

# **Farnsfield Neighbourhood Plan 2016 - 2033**

**Report by Independent Examiner**

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

**CHEC Planning Ltd**

**10 May 2017**

<b>Contents</b>	<b>Page</b>
Summary and Conclusion	3
Introduction	4
Legislative Background	4
EU Obligations	5
Policy Background	6
The Neighbourhood Plan Preparation	7
The Farnsfield Neighbourhood Plan	8
FNP1: Housing Development Within The Village Envelope	8
FNP2: Infill Development Within The Village Envelope	10
FNP3: Affordable Housing	11
FNP4: Local Employment Opportunities	14
FNP5: Creating A Thriving Parish	15
FNP6: Other Uses On Employment Sites	17
FNP7: The Quality Of Development	18
FNP8: Landscape	19
FNP9: Access To The Countryside	20
FNP10: Community Facilities	21
Referendum & the Farnsfield Neighbourhood Plan Area	22
Appendix 1 Background Documents	23

## Summary and Conclusion

1. The Farnsfield Neighbourhood Plan has a clear vision and sets out a number of objectives. It has a strong evidence base to support the policies, particularly in the Character Appraisal and Design Guidance (January 2017).
2. I have recommended modification to some of the policies in the Plan. In particular, I have recommended that the affordable housing Policy FNP3 is modified to refer to affordable housing contributions being within the national threshold for contributions. In addition, I have recommended that this policy defines smaller properties as 2 bedrooms or fewer, in accordance with local housing need evidence in the Housing Market & Need Assessment Sub-area Report (2014).
3. I have suggested revised wording to Policies FNP4 and FNP5 to support the provision of additional public car parking, rather than require such a provision, to ensure that these policies have regard to national policy on developer contributions.
4. The support for tourism development both within the village envelope and the rural area in Policy FNP5 is not in general conformity with the restrictions imposed in Core Strategy Core Policy 9. I have recommended modification to Policy FNP5 to ensure general conformity with strategic policy.
5. In the interest of precision I have recommended that the title of Policy FNP6 includes reference to sites for residential institutions for the care of older persons.
6. As not all of Farnsfield is within the Conservation Area, I have recommended modification to Policy FNP7 to reflect this.
7. There does appear to be an editing error in Policy FNP8 which has made the second paragraph unclear. I have recommended modification to address this.
8. Improved signage and information about footpaths are not land use and development policy. Therefore, I have recommended that these references are deleted from Policy FNP9.
9. In the interest of precision, I have recommended modification to Policy FNP10 to ensure that developer contributions are sought in accordance with the tests as set out in the *Community Infrastructure Levy Regulations 2010*.
10. **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 Farnsfield Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Farnsfield Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

## Introduction

11. I was appointed as an independent Examiner for the Farnsfield Neighbourhood Plan in January 2017.
12. On 25 June 2014 Newark & Sherwood District Council (NSDC) approved that the Farnsfield Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Farnsfield.
13. The qualifying body is Farnsfield Parish Council. The Plan has been prepared by the Farnsfield Neighbourhood Plan Steering Group on behalf of Farnsfield Parish Council.
14. As part of my examination, I sought clarification on a number of matters in an email to both NSDC and Farnsfield Parish Council. My request, together with the replies, is published on the NSDC web site.
15. 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 National Planning Policy Framework (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.
16. The footnote at the bottom of each page refers to the plan period as being between 2016- 2026. I note that the actual proposed plan period is 2016-2033 in line with the proposed Local Plan review. In the interest of precision, the plan period in the footnote should correspond with the plan period of 2016 – 2033.
17. The footnote is dated January 2017. This will need updating for the made Plan. I see this as a minor editing matter which has no bearing on whether the Plan meets the Basic Conditions.
18. **Recommendation: to meet the Basic Conditions, I recommend modification to the footnote to specify the plan period as 2016 – 2033.**

## Legislative Background

19. 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.
20. 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.
21. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

## EU Obligations

22. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
23. NSDC prepared a Strategic Environmental Assessment and Habitat Regulations Assessment Screening Statement in November 2016 for the Farnfield Neighbourhood Plan 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.
24. Regarding the need for a SEA, the Screening Statement concluded that the *Plan will not have significant negative effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to a full SEA.* Natural England concurred with this conclusion.
25. 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.

26. The HRA Screening Assessment concludes that *no significant effects are likely to occur with regards to the integrity of the Birklands & Bilhaugh SAC to the north of Farnsfield and the identified breeding areas in relation to the Sherwood Forest pSPA, due to the implementation of the Plan. As such the Plan does not require a full HRA to be undertaken.* Natural England concurred with this conclusion.
27. 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.
28. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

## Policy Background

29. *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.*
30. Paragraph 7 in the NPPF identifies the three dimensions to sustainable development:

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

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

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

**•an environmental role** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and*

*pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

31. The development plan for the Farnsfield 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 all Core Strategy policies regarding the delivery of homes and jobs in the area and conservation and enhancement of the natural and historic environment.
32. 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**

33. 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.
34. The initial consultation process included a public meeting in September 2014 to explain the target areas of interest. This was followed in November 2014 by the distribution of questionnaires to all households and businesses in the village. The purpose of this consultation was to obtain wider views on the key issues for the future of Farnsfield. An article was published in the Bramley Newspaper in July 2015 explaining the outcome of the consultation questionnaire. At the VJ Day Celebrations in August 2015 the Neighbourhood Plan process was promoted and the opportunity was taken to obtain further information from the community.
35. The Consultation period on the pre-submission draft of the Plan ran from 21 November 2016 to 6 January 2017. Consultation included the distribution of a letter from the Parish Council with an accompanying feedback questionnaire and comments form which was delivered to all households and businesses by the Steering Group and volunteers. A similar letter was sent to statutory consultees.
36. 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 qualifying body went to considerable lengths to ensure that local residents and businesses were able to engage in the production of the Plan. I congratulate those involved on their efforts.
37. NSDC publicised the submission Plan for comment during the publicity period between 27 February 2017 and 11 April 2017 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of three responses were received, together with representations by NSDC. Whilst I have not made reference to all the responses in my report, I have

taken them into consideration. I am satisfied that all these responses can be assessed without the need for a public hearing.

38. I have been provided with a detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information.

## **The Farnsfield Neighbourhood Plan 2016 - 2033**

### **Background To The Parish**

39. For ease of reference, I have used the same headings and policy titles as those in the Plan. The background section includes summaries of historic development, population, housing, landscape characteristics and flood risk, economy and employment, services and facilities. Further detailed background is found in a separate evidence base document. This has provided an easily accessible source of background information and useful background justification for the policies in the plan.

### **Vision and Objectives**

40. A clear Community Vision for the Parish has been established as follows:

*Farnsfield will remain a thriving, cohesive village with a distinctive character, continuing to evolve and expand responsibly, ensuring that growth maintains these features, and providing a superior quality of life for current and future generations.*

*Sustainable growth will enable the provision of a choice of new homes - including affordable homes which will be indistinguishable and fully integrated with the market housing - to meet the needs of all sections of the community, in a manner which respects the character of the village and wider parish.*

41. A number of objectives have been set to deliver the vision with regard to housing, lifelong sustainability, character, recreation and accessibility, and security and services.

### **Housing Development within Farnsfield**

#### **FNP1: HOUSING DEVELOPMENT WITHIN THE VILLAGE ENVELOPE OF FARNFIELD**

42. The NPPF in paragraph 185 is clear that outside the strategic elements *neighbourhood plans will be able to shape and direct sustainable development in their area*. National policy emphasises that development means growth.



43. Core Strategy Spatial Policy 1 identifies Farnsfield as a Principal Village in the Southwell Area. The function of such villages is to *act as secondary focus for service provision in each Area. Support for service provision in these locations to assist rural accessibility.*
44. Core Strategy Spatial Policy 2 is concerned with the spatial distribution of growth. For Farnsfield this equates to 10% of the Primary Village Growth, which is 142 dwellings. It is clear from the background evidence supporting the Neighbourhood Plan that existing planning permissions on three sites exceed this requirement. The Neighbourhood Plan Examination process does not require a rigorous examination of district wide housing land requirements. Nevertheless, it is quite clear that there is no strategic requirement for further housing development in the Plan area.
45. A&DM DPD Policy DM1 supports proposals for housing within the Village envelopes of *Principal Villages appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.*
46. The Plan does not allocate sites for housing development. Instead it provides policy criteria for the location and type of housing that will be supported. In this respect, I consider that Policy FNP1 has regard to national policy and is in general conformity with strategic policy on housing provision.
47. 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.
48. Core Strategy Core Policy 9 *expects new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.*
49. 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.*
50. 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.
51. Policy FNP1 is divided into four bullet points. The first one refers to respecting the scale and character of the village as defined in the Farnsfield Character Appraisal. The supporting text refers to a November 2016 version of that document. I have been provided with a January 2017 version of the

document. I sought clarification on this matter and was informed by the Parish Council that the January 2017 version is the correct one. I have asked for their response to be published on the NSDC web site.

52. In the interest of providing a practical framework for decision making, I recommend that it is made clear throughout the Plan that the Farnsfield Character Appraisal being referred to is the January 2017 version. Rather than mention this under each policy, I will deal with it here. The Farnsfield Character Appraisal is referred to on pages 14, 15, 16, 17, 18, 19 and 20.
53. 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.
54. The Farnsfield Character Appraisal is a comprehensive analysis of the character of the village and includes design guidance and a summary of character area priorities. As such, this document provides an understanding and evaluation of the defining characteristics of the village.
55. Policy FNP1 is explicit in its support for new housing and particularly recognises that new housing development within the village envelope will be supported where it respects the scale and character of the village, has no adverse effect on neighbours, does not have an adverse impact on existing infrastructure, maximises sustainability and encourages biodiversity. This approach has regard to policy in the NPPF, particularly where it requires policies to recognise housing growth; where it promotes high quality design; and where it seeks to enhance biodiversity. In addition, this approach contributes towards sustainable development and is in general conformity with the Core Strategy strategic policy referred to above. Policy FNP1 meets the Basic Conditions.
56. **Recommendation: to meet the Basic Conditions, I recommend modification throughout the Plan to the Farnsfield Character Appraisal being referred to as the January 2017 version.**

## **FNP2: INFILL DEVELOPMENT WITHIN THE VILLAGE ENVELOPE**

57. Although I have examined each policy in turn, I have tried to avoid unnecessary repetition. Policy FNP2 supports the development of new infill plots within the village envelope subject to four criteria. Three of these are identical to those in Policy FNP1. In these circumstances, my comments under Policy FNP1 apply.
58. The remaining criterion seeks to ensure that access and car parking have no adverse impact in the locality. When I visited the Parish I was well aware of the restrictions of narrow roads and existing parking difficulties. As such, this criterion helps to achieve the creation of a high quality built environment.

59. For the reasons outlined above and under Policy FNP1, Policy FNP2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy FNP2 meets the Basic Conditions.

### **FNP3: AFFORDABLE HOUSING**

60. Extracts from a Written Ministerial Statement of 28 November 2014 below explain the national policy regarding developer contributions and affordable housing:

*Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.*

*For designated rural areas under Section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought.*

*These changes in national planning policy will not apply to Rural Exception Sites.*

61. The Core Strategy was adopted prior to the Written Ministerial Statement. For the Farnsfield area, Core Strategy Core Policy 1 states that the qualifying threshold for affordable housing contributions in the rest of Newark and Sherwood (excluding Newark Urban Area) applies to all housing proposals of 5 or more dwellings or sites of 0.2 ha or above (irrespective of dwelling numbers). It is clear that the qualifying threshold is below that in more recent national policy. In addition, Core Strategy Core Policy 1 seeks to secure 30% of new housing development on qualifying sites as Affordable Housing *but in doing so will consider the nature of the housing need in the local housing market; the cost of developing the site; and the impact of this on the viability of any proposed scheme.*
62. The NPPF states at paragraph 210 that: *Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.* I consider the national policy on planning obligations for affordable housing and social infrastructure contributions to be a material consideration in the determination of planning permission other than in accordance with Policy in the development plan. Having regard to national policy, I recommend that Policy FNP3 is modified to reflect the national threshold.
63. It seems from the explanatory text accompanying Policy FNP3 that the first part of the policy relates to affordable housing within the village envelope. In the interest of precision, this should be made clear in the policy.

64. Supporting text for Policy FNP3 refers to a Housing Needs Survey undertaken in 2007. I asked for this document as part of my clarification email and asked for it to be available via the Council's web site. The survey identified a high level of need for 2 bedroom properties for young adults and older residents wishing to remain in the village. These included the need for bungalows. Since the survey, there have been new affordable dwellings built. In the background evidence to this Plan it is stated that the NSDC Housing Officer is of the view that the majority of the housing need identified in the Housing Needs Survey has now been met. In addition, the background evidence indicates that a demand for bungalows still exists. I understand that nineteen people identified this as a priority in the Housing Needs Survey and only eight bungalows are proposed to be delivered through recent permissions. This indicates to me that there is justified evidence for the requirement for older people's accommodation in Policy FNP3.
65. NSDC has raised concern regarding the definition of the size of smaller properties in Policy FNP3 as being 3 bedrooms or fewer. NSDC has stated that the latest local housing need evidence, the Housing Market & Need Assessment (2014), identifies that demand in the social sector (Table 8-11 in the Housing Market & Need Assessment Sub-area Report (2014) is focussed on 1 and 2 bed units within the 'Southwell Area'. I asked for these documents and asked for them to be available via the Council's web site.
66. I note that the need for three bedroom affordable houses identified in the Housing Need Survey has been significantly exceeded in existing planning permissions. I have no further up-to-date evidence before me to indicate that this need remains. In these circumstances, I consider that the conclusion of the Housing Market & Need Assessment (2014) is most relevant in determining the definition of the size of smaller properties for affordable housing provision. Therefore, I recommend modification to Policy FNP3 to reflect this definition of smaller properties being 2 bedrooms or fewer. This ensures general conformity with strategic policy where Core Strategy Core Policy 1 requires a consideration of the nature of the housing need in the local housing market.
67. The provision of starter homes for local people is included in Policy FNP3. The current White Paper *Fixing our Broken Housing Market* (February 2017) states that for young aspiring home owners *the Government is committed to ensuring there is a range of affordable homes to support their aspiration to buy, including discounted starter homes*. As the Government is seeking to significantly boost the supply of affordable housing, I consider the provision of starter homes for local people in Policy FNP3 has regard to national policy.
68. Rural exception sites are defined in the Glossary in the NPPF as *small sites used for affordable housing in perpetuity where sites would not normally be used for housing*.
69. Farnsfield is defined as a rural area identified in Appendix A in the Core Strategy. Core Strategy Core Policy 2 seeks the provision of affordable

housing in such defined rural parts of the District on rural affordable housing 'exceptions sites.' NSDC has stated in their representation that by definition, they are not sites that would be within the main built up area. However, Core Policy 2 states that such sites should be in, or adjacent to, the main built-up area of villages. On this basis, I see no reason to remove reference to such sites being within the main built up area from Policy FNP3 for it to be in general conformity with strategic policy.

70. The second bullet point under rural exception sites concerns respecting the scale and character of the village and surrounding landscape. The Newark and Sherwood Landscape Character Appraisal has been referred to with regard to respecting the landscape. I have been provided with a summary of the relevant parts of this document in the background evidence to this Plan. This second bullet point has regard to the core principles in the NPPF; particularly that planning should be taking account of the different roles and character of different areas.
71. The last paragraph in Policy FNP3 allows for further affordable housing even if local housing needs have been adequately satisfied within the village. As mentioned, the NPPF is seeking to significantly boost the supply of housing. As such, this paragraph in Policy FNP3 has regard to national policy.
72. Subject to the proposed modifications identified above, Policy FNP3 has regard to national policy on the delivery of affordable housing, is in general conformity with strategic policy (noting the disparity with more recent national policy) and contributes towards the social role of sustainable development. Subject to my proposed modifications, Policy FNP3 meets the Basic Conditions.
73. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy FNP3 to read as follows:**

**Affordable housing within the village envelope will be supported where it is in accordance with Core Policy 1 'Affordable Housing Provision' (but within the national threshold) and the wider policies of the Neighbourhood Plan, and would meet an identified local need for:**

- **Older people's accommodation, including bungalows;**
- **Smaller properties (2 bedrooms or fewer); and**
- **Starter homes for local people.**

**In the event that rural affordable housing 'exception sites' come forward, these will be supported, in line with Core Policy 2 'Rural Affordable Housing, where the following criteria are satisfied:**

- **The site is within or adjacent to the main built up area of Farnsfield; and**
- **The development would respect the scale and character of the village (as defined within the Farnsfield Character Appraisal**

**dated January 2017) and surrounding landscape (as defined within the most recent Newark & Sherwood Landscape Character Appraisal Supplementary Planning Document).**

**Where it can be demonstrated and evidenced that current identified local housing needs have been adequately satisfied within the village then, subject to the above, affordable housing within developments and on 'exception sites' will be supported where this contributes towards meeting up-to-date local housing needs.**

## **The Economy of Farnsfield**

### **FNP4: LOCAL EMPLOYMENT OPPORTUNITIES**

74. One of the core principles in the NPPF includes the need to proactively drive and support sustainable economic development. The NPPF promotes a strong rural economy. At paragraph 28 it states: *planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.*
75. Core Strategy Core Policy 6 seeks to strengthen and broaden the local economy. It seeks to provide *most growth, including new employment development, at the Sub-Regional Centre of Newark, and that of a lesser scale directed to our Service Centres and Principal Villages, to match their size, role and regeneration needs.*
76. Policy FNP 4 supports the development of new employment opportunities if they are of an appropriate scale and if they can be satisfactorily accommodated. Particular concern is the effect on infrastructure, public parking and local character. The background evidence justifies these concerns. Nevertheless, whilst I acknowledge that the provision of public car parking within the village is a concern to local residents; it is not the role of new businesses to rectify an existing problem.
77. 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*. In this context, I do not consider that a requirement to contribute towards public car parking capacity, where possible, has regard to national policy. However, this would not prevent the policy from supporting any contributions towards the provision of public car parking. In this context, I have suggested revised wording to support the provision of additional public car parking, rather than require such a provision.
78. Subject to my suggested proposed modification, Policy FNP 4 has regard to national policy to promote a strong rural economy. It contributes towards the economic role of sustainable development and has regard to strategic policy

seeking to strengthen and broaden the local economy. Policy FNP4, as modified, meets the Basic Conditions.

79. **Recommendation: to meet the Basic Conditions I recommend modification to Policy FNP4 to read as follows:**

**Development which includes new employment opportunities, will be supported within the village envelope of Farnsfield, where:**

- **It is of a scale appropriate for a village location;**
- **It can be satisfactorily accommodated within the existing highway infrastructure of the village;**
- **It can be satisfactorily accommodated within the wider infrastructure of the village, including drainage, education, and health in particular, having had regard to proposed mitigation and/or improvement measures;**
- **It would not adversely impact on the availability of public car parking within the village. Contributions towards increased public car parking capacity – including through making its facilities available outside of operating hours, would be supported;**
- **It is sympathetic to the residential environment of the village;**
- **It respects the character of the village as defined within the Character Appraisal.**

**In addition, employment opportunities will be particularly encouraged where they also deliver the following:**

- **It would provide skilled jobs for local people;**
- **It would make provision for micro businesses and start-ups; and/or**
- **It supports new and/or growth sectors.**

### **FNP5: CREATING A THRIVING PARISH**

80. Paragraph 28 in the NPPF states that neighbourhood plans should *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.*

81. Paragraph 70 in the NPPF requires *planning policies to plan positively for the provision and use of community facilities and guard against the unnecessary loss of valued facilities.*

82. Core Strategy Spatial Policy 8 encourages the provision of new and enhanced community and leisure facilities. Core Policy 8 defines Farnsfield as a Local Centre with the following role and function: *concerned with the sale of food and other convenience goods to the local community in which they are located.*
83. Core Strategy Core Policy 7 supports tourism and visitor based development subject to a list of criteria. This list includes: *Attractions and facilities will only be supported in the Principal Villages and Rural Areas where a rural location is necessary to meet identified tourism needs, it constitutes appropriate rural diversification, and can support local employment, community services and infrastructure; or the development relates to a new or existing tourist attraction that is based upon site specific heritage or natural environment characteristics, and complies with Criteria 5 to 9 of Spatial Policy 9.*
84. Policy FNP5 is an all-encompassing policy supporting new opportunities for community, retail, cultural, leisure and tourism development. The support for tourism development both within the village envelope and the rural area is not in general conformity with the restrictions imposed in Core Strategy Core Policy 7. I regard this as a strategic Core Strategy policy. Whilst it is not necessary to repeat core strategy policy, to ensure general conformity, I recommend reference to conformity with Core Strategy Core Policy 7 in Policy FNP5. This will ensure that there is no contradiction within the development plan and thus provide a practical framework for decision making.
85. For the same reasons as stated under Policy FNP4 above, I recommend modification to the bullet point regarding public car parking. I have suggested the same wording as that suggested for Policy FNP4 in this respect.
86. Subject to my proposed suggested modifications, Policy FNP5 has regard to national policy, contributes towards the social and economic roles of sustainable development and is in general conformity with the strategic policy referred to above. Policy FNP5, as modified, meets the Basic Conditions.
87. **Recommendation: to meet the Basic Conditions I recommend modification to Policy FNP5 to read as follows:**
- Development will be supported for uses that will contribute to the vitality and viability of Farnsfield through the creation of new opportunities for community, retail, cultural, leisure and tourism, where:**
- **It is within the Village Envelope;**
  - **It is of a scale appropriate for a village location;**
  - **It can be satisfactorily accommodated within the existing highway infrastructure of the village having had regard to proposed mitigation and/or improvement measures;**



- It can be satisfactorily accommodated within the wider infrastructure of the village, having had regard to proposed mitigation and/or improvement measures, including drainage, education and health in particular;
- It would not adversely impact on the availability of public car parking within the village. Contributions towards increased public car parking capacity – including through making its facilities available outside of operating hours, would be supported;
- Is sympathetic to the residential environment of the village;
- Respects the character of the village as defined within the Farnsfield Character Appraisal (2017);
- Tourism development is in accordance with Core Strategy Core Policy 7.

**Outside of the Village Envelope, uses will be supported that contribute to tourism and rural diversification, where they are in accordance with the wider policies of the Neighbourhood Plan, in particular FNP8 and where tourism development is in accordance with Core Strategy Core Policy 7.**

#### **FNP6: OTHER USES ON EMPLOYMENT SITES**

88. Core Strategy Core Policy 6 seeks to maintain and enhance the employment base of towns and settlements and supports the economies of rural communities. In doing so, it lists criteria against which proposals for economic development uses wider than the B Use Classes will be considered on existing employment sites.
89. Policy FNP6 is divided into two parts. The first part encourages other employment generating uses where it has been demonstrated that existing traditional employment sites are no longer suitable for such use. It recognises the changing nature of employment away from traditional uses. I consider this to be a pragmatic approach to proactively driving and supporting sustainable economic development. As such, this part of Policy FNP has regard to national policy and contributes towards sustainable economic development. In addition, it is in general conformity with strategic policy in Core Strategy Core Policy 6.
90. The second part of Policy FNP6 relates to the recognised justified need within the Parish for accommodation for older people. If there is insufficient land within the village envelope, then sites immediately adjacent to the village envelope will be considered, providing they meet the requirements of the Development Plan in all other aspects. NSDC has not objected to the possibility that residential institutions may be built adjacent to the village

envelope, within the countryside. Indeed, the precise wording of this second part of Policy FNP6 was suggested by NSDC.

91. Core Strategy Spatial Policy 3 clearly seeks to strictly control and restrict development away from the main built up areas of villages in the open countryside. The second part of Policy FNP6 conflicts with this approach. However, it is in general conformity with Core Strategy Spatial Policy 2 where it focusses on securing sustainable communities: *To secure and support the role of Service Centres and Principal Villages identified for this approach, provision will be made for new housing to meet local housing need and support for employment to provide local jobs.*
92. Paragraph 185 in the NPPF is clear that outside the strategic elements, *neighbourhood plans will be able to shape and direct sustainable development in their area.* National policy emphasises that development means growth.
93. Taking all the above into consideration, I consider that the second part of Policy FNP6 has regard to national policy and contributes towards sustainable development. Whilst there is some conflict with strategic policy, I consider that it is in general conformity with the strategic role of Principal Villages to provide housing for local need and employment for local jobs.
94. Policy FNP6 is titled 'Other Uses on Employment Sites'. Whilst this is relevant to the first part of the policy, it is not relevant to the second part. In the interest of precision, I recommend modification to the title to include reference to residential institutions for the care of older persons. I have suggested a suitable title. Subject to this modification, Policy FNP6 meets the Basic Conditions.
95. **Recommendation: to meet the Basic Conditions, I recommend modification to the title of Policy FNP6 to read as follows:**

**FNP6: OTHER USES ON EMPLOYMENT SITES AND SITES FOR RESIDENTIAL INSTITUTIONS FOR THE CARE OF OLDER PERSONS.**

### **Character of Farnsfield**

96. As mentioned under Policy FNP1, the Farnsfield Character Appraisal referred to throughout the Plan should be the January 2017 version. To avoid unnecessary repetition, I have already recommended that the corrections are made throughout the plan and thus have not made additional comment in this section where the 2016 version is referred to.

### **FNP7: THE QUALITY OF DEVELOPMENT**

97. Good design is a key aspect of sustainable development. As mentioned previously under Policy FNP1, 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.

98. Core Strategy Core Policy 9 *expects new development proposals to demonstrate a high standard of sustainable design*. 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*.
99. Policy FNP7 seeks to ensure that new development has taken into account the character of the village in its design approach. The Farnsfield Character Appraisal includes design guidance which emphasises the importance of responding to local character. The Appraisal of the Character and Appearance of the Farnsfield Conservation Area, Supplementary Planning Guidance (adopted in 2000) clearly outlines the topographical and architectural characteristics of the Conservation Area and the potential for enhancement. These two documents provide a comprehensive background to the quality of new development envisaged to be achieved through Policy FNP7.
100. My one concern with Policy FNP7 is a matter of precision. As the Conservation Area does not encompass the whole of Farnsfield, in the interest of precision, I recommend modification to take this into account. Subject to this modification, Policy FNP7 has regard to national policy, particularly where it seeks high quality design; contributes towards the environmental role of sustainable development; and is in general conformity with the strategic policy referred to above. As such, Policy FNP7 meets the Basic Conditions.
101. **Recommendation: to meet the Basic Conditions, I recommend modification to the second paragraph of Policy FNP7 to read as follows:**
- All developments should demonstrate how they have considered and responded to the Farnsfield Character Appraisal and Design Principles (2017) and, where relevant, to the most recent Farnsfield Conservation Area Appraisal.**

#### **FNP8: LANDSCAPE**

102. Paragraph 109 in the NPPF emphasises the need to conserve and enhance the natural environment, including protecting and enhancing valued landscapes.
103. 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*.

104. Farnsfield sits at the junction between two Landscape Character Areas as defined in the Newark and Sherwood Landscape Character Appraisal (2013). Policy FNP8 recognises the requirement in Core Strategy Core Policy 13 for new development to respond to the implications of the Landscape Policy Zones. In doing so, it seeks a proportionate approach, recognising that a landscape strategy may not be appropriate for all new development.
105. There does appear to be an editing error in Policy FNP8 which has made the second paragraph unclear. As suggested by NSDC, in the interest of precision, I recommend modification to create a new paragraph from 'Where appropriate proposals...' Subject to this modification, Policy FNP8 has regard to national policy, particularly where it seeks to conserve and enhance the natural environment; contributes towards the environmental role of sustainable development; and is in general conformity with strategic policy. As such, Policy FNP8 meets the Basic Conditions.

106. **Recommendation: to meet the Basic Conditions, I recommend modification to the layout of Policy FNP8 to read as follows:**

**Development proposals located within or adjacent to a Landscape Policy Zone, or Zones, (as defined within the Newark & Sherwood Landscape Character Appraisal Supplementary Planning Document) should ensure that they have considered and appropriately responded to the implications of the Zone(s), and demonstrate that the meeting of the landscape conservation and enhancement aims would be contributed towards. In doing so proposals should therefore:**

**Demonstrate how they have considered the landscape setting and character of the site.**

**Where appropriate, proposals, including those within the Main Built-up Area should:**

- **Include an appropriate and proportionate landscape strategy which provides information about the timing and implementation of that strategy; and**
- **Make use of locally appropriate species (as identified within the Newark & Sherwood Landscape Character Appraisal Supplementary Planning Document).**

## **Local Facilities and Activities**

### **FNP9: ACCESS TO THE COUNTRYSIDE**

107. At paragraph 75, the NPPF seeks to protect and enhance public rights of way and access.

108. Core Strategy Core Policy 11 promotes rural accessibility to services, facilities and employment. Core Strategy Core Policy 12 supports the development of a Green Infrastructure Network.
109. Policy FNP9 seeks to ensure that new development takes the opportunity to provide access to the countryside. The third bullet point regarding improved signage and information about footpaths is not a land use and development policy. Therefore, I recommend that this bullet point is deleted. Subject to this suggested modification, Policy FNP9 has regard to national policy, particularly that in paragraph 75 in the NPPF. In addition, it contributes towards the environmental and social roles of sustainable development; and is in general conformity with strategic policy. As such, Policy FNP9 meets the Basic Conditions.
110. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy FNP9 to read as follows:**

**Developments should:**

- **Maximise site specific opportunities to enable or improve access to the countryside for recreational purposes;**
- **Ensure that wherever possible, connections into the existing footpath network are provided; and**
- **Maximise opportunities to link to the wider Green Infrastructure Networks of the District.**

**FNP10: COMMUNITY FACILITIES**

111. The social role of sustainable development includes supporting strong, vibrant and healthy communities. Paragraph 70 in the NPPF requires planning policies to plan positively for the provision and use of community facilities to enhance the sustainability of communities.
112. Core Strategy Spatial Policy 8 encourages the provision of new and enhanced community and leisure facilities particularly where they address a deficiency in current provision, and where they meet the identified needs of communities.
113. As mentioned under Policy FNP4, 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*. Therefore, I consider it necessary to modify Policy FNP10 by including reference to these tests. This will ensure that the policy has regard to this national policy.
114. The first and last paragraphs of Policy FNP10 are not land use and development policy matters. Therefore, I recommend deletion of these

paragraphs. I have suggested modified wording to take into account my concerns raised above. Subject to this modified wording, I consider that Policy FNP10 has regard to national policy, contributes towards the social role of sustainable development and is in general conformity with strategic policy. Policy FNP10, as modified, meets the Basic Conditions.

115. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy FNP10 to read as follows:**

**Within new developments, contributions towards community facilities identified by the Parish Council as local priorities in their Parish Council Strategy will be sought through planning obligations (under s106 of the Town and Country Planning Act) in accordance with the tests as set out in the *Community Infrastructure Levy Regulations 2010*.**

**Developers are encouraged to engage with the Parish Council prior to the preparation of any planning application to confirm what these local priorities are, to ensure that where appropriate and viable, the facilities proposed to complement any development proposals reflect these aspirations.**

## **Referendum and the Farnsfield Neighbourhood Plan Area**

116. 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.

117. **I am pleased to recommend that the Farnsfield Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**

118. I am required to consider whether or not the Referendum Area should extend beyond the Farnsfield Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

**Janet Cheesley**

**Date** 10 May 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  
Submission Farnsfield Neighbourhood Plan - Character Appraisal and Design Guidance (January 2017)  
Submission Farnsfield Neighbourhood Plan - Evidence Base (November 2016)  
Submission Farnsfield Neighbourhood Plan - Basic Conditions Statement (January 2017)  
Submission Farnsfield Neighbourhood Plan – Draft Consultation Statement (January 2017) and appendices  
Farnsfield Neighbourhood Plan SEA & HRA Screening Report (PDF File, 878kb)  
SEA & HRA Screening Report - Environment Agency Response (November 2016)  
Pre-submission Draft Consultation - Newark & Sherwood District Council Comments  
The Housing Market & Need Assessment (2014), (NSDC)  
The Housing Market & Need Assessment Sub-area Report (2014) (NSDC)  
Farnsfield Housing Need Survey (January 2008)  
Appraisal of the Character and Appearance of the Farnsfield Conservation Area, Supplementary Planning Guidance (adopted in 2000)  
Newark and Sherwood Landscape Character Appraisal (Summary Extract) (2013).  
The Farnsfield Character Appraisal (January 2017)