

Wessington Neighbourhood Plan

2017-2034

The Report by the Independent Examiner

Richard High BA MA MRTPI

8 April 2019

Page deliberately blank

Contents

Summary	5
Introduction	7
Appointment of Independent Examiner	7
The Scope of the Examination	7
The Preparation of the Plan	9
Public Consultation	10
The Basic Conditions Test – The Plan taken as a whole	11
National Policy and Guidance	11
Sustainable Development	12
General Conformity with the strategic policies of the development plan	13
EU obligations and Habitats Regulations	14
Human Rights	16
Wessington in Context	16
Vision and Objectives	17
Engaging with the Community – A Key Principle	17
Policies	18
1: Sustainable Development and the Settlement Development Limit	19
2: Protecting the Natural Environment and Landscape Character	20
3: Design Principles	21
4: A Mix of Housing Types	23
5: Protecting Heritage Assets	23
6: Enhancing the Provision of Community Facilities	25
7: Local Green Spaces Employment and Tourism Opportunities	25
8: Local Employment	26
Aspirational Policy 1: Highway Safety	27
Implementation, Monitoring and Review	27
Conclusion and Referendum	28

Page deliberately blank

Summary

I have recommended some modifications to the Wessington Neighbourhood Plan and I have concluded that, if the modifications that I have recommended are made:

- The Wessington Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
- The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights;
- 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.

I am therefore pleased to **recommend that the Wessington Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have not received any representations or seen any other evidence to suggest that the policies of the Plan will have a substantial impact on people living outside the neighbourhood area. I **therefore conclude that there is no need to extend the referendum area.**

Page deliberately blank

Introduction

1. The Localism Act 2011 has provided local communities 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. Wessington Parish Council (WPC) is the qualifying body for the Wessington Neighbourhood Plan, which I shall refer to as the WNP or the Plan.
3. If, following a recommendation from this examination, the WNP proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. This would make it 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.

Appointment of the Independent Examiner

4. I have been appointed by North East Derbyshire District Council (NEDDC) with the agreement of WPC to carry out the independent examination of the WNP.
5. I confirm that I am independent of both NEDDC and WPC. I have no interest in any land which is affected by the WNP. I have had no professional involvement in Wessington, but I have carried out two other independent examinations of neighbourhood plans for Holymoorside and Walton and Ashover, which are both in North East Derbyshire and Crich, which is in Amber Valley District but also nearby.
6. I am a Chartered Town Planner with over 30 years experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed over 35 neighbourhood plan examinations and three health checks. I therefore have the appropriate qualifications and experience to carry out this examination.

The Scope of the Examination

7. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
8. I must:
 - i. Decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.
 - ii. Decide whether the neighbourhood development plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan. 7

- iii. Make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the Plan area.
9. The Plan meets the basic conditions if:
 - i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
 - ii. The making of the Plan contributes to sustainable development;
 - iii. The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - iv. The making of the Plan does not breach, and is otherwise compatible with, EU obligations;
 - v. 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 2017.¹
10. I am also required to consider whether the Plan is compatible with the European Convention on Human Rights.
11. Paragraph 9 of Schedule 4B indicates that 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. In carrying out the examination I concluded that the examination could be completed without a hearing.
12. The main documents to which I have referred in the examination are listed below:
 - Wessington Neighbourhood Plan 2017-2034 Submission Version 2017-2034
 - Wessington Neighbourhood Plan Consultation Statement
 - Wessington Neighbourhood Plan Basic Conditions Statement 23 October 2018
 - Wessington Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulations Assessment Screening Statement
 - Wessington Village Appraisal 2018
 - Responses to Regulation 16 publicity on the Submission Plan
 - North East Derbyshire Local Plan 2001-2011 (NEDLP)
 - North East Derbyshire Local Plan 2014-2034 Publication Version February 2018 (NEDSLP)
 - The Neighbourhood Planning (General) Regulations 2012 as amended (NPR)
 - The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

¹ This basic condition was added in an amendment to the Neighbourhood Planning (General) Regulations 2012 set out in The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. 8

- The Conservation of Habitats and Species Regulations 2017 (CHSR)
 - The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
 - The National Planning Policy Framework 2012 which is referred to as the NPPF and the new edition of the Framework issued in July 2018 (NPPF2)
 - National Planning Practice Guidance referred to as PPG
13. The documents submitted include all of those that are required to be submitted under regulation 15 of the NPR. As the Plan was submitted prior to 24 January 2019 it will be examined against the policies in the 2012 NPPF.²
14. I made an unaccompanied visit to Wessington on 5 March 2019 to familiarise myself with the area. I walked around the village and saw all the sites where development has been permitted, the proposed Local Green Spaces, the significant viewpoints identified on Map 10, and the character areas identified in the Village Appraisal. I also took note of the heritage assets identified in the Plan and walked along several of the footpaths within and around the village to understand connectivity within the village and its relationship with its surroundings.
15. During the examination I sought clarification on some issues by email. My emails and the response to them have been posted on the NEDDC website.

The Preparation of the Plan

16. An application for the designation of the neighbourhood area for the WNP was submitted on 5 June 2015. It was subject to consultation from 10 June 2015 to 31 July 2015 and the designation was confirmed on 18 August 2015. The neighbourhood area includes a small area which lies within Brackenfield Parish. Brackenfield Parish Council gave its consent for this area to be included in the WNP on 17 September 2014, in accordance with the requirement of Section 61F (2) of the Town and Country Planning Act 1990.
17. The Planning and Compulsory Purchase Act 2004 requires that the Plan clearly states the period to which it relates. The Submission Plan shows clearly that the plan period is 2017-2034.
18. The Plan must not include any provision about development that is excluded development as defined in section 61K which is inserted into the Town and Country Planning Act 1990. Excluded development includes “county matters”, such as mineral extraction and waste disposal, and major infrastructure projects. I am satisfied that the submitted Plan contains no policies which relate directly to these matters.
19. I am also satisfied that the Plan does not relate to more than one neighbourhood area.

² NPPF2 paragraph 214

Public Consultation

20. There was a commitment from the outset that there should be extensive and effective community consultation throughout the preparation of the WNP. The Consultation Statement clearly sets out the various stages of consultation and the methods used.
21. Following the designation of the neighbourhood area, the process was relaunched to make sure there was an awareness in the community that a neighbourhood plan was being prepared. 60 people attended a meeting in February 2016 in the Horse and Jockey Public House; those attending were divided into groups to identify issues and objectives for the Plan.
22. A further information event was held to coincide with the village Well Dressings in July 2016. This event was held to test the suitability of a questionnaire to be circulated within the community. The results of the questionnaire were presented at a meeting in December 2016 attended by about 50 parishioners. A total of 260 responses were received, an exceptionally large response for a village of this size. The results were also published on the neighbourhood plan website³ in December 2016, where I have viewed them.
23. There is no record of any further consultation until 7 July 2018, when arrangements for consultation on the draft WNP in accordance with regulation 14 of the NPR were publicised at the Village Fun Day. The statutory consultation took place between 16 July and 27 August 2018 and this period was extended by two weeks to allow some statutory consultees time to respond. All households had an information and questionnaire document delivered on 16 July. The document explained where the Plan could be viewed, where the questionnaire could be completed online and where hard copies should be returned to. All documents were available on the Neighbourhood Plan website and hard copies of the Draft Plan could be borrowed from Councillor Ryan. Posters publicising the consultation were displayed on three parish notice boards and at SJ Autos. Letters were also sent to relevant statutory consultees and these are listed in the consultation Statement. The list is consistent with the requirements of Schedule 1 to the NPR.
24. 111 completed questionnaires were completed. The questionnaire asked whether each of the policies was supported or not and provided for comments on each policy. All of the policies were supported by 95-100% of those who replied.
25. The Consultation Statement summarises the comments that were made on the questionnaires, and, in a separate table, the comments made by statutory consultees. It also indicates where amendments were made to the Draft Plan.
26. In December 2016 a public consultation event was held to report back from the initial consultation and seek views on the vision, aims and objectives and on a series of statements that could be developed into policies. This event was attended by just over 100 people and the vision aims and objectives were well received.

³ www.wessingtonneighbourhoodplan.co.uk

27. I am satisfied that the measures taken to publicise the Plan were very thorough and clearly meet the requirements of regulation 14 of the NPR. The Consultation Statement also clearly sets out the measures taken and meets the requirements of regulation 15(2) of the NPR.

The Basic Conditions Test – The Plan taken as a whole

28. The consideration of whether the Plan meets the basic conditions is the main focus of the independent examination process. This section of my report clarifies the meaning of each of these conditions and considers how the Plan, taken as a whole, meets them.

“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”

29. National policy is set out in the National Planning Policy Framework (NPPF). The NPPF was first published in 2012. A revised version of the NPPF was issued in July 2018 (NPPF2). However, Annex 1 of NPPF2 indicates that neighbourhood plans submitted in accordance with Regulation 15 of the NPR on or before 24 January 2019 should be examined against the 2012 edition of the NPPF.
30. There are two important points to emphasise in relation to this basic condition. The first is that I must consider this requirement in relation to the making of the Plan; it thus applies to the Plan as a whole rather than to individual policies. The second point is the use of the phrase *“having regard to”*. This means that I must consider national policy and advice, but it does not mean that each policy should be in absolute conformity with it. PPG explains that *“having regard to national policy”* means that *“a neighbourhood plan must not constrain the delivery of important national policy objectives.”*⁴ The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the Plan as a whole with national policies and guidance rather than individual policies which is the key consideration.
31. The Basic Conditions Statement contains two tables which set out the relationship of the WNP to NPPF2. Table 1 relates the objectives of the WNP to those of the NPPF. Table 2 explains how each policy relates to specific relevant paragraphs of NPPF2. Unfortunately, as I have already explained, the Plan must be examined against the 2012 NPPF and the references I make are therefore to this version of the NPPF. Nonetheless the Basic Conditions Statement is commendably thorough in explaining the relationship to national policy and the differences between the two versions of the NPPF are not substantial in relation to the policies of the WNP.
32. Also, relevant to this element of the basic conditions test is “...guidance issued by the Secretary

⁴ PPG – what does having regard to national policy mean? Reference ID: 41-069-20140306

of State” as set out in PPG. This contains extensive guidance on both general principles and specific aspects of the preparation of neighbourhood plans.⁵ It is important to be able to demonstrate that the preparation of the Plan has had regard to this. The Basic Conditions Statement does not refer to PPG, but in my report, I make frequent reference to it. At this stage I need to emphasise the importance of the guidance on the formulation of policies. *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood plan for which it has been prepared”*⁶. Also *“Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn on to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan...”*⁷

33. One of the most important national policy requirements for a neighbourhood plan is that they *“...should not promote less development than set out in the Local Plan or undermine its strategic policies”*.⁸ The timescale for the NEDLP does not overlap with that of the WNP. There is thus no clear policy in the adopted development plan on the scale of development required in Wessington. There is no requirement for the WNP to be in general conformity with the emerging Local Plan (NEDSLP). However, the emerging plan is at a fairly advanced stage, having been subject to examination during the Autumn of 2018. It is therefore appropriate to have regard to its policies and the evidence that informs it, particularly in relation to the scale of development likely to be required.
34. The NEDSLP identifies Wessington as a *“Level 3 settlement with limited sustainability”* It does not propose any allocations for residential development in these settlements *“although windfall developments of appropriate scale may be acceptable in line with criteria-based Policy SS7 or an adopted Neighbourhood Plan”*. There is therefore no specific quantity of residential development required in Wessington and it is therefore clear that the Plan is consistent with national policy in not providing for *“less development than set out in the Local Plan or undermine its strategic policies”*.
35. The policies of the plan are considered individually later in this report, but I have not identified any significant conflicts with national policy and I am therefore satisfied that having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan.

“The making of the Plan contributes to sustainable development”

36. There is inevitably considerable overlap between the requirements for satisfying this basic condition and the previous one as the NPPF clearly states that *“the purpose of the planning*

⁵ PPG Neighbourhood Plan, Reference ID Paragraphs 41-001 to 41-087

⁶ PPG How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306

⁷ PPG What evidence is needed to support a neighbourhood plan or Order? Reference ID: 41-040-20160211

⁸ NPPF paragraph 184

system is to contribute to the achievement of sustainable development and the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.”⁹

37. The NPPF then spells out the three dimensions of sustainable development: economic, social and environmental, and emphasises the interdependent nature of these. Again, it is important to note that the assessment to be undertaken relates to the Plan as a whole, but clearly the contribution of each policy needs to be considered to enable a conclusion to be reached. Policies which fail to demonstrate that they contribute to sustainable development are likely to require modification or deletion. As the NPPF points out, local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made.¹⁰
38. The Basic Conditions Statement summarises the way in which the Plan contributes to each of the strands of the dimensions of sustainable development. It also includes a simple sustainability matrix to show whether the impact of each of the policies has a positive, neutral or negative impact on each of the three dimensions. In most cases the impact is stated to be positive and, in a few cases, it is neutral, but no negative impacts are identified. There is no requirement for a neighbourhood plan to prepare a full sustainability appraisal and this is a clear, proportionate and helpful way of assessing the contribution to sustainable development.

“The making of the plan is in general conformity with the strategic policies contained in the development plan for the area”

39. As with the previous two conditions, the test applies to the Plan as a whole, but also requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of “*general conformity*” is fundamentally that the Neighbourhood Plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG.¹¹ It does not preclude some variation from a strategic policy where it is justified by local circumstances providing the proposal upholds the general principle that a strategic policy is concerned with. However, any departure from development plan policies needs to be clearly justified.
40. The adopted development plan documents for Wessington are:
- The saved policies of the North-East Derbyshire Local Plan 2001-2011 (NEDLP)
 - The saved policies contained within the Derby and Derbyshire Minerals Local Plan (adopted 2000 and amended in 2002) - policies MP8, 9, 14, 20, 26, 30 and 31 have now expired
 - The saved policies contained within the Derby and Derbyshire Waste Local Plan (adopted 2005) - policy W1a has now expired
41. The NEDLP is now significantly out of date and thus only provides limited strategic guidance to

⁹ NPPF Paragraph 6

¹⁰ NPPF Paragraph 10

¹¹ PPG What is meant by ‘general conformity’? Reference ID 41-074-20140306

the WNP. Its policies should be accorded weight according to the degree of their consistency with the NPPF.

42. The NEDLP will be replaced by the emerging North-East Derbyshire Local Plan 2014-2034. This is now at a fairly advanced stage as it has been submitted and was subject to examination during 2018. This document is referred to as the NEDSLP. There is no requirement for the Plan to be in general conformity with the emerging plan because it is still subject to change but PPG advises that *“the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”*¹²
43. Table 3 of the Basic Conditions Statement identifies the saved policies of the NEDLP and the policies of the WNP that relate to them. I have not found this table very helpful as many of the Saved Policies listed are not relevant to the WNP policies mentioned. For example, Policies GS2 and GS3 relate to the Green Belt and none of Wessington lies within the Green Belt. The purpose of the Basic Conditions Statement is to explain the relationship between policies of the Neighbourhood Plan and the strategic development plan policies and Table 3 does not do this.
44. Table 4 also identifies relevant policies in the NEDSLP and the WNP policies that relate to them. Many of the comments of NEDDC refer to the potential of the policies of the WNP to either conflict with or duplicate those of the NEDSLP. In most cases these do not necessitate modifications to the policies of the WNP in order to meet the basic conditions as it is not known when the policies of the NEDSLP will not come into force and they could still be subject to change. Moreover, in some instances it is not clear to what extent any potential conflict would be strategic and the NPPF suggests that *“Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.”*¹³
45. As the WNP does not allocate new areas for development it does not have any impact on policies for minerals and waste and no issues relating to these matters have been brought to my attentions.
46. I have considered the relationship of each of the WNP policies to development plan policies and have not identified any serious conflict. In a few cases I have recommended a modification where an element of divergence has not been clearly justified.

“The making of the plan does not breach and is otherwise compatible with EU obligations” and “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.”

Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations

47. PPG indicates that *“In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment”*¹³,

¹² PPG Can a neighbourhood plan come forward before an up-to-date Local Plan is in place?

Reference ID 41-009-20160211

¹³ NPPF paragraph 185

subsequently referred to as SEA. A SEA requires the preparation of an environmental report. In order to determine whether the plan is likely to have a significant environmental effect, a screening assessment is necessary.

48. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include:
*“(i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or
(ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”.*
49. The submission documents include a Strategic Environmental Assessment and Habitats Regulations Assessment Screening Statement. The first part of this document follows the recommended methodology¹⁴ to determine whether a SEA is required. It concludes by determining that the Plan is unlikely to have significant environmental effects. Regulation 9(2) of the EAPPR requires that before making such a determination the consultation bodies should be consulted.¹⁵ Section 9 of the SEA and HRA Screening Statement refers to this consultation but no evidence of this consultation has been submitted. Paragraph 5.4 of the Basic Conditions Statement refers to this consultation in relation to the HRA Screening Assessment but not in relation to the SEA Screening Assessment. I sought clarification on whether this consultation had taken place during the examination and have been sent copies of responses from all three agencies confirming that they do not consider the Plan would be likely to have significant environmental effects. Table 3 of the Screening Assessment constitutes the statement of reasons, required by the EAPPR to explain why it has been determined that SEA is not necessary.
50. The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 changed the prescribed condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act to read that:
“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”. Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (CHSR) puts into effect the requirements of Article 6.3 of the EU Habitats Directive and requires that:
*“(1) Where a land use plan -
is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site, the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site’s conservation objectives.”*
Regulation 106 of the CHSR requires that:

¹⁴ Table 2 in the Practical Guide to the Strategic Environmental Assessment Directive 2005 and Schedule 1 of the EAPPR

¹⁵ The consultation bodies are Natural England, Historic England and the Environment Agency.

“A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.”

51. A Habitats Regulations Assessment Screening Statement is included in the submitted documents. It identifies that there are no Natura 2000 sites within the parish of Wessington, but that there are 5 Special Areas of Conservation (SACs) and one Special Protection Area within 15km. It considers the potential effect of the WNP on these areas and concludes that, because the Plan does not allocate sites for development, there is no likelihood of significant effects on European Sites and that a full Appropriate Assessment is therefore not necessary. The submitted documents are inconsistent and confusing regarding consultation with Natural England on this finding. The Basic Conditions Statement¹⁶ refers to consultation with Natural England, Historic England and the Environment Agency but only Natural England is relevant to the Habitats Regulations. The response of Natural England to the SEA Screening also included a response to the Habitats Assessment Screening Report.
52. On the basis of the clarification of the consultation procedure, I am satisfied that “the making of the Plan is consistent with and does not breach European Regulations” and that “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.”

Human Rights

53. Nothing in the Plan suggests that there would be any breach of the European Convention on Human Rights.

Wessington in Context

54. Section 6 of the Plan presents a very useful portrait of Wessington.
55. The parish of Wessington had a population of 575 in 2011. The main settlement is a compact village which lies close to the northern boundary of the parish on the A615 about midway between Alfreton and Matlock. There are several smaller clusters of development, mostly associated with groups of farm buildings, mainly to the south of the village along Crich Lane and Matlock Road. The village lies in gently rolling countryside about 6km from the edge of the Peak District National Park.
56. The village has a primary school and a pub, but few other local services. Since 2011 planning permission has been granted for 108 dwellings on six different sites. Development of two of these sites has been completed and a start on the development of a third was being made at the time of my visit.

¹⁶ Paragraph 5.4

57. This section of the Plan also covers the history of the parish, demographic information, services and facilities, biodiversity, the economy, green infrastructure, traffic and the character of the village. Collectively this information provides a very helpful understanding of the evolution of the village to the present day.

Vision and Objectives

58. Section 7 of the Plan summarises the issues raised by the questionnaire carried out in 2016 and the proposed response of the WNP. This leads into the Vision for Wessington which is: *“Wessington Parish will continue to be a safe, vibrant and friendly community in which to live, with easy access to open countryside around and green spaces within it. New development will be expected to blend in with the existing village and the houses will be of a size and tenure to suit the needs of people of all ages. This growth will contribute to the vitality and viability of the village and will help to support local facilities but will be of a scale that reflects the village’s rural character.”*
59. The vision follows logically from the information presented on the village and the issues identified in the questionnaire. It is a clear and straightforward statement which is consistent with sustainable development.
60. The Vision is followed by 9 Community Objectives which express in a little more detail what the Plan aims to achieve. While these objectives will not be development plan policies, they are designed to influence the formulation of policies and it is therefore important that they do not point in a direction which conflicts with the basic conditions. I am quite satisfied that objectives 1-7 are entirely consistent with the basic conditions.
61. Objective 8 relates to the speed of traffic and road safety and, while planning policies can seek to ensure that new development does not add to existing problems, they cannot resolve existing issues or deliver traffic management or highway improvements. However, the Plan acknowledges this and clearly links this objective to the aspirational policy at the end of the document, no modification is necessary to meet the basic conditions.
62. Objective 9 aims to encourage developers to consult with the community early in the planning process. Engagement with the community is only legally required in a few very clearly defined circumstances. However, paragraph 189 of the NPPF clearly encourages such engagement. This is carried forward in the Plan under the key principle which follows.

Engaging with the Community: A Key Principle

63. Immediately under the heading of Neighbourhood Plan Policies the Plan presents the Key Principle of encouraging pre-application community Engagement. This was presented as a policy in the pre-submission draft of the Plan and following comments from NEDDC its status has rightly been modified. The Key Principle encourages a development proposal to be accompanied by a short document explaining how it has consulted the community, how it

has addressed any issues raised by the community, how the proposals reinforce local character and, (where the proposals are for housing development) how this meets local housing need. The last two of these requirements are quite properly addressed in policies as they relate to the development of land. While it is helpful that this issue is now dealt with as a Key Principle rather than a policy, I have three concerns about the way it is presented.

64. Section 10 with the heading “Engaging with the Community: A Key Principle appears immediately under the heading “Neighbourhood Plan Policies”. This conveys the impression that this is a policy and this is reinforced by the presentation of the Key Principle itself in bold type, even though the supporting text makes it clear that this is a voluntary process which is encouraged. I therefore recommend that the heading Neighbourhood Plan Policies is moved to follow the Key Principle and precede Section 11.
65. The definition of major development given in paragraph 74 and Appendix E is an over-simplified form of the definition in the Town and Country Planning (Development Management Procedure)(England)Order 2015 and NPPF2 and I have recommended a modification to correct this.
66. The supporting text refers to Appendix E which is a pro-forma letter which would be sent to the developer by the Parish Council. This letter does not make clear that this is a voluntary process, it mistakenly refers to “Neighbourhood Plan Policy 1” and simply states “please complete the following form”. This implies that this is a requirement in accordance with a policy and I have recommended a modification to clarify this.

Recommendations

Move the heading “Neighbourhood Plan Policies” from before “10 Engaging with the Community: a Key Principle” to before “11 Sustainable Development and the Settlement Development Limit”.

In Paragraph 74 after “...major development” insert a full stop and replace the remaining text with “This is defined in the National Planning Policy Framework August 2018 as ‘For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more’.”

In Appendix E:

in the first paragraph delete “the Neighbourhood Plan Policy 1 please complete the following form” and insert “the Key Principle in the Wessington Neighbourhood Plan you are encouraged to complete the following form.”

in the box headed “Definitions” delete the existing wording and insert the wording inserted into paragraph 74 above.

Policies

67. The Plan contains 8 policies. I have considered all the policies of the Plan against the basic conditions, having regard to the evidence provided to justify them. Where necessary I have 18

recommended modifications. I am only empowered to recommend modifications necessary to meet the basic conditions, to comply with the convention on Human Rights, to comply with the legal requirements in relation to neighbourhood plans or to correct errors.¹⁷

68. In considering the policies I have taken account of all the comments made during the preparation of the Plan with a particular focus on comments made in response to the regulation 16 consultation on the submitted plan. While I have not referred directly to all the comments made, I have given attention to all of them.

Neighbourhood Planning Policy 1: Sustainable Development and the Settlement Development Limit

69. Policy 1 defines the proposed Settlement Development Limit (SDL) and sets out the overall approach to development both within and outside the SDL. It contains 5 criteria which new development proposals inside the SDL should meet and outside the SDL relies on Local Plan policies and other WNP policies.
70. The SDL has been defined having regard to the criteria being used by NEDDC in the preparation of the NEDSLP. The steering group considered 4 different approaches ranging from having a very tight boundary to having no boundary but has chosen to use the boundary being put forward in the NEDSLP. The possibility that this may be superseded is accepted and the Policy will be applied to any amended SDL in the Local Plan when it is adopted. One of the principles applied in the definition of the SDL is that new development is only included within the SDL when it is completed. Thus, some of the sites on which planning permission has been granted are not included within the SDL at this stage. This is an approach that is applied consistently by NEDDC.
71. NEDDC has argued that it is not necessary to use Map 8 or to refer to the possibility of this boundary being modified as this duplicates the emerging Local Plan. While the NEDSLP is at a fairly advanced stage, it is quite possible that the WNP will be made before the adoption of the Local Plan. Although it is possible that Map 8 will be modified or duplicated before very long, there is no reason why it should not be put forward in the WNP and there is no reason in terms of the basic conditions why it should be removed.
72. The same arguments apply to NEDDC's comments on the reference to areas identified on Map 6. Map 6 usefully combines several relevant designations and there is no need for references to it to be removed. If this Map is superseded by the emerging Local Plan that will need to be taken into account at that time, but there is no need to anticipate this.
73. I am satisfied that criteria a)-e) are consistent with the basic conditions
74. The second part of the policy aligns it to up to date Local Plan policy but also cross refers to other WNP policies and in particular Policy 2. I am satisfied that it meets the basic conditions.

¹⁷ Section 10 paragraphs (a) – (e) of Schedule 4B to the Town and Country Planning Act 1990

Neighbourhood Plan Policy 2: Protecting the Natural Environment and Landscape Character

75. Policy 2 sets out several requirements for the way in which new development should relate to the landscape setting of Wessington. National policy aims to protect “valued landscapes”¹⁸ and encourages “*criteria based policies against which proposals for any development on or affecting....landscape areas will be judged*”.¹⁹ Saved Policy NE1 of the NEDLP aims to conserve the “*varied and distinctive landscape of the district*” and to prevent development that would result in “*the loss of distinctive features that contribute towards and add value to the landscape character of an area.*”
76. The policy applies the principles in both national and development policy by identifying key characteristics of Wessington and the principles that apply to them. The first part of the policy requires new development to demonstrate how it relates to three criteria. The first does not add significantly to Saved Policy NE1 as it simply requires development to be sympathetic to local character. However, criteria b) and c) are more distinctively local to Wessington and relate to features illustrated on Maps 9 and 10 that are distinctive and important characteristics of the village.
77. Criterion b) refers particularly to the views identified on Map 10 and in Appendix B. I looked at all of these on my visit and am generally satisfied that that they are important in defining the character of the village and its relationship with the landscape, subject to reservations regarding view-points 4 and 5. The photograph of view-point 4 in Appendix B is from an aerial position and is thus not a view that is generally available. The photograph successfully illustrates the important relationship between the countryside and the green space that runs through the village, but it is misleading to describe this as an important viewpoint. The view from viewpoint 4 is simply of a field that rises gently towards the road and cannot be described as a “significant long view.” Protection of the relationship between the village and the open countryside at this point is appropriately achieved through the application of criterion 1a).
78. The symbol depicting viewpoint 5 on Map 10 is not in the same place as the photograph relating to it in Appendix B. At the point shown on the map the view to the north-east is hidden by the high hedge bordering the road. The photograph appears to be taken from a point about 100m west of this looking over the gate at the point at which the footpath across the field leaves the road. I am satisfied that this view is an important long view.
79. Criterion c) aims to protect the distinctive clumps of trees around the village which are identified on Map 9 and seeks compensatory planting where any loss is unavoidable. Even in early March, with no leaves on the trees, the distinctive contribution of the trees was evident. However, there is a large overlap between part 1c) of the policy and part 4. I have therefore

¹⁸ NPPF paragraph 109

¹⁹ NPPF paragraph 113

recommended that these two elements should be combined.

80. Part 2. Requires that any planting to mitigate any loss of trees and along boundaries should include native species recommended in the Derbyshire County Council Landscape Character Assessment for the Wooded slopes and Valleys and Wooded Farmlands Landscape Character Types. Part 3 requires development on the edge of Wessington to provide a soft boundary to the open countryside. Part 5 requires new development to aim to achieve a net gain in biodiversity and for the mitigation for any significant ecological impacts to address the priorities in the Lowland Derbyshire Biodiversity Action Plan. I am satisfied that these criteria meet the basic conditions.

Recommendations

On Map10:

Remove Viewpoint 4 and move Viewpoint 5 to the position of the photograph in Appendix B, between Hill Crest Avenue and the eastern edge of development to the north of Back Lane

In Policy 2:

Modify part 1c) to read “it does not involve the loss of the character forming clusters of trees identified in Map 9 and where possible provides additional similar clusters. Where some loss of trees is unavoidable, equivalent compensatory provision should be made elsewhere.”

Delete part 4 and renumber part 5 as part 4.

Neighbourhood Plan Policy 3: Design Principles

81. Policy 3 sets out several principles which should be applied in the design of new development. The policy draws heavily on the analysis of character in the Wessington Village Appraisal which was commissioned for the Neighbourhood Plan. This analyses the evolution of the village, divides it into character areas identifying the key design features of each area and suggests principles for the management of development in each area. This is a constructive approach for a neighbourhood plan as it enables it to address design characteristics at a finer scale than is possible in a Local Plan.
82. The first principle simply requires development to respect the character of the village as defined in Village Appraisal. This is consistent with NEDLP policy BE1a) but the reference to the Village Appraisal makes it locally distinct. The Policy refers to Table 6 but, as this table refers to the relevant character areas, it also needs to refer to the Map 7 where they are defined. Principle 2 requires attention to landscaping and boundary treatment using native species and is consistent with the basic conditions.
83. The meaning of the third principle is unclear. The second sentence is incomplete as it lacks a main verb, and I have established that it should be connected to the first. The implication of the last sentence is that all development should reflect the materials, style and colour palette of the central core, but it has been clarified to me that the intention is that this should only

relate to the central core. I have recommended a modification to correct these errors.

84. Point 4 requires that proposals should demonstrate how they create well defined streets and attractive green spaces. It contains a small grammatical error. This principle and point 5, which requires development to be well integrated with the existing settlement pattern could only be applied to larger scale developments, as infill developments of one or two dwellings would not create new streets and spaces. I have recommended that this should be made clear and that the two should be combined as they are closely related.
85. Point 6 requires buildings to be appropriate to their location and allows for innovative and contemporary design where it enhances local distinctiveness. This is consistent with national policy.²⁰
86. The final principle refers to the use of Building for Life standards or equivalent, particularly for major developments. However, as phrased it does not provide clear guidance to a decision maker on how it should be applied and I have therefore recommended a modification to address this. Building for Life 12 is a nationally recognised set of design principles, endorsed in NPPF2, and it is appropriate to apply it to larger scale residential developments. While NEDDC comment that there is no requirement in the emerging plan policies to use Building for Life, that does not preclude its use in a neighbourhood plan.
87. The definition of major development given in the footnote is an over-simplification and needs to be modified. Subject to the modifications I have recommended, the policy meets the basic conditions.

Recommendations

In Policy 3:

Modify Part 1 to read “Proposals should demonstrate a high design quality, that will reinforce the character of the Village having regard to the character areas defined in the Wessington Village Appraisal, shown on Map 7 and summarised in Table 6.”

In the first line of Part 3, “...character area” change “. As” to “, as” and modify the last sentence to read “In the historic core, development should reflect the local materials, styles and colour palette of the area.”

Combine parts 4 and 5 to read “Where appropriate, proposals should demonstrate how the buildings, landscaping and planting create well defined streets, include attractive green spaces and maximise opportunities to integrate new development with the existing settlement pattern.”

Modify Part 7 to read²¹ “Major housing development proposals³² will be required to demonstrate that they accord with the Building for Life 12 standards described in paragraphs 101 and 102, or an equivalent standard, unless it can be demonstrated that this is not practical or viable.”

²⁰ NPPF paragraph 60.

²¹ For the avoidance of confusion, the footnote reference 32 in this modification relates to footnote 32 in the Submission Plan.

Modify the footnote 32 to read “for housing development 10 or more homes, or a site of 0.5 hectares or more. For non-residential development additional floorspace of 1000m² or more or a site of 1 hectare of more.”

Policy 4: A Mix of Housing Types

88. This policy requires new development proposals to take into account the most up to date evidence of housing needs in Wessington Parish and North-East Derbyshire. It points to a current need for 2-3 bed dwellings. The second part of the policy requires new dwellings to be accessible or adaptable to M4(2) standard of the Building Regulations or equivalent.
89. The use of the word “current” is unclear as the Plan could be in use for a period of 17 years. It is appropriate to specify the requirement for 2-3 bed dwellings identified on the 2017 Objective Assessment of Need, but to make it clear that later evidence may change this. I have recommended a modification to clarify this.
90. As NEDDC point out any provision of accessible and adaptable dwellings will “affect” the viability of a development. While there is evidence quoted regarding the need to make provision for older and disabled people, there is no clear evidence to justify the application of the M4(2) standard for all new 1-3 bedroom dwellings. Saved Policy H10 of the NEDLP refers to “a proportion” being designed to mobility standards, particularly on level sites that are well served by shops community facilities and public transport. Policy LC4 of the NEDSLP if adopted in its present form will require 20% to meet the M4(2) standard. Wessington is not well served by shops and community facilities and the difference of the proposed policy from both the existing Saved Policy and the emerging policy has not been justified.

Recommendations

In Policy 4:

Modify the first part of the policy to read “Development proposals for housing will be required to demonstrate that they take into account the need identified in the 2017 Objective Assessment of Need for most dwellings to be 1-3 bedrooms, or the most up to date published evidence of housing need in Wessington and North-East Derbyshire.

Delete the second part of the Policy.

Policy 5: Protecting Heritage Assets

91. This policy is in four parts. The first part simply refers to National and Local Plan policy for the protection of Listed Buildings and their setting. There is no need to do this within the Policy, but this statement could be appropriately included in the supporting text.
92. Paragraph 115 Refers to Map 10 by mistake instead of Map 11. It also refers to 13 listed structures, but Map 11 only shows two locations. I have been provided with a map which just shows the “non-designated heritage assets” which are referred to below.

93. The second part of the Policy puts forward a long list of buildings for inclusion on NEDDC's local list and Part 3 sets out the policy that will apply when they are included on that list. The Policy rightly acknowledges that the Local Planning Authority has the power to maintain a list of non-designated assets, on the basis of clear criteria,²² but there is no obligation on it to do this and it is my understanding that NEDDC does not at present maintain such a list. It is not appropriate for a Neighbourhood Plan policy to nominate sites for inclusion in a local list as this would not be a policy for the development and use of land which would guide a decision maker. At the same time there is no reason why a neighbourhood plan should not identify buildings or structures that it considers to be of historic interest and apply a policy to them providing that the policy meets the basic conditions. The wording that I have used reflects the balanced approach to development affecting heritage assets outlined in the NPPF²³ but the weight that can be attached to any harm to these buildings will clearly be less than harm to listed buildings or to buildings on a local authority "Local List". The aspiration that these buildings should be included on any "Local List" may be referred to in the supporting text but there is no need to include a policy that would apply if this happens as that policy will be automatically applied when and if the buildings are included on the list.
94. Part 4 of the policy relates to proposals to restore listed buildings at risk or those on a Local List in similar circumstances. It supports such proposals where the proposed use is compatible with their designations, recognises the significance of the asset as a central part of the proposal and has special regard to the desirability of preserving the asset, its setting or any features of special interest. There is no specific guidance in Local Plan policy or the NPPF on development in these circumstances. The policy does not state what would be the approach to proposals that do not fully comply with these criteria and therefore any such proposals would be determined in accordance with national policy.

Recommendations

in Policy 5 delete Part 1 and insert it as an additional paragraph of supporting text before paragraph 115.

Reword part two of the policy to read: "The buildings listed below, shown on Map 11 and described in Appendix D, are of local historical or architectural significance. Proposals that would affect these buildings will be required to demonstrate that any harm to them cannot be avoided or mitigated and would be clearly outweighed by the benefits of the development.

Delete part 3.

Insert the revised Map 11 omitting reference to listed buildings and change the description of the blue dots to "Other buildings of historical or architectural interest", to avoid confusion with the normal use of the term "non-designated heritage assets".

²² PPG How are non-designated heritage assets identified? Reference ID 18a-041-20140306

²³ NPPF paragraph 134

Policy 6: Enhancing the Provision of Community Facilities

95. This policy supports proposals to protect and improve community facilities subject to consultation in accordance with the Key Principle which I have referred to in paragraphs 63-66, and to the design being in accordance with other policies. It also requires such proposals to demonstrate that they take account of the most up to date published evidence of community need.
96. The Key Principle referred to at the beginning of the Plan cannot be a policy, because it effectively seeks to change the legal requirements for the determination of planning applications. This is why it was changed from being a proposed policy in the pre-submission version of the Plan to a Key Principle. The reference to it in Part 1a) of this policy attempts to apply it as a policy and is therefore not consistent with the basic conditions. It is also not necessary to cross refer to other policies in the Plan as is required by Part 1b) of the policy.
97. I acknowledge the comment of NEDDC that absence of need may not preclude an otherwise acceptable proposal. However, it may be that evidence of need is a material consideration in terms of sustainable development and the policy only requires that any such evidence is taken into account. While there may not always be any up to date published evidence of community need as this is not subject to the same requirements as the objective assessment of housing need, it is reasonable to require that such evidence is taken into account where it exists.

Recommendations

In Policy 6 delete part 1.

Policy 7: Local Green Spaces

98. Policy 7 identifies 7 areas for designation as Local Green Spaces. The spaces are clearly defined on Map 13 and Table 7 explains how they meet the criteria in the NPPF. Below, I consider each of the spaces in turn taking account of the comment by NEDDC that where spaces already benefit from some designation, consideration should be given to whether Local Green Space designation offers any additional benefit.
99. A. School Playing Field The school playing field is at the heart of the village and is unusual in that it merges into adjoining green space without a physical barrier. It has a value as a green space in addition to its playing field use, both in visual terms and because it is used by the community as well as the school. It meets the criteria for Local Green Spaces.
100. B. Coronation Street/Park Street Play Area This is a rectangular grassed area which provides a focal point in this part of the village. Part of the area is enclosed as a children's play area and is protected as a formal recreation site. The whole space is important to the character of this part of the village and is appropriate for designation as a Local Green Space.
101. C. Wessington Green Wildlife Site This is quite a large area to the south of the A615 which is designated as a Derbyshire Wildlife Site. Along with Areas A, E, F, D and an area to the south of Crich Lane it is also designated as Common Land. This designation is about rights to the use

of land rather than a planning designation, and the site has a significance in addition to its wildlife importance. This is quite a large area for designation as a Local Green Space but needs to be viewed in the context of the essential character of the village. The space is close and easily accessible to the community it serves and is a defining feature of Wessington. I am therefore satisfied that its designation as a Local Green Space is appropriate.

102. D. Area on North side of A615 Similar considerations apply to this site as to site C. except that it is not designated as a Derbyshire Wildlife Site. As well as its visual importance it is also used for village events and is important in connecting the north east of the village to the Village Core. It is appropriate as a Local Green Space.
103. E. Area north of Slack Lane and south-west of A615. This is a small rectangular area of grassland surrounded by cottages identified as important to the character of the village. It has its own distinct character as well as forming part of the collection of green spaces at the heart of the village. Along with site F it is designated as Urban Greenspace in the NEDLP and proposed for this designation in the NEDSLP. It is my understanding that Urban Greenspace does not carry the significance of Local Green Space as defined in the NPPF in terms of the expectation that protection will endure beyond the life of the Plan. I am therefore satisfied that Local Green Space designation is justified.
104. F. Area known as the Time Capsule This area lies on the north side of the A615 and again contributes to the character of the green heart of the village. It contains a time capsule buried in 1977 due to be opened in 2027 and every 50 years thereafter. It also contains a war memorial and several important trees planted by the school. For these reasons it is clearly demonstrably special to the community.
105. Part 1 of the policy is potentially misleading as it implies that all the Local Green Spaces are designated for “their beauty, recreational value, tranquillity and richness of wildlife.” In fact, the reasons for the designation of these areas vary and not all of these factors apply in all cases. The reasons for the designation are set out in Table 7 and need not be repeated in the Policy. Part 2 of the Policy is consistent with paragraph 76 of the NPPF and the basic conditions subject to the replacement of “exceptional” with “special” as highlighted by NEDDC.

Recommendation

In Policy 7:

in Part 1. Insert a full stop after “...Green Spaces” and delete (and are protected for their beauty, recreational value, tranquillity and richness of wildlife.”

In Part 2 replace “exceptional” with “special”.

Policy 8: Local Employment

106. The Policy supports the sustainable growth of businesses through the conversion of existing buildings and well-designed new buildings. It also specifically supports proposals for a café and /or shop to improve services for residents and visitors subject to four criteria. It is not

clear to me why these criteria should only apply to proposals for a café and/or shop and not to all employment related developments. Also, paragraphs 132 and 133 of the supporting text refer to a site, which, though not named, appears to be the Proctors Employment Site to the west of the A615 at the north-western end of the village. It suggests that this Plan encourages the commercial use of this site, or the redevelopment of it, but the Policy itself makes no specific reference to it. During the examination I sought clarification on the intentions of the policy.

107. It has been clarified to me that it is the intention to have a policy encouraging employment related development of the Proctors site. However, the policy to be applied to the site should be contained in the policy itself rather than the supporting text. Also, the criteria in part 2 of the Policy are intended to apply more widely than to proposals for a café and /or shop. I do not agree with the comment of NEDDC that reference to these uses is too specific, as it is appropriate for a neighbourhood plan to identify uses that would contribute to sustainable development in the village. I have therefore recommended modifications to include reference to the Proctors site in the Policy and to make the intentions of the Policy clear.

Recommendations

Modify Paragraph 132 to read “There is potential for limited additional development for commercial uses on the existing Proctors site to the west of the A615 and the site is in a good location to both capture passing trade and to provide a service for local people.”

In Policy 8 after part 1 insert a new part 2 to read “Additional business or tourism related development or redevelopment on the Proctors site shown on Map 14 will be supported within the curtilage of the existing site.”

Renumber part 2 as part 3, insert a full stop after “...supported” and delete “provided that;” before criteria a) – d) insert “4. All employment related development will be required to meet the following criteria:”

Aspirational Policy 1: Highway Safety

108. A section of the Plan headed “Getting Around” highlights concerns expressed during consultation on the plan about conflicts between traffic and pedestrians in some specific locations. The text rightly points out that these matters cannot be addressed by neighbourhood plan policies as they do not relate to the development and use of land. However, it is entirely appropriate to identify the intentions of the Parish Council to work with Derbyshire County Council and North East Derbyshire District Council to address these issues and to ensure that the traffic generation and parking impact of new development is not harmful to road or pedestrian safety.

Implementation, Monitoring and Review

109. The final two sections of the Plan address implementation, monitoring and review. The implementation section highlights the role of the Plan in the determination of planning applications by NEDDC. In this context it rightly refers to its role in shaping the comments of 27

the Parish Council on planning applications and in any pre-application consultation. It also points to other ways in which the future of the village will be influenced by the decisions of statutory service providers, the voluntary sector and the Parish Council. In these areas the WNP does not have the same statutory weight as in the determination of planning applications but is capable of having some influence.

Conclusions and Referendum

110. The Wessington Neighbourhood Plan is a well-presented document containing policies that will influence the determination of development proposals in the village. It has carefully had regard to national policy and guidance and the policies of the adopted and emerging Local Plans. In most cases, the proposed policies are supported by relevant justification and evidence which is proportionate to the scale of the development envisaged.
111. In carrying out my examination I have found it necessary to recommend modifications to some policies. Most of these modifications are minor in nature and seek to clarify the intentions of policies, where I found some ambiguity so that the policies will provide clear guidance to decision makers. In a few cases modifications are necessary to align more closely with national policy and guidance.
112. Subject to the modifications that I have recommended, being made, I am satisfied that:
- The Wessington Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
 - Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
 - The making of the Plan would contribute to the achievement of sustainable development;
 - The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
 - The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights and
 - 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.
113. I am therefore pleased to **recommend that the Wessington Neighbourhood Development Plan should proceed to a referendum subject to the modifications that I have recommended.**
114. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.²⁴ **I therefore**

²⁴ PPG Reference ID: 41-059-20140306

conclude that there is no need to extend the referendum area.

Richard High

8 April 2019