

EXAMINER'S REPORT

BAWTRY NEIGHBOURHOOD PLAN

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ABBREVIATIONS and ACRONYMS

The following are acronyms and abbreviations used in this examination:

DMBC - Doncaster Metropolitan Borough Council.

HRA - Habitats Regulation Assessment.

NDP- Neighbourhood Development Plan

NPPF - National Planning Policy Framework.

NPPG - National Planning Practice Guidance.

SEA - Strategic Environmental Assessment.

The Plan - the Neighbourhood Development Plan under examination.

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the Town Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. I have been appointed by Doncaster Metropolitan Borough Council (DMBC) in consultation with the Town Council to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

4. I confirm that I am independent of the Town Council and DMBC I and have no interest in any land, which is affected by the Neighbourhood Development Plan (the Plan).

5. This report is the outcome of my examination of the submitted version of the Plan.

6. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If DMBC puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be “made” by it as the Local Planning Authority.

BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination:

Documents submitted for the examination

Bawtry Neighbourhood Development Plan, 2018-2032, Submission Plan, Autumn 2018,
Consultation Statement, Autumn 2018,
Basic Conditions Statement, Autumn 2018,
Strategic Environmental Assessment - Screening by DMBC, 27th June 2018
Habitat Regulations Report, Bawtry NDP, DMBC,
Regulation 16 Representations 2018.

Local and National Policies and relevant evidence

Doncaster Core Strategy 2011-2028,
Saved policies, Doncaster UDP, adopted July 1998,
Doncaster Local Plan, Draft Policies and Proposed Sites, September 2018,
The NPPF, March 2012 is the relevant version for this Plan as it was submitted to DMBC before 24/1/19¹,
National Planning Practice Guidance (NPPG),
DMBC “5-Year Deliverable Housing Land Supply Statement Period: 1st April 2017 – 31st March 2022” published in August 2017,
Doncaster Retail, Leisure and Town Centres Study Volume 1: Main report, July 2015 GVA Grimley Ltd.,
DMBC Supplementary Planning Documents Development Guidance and Requirements, July 2015, Residential Backland and Infill Development, November 2010, and Development, Flood Risk and Drainage, October 2010.
The South Yorkshire Residential Design Guide, July 2015,
Doncaster Local Development Framework Green Space Audit (Part One A) Assessment of Provision by Community Profile Area Evidence Base, July 2013.

Documents received during the examination

Email from DMBC containing Historic England’s response to SEA screening opinion, 19/3/19,
Email of 3/4/19 from DMBC containing HRA screening opinion, “Habitat Regulations Report”, DMBC, in response to examiner’s email of 2/4/19 requesting one be submitted,
Email from DMBC of 1/5/19 containing a letter from Natural England of the 26/4/19 regarding HRA screening opinion,
Email from DMBC confirming general conformity of the Plan with local strategic policies, 5.4.19,
Email from examiner containing questions to Town Council and DMBC regarding Policy NE3 “Protecting and Enhancing Open Spaces and Recreational Facilities”, 5.4.19. – Response from DMBC in email of 9.3.19; response from Town Council in DMBC email of 10.4.19,

¹ See para. 214 of the NPPF, July 2018

Email from DMBC containing a copy of the Town Council's Consultation Statement, "Consultation Response Table", 8.4.19.

THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

9. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and if the area for the referendum should extend beyond the plan area.

10. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case.

11. I visited the Plan area on the 17th April 2019 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

12. It is necessary to determine that the Plan complies with the following procedural matters²:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

13. The Plan had been prepared and submitted by a qualifying body, Bawtry Town Council. The Plan area relates to the whole Parish and the designated area was approved by DMBC on the 31/8/16.

14. In accordance with the regulations³, the Plan sets out policies in relation to the development and use of land and does not refer to "excluded" development. It specifies the period for which it has effect (2018-2032). It does not relate to more than one neighbourhood area.

² Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

³ Neighbourhood Planning (General) Regulations 2012

CONSULTATION

15. The Consultation Statement explains in detail the manner in which the public, developers and statutory bodies were involved in the development of the Plan.

16. The Plan has been prepared from 2015 and led by a steering group consisting of members of the Town Council, local residents and members of the business community. I consider this is a fair representation of those affected by the Plan. The group kept the Town Council and wider public informed throughout the process by consultation events, newsletters, articles in “Bawtry Today” and notes of meetings and relevant documents on the web site.

17. The various community engagement events held included in April 2015 a leaflet and questionnaire delivered to all households and businesses in the Plan area. The results were made available in the Bawtry library and presented in an event in February 2016 at the Crown Hotel at which comments were invited. Further drop-in consultation sessions were held in the library between December 2016 and January 2017. Targeted consultation events were held in late 2016 for the business community, local community groups and school children of primary and secondary school age.

18. The consultation comments were considered and the first draft of the Plan published in December 2017 on the web site with hard copies available in the library. Comments were invited and a drop-in event arranged. The consultation responses are reported in the consultation statement and were used to inform a further draft Plan which was published for the formal consultation stage under regulation 14 in April to May 2018. The details of the responses and how they were considered are referred to in the Consultation Statement.

19. The Consultation statement analyses each comment and explains whether it merits an amendment to the draft Plan.

20. I am satisfied that the “Consultation Statement”, demonstrates a good level of consultation, which has targeted all sections of the community and allowed technical consultees and developers to be effectively involved in the emerging Plan.

BASIC CONDITIONS

21. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁴ This element of the examination relates to the contents of the Plan.

22. This Plan meets the basic conditions if:

⁴ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e). The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

23.The Town Council has submitted a “Basic Conditions Statement”, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

SUSTAINABLE DEVELOPMENT

24.The Town Council submits in the Basic Conditions Statement that the Plan complies with NPPF core policies, which ensure the Plan promotes sustainable development. The NPPF establishes that the three components of sustainability are economic, social and environmental and that these underpin all planning policy.

25.Table 1 of the Statement demonstrates that the Plan is firmly aligned with the core principles of the NPPF and the principles of sustainability, which underpin them.

26.The Statement demonstrates in general terms in table 2 the manner in which policies in the Plan meet the three components of sustainable development as referred to in the guidance in the NPPF.

27.Table 2 states that in economic terms, the Plan seeks to support the development of the town centre. Furthermore, it supports housing growth in line with the town’s role as a Conservation town as designated in the Core Strategy and its proposed new role as a Service Town in the emerging Local Plan. The Plan effectively supports sustainable economic development in line with the strategic policies for the town.

28.In the social respect, the Plan supports existing and future community facilities including open and green spaces and playing fields, which promotes health and well-being.

29.In its environmental role it is stated the Plan seeks to protect and enhance local landscape character, local wildlife and biodiversity and green infrastructure. Policies seek to promote the local distinctiveness of the area and recognise the significance of locally important natural and built heritage assets to local residents as an important aspect of the town’s identity.

30. I accept that the policies in the Plan meet the claims referred to in the Statement. I am satisfied that the Plan contributes to sustainable development as defined by the NPPF.

EU OBLIGATIONS, STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) HABITATS REGULATION ASSESSMENT (HRA) and HUMAN RIGHTS REQUIREMENTS

31. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive⁵ and the Habitats and Wild Birds Directives⁶. These require that consideration should be given to the need for an SEA to assess any significant environmental impacts and /or an appropriate HRA to assess any impact on a site/habitat recognised as protected under European legislation⁷.

32. The Plan must also take account of the requirements to consider human rights.

33. DMBC carried out a screening assessment to determine the need for an SEA. This takes account that in the Plan although there is a mixed-use allocation, the development of this should enhance the site and contribute more positively to the built environment. Specific proposals such as low carbon features in development or incorporating wildlife enhancement features into development will lead to overall enhancements to the natural environment

34. It is concluded that the proposals would lead to positive environmental benefits for Bawtry, as well as the continued conservation and enhancement of the town. The statutory consultees Historic England, the Environment Agency and Natural England do not consider an SEA is required. I am satisfied that an SEA is not required.

35. Regarding the submitted HRA, during the examination I requested that a full screening assessment be carried out as in the first submitted version there was no full conclusion as required by the regulations. This was completed and it concluded an HRA was not required. This was submitted to Natural England, which concurred with that view.

36. The HRA screening opinion confirms no designated "European Sites" lie within the boundary of the Bawtry Neighbourhood Plan boundary. Two sites have been identified that lie within 15 kms. of the boundary i.e. Hatfield Moor SAC and the

⁵ Article 3(5) of Directive 2001/42/EC

⁶ European Directives 92/43/EEC and 2007/147/EC transposed into the Conservation of Habitats and Species Regulations 2010.

⁷ Often referred to as Natura 2000 sites and include Ramsar sites - wetlands of international importance, Special Areas of Protection (SAP) - providing protection to bird habitats and Special Areas of conservation (SAC) - protect a variety of plants animals and habitats.

Thorne and Hatfield Moors SPA and the potential for any significant effects in these sites was taken into account. Each Plan policy is assessed in reaching the opinion that a HRA is not required. I am content with this conclusion.

37. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. Article 1 of the First Protocol of the Convention states that no one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Plan does not go beyond the limits established in planning law.

38. Article 6 protects the right to a “fair hearing” I consider the consultation process has been effective and proportionate in its efforts to reach out to different groups potentially affected. Public responses have been taken into account in a satisfactory manner during the processing of the Plan.

39. Article 14 protects rights and freedoms set out in the Convention in order to avoid discrimination of any individual or sector of society. I can find no evidence of discrimination.

40. I am satisfied the Plan conforms to European Union obligations.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

41. The Town Council states in the “Basic Conditions Statement” that the Plan takes into account national planning policies and guidance in the NPPF and is in general conformity with local strategic planning policies.

42. The Statement demonstrates in detail in Table 1 how the Plan conforms with the twelve core planning principles in the NPPF. I broadly accept the submissions in the Basic Conditions Statement but in some instances I have recommended modifications to ensure the Plan makes more explicit reference to the guidance in the NPPF and National Planning Practice Guidance (NPPG).

43. The Basic Conditions Statement demonstrates that the Plan is in general conformity with the strategic local policies contained in the Saved Policies of Doncaster Unitary Development Plan (UDP) 1998 and the adopted Doncaster Core Strategy 2011 - 2028. Each Plan policy is assessed in table 3 of the Statement and compared to the relevant strategic policies.

44. There are, however, some amendments required to the supporting text and modifications to policies in order that the Plan can be in general conformity with the strategic policies in the Local Plan. I refer to these in detail below.

45. The Plan has taken appropriate regard to the emerging Local Plan and the associated reasoning and evidence in accordance with the NPPG⁸. The Local Plan

⁸ NPPG Paragraph: 009 Reference ID: 41-009-20160211

is at a relatively early stage of preparation whereby draft policies were the subject of public consultation in September and October 2018 and the results are being analysed in advance of the issue of the Publication version anticipated later this year. In accordance with advice in the NPPG there is therefore no requirement to conform to any draft policies but the Plan has acknowledged the evidence where necessary as referred to below.

RECOMMENDATIONS IN RELATION TO BASIC CONDITIONS

General Matters

46. I have made recommendations below, which will allow the plan to conform to “basic conditions”. Where I am suggesting modifications I have given reasons. In cases of minor grammatical or formatting issues, I have simply highlighted the need for correction without explanation.

47. I have taken into account all aspects of the representations received during the Plan process. In some cases these do not require specific reference or highlight of particular issues as they do not in my view effectively raise a concern that the Plan does not conform to basic conditions.

48. In some cases due to the specific and detailed nature of a representation and its relevance to “basic conditions”, for ease of reference, I have referred to the author of the representation by name.

49. A recurring theme in the report is the need to highlight and cross-refer to the NPPF and/or local strategic policies to provide the appropriate context for Plan policies.

50. A further issue is the need for policies to be drafted with appropriate clarity. The National Planning Practice Guidance (NPPG)⁹ requires that *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence”*. I have therefore suggested some modifications in the interests of greater clarity and meeting this guidance.

51. I have explained my recommendations in accordance with the order and format of the Plan and expressed them in bold type at the end of the various sections

INTRODUCTION and BACKGROUND

⁹ NPPG Paragraph: 041 Reference ID: 41-041-20140306

52. This adequately sets out the geographical, historical and planning policy context for the Plan.

53. It is pointed out in paragraph 1.3.12 that in addition to planning policies there are a number of “complimentary actions” which the Town Council will pursue. These relate to matters, which cannot be covered as planning policies as they are outside of planning legislation but nevertheless are related. I am satisfied that they can be included in the Plan and it is made clear in the explanation and formatting of the Plan text that these matters are not planning policies. I have not commented on these matters or suggested modifications apart from one instance in the interests of factual accuracy, as they do not relate to the need for the Plan to conform to basic conditions.

VISION and OBJECTIVES

54. The Plan successfully relates its vision and objectives to the public consultation and the links to the proposed policies are made clear.

TOWN CENTRE POLICIES and PROPOSALS

Policy TC1 Town Centre Development and Protecting the Quality of the Environment

55. This policy is consistent with the NPPF Chapter 2, which seeks to encourage the vitality of town centres. It is also in conformity with the Core Strategy policy CS2: “Growth and Regeneration Strategy” which states that the centres of “Conservation Towns” like Bawtry will be protected and enhanced.

56. The desire to protect and improve the town centre environment is based on feedback from the community and aligns with guidance in the NPPF paragraph 21 that “*Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure..*”

57. The requirement in the policy that all development proposals shall include screened areas for waste bins is unrealistic and needs qualification.

58. In the interests of clarity there should be explicit reference in the policy to the town centre as defined on map 4.

RECOMMENDATION 1

**In policy TC1 introduce a new first paragraph;
“This policy relates to the town centre as defined on Map 4 Policies Map in this Plan.**

Amend the second sentence in the fourth paragraph of the policy by the addition of “where possible” at the end of the sentence.

Policy T2 Public Car Parking and Cycle Facilities

59. The policy is in accordance with guidance in chapter 4 of the NPPF to “Promote Sustainable Transport”. It is also in conformity with Core Strategy policy CS9: “Providing Travel Choice”.

60. The phrase in the policy “Although opportunities are likely to be very limited” is unnecessary and to an extent undermines the intent of the policy.

61. Support for these schemes should be qualified with the need to conform to other policies, which could have a bearing.

RECOMMENDATION 2

In the first sentence of the policy delete “Although opportunities are likely to be very limited”.

At the end of the first sentence add “subject to compliance with other statutory policies.”

Policy TC3 Supporting Improvements to Market Hill

62. This policy is consistent with the NPPF Chapter 2, and Core Strategy policy CS7: “Retail and Town Centres” which seek to encourage the vitality of town centres. It is also in conformity with the Core Strategy policy CS2: “Growth and Regeneration Strategy” which states that the centres of “Conservation Towns” like Bawtry, will be protected and enhanced.

63. The term “regular specialist/ farmers/continental style market” is rather vague and confusing in the event that it may be argued other forms of market are unacceptable. There is no justification for the support of only this type of market. It is nevertheless acceptable to retain this as a type of market to which the actions of the Town Council will be directed.

RECOMMENDATION 3

In the third paragraph of policy TC3 delete “regular specialist/ farmers/continental style”.

Policy TC4 Enhancing Vitality and Viability

64. This policy takes into account NPPF guidance in chapter 2 to promote competitive town centres and develop policies to manage their growth. It is also in general conformity with the saved UDP policy SH4 “Frontage Development in Shopping Centres” which seeks to protect the primary shopping areas for A1¹⁰ retail

¹⁰ Town and Country Planning (Use Classes) Order 1987 (as amended)

development. The policy allows other town centre uses¹¹ outside the primary shopping areas provided they do not undermine the vitality and viability of the centre, create dead frontages or conflict with other planning policies.

65. Core Strategy policy CS7: “Retail and Town Centres” seeks to maintain and enhance vitality and viability and the existing range of uses of all the borough’s centres. I am not convinced the policy TC4 will achieve enhancement of the existing range of uses for the reasons below and is therefore not in general conformity with the Core Strategy.

66. The policy TC4 delineates a primary shopping area but there is no evidence as to how this was done. The primary shopping area is a substantial part of the designated town centre and in accordance with the terms of the policy there are few sites for development of town centre uses. The policy only allows non A1 uses on the ground floor in the primary shopping area provided the overall proportion of A1 uses is maintained above existing levels at 51% of the business/retail units in the core of the town.

67. In particular there is no evidence of a retail study or “health check” of the centre upon which to base the policy. It is not possible to understand whether the policy will support the viability of the centre. The NPPF core principles state that planning should proactively drive and support sustainable economic development to provide for the, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices. In town centres the NPPF encourages planning authorities to allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres.

68. There is no evidence submitted in support of the policy, which demonstrates the policy is in the interests of the viability and vitality of the town centre. The restriction of non-A1 uses to a level which maintains the existing 51% proportion of A1 uses in the primary shopping area is not backed up with evidence to show this is viable and that there is the demand for this level of A1 uses at the expense of other town centre uses. I note that in paragraph 3.1.62 in the supporting text it is stated with reference to the town centre that “the town’s economic wellbeing appears to be precarious”.

69. The reference to an “unacceptable concentration” of non-A1 uses is not defined and lacks the requisite clarity for effective implementation.

70. Government guidance in the National Planning Practice Guidance¹² states “*Proportionate, robust evidence should support the choices made and the approach*”

¹¹ Defined in the glossary of the NPPF

¹² Paragraph: 041 Reference ID: 41-041-20140306

taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.” I do not consider this policy provides sufficient robust evidence to justify the detail of the policy and does not follow national guidance.

71. For the reasons I do not consider the policy meets basic conditions and should be deleted.

72. I do not consider it possible for me to modify the policy in the absence of sufficient evidence and the need to retain the original intent.

73. It would however be possible to retain the supporting text with modifications, which sets the context for the town centre and the identified town centre actions. The supporting text ends with reference to the Core Strategy Policy CS: 7 Retail and Town Centres which provides a useful signpost to the planning policy. The modified supporting text would benefit from reference to the scope for the emerging local plan to contain more detailed policies based on analysis of the retail activity which will manage the range of uses in the town centre. This recommendation is not strictly necessary to conform to basic conditions as it does not directly relate to a Plan policy but it would help clarify the future planning context in view of the concerns from the public during consultation.

RECOMMENDATION 4

Delete policy TC4 i.e. text in the policy and map 6 and also delete the primary shopping area from Map 4.

Adjust supporting text to delete the references to a planning policy but relate to the Town Centre Actions. Consider reference to the role of the emerging local plan in managing town centre uses.

Policy TC5 The Night Time Economy

74. The same concerns apply to this policy as to policy TC4. There is no evidence to justify that proposals for A4 or A5 uses should be restricted to the existing level of 11%. Although there are public concerns from the disruptive effects of the behavior of users of these establishments at weekends, this is mainly an issue for licensing control and the police. The land use aspects of the number of non-retail (A1) uses is a planning matter in terms of managing the vitality and viability of the centre but requires evidence as explained above in relation to policy TC4.

75. The supporting text can be retained with minor modification to provide the context for the Town Centre Actions.

RECOMMENDATION 5

Delete Policy TC5, and map 7.

Adjust supporting text to delete the references to a planning policy but relate to the Town Centre Actions.

Policy TC6 New Shopfronts and Security

76.The policy takes into account guidance in the NPPF and Core Strategy Policy CS14: Design and Sustainable Construction to promote high quality, inclusive design, which also increases surveillance and helps to mitigate crime. The policy is also in conformity with saved UDP policy SH16 and extends guidance regarding design of retail development and advertisements.

77.The detailed design guidelines are acceptable and there is appropriate reference to extra requirements in the conservation area. It is not clear why Swan Street is singled out for a more stringent approach to totally resist intrusive lighting effects. I consider there is no evidence to justify this exception. My site visit revealed that this is important to protect other parts of the conservation area and I recommend a more general reference to the conservation area. However, it is only possible to resist illuminated advertisements rather than illumination of shop fronts, which does not represent advertisement. Such illumination does not require planning permission or advertisement consent.

78.Furthermore, it is unreasonable to rule out all forms of illumination of adverts when there may in some cases be acceptable low-level muted indirect external illumination, which has limited visual intrusion. To require no illumination across the conservation area as opposed to an individual building in my view is over prescriptive and would be contrary to advice in the NPPF paragraph 59. I also consider this aspect of the policy is contrary to paragraph 67 of the NPPF that *“Control over outdoor advertisements should be efficient, effective and simple in concept and operation.”*

RECOMMENDATION 6

In point 8ii of policy TC6 delete the first sentence and replace it with the following;

“ In the conservation area internally illuminated adverts will be resisted but adverts illuminated indirectly by external illumination may be acceptable subject to no excessive light pollution, visual intrusion and impact on the character of the conservation area or impact on public safety.”

Policy TC7 Corner Garage and Car Auction 49 Market Place

79.The allocation of the site for a mixed use development consisting of retailing, offices, commercial/business uses and residential development is in accordance with guidance in paragraph 23 the NPPF to develop town centres and extend the range of uses.

80. The policy needs to allow in principle for a wider range of town centre uses including A4 (pubic houses, wine bars or other drinking establishments) and A5 hot-food takeaways and Assembly and Leisure (D2) for the same reasons I have advanced, above, in relation to policies TC4 and TC5. In the absence of evidence to restrict the range of uses specified in saved UDP policy S4 “Frontage Development in Shopping Centres” and Core Strategy policy CS7 it is not justified to exclude them. Core Strategy policy CS7, encourages leisure, entertainment, cultural and tourist uses as well as other mixed-uses in town centre locations to boost the viability and vitality of the centre. This is also in accordance with guidance in the NPPF.

81. In the interests of clarity it is necessary to qualify that the mix of uses should be in favour of main town centre uses as specified in the definition in the NPPF, Annex 2 glossary.

82. The statement that all “sui generis” uses are acceptable in principle is incorrect in this town centre and commercial policy location. There should be cross-reference to the need to conform to other statutory planning policies.

83. The reference to the location of the site in a “commercial policy area” should be deleted in preference to the “town centre” designation in this Plan.

84. The text of the policy requires attention to make it clearer.

RECOMMENDATION 7

Alter the first sentence of policy TC7;

“ The site shown on Map 8 is considered suitable for a mix of uses including shops (A1), financial and professional services (A2), Food and Drink (restaurant and cafes, A3), drinking establishments (A4), business (B1), residential (C1, C2, C3 and C4), non-residential institutions (D1) and Assembly and Leisure (D2). Other uses may be determined on their merits but all proposals must conform to other statutory planning policies.

Delete the second paragraph of the text of policy TC7 and replace with;

“ The mix of development should ensure that main town centre uses are the predominant use. Residential use would be considered appropriate to provide a more sustainable mixed-use development, provided residential amenity is protected.”

Insert footnote to reference the definition of main town centre uses in the NPPF.

BUILT HERITAGE and CONSERVATION

Policy HER1 Protecting Heritage Assets

85. This policy does not reflect the nuances of NPPF policy in relation to designated and non-designated heritage assets. It does not add anything to the NPPF policy and is therefore confusing and should be deleted.

86. There should therefore be reference in the supporting text to the relevant national and local policies.

RECOMMENDATION 8

Delete the text of policy HER1.

Insert a new paragraph after 3.2.38:

“ Development which affects these designated and non-designated heritage assets will be considered in relation to policies in the NPPF and Core Strategy Policy CS15: Valuing Our Historic Environment.”

Policy HER2 Design Guidance for development in the Conservation Area

87. This policy is clearly in accordance with NPPF guidance and Core Strategy Policy CS15: Valuing Our Historic Environment to ensure that new development respects the character of Conservation Areas and the local distinctiveness of areas is maintained.

88. In point 9 the phrase “take account of significant views” is rather vague and needs to be clarified.

RECOMMENDATION 9

In point 9 delete “take account of significant views” and insert “to avoid a significant intrusive impact on any significant views”.

HOUSING

Policy H1 New Housing in Bawtry outside the Conservation Area

89. The current strategic role for Bawtry specified in the Core Strategy is a Conservation Town “*where the priority will be conservation and enhancement, with only quality infill within existing settlement boundaries being supported.*” The emerging Local Plan identifies the town as a Service Town with a proposed housing requirement of 110 dwellings. It has since been clarified by DMBC that there are extant planning permissions for residential development totaling 78 dwellings which means another 32 dwellings will be required.

90. I agree with the Town Council that the allocation of sites to meet local housing needs involves strategic considerations, including a review of the need for allocation of sites in the green belt, which is essentially a matter for the emerging Local Plan. This is based on advice in paragraph 83 of the NPPF. In this scenario the Town

Council proposes some limited infill development within the built up area of the town.

91. On the basis of advice from DMBC, following the issue of the draft Local Plan in September 2018 and the identification of proposed sites, the Town Council propose that new houses be accommodated within the settlement boundary.

It is necessary that this Plan is in general conformity with the Core Strategy, which limits development to “quality infill”. The evidence and policies in the emerging Local Plan to provide extra housing are not of sufficient certainty to require the allocation of further housing land in this Plan. In this context, I am satisfied that overall in terms of the NPPF guidance regarding housing land availability there is an adequate supply of housing land as evidenced in the DMBC “5-Year Deliverable Housing Land Supply Statement Period: 1st April 2017 – 31st March 2022” published in August 2017.

92. Gladman Developments Ltd. raise an objection that *“the use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic conditions.”* I do not consider that the evidence of the emerging local plan or its strategic direction are sufficiently advanced to require the consideration of the amendment of the settlement boundary and green belt to accommodate an uncertain level of development in Bawtry. Also for the reasons specified above in paragraph 90 it is a strategic matter for the local plan to consider significant alterations to the green belt boundary.

93. I am concerned, however, that the policy H1, point 1 limits development to outside the Conservation Area. There is no substantive evidence justification for this. Whilst national and local policies generally protect Conservation Areas from incongruous infill development it cannot be assumed without evidence that all infill development in the Conservation area will be unacceptable. Policies exist in the NPPF and policy CS 15 Valuing Our Historic Environment and saved UDP policy ENV 25 to protect the character of the conservation area. The reference to “outside the Conservation area” should be removed.

94. The reference in the policy, point 1, to the acceptance of development, which is “on sites adjoining the built form” is contrary to the presumption against development beyond the settlement limits in the Green Belt and countryside established in the NPPF and Core Strategy policy CS3. Also the statement “adjoining the built form” lacks sufficient clarity to guide decision-making. This element of the policy should be deleted. Given the positive housing land supply figures referred to above in the DMBC report for the period 2017-2022, I am satisfied that the policy takes account of advice in the NPPF in allowing sufficient scope to meet housing need and is in accordance with local strategic policies in the Core Strategy.

95. The policy in point 1 refers to various caveats regarding the acceptability of development. In the interests of clarity it should refer generally to other local and national statutory policies in order that there is not an expectation that development will only be assessed in relation to the quoted criteria.

96. Point 2 requires building materials, which provide noise insulation near all main roads. This is too vague as there is no definition of a main road and not all situations create noise problems. This should be qualified by reference to a situation where a noise assessment deems insulation is necessary. The reference to energy efficiency should be deleted as this is covered by the building regulations and should not be in planning policies as advised in the Written Ministerial Statement, March 2015.

97. The text to point 4 regarding the loss of gardens requires further elaboration to achieve the requisite clarity. There should be no distinction for “private” gardens. The loss of parts of gardens may in some circumstances be acceptable so this should be referred to.

98. The reference in point 5 to flood risk is unnecessary as this is covered in the NPPF and policy CS4 in the Core Strategy.

99. Point 6 regarding the acceptability of house extensions omits reference to the impacts on neighbour’s amenities. Furthermore, this point does not add substantively to existing policy in the DMBC’s Supplementary Planning Document “Development Guidance and Requirements”, July 2015. This partial rendition of the policy towards extensions is therefore confusing and I recommend the point be deleted.

100. The Plan would be clearer if there was a more explicit reference in the supporting text paragraph 3.3.14 to housing related DMBC policies including residential design.

101. I make a similar recommendation regarding point 7 as I do in relation to point 6. Point 7 is selective in expressing design guidance, which already exists. The policy, should be deleted and a signpost placed in the supporting text is a more comprehensive and clear reference to the available design guidance.

RECOMMENDATION 10

In policy H1 remove “outside the Conservation Area” from the title of the policy.

Reword point 1 of the policy as follows;

“New development is on previously developed sites or on infill sites within the settlement limits and where there is conformity with other statutory national and local planning policies. In particular, there should be no detrimental impact on local character, access is in accordance with Doncaster MBC guidelines and residential amenity is protected through consideration of overlooking, overshadowing, privacy and outlook.”

In point 2 delete the last sentence and replace with;

“In cases where a noise assessment indicates unacceptable noise for a living environment, noise insulation and/or other mitigation measures may be an acceptable solution.”

Reword the first sentence in point 4;

“Development should not result in the loss of the whole or parts of garden areas or burgage plots which make a contribution to Bawtry’s historic and townscape character.”

Delete point 5.

Delete point 6

Alter paragraph 3.3.14;

“There are a range polices in the Core Strategy and saved UDP which relate to housing proposals and their design. In addition there are design policies in the following adopted supplementary planning documents;

DMBC Supplementary Planning Documents Development Guidance and Requirements, July 2015, Residential Backland and Infill Development, November 2010, and Development, Flood Risk and Drainage, October 2010. The South Yorkshire Residential Design Guide, July 2015”

Delete point 7.

Policy H2 Housing Mix

102.The NPPF states in paragraph 47 that plans should seek to plan for a mix of housing based on demographic trends, market trends and the needs of different groups in the community. The aims of the policy are therefore consistent with national guidance. However, the justification for this policy appears reliant only on the consultation responses from the public. I am concerned there is no technical analysis of the current housing mix and deficiencies in supply of types of dwelling.

103.In this case I do not consider there is an evidential basis for the explicit requirement for smaller housing. This part of the policy can be replaced by a requirement to respond to the latest local needs housing market assessment, which is normally in the form of the Strategic Housing Market Assessment.

104.The policy relates to all housing, which in the case of small development proposals such as single dwellings may raise issues of viability. There has been no viability assessment or assessment of a threshold at which the policy should apply.

105.I therefore recommend that the housing mix element of the policy be deleted in the absence of satisfactory technical evidence. The application of a housing mix policy can be implemented by DMBC on the basis of the NPPF guidelines.

106.The requirement to integrate affordable and market housing is consistent with NPPF guidance promoting inclusive design.

RECOMMENDATION 11

Change the title of policy H2 to “Provision and Integration of Affordable Housing”

In policy H2 delete the first two paragraphs.

Add the following as a last sentence to paragraph 3.3.11;

“ DMBC will apply guidance in the NPPF requiring a mix of housing to achieve inclusive and balance communities based on the local technical evidence on current and future demographic trends, market trends and the needs of different groups in the community.”

AMENITIES and SOCIAL ASSETS

Policy COM 1 protecting and Enhancing Local Community Facilities

107.The protection of these facilities is in accordance with guidance in the NPPF and Core Strategy policy CS1, “Quality of Life” in “promoting healthy communities with plenty of opportunities for social interaction.

108.The text of the policy requires some modification in order to establish greater clarity. There needs to be more flexibility in the policy to allow for situations where no community use can be found for a building after a reasonable period of marketing.

109.The requirement in point 2 to demonstrate community support may be difficult to implement. It is difficult to define the level of community support necessary to allow removal of a community use particularly in the face of some opposition. The policy should be based on technically robust criteria rather than a need to demonstrate community support in any particular case. This criterion should be deleted.

110.Point 3 requires elaboration to illustrate the evidence required to demonstrate a community use is not a realistic proposition.

111.The lack of viability needs to be a numbered criterion in the same manner as the others.

112.The support of proposals for new or extensions to existing facilities requires some qualification in the interests of clarity.

RECOMMENDATION 12

Alter the sentence in the policy text beginning ‘The change of use of these facilities...’, as follows;

“The change of use of these existing facilities to other uses will not be permitted unless either of the following applies:”

Delete “and” at the end of point 1.

Delete point 2

Renumber point 3 to 2 and alter the text as follows;

“ 2. The existing use has been discontinued or it is not viable and it can be demonstrated there is no demand for the facility or use of the building or site as an alternative community facility. If necessary, documentary evidence should be submitted by a chartered surveyor (or similar professional person) to demonstrate that the building has been marketed for community use purposes at a fair price for a minimum period of 6 months with no reasonable offers”

Delete the sentence beginning “Otherwise developers should demonstrate...”

At the end of the sentence beginning “Development which contributes...”, insert “subject to conformity with national guidance and local statutory planning policies”.

NATURAL ENVIRONMENT POLICIES and PROPOSALS

Policy NE1 Protecting Local Landscape Character

113. This policy is in accordance with guidance in the NPPF, Chapter 11 “Conserving and enhancing the natural environment” and Core Strategy policies CS16 “Valuing our Natural Environment” and CS17, “Providing Green Infrastructure”.

114. The references in points 1 and 4 that development should be located in the built-up area of Bawtry and not in the countryside, is essentially a development strategy and not inappropriate in a policy concerned with the detail of protecting landscape character. In any case, the policies are not in conformity with policy CS3, ‘Countryside’ in the Core Strategy which allows development in the area outside Bawtry in some limited exceptional circumstances.

115. The statement in the policy that all mature trees are retained is too prescriptive and contrary to the core principles in the NPPF that policies should provide a “practical framework” for decision-making. It is nevertheless acceptable to require mature healthy trees are retained whenever possible.

116. Similarly in point 3 the requirement that all development be located away from public right of way is too prescriptive and also nebulous in determining an acceptable distance from a right of way. This design principle is acceptable in terms of planning principles to retain amenity and surveillance to militate against crime. The policy should be framed in a more flexible manner.

117. Point 4, is a development strategy and inappropriate in this policy.

RECOMMENDATION 13

In point 1 delete “Development should be located within the existing built up area of Bawtry”.

Delete point 4.

In point 2 at the end of the first sentence add “whenever possible”.

Alter point 3 as follows;

“Where possible development should be sited and designed in relation to public rights of way to reduce enclosure and loss of views to create attractive routes and mitigate against crime by maintaining surveillance.

Policy NE2 Protecting and Enhancing Local Biodiversity

118.The policy accords with NPPF guidance in Chapter 11 paragraph 117 to minimize impacts on biodiversity and Core Strategy Policy CS17: “Providing Green Infrastructure”.

119.Gladman Developments Ltd. have expressed concerns that the policy does not accord with NPPF advice which recommends criteria based policies to protect biodiversity commensurate with the status of the area to be protected. I do not accept most of those concerns as the policy clearly offers protection to the area “according to their local and national significance”. However, the requirement to compensate loss of habitats with new habitats needs to be commensurate with the impacts and significance of the habitat.

RECOMMENDATION 14

In the second sentence in the first paragraph of policy NE2, after ‘new habitats’, insert “commensurate with the impacts of the development”.

Policy NE3 Protecting and Enhancing Open Spaces and Recreational Facilities

120.This policy is in accord with guidance in paragraphs 73 and 74 of the NPPF, chapter 8 regarding protection of open space and opportunities for sport and recreation. It is also in general conformity with Core Strategy policies CS16: Valuing our Natural Environment and CS17: Providing Green Infrastructure.

121.The policy is based on evidence in the DMBC “Green Space Audit” 2013 that there is a need to protect and increase the quantity of informal and formal open space. This fulfills the requirement in paragraph 73 of the NPPF that “*Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities.*” However, the policy includes open spaces at Hermes Close and Blenheim Rise, which are classed as woodland in the “Green Space Audit Part 2 Community Analysis” where there is an identified surplus in the area. These spaces are therefore more suited to protection on the basis of

their role as woodland and green infrastructure identified in policy NE4 and map 14.

122. The policy should be worded more flexibly to take account of the advice in the NPPF that in some cases development of these areas is acceptable for example if in the future a survey reveals a surplus of such open space or compensatory open space is provided.

123. I note that the Town Council has not elected to seek to designate some open space as local green space as recommended in the NPPF. During the examination I enquired as to why this was not done and it appears that it considered the evidential requirements of such designation were too demanding. The Town Council may wish to consider at a future review of the Plan whether some of the areas of open space would merit the extra protection allowed if designated as areas of local green space.

124. I accept that at this stage bearing in mind the Plan publicity, evidential demand and intent of the policy it would not be appropriate to re-designate these as areas of local green space as part of this examination.

125. The policy offers protection of all “small and incidental green areas and open spaces”. Some small areas of this nature may lack value or it is not feasible or viable to retain them in view of the design or benefits of a particular development. There may be scope to provide replacement areas. The policy, therefore, lacks the requisite flexibility. The NPPG¹³ states policies “should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.” I recommend that this aspect of the policy be worded more flexibly to allow for an explicit consideration of the merits of retaining these spaces on an individual basis.

126. The reference in that part of the policy relating to new facilities, which requires evidence of local need, is superfluous. It is reasonable to presume if there is a proposal then there is an element of demand or need. It is potentially confusing to require a demonstration of local need as it may be difficult to define what is an acceptable level of local need and how it may be defined. The terms in the policy “actively pursued” is imprecise for use in a planning policy and unnecessary given the use of the term “supported”.

RECOMMENDATION 15

Delete the first paragraph of the policy NE3 and replace with;

“The open space and recreational facilities identified on map13 shall be retained for their current use and protected from any form of development which reduces their amenity value or function for recreational purposes unless:

¹³ Paragraph: 041 Reference ID: 41-041-20140306

1. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
2. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
3. the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Delete the sites at Hermes Close and Blenheim Rise from the map 13 and reference to them in the supporting text.

Alter the second paragraph of policy NE3 as follows;

“ There will be a presumption in favour of the incorporation of small and incidental green areas and open spaces into new development unless it can be demonstrated

1. they have limited current or potential amenity or nature conservation value, or
2. it can be demonstrated it is not viable or functional in design terms to incorporate them into the development.

In the third paragraph of the policy delete “and actively pursued where there is evidence of local need”.

Policy NE4 Green Infrastructure

127. This policy is clearly in general conformity with the principles of the NPPF and Core Strategy policy CS2: “Growth and Regeneration Strategy”.

128. The Gally Hills recreational and play area is shown as protected open space on map 13 and also as green infrastructure on map 14. These two designations are subject to different policies, which is confusing. On the basis of my site visit and bearing in mind the Town Council’s ambition for the creation of a public park and /or additional junior football pitches, I consider the primary role of the area is as open space. It should therefore be deleted from map 14.

129. The woodland sites at Hermes Close and Blenheim Rise should be included in this policy and referred to on map 14.

RECOMMENDATION 16

Delete the Gally Hills area as open space on map 14.

Include the woodland sites at Hermes Close and Blenheim Rise on map 14.

Policy NE5 Improving Accessibility for Walkers, Cyclists and Horse Riders

130. The policy is in accordance with the principles of the NPPF and Core Strategy

policy CS9; “Providing Travel Choice”.

131.The reference to “development proposals” in general needs qualification as not all proposals can include measures to improve accessibility.

132.The term “high quality” in relation to cycle parking and storage facilities is subjective and imprecise. The South Yorkshire Design Guide and contains guidelines regarding cycle parking.

133.Paragraph 3.5.33 is in bold type and written as if it is a policy requiring developments of 5 or more houses and other major commercial schemes to be designed in a manner which improves connectivity to the centre by cycling or walking. This is confusing because it is not formatted in the same manner as other policies and there is no evidence to justify it as a policy. This can be retained as guidance in the supporting text but it requires alteration.

134.Furthermore, the choice of a threshold for providing design features to promote walking and cycling of “*5 or more houses and any other major commercial schemes*” is not evidenced. There should be a reference to the evidence in traffic impact studies to justify these design options.

135. Core Strategy policy CS9: “Providing Travel Choice” can be invoked to promote cycling and walking.

RECOMMENDATION 17

In policy NE5 in the first sentence after “Development proposals” insert “when possible”.

In the second sentence in the first paragraph delete ‘high quality’ and after “facilities” insert “in accordance with guidelines” after guidelines include a footnote reference to the “South Yorkshire Design Guide”.

**In paragraph 3.5.33 alter the text so that it is not in bold script. Replace the second and third sentence in the paragraph as follows;
“ When there is evidence in traffic impact studies development shall be designed to improve connectivity to the town centre and existing infrastructure either by cycling or walking.”**

Policy NE6 Reducing Carbon Emissions and Encouraging Sustainable Design

136.The policy takes account of the NPPF principles of sustainability and the need to tackle climate change. The policy is also in general conformity with Core Strategy policy CS14:“Design and Sustainable Construction”.

137.The policy encourages the incorporation of sustainable design and energy efficiency measures to minimize carbon dioxide emissions. This is contrary to

government advice in its Written Ministerial Statement “Planning Update”, March 2015 that “*qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings*”. These requirements should be specified in Local Plans. This sentence should be deleted from the policy.

138. The policy requirement that when there are design issues with renewable proposals the protection of visual impact on local character should prevail is in accordance with the Ministerial Statement.

RECOMMENDATION 18

Delete the first sentence of the third paragraph in policy NE6.

HIGHWAYS, TRAFFIC and TRANSPORT

Policy T1 Supporting measures to Improve Traffic Management through the Town Centre

139. The policy sets out measures to be employed to reduce the adverse impacts of heavy traffic through the town centre.

140. Traffic management measures are often matters that fall outside of planning control and considered independently of specific proposals requiring planning permission. However, when there is evidence that development proposals will create traffic problems then planning conditions, the community infrastructure levy (CIL) funds or planning obligations under section 106 of the Town and Country Planning Act 1971 can be imposed, to require the scheme to provide compensatory measures or traffic management solutions. In accordance with the NPPF, paragraph 204 planning obligations should only be sought when necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Paragraph 206 of the NPPF sets out tests for the application of planning conditions. The NPPF also advises that viability considerations also apply to these requirements.

141. The policy needs to be reworded to reflect this advice. If the Town Council wishes it can also have actions in the Plan, which encourage and support these initiatives independent of specific development proposals.

142. The comments from Doncaster Council Transportation, Highways Development Control, and Road Safety relating to survey figures and a comment about the Sainsbury’s access should be qualified as a perception rather than the view of the Highway Authority in the interests of accuracy.

RECOMMENDATION 19

Replace the first paragraph of policy T1, as follows;

“ If there is adequate evidence of traffic impacts from development proposals planning conditions or obligations may be imposed in accordance with national guidance. ”

In paragraph 3.6.12 in the second sentence alter 45% to 23%.

In paragraph 3.6.19 in the first sentence after “and”, insert “there is a perception that it”

NEXT STEPS

RECOMMENDATION 20

Delete this Section from the final version of the Plan

SUMMARY

143.I have completed an independent examination of the Neighbourhood Development Plan.

144.The Town Council has carried out an appropriate level of consultation and shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulations 14 and 16 on the Neighbourhood Planning Regulations 2012.

145..I have recommended modifications to the policies in order to satisfy the basic conditions particularly to ensure that they provide a clear basis for decision-making, take account of the NPPF and are in general conformity with local development plan policies.

146.Subject to these modifications, I am satisfied that the plan meets the Basic Conditions, as follows:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e). The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

147. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

148. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension.

149. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area, as they are currently defined.

102. I am therefore pleased to recommend that the Bawtry Neighbourhood Development Plan, as modified by my recommendations, should proceed to a referendum.