



The Planning Inspectorate

Report to Newark and Sherwood District Council

by **Paul Griffiths BSc(Hons) BArch IHBC**

an Inspector appointed by the Secretary of State

Date: 25 February 2019

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Newark and Sherwood Amended Core Strategy DPD

The Plan was submitted for examination on 29 September 2017

The examination hearings were held on 1 and 2 February 2018

File Ref: PINS/B3030/429/8

Abbreviations used in this report

AA	Appropriate Assessment
DPD	Development Plan Document
DtC	Duty to Co-operate
GB	Green Belt
HE	Historic England
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NE	Natural England
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework (2012 Version)
OAN	Objectively assessed need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PSED	Public Sector Equality Duty
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SoCG	Statement of Common Ground
The Plan	The Newark & Sherwood Amended Core Strategy DPD

Non-Technical Summary

This report concludes that the Newark & Sherwood Amended Core Strategy DPD provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it. Newark & Sherwood District Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council, and were subject to public consultation over a six-week period. They did not require SA or HRA. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- MMs to ensure the amount of housing operates as a floor not a ceiling, and to address issues around the spatial distribution of housing;
- MMs to ensure that there is adequate provision for the on-going needs of Gypsies and Travellers;
- An MM to bring the Plan better into line with Government policy on the historic environment; and
- A series of MMs to ensure other policy areas of the Plan are justified and effective.

Introduction

1. This report contains my assessment of the Newark & Sherwood Amended Core Strategy DPD in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the NPPF (2012 version) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised National Planning Policy Framework was published in July 2018. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Unless stated otherwise, references in this report are to the 2012 Framework.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Newark & Sherwood Amended Core Strategy DPD, submitted in September 2017 is the basis for my examination. It is the same document as was published for consultation in July 2017.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM/0001, MM/0002, MM/0003** and so on, and are set out in full in the attached Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs. The MM schedule did not require SA or HRA but was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in one instance, I have made an amendment to the detailed wording of one of the MMs for the sake of consistency and clarity. The amendment does not significantly alter the content of the modification as published for consultation or undermine the participatory processes and sustainability appraisal that has been undertaken. I have highlighted this amendment in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. This the Council has done.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. That

said, none of the published MMs require changes to the submitted policies map.

Assessment of Duty to Co-operate

7. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
8. Following the path of the Localism Act 2011, the NPPF places a duty on local planning authorities and other bodies to co-operate with each other to address strategic issues relating to their areas. The evidence shows that the Council has co-operated fully with neighbouring Councils, borne out by SoCGs agreed with Ashfield and Mansfield District Councils in relation to the delivery of housing and employment facilities in each District, and a MoU agreed between the three Councils and Nottinghamshire County Council which focuses on ongoing collaboration, and other relevant organisations.
9. In that context, and having discussed the matter at the Hearings, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan, with partner Councils, and with other organisations, and that the duty to co-operate has therefore been met.

Assessment of Soundness

Background

10. My preliminary analysis of the Plan raised some questions about the HRA of July 2017 and in particular, whether it properly took into account the conclusions of the High Court in *Wealden DC v SOS for CLG and Others* [2017] EWHC 351 (Admin)¹. After an assurance from the Council that it had, Hearings were arranged for 1 and 2 February 2018 that covered a range of areas.
11. Most of my Matters and Issues² were satisfactorily explored in the course of the Hearings and I produced some observations in response to the discussion that in due course led to the Council proposing a series of MMs³ that were subsequently consulted upon. I deal with these below.
12. However, Matter 14 relating to the needs of Gypsies and Travellers required extensive post-Hearings correspondence⁴. The upshot of that was a series of MMs being put forward and consulted upon. Again, I deal with these below.
13. In the midst of that process, the judgment of the Court of Justice of the European Union in *People over Wind, Peter Sweetman v Coillte Teoranta* (Case C-323/17) was published. At my behest⁵, the Council carried out further work

¹ INS/01 refers (NB: These references refer to documents on the Examination Website)

² INS/02

³ INS/05

⁴ Culminating in INS/08

⁵ INS/09

on the HRA, and in particular, produced the (now) required AA. I address this matter further below.

Main Issues

14. Against that background, and taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified four main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Is the Quantum and Distribution of Housing and Employment Land Positively-Prepared, Justified and Effective?

15. In accordance with the background evidence, the Plan sets the District's OAN at 9,080 dwellings. However, as presented in the Plan, the figure of 9,080 acts as a ceiling, when it needs to be a floor. This is inconsistent with national policy in the NPPF and in particular the exhortation therein to boost significantly the supply of housing, and renders the Plan unsound.
16. To rectify this issue, the Council proposes MMs to paragraph 4.17 of the supporting text and Spatial Policy 2 (**MM/0001 and MM/0002**) which make clear that the figure of 9,080 dwellings is a minimum. These changes are necessary to make the Plan sound, in this respect.
17. There is a similar difficulty with the employment land requirement in Spatial Policy 2 where 83.1 hectares, a figure justified by the evidence and in particular the Employment Land Forecasting Study for Nottingham Core & Outer Housing Market Areas, is expressed as a limit, contrary to national policy. Again, the Council proposes a MM to Spatial Policy 2 to identify this figure as a minimum (**MM/0002**); this is required to ensure the Plan is sound.
18. Following the hearings, I confirmed that in my view, the general strategy of the Plan, in relation to the proposed distribution of new housing and the settlement hierarchy, in directing the majority of the development envisaged to places that are most accessible, and best served by facilities, is, in principle justified, bearing in mind the Spatial Vision of the Plan, its Strategic Objectives, and the OAN. However, I did express concern about the ambiguity in the phrase 'the main built-up areas of villages' in Spatial Policy 3⁶. As outlined at the hearings, the source of my concern was the many ways in which the phrase 'main built-up area' could be reasonably interpreted. Not only would the question arise as to whether an area of a village was built-up, but there would also be an issue as to the extent of the *main* built-up area.
19. To my mind, the level of ambiguity involved was sufficient to render Spatial Policy 3 unsound, and given its importance to the overall document, the whole Plan too. In response, the Council has put forward a series of MMs to the policy itself, to the supporting text in paragraphs 4.25 and 4.26, and to Core Policy 2.

⁶ INS/05

20. Through the consultation process, these proposed modifications have brought forth a series of objections, and suggestions. Foremost amongst these is the suggestion that housing development should be permitted on the edge of rural villages, as well as within their confines. This matter was discussed at the Hearings and in response to that discussion, I made the point that the settlement hierarchy works, bearing in mind the Spatial Vision and Strategic Objectives of the Plan.
21. To expand on that, the Plan focuses on the delivery of strategic sites, near established higher order settlements, and this is set out in Spatial Policy 5. If the settlement hierarchy is loosened further down that order, and opportunities are presented for development adjacent to rural villages, as some propose, then notwithstanding the encouragement offered to rural development in paragraph 55 of the NPPF, this is likely to lead to an imbalance in the settlement hierarchy, making strategic sites more difficult to deliver.
22. I reject the suggestion that concentration on strategic sites means that it will be difficult for the Council to maintain a five-year supply of deliverable housing sites, and therefore opportunities should be offered through the Plan further down the settlement hierarchy. In my view there is very likely to be an ample, five-year supply of housing sites going forward.
23. In any event, if the Council fails to maintain a five year supply of deliverable housing sites then, following the line of the revised Framework, the relevant Spatial Policies will be considered not up-to-date; different provisions will apply; and suitable sites on the edge of rural settlements will be brought into play in any event.
24. There is no need, therefore, to bring forward these opportunities, through the Plan; it is better that the Plan concentrates on strategic sites. Facility also exists for settlement boundaries to be dealt with through NPs.
25. Against that overall background, the MMs the Council propose to address my concerns about the ambiguity in Spatial Policy 3, the supporting text, and Core Policy 2 (**MM/0003, MM/0004, MM/0005, and MM/0009**) are necessary to make the Plan sound.
26. The Council proposes a MM to Core Policy 3 which deals with housing mix, type and density. Put simply, the Council wishes to address their focus on smaller housing by articulating the emphasis on smaller, and specialised housing, and adding a statement to that effect. In the light of the overall evidence on housing need, this is required to render the Plan sound (**MM/0010**).
27. Appendix F to the Plan deals with monitoring. Points have been raised about the need for monitoring indicator triggers and targets for Spatial Policies 2 and 5. I outlined after the Hearing my view that opportunity (or contingency) sites might be brought forward in the event that the Council could not demonstrate a five-year supply of deliverable housing sites for two consecutive years⁷. In response, the Council suggested a suitable MM. I accept that some do not

⁷ INS/05

favour this approach suggesting that it would not deal with any shortfall in an expeditious manner. However, the concentration in the Plan on strategic sites means that there may well be ups and downs in delivery. It would not be sensible, in my view, to trigger opportunity (or contingency) sites too quickly in that context. Moreover, I draw comfort from the fact that the provisions of the revised NPPF, and in particular paragraph 11, will apply if at any time the Council cannot demonstrate an acceptable supply of housing. As such, I am content that the MM proposed (**MM/0024**) is appropriate, and necessary, to make the Plan sound.

28. Bringing all these points together, I conclude that subject to the MMs set out, the quantum and distribution of housing and employment land is positively-prepared, justified, and effective.

Issue 2 – Is the Provision for Gypsies and Travellers Positively-Prepared, Justified and Effective?

29. In my Matters and Issues I questioned whether the Plan, and Core Policies 4 and 5 in particular, offered a justifiable approach to meeting the needs of Gypsies and Travellers⁸. Representations pursuant to Matter 14, discussion at the Hearings, and correspondence after the Hearings, led me to conclude in the first instance that, because of failings in the way the Council's GTAA gathered information, Core Policy 4 was very likely to have underestimated the need for pitches. On top of that, I expressed misgivings about the very strict criteria for considering sites that might come forward in Core Policy 5⁹. Both rendered the Plan, as submitted, unsound.
30. Having had due regard to the equality impacts of the Plan, and these policies in particular, in accordance with the PSED contained in s.149 of the Equality Act 2010, I ruled out suspending the Plan so that a revised GTAA could be produced that could then feed into a reworked Core Policy 4. I reached that conclusion based on the time it would take, and the impact the consequent delay would have on other equally important aspects of the Plan.
31. Instead, I required the Council to add into Core Policy 4, a commitment that the GTAA would be reviewed in the very near future, with subsequent allocations, in the forthcoming Allocations and Development Management DPD based on that revised GTAA. On top of that, I made plain that the LDS should be amended to reflect the changed approach. The Council accepted these changes and have put forward MMs to address them.
32. In terms of Core Policy 5, I asked that some of the criteria be relaxed so that the policy did not present an unacceptably high bar to sites that might come forward in the period up to the point where new sites are allocated, and beyond. Again, the Council accepted these requirements and have put forward MMs to deal with them.

⁸ INS/02 Matter 14

⁹ INS/08

33. Against that background, I conclude that the MMs promulgated to Core Policies 4 and 5, and the supporting text (**MM/0011, MM/0012, MM/013 and MM/0014**), are necessary to make the Plan sound.
34. Subject to the MMs set out, the provision for Gypsies and Travellers in the Plan, is positively-prepared, justified, and effective.

Issue 3 – Is the Plan's approach to the Historic Environment consistent with National Policy?

35. In my note issued after the hearings closed, I underlined my concern that Core Policy 14 did not comply with national policy as expressed in the NPPF because it failed to include the any provision for balancing wider benefits against any heritage-based harm. In response, the Council has proposed an MM to alter the wording of the first bullet point of the policy, and to introduce two new sub-bullet points below that.
36. Having considered the MM, HE has observed that the additional phrase 'in line with their identified significance as set out in national policy' in the first bullet point appears to suggest that national policy outlines the significance of heritage assets. Clearly, it does not but as HE suggests, a simple amendment to the MM replacing the words 'set out' with 'required' would deal with the issue. Given that it entails no significant alteration to the content of the modification, as published for consultation, and does not undermine the participatory process, or the SA, I am able to make that amendment, and have done so¹⁰.
37. Further, HE expresses misgivings about the first sub-bullet point that would be introduced by the modification, which would deal with designated heritage assets, in comparison to the second, which would deal with non-designated heritage assets.
38. However, while it would not repeat the content of the Framework exactly, the reworded policy makes it clear that any adverse impact would require clear and convincing justification, and would need to be weighed against public benefits. On my analysis, that offers a reasonable précis of paragraphs 133 and 134 of the NPPF and is sound.
39. Concerns have been raised too about the second sub-bullet point and the way it seeks to catalogue non-designated heritage assets. Given that the question of whether the significance of a non-designated heritage asset might be affected by a development proposal would be a matter for the Council in the first instance, this does not appear to me problematic. The same applies to any issues around the potential for archaeological remains to be present on a potential development site. In that context, the way the policy now seeks to deal with non-designated heritage assets, incorporating the balancing exercise from paragraph 135 of the NPPF, is acceptable.
40. With the additional change set out above, I conclude that the amendments to Core Policy 14 are necessary, and sufficient, to make the Plan sound

¹⁰ My amendment is included in the Appendix in red

(MM/0017 as amended) and on that basis the approach of the Plan to the historic environment is consistent with national policy.

Issue 4 – General Matters

41. A number of general points arose at the hearings which I highlighted afterwards. First of all, I questioned the use of the term 'appropriate development' in Spatial Policy 4B that deals with GB development. The use of this term does render the policy contrary to national guidance as there is no such thing as 'appropriate development' in the GB, only development that is not inappropriate. While the difference is subtle, it is a matter that needs to be addressed and the Council has done so by proposing a MM to remove the offending term. This MM **(MM/0006)** is necessary to make the Plan sound.
42. To be properly up-to-date, Spatial Policy 7 requires a reference not only to the Nottinghamshire Local Transport Plan but also its implementation plan. The Council has proposed a MM to address this important omission and it **(MM/0007)** is required for to make the policy effective.
43. As discussed at the hearings, to function correctly, bullet point 8 to Spatial Policy 9, which deals with the selection of appropriate sites for allocation, needs to refer not only to the potential loss of locally important open space, but also views. A new bullet point is also needed to address the need to avoid sterilising mineral resources as identified in the Minerals Local Plan. The MM proposed by the Council to deal with these matters **(MM/0008)** is required to make the policy function correctly and thus, be effective.
44. There was some debate at the Hearings about the way in which Core Policy 8 (Retail & Town Centres) deals with convenience retail development to the south of the Newark Urban Area necessary to meet the needs of a growing population in bullet point 7, and new retail development and other main town centre uses in other locations in bullet point 8.
45. The Council proposes a MM to address the balance of provision between the areas outlined in bullet points 7 and 8 and to amend bullet point 9 in a way that seeks to avoid undue impact on the vitality and viability of existing centres. To my mind, this **(MM/0015)** is needed to ensure the Plan properly reflects changes in circumstances and is, thereby, justified and effective.
46. Linked to that, the Council propose a MM to deal with the consequent changes to Policy NAP 2A. However, the consultation process showed that the MM as published contained the extraneous term 'retail provision'. Given that it is a correction which does not undermine the participatory process, or the SA, I am able to remove the term, and have done so¹¹.
47. This modification **(MM/0018 as amended)** is necessary to ensure a correct read across between the policies. In my view, the issues around the potential impact on housing on the allocated site on nearby land used for waste management purposes can best be resolved through detailed design.

¹¹ My amendment is included in the Appendix in red

48. Core Policy 10 is where the Plan addresses issues around climate change. This it does effectively, save for bullet point 5 which covers the exceptions test as set out in national policy. The Council proposes an addition through a MM to address the situation where the wider exceptions test is not required, to ensure that new development in flood risk areas demonstrates that the safety of the development and its occupiers can be maintained over its lifetime. This addition (**MM/0016**) is necessary to bring the policy into line with national guidance.
49. Policy NAP 2B deals with a strategic site to the east of Newark. The Council proposes two MMs to first of all bring Figure 6 into line with a more detailed site appraisal, and second to delete the bullet point in part 8 that deals with improvements to existing spaces, and make another more specific in terms of pedestrian and cycle routes within and adjacent to the development.
50. I note that these MMs have brought forth objections, particularly in relation to the changes mooted to Figure 6. However, Figure 6 is clearly indicative and if a different layout that could be shown to be more effective was to be put forward in a planning application, I do not see that the diagram would act as an insurmountable barrier to a grant of permission. Similarly, I appreciate that the policy reduces the amount of housing on the site from the level set out in the Adopted Core Strategy but in the context of an OAN that all agree is well-founded, that seems reasonable. However, the MMs I have dealt with above, make it clear that the figure of 9,080 dwellings is a minimum. In that context, should a developer come forward with an acceptable layout, that includes more housing than is set out in the policy, I would envisage no great difficulty with that.
51. In that overall context, I conclude that the MMs (**MM/019 and MM/020**) are vital to ensure the policy reflects the information base, and is effective.
52. Policy NAP 2C covers a strategic site for housing around Fernwood. The Council has put forward a MM involving a change to paragraph 4 of the policy replacing employment area, with employment allocation. While minor, this (**MM/021**) is required in the interests of precision and thus, effectiveness.
53. Policy SoAP 2 addresses the Brackenhurst Campus, part of Nottingham Trent University. An MM is proposed to the first bullet point to ensure that not only new educational and research facilities at the campus are supported, but also additional student accommodation. This (**MM/0022**) properly reflects the thinking of both the Council and the University and is a requisite to make the Plan properly reflective of that and therefore, justified and effective.
54. Policy ShAP 4 is designed to bring forward a strategic site at the former Thoresby Colliery. The Council has put forward a MM to deal with coal mining legacy issues under Heading D. I can appreciate the need for this given the former uses of the site. As part of the same MM an addition is suggested for Section 12 bullet point vi to make it clear that it is a route for vehicular access that is to be safeguarded. Both (**MM/0023**) are necessary to render the policy effective.

Assessment of Legal Compliance

55. My examination of the legal compliance of the Plan is summarised below.
56. The Plan has been prepared in accordance with the Council's LDS though this will need to be updated to reflect the MMs that address the needs of Gypsies and Travellers. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's SCI. SA has been carried out and is adequate.
57. As set out above, following the judgment of the Court of Justice of the European Union in *People over Wind, Peter Sweetman v Coillte Teoranta* (Case C-323/17), the Council carried out further work on the IIA and the HRA, and produced an AA, dated June 2018. This AA satisfies the Habitats Regulations and the Plan and its HRA process is legally compliant. NE has reached the same conclusion.
58. The Plan includes policies, Core Policy 10 which I deal with above in particular, designed to secure that the development and use of land in the District contribute to the mitigation of, and adaptation to, climate change.
59. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

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

Paul Griffiths

INSPECTOR

Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

		Policy/ Paragraph	Main Modification
MM/0001	22	4.17/ first sentence	In seeking to meet the District's Objectively Assessed Housing Need (OAN), the District Council must plan for a <u>minimum of 9,080 dwellings</u> over the Plan period.
MM/0002	24	Spatial Policy 2/ second para/ First sentence	The housing requirements for Newark & Sherwood District between 2013 and 2033 are <u>a minimum of 9080</u> dwellings.
	25	Spatial Policy 2/ third para/ first sentence	The employment land requirement for Newark & Sherwood District between 2013 and 2033 <u>is a minimum of 83.1 hectares</u>
MM/0003	26	Spatial Policy 3/ second para/ first bullet point	<ul style="list-style-type: none"> <i>Location</i> - new development should be within the main built up areas of <u>in</u> villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs. Local services include but are not limited to Post Office/shops, schools, public houses and village halls; <i>Need</i> - Employment and tourism which are sustainable and meet the requirements of the relevant Core Policies. New or replacement facilities to support the local community. Development which supports local agriculture and farm diversification. New housing where it helps to support community facilities and local services. <u>Neighbourhood Plans may set detailed policies reflecting local housing need, elsewhere housing schemes of 3 dwellings or more should meet the mix and type requirements of Core Policy 3 and reflects local need in terms of both tenure and house types;</u>
	27	<p>Spatial Policy 3/ second para/ third bullet point</p> <p>Spatial Policy 3/ third para</p>	<p>Within the main built up area of villages consideration will also be given to schemes which secure environmental enhancements by the re-use or redevelopment of former farmyards/farm buildings or the removal of businesses where the operation gives rise to amenity issues. The scale of such enabling development should be appropriate to the location of the proposal.</p> <p>Within the main built up area of settlements which do</p>

		Policy/ Paragraph	Main Modification
		Spatial Policy 3/ fourth para	not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the main built up areas of the village in question, or the coalescence with another village. Such development will need to comply with the scale, need, impact and character criteria of this policy.
		Spatial Policy 3/ fifth para	Development away from the main built up areas of <u>not in villages or settlements</u> , in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD. Consideration will also be given to the re-use of rural buildings of architectural merit.
		Spatial Policy 3/ new sixth para	<u>Where Neighbourhood Plans define village envelopes, development will only be supported beyond them if they meet the requirements of relevant policies within the Core Strategy or Allocations & Development Management DPD.</u>
MM/0004	27	4.25	<u>In implementing Spatial Policy 3 its locational criteria supports the development of sites in sustainable accessible villages refers to the main built up area of a village. For the purposes of implementation and In decision making terms this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farm yards and community facilities. It would not normally include undeveloped land, fields, paddocks or open space which form the edge of built form. would normally refer to the buildings and land which form the core of the village where most housing and community facilities are focused. Often villages have outlying development which, whilst part of the village, does not form part of the 'main built up area'; proposed new development which results in the joining of such areas to the main built up area should be resisted. It is not proposed to identify define the extent of villages covered in Spatial Policy 3 by way of village envelopes the main built up areas of villages in our Core Strategy or Allocations & Development Management DPD. However, the District Council will work with local communities to identify the characteristics of their village which they feel should be protected. Such work will be contained within Neighbourhood Plans and Village Design Statements (VDS). This work could include the identification of the main built up areas of the village envelopes and where this is the case Spatial Policy 3</u>

		Policy/ Paragraph	Main Modification
			<u>supports this approach.</u> Neighbourhood Plans when 'made' become part of the development plan and providing the requirements for Supplementary Planning Documents are followed, a VDS could be adopted as a Supplementary Planning Document by the District Council and be a material consideration in the determining of Planning Applications.
MM/0005	27	4.26	The Council considers that in locations with local facilities and services, additional development can support their continued existence. Limited Development within the setting of this policy requires applicants to demonstrate the services it will support. and the housing need within the area. As with all planning policy, Spatial Policy 3 is intended to serve the public interest rather than that of individuals and consequently the requirement to reflect local need in relation to new dwellings to which it refers must be that of the community rather than the applicant. It is accepted that the two may align where, for example, a lack of a particular type of housing in a community also reflects the needs of an applicant. The Policy is not intended to cater for individuals desire to live in particular locations or in particular types of accommodation, beyond those exceptions identified in national and local planning policy. The Council has conducted a detailed assessment of the types of housing needed within different parts of the district and applicants should refer to this for guidance. Neighbourhood Plans may also set out more detailed policies on local housing requirements. The policy makes provision for detailed policies in Neighbourhood Plans to set policies on local housing need (including mix and type) elsewhere for larger schemes (i.e. for those of 3 or more dwellings) the Council expects new development to satisfy the mix and type requirements of Core Policy 3. It is recognised that for schemes of one or two dwellings it will not be possible to require a particular type or mix of dwellings.
MM/0006	31	Spatial Policy 4B/ last para	Other appropriate development in the Green Belt not identified in this policy will be judged according to national Green Belt policy.
MM/0007	37	Spatial Policy 7/ third para/ first sentence	The District Council will safeguard locations of highway or public transport schemes identified within the Nottinghamshire Local Transport Plan <u>and its implementation plan.</u>
MM/0008	40	Spatial Policy 9/ bullet point 8	Not lead to the loss of locally important open space <u>and views</u> or, in the case of housing and employment, other locally important community facilities (unless adequately replaced);

		Policy/ Paragraph	Main Modification
		Spatial Policy 9/ new bullet point 10	<u>The allocation of sites for development will not lead to the sterilisation of known mineral resources as defined within the Minerals Local Plan.</u>
MM/0009	45	Core Policy 2/ first para/ second sentence	Such sites should be in or adjacent to the main built-up area of villages and meet the requirements set out in Spatial Policy 3 Rural Areas relating to Scale, Need, Impact and Character of Development.
MM/0010	46	Core Policy 3/ third para/ insert new first bullet point Core Policy 3/ insert new para after third para	<ul style="list-style-type: none"> <u>Family housing of 3 bedrooms or more</u> <p><u>Particular emphasis will be placed on securing smaller houses of 2 bedrooms or less and those for housing for elderly and disabled population.</u></p>
MM/0011	46	5.15	Newark and Sherwood has a long tradition of Gypsies and Travellers living in certain locations in the District, mainly in Newark, Ollerton and rural locations across the District. Through the Gypsy and Traveller Accommodation Assessment (June 2016) (GTAA) a need for 40 pitches has been identified between 2013 – 2028. As a result of permissions having been granted since 2013, 28 additional pitches need to be provided over the rest of the plan period.
MM/0012	47	5.16	Since 2007 over 100 additional pitches have been delivered in Newark, Ollerton and in rural locations across the District, which is by far the highest in the East Midlands. Whilst this number of pitches has more than met the supply for the previous plan period, it is now the responsibility of the Council to ensure that supply up until 2033 2028 is met. <u>The specific level of need will be identified by the production of a new Gypsy & Traveller Needs Assessment which will be produced during 2018/19 and will inform the securing of future pitches. The Local Development Scheme will be updated to reflect the timescales required for this work.</u> The approach is to secure such pitches through every avenue open to the Council. Core Policy 4 sets out the various ways that future need will be secured, <u>including through allocations as part of the Allocations & Development Management DPD.</u> It is proposed that given the balance of recent permissions - 100% in rural locations in the Southwell and Sherwood Areas - that the Council will secure additional provision in and around Newark Urban area where most Gypsies and Travellers live in the District. This is not to say that other locations are not appropriate provided they meet the policy requirements set out in Core Policy 5.

		Policy/ Paragraph	Main Modification								
MM/0013	47	Core Policy 4/ third para	<p><u>Future pitch provision will be determined following the production of a new GTAA. This will be undertaken during 2018/19, the level of need identified will be addressed as part of the production of the Allocations & Development Management DPD using the methods set out in the list above.</u></p> <p>The Council will secure 40 pitches to meet identified need over the period of the current GTAA as follows:</p> <table border="1"> <thead> <tr> <th>Time Period</th> <th>Pitch Requirement</th> </tr> </thead> <tbody> <tr> <td>2013—2018</td> <td>14 pitches— 12 granted permission therefore a Residual Requirement of 2</td> </tr> <tr> <td>2018—2023</td> <td>15 pitches</td> </tr> <tr> <td>2023—2028</td> <td>11 pitches</td> </tr> </tbody> </table>	Time Period	Pitch Requirement	2013—2018	14 pitches— 12 granted permission therefore a Residual Requirement of 2	2018—2023	15 pitches	2023—2028	11 pitches
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MM/0014	48 49	Core Policy 5/ first bullet point Core Policy 5/ fourth bullet point	<p>1. The site would not lead to the <u>unacceptable</u> loss, or <u>significant</u> adverse impact on landscape character and value, important heritage assets and their settings, nature conservation or biodiversity sites;</p> <p>4. The site would offer a suitable level of residential amenity to any proposed occupiers, including consideration of public health, and <u>not</u> have an no unacceptable adverse impact on the amenity of nearby residents particularly in rural and semi-rural settings where development is restricted overall;</p>								
MM/0015	59	Core Policy 8/ seventh bullet point	<ul style="list-style-type: none"> Deliver new convenience retail <u>development at Land South of Newark,</u> to the south of the Newark Urban Area which is of a scale sufficient to meet the needs generated by population growth. Support will therefore be provided for provision within the main built up area, in a sequentially appropriate location and subject to application of the Impact Test at either: <u>Support will therefore be provided for a foodstore or superstore with a total (net) floorspace of up to 2,230 sqm. This equates to an additional 430 sqm (net) to the maximum 1,800 sqm (net) floorspace allowed in any one unit through the planning consent 14/01978/OUTM. Proposals for a foodstore or superstore which exceeds 2,230 sqm (net) and/or where its delivery is proposed</u> 								

		Policy/ Paragraph	Main Modification
		Core Policy 8/ eighth bullet point Core Policy 8/ ninth bullet point	<p><u>prior to 2026 will require justification through the undertaking of an impact test. Notwithstanding this any applications prior to 2026 to bring forward the retail floorspace consented through 14/01978/OUTM will not be required to be supported by updated Retail Impact Assessment.</u></p> <ul style="list-style-type: none"> • Land South of Newark (NAP2A) • Land around Fernwood (NAP2C); or <p>Beyond this, additional comparison retail development and other main town centre uses of an appropriate scale to meet local need will also be supported <u>within the Local Centres in the above locations;</u></p> <ul style="list-style-type: none"> • Provide new retail development and other main town centre uses of an appropriate scale to meet local need in the following locations: <ul style="list-style-type: none"> • Land East of Newark (NAP2B); and • <u>Land around Fernwood; and</u> • Sutton-on-Trent (ST/MU/1). <p>Ensure that the development of new centres consolidates and enhances the hierarchy of centres and does not harm with the likely impact on the vitality and viability of existing centres <u>being appropriately assessed;</u> and</p>
MM/0016	62	Core Policy 10/ fifth bullet point	Where appropriate having applied the Sequential Test move on to apply the Exceptions Test, in line with national guidance. <u>In those circumstances where the wider Exceptions Test is not required proposals for new development in flood risk areas will still need to demonstrate that the safety of the development and future occupants from flood risk can be provided for, over the lifetime of the development;</u> and
MM/0017	74	Core Policy 14/ first bullet point	<ul style="list-style-type: none"> • The continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance <u>as (set-out) required in national policy:</u> <ul style="list-style-type: none"> • Such <u>Designated</u> assets and environments comprise <u>comprising</u> Listed Buildings (inclusive of the protected views of and across Southwell's principal heritage assets), Conservation Areas, Registered Historic Parks and Gardens, <u>and</u> Scheduled Monuments. <u>When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should</u>

		Policy/ Paragraph	Main Modification
			<p><u>be given to the asset's conservation. The more important the asset, the greater the weight should be. Where adverse impact is identified there should be a clear and convincing justification, including where appropriate a demonstration of clear public benefits; and</u></p> <ul style="list-style-type: none"> non-designated <u>Non-designated</u> heritage assets including buildings of local interest, areas of archeological interest and unregistered parks and gardens or as identified on the relevant Historic Environment Record or identified in accordance with locally agreed criteria. <u>In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</u>
MM/0018	87 88	NAP 2A/ first para NAP 2A/ section D/ point 8 v.	<p>This area, as shown on the Proposals Map, is identified as a strategic site for housing (in the region of 3,150 dwellings; employment land uses (B2 and B8 uses: 50 hectares; two local centres, comprising retail (<u>including provision of an expanded foodstore or superstore in line with the approach set out in Core Policy 8</u>), service, employment and community uses; and associated green, transport and other infrastructure. The distribution of proposed uses is indicatively illustrated on Figure 5 - Land South of Newark.</p> <p>Retail Impact Assessment to consider the implications of the local centres on <u>Newark Town Centre and existing retail provision local centres within the Newark Urban Area, in line with Core Policy 8.</u></p>
MM/0019	91	Figure 6	See Below: Figure 6 amended to reflect more detailed site appraisal
MM/0020	93	NAP 2B/Point 8 v. NAP 2B/Point 8 vi.	<p>v. improvements to existing spaces;</p> <p>vi. links to the countryside beyond the site <u>Safe, convenient pedestrian and cycle routes within and adjoining the development;</u></p>
MM/0021	97	NAP 2C/ para 4	Development will take place to the south of the existing B1 permission as shown on Figure 7 - Land around Fernwood and Employment (Business) uses will be preferred including the development of an element of the site for a high quality, landscaped B1 Business Park for individual regional and national HQ and high tech businesses; however non B use employment opportunities will be considered where they comply with Core Policy 6 and the other policies of the development plan and do not end up forming the

		Policy/ Paragraph	Main Modification
			majority of uses on the employment area <u>allocation</u> .
MM/0022	105	SoAP 2/ first bullet point	<ul style="list-style-type: none"> Support the development of new educational and research facilities <u>and additional student accommodation</u> at the Brackenhurst Campus
MM/0023	119 120	ShAP 4/ point 10 new criterion ShAP 4/ point 12 vi	<p>viii. <u>Coal Mining Risk Assessment or equivalent report addressing any potential coal mining legacy issues</u></p> <p>vi. Safeguarding of a route for alternative <u>vehicular</u> access to the new Sherwood Forest Visitor Centre;</p>
MM/0024	151	Appendix F/Policy SP2 and Policy SP5	<p>Indicator: <u>Where the five year land supply position fall below 5 years for a period of two consecutive years, the LPA will seek to assist the owners of the Opportunity sites to unlock delivery. Measures could include securing alternative sites for the existing use, granting Permission in Principle on brownfield sites, seeking Government funding to assist in the release of the site, consider purchasing the site on behalf of the Council's Development Company or Compulsory Purchase.</u></p> <p>Target: <u>To deliver the approach to the Spatial Strategy</u></p>

