

The Southwell Neighbourhood Plan 2015 - 2026

Report by Independent Examiner

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Summary and Conclusion

1. The Southwell Neighbourhood Plan has a clear Community Vision for the Town. It comprises the three elements of Building a Strong Community, Supporting a Vibrant Trading Environment and Delivering a Good Place to Live.
2. The Plan seeks to deliver sustainable development. I have found that the housing mix and densities in Policy HE1 have been informed by justifiable evidence. I have found that the approach to reflect detailed local circumstances by supplementing the A&DM DPD site specific policies is an innovative one which has regard to the presumption in favour of sustainable development, where the additional requirements can be justified.
3. I have recommended modification to some of the policies in the Plan. In particular, I have recommended modifications to ensure clarity and precision in decision making.
4. I have recommended the deletion of some, or parts, of the policies in the Plan. In particular, I have found no clear evidence to justify the proposed parking standards in Policy TA4. I have recommended the deletion of Policy TA5, as it is a strategy for car park management rather than a policy. I have recommended the deletion of Policy HE2, primarily as the additional affordable housing requirements would undermine the viability of allocated housing sites.
5. I have found that the threshold of 11 dwellings or more in Policy TA2 for residential developments required to be located within 400 metres walk of public transport services, or requirements for subsidising transport links to the sites if this is not achievable, has not been justified.
6. I have recommended the deletion of policy which is already covered by other policy in the Plan. In particular, I have recommended such deletion in the site specific policies and I have recommended the deletion of Policy HE3 as this is covered by Policy DH2. I have recommended modification to Policy DH3 regarding the historic environment, as the policy refers to three documents not yet in existence.
7. Throughout the policies there is reference to the Southwell Design Guide. I have recommended modification, where appropriate, to clarify that this is guidance rather than a policy document.
8. I have recommended deletion of reference to the energy performance of new dwellings, as it is no longer appropriate for neighbourhood plans to refer to this.
9. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that subject to my recommendations, the Plan meets the Basic Conditions. Subject to my recommendations being accepted, I consider that the Southwell Neighbourhood Plan 2015 - 2026 will provide a strong practical framework against which decisions on development can be made. . I am pleased to recommend that the**

Southwell Neighbourhood Plan 2015 - 2026, as modified by my recommendations, should proceed to Referendum.

Introduction

10. I was appointed as an independent Examiner for the Southwell Neighbourhood Plan 2015 - 2026 in January 2016.
11. On 6 December 2012 Newark & Sherwood District Council (NSDC) approved that the Southwell Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Southwell.
12. The qualifying body is Southwell Town Council. The plan has been prepared by a Steering Group comprising local residents and Town Councillors. The Plan covers the period 2015 - 2026.

Legislative Background

13. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
14. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.
15. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;

- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.

EU Obligations

16. NSDC has prepared the *Southwell Neighbourhood Plan: The Environmental Assessment of Plans and Programmes Regulations 2004: SEA Screening Statement (August 2015)* to determine whether or not the Plan requires a full Strategic Environmental Assessment (SEA) under the European Directive 2001/42/EC and whether it requires a Habitat Regulations Assessment (HRA) under Article 6 or 7 of the Habitats Directive.
17. The Report concludes that *there are no clear significant negative impacts on the environment resulting from the policies and proposals contained in the Plan*. Therefore a SEA is not required.
18. Regarding the need for a HRA, paragraph 4.3 in the above Report states: *The NP is in general conformity with the district's development plan. It contains detailed policies regarding the implementation of quantum and site location of development from the development plan that has already been determined by higher level habitat regulation assessments not to require Appropriate Assessment. Therefore the Southwell Neighbourhood Plan is unlikely to have significant environmental effects on any Natura 2000 sites and an Appropriate Assessment for the NP is not required.*
19. The statutory consultees have agreed with the above conclusions. On the basis of the conclusions of the above Report and statutory consultee agreement, I consider that the Plan does not require a full SEA Assessment and is in accordance with the provisions of the European Directive 2001/42/EC. In addition, the Plan does not require a full HRA under Article 6 or 7 of the Habitats Directive.
20. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

21. *The National Planning Policy Framework (2012) (NPPF)* sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* provides Government guidance on planning policy.
22. The development plan for the Southwell Neighbourhood Plan Area comprises the Newark and Sherwood Core Strategy (2011) and the

Allocations and Development Management DPD (A&DM DPD) (2013). The strategic policies in the development plan include policies regarding the delivery of homes and jobs in the area and conservation and enhancement of the natural and historic environment.

The Neighbourhood Plan Preparation

23. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
24. The first stage consultation process included a public information meeting and a drop in session in May 2013. A Steering Group and five Theme Groups were then established to engage with the community to formulate the objectives and policies in the Plan.
25. The second stage consultation process included a questionnaire distributed to local residents and businesses and stands in the Market Square to publicise the consultation. The results of the questionnaire were publicised in a local newspaper. In addition, a wide range of identified stakeholders were consulted.
26. The third stage was the consultation period on the pre-submission draft of the Plan, which ran from 30 January 2015 to 16 March 2015. A Policies Questionnaire and a Summary of the draft Plan were distributed. Consultation included a community event, road shows and meetings with local groups. There was considerable publicity associated with this consultation.
27. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents and organisations were able to engage in the production of the Plan. I congratulate them on their efforts.
28. NSDC publicised the submission Plan for comment during the publicity period between 12 November 2015 and 8 January 2016 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 10 responses were received. In addition, NSDC has submitted representations. I am satisfied that all these responses can be assessed without the need for a public hearing.
29. Some responses suggest additions and amendments to policies and accompanying text. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.

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

The Southwell Neighbourhood Plan 2015 - 2026

31. For ease of reference, I have used the same headings and policy titles as those in the Plan.

Status of the Neighbourhood Plan

32. Paragraph 1.8 in this section explains the remaining process for the submission version of the Plan. This paragraph will no longer be relevant in a final version. In the interest of clarity, paragraph 1.8 should be deleted.
33. **Recommendation: in the interest of clarity, I recommend the deletion of paragraph 1.8.**

Vision and objectives

34. A clear Community Vision for the Town has been established. It comprises the three elements of Building a Strong Community, Supporting a Vibrant Trading Environment and Delivering a Good Place to Live.
35. Six objectives have been identified to support the Plan and the policies have sought to meet one or more of the objectives. For some reason the third objective is in bold type, implying a superior level of importance. I assume this is an editing error.
36. The vision and objectives provide a clear basis for the policies in the Plan.

Policy Overview

37. The Policy Overview section refers to a list of evidence based documents in Appendix 5, whereas it is actually in Appendix 3. This appears to be an editing error.
38. Nottinghamshire County Council has commented that Sites of Importance for Natural Conservation (SINCs) are now referred to as Local Wildlife Sites (LWSs). In the interest of precision, I recommend that all references throughout the Plan are modified accordingly. In particular, the reference should be corrected on Proposals Map B.
39. Nottingham Trent University has commented that paragraph 2.23 should refer to the campus at Brackenhurst expanding towards a 1700, rather than

a 1500, student capacity. In the interest of precision, this paragraph should be amended accordingly.

40. It is necessary for Neighbourhood Plans to provide *a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency* as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity and precision with regard to a number of recommendations to modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF, thus ensuring that the Plan has regard to national policy in this respect.
41. **Recommendation: in the interest of precision, I recommend modification to references to SINC's by replacing them with references to LWSs and modification to paragraph 2.23 to refer to the campus at Brackenhurst expanding towards a 1700 student capacity...**

Sustainable Development

SD1 - Delivering Sustainable Development

42. Policy SD1 seeks to ensure that sustainability is considered in all development proposals. Reference is made in the second bullet point to the Southwell Design Guide. I have sought clarification from NSDC as to the status of this guide. NSDC does not consider the Southwell Design Guide to be Supplementary Planning Guidance.
43. The Southwell Design Guide is not a policy document. It forms part of the evidence base for the Plan and is included as an appendix which has been subject to public consultation. It informs many of the policies in the Plan. As such it is an important element of the Plan. It is important to give careful consideration to the weight that can be attached to it, having regard to the Basic Conditions.
44. The Design Guide has two purposes. Firstly to act as an additional point of reference on matters of design within the Plan and secondly, it seeks to, as much as is possible, ensure that proposed development within the Plan area is sustainable in its design. I have recommended some modification to the Design Guide. Subject to these modifications, I am satisfied that the Southwell Design Guide is valuable supporting evidence for design guidance in Southwell and has regard to paragraphs 75 and 76 in the NPPF, where they seek to deliver high quality design and promote or reinforce local distinctiveness.
45. In the interest of clarity, to ensure that the Southwell Design Guide is not elevated to the status of policy, I recommend modification to Policy SD1 to refer to 'guidance' in the Design Guide. I have made similar recommendations for modification to other policies throughout the plan where they refer to the Southwell Design Guide. In some instances, for the

avoidance of repetition, I have not mentioned the need for such a modification in my reasoning.

46. In a Written Ministerial Statement of 25 March 2015, the Government announced that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans.
47. The Government published a command paper *Fixing the foundations: Creating a more prosperous nation* in July 2015. Regarding new dwellings, it announced that: *The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established.*
48. In the light of the above Statement and Announcement and to have regard to national policy, I recommend the deletion of reference to energy efficiency in new dwellings in both Policy SD1 and the Southwell Design Guide in Appendix 1. In addition, reference to technical standards in the key design principles in the Design Guide should be deleted.
49. Reference to energy efficiency regarding non-residential properties can remain in the Design Guide. My proposed modification to Policy E6 would address the issue of energy efficiency in non - residential development.
50. NSDC has suggested two modifications to Policy SD1. In the interest of clarity I recommend modification to Policy SD1 to accord with these suggestions. They are with respect to the order of wording of the first sentence and to make the fifth bullet point precise. Subject to the above modifications, I consider Policy SD1 has regard to national policy where the NPPF seeks a presumption in favour of sustainable development and meets the Basic Conditions.
51. **Recommendation: to meet the Basic Conditions, I recommend deletion of reference to energy efficiency and technical standards for new dwellings in the Southwell Design Guide in Appendix 1 and modification to Policy SD1 to read as follows:**

Policy SD1

Only proposals for sustainable development will be supported where they demonstrate:

How sustainability has been addressed for the site with reference to the NSDC and NP policies applicable to it.

That account has been taken of guidance in the Southwell Design Guide to help ensure that it is appropriate to the location and enhances the natural and built environments.

That account has been taken of the need to avoid increasing the risk of flooding both on and off site in accordance with Neighbourhood Plan policies E1-Flood Risk Assessments and Mitigation and E2- Flood Resilient Design.

That, where appropriate, a multifunctional approach has been taken to help provide an enhanced integrated Blue and Green Infrastructure, including Public Rights of Way, with an equitable distribution of green and amenity space across the parish of Southwell.

Where any development triggers the requirement for developer contributions as set out in the NSDC Developers Contribution and Planning Obligations SPD, these should, wherever possible, be delivered on site rather than as commuted sums.

That, where applicable, the effects on the capacity and quality of transport access to, from and within Southwell have been addressed.

That, where applicable, account has been taken of the wellbeing and social development needs of Southwell residents.

Environment

E1 – Flood Risk Assessments and Mitigation

E2 – Flood Resilient Design

52. Section 10 in the NPPF emphasises the need for pro-active strategies to mitigate and adapt to climate change, taking full account of flood risk.
53. Core Policy 10 in the Core Strategy seeks to mitigate the impact of climate change, including the need for new development to reduce the causes and impacts of climate change and flood risk. Core Policy 9 in the Core Strategy seeks new development to pro-actively manage surface water, including, where feasible, the use of Sustainable Drainage Systems. I consider these to be strategic policies regarding flood risk and climate change mitigation.
54. The flood risk management and mitigation measures in Policies E1 and E2 seek to minimise flood risk from new development. I note these policies have been prepared by informal liaison with relevant bodies, including the Environment Agency.
55. In the interest of clarity, NSDC has suggested modification to the wording of the first paragraph of Policy E1, and modification to the second paragraph to refer to consultation with, rather than agreement with, the Lead Flood Authority. In addition, with regard to Policy E2, NSDC has stated that Sustainable Urban Drainage Systems (SUDs) are now referred to as Sustainable Drainage Systems. Indeed, the Planning Practice Guidance now refers to them as Sustainable Drainage Systems.
56. To ensure the provision of a practical framework within which decisions on planning applications can be made, I recommend modification to these policies in accordance with the NSDC suggested modifications. Subject to these modifications, Policies E1 and E2 meet the Basic Conditions.

57. **Policy E1 Recommendation: to meet the Basic Conditions, I recommend modification to Policy E1 to read as follows:**

Policy E1

Where proposals are required to submit a Flood Risk Assessment this must take account of the most up to date EA flood mapping, hydraulic modelling and flood mitigation for Southwell. Specific regard should be had to the NCC Flood Mitigation Plan for Southwell or its most up to date equivalent.

Where flows cannot be related to these sources they should be modelled using best practice. The methodology for the modelling, findings, FRAs and flood mitigation recommendations, shall be developed in consultation with the Lead Flood Authority.

There should be no development within the flood plain of local watercourses that would result in a loss of flood plain storage without adequate level for level floodplain compensation up to the 1% Annual Exceedance Probability (AEP) flood with an allowance for climate change of 30% or any more current amount.

Proposals for flood mitigation must be designed to meet the requirements of other relevant policies within the NP, particularly those relating to the built and natural environments.

58. **Policy E2 Recommendation: to meet the Basic Conditions, I recommend modification to Policy E2 and explanatory text to refer to Sustainable Drainage Systems rather than SUDs.**

E3 - Green Infrastructure and Biodiversity

59. Paragraph 109 in the NPPF seeks to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
60. Core Policy 12 in the Core Strategy seeks to conserve and enhance biodiversity. I consider this to be a strategic policy regarding the conservation and enhancement of the natural environment.
61. Policy E3 seeks to protect and enhance the natural environment. I make comments on the detailed policy wording below.
62. NSDC has suggested rewording of the second paragraph to make the requirement for a base line assessment to be part of the course of a planning application rather than a requirement of the application at the onset. In the interest of clarity, I consider such modification to be necessary.
63. Paragraph 173 in the NPPF states: *'Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be*

subject to such a scale of obligations and policy burdens that their ability to be delivered viably is threatened.'

64. I have not been provided with any local robust evidence to clearly explain why compensating habitat should be to a ratio of 2:1. I am concerned that such an onerous unjustified requirement could undermine the viability of strategic development. Therefore, I recommend deletion of this requirement and modification to the third paragraph as suggested by NSDC.
65. The seventh paragraph is not planning policy. Thus, I recommend the deletion of this paragraph. Much of the eighth and ninth paragraphs re-iterate guidance in the Southwell Design Guide. By doing so, it elevates guidance to Policy. In the interest of clarity and precision, I recommend modification to the eighth and ninth paragraphs to clarify the status of the guidance. The requirements in the tenth paragraph are covered by the second and fifth paragraphs and thus should be deleted.
66. NSDC has suggested modification to the eleventh paragraph as trees subject to Tree Preservation Orders are covered by separate legislation. In the interest of clarity, I recommend modification as suggested by NSDC.
67. The last paragraph requires planning conditions or legal agreements for long term maintenance. Whilst it is important to ensure such long term maintenance, the mechanism for delivery should be subject to the specific details of each development proposal. NSDC has suggested modification to this paragraph, which I consider would provide a practical framework for decision making.
68. Subject to my suggested modification, I consider that Policy E3 has regard to national policy, is in general conformity with strategic policies in Core Policies 9 and 10 and meets the Basic Conditions.
69. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy E3 to read as follows:**

Policy E3

Development proposals must aim to protect and enhance Local Wildlife Sites, the Local Nature Reserve, and priority habitats and species identified through the Natural Environment and Rural Communities (NERC) Act, the UK Biodiversity Action Plan (UKBAP) and the Nottinghamshire Local BAP (LBAP). Any development proposal must also comply with the Natural England Standing Advice for Protected Species.

Where it is apparent or becomes apparent during the course of a planning application that a site has significant ecological value, development proposal must include a base line assessment of the habitats, species and overall biodiversity value for the site, where appropriate, expressed in terms of the biodiversity accounting

offsetting metric, advocated by the Department for the Environment, Food and Rural Affairs (Defra), proportionate to the size of the development. The assessment must demonstrate how biodiversity will be conserved and enhanced by the development.

Where the loss of habitat cannot be avoided, the proposal should include appropriate offsetting to create a compensatory habitat to ensure that there is no loss of biodiversity.

Development proposals which create additional habitat space, including roosting, nesting or shelter opportunities for wildlife, will be looked on favourably when considering the biodiversity value of a development.

Development proposals that fail to mitigate or compensate for loss of important habitat or wildlife species will not normally be granted planning permission.

Unless it can be shown to be impracticable or financially unviable, a buffer strip must be provided between the boundaries of properties or plots within a development and any existing historic, landscape or ecologically valuable hedge row(s), tree(s) and any other features of merit for maintaining effective Blue and Green Infrastructures. The width of the buffer strip should have regard to guidance in the Southwell Design Guide.

The provision of non woody herbaceous species to be established on created buffer strips should have regard to guidance in the Southwell Design Guide.

Where the loss of protected trees as a result of a development proposal is unavoidable, appropriate replacement planting should be incorporated as part of the scheme.

As part of development proposals, provision should be made for the long term maintenance of any retained or created habitats, existing historic landscape or ecologically valuable vegetation and buffer strip provisions.

E4 – Public Rights of Way

70. Paragraph 75 in the NPPF states: *planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National trails.* Paragraph 117 seeks to promote ecological networks.
71. Policy E4 has a multifunctional approach to Public Rights Of Way (PROWs), where they can provide inclusive access and be effective wildlife corridors. I make comments on the detailed policy wording below.

72. Developers cannot be expected to ensure retention of PROW's or vegetation outside of their control adjoining their sites. To clarify this matter, I recommend modification to the first paragraph of Policy E4 and deletion of the second paragraph.
73. All policies in the Plan should be read in conjunction with each other. In this context, I recommend deletion of the sixth paragraph as the appropriateness of non woody herbaceous species is already covered in Policy E3.
74. For the same reasons as explained in my reasoning for modifications to Policy E3, the fifth paragraph should be modified to refer to guidance in the Design Guide and the last paragraph should be modified to ensure future maintenance.
75. Subject to my suggested modifications, Policy E4 has regard to national policy in paragraphs 75 and 117 in the NPPF and meets the Basic Conditions.
76. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy E4 to read as follows:**

Policy E4

Developers must ensure that existing and any new PROWs including footpaths, cycle routes and bridle ways, which cross their sites, are retained wherever possible and enhance the Green infrastructure in Southwell parish.

PROWs should be considered to be multifunctional, contributing not only to the Green Infrastructure but also, where relevant, to open spaces including those due under developer contributions.

Unless it can be shown to be impracticable, the minimum total width for a PROW shall be sufficient to allow for machine maintenance, the inclusion of an allowance for hard surface to provide inclusive access for the public and with associated vegetation margins, for it to be effective as a wildlife corridor.

The provision or retention of trees, woody species and hedges along PROWs should have regard to guidance in the Southwell Design Guide.

When a new PROW is to be provided or revisions made to existing PROWs on a development, any alignment should avoid the use of estate roads for the purpose wherever possible, and preference given to estate paths through landscape or open space areas away from vehicle traffic.

Provision should be made for the long term maintenance of any PROWs that are part of development proposals.

E5 – Green Link

77. Policy E5 furthers the aims of Policy E4 by seeking to create a Green Link around Southwell. Whilst this is a laudable aim, there is no evidence to justify that it will be delivered, as the deliverability is dependent on developer contributions. In these circumstances, I recommend modification to Policy E4, as suggested by NSDC, to state that proposals which could contribute towards the creation of a Green Link will be supported. Such a modified policy would meet the Basic Conditions.
78. **Recommendation: to meet the Basic Conditions, in the interest of clarity, I recommend modification to Policy E5 to read as follows:**

Policy E5

Development proposals that could contribute to the creation of a Green Link around Southwell to help maintain the rural character of the town, maintain attractive PROWs linked to open spaces, for the benefit of the public and wildlife, will be supported.

This policy requires development proposals which are likely to have an impact on the Green Link from physical presence or pressure from activity to protect and enhance the Green Link by:

- a) Wherever possible, improving the continuity of the public access within the Green Link and its value as a wildlife corridor.**
- b) Wherever possible increasing the access from the Green Link to the wider network of PROWs around Southwell; improving its landscape features to help maintain it as an attractive amenity for the public and making it a more valuable biodiversity asset.**

E6 – Climate Change and Carbon Emissions

79. One of the core principles in the NPPF is to support the transition to a low carbon future in a changing climate by a number of means, including encouraging the use of renewable resources.
80. The second bullet point in Policy E6 cross refers to Policy DH6, which I assume should be DH3. This bullet point refers to the setting and character of heritage assets, which are protected by national policy. In the interest of clarity, the cross reference is unnecessary and should be deleted.
81. The last paragraph of Policy E6 cross refers to the Southwell Design Guide. As previously mentioned, this paragraph requires modification to refer to guidance in the Design Guide. In addition, in the interest of clarity, this paragraph should start with reference to ‘developer proposals’ rather than ‘developers’.

82. As mentioned under Policy SD1, I have recommended the deletion of reference to energy efficient homes in Appendix 1 in the Southwell Design Guide. Reference to energy efficiency regarding non-residential properties can remain in Policy E6.
83. Subject to the above modifications, Policy E6 is in general conformity with strategic policy in Core Policy 10 in the Core Strategy where it seeks to deliver a reduction in overall CO₂ emissions, has regard to national policy and will play an important role in contributing towards sustainable development. Policy E6, as modified, meets the Basic Conditions.
84. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the cross reference to Policy DH6 in the second bullet point in Policy E6 and I recommend modification to the last paragraph of Policy E6 to read as follows:**

Development proposals will need to demonstrate that they have taken account of the current industry and government best practice principles for energy saving construction in design of non-residential buildings and landscape treatments and guidance in the Southwell Design Guide. This may include considering the use of onsite renewable technologies where they comply with other policies within the development plan.

Design and the Historic Environment

85. Section 7 in the NPPF seeks to secure high quality design. Paragraph 6 states: *planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*
86. Section 12 in the NPPF seeks to conserve and enhance the historic environment.

DH1 – Sense of Place

87. Policy DH1 seeks to ensure that consideration has been given to design guidance in the Southwell Design Guide. As already mentioned under Policy SD1, the policy should clearly state that this is guidance.
88. Core Strategy Policy SoAP 2 supports the development of new educational and research facilities at Nottingham Trent University's Brackenhurst Campus. This campus is situated to the south of the parish outside the urban boundary.
89. Nottingham Trent University has raised concern that Policy DH1 would preclude the growth and development of the university's Brackenhurst Campus, which may require further supportive and ancillary commercial and

retail development. The Plan, at paragraph 2.16, recognises that this campus is a significant employer in the parish. I am concerned that Policy DH1 could inadvertently restrict necessary development at the campus site. In this context, in the interest of clarity, I recommend modification to Policy DH1 to cross refer to Core Strategy Policy SoAP 2.

90. Subject to the above modifications, I consider that Policy DH1 meets the Basic Conditions.

91. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy DH1 to read as follows:**

Policy DH1

All relevant planning applications will be required to demonstrate how they have taken account of the guidance set out within the Southwell Design Guide contained at Appendix 1 and the Conservation Area Appraisals (where this is relevant). This should not preclude innovative or contemporary design where it can be shown to support and contribute to the unique townscape of Southwell. Standardized design solutions are unlikely to be acceptable.

All new development, in terms of scale, mass and overall mix of use should reinforce the focus of the Town Centre for commercial and retail uses, and not seek to create alternative centres. This does not preclude appropriate development at the Brackenhurst Campus in accordance with Core Strategy Policy SoAP 2.

DH2 – Public Realm

92. Policy DH2 seeks a high quality public realm. The second paragraph requires all new residential and commercial schemes to provide new public places appropriate to the development. I have no clear evidence to justify this requirement and am concerned that such a requirement may make some otherwise sustainable development unviable. NSDC has suggested modification to this paragraph to remove the blanket requirement. That modification would overcome my concern and Policy DH2 would meet the Basic Conditions. For the same reasons, the supporting paragraph 7.7 should be deleted.

93. The first paragraph has some grammatical errors, which I have corrected in my suggested modification.

94. **Recommendation: to meet the Basic Conditions, I recommend the deletion of paragraph 7.7 and the modification to Policy BH2 to read as follows:**

Policy DH2

Development proposals which have the potential to impact on the public realm will be expected to demonstrate how they will contribute to high quality streets, pavements and other publicly accessible areas

(the public realm) within the town, subject to complying with all other Neighbourhood Plan policies. Where appropriate, improvements to the existing public realm, to ensure safe and high quality access for all users, should be delivered alongside proposals and have regard to the guidance in the Southwell Design Guide (Appendix 1).

Where new public squares, parks or spaces are provided as part of development proposals, they should be of a scale and type appropriate to the development and its context.

Landscape schemes submitted with applications should demonstrate how they have been designed to:

Encourage access for all users

Reduce the risk of fly-tipping and other anti-social behaviour

Be maintained in the long term

DH3 – Historic Environment

95. This policy refers to three documents not yet in existence. These are a review of the Conservation Area Appraisal, a Historic Core (Archaeology) Study and a Register of non-designated heritage assets of local interest. Such an approach does not provide a practical framework for decision making. As such, I recommend deletion of those parts of Policy DH3 that refer to these references and modification to the supporting text accordingly.
96. Heritage assets are already protected by other development plan policy and *The Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and of preserving or enhancing the character or appearance of a Conservation Area. Thus, my recommended deletions above would not undermine Objective 3 with regard to the impact of development on the historic environment.
97. Southwell Town Council identified the Historic Core of the Town in *Southwell's Historic Core: An Outstanding Heritage Area* in 2012. It is clear that the Historic Town Centre is an area of greatest concentration of historic interest in the town and the distinct features must not be compromised. In this respect, I recommend that the two bullet points in Policy DH3 regarding the Historic Town Centre remain as the Policy. This will meet the Basic Conditions.
98. During the course of my examination of this Plan, NSDC has alerted me to an error on the Southwell Conservation Area map on page 49. I understand that the building on the corner of Lower Kirklington Road and Byron Gardens has been inadvertently shown as a listed building. In the interest of clarity, this should be deleted.

99. **Recommendation: to meet the Basic Conditions I recommend the deletion of the listed building notation on the building on the corner of Lower Kirklington Road and Byron Gardens on the Southwell Conservation Area map on page 49;**

modification to the explanatory text accompanying Policy BH3 as stated above; and

modification to Policy DH3 to read as follows:

Policy DH3

Development proposals within the Historic Town Centre must not negatively impact on the spaces, links or relationships between listed buildings, particularly those associated with the Minster where the aim is to maintain a sense of place within and around its precinct.

Within the Historic Town Centre the established layout of large houses within their own extensive grounds must be retained and the surviving Prebendal plots must not be subdivided.

Transport and Access

100. The NPPF seeks to promote sustainable transport and highlights in paragraph 35 that developments should be located and designed where practical to give priority to pedestrian and cycle movements. In paragraph 29 it is stated that: *the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.*

TA1 – Cycle and Pedestrian Routes

101. It must be realised that the definition of development encompasses a wide range and scale; including extensions to dwellings and the change of use of properties. Not all development will increase the use of, or have an impact on, the pedestrian and cycle network. In the interest of clarity, I recommend modification to the first paragraph of Policy TA1 to accord with the modification suggested by NSDC in this regard and modification to the second paragraph in relation to ensuring safe routes to school 'if applicable'. In addition, in the interest of clarity, I recommend modification to this policy to refer to 'development proposals' throughout.
102. In the first paragraph, reference is made to links to the key services and the district centre. Whilst the district centre is identified in the Plan, key services are not and therefore reference to them should be deleted. In addition, the last two sentences of this paragraph are not necessary. The last paragraph is a statement rather than policy. Therefore in the interest of clarity, I recommend deletion of this paragraph.

103. Subject to my recommended modifications, I consider that Policy TA1 has regard to national policy to promote sustainable transport. As modified, Policy TA1 meets the Basic Conditions.

104. **Recommendation: to meet the Basic Conditions, I recommend modification to PolicyTA1 to read as follows:**

Policy TA1

Where appropriate, proposals for new development in Southwell must demonstrate how account has been taken to improve the pedestrian and cycle network within the town, helping to provide links to the district centre.

In providing new routes or enhancing existing routes proposals, it must be demonstrated how they have considered the following criteria:

Delivering a high level of security and safety by providing adequate street lighting and good visibility in both directions.

Ensuring high quality design by providing suitable street furniture, including benches and bins where appropriate.

Keeping road crossings to a minimum to make all routes accessible for disabled people, the elderly and pushchairs.

Ensuring that they have delivered, or contributed to, safe routes to school if applicable.

TA2 – Public Transport Connectivity

105. Policy TA2 seeks to deliver an integrated transport system. As such, this has regard to national policy where it seeks to promote sustainable transport.

106. I have not been provided with any robust justification to clearly explain why the threshold of 11 dwellings or more has been set for residential developments required to be located within 400 metres walk of public transport services or requirements for subsidising transport links to the sites if this is not achievable. Whilst I realise that close proximity to public transport would give new residents a choice of how they travel, I am concerned that such an unjustified requirement for developments as small as 11 dwellings could undermine the viability of sustainable development proposals. Therefore, I recommend the deletion of the second paragraph of Policy TA2 and supporting explanatory text in this respect. This will meet the Basic Conditions.

107. **Recommendation: to meet the Basic Conditions, I recommend modification to supporting text as outlined above and modification to Policy TA2 by the deletion of the second paragraph.**

TA3 – Highways Impact

108. Policy TA3 seeks to ensure that new development does not have an adverse effect on the highway network. NSDC has suggested inclusion of reference to NSDC’s Developer Contributions and Planning Obligations SPD. In the interest of clarity, I recommend modification to the first paragraph as suggested by NSDC.
109. Government guidance in the Planning Practice Guidance states at Paragraph: 001 Reference ID: 23b-001-20150326: *Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.*
110. Contributions from an allocated development site cannot be sought to fund unrelated highway works elsewhere as they would not meet the planning obligations statutory tests. Therefore, I recommend the deletion of the second paragraph in Policy TA3 in this respect and associated explanatory text.
111. The design criteria for new developments in the third paragraph in Policy TA3 are vague. In the interest of clarity, I recommend deletion of this paragraph and associated explanatory text.
112. In the interest of precision, paragraph 8.15 regarding the line of the bypass should be updated.
113. Subject to my suggested modifications above, Policy TA3 meets the Basic Conditions.
114. **Recommendation: to meet the Basic Conditions, I recommend modification to supporting text as outlined above and modification to Policy TA3 to read as follows:**

Policy TA3

Where new development negatively impacts on the highway network, contributions will be sought from the developer to mitigate this effect in line with NSDC’s Developer Contributions and Planning Obligations Supplementary Planning Document. Contributions will be used to minimise and mitigate these impacts associated with the development.

TA4 – Parking Standards

115. Paragraph 39 in the NPPF states: *if setting local parking standards for residential and non-residential development, local planning authorities should take into account:*

- *the accessibility of the development;*
 - *the type, mix and use of development;*
 - *the availability of and opportunities for public transport;*
 - *local car ownership levels; and*
 - *an overall need to reduce the use of high-emission vehicles.*
116. Paragraph 40 in the NPPF supports the improvement of the quality of parking in town centres.
117. Policy DM5 in the A&DM DPD states: *parking provision for vehicles and cycles should be based on the scale and specific location of the development. Development resulting in the loss of parking provision will require justification.*
118. Policy TA4 seeks to impose minimum parking standards for new residential development. I have no evidence base before me to clearly establish that these standards have been derived having regard to paragraph 39 in the NPPF or that they provide the flexibility proposed in Policy DM5 in the A&DM DPD. On this basis, there is no clear and compelling justification that it is necessary to impose the proposed local parking standards for residential development. Therefore, I recommend the deletion of these parking standards in Policy TA4.
119. The criteria for parking for non - residential development in Policy TA4 have regard to national policy in paragraph 39 in the NPPF. In the interest of clarity, the first sentence of this paragraph should be modified to refer to development 'proposals'.
120. The last paragraph seeks developer contributions for town centre parking. Whilst seeking improvement of the quality of town centre parking has regard to national policy, requiring this to be provided by developers of commercial and retail development requires robust justification. I do not have such justification as part of the evidence base before me. I am concerned that such an onerous unjustified requirement could undermine the viability of strategic development. The last sentence of this paragraph supports additional town centre parking without making it a requirement of development. As such I recommend retention of this sentence subject to minor modification in the interest of clarity.
121. Subject to the modifications outlined above and corresponding modification to the explanatory text, Policy TA4 meets the Basic Conditions.
122. **Recommendation: to meet the Basic Conditions, I recommend modification to the explanatory text as outlined above and modification to Policy TA4 to read as follows:**

Policy TA4

Non-residential development proposals must take into consideration the following criteria in determining the acceptability of proposed parking:

Accessibility

Type of development

Availability of public transport

Number of visitors and employees at peak times.

All new parking must be designed to ensure that it is in keeping with the local character of Southwell. A mixture of different types of parking will be fully supported providing it is kept within the confines of the site and does not overspill onto neighbouring streets.

Parking proposals which would enhance the local and visitor access to the shopping centre will be considered favourably.

TA5 – Parking Strategy

123. Much of Policy TA5 is concerned with the use and management of car parks. It is vague in that it does not specify the type of parking and it refers to a brownfield site that is not identified on the proposal map. This is a strategy rather than a planning policy. Therefore, Policy TA5 and accompanying text should be deleted.
124. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy TA5 and accompanying text.**

Community Facilities

CF1 – Identified Assets

125. Policy CF1 seeks to retain and improve important community facilities. As such, this policy contributes towards the social role of sustainable development. Policy CF1 meets the Basic Conditions.
126. The last sentence in paragraph 9.4 in the explanatory text requires replacement community facilities to be within walking distance of the town. This is not translated into a policy requirement in Policy CF1. Therefore, in the interest of precision, this sentence should be deleted.
127. **Recommendation: in the interest of precision, to meet the Basic Conditions, I recommend the deletion of the last sentence in paragraph 9.4.**

CF2 – Green and Open Spaces and Burial Grounds

128. The proposals map and other maps in the Plan identify Green and Open Spaces protected by SP8 Policy. That policy is from the Core Strategy. Whilst I raise no concern regarding this protection, as Policy SP8 is from a different document in the development plan, this should be clearly stated on the maps.
129. The first and last paragraphs of Policy CF2 are statements, rather than policy and thus should be deleted.
130. The NSDC *Community Greenspace Provision Improvement Plans (2010)* identifies green space provision and deficiencies in both the Southwell North ward and Southwell West ward. It does not identify land suitable to provide additional open space. Policy CF2 indicates general areas for such provision, but does not specify these areas on the proposals map. This approach does not lead to a practical framework for decision making. In the interest of clarity, I recommend deletion of these references and the associated explanatory paragraph 9.14.
131. The third paragraph of Policy CF2 is vague. I have interpreted it as meaning that new developments should provide green and open spaces in accordance with the NSDC SPD. In the interest of clarity, I recommend modification to this paragraph accordingly.
132. Developers cannot be expected to provide open space to make up an existing deficit. These requirements would not meet the planning obligations statutory tests. Contributions are required to be directly related to the development, and fairly and reasonably related in scale and kind. Therefore, I recommend modification to the introduction and explanatory text to Policy CF2 accordingly, to ensure conformity with the statutory tests.
133. Subject to the above modifications, Policy CF2 meets the Basic Conditions.
134. **Recommendation: to meet the Basic Conditions, I recommend modification to the key for all maps in the Plan that identify Green and Open Spaces protected by SP8 Policy, to state that this policy is a Core Strategy Policy. I recommend modification to the accompanying text to Policy CF2 as stated above. I recommend modification to Policy CF2 to read as follows:**

Policy CF2

Unless it can be shown to be unreasonable to do so, green and open spaces should be provided on new development sites to the area requirements identified in the NSDC Developer Contributions and Planning Obligations Supplementary Planning Document.

Development proposal and/or schemes which help address the deficiency of burial ground facilities within the ecclesiastical parish of Southwell will also be looked upon favourably.

The loss of existing green and open spaces to development, including amenity space such as allotments, sports fields and play areas, will be resisted unless it can be demonstrated that it is no longer required but, if unavoidable, must be replaced by an equal area of at least similar quality situated conveniently in the Parish.

CF3 – Primary Shopping Frontage

135. Section 2 in the NPPF seeks to ensure the vitality of town centres. It states that planning policies should *recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.*
136. Southwell is a District Centre. Core Strategy Policy SoAP 1 seeks to: *protect and enhance the retail offer of the town by designating a town centre boundary and primary shopping frontages and encourage retail and other town centre uses within it.* I consider this to be a strategic policy for the provision of retail development.
137. Policy DM11 in the A&DM DPD states: *new and enhanced retail development and other town centre uses that are consistent with the size and function of the centre and maintain and enhance its role will be supported within the District Centres.*
138. The first paragraph of Policy CF3 in this neighbourhood plan does not accord with Policy DM11. Policy CF3 would allow any new shop or financial and professional service within the primary shopping frontage. It does not follow that any new shop or financial and professional service within the primary shopping frontage would necessarily enhance the vitality and viability of the District Centre. To ensure that the vitality and viability is enhanced, I recommend modification to the first paragraph to refer to ‘where they enhance’ rather than ‘enhance’ and in the interest of clarity, incorporating the second paragraph into the first. In addition, reference to ‘Article 4’ is not correct and as paragraph 9.17 explains, this policy should only relate to ground floor uses.
139. As the Primary Shopping Frontages are identified on the Proposals Map, it is not necessary to refer, in the third paragraph, to those identified by NSDC.
140. The last paragraph of Policy CF3 includes advertisement matters that do not require planning permission, as they are assessed against the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. In the interest of precision, I recommend modification to this paragraph.
141. Subject to the above modifications, I consider Policy CF3 meets the Basic Conditions.
142. I recommend modification to Policy CF3 to refer to ‘development proposals’, rather than ‘applications’, to accord with the approach in many other of the policies. This is a minor modification to Policy CF3 as a matter of style,

rather than a requirement. Although I have not specifically pointed this out for all policies, similar modifications to other policies would be acceptable.

143. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy CF3 to read as follows:**

Policy CF3

Within the Primary Shopping Frontage, as defined on the Policies Map, development proposals for retail and non-retail uses at street level will be supported where they enhance the vitality and viability of the District Centre. Where non-retail uses are approved in Primary Shopping Frontages consideration will be given to the removal of permitted development rights to allow for the assessment of the impact of other uses on the vitality and viability of the District Centre.

Development proposals for other uses, including Class A2 (Financial and Professional Services) and Class B1 (Business), within the Southwell District Centre (beyond the primary shopping frontages), as shown on the proposals map will be supported provided they can demonstrate how they improve the vitality and viability of the district centre and preserve residential amenity.

Development proposals involving advertisements that require planning permission must reference how they have taken into consideration guidance in the NSDC Shopfronts and Advertisements Supplementary Planning Document.

CF4 – Tourism

144. The importance of Southwell as a tourist destination is evident in the background evidence supporting the Plan. Core Strategy Core Policy 7 promotes opportunities for tourism in the District and Core Strategy Policy SoAP 1 seeks to promote Southwell as a designation for tourism. Policy CF4 generally supports tourism related development. I consider that Policy CF4 meets the Basic Conditions.
145. The last two sentences in the explanatory paragraph 9.23 are not a correct explanation of Policy CF4. In the interest of clarity, I recommend deletion of these sentences.
146. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the last two sentences in paragraph 9.23.**

Housing and Employment

HE1 – Housing Type and Density

147. Core Strategy Core Policy 3 seeks a density of normally no less than 30 dwellings per hectare net for new housing developments and seeks to secure new housing development that addresses the identified housing need for the district namely, family housing, smaller houses and housing for elderly and disabled people. The supporting text at paragraph 5.13 states: *The Housing Needs, Market and Affordability Study indicates that there is an increase in families and in the elderly populations. The District's housing will need to be adaptable to meet the needs of these groups including accommodating elderly and disabled residents. The Study also indicates that need is more focused towards smaller properties. In general terms, the indicated split in the study is that 60% of all new dwellings should be 1 or 2 bedroom dwellings and 40% should be of 3 bedrooms and above. An appropriate mix will depend on the local circumstances and information on local need in the particular part of the district where development is proposed.*
148. Policy So/HN/1 in the A&DM DPD seeks to secure the majority of new housing on allocated and windfall sites as one or two bedroom units in line with identified housing need.
149. The *Newark and Sherwood 2014 Sub Area Report* looks at the key findings of the Council's Housing Needs Survey at a localised level. The main findings for the Southwell Sub-area are that the main type of property required by existing households moving is semi-detached closely followed by detached. The main type needed for concealed households is flat / maisonette. In the market sector existing households mainly require two and four bedrooms. The majority of concealed households need smaller units, mainly one bedroom properties. The main size requirement overall is for two bedrooms at 37.9%. In the social sector the main size of property required by existing households is one bedroom, concealed households require two bedrooms.
150. Policy HE1 sets housing mix and associated densities for brownfield and greenfield sites. I note that it has been informed by *The Housing Needs, Market and Affordability Study (2009)*; *The Newark and Sherwood 2014 Sub Area Report*; and *The Southwell Neighbourhood Planning Area Profile (2014)* and is based on discussions with the NSDC Housing Strategic Manager. NSDC has not raised concern regarding this approach. In addition, I have been referred to the *Draft Nottingham Outer 2014 Strategic Housing Market Assessment June 2015 (SHMA)*, which was a public document prior to the consultation on the submission Plan. In this context, I consider that the housing mix and associated density requirements in Policy HE1 have been informed by justifiable evidence and are in general conformity with strategic policy in Core Policy 3. They will help deliver a

wide choice of high quality homes as required by policy in the NPPF and will contribute towards the achievement of sustainable development.

151. On matters of detail, the last sentence of the third paragraph of Policy HE1 regarding access to viability assessments is not a policy matter. This sentence should be deleted.
152. Paragraph 204 in the NPPF states that planning conditions should not be used to restrict national permitted development rights in The Town and Country Planning (General Permitted Development) (England) Order 2015 unless there is clear justification for doing so. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights *will rarely pass the test of necessity and should only be used in exceptional circumstances*.
153. The last paragraph of Policy HE1 seeks to remove all permitted development rights from new one and two bedroom dwellings. I realise the intent is to ensure the retention of small dwellings. However, to have regard to the above national policy and guidance, I recommend modification to this paragraph as suggested by NSDC. The suggested modification seeks consideration of the removal of permitted development rights, rather than an outright removal in all circumstances. A similar modification is required for the explanatory text at paragraph 10.7.
154. Subject to the modifications stated above, Policy HE1 meets the Basic Conditions.
155. Planning Practice Guidance states that: *local planning authorities should plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus*.
156. I have been referred to the Draft SHMA in the context of the provision of purpose built student accommodation for students attending the Brackenhurst Campus. The Draft SHMA does identify that Southwell's rental market is more diverse than others in the housing market area. However, nothing in the Draft SHMA, Core Strategy, A&DM DPD or the documents referred to above clearly indicate that Policy HE1 is required to include support for the provision of purpose built student accommodation to meet the Basic Conditions.
157. **Recommendation: to meet the Basic Conditions, I recommend modification to explanatory paragraph 10.7 as stated above. I recommend modification to the third paragraph of Policy HE1 by the deletion of the last sentence. I recommend modification to the last paragraph of Policy HE1 to read as follows:**

Where dwellings (including bungalows) of one or two bedrooms are delivered, consideration will be given to removing permitted development rights associated with extension and alteration in order to allow for consideration of the impact on the balance of the parish's housing stock.

HE2 – Affordable Housing Provision

158. Core Strategy Core Policy 1 seeks 30% of new housing on qualifying sites as affordable housing. As Policy HE2 seeks 35% of dwellings in new residential developments of 11 or more dwellings to be affordable, Policy HE2 is not in general conformity with strategic policy.
159. I have been referred to background evidence in support of Policy HE2, including reports that post-date the Core Strategy. These include the *NSDC Affordable Housing Supplementary Planning Document (July 2013)* and *The Newark and Sherwood 2014 Sub Area Report*.
160. Having taken all the background evidence referred to into consideration, I have no clear evidence to justify departure from the affordable housing requirements in Core Policy 1. I am concerned that the additional requirements in Policy HE2 would undermine the viability of the specific sites allocated in the A&DM DPD. This would not deliver the strategic housing requirements for the parish. As such, Policy HE2 is not in general conformity with strategic policy in the development plan and therefore does not meet the Basic Conditions.
161. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy HE2.**

HE3 – Open Space and New Residential Developments

162. Policy DH2 covers the provision of public spaces in new developments, including residential developments. Policy HE3 is therefore unnecessary.
163. **Recommendation: to provide a practical framework for decision making, to meet the Basic Conditions, I recommend the deletion of Policy HE3.**

HE4 – Economic Development

164. One of the core principles in the NPPF includes the need to proactively drive and support sustainable economic development. Core Strategy Core Policy 6 seeks to strengthen and broaden the local economy.
165. The second paragraph in Policy HE4 requires development proposals at the Crew Lane sites to be in accordance with Policies So/E/2 and So/E/3 in the A&DM DPD. These policies specifically cross refer to compliance with Policy So/E/1 in the A&DM DPD. That policy does not preclude development within Use Class B8 at the allocated Crew Lane sites. Indeed, Policy So/E/1 specifically refers to Use Class B8 development.
166. Policy HE4 seeks to restrict of Use Class B8 development at the Crew Lane sites. Whilst I appreciate that the intention is to support small scale starter units, by restricting Use Class B8 development, there would be an internal

conflict within this Policy. The first three bullet points would contradict each other. This internal conflict in the Plan would not lead to the precision and clarity needed from planning policy. Therefore I recommend the deletion of the third bullet point that restricts Use Class B8 development and modification to the second bullet point to avoid contradiction.

167. The second bullet point in the second paragraph refers to the promotion of Use Class B1 and B2 development 'in line with Policy HE3'. That reference to Policy HE3 appears to be an error and should thus be deleted.
168. As mentioned under Policy HE1, there has to be a clear justification for removing permitted development rights. The proposed blanket removal of permitted development rights associated with the conversion of Use Class B1 and B2 development to Class B8 use in Policy HE4 would not have regard to national policy and guidance in this regard. Therefore, I recommend the deletion of the fourth bullet point.
169. The third paragraph is a statement of intent and thus should be deleted from the policy.
170. The fourth paragraph refers to 'appropriate economic development' but does not define 'appropriate'. For clarity, I recommend the deletion of 'appropriate' and recommend the addition of 'subject to compliance with other relevant development plan policies' at the end of the paragraph.
171. Reading Policy HE4 as a whole, the sixth paragraph does not make sense unless it comes before the fifth paragraph.
172. Explanatory paragraph 10.19 states that the construction of the by-pass is likely to be subject to a review in autumn 2015. Clearly that time has passed. I assume the associated land is still safeguarded, as NSDC has not mentioned otherwise in the representations (dated 14 January 2016) submitted on the policies in this Plan. In the interest of clarity, paragraph 10.19 should be updated.
173. NSDC has stated that as written, the last paragraph in Policy HE4 would allow for development on the whole of the protected route of the Southwell by-pass, much of which is in the open countryside, and would therefore be contrary to strategic policy. From my reading of the supporting text to Policy HE4, it does appear that this is a drafting error. I recommend modification to the last paragraph in Policy HE4, as suggested by NSDC, to clarify this matter.
174. The Proposals Map is largely based on the Southwell Proposals Map in the A&DM DPD. In the interest of clarity, it should be clear on the Proposals Map that references to area So/E/1, and sites So/E/2 and So/E/3 are from policies in the A&DM DPD.
175. One of the core principles in the NPPF includes the need to proactively drive and support sustainable economic development. Core Strategy Core Policy 6 seeks to strengthen and broaden the local economy. Subject to the modifications recommended above, I consider that Policy HE4 will meet the

Basic Conditions, particularly where it has regard to national policy and is in general conformity with strategic policy in the development plan.

176. **Recommendation: to meet the Basic Condition, I recommend updating paragraph 10.19 as stated above; modification to the Proposals Map key to explain that references to area So/E/1, and sites So/E/2 and So/E/3 are from policies in the A&DM DPD; and modification to Policy HE4 to read as follows:**

Policy HE4

Development proposals which will support the ongoing commercial operations of established premises as part of the commercial / industrial sites at Crew Lane and Station Road will be supported subject to their compliance with other Development Plan policies, and the preservation of neighbouring amenity.

**Development of commercial uses on Crew Lane sites will be supported subject to compliance with the following requirements:
Compliance with A&DM DPD policies So/E/2 and So/E/3, subject to mitigation of traffic impact, especially where development proposals support small scale and start-up businesses;
Demonstrates how the scheme contributes to the future economic development of the Crew Lane area.**

Development proposals which deliver economic development on an existing employment site or allocated site will be supported, especially where they seek to diversify employment opportunities through the provision of small business starter units within the town, subject to compliance with other relevant development plan policies.

Outside of these areas, applications for employment uses will be resisted unless it can be demonstrated that they will not undermine residential amenity. Development proposals which facilitate working from home will be supported, provided that they are small scale and do not undermine neighbouring amenity.

The loss of employment facilities within Southwell will be resisted unless it can be demonstrated that there is no long term requirement or need for such facilities, that there is no viable employment use, or there is a demonstrable beneficial environmental improvement or removal of harm to living conditions.

Should the safeguarded land associated with the Southwell by-pass located within So/E/1 on the Proposals Map not be required and should land within allocated site So/E/3 on the Proposals Map be considered unnecessary to meet identified employment needs, both may be considered for other uses, for example residential, subject to compliance with other relevant development plan policies.

Site Specific Policies

177. The Site Specific Policies are policies for specific sites allocated in the A&DM DPD. The A&DM DPD was adopted in 2013 and as such was required to follow the approach of the presumption in favour of sustainable development outlined in the NPPF of the previous year. Whilst the legal requirements for the examination of a local plan differ from those for a neighbourhood plan examination, the site specific policies in the A&DM DPD have already been examined in the context of the presumption in favour of sustainable development.
178. The site specific policies in the Neighbourhood Plan are those in the A&DM DPD supplemented by additional policy clearly identified in italics. I have not come across this approach before in my examination of neighbourhood plans. I understand the intention of the additions is to reflect detailed local circumstances. I must make it abundantly clear that it is only necessary in these circumstances for me to be examining the policy wording in italics
179. Paragraph 16 in the NPPF includes the implications for the presumption in favour of sustainable development in the making of neighbourhood plans. It includes that neighbourhood plans should *support the strategic development needs set out in Local Plans* and plan *positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan*. As such, I consider the approach to reflect detailed local circumstances by supplementing the A&DM DPD site specific policies is an innovative one which has regard to the presumption in favour of sustainable development, providing the additional requirements can be justified.
180. I sought clarification from NSDC as to the latest planning position for each of the sites and have included the latest updated position under each specific site, where relevant. As I have recommended deletion of references to some of the sites due to the updated position, I am happy for this to be explained in a modified introduction. I will leave this matter to the Town Council and NSDC.
181. NSDC has suggested modification to the second paragraphs of each of the site specific policies to specify that development briefs are to be prepared by developers. I consider such modification is required to ensure it is clear who is responsible for the preparation of the design briefs.
182. The second paragraphs of each of the site specific policies make it abundantly clear that other policies in the neighbourhood plan have to be taken into consideration in compiling a design brief. In this context, it is unnecessary to repeat matters in the site-specific policies that are already covered by other policies and it does not provide a practical framework for decision making. The future maintenance of landscape features is already covered in Policy E3 and to some extent in E4. The preparation of wildlife surveys is covered in Policy E3. PROWs are covered in Policy E4. Therefore, I recommend deletion of the supplementary policy requirements that cover these matters in the site specific policies.

183. A number of the site specific policies include additional requirement for site-specific flood risk assessments. Whether or not there is a need for site-specific flood risk assessments is set out in at footnote to paragraph 103 in the NPPF. This states: *a site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.*
184. It may well be that sites SS1, SS2, SS4 and SS5 meet the NPPF criteria for the requirement for a site-specific flood risk assessment. In which case, there is no need for additions to the policies in this respect. As this matter is covered by national policy, I do not consider it to be a necessary policy addition required to reflect detailed local circumstances.
185. **Recommendation: to meet the Basic Conditions, I recommend modification to the first sentence of the second paragraph of each of the site specific policies that I have considered should remain in the Plan to read as follows:**
- In addition to the general policy requirements in the Core Strategy, Neighbourhood Plan and the Development Management Policies in Chapter 7, with particular reference to Policy DM2 Allocated Sites, and Policy DM3 Developer Contributions and Planning Obligations, development of this site will be guided by a developer prepared design brief of the whole allocated site which appropriately addresses the following:***
186. **Recommendation: to meet the Basic Conditions I recommend, where relevant, the deletion of additional policy regarding the future maintenance of landscape features, regarding wildlife surveys and reference to PROWs in the site-specific policies.**
187. **Recommendation: In the interest of precision, to meet the Basic Conditions, I recommend modification to Policies SS1, SS2, SS4 and SS5 by the deletion of the additional references to the requirement for site-specific flood risk assessments.**
188. It is evident throughout the Plan that local people have placed great emphasis on landscaping details and built form and this is detailed in other policies in the Plan and in guidance in the Southwell Design Guide. In this respect, I consider that the remaining supplementary policy requirements in the individual in the site specific policies regarding the built and natural environment predominantly reflect detailed local circumstances. As such, I have restricted my comments on other supplementary policy requirements in the individual site specific policies to matters of clarity and viability.
189. Below are my further comments on each of the site specific policies, which need to be considered alongside my general recommendations above.

SS1 – SO/HO/1 – Land east of Allenby Road

190. I note that the landowner supports the additional policy requirements. My one concern is with the wording of the addition to bullet point i. I agree with NSDC that in the absence of being provided with evidence of a specific scheme or assessment of the hedges to the west of the site and along the northern boundary, it is not possible to insist on their retention. Under these circumstances, I agree with the proviso of additional wording to require that they should be retained 'wherever possible', as suggested by NSDC.
191. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy SS1 by the inclusion of 'wherever possible' at the beginning of the last sentence in bullet point i.**

SS2 – SO/HO/2 – Land south of Halloughton Road

192. NSDC has advised that there is a planning application for development of this site (Ref. 15/1295/FULM), which is pending determination.
193. For the same reasons as mentioned for site SS1, there needs to be the inclusion of 'wherever possible' with regard to the retention of existing mature trees and vegetation.
194. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy SS2 by the inclusion of 'wherever possible' at the beginning of the fourth sentence in bullet point i. 1.**

SS3 – SO/HO/3 – Land at Nottingham Road

195. NSDC has advised that there is planning permission for development on this site ref. 13/00689/FULM and that this does not take account of the additional requirements in Policy SS3. I have no indication as to whether this planning permission will or will not be implemented.
196. In the interest of clarity, as mentioned before, reference should be made to 'guidance in the Southwell Design Guide' rather than the 'requirements' of the Guide.
197. **Recommendation: to meet the Basic Conditions, I recommend modification to the third paragraph in Policy SS3 1.3. to read as follows:**

A planted strip should be left adjacent to the Potwell Dyke, having regard to guidance in the Southwell Design Guide. The watercourse should be screened from the development where possible.

SS4 – SO/HO/4 – Land east of Kirklington Road

198. I see no need for the additional policy requirement for a buffer strip as bullet point ii. already refers to the need for landscape buffering.

199. Policy TA1 already requires new development to demonstrate how account has been taken to improve the pedestrian and cycle network within the town. I have no clear evidence that the best way of achieving this from this site is for three separate links. Therefore I recommend deletion of reference to footpath and cycle links.
200. Policy CF2 addresses the loss of allotments and states that their loss will be resisted unless it can be demonstrated that they are no longer required but, if unavoidable, they *must be replaced by an equal area of at least similar quality situated conveniently in the Parish.*
201. I am concerned that a further restriction in Policy SS4 to require replacement allotments within one mile of the town centre could have serious implications for the implementation of the development on this site. This could undermine the provision of housing development, which would not be in general conformity with strategic housing policy requirements. In addition, I have no clear evidence that a replacement site within one mile of the town centre is the most convenient location. Therefore, to meet the Basic Conditions, I recommend deletion of the last additional policy in Policy SS4.
202. **Recommendation: to meet the Basic Conditions I recommend the deletion of supplementary policy in Policy SS4 for a buffer strip, footpath and cycle links and allotments.**

SS5 – SO/HO/5 – Lower Kirklington Road

203. NSDC has advised that the Council has resolved to grant outline planning permission ref 15/00475/OUTM subject to a Section 106 agreement being made but no consent has yet been issued.
204. In the absence of being provided with evidence of a specific scheme or assessment of the existing mature trees and vegetation on this site, it is not possible to insist on their retention. Under these circumstances, in the interest of clarity, I recommend the addition of 'wherever possible' with regard to the retention of these landscape features.
205. In the interest of clarity, the first sentence in bullet point v. should not be in italics, as it is part of the original A&DM DPD policy.
206. **Recommendation: to meet the Basic Conditions I recommend that the first sentence in bullet point v. is not in italics and I recommend modification to the last sentence in bullet point ii. to read as follows:**
- Wherever possible, the layout should retain existing mature trees and vegetation on the site, based on a thorough survey of the quality and health of trees within the site.***

SS6 – SO/HO/6 – Land at The Burgage

207. I note that this site has planning permission (Ref. 15/00994/FULM) and that it has been implemented. In these circumstances, in the interest of clarity, Policy SS6 should be deleted and the Proposals Map amended accordingly.
208. **Recommendation: to meet the Basic Conditions I recommend the deletion of Policy SS6 and deletion of the site as an allocation on the Proposals Map.**

SS7 – SO/HO/7 – Southwell Depot

209. The word ‘policy’ has crept into bullet point ii. 2. In the interest of clarity, this should be deleted.
210. I have no credible local evidence to justify the retention of access to the land beyond the area designated for development. In these circumstances, I consider this policy approach to be an onerous requirement which is not necessary to make the development acceptable in planning terms.
211. **Recommendation: to meet the Basic Conditions I recommend the deletion of ‘policy’ in bullet point ii. 2 and the deletion of bullet point ii. 3.**

SS8 - SO/MU/1 – Former Minster School

212. NSDC has had a formal request from the owners to de-allocate this site as it has been gifted to Southwell Minster under an agreement preventing development and will eventually become open space. In these circumstances, in the interest of clarity, Policy SS8 should be deleted and the Proposals Map amended accordingly.
213. I realise that this site was to provide around 13 dwellings. There was a residual requirement for the A&DM DPD to identify sites that were capable of delivering 290 new dwellings in Southwell. The total number of dwellings proposed on the allocated sites in the A&DM DPD was around 298 dwellings. I have no evidence to suggest that the removal of this site as a housing allocation would undermine the strategic housing requirements in the development plan.
214. **Recommendation: to meet the Basic Conditions I recommend the deletion of Policy SS8 and deletion of the site as an allocation on the Proposals Map.**

Monitoring and Review

215. This section of the Plan sets out the mechanisms for the continual monitoring of performance and the circumstances under which a partial review may be necessary. I note that paragraph 12.5 refers to the

publication of the County Council Flood Risk Assessment expected in autumn 2015. I have not been made aware of whether this has been published. In the interest of clarity, this paragraph should be updated to reflect the current situation.

216. **Recommendation: in the interest of clarity, I recommend that paragraph 12.5 is updated with regard to the expected publication of the County Council Flood Risk Assessment.**

Implementation

217. This section includes a list of policies used to facilitate priority projects. In the interest of clarity, this list should be modified to take out those policies I have recommended should be deleted.
218. **Recommendation: in the interest of clarity, I recommend modification to the list of policies in paragraph 13.7; deleting those policies I have previously recommended should be deleted.**

Referendum and the Southwell Neighbourhood Plan Area

219. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or
 - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
220. **I am pleased to recommend that the Southwell Neighbourhood Plan 2015 – 2026, as modified by my recommendations, should proceed to Referendum.**
221. I am required to consider whether or not the Referendum Area should extend beyond the Southwell Neighbourhood Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Janet Cheesley

Date 13 March 2016

Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (2012)

The Planning and Compulsory Purchase Act 2004

The Localism Act (2011)

The Neighbourhood Planning (General) Regulations (2012)

The neighbourhood Planning (General) (Amendment) Regulations 2015

The Planning Practice Guidance (2014)

Regulation 16 Representations

Consultation Statement (October 2015)

Basic Conditions Statement (October 2015)

Key Supporting Documentary Evidence listed in Appendix 3 to the Southwell Neighbourhood Plan and hard copies of supporting evidence not available on the web.