



Planning Inspectorate

Report to Newark & Sherwood District Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended and applied by the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026)

Report on the Examination of the Newark & Sherwood Amended Allocations and Development Management DPD

The Plan was submitted for examination on 18 January 2024

The examination hearings were held between 5 and 12 November 2024

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Abbreviations used in this report

AA	Appropriate Assessment
AADMP	Amended Allocations and Development Management Plan
CIL	Community Infrastructure Levy
ACS	Amended Core Strategy
DPD	Development Plan Document
ELAS	Employment Land Availability Study
ELNS	Employment Land Needs Assessment
EqIA	Equalities Impact Assessment
FEMA	Functional Economic Market Area
GTAA	Gypsy and Traveller Accommodation Assessment
HIA	Health Impact Assessment
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
IDPU	Infrastructure Delivery Plan Update
IIA	Integrated Impact Assessment
MM	Main Modification
NPPF	National Planning Policy Framework
NUA	Newark Urban Area
PPG	Planning Practice Guidance
ppSPA	Possible Potential Special Protection Area
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SIL	Strategic Industrial Location
SPA	Special Protection Area
SPD	Supplementary Planning Document
TIDPU	Transport Infrastructure Delivery Plan Update

Non-Technical Summary

This report concludes that the Newark & Sherwood Amended Allocations and Development Management DPD provides an appropriate basis for the planning of the District, provided that a number of main modifications (MMs) are made to it. Newark & Sherwood District Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases, I have amended their detailed wording and I have highlighted in the report where this has been done. I have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Modification to reflect the requirement to prepare a new Local Plan
- Deletion of a number of housing and employment site allocations which have been completed;
- Modifications to a number of Newark Urban Area Policies and a number of other Area Policies so they are justified and will be effective;
- Amendments to Policies on affordable housing so they are justified and effective
- Modifications to a number of employment policies for effectiveness
- Amendments to policies for the natural environment so they are justified, effective and consistent with national policy
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Newark & Sherwood Amended Allocations and Development Management Development Plan Document (AADMDPD) (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and as applied by Regulation 4 and paragraph 2 schedule 1 of the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026. It considers whether the Plan is compliant with the relevant legal requirements (including in terms of the Town and Country Planning (Local Planning) (England) Regulations 2012, also as applied by Regulation 4 and paragraph 2 schedule 1 of the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026) and whether it is sound.
2. Annex 1 of the National Planning Policy Framework (NPPF) 2024 sets out transitional arrangements for the purposes of plan making. These apply to the Plan, which was submitted for examination before 12 March 2025 and include policies to deliver the level of housing and other development set out in a preceding local plan and Spatial Development Strategy. Paragraph 235 of that NPPF sets out that in that circumstance, the relevant previous version of the NPPF will apply. Paragraph 230 of the December 2023 NPPF, which is the immediately preceding version, says that where plans reached pre-submission or consultation before 19 March 2024, they are to be examined under the relevant previous version of the NPPF. For the avoidance of doubt, the Plan is being examined under the provisions of the September 2023 NPPF because it applies to plans submitted after 24 January 2019.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Newark & Sherwood Amended Allocations and Development Management DPD dated September 2023 and submitted in January 2024 is the basis for my examination. It is the second publication DPD. The first publication DPD was published for consultation in winter 2022. That consultation resulted in a significant representation from the Environment Agency and a change in situation regarding the Gypsy and Traveller Pitch Delivery Strategy. For those reasons, the Second Publication DPD was consulted upon from 25 September to 6 November 2023. The representations received by the Council on both the First and Second Publications versions of the DPD were collated and I have taken them into account.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of

being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.

5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out an assessment of them in the Integrated Impact Assessment (IIA) and the Habitats Regulations Assessment (HRA). The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the wording of the MMs where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and IIA/HRA that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the Second Publication Amended Allocations & Development Management DPD – Post Consultation Changes Policies Map.
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective. These further changes to the policies map were published for consultation alongside the MMs.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes in the proposed submission version policies map and the further changes published alongside the MMs incorporating any necessary amendments identified in this report.

Context of the Plan

9. Newark & Sherwood is the largest District in Nottinghamshire and is situated in the northern part of the East Midlands. It has a dispersed settlement pattern due mainly to its rural nature and includes market towns, and large and small villages, as well as hamlets. The main towns of Newark, Southwell and Ollerton & Boughton provide both a focus for their own communities and those in the wider area.
10. Due to its size, the District has been subdivided in five distinct areas to enable appropriate policy approaches to meet varying needs across the different areas. These areas are:
 - Newark Area, covering the east of the District and which is split into three sub-areas (Newark and Rural South; Rural North; and Collingham)
 - Southwell Area, covering the southern central part of the District
 - Nottingham Fringe Area, within the Nottingham-Derby Green Belt
 - Sherwood Area, covering much of the north-west of the District and is closely related to Mansfield and Worksop.
 - Mansfield Fringe Area, also containing settlements with close links to Mansfield
11. The Newark & Sherwood Local Plan has been prepared in two parts. Part 1 (the Amended Core Strategy (ACS)), which was adopted in March 2019, set out the overall vision and spatial strategy for the District up to 2033. It contains strategic policies, which define the quantum and distribution of growth to guide development proposals across the District. Part 2 of the Local Plan (the AADMDPD) supports the ACS by continuing to allocate sufficient land for housing, employment and retail.
12. The Plan includes new and amended housing and affordable housing policies, which replace those in the ACS. It includes new Gypsy Roma Traveller policies and allocations along with a suite of development management policies intended at providing direction to the delivery of specific allocations and assist in the day-to-day assessment of planning applications. The Plan also sets out amendments to urban boundaries and village envelopes along with retail development boundaries and areas to be protected from development.
13. The 2019 ACS included updated development targets from the previous version and it is therefore necessary to ensure they can continue to be met through the application of the provisions in the AADMDPD. This reflects the unusual situation wherein the earlier Core Strategy (2011) had higher development

targets and thus, rolling the Plan period forward to 2033 has not required additional housing and employment allocations to be made. This is the starting point for the Plan Review. Nevertheless, all sites in the Plan have been appraised in order to establish whether or not they remain available and deliverable. Where they are not, sites have been de-allocated. Some site allocations have been amended to take account of new evidence or for reasons of changes in the details around them. In addition to the strategic sites in the ACS, the Plan identifies specific sites for development that accord with the Council's approach to settlement growth. Development coming forward through the Plan is required to be in accordance with ACS Policies.

14. On adoption, the Plan will complete the development plan review process.

Public Sector Equality Duty

15. The EqIA element of the IIA demonstrates that the Council has fully considered the requirements of the Equality Act 2010 (the 2010 Act). I have had due regard to the aims expressed in S149(1) of the 2010 Act during the examination. This has included site allocations policies covering specialist and affordable housing, including accommodation for Gypsies and Travellers and new/improved community, health, education, employment and transport infrastructure and development. Social inequality has also been considered.

Assessment of Legal Compliance

16. The Council carried out an Integrated Impact Assessment (IIA) (CD03), which includes Strategic Environmental Assessment (SEA), Equalities Impact Assessment (EqIA) and Health Impact Assessment (HIA) of the Plan and published the report along with the Plan and other submission documents under regulation 19. The IIA functions as the Sustainability Appraisal (SA) for the Plan.
17. A standalone Habitats Regulations Assessment (HRA) (CD04) has been produced. It sets out that a full Appropriate Assessment (AA) has been undertaken to assess the impacts of development on the Birklands and Bilhaugh Special Area of Conservation (SAC); the Humber Estuary Special Protection Area (SPA), SAC and Ramsar Site; and the Sherwood Forest Possible Potential SPA (ppSPA). The HRA also included assessment of the effects on air quality in respect of the Birklands and Bilhaugh SAC, water quality in connection with the Humber Estuary SPA, SAC and Ramsar Site and recreational pressure and urbanisation impacts on the Sherwood Forest ppSPA. The Appropriate Assessment demonstrates that the Plan may have some negative impact which requires mitigation. It makes three key recommendations to strengthen the policy wording in the Plan which were taken forward in the Plan prior to its submission for examination. This includes the wording of Policy DM7, and which is supported by Natural England.

18. The AA has taken into account the protective nature of policies in the Plan. It has looked at the hierarchical nature of plan making, and in particular, the requirement for HRA at lower tiered stages of the process and application stage. A number of protection measures are set out in high-level strategic policy and existing planning policy frameworks that serve to overcome the identified potential adverse impacts.
19. The required mitigation has therefore been secured through the Plan, such that there will be no adverse effect on the integrity of habitat sites, either alone or in or in combination with other plans and projects. Natural England has endorsed the HRA. The HRA/AA has been carried out in accordance with the Habitats Regulations 2017.
20. Taking all of that into account, I am satisfied that the Plan will have no adverse impact on the integrity of habitats sites or the ppSPA either alone or in combination.
21. The Council's Local Development Scheme (LDS) (CD10) was adopted in July 2023. The Plan's submission was delayed from December 2023 to January 2024 in order to allow a representor time to respond to it. I do not consider that this minor delay in submission of the Plan has had a material effect on the timescale set out in the LDS. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (CD14).
22. The Plan includes site allocation policies to address the strategic priorities for the development and use of land in the local planning authority's area. It also includes site allocation policies designed to secure development and use of land in the Council's area that contribute to the mitigation of, and adaptation to, climate change.
23. As the ACS is over five-years old, **MM1** is necessary to amend supporting text in setting out the Council's position on the production of a new Local Plan. The Council recognises that a new Local Plan is required, commenced work on it in 2025 and anticipates adopting it in 2029. At the time of the MMs consultation, the regulations bringing the new plan making system came into force on 25 March 2026. The new Local Plan will proceed under the new system and the 2029 timeframe the Council envisages seems reasonable in that context and provides sufficient clarity and motivation to progress plan making in a timely and effective manner.
24. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Maintaining Effective Cooperation

25. Section 20(5)(c) of the 2004 Act required that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. This duty ceased to apply on 25 March 2026. However, whether effective co-operation is maintained continues to be a soundness matter. In these terms, the NPPF sets out that "Effective and on-going joint working between strategic policy making authorities is integral to the production of a positively prepared and justified strategy". Accordingly, my findings relate to the soundness aspects of cooperation.
26. The Council's Duty to Cooperate Statement (CD13) identifies actions undertaken to comply with the duty and details of on-going consultation with prescribed bodies. The Council has a long history of working with neighbouring authorities and statutory consultees on strategic planning matters. This includes working together to ensure the development needs of the Nottingham Outer Housing Market Area are appropriately identified and met. This level of co-operation has led to attendance at established joint working groups in Nottinghamshire and the production of a number of key evidence documents.
27. There has been constructive engagement, resolution and actions on key strategic priorities including housing, Gypsy and Traveller accommodation, employment, infrastructure provision, water management and nature conservation. The Plan forms the second part of the Council's Local Development Framework (LDF), following on from the Amended Core Strategy adopted in 2019. The Amended Core Strategy sets out the spatial development Strategy for Newark and Sherwood, including a suite of strategic policies for growth across the District. The only cross-boundary strategic matter relevant to the Plan examined here relates to the requirement of a strategic employment site to meet the logistics need in Nottinghamshire.
28. The Council is working with neighbouring Nottinghamshire Councils to address the findings of the 2022 Nottinghamshire Core & Outer Housing Market Area Logistics Study. There is a need to identify a location for a large-scale logistics employment site within the vicinity of a key strategic transport route. The only area of opportunity identified within the District is around the A46 or the A1. It is envisaged that this matter will be addressed in the next Local Plan.
29. I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the requirement to maintain effective cooperation has been met.

Main Issues

30. Taking account of all the representations, the written evidence and the discussions at the examination hearings, I have identified ten main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – whether the Urban Area Policies, Site Selection and Housing Site Allocations are justified and will be effective in meeting development needs

Urban Area Policies

31. The ACS allocated three Strategic Sites in the Newark Urban Area with the objective of providing for the envisaged level of growth to strengthen Newark's role as a Sub Regional Centre. All settlements apart from Blidworth have seen sufficient housing completed or have planning permissions to accommodate the growth set out in the ACS. The development at Dale Lane, Blidworth (site BI/Ho/1) would provide 62 dwellings and is thus sufficient to meet the outstanding requirement at that settlement.
32. Sufficient land has been completed or has planning permission to meet employment needs in the Newark Area. The Employment Land availability Study (EMP4) details that there is a little over 129 hectares of land either allocated or with permission in place. I am satisfied that the housing and employment allocations in the Plan will provide sufficient flexibility to ensure the ACS vision can be achieved. Furthermore, the Town Centre Policies will support the vitality and viability of the Town Centre and strengthen the Sub-Regional Centre.

Site Selection

33. The Newark Urban Area (NUA) comprises the main built-up areas of Newark-on-Trent, Balderton and Fernwood. Newark-on-Trent is the largest settlement in the District. It has strong outward links to the surrounding villages, farms and countryside. The area has good transport links with rail connections to London, Leeds, Edinburgh and Nottingham along with being well connected to the trunk road network due to its proximity to the A1(T).
34. For these reasons, Newark's role as a Sub-Regional centre forms the basis for significant growth, with 60% of the overall District housing growth directed to the NUA to be provided over the ACS plan period. The majority of this is to be provided on the three strategic sites with the remainder allocated in this Plan. A further SUE is allocated in the ACS for Edwinstowe. Detailed policies for these strategic sites are not part of the Plan.

35. Some sites are not now considered deliverable and are proposed to be de-allocated. The evidence base has been updated including Whole Plan Viability Assessment, Strategic Housing and Employment Land Availability Assessment, Sustainability Appraisal as part of the Plan review. All the evidence provides a clear indication that the approach taken on site selection across all settlements identified for growth, is sound.
36. In summary, notwithstanding some necessary modifications to a number of allocation sites outlined below, I am satisfied that the overall process of site allocation follows on from, and is therefore consistent with, the ACS. Overall, I find that the site selection process has been reasonable, evidenced and proportionate to the Local Plan process and is soundly based.

Housing Allocations

37. The Plan allows for flexibility in the development of allocated sites. It is possible that higher or lower densities could be achieved on them as part of the design process. This provides a satisfactory mechanism to account for any unexpected constraints or additional infrastructure requirements that may become apparent. The allocations are made in line with the Council's Spatial Strategy. They are in the top three tiers of the settlement hierarchy in accordance with the ACS. A number of sites are already under construction or have planning permission.
38. A number of policies contain reference to archaeology requirements related to pre and post planning application determination. However, the wording on this matter in every instance is not sufficiently clear to provide applicants with the necessary certainty for complying with the Policies' archaeological requirements. Consequently, a number of MMs are necessary to make the policies effective. These are: **MM3, MM4, MM5, MM6, MM7, MM10, MM11, MM15, MM16, MM17, MM19, MM23 and MM28.**

Newark-on-Trent Sites

NUA/Ho/2 – Quibells Lane

39. The site lies within the settlement boundary and is allocated for 25 dwellings. However, some have been completed and therefore **MM2** is necessary to update the Policy wording for effectiveness.
40. Landscape and noise mitigation measures are likely to be required given the site's proximity to the East Coast Main Line. Further, the site is primarily in Flood Zone 2. These matters are capable of being addressed during the design process. There is no evidence to indicate this cannot be achieved and the site delivered as the Council envisages.

NUA/Ho/4 – Yorke Drive

41. A total of 194 of the net 230 dwellings are anticipated to be delivered in the Plan period. A delivery rate of 50 dwellings per annum is considered by the Council to be achievable because the site is in its ownership and is not reliant on sales due to the mix of market and social housing to be delivered by the Council's delivery partner. This justifies the higher build-out rate than otherwise underpinned by evidence. There is no evidence to indicate that this cannot be achieved.

NUA/Ho/5 – Land North of Beacon Hill Road

42. Policy SP7 of the Minerals Local Plan (2021) requires non-minerals development within minerals safeguarding areas to demonstrate that mineral resources will not be needlessly sterilised as a result of that development. The Policy goes on to say that where this is not possible, prior extraction will be sought where practicable. **MM3** secures this through amendments to the text of Policy NUA/Ho/5 and is necessary for effectiveness.

NUA/Ho/6 – Land between 55 and 65 Millgate

43. Development of 9 dwellings on the northern part of the site has been completed. **MM4** is necessary for effectiveness by providing clarity on the number of dwellings to be completed on the remainder of the site..

NUA/Ho/8 and NUA/Ho/9 – Land on Bowbridge Road

44. These form part of the Bowbridge Road Policy Area to which Policy NUA/Ho/7 refers. Site 8 has full planning permission for 87 dwellings with delivery anticipated in 2025/26. Site 9 is occupied by existing employment uses with land and buildings under lease. Development is envisaged later in the Plan period and there is no evidence to suggest it will not come forward in that broad timeframe.

NUA/Ho/10 – Lowfield Lane

45. A small proportion of the site is a priority habitat, which development will avoid. In any case, development that comes forward on the site will need to be accompanied by an ecological evaluation, mitigation and enhancement. Similarly, the Policy requires any planning application to include a transport assessment, including improvements to the Manners Road/London Road junction. The ecological and highways impacts of developing the site can therefore be satisfactorily addressed at application stage. There are no other constraints of significance that would otherwise prevent the site being

developed. There is no evidence to suggest the site will not be developed in accordance with the envisaged timeframe.

46. Having said that, for effectiveness **MM7** is necessary to clarify the Policy wording in relation to mineral safeguarding and the use of any extracted materials as part of on-site ground works.

NUA/MU/4 – Mixed use site, land off Bowbridge Road

47. Amongst other forms of development, the site is allocated for 115 dwellings. It has now been completed and **MM9** is therefore necessary for effectiveness, to delete reference to it from the Plan. A corresponding minor modification will be made by the Council to Policy NUA/Ph/1 on adoption of the Plan.

Collingham Sites

Co/MU/1 – Land between Swinderby Road and Station Road

48. The site has now been developed so **MM12** is necessary for effectiveness, to delete reference to it in the Plan.

Sutton-on-Trent Sites

ST/MU/1 – Land to the east of Hemplands Lane

49. The site has now been developed so **MM13** is necessary for effectiveness, to delete reference to it in the Plan.

Southwell Sites

So/Ho/2 – Land south of Halloughton Road

50. The site has now been developed so **MM14** is necessary for effectiveness, to delete reference to it in the Plan.

So/Ho/4 – Land east of Kirklington Road

51. Reserved matters permission was granted in September 2024. There is no reason to doubt that development of the site will not be completed within the Plan period.

So/Ho/5 – Land off Lower Kirklington Road

52. Rights of Way cross the site and **MM15** is therefore necessary for effectiveness, to amend an error in the wording of the policy related to that. Previous applications on the site have either been refused or withdrawn over access concerns. However, the issue has been discussed latterly between the site agent, the Council and the highway authority in respect of an outline planning application. There is no evidence to indicate that a satisfactory technical solution cannot be found and that the site will not be developed in accordance with the envisaged timeframe.

So/Ho/7 – Southwell Depot

53. The allocation is for 15 dwellings. However, the Plan as submitted proposed to increase this to 18 dwellings because of the whole of the site now being identified within the village envelope. Due to highways constraints raised through the SHELAA process, **MM16** is necessary for effectiveness, to revert back to a development of 15 dwellings. For the same purpose **MM16** is required to delete criterion 1 which makes references to the safeguarded route of the Southwell Bypass, which has now been abandoned.
54. An application for development of 9 dwellings on the site has previously been refused and subsequently dismissed at appeal for reasons related to housing mix, impacts on the Southwell Conservation Area, privacy and highway safety. However, it does not appear that those decisions pointed to the principle of development on the site being unacceptable. I am satisfied that an appropriate scheme could come forward to deliver housing within the envisaged timeframe.

Ollerton and Boughton Sites

OB/MU/1 – Land at the rear of Petersmith Drive

55. The site is under construction with planning permission for 305 dwellings. For clarity and effectiveness, **MM18** is necessary to tighten up the policy wording by amending bullet two to provide clarity on the need to relieve recreational pressure on the Birklands & Bilhaugh SAC. Policy OB/Ph/1 requires development of the site to be the subject of a phasing plan.

Edwinstowe Sites

Ed/Ho/2 – Land to the North of Mansfield Road

56. The site has outline planning permission but is not set to come forward in the trajectory until 2028/29. However, development could begin sooner should a reserved matters application be submitted and receive approval.

Consequential changes

57. The Edwinstowe urban boundary was extended as part of the ACS process to include the strategic site at Thorseby Colliery. An additional amendment is necessary for effectiveness to better reflect the urban boundary around Mill Lane. This is secured by **MM20**. Corresponding modifications would be made to the Policies Map on adoption of the Plan.

Bilsthorpe Sites

Bi/Ho/1 – Land to the North of Kirklington Road

58. The site is under construction for a total of 20 dwellings. The development of the neighbouring site (Bi/Ho/2) is also underway for the construction of 136 dwellings. For effectiveness, the reference to the requirement for phasing across the two sites is no longer relevant and **MM21** secures the necessary changes to the Policy wording. **MM25** is necessary for effectiveness to take out the reference to the removal of this site in the supporting text.

Bi/Ho/2 – Land to the North of Kirklington Road

59. Similar to Site Bi/Ho/1, **MM22** is necessary for effectiveness in relation to the safeguarding of minerals.

Bi/MU/1 – Eakring Road

60. The site is under construction for a total of 75 dwellings having been revised down from 103. The retail element of the site has been completed. **MM23** is therefore necessary for effectiveness to secure changes to the Policy wording to reflect this updated position.

Rainworth Sites

Ra/Ho/2 – Land to the East of Warsop Lane

61. The Policy envisages a development of 190 dwellings, with 95 of those to be completed later in the Plan period. The western part of the site has been completed leaving a residual of those 95 dwellings. **MM26** is therefore necessary for effectiveness to reflect this in the Policy wording.

Ra/MU/1 – Kirklington Road

62. The site is intended to comprise a mix of retail with a small amount of residential development. However, the anticipated increase in retail development supported by the Policy has been delivered on a site opposite. It is therefore possible that the site could support 100% residential use, given the completed provision of the retail element.

Clipstone Sites

CI/MU/1 – Former Clipstone Colliery

63. The site has planning permission for a development of 126 dwellings with anticipated delivery from 2027/28. It is also proposed to relocate and expand the Clipstone Miner's Welfare outdoor sports facilities. These now bear on the ability to deliver the 12 hectares of employment land as set out in the policy. In order to provide flexibility in ensuring this key strategic regeneration project can be delivered, **MM27** is necessary for effectiveness to amend the Policy wording in relation to the amount of employment provision by allowing employment development to come forward but in a less prescriptive way than envisaged in the submitted Policy.

Conclusion

64. Subject to the modifications identified above, the urban area Policies, site selection and housing allocations are positively prepared, justified, effective and consistent with national policy.

Issue 2 – whether the Plan will deliver the planned housing growth over the Plan period and whether a deliverable five-year supply of housing will be available upon adoption

65. The Plan supports the delivery of the ACS. The housing trajectory for allocated sites indicates how the housing identified in the Plan may be delivered over the Plan period in meeting the ACS housing target.
66. The NPPF says that planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Those policies should identify a supply of a) specific, deliverable sites for years one to five of the Plan period and; b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible for years 11-15 of the Plan.
67. The evidence supporting the estimated supply includes permissions on allocated and unallocated sites, historical windfall delivery rates and expected future trends. All sites in the Plan which contribute to the estimated supply are either allocated or have planning permission. The level of estimated supply is based on the evidence on lead-in times and build-out rates. These are based on past performance in the District since the start of the Plan period.
68. The ACS reached its fifth anniversary in 2024. Therefore, land supply calculations must be based on the Local Housing Need calculated using the Standard Method. This sets an annual requirement of 691 dwellings equating to a five-year housing requirement of 3,455 homes. The Council's track record of housing delivery means that a 5% buffer needs to be applied in the first five years. This equates to 35 dwellings giving a total per annum figure of 726 and thus, a five-year requirement of 3,628.
69. The Council's Statement of Five-Year Housing Land Supply (1 April 2025) shows a deliverable supply of 2,784 which falls short of the requirement. This includes a windfall allowance of 180 for years 4 and 5. I am satisfied that, in calculating the windfall allowance, the Council's trend analysis is sufficiently robust to provide a reliable windfall figure. However, the Council will not be able to demonstrate a deliverable five-year housing land supply upon adoption of the Plan.
70. Nevertheless, Spatial Policy 5 of the ACS allocates four strategic sites, so the Plan does not seek to allocate all sites with the District. Moreover, the Council has begun work on a new Local Plan and thus there is a mechanism being pursued that has the potential to address the housing land supply shortfall. In addition, the Plan includes a flexible approach, supported by Policies DM1 and DM2, for potential residential sites to come forward through the identification of

opportunity sites. Spatial Policy 3 of the ACS similarly allows for development in rural areas assessed against a set of criteria.

Conclusion

71. Upon adoption, the Plan will not provide a five-year supply of deliverable housing sites. Whilst this situation is far from ideal, it does not warrant a finding of unsoundness, given the context I have just described. I consider that there is more to be gained through the Plan being adopted, and sites continuing to come forward for development, even in the absence of a five-year housing land supply. On balance, I am satisfied that the Plan will deliver the planned housing growth over the Plan period.

Issue 3 – Whether the Plan will make adequate provision for relevant types of affordable housing and whether the housing Policies are positively prepared, justified, effective and consistent with national policy

72. The Homes for All chapter of the Plan covers affordable housing provision, rural affordable housing and entry-level exception housing. These are the subject of three separate Core Policies.
73. There are essentially, two strands to the affordable housing provision in the District: firstly, through schemes pursued by Registered Providers and the Council's own house building programme. Secondly, affordable housing is secured by private developers as part of new housing schemes. The Council's Housing Needs Assessment 2020 reaches a number of conclusions in relation to affordable housing including, that there is a significant requirement for such housing across all parts of the District and that delivery needs to improve to address identified need.
74. The Plan sets a threshold for the provision of 30% affordable housing on sites where 10 or more homes would be provided, or where the site has an area of 0.5 hectares or more. The site threshold is in line with the NPPF.
75. Core Policy 1 in the Plan is essentially an update of the Core Policy 1 in the ACS. I consider this to be an appropriate practical measure to ensure alignment with national policy and for affordable housing to continue to be provided until such time as a new Local Plan is adopted under the new plan making system. However, a number of modifications are necessary to the Policy wording and its supporting text.
76. The supporting text refers to a specific numerical requirement and to avoid confusion in respect of housing targets in the District, **MM37** is necessary for

effectiveness to delete this reference. **MM38** is necessary for effectiveness to reflect changes in national policy by deleting some of the text in Core Policy 1 in relation to First Homes.

77. Core Policy 2 - Rural Affordable Housing replicates the Policy in the ACS and is included in the Plan in order that all affordable housing policies can be read together. To aid clarity and for effectiveness, **MM39** is necessary to add to the supporting text in relation to ACS Spatial Policy 3 (Rural Areas) and Spatial Policy 4 (Green Belt) being within the ACS.
78. To further reflect changes in national policy in relation to the development of entry-level exceptions sites, **MM40** is required to delete supporting text to Core Policy 2A and **MM41** to delete the Policy itself. These are necessary to ensure the Plan is soundly based and effective.
79. The NPPF requires that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Core Policy 3 aligns with this requirement including in relation to affordable housing.

Conclusion

80. Subject to the modifications identified above, the affordable housing Policies are positively prepared, justified, effective and consistent with national policy.

Issue 4 – Whether the Plan makes adequate provision for accommodation for Gypsies and Travellers and whether the allocations are positively prepared, justified, effective and consistent with national policy

81. The Gypsy and Traveller Accommodation Assessment (GTAA) was prepared at time that pre-dated the Court of Appeal judgement in Smith v SSLUHC & Ors [2022] EWCA Civ 1391 (the Smith judgement). The thrust of the judgment was that the Planning Policy for Traveller Sites 2016 (PPTS) definition change was unlawfully discriminatory. The Court found that its main objective was to make it harder for elderly and disabled ethnic Gypsies and Travellers to obtain planning permission.
82. The PPTS was updated in December 2023 following the Smith Judgement¹ and then again in December 2024 alongside the revised NPPF. Nevertheless. For implementation purposes, the policies set out in the NPPF will also apply to

¹ Lisa Smith v SSLUHC [2022] EWCA Civ 1391

plan-making and decision-taking for traveller sites. Therefore, the December 2023 version of the PPTS is the relevant one to this examination.

83. The GTAA identified a need for 169 pitches for the period 2019 -2033/34. This includes 118 pitches for those meeting the 2015 PPTS definition and 30 pitches for those who did not. It also includes 21 pitches for unknowns (i.e. not interviewed as part of the household interviews). The need target in the Plan, based on the PPTS is 131 pitches. The Council has reviewed this in light of the Smith judgement, to include those who did not meet the 2015 PPTS definition and this results in a need figure of 134 pitches for those now meeting the 2023 PPTS definition. In planning for 169 pitches, the Council is evidently seeking to meet the needs of all Travellers, irrespective of whether they meet the 2023 PPTS definition.
84. The Council's analysis of inward Traveller migration shows that 2 pitches have been provided for, which provides sufficient evidence to conclude that pitch requirements for the District derive predominantly from locally identified needs and lends support to the wider Nottingham Housing Market Area approach wherein the constituent authorities intend to meet their own needs, as evidenced in the Duty to Cooperate Statement (CD13).
85. To address the implications of the Smith judgement, **MM42** is necessary for effectiveness and to ensure the Plan is justified by reflecting this in supporting text. For the same reasons, the wording of Policy GRT/1 requires modification to clarify the number of pitches needed to address the needs of Travellers in accordance with the Smith Judgement. This is secured by **MM43**. Policy GRT/4 sets out a number of site allocations. However, the allocation at The Old Stable Yard on land north of Winthorpe Road, Newark is no longer deliverable and **MM44** is therefore necessary for effectiveness to delete reference to it in the allocations table in the Policy. **MM45** is necessary for effectiveness to delete reference to The Old Stable Yard in Part B of the Policy. Corresponding modifications would be made to the Policies Map on adoption of the Plan.
86. The site selection process has defined the NUA along with Ollerton and Boughton as the primary foci for allocating sites but recognises that should insufficient land be available within those areas, the search would move to the remaining Service Centres. This is in line with the Spatial Strategy in the ACS and would match the existing pattern of Gypsy and Traveller settlement within the District. This is an appropriate and sound approach.
87. The allocation at land at former Belvoir Ironworks (NUA/GRT/11) is situated to the south of Newark and away from the main provision of services and facilities in the town. However, this situation will change through the delivery of the Land South of Newark Strategic Site as it will provide a local centre. There are no in-principle objections from statutory consultees in relation to highways and

education. There are good footway and cycle links to services and facilities into the Middlebeck development and beyond. I acknowledge that trip generation rates may be higher due to the prevalence within Traveller communities for extended families living together. Whilst the site access is within a national speed limit, it is nonetheless on the edge of that limit changing to 30mph and the bends in the road will provide for natural speed reduction. There is also adequate visibility in both directions. The site is located within the Newark Town Planning Area which comprises the new primary school at Middlebeck along with other primary schools. The forecast data indicates a large surplus of primary school places within the planning area over the five-year projection period. I am therefore satisfied that the allocation can come forward without detriment to highway safety or education provision.

88. There is a long-established area of Gypsy and Traveller occupation at Newark to the west of the River Trent known as 'Tolney Lane' currently comprising a number of individual sites. However, the site is very close to the River Trent and lies within flood zones 2, 3a and 3b. The only access to the site, is in flood zone 3b, and therefore at a very high flood risk. The Environment Agency do not support the provision of additional permanent pitches or the allocation on this site unless a flood alleviation scheme can first be put in place. There remains a significant amount of work to be done around flood risk before delivery of any further pitches on the Tolney Lane site. A flood alleviation scheme will need to come forward in a reasonable timeframe to enable delivery of the site within the Plan period. The Plan seeks to provide 76 pitches at Tolney Lane. If they are not able to be delivered in the Plan period there are implications for meeting the identified need for Gypsy and Traveller accommodation. Consequently, action will need to be taken in relation to this specific matter to provide for the plugging of any gap as part of the next Plan.
89. Within the first five years of the Plan (2019 – 2024), and following the Smith judgement, the need target is 103 pitches of which 85 would be to address the needs of households meeting the planning definition. Beyond that, locations need to be identified to provide 32 pitches in the period 2024 – 2029 of which 24 would be to address the needs of households meeting the planning definition. The Council's process in planning for the provision of Gypsy and Traveller sites has culminated in a supply of between 145-157 pitches. This comprises 78 pitches from contributions on existing sites; the allocation of new sites equating to 33 pitches; and 34-46 pitches on a new site purchased by the Council and through working with private operators.
90. Whilst this falls short of the overall 169 pitch requirement in the GTAA, it nonetheless exceeds the five-year requirements for both the first five years and years five to ten. Overall, I consider that the Council has made adequate efforts to identify options for supply. I am in no doubt that the Council has done all it can to identify and allocate sites. Furthermore, Core Policy 5 of the ACS provides for decisions to be taken on proposals reflecting unexpected demand.

Taking all of this into account, on balance, the benefits of having an adopted Plan in place outweighs the shortfall.

Conclusion

91. Subject to the modifications and action to be taken identified above, the allocations for Gypsy and Traveller accommodation are positively prepared, justified, effective and consistent with national policy.

Issue 5 – whether the Plan makes adequate provision for employment development

92. The Employment Land Needs Study (2021) (ELNS) (EMP 2) covers the Nottingham Core HMA and Nottingham Outer HMA and assessed the economic development needs of the constituent authorities up to 2038. It is intended to provide an understanding of the current and potential future requirements for employment land set against the current stock of employment land both at the Functional Economic Market Area (FEMA) and at constituent authority level. For Newark & Sherwood, the ELNS concluded that, against a total supply of c.160 hectares, the past take-up scenario suggests a need for around 100 hectares of industrial/distribution land plus a further 81,183 square metres of office floorspace. This reflects the historically consistent high levels of delivery in the District. However, the ACS plans for 83.1 hectares of employment land and the AADDMP maintains consistency with this.
93. The ELNS recognised that economic growth across Greater Nottingham had been limited by lack of available large-scale strategic distribution sites over the preceding decade. The Nottinghamshire Core and Outer HMA Logistics Study (2022) (EMP 3) therefore examined need in the period 2020-2041 for large scale logistics and in so doing, looked at a number of scenarios. It concluded that, regardless of which scenario is considered, the District has a substantial supply of committed and allocated land that would appear to meet the need in full.
94. Post Covid pandemic, the growth in the logistics sector is greater than predicted. The most appropriate range for determining the unconstrained logistics market is 1,270,000 to 1,486,000 sqm with a recommendation to use the higher of those figures for planning purposes. This is supported by the evidence on market indicators and 1,486,000 (425 hectares) is a sound basis on which to plan for the distribution of sites.
95. The ELNS concluded that the Core HMA forms a self-contained FEMA. It shows that as of April 2023, there was 103.52 hectares of employment land beyond the requirement of 83.1 hectares available during the Plan period. This level of

supply offers a wide range of sites throughout the District of varying size and location. This will provide a good level of flexibility for developers.

96. The allocations in the Plan derive from a four-stage process. This has followed a logical and robust exercise that analysed the potential impacts of site selection, taking into account a range of issues including the effects on the infrastructure of settlements and the findings of other assessments. The process considered a reasonable range of alternatives.
97. There has been consistently high levels of employment land delivery in the District over many years. Two large schemes are under construction and all the indications are that the District is successfully attracting such developments. Moreover, the 50 hectare site South of Newark is available for development now the Southern Link Road has been completed.
98. Policy NUA/E/1 relates to the Newark Industrial Estate Policy Area wherein new employment development will be encouraged. There are two allocations within this area: NUA/E/2 - Land off West of the A1 and NUA/E/3 – Land off Telford Drive.

Employment Allocations

Newark-on-Trent sites

NUA/E/2 – Stephenson Way

99. This site is within the Newark Industrial Estate Policy Area (Policy NUA/E/1). Consideration of infrastructure provision was undertaken as part of the production of the Infrastructure Delivery Plan (IDP) which supports the ACS. The site is part of the identified Current Major Employment Site in the ACS and Newark is a Sub-Regional Centre. It is therefore appropriate, and in line with the ACS to direct employment development to this area. There is very little to indicate that site is not deliverable or viable.

NUA/E/3 – Telford Drive

100. All but a small part of the site has planning permission and is deliverable in light of the policy context described above.

NUA/E/4 – Former Highways Depot, Great North Road

101. There is a pending application in the form of a Draft Development Consent Order for the site to be used temporarily as a depot in connection with National

Highways' work on the A46. There is nothing to indicate that site is not deliverable in the plan period.

NUA/MU/1 – Land North of A17 (Overfield Business Park)

102. Whilst the site is outside the urban boundary, it lies within the Newark Showground Policy Area (NUA/SPA/1) where employment development is considered appropriate. The allocation includes provision for a hotel/conference facility. However, it is clear from the evidence that the site is not commercially appropriate for such a use. **MM8** is therefore necessary for effectiveness to change the policy wording to reflect this. Corresponding modifications would be made to the Policies Map on adoption of the Plan. There are pending planning applications for the site and it is therefore deliverable and viable.

Collingham

Co/MU/1 – Swinderby Road

103. The site has been built out, and no further land is available. **MM12** is therefore necessary to delete the Policy, for effectiveness. The Council will need to make a corresponding amendment to the Policies Map upon adoption of the Plan.

Southwell

So/E/2 – Land to the East of Crew Lane

104. The site is within the Crew Lane Industrial Estate Policy Area (Policy So/E/1) wherein new employment development is encouraged. The site boundaries have been amended to take account of flood risk. There is no indication that the site is not deliverable or viable.

Ollerton and Boughton

OB/E/3 – Boughton Industrial Estate

105. The site is next to existing employment sites and there is nothing to indicate that the allocation would not be sufficiently attractive to the market to encourage its development for employment use. It is deliverable and viable.

Bilsthorpe

Bi/E/1 – South of Brailwood Road

106. Bilsthorpe is a Principal Village and the allocation accords with the development strategy in the ACS. The site is deliverable and viable, but the Policy requires changes to the wording to reflect the need to fully address flood risk. This is secured by **MM24** and is necessary for effectiveness and consistency with paragraph 167 of the NPPF.

Rainworth

Ra/E/1 – West of Colliery Lane

107. Rainworth is a Service Centre and the allocation is consistent with the development strategy in the ACS. However, a planning application for residential development of 95 dwellings was submitted, approved but is pending the completion of a s106 Agreement. It is therefore reasonable to conclude that with such interest for a residential scheme, the site is unlikely to be deliverable for the provision of employment. The Council still has adequate land to accommodate the identified need for employment development without this 5.5 hectare site coming forward for that use. Nevertheless, it is prudent to retain the allocation until such time as the residential planning approval process is concluded.

Clipstone

CI/MU/1 – Clipstone Colliery

108. Clipstone is a Service Centre and employment development on the site accords with the development strategy in the ACS. Development of the residential element of the site is progressing in phases. However, following the submission of two planning applications for 124 dwellings and leisure and recreation facilities, respectively, it is likely that the site will not be able to accommodate the envisaged 12 hectares of employment land. As already mentioned in relation to this site under Issue 1, **MM27** is necessary for effectiveness to amend the Policy wording to require a more flexible approach to the provision of the employment element by setting out that the allocation is for *up to* 12 hectares. Overall, I am satisfied that the site is deliverable and viable for a quantum of employment use that will not have a materially detrimental effect on the delivery of the employment need requirements.

Blidworth

BI/E/1 – Blidworth Industrial Park

109. Blidworth is a Principal Village and the allocation accords with the development strategy in the ACS. The site is situated within an existing employment site and I have no reason to conclude that further employment development on the scale proposed is not deliverable or viable.

Conclusion

110. The allocations are suitably located around the Urban Areas, Service Centres and Principal Villages in accordance with the development strategy in the ACS. They provide for a range of employment uses and with the exception of the Rainworth site, are deliverable and viable. Subject to the MMs identified above, the allocations are soundly based, justified and in accordance with national policy. The Plan makes adequate provision for employment development.

Issue 6 – whether the Plan will contribute to the vitality and viability of Town, District and Local Centres

111. The ACS defines a hierarchy and network of retail centres informed by the Town Centre and Retail Study (2016). Naturally, Newark forms the District's designated Regional/Town Centre. Sutton-on-Trent, Land South of Newark and Land East of Newark are designated as Local Centres. The ACS introduced Fernwood Village Centre as a Local Centre and Policies NUA/LC/3 and DM11 provide the necessary accompanying policy content in the Plan for this Local Centre and which is reflected on the Policies Map. The Primary Shopping Frontages in Southwell and Ollerton District Centres and Edwinstowe along with the Primary and Secondary Shopping Frontages in Newark, are proposed for deletion through the provisions of this Plan as a result of the introduction of the E Use Class and the need to support greater flexibility within Town Centres to maintain vitality and viability.
112. There is effective annual monitoring through the Retail Monitoring Report, which demonstrates that the hierarchy of Centres updated in the Plan from the ACS is appropriate based on their respective roles and offers.
113. For Newark, the Town Investment Plan provides an ambitious opportunity to transform the town centre through the £25m secured from the government. This agenda for change is integrated into the Plan through the provisions of Policies NUA/TC/1, DM11 and DM13.

114. The Plan sets out a positive framework that builds on the provisions in the ACS. It accords with national policy, including with regard to the sequential tests related to edge and out of centre locations and non-retail and Main Town Centre uses.

Conclusion

115. I am satisfied that the policy provisions within the Plan are positively prepared, justified and effective such that they will actively boost the vitality and viability of Town, District and Local Centres in seeking to boost economic growth.

Issue 7 – whether the Open Breaks and Main Open Areas are justified and soundly based

Open Breaks

116. The Open Breaks in the District seek to ensure that the separate identities of existing settlements are retained. Policy NUA/OB/1 states that development will not normally be allowed in these areas unless it would be proportionate and ancillary to domestic development within or adjoining them or would involve redevelopment and replacement or changes of use which would not have a greater impact on openness than the existing development. The Open Breaks were established under previous local plans and can be dated back to the Newark District Plan adopted in 1976. They have therefore had a degree of permanence over a long period.
117. In my view, the Open Breaks serve a useful purpose in maintaining the identity of individual settlements. Open Breaks between Newark and Farndon; Newark and Winthorpe; and Newark and Coddington are intended to resist development pressure between these settlements. They were reviewed in 2019 through the Open Break Assessment (EB OB 1) with a further review of the Winthorpe Open Break in 2022 (OB 27).
118. The Newark Farndon Open Break is particularly vulnerable to the potential impacts of growth. The Middlebeck strategic site lies to the south which, in combination with the connection of the Southern Link Road into the A46 and the dualling of the Newark Bypass, would likely act as a catalyst for further development pressure in the area, given the attractiveness of those transport connections.
119. The aims and objectives of the Open Breaks Policy NUA/OB/1 broadly align with paragraph 174 b) of the NPPF, which sets out that policies and decisions should contribute to and enhance the natural local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits

from natural capital and ecosystem services – including the economic and other benefits.

Main Open Areas

120. Main Open Areas are identified in a number of settlements and, similar to the Open Breaks, they have gained a degree of permanence through being a longstanding designation in previous plans. The last review of Main Open Areas took place in 2011, which is a considerable time ago. However, their openness within settlements has an important role to play in defining the form and structure of those places.

121. The ACS allows greater flexibility to develop smaller infill plots in 'other villages' than the previous Core Strategy. Therefore, the Main Open Areas will continue to serve a purpose over the Plan period in safeguarding the character of settlements, broadly in accordance with paragraph 174 b) of the NPPF. This includes the Main Open Areas in South Muskham and Coddington.

Conclusion

122. I am satisfied that the Open Breaks and Main Open Areas defined in the Plan, will serve a planning purpose over the Plan period. They are justified and soundly based.

Issue 8 – whether the Policies Relating to Climate Change and the Natural and Built Environment are Positively Prepared, Justified, Effective and Consistent with National Policy

Policy DM4 – Renewable and Low Carbon Energy Generation

123. The Policy seeks to ensure that solar energy schemes will only take place in locations that are judged to be acceptable, and local communities are supportive of them.

124. Policy DM4 requires amendment in order to provide a more positive approach to the location of wind energy schemes in accordance with national policy on planning for climate change. This is secured by **MM29** which is necessary for effectiveness. It is also necessary for the same reason to clarify the Policy wording in relation to potential siting of wind turbines and to add to the Policy to refer to the Wind Energy Supplementary Planning Document (SPD). The Council has also suggested a MM to include reference to the Solar Energy SPD. However, the government has set out that SPDs will not feature under the new planning system and they will cease to have statutory status on adoption of

a Plan under that new system. The Council will therefore need to consider how the requirements of the SPD might be taken forward as part of the new Local Plan's preparation.

Design

125. Design matters are set out within Policies DM5(a) and DM5(b) in the Plan. The former relates solely to the design process whilst the latter is a criteria-based policy addressing a number of facets of good design. Policy DM5(b) includes cross over to other relevant built environment policies in the Plan. The Policies are in line with the ACS. Nevertheless, in order to ensure the Policy DM5(a) is consistent with national policy, **MM30** is necessary to justify the Policy in order to avoid an onerous requirement on applicants for single dwellings in relation to the Building for a Healthy Life assessment tool.

126. Policy DM5(b) includes reference to proposals being considered against the Landscape Character Assessments SPD. SPDs do not have the legal force of adopted policy. However, I am satisfied that the wording of the policy is not requiring any more than it states i.e 'consideration' rather than 'determination' and the SPD is therefore merely an informative in those considerations. Similarly, the policy's requirements on parking refer to the Car Parking Design Guide SPD. This is no more than a guide for the provision of parking in new development and the supporting text is clear that the Council will take a pragmatic and flexible approach towards parking provision. The wording of Policy DM5(b) is such that it can operate independently of and without SPDs. Notwithstanding that, once a new Local Plan has been adopted, existing SPDs will fall away in line with the provisions of the new planning system.

Flood Risk

127. Policy DM5(c) sets out that the Council will follow a sequential test in its approach to development and flood risk in accordance with Core Policy 10 of the ACS. There is not sufficient clarity in terms of the relationship between the flood risk provisions in Policy DM5(b) and those relating specifically to the sequential test in Policy DM5(c). **MM31** is therefore necessary for effectiveness to clarify this in the supporting text. Furthermore, also for effectiveness and to place Policy DM5(c) in line with the PPG in relation to all sources of flood risk,, **MM32** is necessary to amend the policy wording.

Biodiversity and Green Infrastructure

128. Policy DM7 seeks to protect, promote and enhance biodiversity and ecological networks. Its approach to internationally, nationally and locally designated sites is consistent with national policy albeit that a change is necessary for

effectiveness to ensure the mandatory Biodiversity Net Gain is reflected in the Policy, this is secured by **MM33**.

Development in the Open Countryside

129. Policy DM8 sits within the overall Spatial Strategy for rural areas set out in Core Policy 3 of the ACS. It is a criteria-based Policy for development in the District's rural areas. The Policy accords with national policy and PPG with the exception of part 5 of the Policy relating to the conversion of rural buildings which is overly prescriptive insofar as it requires protective species surveys for buildings that are unlikely to provide suitable habitats for those species. The Policy also lacks flexibility to address the wide range of buildings that could be converted and places a likely undue financial burden on applicants in requiring information that should more properly be dealt with at planning application validation stage. To address this, **MM34** is necessary to justify the Policy and for its effectiveness. I am satisfied that this modification strikes an appropriate balance in terms of the requirements related to various type of rural buildings.

130. **MM35** is also required for effectiveness to add additional paragraphs to Policy DM8 in order to align it more closely with the landscape character-related requirements of Core Policy 13 of the ACS and also in relation to the best and most versatile agricultural land so that it accords with Policy 174b) of the NPPF.

Historic Environment

131. Policy DM9 seeks to protect, conserve and, as appropriate, enhance heritage assets. It is worded to provide sufficient flexibility to allow the application of the Policy to accommodate decisions based on the presentation of evidence. I consider it to be in accordance with national policy.

Presumption in favour of sustainable development

132. This matter is covered by Policy DM12. However, it is not necessary to repeat this national policy and **MM36** is necessary to justify the policy and for its effectiveness by removing reference to the presumption in favour of sustainable development. The Policy also sets out that the Development Plan is the starting point for decision making, which includes the Minerals Local Plan that identifies Minerals Safeguarding Areas. **MM36** is also necessary for justification and effectiveness, to appoint the Policy to cover only Minerals Safeguarding Areas. In that respect, it is consistent with national policy.

Conclusion

133. Subject to the MMs above, the Policies relating to Climate Change and the Natural and Built Environment are positively prepared, justified, effective and consistent with national policy.

Issue 9 – whether the Plan's approach to transport and infrastructure is justified, effective and consistent with national policy

134. Policy DM3 requires proposals to contribute to identified infrastructure needs in accordance with Spatial Policy 6 of the ACS.
135. The Transport Infrastructure Delivery Plan Update (2022) (TIDPU) (EB TI 3) identifies the necessary infrastructure to facilitate development within the District. Amongst other things, it examines the changes to transport infrastructure that have occurred since the publication of the 2017 IDP and analyses the transport impacts of proposals in the Development Plan.
136. Highway and road improvements are required to address the cumulative impacts of planned development. This is particularly important for mitigating traffic congestion at key locations. Therefore, improvements to the A1 Overbridge, urban junctions within Newark and a flood alleviation scheme, also in Newark, are necessary to address the outcomes of traffic modelling. Rural junction improvements and a bypass to Kelham are needed to support growth and prevent traffic bottlenecks. These needs are based on robust traffic modelling and through consultation with the highway authority. The models forecast a 27% increase in network trips by 2033 and so these upgrades are justified.
137. Appendix A of the TIDPU provides improvement plans that identify the individual schemes that are required to address the cumulative impacts of development and there are a clear set of mainly costed projects (with a small number whose costs are yet to be identified) within the Highway Infrastructure Schedule at Appendix C. The focus is on the significant transport infrastructure that is likely to be beyond the scope of individual developers or site promoters. This is to be addressed through the Community Infrastructure Levy (CIL). Site-specific infrastructure requirements will be addressed at planning application stage.
138. The Infrastructure Delivery Plan Update (2023) (IDPU) (EB TI 2) provides a clear picture of the position with regard to infrastructure delivery, updated from 2017. It sets out planned infrastructure delivery up to the end of the Plan period and beyond. The CIL charges are based on the size, type and location of proposed development.

139. It is evident from the IDPU, that there has been significant progress in delivering infrastructure to support growth in the District over the past few years. Funding is in place to deliver the final phases of the Southern Link Road to the south of Newark and work is progressing well on the delivering the A1 overbridge at Fernwood. New primary and secondary schools have been built and will support the urban extensions to the south of Newark. These projects support the spatial strategy for Newark to be the location for the majority of housing and employment growth. Further to this, other major projects are necessary to align the growth strategy with supporting infrastructure. It is therefore proposed to dual the Newark Bypass and to provide a new Southern Link Road to link the A46 to the A1.

140. The Council has a number of partners and infrastructure providers to ensure requirements are captured and reflected in regular updates of the IDP. The IDPU and its accompanying Area Schedules (EB TI 5) provide a detailed list of infrastructure projects that will support the site allocations and growth in the Plan. The IDPU and its Area Schedules appropriately identify the necessary infrastructure requirements and clearly set out how they will be delivered over the Plan period.

141. Overall, the Plan's approach in conjunction with the TIDPU, IDPU and Area Schedules sets out a comprehensive framework for the delivery of the infrastructure necessary to support development.

Conclusion

142. I am satisfied that the provisions in the Plan will enable a coordinated strategy to lead the delivery of new and improved infrastructure to support planned growth. Policy DM3 is soundly based, justified and effective.

Issue 10 – whether the Plan is viable and deliverable and the mechanisms for monitoring and review are robust and appropriate

Monitoring

143. The Council's viability assessment work was updated in order to reflect inflationary increases in construction costs and sales values. Also taken into account are the indexed CIL charges. This work shows the viability position to be positive and the Plan's overall development strategy to be robust.

144. There is a clear mechanism to address the significant differences in residential property values across the District through a uniform affordable housing policy target of 30%. This has been tested using differential sales values in the four residential sub-markets across the District and has demonstrated positive

viability and deliverability, taking account of all policy impacts. Moreover, the Council successfully operates a differential CIL system that reflects the economic position in different sub-market areas, with CIL charges tailored to the variations in property values in each sub-market area.

145. The monitoring indicators in Appendix C of the Plan are based on the previous Allocations and Development Management DPD from 2013. Consequently, they do not provide a robust basis for monitoring the Plan's progress. However, an extensive set of minor modifications are proposed by the Council on adoption of the Plan to address this.

Conclusion

146. Subject to the measures identified above, the Plan has a sound mechanism for monitoring and review and is viable and deliverable. The Plan is justified and effective.

Overall Conclusion and Recommendation

147. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.
148. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Newark & Sherwood Amended Allocations and Development Management DPD satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

H Baugh-Jones

Inspector

This report is accompanied by an Appendix containing the Main Modifications.