



**NEWARK &
SHERWOOD**
DISTRICT COUNCIL

**NEWARK & SHERWOOD ALLOCATIONS &
DEVELOPMENT MANAGEMENT DPD**

MATTER 2 – GENERAL ISSUES

(Issues: 3 to 7)

**Statement on behalf of Newark & Sherwood
District Council**

November 2012

Issue 3: Is the Plan consistent with the Core Strategy and is it capable of meeting its objectives?

- 3.1 The Plan sets out in detail how the Council will achieve the spatial strategy that the Core Strategy (CS) (LDF10) commits to, and provides a basis for the long term planning of the District. Both documents reflect the Council's approach to achieving sustainable growth and contribute to a coherent LDF. The policies in the Plan are drawn from a robust evidence base and take account of material considerations, and so it is considered that the Plan is capable of meeting the objectives of the CS.
- 3.2 The Plan gives information about how the council will promote sustainable communities while protecting and enhancing the built and natural environment, heritage, biodiversity and landscape, as stated in the CS. Policies relating to particular sites and development management policies provide specific and general guidance about how this will be achieved.
- 3.3 The CS commits the Council to developing a strong economy, and the Plan provides details of how this will be done, including how the release of land for employment, housing and other necessary development will be managed and how Newark's role as a sub-regional centre will be strengthened.
- 3.4 The Plan sets out the policies that will realise other key CS objectives. These include high standards of design in new buildings with a balance of residential development reflecting the needs of the area and improved accessibility to employment, services and other facilities. Other CS objectives to be met by the policies of the Plan include revitalising town centres, boosting tourism and maintaining and enhancing the natural and built environment.
- 3.5 Appendix C of the Plan builds upon the monitoring framework for the CS. It can be seen that policies from both documents work together to achieve the same goals, and that the Plan is indeed consistent with the CS.

Issue 4: Is the Plan based on a sound process of sustainability appraisal including testing of reasonable alternatives, and does it represent the most appropriate strategy in the circumstances?

- 4.1 Production of the Plan has been based on a sound process of Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) in accordance with EU Directive 2001/42/EC and Section 39(2) of the Planning and Compulsory Purchase Act 2004 (ND1). A robust and comprehensive Sustainability Appraisal Framework has been developed which reflects regulatory requirements and complies with Government guidance.
- 4.2 The first stage in the SA process involved the scoping of the main sustainability issues facing the District to inform the establishing of an appropriate appraisal framework. This initial work led to the publishing of the first Scoping Report in 2005. Following this the document was reviewed and updated in 2009, this provided the opportunity to

bring the appraisal framework into line with the latest planning policy context and to freshly assess the District's prevailing economic, environmental and social conditions. The outcome of this review is provided by the Sustainability Appraisal Scoping Report Update 2009 (LDF9).

- 4.3 This scoping work has enabled a sound and robust Sustainability Appraisal Framework to be developed along with a range of appropriate Sustainability Appraisal Objectives with which to undertake appraisal. Input into this process was sought from statutory environmental bodies and other interested parties through their consultation. The resulting SA Framework has provided the basis for the appraisal of both the CS and wider LDF.
- 4.4 Sustainability Appraisal has been a key element in the formulation of the Plan; this process has been iterative with the outcome of appraisal informing each successive stage. The results of these appraisals are documented in the Options Report Sustainability Appraisal (ADM18), the Sustainability Appraisal Addendum (ADM14) and the Publication stage Sustainability Appraisal (ADM6).
- 4.5 The process as outlined above has ensured that all reasonable alternatives were tested. In terms of the potential site allocations, the appraisals were undertaken on a settlement-by-settlement basis, with each individual site being assessed against the SA Framework. All sites were assessed equally, irrespective of how they had been considered within the site selection process. Furthermore the application of the SA Framework did not take account of site specific mitigation requirements detailed in the policy approaches for those sites included at the Publication stage. Such requirements would have tended to minimise any potential negative impacts, distorting the results compared to the sites that did not proceed into this stage.
- 4.6 In addition to the SA the Council has also carried out a suitably comprehensive and robust assessment under the Habitat Regulations (ADM15A) to consider the impact of the plan on any 'European sites' which form part of the Natura 2000 network. Reflecting the role of the Plan and its position within the wider LDF, the assessment has built on that carried out as part of the production of the CS. The process took account of current guidance and best practice and has been subject to consultation, with input being sought from Natural England, the Environment Agency and other consultees. The Assessment was iterative and conducted in three stages alongside the Options Report (ADM19), Additional Sites and Development Management Policies Consultation Papers (ADM15) and the Publication DPD (ADM7).
- 4.7 The assessment concludes that the Birklands and Bilhaugh Special Area of Conservation (SAC) is the only European site which could potentially be impacted upon by the Plan. However as stated at Paragraph 5.4.4 of the assessment (ADM7), the key point is that the Plan will not in itself result in any change to or effect on any European Site. In addition, on the basis of the work undertaken it was also considered that an Appropriate Assessment of the A&DM DPD (ADM2) was not necessary (ADM7 Paragraph 5.4.8).

- 4.8 Adopting a precautionary approach Appendix C of the assessment (ADM7) has also considered the potential implications of the designation of a new European site at Sherwood Forest. The potential for a new Special Protection Area (SPA) was highlighted during the inquiry into a proposed Energy Recovery Facility at the former Rufford Colliery and relates to the presence of important birds (Nightjars and Woodlarks).
- 4.9 At present the area is considered as a 'Prospective SPA' and so there is no formal requirement to look at the site from the perspective of compliance with relevant legislation. However it was felt appropriate to consider the risks of designation to the A&DM DPD (ADM2) and to assess possible contingencies for such an eventuality. The outcome of this assessment (Section 5.7 Appendix C ADM7) has therefore identified additional mitigation and avoidance measures capable of implementation through the CS and the Plan in the event that a SPA is designated.
- 4.10 The Plan has been founded on the outcome of the Sustainability Appraisal and Habitat Regulations Assessment processes, a proportionate, robust and sound evidence base and taking account of stakeholder consultation input. Specifically in terms of the site selection process this has followed a robust methodology, as detailed in Appendix B of the Plan, which has drawn upon available evidence in order to identify the sites that are the most appropriate and sustainable for meeting the needs of the District to 2026 and beyond. A crucial element of the Plan's preparation has therefore been the appropriate assessment and testing of the proposed approach and potential alternatives to this. As a result it is considered that the Plan represents the most appropriate strategy when considered against reasonable alternatives.

Issues: 5 Is the Plan deliverable having regard to viability of allocated sites and the requirements of development management policies? Inspectors Additional Questions to the District Council:

Inspector's Supplementary Question 1: Infrastructure/Viability

Can you assure me that key infrastructure mentioned in the Infrastructure Delivery Plan and the site allocations has been included in the August 2012 Viability Assessments and that it does not threaten delivery?

- 5.1 Following on from the Inspectors Questions to the Council further viability work was undertaken to address the concern of the Inspector about the viability of the proposed allocated sites. A revised Residential Viability Appraisal (EB39) has been prepared to fully factor in the infrastructure requirement costs. This updated appraisal also includes appraisals of mixed use sites. Following a representation (Paul Stone – Signet Planning, on behalf of Sladen Estates and Peveril Securities) received during the consultation into the Strategic Policies for the purposes of Neighbourhood Planning amendments have been made to NUA/E/4's viability assessment to correctly affect the site's brown field status (See EB40) and the wider documentation (EB41 and EB42) supporting the Council's viability assumptions has also been submitted to the examination.

- 5.2 The findings of the earlier studies are supported by the revised studies namely that some development in the west of the District during the first five years of the plan is most sensitive to issues of viability, taking into account key infrastructure identified in the IDP. As stated in our Response to the Inspectors initial questions this does not necessarily rule out development (see paragraph 1.7).
- 5.3 The District Council has prepared a Funding Statement (EB38) which sets out how the Council intends to deal with potential problems relating to viability on allocations sites. It identifies potential flexibility in securing developer contributions, including the need for the update of the Developer Contributions SPD to focus on IDP requirements, amend the CIL Section 123 list to provide additional secondary education places, and provide assistance to support infrastructure provision on sites with marginal viability.
- 5.4 The District Council believe that the Viability Assessment and the Funding Statement together demonstrate that the Plan is viable both in the short and long term. Please also see Matter 6 were the Council has proposed amended wording to address concerns raised by the Inspector in relation to Policy DM3 Developer Contributions.

Issue 6: Is there sufficient flexibility to cope with changes to individual sites which might render them undeliverable for the purposes envisaged by the Plan?

- 6.1 The District Council has endeavoured to apply a robust methodology to the identification and selection of the most appropriate, sustainable and deliverable sites. Landowners have been involved in the process from the initial call for sites at the Strategic Housing Land Availability Stage through to consultation and formal Representation on the Plan. As outlined in the Methodology in Appendix B of the Plan, sites have been subject to rigorous assessment and discounted where they were subject to overriding constraint. Through this process the LPA have sought to minimise those instances where sites could be rendered undeliverable for the purposes envisaged by the Plan.
- 6.2 As detailed in Issue 5 above, this process has also considered the issue of viability in this challenging economic market and measures have been identified to offset any potential issues in the short term.
- 6.3 The housing figures in the Plan are based on an average density on 40dph in Newark Urban Area and 30dph elsewhere. When calculating the capacity for the purposes of the Plan allowance was made for the provision of open space and any areas which would not be developed. No design exercises were undertaken and the figures quoted in the Plan are capacity which is 'around'. Whilst some sites may be proposed for development at less than the capacity envisaged, it is also possible that a number of sites could successfully accommodate greater numbers. Some flexibility is therefore already built into the Plan.

- 6.4 The Housing Position Statement (EB10) sets out the position with regard to the housing situation and provides additional detail with regard to additional supply currently identified outside of the Plan period which provides additional flexibility.
- 6.5 The employment figures contained within the CS have been developed with an element of flexibility; they take into account potential loss of employment land during the plan period, and set guide line allocation requirements, expressed as a range rather than a precise figure. Given the character of the employment proposals, generally on existing employment estates and as part of large mixed use schemes it is judged that there is enough flexibility to deliver employment development across the District. The Employment Land Availability Study (EB17) identifies that the Council is providing sufficient land to flexibly support economic growth in the District.

Issue 7: Are appropriate arrangements in place to ensure proper monitoring of the Plan?

- 7.1 It is considered that appropriate arrangements are in place to ensure proper monitoring of the Plan. Monitoring will be carried out in accordance with guidance set out in the NPPF (ND10).
- 7.2 A robust monitoring framework was developed and found to be sound by the Inspector as part of the adoption of the CS in 2011. This details targets and indicators which have been successfully used to monitor the CS in the Annual Monitoring Report 11/12.
- 7.3 Appendix C of the Plan builds on the monitoring framework established in the CS, and the Council is confident that it has suitable resources and data monitoring tools in place to ensure the effective monitoring of the plan.
- 7.4 As part of the monitoring process, the District Council will continue to assess the delivery of the policies and proposals, including maintaining a supply of specific deliverable and developable sites. The process of regular monitoring through the Annual Monitoring Report will be used to assess progress towards the delivery of the Vision and Strategy for Newark and Sherwood and will identify if remedial action needs to be taken in the future.