

Fernwood Parish Neighbourhood Plan

Report by Independent Examiner

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Contents	Page
Summary and Conclusion	3
Introduction	3
Legislative Background	4
EU Obligations	4
Policy Background	5
The Neighbourhood Plan Preparation	6
The Fernwood Parish Neighbourhood Plan	7
NP1: Design Principles for New Development	9
NP2: Housing Type	11
NP3: Residential Parking on New Development	12
NP4: Designating the Meadows as a Local Green Space	14
NP5: Green Spaces, Landscaping and Biodiversity	15
NP6: Protecting and Enhancing Heritage Assets	16
NP7: Supporting Better Movement and Connections	17
NP8: Enhancing the Provision of Community Facilities	18
Referendum & the Fernwood Parish Neighbourhood Plan Area	19
Minor Modifications	20
Appendix 1 Background Documents	21

Summary and Conclusion

1. The Plan is a well-written document, which is easy to read. There is logic to the layout and background evidence helps inform the policies. The Plan sets out a clear Vision and a set of Community Objectives. I realise that a lot of hard work has been undertaken by people in the local community who should be pleased with their achievement.
2. I have recommended that the Key Principle is modified to encourage, rather than require, applicants submitting a planning application to include a short document explaining how the proposals have addressed the views of local people. I have found no justified evidence for a *requirement* for such a document.
3. I am pleased to have found that Policies NP1, NP2, NP4, NP5 and NP8 meet the Basic Conditions.
4. To avoid contradiction within the policy, in the interest of precision, I have recommended the deletion of reference to the *Space to Park* document in Policy NP3.
5. I have recommended modification to Policy NP6 to recognise that New Balderton Hall and the WW2 Air Raid Shelter are historic structures of local significance, which are worthy of being preserved and enhanced
6. In the interest of precision, I have recommended modification to Policy NP7 to specify that the enhancement of the local transport network and associated infrastructure required as part of major development should be in accordance with the tests as set out in the *Community Infrastructure Levy Regulations 2010*.
7. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Fernwood Parish Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Fernwood Parish Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

8. I was appointed as an independent Examiner for the Fernwood Parish Neighbourhood Plan in March 2017.
9. On 28 May 2015 Newark & Sherwood District Council (NSDC) approved that the Fernwood Parish Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Fernwood.

10. The qualifying body is Fernwood Parish Council. The Plan has been prepared by the Fernwood Neighbourhood Plan Steering Group on behalf of the Parish Council. The Plan covers the period 2016 – 2031.

Legislative Background

11. 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.
12. 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.
13. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations

14. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) set out various legal

requirements and stages in the production of a Strategic Environmental Assessment (SEA).

15. NSDC prepared a *Fernwood Neighbourhood Plan The Environmental Assessment of Plans and Programmes Regulations 2004 SEA Screening Statement* in November 2016 to determine whether or not the Plan required a full SEA under the European Directive 2001/42/EC and whether it required a Habitat Regulations Assessment (HRA) under Article 6 or 7 of the Habitats Directive.
16. Regarding the need for a SEA, the Report concluded that the Plan will not have any significant negative effects on the environment and therefore a full environmental assessment is not necessary. The consultees concurred with this view. The SEA screening accords with the provisions of the European Directive 2001/42/EC. Based on the screening determination and consultee response, I consider that it was not necessary for the Plan to require a full SEA Assessment.
17. Appendix 1 to the above Report is an *Assessment of the likely effects of the Plan in relation to the HRA*. It states that the Plan area is more than 15km from any Natura 2000 site and is 15km from the potential 5km buffer from Woodlark and Nightjar breeding areas. Therefore, it concludes that the Plan is unlikely to have significant environmental effects on any Natura 2000 sites and an Appropriate Assessment is not required. Natural England concurred with this view.
18. On the basis of the screening determination and consultee response, I consider that the Plan did not require a full HRA under Articles 6 or 7 of the Habitats Directive.
19. 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.
20. A Sustainability Appraisal Scoping Report has been prepared in order to demonstrate how the Plan will contribute to achieving sustainable development. This is not a full Sustainability Appraisal, and there is no legal requirement for such an assessment to be undertaken for neighbourhood plans. The Scoping Report does help inform the policies in the Plan.

Policy Background

21. *The National Planning Policy Framework* (2012) (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
22. The development plan for the Fernwood 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.

23. NSDC is undertaking a Plan review and at the time of my examination has just completed consultation on its *Preferred Approach Sites and Settlements* document.

The Neighbourhood Plan Preparation

24. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
25. The initial consultation process included a range of meetings and consultation events. The progress of the Neighbourhood Plan was promoted in the bi-monthly Parish magazine, Fernwood Fanfare.
26. Whilst the Consultation Statement refers to the consultation period on the pre-submission draft of the Plan running from 23 June 2016 to 12 August 2016, it actually ran from 29 June 2016 to 12 August 2016. This became apparent during my examination of the submitted documents. A recognition of this error has been subsequently acknowledged on the Parish Council's web site.
27. As part of the consultation process a leaflet drop was made to all Fernwood Residents promoting various ways that people could comment. These were via the web site, a paper questionnaire and a consultation event as part of Fernwood Fete. Other interested parties, such as local businesses, landowners and statutory consultees were notified of the consultation period.
28. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. 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 and other interested parties were able to engage in the production of the Plan. I congratulate them on their efforts.
29. Regulation 15 in The Neighbourhood Planning (General) Regulations 2012 requires a plan proposal to include a consultation statement. The Consultation Statement submitted with this Plan refers to Appendices which have been omitted. I requested copies of these Appendices and have asked for them to be made available. They are now available on the Parish Council's web site. The appendices are Appendix A and Appendix B. I note that reference to Appendix C in the Consultation Statement was an error. These appendices contain details of persons and bodies who were consulted and explain how to view and comment on the Plan. These appendices add to information already available in the Consultation

Statement regarding details of persons consulted and how they were consulted. Whilst the omission is unfortunate, I am satisfied that the omission of these appendices at the Regulation 15 stage has not prejudiced any person or interested party.

30. The Consultation Statement includes a table summarising the main issues raised and how these issues were considered. Paragraph 3.4 in the Consultation Statement refers to the full comments being available on the Parish Council's web site. At the start of my examination these were not available on the web site. I have asked for them to be made available and they have been made available during the course of my examination. I am satisfied that the omission of these comments in full on the web site at the Regulation 15 stage has not prejudiced any person or interested party.
31. NSDC publicised the submission Plan for comment during the publicity period between 23 January 2017 and 3 March 2017. Regulation 16 in The Neighbourhood Planning (General) Regulations 2012 requires a local authority to publicise the date by which representations must be received, *being not less than 6 weeks from the date on which the plan proposal is first publicised*.
32. The period for comment between 23 January 2017 and 3 March 2017 is slightly less than a 6 week period. NSDC has informed me that the plan proposal was first publicised during the week commencing 16 January 2017. Copies were made available at the District and Parish Council offices. The Plan was publicised on the NSDC website during this week and consultees were notified on Thursday 19 January 2016.
33. NSDC has stated that it erroneously referred to a start date of 23 January 2017 on the website which gives the impression that the Plan was publicised for less than 6 weeks when in fact it was publicised for slightly longer. I do not consider that any interested party was prejudiced by the mistake and it is relevant that no late representations were submitted. In these circumstances, I am satisfied that NSDC publicised the submission Plan for comment in accordance with Regulation 16.
34. A total of three responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.

The Fernwood Parish Neighbourhood Plan

35. For ease of reference, I have used the same policy titles as those in the Plan. The Plan makes it clear that *all policies should be read in conjunction with policies in Newark and Sherwood District Council's adopted policies*. No

Neighbourhood Plan policy will be applied in isolation; account will be taken of all relevant policies.

36. 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.
37. The background sections provide a useful description of Fernwood in context. Within these sections there is reference to Flood Zones. The Upper Witham Internal Drainage Board has commented that Map 6 identifying Areas of the Parish in Flood Zones 2 and 3 does not appear to match the current map on the Environment Agency web site. The current map shows the area at risk to be greater.
38. Whilst it is not necessary for the Plan to include a map identifying Flood Zones, in the interest of clarity, such a map should reflect the current situation. Therefore, I recommend that the most recent Environment Agency map is used to identify these areas.
39. **Recommendation: to meet the Basic Conditions, I recommend that Map 6 is updated to identify the current areas in the Parish in Flood Zones 2 and 3, as shown on the Environment Agency Flood Map.**

Vision and Community Objectives

40. The Plan has a clear Vision: *in 15 years' time, Fernwood will be a desirable place to live being a good example of a well-designed, balanced and thriving community. Local residents will be able to access outstanding facilities for sport and social activities that will be suitable for all ages. This will continue to enhance the village's community spirit. Fernwood will be an inclusive and welcoming place.*
41. The Plan sets out clear Community Objectives that have emerged from consultation with the local community. These objectives provide the context for the policies.

Consulting the Community: A Key Principle

42. Paragraph 188 in the NPPF recognises that *early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.* The NPPF does not make such engagement a requirement.

43. The Key Principle in the Plan is concerned with pre-application community consultation. It encourages active engagement at the design process and before detailed plans are prepared. This has regard to national policy.
44. Paragraph 193 in the NPPF states that local planning authorities should only request supporting information for planning applications that *is relevant, necessary and material to the application in question*.
45. Part 3 of the Key Principle requires that: *the planning application should include a short document explaining how the proposals being submitted following this consultation have addressed the views of, and any issues or concerns raised by, local people and the Parish Council*.
46. Part 3 of the Key Principle is not a development and land use policy in the Plan. 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. Therefore, there would need to be a special justification for a requirement for a document regarding consultation to relate to all planning applications. Even though I appreciate that Fernwood Parish is due to see a considerable amount of future development, no robust planning justification has been presented to me on this matter.
47. I see no planning justification for the requirement in Part 3 of the Key Principle, although, having regard to Paragraph 188 in the NPPF, there is no reason why applicants could not be 'encouraged' to include such a document regarding consultation. In the interest of precision, I recommend modification to Part 3 to state that applicants will be encouraged to include such documents with planning applications. This would have regard to national policy.
48. **Recommendation: to meet the Basic Conditions, I recommend modification to Part 3 of the Key Principle to read as follows:**
- Applicants submitting a planning application will be encouraged to include a short document explaining how the proposals being submitted following this consultation have addressed the views of, and any issues or concerns raised by, local people and the Parish Council.**

NP1: Design Principles for New Development

49. At the heart of the NPPF is the presumption in favour of sustainable development. It sets out the three dimensions that need to be considered, and that the roles should not be taken in isolation. The economic role includes the need to ensure sufficient land of the right type is available in the right places and at the right time to support growth and innovation. The social role includes the creation of a high quality built environment. The environmental role includes the protection and enhancement of the natural and built environment.

50. The Core Strategy identifies land around Fernwood as one of three strategic sites for development in the Newark Urban Area. Core Strategy Policy NAP 2C allocates 2,200 dwellings around Fernwood during the Core Strategy Plan period to 2026 with 1,000 dwellings proposed beyond this period. In addition, this Policy includes the provision of a business park, a local centre and associated green, transport and other infrastructure.
51. Within this context, the Neighbourhood Plan does not allocate land for development. Policy NP1 is concerned with ensuring that when new development takes place it accords with the highest standards of design.
52. 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. Core Strategy Core Policy 9 seeks a high standard of sustainable design.
53. I have been referred to the *Fernwood Building for Life Assessment* undertaken by Urban Forward Ltd. This assessment identifies existing shortfalls in the design of existing development and recommends future design considerations. In particular, it recognises interconnectivity issues, the need to create character areas and concern regarding vehicle/pedestrian conflict. In addition, it raises concern regarding the linking and use of open spaces. I have visited the Parish and understand the concerns highlighted by this Report.
54. 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.
55. At paragraph 110 in the Plan it is stated that *the NPSG have done their own assessment of Fernwood against BFL12 criteria and their findings concur with this assessment*. I sought clarification as to whether there was a separate document in this regard. The Parish Council has subsequently published the document on the Parish Council's web site. I note that it is a work in progress document. Where the Plan refers to the *Fernwood Building for Life Assessment*, I have taken this to be the document prepared by Urban Forward Ltd.
56. Policy NP1 defines major development as all schemes of 10 or more dwellings on sites of 0.5 hectares or larger or buildings of 1,000 sq. metres. Policy NP1 encourages proposals for major new development to meet the Building for Life standard of 9 greens and no reds in their scoring system. I consider this to be a laudable aim in the interest of seeking to achieve high quality design.
57. Policy NP1 seeks high design standards based on an understanding and evaluation of the defining characteristics of the existing built up area. As such, it has regard to national policy, contributes towards sustainable

development and is in general conformity with strategic policy. Policy NP1 meets the Basic Conditions.

58. In the interest of precision, I recommend that the accompanying text in paragraph 111 is modified to reflect the second part of Policy NP2. It should refer to the encouragement of using Building for Life Standards for major developments, rather than requiring this for all housing development. This will avoid internal conflict within the Plan.
59. **Recommendation : to meet the Basic Conditions, I recommend modification to paragraph 111 to read as follows:**

New major housing development will be encouraged to use Building for Life 12 (or equivalent) to help shape design proposals. This will provide assurance to the community that the scheme will be of the highest design standards and that the short comings in Fernwood Central will not be repeated.

NP2: Housing Type

60. The NPPF seeks to ensure that there is provision of a wide choice of quality homes.
61. Core Strategy Core Policy 3 seeks an average density of between 30 – 50 dwellings per hectare net for the Strategic housing development at Fernwood. Within the District as a whole it seeks to secure new housing development that addresses the identified housing need for the District namely, family housing, smaller houses and housing for elderly and disabled people.
62. The supporting text at paragraph 5.13 in the Core Strategy states: *The Housing Needs, Market and Affordability Study indicates that there is an increase in families and in the elderly populations. The District's housing will need to be adaptable to meet the needs of these groups including accommodating elderly and disabled residents. The Study also indicates that need is more focused towards smaller properties. In general terms, the indicated split in the study is that 60% of all new dwellings should be 1 or 2 bedroom dwellings and 40% should be of 3 bedrooms and above. An appropriate mix will depend on the local circumstances and information on local need in the particular part of the district where development is proposed.*
63. It is clear from the background information made available to me that Fernwood has a younger population than the District as a whole and across the District it is forecast that there will be a significant increase in older households. Policy NP2 recognises the need to deliver a housing mix, which includes smaller market housing to suit young people and older people. Such dwellings will be encouraged to be situated near community facilities.

64. I consider that Policy NP2 has been informed by justifiable evidence and is in general conformity with strategic policy in Core Policy 3. It will help deliver a wide choice of high quality homes as required by policy in the NPPF and will contribute towards the achievement of sustainable development. Policy NP2 meets the Basic Conditions.
65. I note a minor error in paragraph 113 which refers to Section 8 when it should refer to Section 7. I see this as a minor editing matter which has no bearing on whether the Plan meets the Basic Conditions.

NP3: Residential Parking on New Development

66. The NPPF recognises at paragraph 29 that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

67. At paragraph 39 the NPPF states:

If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- *the accessibility of the development;*
- *the type, mix and use of development;*
- *the availability of and opportunities for public transport;*
- *local car ownership levels; and*
- *an overall need to reduce the use of high-emission vehicles.*

68. A Government Written Ministerial Statement of 25 March 2015 announced that the following text now needs to be read alongside paragraph 39: *Local Planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.*

69. Policy DM5 in the A&DM DPD states: *parking provision for vehicles and cycles should be based on the scale and specific location of the development.* I do not consider this to be a strategic policy, but it does reflect the way that parking provision is considered by NSDC. In addition, I have been referred to Nottinghamshire County Council's Report *Residential Car Parking Research for Nottinghamshire Highway Development Control Guidance (2010)*. This guidance does provide examples of how car parking demand may be calculated and recognises that local planning authorities may wish to develop similar approaches to calculating car parking demand, taking into account the characteristics of housing in their area and local assessments of future household and car ownership levels. It recognises increased flexibility in Government policy, to provide an evidence base to residential car parking demand which is more responsive to local circumstances. I note that the County Council expects developers to apply

the paper method in the guidance for initial estimates of parking demand prior to submitting planning applications for residential developments of over five dwellings.

70. *Space to Park (2013)* is a good practice guide based on case study research. It is not, as paragraph 120 in the Plan suggests, Government guidance.
71. In the Executive Summary of *Space to Park*, one of the recommendations is: *the number of allocated spaces should match the average level of car ownership – 1 space for one and two bed units, 1-2 spaces for 3 bed units and 2 spaces for 4 bed larger units. The number of unallocated spaces should be at least 20% in addition to the allocated spaces.*
72. It is clear from the background evidence and accompanying text that Policy NP3 is seeking to ensure that there is adequate car parking in the right locations to create high quality, well designed housing developments. It is also clear that it is not the intention to specify in the Plan the exact number of parking spaces required for each size of dwelling. I consider this approach has regard to national policy. However, by specifically requiring proposals to be in accordance with both the *Space to Park* Report and *Residential Car Parking Research for Nottinghamshire Highway Development Control Guidance*, I see some internal contradiction in this approach, which does not provide a practical framework for decision making.
73. I am concerned that the specific parking requirements in *Space to Park* could be taken as being specified requirements for future housing development in Fernwood, whereas *Residential Car Parking Research for Nottinghamshire Highway Development Control Guidance* takes a more flexible approach.
74. In the interest of precision, which will ensure that the local community achieves what it is seeking to achieve in Policy NP3, I recommend the deletion of reference to *Space to Park* in Policy NP3 and paragraph 120.
75. In the interest of precision, I recommend modification to Policy 3 to refer to proposals being required to be in accordance with *Residential Car Parking Research for Nottinghamshire Highway Development Control Guidance*, or equivalent guidance if this guidance is updated during the Plan period.
76. **Recommendation: to meet the Basic Conditions;**

I recommend the deletion of reference to *Space to Park* in paragraph 120.

I recommend modification to Policy NP3 to read as follows:

NP3: Residential Parking on New Development

1. Schemes for major residential development should provide a street layout and housing design that accommodates the car parking required based on Fernwood's location and associated car ownership levels and in accordance with NPPF criteria.

2. Proposals are required to be in accordance with;

a) Residential Car Parking research, Highways and Development Control Guidance (or equivalent); and

b) the findings in the Fernwood BFL12 Assessment at Appendix A.

3. Proposals should demonstrate how parking solutions are integral to a high quality, well designed scheme in accordance with NP1.

NP4: Designating the Meadows as a Local Green Space

77. Paragraph 76 in the NPPF allows for neighbourhood plans to *identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.*

78. Paragraph 77 in the NPPF states that: *The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

where the green space is in reasonably close proximity to the community it serves;

where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

where the green area concerned is local in character and is not an extensive tract of land.

79. I must emphasise that in order for an area to be designated as a Local Green Space, it has to meet all the criteria for designation.

80. I have visited the Parish and seen the site allocated as a Local Green Space at The Meadows. I note that a local group of residents have established a conservation group to enhance the area. It is clear that the area is demonstrably special to the local community. It is in close proximity to the residential area with public access. I consider the area to be local in character and it is not an extensive tract of land. As such, the site at The Meadows meets all the criteria for designation as a Local Green Space.

81. The NPPF, in Paragraph 109, requires the planning system to contribute to and enhance the natural and local environment. *This includes protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity where possible.*

82. Core Strategy Core Policy 12 seeks to conserve and enhance biodiversity. I consider this to be a strategic policy regarding the conservation and enhancement of the natural environment. The second part of Policy NP4

encourages improved public access and interpretation of the ecology of The Meadows where consistent with its character. It is clearly the intention to protect and manage the area to conserve and restore biodiversity. As such, this part of Policy NP4 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy.

83. Policy NP4 meets the Basic Conditions.

NP5 Green Spaces, Landscaping and Biodiversity

84. As mentioned above, the NPPF requires the planning system to contribute to and enhance the natural and local environment. The aim is to conserve and enhance biodiversity. It states at paragraph 118 a list of principles for determining planning applications including: *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
85. Core Strategy Core Policy 12 seeks to conserve and enhance biodiversity. For the future strategic growth of Fernwood, Core Policy NAP 2C includes the requirement for the provision of Green Infrastructure and enhancements to existing habitats and the local landscape.
86. The *Newark and Sherwood Landscape Character Assessment Supplementary Planning Document (SPD) (2013)* identifies Landscape Actions for Policy Zones. Paragraph 31 in the Plan states that the Plan area falls within the East Nottinghamshire Sandlands Regional Character Area. From my reading of the SPD, it appears to fall within the South Nottinghamshire Farmlands. Within this area the Parish is primarily within Landscape Policy Zone SN08 and part of SP09.
87. Within Landscape Policy Zone SN08, landscape actions include: *create new hedgerows and restore existing, seek opportunities to recreate historic field pattern where feasible. Contain new development within historic boundaries. Create small scale woodland to contain and soften built development, particularly around Fernwood.*
88. Core Strategy Core Policy 13 expects 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.
89. Policy NP5 is in four parts. Firstly it references the need for landscape strategies that accord with identified Landscape Actions for Policy Zones. Secondly, it encourages retention of existing natural features. Thirdly it encourages the use of native species where appropriate and fourthly it addresses impact on biodiversity.

90. The overall effect of Policy NP5 will be to contribute towards the environmental role of sustainable development. Policy NP5 has regard to national policy and is in general conformity with the strategic environmental policies referred to above. Policy NP5 meets the Basic Conditions.
91. Paragraph 140 refers to Map 3 on page 11. It is actually on page 12. As mentioned above, paragraph 31 refers to the Plan area falling within the East Nottinghamshire Sandlands Regional Character Area, whereas it actually falls within the South Nottinghamshire Farmlands. I see these as minor editing matters which have no bearing on whether the Plan meets the Basic Conditions.

NP6: Protecting and Enhancing Heritage Assets

92. Paragraph: 039 (Reference ID: 18a-039-20140306) in the Planning Practice Guidance states: *Local planning authorities may identify non-designated heritage assets.*
93. Policy NP6 identifies New Balderton Hall and the WW2 Air Raid Shelter as non-designated heritage assets. It may well be that these two sites are worthy of such identification. Unfortunately, a neighbourhood plan cannot identify non-designated heritage assets. It is for local authorities to identify such sites. Therefore, as there is no policy mechanism for the identification of such sites in neighbourhood plans, this part of Policy NP6 is inconsistent with national guidance as presently drawn.
94. For the above reasons, I recommend the deletion of reference to Policy NP6 identifying New Balderton Hall and the WW2 Air Raid Shelter as non-designated heritage assets.
95. 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.* It is clear from the evidence before me that New Balderton Hall and the WW2 Air Raid Shelter are historic structures of significance to the local community. Therefore, I recommend modification to the first part of Policy NP6 to recognise that they are historic structures of local significance, which are worthy of being preserved and enhanced. This would be in general conformity with strategic policy.
96. There is no reason why the accompanying text cannot state that the community wishes to see New Balderton Hall and the WW2 Air Raid Shelter identified 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.
97. Policy NP6 refers to the development and change of use of heritage assets on a Heritage at Risk Register. I sought confirmation from NSDC as to whether there were any heritage assets at risk within the Parish on a Heritage at Risk Register. NSDC confirmed that there are none on the

National Heritage at Risk Register or the Nottinghamshire at Risk Register. In these circumstances, in the interest of providing a practical framework for decision making, I recommend deletion of this part of Policy NP6.

98. For the above reasons, subject to my proposed modifications, I consider that Policy NP6 has regard to national policy and is in general conformity with strategic policy. Policy NP6 as modified, will meet the Basic Conditions.

99. **Recommendation: to meet the Basic Conditions,**

I recommend modification to paragraph 145 to acknowledge that it is for NSDC to determine whether to designate New Balderton Hall and the WW2 Air Raid Shelter as non-designated heritage assets.

I recommend modification to Policy NP6 to read as follows:

New Balderton Hall and the WW2 Air Raid Shelter are regarded as historic structures of local significance, which are worthy of being preserved and enhanced. Development adversely affecting these structures or their settings will be resisted.

NP7: Supporting Better Movement and Connections

100. The NPPF seeks to promote sustainable transport. Paragraph 35 lists criteria to protect and exploit opportunities for the use of sustainable transport modes. These include that developments should be located and designed where practical *to give priority to pedestrian and cycle movements and have access to high quality public transport facilities; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.*
101. 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.
102. For the strategic growth of Fernwood, Core Strategy Policy NAP 2C seeks the provision of transport measures which *maximise opportunities for sustainable travel and increasing non car use; achieve suitable access to local facilities; and minimise the impact of the development on the existing transport network.*
103. I have visited the Parish and negotiated the existing road network for myself. I understand the difficulties expressed by the local community. In particular, I have experienced the complexity of accessing the route to the centre and finding my way around the cul-de-sacs that lead off the main spine road.
104. Sections 1 and 3 in Policy NP7 seek to ensure that the expansion of Fernwood does not replicate existing failings in the road network and that new development integrates with the existing settlement and footpath

network. As such, these parts of Policy NP7 contribute towards the promotion of sustainable transport and are in general conformity with strategic sustainable transport policy.

105. Paragraph 173 in the NPPF states: *Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be delivered viably is threatened.*
106. Section 2 in Policy NP7 includes a requirement for major development to enhance the local transport network and associated infrastructure. I can see that the proposed major development around Fernwood is going to require significant additions to the local transport network. Nevertheless, developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the *Community Infrastructure Levy Regulations 2010*.
107. I am concerned that the requirement to enhance the local transport network in Section 2 of Policy NP7 could impose a scale of obligations on future developers that would threaten the viability of the strategic growth of Fernwood. This would have implications for the delivery of strategic housing development. I am sure that this is not the intention of Policy NP7. In the interest of precision, I recommend that Section 2 specifies that the enhancement of the local transport network and associated infrastructure should be in accordance with the tests as set out in the *Community Infrastructure Levy Regulations 2010*. Subject to this modification, Policy NP7 will meet the Basic Conditions.
108. **Recommendation: to meet the Basic Conditions, I recommend modification to Section 2 of Policy NP7 to read as follows:**
- 2. Major development should include proposals which enhance the local transport network and associated infrastructure, in accordance with the tests as set out in the *Community Infrastructure Levy Regulations 2010*.**

NP8: Enhancing the Provision of Community Facilities

109. The social role of sustainable development includes supporting strong, vibrant and healthy communities. Paragraph 69 in the NPPF promotes healthy communities. It states that planning policies should aim to promote safe and accessible developments. 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.
110. 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.

111. Policy NP8 promotes new and improved community facilities in the local centre. In addition, it supports the provision of community facilities that can be safely and directly accessed by residents.
112. Section 2b) of Policy NP8 requires new community facilities to be of a type that meets the needs of the Fernwood community. Appendix B in the Plan identifies a list of community projects. These include the need to establish youth facilities and a project to work with developers to establish further community facilities at a scale, and in a location, that complements the existing services. I am satisfied that this approach is in general conformity with strategic policy in that it will ensure that the type of community facility provided in the future will meet the identified needs of the Fernwood community.
113. Policy NP8 has regard to national policy, contributes towards the social role of sustainability and is in general conformity with strategic policy. Policy NP8 meets the Basic Conditions.
114. Paragraph 166 refers to the wrong map and wrong section of the Plan. It should read: *Fernwood has a Local Centre as shown on Map 9. The range of facilities is described in detail in section 7.* I see these as minor editing matters which have no bearing on whether the Plan meets the Basic Conditions.

Referendum and the Fernwood Parish Neighbourhood Plan Area

115. 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.
116. **I am pleased to recommend that the Fernwood Parish Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
117. I am required to consider whether or not the Referendum Area should extend beyond the Fernwood 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

118. Where I have found minor editing 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 editorial matters which can be dealt with as minor amendments to the Plan.

Janet Cheesley

Date 26 April 2017

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 (2013).
Regulation 16 Representations
Newark & Sherwood District Council Housing Market & Needs Assessment (2014)
Newark and Sherwood 2014 Sub-Area Report
Nottingham Outer 2015 Strategic Housing Market Assessment (Oct 2015)
Nottingham Outer SHMA Addendum (Jan 2016)
Landscape Character Assessment SPD (2013)
Residential Car Parking Research for Nottinghamshire Highway Development Control Guidance (2010)
Fernwood Neighbourhood Development Plan Scoping Report
Building For Life 12 Independent Assessment Fernwood, Nottinghamshire (2015)
Parish Council's Building for Life 12 Assessment (work in progress document)
Consultation Statement (December 2016)
Basic Conditions Statement (November 2016)