent Examiner
18 November 2024