



The Planning
Inspectorate

Report to Newark and Sherwood District Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE NEWARK AND SHERWOOD CORE STRATEGY DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 28 July 2010

Examination hearings held between 23 November and 3 December 2010

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ABBREVIATIONS USED IN THIS REPORT

AAP	Area Action Plan
A+DM	Allocations and Development Management
AHVA	Affordable Housing Viability Assessment
AMR	Annual Monitoring Report
AP	Area Policy
CIL	Community Infrastructure Levy
CP	Core Policy
CS	Core Strategy
DPD	Development Plan Document
EA	Environment Agency
ECML	East Coast Main Line
ES	Environmental Statement
FPC	Further Proposed Change
GB	Green Belt
GIS	Green Infrastructure Strategy
HA	Highways Agency
HLSS	Housing Land Supply Statement
HNMAS	Housing Needs Market and Affordability Study
HRA	Habitat Regulations Assessment
HT	Housing Trajectory
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LHS	Local Housing Strategy
LP	Local Plan
LTP	Local Transport Plan
NGP	New Growth Point
NNR	National Nature Reserve
NUA	Newark Urban Area
NR	Network Rail
PC	Proposed Change
PDL	Previously Developed Land (PPS 3)
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
PV	Principal Village
RS	Regional Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SC	Service Centre
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SLR	Southern Link Road
SP	Spatial Policy
SPA	Special Protection Area
SRC	Sub Regional Centre
SSSI	Site of Special Scientific Interest
SUE	Sustainable Urban Extension
TA	Transport Assessment

Non-Technical Summary

This report concludes that the Newark and Sherwood Core Strategy Development Plan Document provides an appropriate basis for the planning of the District over the next 15 years.

The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- The Council's FPCs covering new housing (including delivery, phasing, mix and density), the SLR (including funding, alignment and the A46 junction), the extent of the NUA, the boundaries of the SUEs, new local centres and gypsy/traveller provision.
- Delete last two elements of SP4 and last sentence of para 4.30, as adding the small settlement of Gunthorpe into the Green Belt is not justified in accord with national guidance in PPG 2 (supersedes FPC 6).
- Delete CP12B and the supporting text in paras 5.64 to 5.67 inclusive, as it is neither necessary nor consistent with national guidance in PPS 9 and PPS 12.
- Delete a small part of SP7 requiring consistency with the Local Transport Plan as it is not part of the statutory development plan.
- Delete second sentence of part A5 of NAP2B, due to the unnecessary and impractical restriction it would impose on the implementation of the policy (agreed by the Council but omitted in error from the FPCs).

Nearly all of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy.

Introduction

1. This report contains an assessment of the Newark and Sherwood Core Strategy (CS) Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paras 4.51 - 4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for the examination is the submitted CS of June 2010, which is the same as the document published for consultation in April 2010 plus the Council's list of minor proposed changes (PCs) (set out in Appendix A to this report).
3. All the PCs put forward by the Council are factual updates, corrections of minor errors or other text amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report, although the Council's view that they improve the plan is endorsed. I am also content for the Council to make any additional minor changes to page, figure and/or paragraph numbering and to correct any remaining grammatical and/or spelling errors prior to adoption.
4. The Council's further proposed changes (FPCs), arising from the examination hearings (set out in Appendix B to this report), have been published on the website, notified direct to all representors and subject to public consultation. The consultation responses made at the hearings and subsequently in writing have all been taken into account in completing this report. With one exception (FPC 6 - relating to the Green Belt (GB) that is not consistent with national guidance in PPG 2), they are all endorsed as useful additions, amendments and/or clarifications of the policies, proposals and supporting text of the CS following relevant examination debates. With the exceptions of FPCs 3, 5, 8, 12, 24, 27, 35, 50, 101 and 116 all are necessary for the soundness of the plan and are highlighted in bold (**FPC**) in this report but none alters the thrust of the Council's overall strategy.
5. This report also deals with other changes that are needed to make the DPD sound and they are also identified in bold (**IC**). These four further changes that I recommend are set out in Appendix C. None materially alters the substance of the plan and its policies/proposals, or undermines the sustainability appraisal (SA) and participatory processes undertaken. References in this report to documentary sources are from the Examination Core Documents List.

Assessment of Soundness

Main Matters/Issues

6. Taking account of all written representations and the evidence base, 20 matters were identified for the discussions that took place at the examination hearings. These are now considered in this report under 10 headings upon which the soundness of the plan depends.

Matters 1/2 – Strategy/Vision/Sustainability

Issue i) – Does the CS provide an appropriate spatial vision consistent with PPS 12 and the Sustainable Community Strategy, including on new housing numbers?

7. The CS vision and strategic objectives are closely aligned with those of the Council's Sustainable Community Strategy (SCS) (OD1), as well the SCS for Nottinghamshire (CD5). They are also properly informed by the spatial portrait of the district set out in the CS and the identification of the five policy areas therein. As such, the vision reflects local distinctiveness and seeks to provide a better quality of life for local communities as a positive ambition.
8. The substantial new housing sought, highlighted by the proposed Sustainable Urban Extensions (SUEs) around Newark as the Sub Regional Centre (SRC) and reflecting its New Growth Point (NGP) status, is a minimum figure, consistent with national guidance in PPS 12. This level of growth is supported by robust evidence of local housing needs/demands and population changes, including in respect of new household formation and the numbers of elderly people (CSEB 4/6/8). It has also been endorsed as necessary and appropriate on a regional/sub regional basis via the Regional Strategy (RS) process (RD1) and the evidence base that supported it.
9. The overall new housing figure for the district is therefore credible and justified and would be so irrespective of the RS requirements, given the long term economic prospects of the area and of Newark in particular and the relatively strong sub regional housing market. Indeed, the latest household projections for the county indicate that a higher figure might actually be necessary to meet local housing needs but this is a matter for future monitoring and possible review. The Council's recommended **FPC 4** to SP2 confirms that the number of new dwellings in the district over the plan period is neither an exact nor a minimum target and is endorsed as necessary for clarity in this respect.
10. The focussing of 70% growth at Newark is in accord with the RS (para 4.3.26) and was tested throughout the preparation of the CS, clearly emerging as the most sustainable option in the SA (LD26). It reflects the RS aim of concentrating new development in principal urban areas and SRCs, as well as the town's NGP status. Even though it contains only about 31% of the district's present population, Newark has many attributes that contribute to its suitability for new development, in accord with national guidance in PPS 3 (para 36). These include the wide range of existing retail, commercial, leisure and other services and facilities that reinforce its SRC role for surrounding settlements.
11. It is equally clear that the Newark Urban Area (NUA) is best placed to provide the major increase required in new housing (and employment) delivery in the most sustainable location, taking into account its position on the strategic transport network. Thus, the strategic concept of 3 SUEs around Newark is sound and sustainable in principle, notwithstanding current local debates about health/hospital and court provision in the town. The Council's **FPCs 1,2,9 and 102** to clarify the present and future extent of the NUA as defined in the CS are also endorsed to avoid confusion and be effective. Accordingly, the allocation of about 70% of the district's growth to Newark is reasonable and realistic.

12. Materially higher growth figures for smaller settlements, such as Principal Villages (PVs), would risk undermining the most sustainable pattern of development achievable across the district, including by encouraging further commuting, especially by car. The question of which levels of the settlement hierarchy and/or individual villages should have defined settlement envelopes is essentially a matter for the Allocations and Development Management (A+DM) DPD, rather than the CS, as the majority of development needs can and should be met in Newark, the main centre.
13. The CS is entirely consistent with the RS and all of the current evidence shows that it appropriately retains the level of new housing envisaged in the latter, in accord with national guidance in PPS 3, despite the likely revocation of RSs soon. This includes in respect of the important role of Newark as a location for significant housing and employment growth, so that it can provide the necessary economic impetus to help deliver new sustainable development across the district. The spatial vision is therefore appropriate and consistent with both PPS 12 and the SCS.

Issue ii) – Will the strategy satisfactorily and sustainably deliver the new development needed to meet the objectives, including new housing sites?

14. The 3 SUEs around Newark are fundamental elements of the overall strategy. Only their scale is sufficient to deliver the required new housing and employment over the plan period. Therefore, their allocation as strategic sites in the CS and the identification of the necessary supporting infrastructure to enable their implementation on a phased basis both add a significant measure of confidence to the delivery of the overall strategy.
15. This is reinforced by the active participation of prospective developers for each SUE and the emergence of specific proposals through planning applications. In each instance the evidence available to date points to their proving to be economically viable schemes, in general terms at least. This is so notwithstanding current market conditions and the financial and other contributions likely to be required, including under the proposed Community Infrastructure Levy (CIL). The continuing level of co-operation from infrastructure providers and co-ordination undertaken by the Council and others so far further enhances their prospects of delivery over time. Nor is there anything to suggest that this will change.
16. Over the district as a whole SP1 provides a hierarchy of settlements based on a comprehensive comparative analysis of their sustainability, including their roles as service centres, existing and proposed facilities and transport links. This has also fully taken into account the Strategic Housing Land Availability Assessment (SHLAA) results (CSEB9) in terms of the available capacity and likely opportunities for new development in each location.
17. Although some details have been questioned, there is no firm evidence of any obvious omissions or anomalies to justify any significant changes to the hierarchy. Moreover, the percentage approach used in SP2 to guide new housing and employment together to individual settlements in line with SP1 is clear, consistent and likely to prove realistic in terms of implementation, including through the A+DM DPD. Accordingly, it is appropriate to conclude

that there are good prospects of sustainable delivery in relation to the new development needed to meet the CS objectives.

Issue iii) –Are any objectives, policies or proposals not consistent with national guidance and, if so, is there sufficient evidence of local justification?

18. The main strategy and vision of the CS is clearly consistent with national guidance, including PPS 12. Both are based on a sound and thorough analysis of the current situation in the district, as demonstrated in the comprehensive evidence base. The CS also provides locally suitable and appropriate objectives, including in respect of sustainable development.
19. Nevertheless, there are a few instances where, in the absence of a sound local justification of the divergence from national guidance, it is necessary to recommend changes to policies in the interests of clarity, consistency and/or implementation. These are dealt with individually later in this report.

Issue iv) –Is there a clear “audit trail” of how and why the preferred strategy was selected, including appropriate consultation with the public and other parties?

20. The Council's Statement of Consultation (LD28) has been prepared in accordance with the relevant regulations and the Statement of Community Involvement (SCI) (LD4). It is comprehensive in its coverage of the processes undertaken, including in terms of how and why the preferred strategy was selected from four growth scenarios put forward in the Options Report (LD20), albeit each included significant growth at Newark as the SRC. The fact that the CS is effectively based on a hybrid option, taking into account many of the advantages and disadvantages of each scenario, is a general strength of the strategy, including in respect of its realistic prospects for delivery by 2026.
21. Whatever the quality and extent of public consultation undertaken in connection with the initial NGP designation, the participation processes undertaken for the CS have been fully in accord with the Council's procedures, with no material errors or omissions identifiable. In particular, the Preferred Options Report (October 2006) (LD15) made it clear that a NGP bid had been submitted and it also formed part of the wider public consultation on the RS. The later Key Decisions document (LD18) also invited public comment on the emerging CS proposals, including on the NGP status of Newark.
22. Importantly, the consultation process has followed that undertaken for the RS in which the growth of Newark has ultimately been endorsed as a regional/sub-regional objective. This also took into account the relationship of growth at Newark to that at Grantham, Lincoln and in other parts of Lincolnshire. Given the continuing commitment to cross border working, including through the new Local Enterprise Partnerships (LEPs), there is no evidence to show a need to reconsider the development allocations in the CS in relation to those across the county boundary. The likely revocation of the RS does not alter this position.
23. In contrast to suggestions that there has been a lack of positive engagement with stakeholders, the Infrastructure Delivery Plan (IDP) (CBE1/2/3) also demonstrates that there has been appropriate involvement from those organisations directly involved in providing infrastructure to support the growth across the district envisaged in the CS. Together with the proposed introduction of a CIL, this should assist in the delivery of the new services and

facilities, as and when required. Overall, the Council has satisfactorily demonstrated how and why the preferred strategy was selected and that appropriate consultation was undertaken throughout the CS process.

Issue v) – Has there been suitably comprehensive and satisfactory sustainability appraisal, strategic environmental assessment and appropriate assessment?

24. Together with the earlier versions, the latest Sustainability Appraisal (SA) report (LD26) confirms that policy options were properly evaluated as an iterative process, using the SA framework, as the CS emerged through its various stages. The pattern of growth envisaged under the CS policies and proposals, concentrated principally on Newark; the main settlement, and thereafter directed principally to the Service Centres (SCs) and Principal Villages (PVs), is clearly the most sustainable of the realistically available alternatives for the district's future. Additionally, the Habitat Regulations Assessment (HRA) (LD27 and LD33) has concluded that the Special Area of Conservation (SAC) at Birklands and Bilhaugh, the only Natura 2000 site potentially impacted, would not be detrimentally affected by the CS policies and proposals in themselves.
25. The delivery of sustainable development will be partly achieved through the application of CP9 (Sustainable Design) and CP10 (Climate Change). With the Council's **FPCs 53–60**, which are endorsed for effectiveness, both are now generally suitable to achieve the objectives identified over the plan period. They will be applied to specific proposals for the SUEs at Newark, where further more detailed SA work will be necessary at the planning application stage in each case. This will include the particular implications for the local road network of the additional traffic generated in the NUA, both before and after the completion of the new Southern Link Road (SLR). In conclusion, the SA report (LD26) provides a satisfactory and comprehensive appraisal of the CS.

Matter 3 – Economy/Employment

Issue i) – Are the policies and proposals on the local economy and employment consistent with national guidance, including PPS 4?

26. CP6, together with SP9 setting out the criteria for new (employment) land allocations, is based on the strategic aim of high and stable levels of economic growth and employment. The evidential basis includes the 2010 updates of the Economic Development Strategy (CSEB12) and the Arup Employment Land Study (CSEB31), in accord with policies EC1 and EC2 of PPS 4 and Newark's status as a NGP. The objective is also specifically reflected in the SUE proposals around Newark, whereby two out of three would comprise major mixed use developments, incorporating new employment alongside new housing.
27. The co-location of further employment with new housing is a consistent and sustainable theme throughout the CS for the whole district. Moreover, the allocation of the strategic sites around Newark provides clear spatial guidance for new development to be directed principally to the district's main settlement, together with the necessary new transport and other related infrastructure. The policies and proposals concerning the economy and employment are therefore consistent with national guidance, including PPS 4, in principle.

Issue ii) –Will they deliver the new employment sought?

28. As there are no specific employment land figures in the RS to be followed, the forecast requirements in the CS (App D) are based on the Council's latest assessment of need, current circumstances and potential over the plan period. The overall new housing provision, including in Newark as a NGP, is also taken into account, amongst other things. However, the updated Arup report (July 2010) (CSEB31) only identifies a need for 128 – 165 ha of new employment land provision in the district to 2026, whereas the CS seeks 210 – 220 ha. Accordingly, it is necessary to critically examine the Council's justification for the significantly larger CS figure.
29. First, as set out in App D, about 32 ha had already been developed by 2009; a further 83 ha or so has planning permission (2009) and the vast majority (82%) of the total additional land sought (about 100 ha) would be in and around Newark itself, in accord with its NGP status. Of that amount around 59 ha would be provided as part of the mixed use development of two of the SUEs (albeit not quite all is anticipated to be delivered in the plan period). This would contribute to a sustainable form of growth, incorporating new employment sites alongside new housing.
30. In such circumstances, the high and ambitious employment land target for the district appears generally reasonable and realistic. There is also a need for a sufficient scale of new employment land allocations within the SUEs to attract the essential investment to ensure their delivery on a phased basis over the plan period. Further relevant factors also support the Council's optimism in this regard and the realistic prospects of delivery, despite the current economic position both nationally and locally.
31. These include the NGP status of Newark and the additional workforce associated with significant new housing, as well as the strategic aim of reducing out-commuting from the district. The recent success in attracting a major logistics investment locally (Currys/Dixons) confirms the potential of the area and the A1 corridor in particular for further growth in B8 and B2 uses, partly due to the good road and rail links. These are soon to be enhanced by the completion of the A46 dual carriageway route to the south of Newark in 2012.
32. Another factor is the Council's estimate that, taking into account past trends, considerable areas (up to 100 ha) of existing employment land throughout the district could be lost, including to non employment uses, to 2026. This is despite the intention to safeguard important sites in the A+DM DPD, as presaged in part 4 of CP6. There is also a need for a range of size and type of sites to be available at all times for the attraction of new and the relocation or expansion of existing businesses, not least for successful smaller ones to grow, in accordance with PPS 4 guidance. It is also relevant that adjoining areas no longer have the competing attraction of grants available to employers.
33. Ancillary, non B class, commercial uses, such as hotels or crèches, in connection with significant new employment schemes can also enhance their overall economic viability, especially in the early stages when infrastructure costs are high but nevertheless require land themselves. They can also help attract other occupiers providing employment who use their services. In the NUA there is also a local justification for some new office space in peripheral

locations as larger B1 uses cannot always be sited in the town centre, due to the constraints of scale and historic character amongst others. Increasing demands for more sustainable forms of local energy generation may also contribute to the need for employment land and premises over the plan period.

34. In all of the above circumstances and despite the considerable amount of vacant land and buildings currently available in Newark, the overall level of new employment land sought in the CS is justified, in accordance with the RS and the Newark and Sherwood Economic Regeneration Study (CSEB11). There are also reasonable prospects for delivery over the full plan period, particularly as much of the new land to be developed is associated with the SUEs.

Issue iii) –Is it appropriate to safeguard existing employment areas and/or should more flexible criteria, such as in relation to economic viability, be used?

35. The safeguarding of employment sites is appropriate in principle, in accord with national guidance (para h of policy EC2.1 of PPS 4), where it is needed to maintain a range of size and type of opportunities for business in sustainable locations within existing built up areas. This is clearly the case in Newark, due to its good prospects for continuing economic growth over the plan period. In the other settlements the same requirement to retain a local supply of employment sites also applies, together with avoiding unnecessary expansion into the surrounding countryside.

36. Nevertheless, as the Council now acknowledges in FPCs 47 and 48, some sites are poorly located, no longer suitable for modern business needs and/or not economically viable in their current use(s) or for employment redevelopment. Moreover, it is neither necessary nor desirable in the interests of promoting the economic growth of the area to seek to retain a large portfolio of poor quality employment sites, particularly if a mixed use redevelopment, for example, would make a positive contribution overall to the locality.

37. The Council is committed to examining such situations on a site by site basis in the A+DM DPD and has demonstrated flexibility in a case in Clipstone recently. Nevertheless, it remains essential to acknowledge this issue in the CS policy to set out a sound strategic background for the future. **FPC 47** to part 4 and the additional criteria in **FPC 48** at the end of CP6 achieve the right balance to be consistent with national policy in this respect and are endorsed accordingly.

Issue iv) –How will new employment land be brought forward if/when required?

38. The significant contribution expected from peripheral greenfield sites forming part of two SUEs should mean that the delivery of much of the new employment land in Newark would be on a comprehensively planned, albeit phased, basis. It would also be co-ordinated with the related infrastructure provision for the new housing and other development alongside in most, if not all, respects. This should not only reduce the complications of implementation but also enable servicing and other costs to be shared and thus help attract the necessary investment. The potential early availability of fully serviced sites with good transport links should also be a strong incentive for potential occupiers. Therefore, the allocated strategic sites around Newark seem likely to achieve the required contribution in terms of new employment land to 2026 and should be ready to form part of the range of available sites as and when needed.

39. Elsewhere in the NUA there is no necessity to identify any further strategic sites beyond the three SUEs to meet the employment (and/or housing) needs of the town under its NGP status or the RS requirements. Potential redevelopment opportunities within the existing built up area, such as the NSK site, should continue to be considered on their own merits and in relation to the CS policies. This would include that mixed use schemes may be acceptable in appropriate locations and circumstances, particularly to assist the economic viability of suitable schemes. The latter consideration would also apply in the context of commercial diversification proposals for peripheral locations, such as the Newark Showground site to the north of the town, in the overall economic interests of the area.
40. Regarding non strategic sites and the remainder of the district outside the NUA, it will be one of the main tasks of the A+DM DPD to identify the necessary employment land allocations, in line with the CS policies, notably SP9 and CP6. Outside Newark, it is appropriate that any new employment land allocations in and around the smaller settlements should come forward through this process, rather than any belated attempt to identify further strategic sites in the CS.

Matters 4/5 – Housing

Issue 4 i) –Is the overall number and phasing of new housing consistent with the objectives and realistically deliverable?

41. The overall number of new houses put forward, which the Council has clarified is a minimum target, reflects not only the RS requirement but, importantly, the ambition to achieve the vision and objectives set out in part 3 of the CS. In particular, this level of growth is necessary to achieve strategic objectives 3 (sustainable communities), 5 (strong economy), 7 (Newark's SRC role) and 8 (balanced communities), amongst others.
42. In the interests of sustainable development, the concentration of new housing (and employment) growth at Newark is the most suitable strategy. It is the one most likely to deliver the required results over the plan period, taking advantage of its existing services, facilities, transport links and NGP status. In addition to redevelopment opportunities on PDL, suitable sites are available on the periphery of the town to deliver the mixed use development necessary to fulfil the strategy and provide the required number of new homes by 2026.
43. The identification of SUEs around Newark is also consistent with national guidance in paras 4.6 and 4.7 of PPS 12, whilst the proposed allocation of other non strategic development sites in the A+DM DPD is also in accord with para 4.7. Moreover, the provision of about 70% of the new housing at the existing SRC is logical and appropriate. Directing a further 20% or so to the four SCs and around 10% to the seven PVs, in order to support their important secondary and tertiary roles, alongside new investment and infrastructure, is equally so, particularly in settlements requiring regeneration. Consequently, the housing strategy is consistent with the objectives and deliverable.
44. The allocation of higher numbers/percentages of new housing/employment to the SCs/PVs, such as Clipstone, Edwinstowe or Collingham, would inevitably reduce the strategic focus on Newark. It would thereby fail to achieve the most sustainable pattern of growth for the district. A wider dispersal of development away from Newark, even to settlements with good public transport links, would

also risk harming the delivery of the SUEs as mixed use schemes over the plan period as their scale is a fundamental part of their economic viability. In the CS, phasing is to apply only to the three SUEs and is not directly referred to in SP1, SP2 or SP3. Outside the NUA any individual phasing of development schemes would be a matter for the A+DM DPD. Therefore, the overall number and phasing of new housing is consistent with the objectives and deliverable.

Issue 4 ii) – Will there be a five year supply of developable land, a six - ten year supply on specific sites and an eleven - fifteen year supply in accord with PPS 3?

45. The five year Housing Land Supply Statement (HLSS) (April 2010) (CSEB9B), as corrected by the Council, takes into account existing commitments, SHLAA (CSEB9) sites (including one allocated site for 53 dwellings at Bilsthorpe) deliverable in the short term and estimated contributions from the SUEs. On this basis the available supply exceeds 7.5 years, irrespective of slight technical differences between how it is set out and the Council's revised Housing Trajectory (HT) in App D. If the one SHLAA site and the SUEs are discounted entirely from the 5 year calculation the supply is only a fraction over 4 years.
46. In the case of those sites in the SHLAA originally allocated for new housing in the Newark and Sherwood Local Plan (1999), which have remained undeveloped for 11 years, it would not be realistic to assume that they will now be completed within the next 5 years. Similarly, it is common practice elsewhere to apply some form of percentage discount to the number of new homes to be delivered on already permitted sites to reflect the fact that not all will necessarily come forward within the next 5 years.
47. An appropriate allowance for the latter factor would not reduce the overall new housing supply below approximately 6 years in total and it is reasonable to assume that the majority, at least, of SHLAA sites identified as suitable will come forward later. More importantly, there are good prospects of delivery in respect of each of the SUEs to the timescales anticipated in the CS. However, it remains important to avoid delays to their commencement, if possible, if the new housing delivery in subsequent years is to make up the initial shortfall demonstrated in the HT. The local housing market, albeit relatively strong compared to many other areas, is likely to take some time to fully recover from the recent economic recession. Nevertheless, any short term reduction in housing delivery across the district seems capable of being made up later, especially in the NUA.
48. Overall, the SHLAA, the HLSS and the latest revised HT, including the Council's **FPCs 103/104** for effectiveness, together provide sufficient robust evidence to justify confidence in the short (0-5 years), medium (6–10 years) and longer (11-15 years) term housing land supply position, notably once the SUEs are being developed to their full delivery capacity. Moreover, it is common ground that the estimate of 150 new units from each per year when properly underway is realistic taking all relevant factors, including site specific characteristics, into account.
49. It is therefore appropriate to conclude that the housing land supply position arising from the CS, including in terms of deliverable sites in the first five years, is in accord with national guidance in PPS 3. Moreover, the additional capacity available on land south of Newark and at Fernwood, amounting to almost 2,000

new dwellings in total and currently expected to be delivered after 2026, could potentially be brought forward in whole or in part in the event of delays on other sites, including other SUEs, to provide flexibility and a practical contingency if required.

Issue 4 iii) – Have all suitable previously developed land sites been included?

50. The Council's SHLAA (CSEB9) is commonly acknowledged to be thorough and comprehensive in its coverage, including in respect of Previously Developed Land (PDL) (PPS 3) opportunities across the district not just in Newark. As a result, the evidence is clear that there is not sufficient land likely to be available within the existing built up area of Newark to meet the strategic requirements for growth. Consequently, new strategic sites in peripheral locations have to be identified if the level of new housing and employment development sought for the town, in accord with the RS and its NGP status and that will achieve the CS objectives, is to be delivered over the plan period. The future of individual SHLAA sites, including those on PDL within built up areas, such as the NSK site at Northern Road, Newark, is a matter for the A+DM DPD not the CS.

Issue 4 iv) – Will the management of new housing delivery prove adequate to ensure that the strategic aims of the CS are met?

51. New housing delivery across the district will be monitored in detail annually, in accord with the revised App G, so that any material shortfalls should become apparent relatively quickly. In the event that the CS targets are not being met due to delays in implementing one or more of the SUEs then a number of alternative contingencies would be available to the Council without the need to conduct a full plan review.

52. These include an increase in the rate of development at other SUEs, if possible, as they are expected to be developed concurrently, not consecutively. Similarly, the potential availability of other SHLAA sites could be advanced, in some instances, whether or not the A+DM DPD had been completed by that time. Accordingly, there are reasonable prospects of realistic alternatives being brought forward if the presently envisaged new housing delivery does not prove adequate as currently planned in the CS.

Issue 4 v) – Should the CS contain a housing trajectory and/or contingencies?

53. The Council's revised App G now includes a HT in accord with para 55 of PPS 3. Some of the site specific detail will date rapidly and therefore it should not form part of the CS itself but be updated annually in the light of the Annual Monitoring Report (AMR). Nevertheless, it provides useful background information to support the Council's assessments regarding new housing delivery. In particular, the concurrent development of the SUEs around Newark provides flexibility in the event that one encounters difficulties and/or delays.

54. There is also additional capacity at two SUEs for the post 2026 period, some of which could potentially come forward earlier if required. Moreover, the availability of a range of size, type and location of other potential sites, as demonstrated in the SHLAA (CSEB9), provides further reassurance regarding the delivery prospects of the planned level of new housing by 2026. The forthcoming A+DM DPD provides the opportunity to plan for contingencies in relation to new housing delivery on non strategic sites and outside the NUA.

Issue 5 i) – Is the affordable housing threshold justified by local housing needs and economic viability and does the policy provide sufficient flexibility?

55. The 30% affordable housing target in CP1 is based on robust evidence of local housing needs in the up to date Housing Needs Market and Affordability Study (HNMAS) (CSEB6), supported by the LHS (CSEB8). It continues the district target already used in the Council's Interim Policy on Affordable Housing, which appears to have been operating satisfactorily over recent years.
56. The percentage sought is also justified by the clear evidence of the Affordable Housing Viability Assessment (AHVA) (CSEB7). The conclusion therein is that a 30% target is viable in most circumstances but the highest percentage that is reasonable. It is therefore the most appropriate policy target for the CS, provided that there is scope for site specific circumstances that may affect economic viability to be also taken into account in each scheme. Any lower percentage figure in the policy would not be able to meet the identified local needs over the plan period. Taking into account the Council's **FPCs 25 and 26**, endorsed to be effective in clarifying that it is not an absolute requirement, the 30% target sought and its proposed implementation is considered sound.
57. Although it is being trialled elsewhere, in terms of impact on overall viability the available evidence does not justify the unusual and potentially complicated adoption of a temporary lower percentage target, with a view to later review when the economy/market has improved. There are no material advantages to such an approach in this district where new schemes are continuing to come forward and it would have a short term negative impact in terms of potential delivery over the plan period.
58. CP1 also retains the site size thresholds from the Interim Policy. This is despite the conclusion of the AHVA that in the NUA the lower threshold of 5 new dwellings or 0.2 ha, that presently applies in the rest of the district, would be economically viable. The viability study nevertheless confirms that continuing the present thresholds is entirely appropriate and viable, including in the weakest of the four housing sub markets identified across the district.
59. On tenure mix the policy refers to a 60/40 social rented/intermediate housing split as the preferred provision. This is a relatively low percentage requirement for social rented units compared to many local authority areas and one which should assist the delivery of the overall 30% target in many instances. The AHVA assumed a 70/30 split in assessing economic viability, thereby confirming that a 60/40 mix should normally make a positive contribution to delivery and is therefore generally appropriate for the district as a whole. Omitting any policy reference to a guideline tenure mix would mean it would need to be examined and negotiated in each case, creating delays at best and harming housing delivery at worst. Further details of how it might be implemented in practice are a matter for the Council's proposed Affordable Housing SPD.

Issue 5 ii) – Are the policies consistent with PPS 3 and appropriate to meet local needs and/or should there be references to minimum or maximum densities?

60. Whilst it no longer refers to an expected minimum density of 30 dph, PPS 3 continues to seek the most effective use of land and allows the setting of broad density ranges in connection with new housing development. Consequently, as amended in the Council's **FPCs 29-32**, the first part of CP3 is endorsed as

consistent with national guidance in seeking an individual justification for densities below the normal 30 dph expectation. It is equally consistent in defining a broad range of 30-50 dph for the SUEs and confirming that any density range deemed necessary for other locations and allocations will be included in the A+DM DPD.

61. The HNMA (CSEB6) provides clear evidence that local needs include more smaller properties and increased provision for families and the elderly. Para 5.13 indicates that the general split would work best at 60% 1 or 2 bedroom and 40% 3 or more bedroom dwellings. Nevertheless, as now qualified in the Council's **FPC 28**, the wording in CP3 is appropriately less specific and thereby effective in providing some flexibility for particular schemes to make their contribution to this aim according to individual local circumstances. Given the factors listed to be taken into account, the last part of the policy is not therefore over-prescriptive, with the district housing needs qualified by references to viability and localised information, including market demand.
62. As endorsed with the Council's **FPCs 53/54** to facilitate implementation, para 5.42 confirms the Council's current commitment to meeting the Lifetime Homes Standard for all new dwellings by 2013, albeit there is no direct requirement as such in CP9. Consequently, this needs to be addressed in more detail in the A+DM DPD. At that time the economic viability implications for new housing schemes, as well as the local level of specific needs, can be taken into account, alongside any possible effects on the delivery of other important housing aims over the plan period, as well as building regulation requirements.

Issue 5 iii) – Are the GB policies and proposals consistent with PPG 2?

63. The south west part of the district close to the Nottingham conurbation lies within the designated GB and the RS states that no strategic level GB changes need to be made in this area. However, the Council proposes to conduct a "small scale review" of the detailed GB boundaries in order to address the strong local housing need in Lowdham and assist regeneration in Rainworth and Blidworth, as part of the A+DM DPD.
64. The clear evidence from the SHLAA (CSEB9) is that land supply within the present boundaries of these villages is very limited. There are also important CS objectives of meeting local housing needs, including for affordable housing, and facilitating economic regeneration in former mining communities to be considered. Together these provide the necessary "exceptional circumstances", in accord with national guidance in PPG 2, to properly justify the need for a localised boundary review immediately around these settlements. The Council's **FPC 7** now confirms that it will be undertaken in full compliance with the purposes of the GB as set out in PPG 2, including that priority would be given to PDL if available. Accordingly, it is not necessary for the policy or supporting text to repeat PPG 2 criteria as endorsed **FPC 7** provides sufficient clarity.
65. In contrast, there is no explanation in the submitted CS for the proposed inclusion of the small village of Gunthorpe, alongside the River Trent, into the GB when it is currently excluded, beyond that its position in the settlement hierarchy no longer justifies the definition of a village envelope. It is prone to significant flooding, including on more than one occasion in recent years and,

according to the Environment Agency (EA), this has apparently been made worse since protection works were undertaken in Nottingham recently.

66. Nevertheless, in planning terms, this problem is a justification for appropriate policies and proposals in the A+DM DPD to address it, rather than the inclusion of the whole settlement within the GB, which has somewhat different planning purposes and restrictive policies not directly related to flood protection. Accordingly, the Council's FPC 6, adding further text to para 4.30, does not provide suitable or sufficient justification and is not appropriate.
67. In the absence of demonstrable and relevant "exceptional circumstances", it would not accord with national guidance in PPG 2 to add Gunthorpe into the GB when the only significant change since the GB was designated originally relates to flood risk. Accordingly, the last two elements of SP4A should be deleted, together with the last sentence of para 4.30, for it to be sound and consistent with national guidance (**Recommendation IC1 - supersedes FPC 6**).

Issue 5 iv) – Are the relevant monitoring indicators and targets for new housing delivery clear and appropriate?

68. All issues relating to monitoring and the Council's revised App G are considered under Matter 19 towards the end of this report.

Issue 5 v) – Do the Gypsy and Traveller policies contain appropriate criteria?

69. CP4 is based on the Gypsy and Traveller Accommodation Needs Assessment (CSEB5) and the regional requirements in the RS, as amended by the Regional Bench Marking Study (LA/M5/A1B) (September 2008). Although it does not specifically say so, it is clear when reading this policy and CP5 together that the number of new pitches to be allocated does not represent the maximum provision and the last para confirms that local need will be kept under review.
70. Otherwise, criticisms of the submitted wording of both CP4 and CP5 have been largely addressed in the Council's **FPCs 33 – 46** (excluding 35), which are endorsed as both policies are now generally consistent with national guidance in Circulars 01/06 and 04/07, which remain in force for the time being at least. Whilst CP5 contains no stated presumption that PDL should take priority for new sites this is implicit in the listed criteria, given that PPS 1 would be applicable in any event and there is normally no need to repeat national guidance in a CS. These policies therefore contain appropriate criteria.
71. A clear justification for the proposed concentration of new pitch allocation in the NUA over the plan period is provided by para 5.14 and Table 6 of the CS, as well as the analysis of local needs. As the most sustainable location and main focus of growth, with a long tradition of such provision, it is the most logical place for new pitches. Given that commitment it is evident that new site selection will be a matter for the A+DM DPD as the delivery mechanism.

Matters 6/7 – Retail Centres/Tourism/Heritage/Environment

Issue 6 i) - Does the CS plan appropriately for retail, leisure and tourism?

72. As the major centre in the district, identified as a SRC in the RS (RD1), Newark is inevitably at the top of the district's retail hierarchy. Accordingly, it should be

the focus for additional shopping provision, alongside new housing and employment growth and to follow on from the "Potterdyke" scheme presently under construction in the town centre, later in the plan period. Identification of further particular opportunities for retail expansion in and on the edge of the town centre can be addressed through the A+DM DPD, as well as the CS policies and other existing local guidance. This is capable of taking into account accessibility by walking, cycling and public transport, amongst other considerations, such as the future of the livestock market, car parking provision and the protection of heritage assets, without necessarily needing a separate Area Action Plan (AAP). Nevertheless, similar forward planning will be necessary in respect of the promotion and encouragement of new leisure and community facilities in Newark and other centres across the district.

73. Below Newark, the retail hierarchy defined in CP8 is essentially based on the 2010 Retail and Town Centres Study (CSEB15). This provides a full and up to date justification for the choices made, including the need for new/enhanced provision in some centres in line with the expected growth of housing and employment. There will also be a need for local centre provision in the SUEs around Newark and this is now reflected in the Council's **FPC 52** to Table 8 (CS), endorsed for consistency with national policy. This properly defines the local requirement, so that the new retail units would have complementary roles to that of Newark town centre, rather than providing competition. Any of a greater scale in the SUEs risk harming the vitality and viability of the town centre, as referred to in para 5.38.
74. In terms of defining both primary and secondary frontages in existing centres and the setting of any floorspace thresholds for considering out of centre retail development, the Council delegates this task to the A+DM DPD, rather than the CS. This should ensure that these more detailed and site specific retail issues can be addressed together and is a suitable approach in principle. The application of the sequential test, in accord with PPS 4, to any significant out of centre retail scheme, is also entirely appropriate in the present district context.
75. Together with other CS policies, notably SP8 and CP8, but also NAP1 for Newark, CP7 generally supports the provision of leisure and tourism related facilities, including good quality overnight accommodation, in the five main centres of the district. This should help to improve their overall economic competitiveness, whilst detailed policies in the A+DM DPD should address the more specific issue of the evening economy in each centre.
76. CS policies cannot (and should not) be drafted to cover every possible eventuality. There will always be rare individual cases where, taking all relevant material considerations into account, an exception to policy may be justified in the wider social, economic and/or environmental interests of the nation or local community. This applies to tourism related proposals, as to any other form of development, whether or not they relate to site specific heritage and/or natural environment characteristics. The National Trust's Southwell Workhouse scheme would have been such an example. Consequently, there is no need to amend CP7 to address specific land use requirements related to existing or new tourist attractions to comply with PPS 4, beyond what is already included in **FPC 49**, which is endorsed for effectiveness reasons. The CS does therefore plan appropriately for retail, leisure and tourism.

Issue 7 i) – Does the CS strike the right balance between protecting the district's biodiversity/nature conservation resources and facilitating development?

77. Policy CP12A is based on the Council's Green Infrastructure Study (GIS) (CSEB18), the Nature Conservation Strategy (NCS) and the Nottinghamshire Local Biodiversity Action Plan (CD4). Together they provide a full evidence base to justify its contents. Therefore, as amended by the Council's **FPCs 61/62**, including an additional criterion, CP12A is now consistent with PPS 9. The three strategic site allocations around Newark take into account the opportunities available to conserve, restore and enhance biodiversity locally, as demonstrated in NAP 2A, 2B and 2C and illustrative Figs 5, 6 and 7. Thus, the CS strikes an appropriate balance between the need for new development and the protection of the district's biodiversity and nature conservation resources in general terms.

Issue 7 ii) – Is the CS consistent with PPS 25, including the SFRA, PPS 25 exceptions test and development locations?

78. In relation to PPS 25, the Strategic Flood Risk Assessment (SFRA) 1 (July 2009) (CSEB24) was produced in conjunction with the EA. Together with the SHLAA (CSEB9), its findings helped to confirm that it would not be possible to accommodate all of Newark's growth requirements on one area of land to the south of the town. Hence, two further strategic sites were selected via sequential testing and a level 2 SFRA (CSEB25) carried out for each. Although there are areas of flood risk in all three SUEs, the SFRA work and the illustrative layouts that have followed show that no areas of built development, for housing, employment, local centres etc, need be in flood zones 2 and 3.

79. Even so, site specific FRA would still be necessary at the planning application stage, as referred to in policies NAP 2A, 2B and 2C where each lists a requirement for the provision of flood mitigation. This should ensure that localised flood risks are fully taken into account at the detailed design stage, without the need to add further specific references or repetition of PPS 25 criteria and/or national guidance. The CS is consistent with PPS 25 as it stands.

Issue 7 iii) – Is the CS consistent with PPG 17 and are the open space standards supported by robust and credible evidence or too onerous and/or detailed?

80. The Council already has a Developer Contributions SPD (October 2008) (LD5) in place, as well as an adopted Green Spaces Strategy (CSEB20), both of which are in use to secure suitable open space provision with new developments. Whilst a Playing Pitch strategy is imminent it is not yet available. In such circumstances, setting local open space standards in the A+DM DPD, alongside (non strategic) site specific land allocations and more detailed policies for all forms of development, is appropriate. Overall therefore the CS is consistent with PPG 17.

Issue 7 iv) – Is the CS consistent with PPS 5 on protection of heritage assets?

81. In seeking to protect the district's heritage assets, CP14 follows PPS 5 in general and particularly policies HE 3.1, 3.2 and 3.4 thereof. This includes by reference to the three historic landscapes which justify special attention in the last paragraph and will be subject to more detailed A+DM DPD policies. The CS is therefore consistent with PPS 5.

Issue 7 v) – Are the targets for renewable energy appropriate and reasonable in the light of national policy and should it be specific on energy from waste?

82. Work undertaken by the Nottinghamshire Sustainable Energy Partnership (CSEB27) provides the robust and credible evidence necessary to justify the targets set out in CP10 in accord with paras 26 & 33 of the PPS 1 Supplement. This includes in respect of economic viability in general terms. Nevertheless, the flexibility provided by the inclusion of “where viable” in the first point of the policy is equally important to ensure that renewable energy expectations do not impede the delivery of new housing, including affordable housing, and the other development needs of the community. As a strategic policy, it is also appropriate that any advance prescription about particular technologies is avoided and all possible sources for low carbon energy considered so as to widen opportunities. As amended in the Council's **FPCs 55–60**, CP10 and para 5.47 are therefore endorsed as reasonable and consistent with national policy.

Issue 7 vi) – Is CP12B necessary and appropriate for a CS?

83. Para 6 of PPS 9 advises that specific policies on internationally designated sites of biodiversity and geological conservation value should not be included in DPDs, as they have statutory protection in any event. In this case the possible future Special Protection Area (SPA) in Sherwood Forest to protect the habitats of nightjars and wood larks has not been identified by Natural England, the responsible body, and does not constitute a “potential” SPA where the Habitat Regulations would apply. Neither the possible extent of the designation, albeit theoretically large, nor any actual requirements for habitat protection are yet known and no selection process has yet been commenced with the European Union. Even so, it is entirely right that a Risk Assessment for designation formed part of the Habitats Regulation Screening (App C LD27) and informed the development of the CS.

84. Having been aware of the issue, the Council has sought to ensure that any designation during the plan period would have only a limited impact on the CS. However, there are inevitable delays involved, as well as the uncertainty as to whether any such designation would actually make it through the many obstacles that lie ahead, before final endorsement. Moreover, as worded, the policy merely commits the Council to a review of those adopted policies and proposals that might be in conflict “as soon as is practicable”. This would have to be undertaken in any event if a SPA is identified, in accord with PPS 9.

85. Whilst para 4.46 of PPS 12 says that CSs should consider contingencies it adds that this should include showing what alternative strategy (or strategies) has been prepared to handle the uncertainty and would trigger its use. There is no such reference in policy CP12B or its reasoned justification in paras 5.64 – 5.67 inclusive. Accordingly, the policy and its supporting text are neither necessary nor sound and should be deleted (**Recommendation IC2**). The absence of such a policy does not affect the soundness of the CS in all other respects for the reasons set out above.

Issue 7 vii) – Does CP14 unnecessarily restrict development?

86. Given the “rich and distinctive historic environment” of the district it is necessary for the CS to clearly set out the considerations applicable to development proposals that might affect the area's heritage assets. Equally it

is appropriate to reflect the Conservation Area Character Appraisals, including in the land allocations and more detailed policies that will emerge through the A+DM DPD. However, beyond the three historic landscapes referred to in the third part of the policy (see issue iv above), there is no particular reason to specifically mention Newark and/or Southwell in this context, as similar issues will be relevant in many historic places across the district. In conclusion, CP14 does not unnecessarily restrict development.

Matter 8 - Transport

Issue i) – Is the strategy consistent with PPG 13 and the Local Transport Plan?

87. The overall transport strategy, as expressed in SP7, is based on the District Wide Transport Study (CSEB23), as well as the North Nottinghamshire Local Transport Plan (LTP) (CD1) and reflected in the IDP (CSEB2/3), and App E. The objectives are generally consistent with PPG 13, albeit some detailed matters, such as parking policies/standards, are delegated to the A+DM DPD.

88. However, the LTP is currently under review. As agreed at the examination, it is entirely appropriate that the CS should commit the subsequent A+DM DPD to safeguarding the locations of new public transport and highway schemes to be identified in the new LTP. This would include the proposed “Newark Flyover” rail scheme where the present lines cross at grade, intended to be funded by Network Rail within the CS plan period, in accord with the last sentence of para 4.46 of the supporting text to SP7. The Council’s **FPCs 19–23 and 63/64** provide suitable additions to SP7 and in relation to these matters to assist effective implementation via the A+DM DPD and are endorsed accordingly.

89. Nevertheless, it is not appropriate in a CS policy to require all developments to be consistent with the LTP, particularly when the updated document is not yet available and it does not form part of the statutory development plan in any event. Thus the words “to be consistent with, and” should be deleted from the first line of the second para of SP7 for it to be sound (**Recommendation IC3**).

Issues ii) – iii) - Will the policies deliver the necessary improvements, including in terms of rail and bus services, park and ride and cycling/walking?

90. Notwithstanding the present serious constraints on public funding for transport improvements, both the policy contents and the clear commitment to joint working referred to in para 4.48 (CS) should materially assist their reasonable delivery prospects over the full plan period. This would include in connection with new development, as in the case of the Newark SLR. It is now accepted by all those directly concerned, including the Council, the Highways Agency (HA), the County Council and the prospective developers of all three SUEs, that this would be best provided as an integral part of the development of land south of Newark. This is now considered to be preferable to the alternative of reliance on a publicly led scheme, funded by legal agreement contributions and/or the proposed CIL, in terms of practicality, costs and timing of delivery.

91. The Council’s **FPCs**, notably **10–18** (excluding 12) to SP6 and paras 4.38 – 4.40, to embed this revised concept into the CS before adoption are therefore endorsed as logical and to assist early implementation. This is important as completion of the SLR is a crucial element of the strategy for the growth of Newark, in accord with its NGP status, not just in terms of accommodating the

additional traffic generated but also in relieving the pressures (both actual and perceived) that would otherwise arise in the existing built up area of the town, not least the historic centre.

92. Regarding Newark town centre in particular, it would be unrealistic and impractical, if only because of the delivery requirements of the many retail units, to seek a blanket weight restriction order there once the SLR is open. However, the importance of improving public transport, cycling and walking links between the SUEs and the town centre cannot be over emphasised as part of an integrated and sustainable transport strategy for the unprecedented planned growth of the town. This would include convenient regular bus services direct to rail stations, the use of the SUSTRANS cycle route from the south and also increased/improved routes elsewhere and more cycle parking at stations.
93. Although SP7 provides the overall direction, a number of other policies, notably SP2, CP6 and CP8, also deal with sustainable transport matters. They also refer to the delivery of related infrastructure improvements, especially in connection with the SUEs around Newark, in the case of the area policies. Taken together, this combination of policies is suitable and appropriate at the strategic level to encourage and facilitate increased use of public transport and other non car modes of travel in the district over the plan period. In addition, as accepted by the Council at the examination, implementation could be assisted by the inclusion of practical measures to improve public transport, such as more direct bus services to rail stations and additional passenger waiting and cycle parking facilities, as part of the proposed CIL contributions from new developments.
94. In this way the CS and also the subsequent A+DM DPD can give a lead and the necessary priority to sustainable transport measures. The possible long term need for a public transport interchange near Newark Castle station can be addressed in the A+DM DPD, once the local implications of the completion of the Potterdyke scheme in the town centre have been assessed. The same would apply in respect of future opportunities for Park and Ride schemes, potentially related to the A1 and A46 routes. Overall, there are realistic prospects that the CS policies will deliver the necessary improvements.

Matter 9 – Newark Area Policy 1

Issue i) – Does the evidence justify concentration of new development at Newark?

95. The CS relies on a significant scale of new development across the district that could only realistically be delivered in the NUA (see Matters 1/2). The opportunity exists to provide a “critical mass” of new development in and around the town to meet the CS objectives in a way that also delivers supporting infrastructure cost effectively and over a realistic period. It would also reinforce a sustainable pattern of development in this part of the district.
96. The overall quantum of development envisaged in the CS is such that there should still be sufficient growth throughout the rest of the district over the plan period to support, and in some cases enhance, local services and facilities in SCs and PVs. A reduction in the level of growth for Newark would not necessarily mean that more would take place in those areas needing regeneration, such as the former mining settlements in the Mansfield Fringe, as they do not possess the same key locational advantages.

97. Additionally, the scale of development in the NUA is closely linked to the provision of new infrastructure, such as the SLR, as part of a "package" of proposals involving all three SUEs, and including new employment as well as housing. All of the above coincides with the Council's view that the town is an "excellent location for accelerated growth" and confirms that the strategic choice to concentrate around 70% of new development in Newark is the most appropriate and sustainable option.

Issue ii) – Are the SUE locations the most suitable, sustainable and appropriate?

98. The SHLAA (CSEB9) has demonstrated that not enough PDL is available within the town to deliver the scale of growth sought in the CS. Hence there is a clear need for the identification of SUEs if it is to be achieved. The initial concept of one large SUE to the south has had to be revised in the light of environmental and other constraints, such as flood risk, limiting the potential capacity of that area to provide enough new housing. Para 6.34 of the CS concisely explains the practical restrictions on the potential peripheral expansion of Newark that essentially led to the broad identification of three possible SUEs by the Council.

99. Each of the three SUEs is well related to the existing built up area of the town, with the capacity to deliver the scale of new development required to meet the CS objectives. Land to the east is also quite close to the town centre, whilst the other two SUEs have clear scope for mixed uses so that employment land can be co-located with new housing. In general terms, the locations are therefore the most suitable, sustainable and appropriate for urban extensions.

100. It is equally clear that no suitable fourth site for a SUE exists at present, due to the constraints identified in para 6.34 around the town, including rivers/flood plains and major transport routes. Accordingly, it is not realistic to increase the overall scale or percentage of the district's growth directed to the NUA.

Issue iii) – Can the necessary services and facilities, including public transport, be delivered or are there any significant constraints?

101. No fundamental or major constraints to the delivery of the SUEs within the plan period have been identified, albeit the provision of new employment alongside the new housing is important if they are to provide the most sustainable form of development. The rates of house building sought are undoubtedly challenging but not unrealistic on relatively unconstrained sites with improving market demand. Fernwood is already established as a location for new development and there is flexibility available if any significant problems should arise with any particular site or sites.

102. As outlined in NAP1, the IDP (CSEB2/3) has identified the requirements needed to accompany the new housing and employment on a comprehensive basis, taking the three SUEs together. It has also estimated costs and a mechanism for implementation in each case, thereby providing good evidence of realistic prospects for delivery over the plan period, including in relation to the general economic viability of the SUEs, both individually and together. The positive co-operation of relevant infrastructure providers to date in relation to the SUEs is evidenced throughout the CS and its supporting documentation.

103. There is nothing to indicate that this will change or to conclude that any significant physical, environmental or infrastructure constraints preclude

implementation of the SUEs, with their associated services and facilities, including public transport. Where district wide services and facilities are under consideration, such as health provision, infrastructure providers must be expected to take into account the significant increase in the resident population of the NUA over the next 15 years or so arising from the CS.

Issue iv) – Is the impact of the town centre proposals on Newark acceptable?

104. Newark town centre is already the focus of retail and leisure provision in the district as the SRC. Providing that new retail provision in the SUEs is limited to that appropriate in local centres, the town centre should remain the principal location for retail and related uses and services. The significant growth of the town should greatly enhance the centre's continuing vitality and economic viability, albeit public transport and local highway improvements will also be required, amongst other things.

105. NAP1, in part D9, provides a suitable framework for the subsequent A+DM DPD to define an appropriate town centre boundary, primary shopping area and primary/secondary shopping frontages. Together with the identification of suitable sites for retail expansion and/or redevelopment for the longer term, this should help improve and further regenerate the central area, as well as protecting its overall character and important heritage assets. The completion of a Conservation Area Character Appraisal will also contribute in the latter respects, alongside the implementation of part 10 of NAP1 regarding tourism. Overall, the proposals for the town centre should therefore have a positive impact on the town and the river as part of the sustainable growth of Newark.

Issue v) – Are the implementation and monitoring mechanisms for delivery reasonable and realistic?

106. The Council's FPCs 71-76 withdraw the ceiling that would otherwise have been imposed on the total number of new houses to be built in the SUEs before completion of the SLR. This responds to concerns that it would impose an unnecessary constraint on delivery, when the priority is to optimise the growth potential of the town over the plan period if targets are to be met.

107. As long as the necessary infrastructure and facilities are made available when required, there is no need for a strict sequential or numerical approach to the phasing of development on the SUEs, either individually or together, to be included in a CS policy. Such matters would be best resolved in the context of specific proposals for each one, albeit on a co-ordinated basis and linked to other necessary contributions and service/facility improvements. Therefore, **FPCs 71-76** are endorsed to secure effective implementation.

108. In all other respects it is effectively common ground that the proposals for the NUA are reasonably and realistically deliverable, including in terms of general economic viability. Examination discussions about forming a non statutory progress co-ordination group, involving Councils, developers, and other interested parties including local residents, encourage optimism in this regard and would also seem consistent with the present government's "localism" agenda. Issues relating to monitoring are considered under Matter 19 later in this report in the light of the Council's revised App G (LD24B).

Matter 10 – Newark Area Policy 4 - Southern Link Road

Issue i) – Is the route alignment and junctions indicated the most suitable and appropriate or are there any significant constraints?

109. As amended by the Council's PCs (Appendix A), the CS clearly refers to the route/alignment and junction locations proposed for the SLR as "indicative" in NAP4 (and para 6.43). Part B.4.i. of NAP1 states only that the road would link Farndon (to the west) and Balderton (to the east), whilst para 6.44 indicates it would be built in phases and connect to the A46, but not where junctions would be constructed. The representation of the SLR route on the Newark Key Diagram is clearly diagrammatic, whilst that in Fig 5, albeit on an OS base, is also illustrative rather than definitive, as confirmed in the first part of NAP2A.
110. In such circumstances the Council's FPCs altering the alignment and the location of the proposed at grade roundabout junction with the new dualled A46 at the western end of the SLR route do not represent a significant change to the overall strategy. Rather, they are a positive and pragmatic response to relevant new information about the delivery of the SLR and the emergence of a consensus between the main parties most directly involved in implementation.
111. It is now proposed that the SLR be delivered by the main developer of the land south of Newark. The developer envisages that this would be on a phased basis alongside the various stages of development, ideally starting from both ends so as to provide routes for construction traffic and help the early release of new employment land. The HA, their contractors, the County Council and the prospective developer (who now controls all the necessary land) agree that the proposed new roundabout linking the A46 and the SLR, about 900m to the south of the Farndon roundabout, could be built in conjunction with completion of the A46 dualling, currently under construction, as an adjunct to the main project. This and the associated revised alignment would save time and money, mainly due to the reduction in route length. It would also have important highway safety, technical and environmental benefits compared to the original longer curving road link to the Farndon roundabout.
112. A new junction with the dualled A46 to the south of the Farndon roundabout would mean a significant percentage of the traffic using the SLR would not need to traverse it. It would also not need another arm, thereby reducing the highway design complications and potential for traffic congestion. Moreover, the new SLR route at its western end, shorter and more direct, would have tangible benefits in respect of flood risk concerns. In particular, it would involve fewer and simpler waterway crossings. A46 traffic to and from the Farndon roundabout would also be slowed by another roundabout, improving safety.
113. The SLR would run across land south of the Farndon roundabout and of the area that has previously been considered by the Council as a locally important "Open Break" to remain undeveloped. As a result and also due to its shorter length, the revised route would have less of a direct visual impact on the local landscape than the earlier version linking direct to the Farndon roundabout. In the light of all of the above, there is sound and robust evidence to justify the clear advantages of the revised indicative route and approximate A46 junction location. The Council's **FPCs 97-99** (and revised Fig 5) are therefore properly justified and endorsed as effective in relation to implementation.

114. In relation to significant constraints, the detailed route design and construction methods will need to take particular account of the local extent of the River Trent flood plain, as well as the crossings of the various watercourses themselves. Nonetheless, all the relevant evidence indicates that affordable and practical engineering and drainage solutions are available to address these matters, including the provision of balancing ponds and the retention/creation of suitable wildlife corridors. The route alignment and junctions indicated are therefore considered to be the most suitable and appropriate.

Issue ii) – Is there robust and credible evidence that the SLR can be delivered?

115. At present, the A46 dualling scheme now underway remains on schedule for completion in 2012. Also, the recent submission of a detailed planning application indicates that the design for a new roundabout linking the new A46 and the SLR has been completed. Accordingly, it may reasonably be assumed that this part of the new route, at least, is realistically deliverable in the short term. Para 6.45 (CS) advises that the completion of the SLR is needed at an "early stage" to facilitate development on the SUEs.

116. In circumstances whereby the new road is now likely to be constructed directly by the developer as part of the SUE on land south of Newark, the Council's FPCs to this effect are therefore endorsed as properly justified in terms of effective implementation. Details of the timing of completion remain to be resolved alongside relevant Transport Assessments (TA) for each SUE, as stated in para 6.45 (CS). Nevertheless, there is nothing to suggest that the SLR cannot be fully delivered within the plan period, particularly as it is not a strategic route in the sense that completion would lead to any material reassignment of traffic movements from outside the local area.

Issue iii) – Is the scheme capable of providing good links to the town?

117. SLR completion is key to the delivery of the transport strategy for the NUA, not only to provide the link for east west traffic between the A1 and the A46 and access to the land south of Newark for major development, but also to help reduce congestion in the town centre that might otherwise arise from the cumulative impact of developments across the NUA. However, it is equally important that the scheme on land to the south provides good transport links to and from the town centre so that the new development integrates well with Newark and Hawtonville in particular.

118. SLR junctions with Hawton Lane and Bowbridge Road, together with new pedestrian and cycle links, including to the National Cycle Route (Sustrans Route 64) along the former railway into the town centre, should ensure that these are available as part of the overall scheme. Moreover, discussions at the examination confirmed that the provision of new and enhanced bus services, including more regular and convenient links to the town's railway stations, can be provided that would benefit existing local residents as well as new occupiers. The SLR scheme is therefore capable of contributing to the provision of good transport links to the town, including by means other than the private car.

Issue iv) – Are the implementation and monitoring mechanisms reasonable and realistic, including in terms of funding and phasing?

119. The detailed alignment and form of the SLR is not a matter for the CS, albeit the visual impact on the local landscape, including through lighting, and of traffic noise on nearby houses, including the possible need for acoustic barriers, need to be carefully considered at the design stage. Nevertheless, based on a single carriageway road with at grade junctions along its length, there do not appear to be any insuperable obstacles to its implementation within normally expected cost ranges. If it is now to be fully delivered through the development of land south of Newark, the alternative to do so with funds from a future CIL is a practical contingency and provides useful flexibility in terms of prospective completion, if required.
120. In addition, taking the SLR out of the equation regarding the prospective CIL is likely to simplify its introduction and practical application to development projects across the NUA. Consequently, the implementation mechanisms available for delivering the SLR are considered to be reasonable and realistic, with flexibility available in terms of funding. Details of phasing and how that would be monitored are capable of resolution as part of the approved details for each SUE, rather than in the CS or A+DM DPD.

Matters 11/12 – Newark Area Policies 2A, 2B and 2C - Strategic Sites

Issue i) – Is there robust and realistic evidence to justify the nature and extent of the site designations and proposed distribution of uses?

121. The three strategic site designations, known as SUEs, around Newark are clearly fundamental to the delivery of the CS. The nature and extent of the allocations is also consistent with the RS and the implementation of the NGP over the plan period. The choice of locations has emerged through the CS process, with appropriate consultation at each stage, and been informed by the Key Decisions (LD18) and the Options Report (LD20), amongst others, including the SHLAA (CSEB9) and the SFRA (CSEB24/25).
122. In particular, an analysis of the physical, social and environmental infrastructure needed to support this amount of new development has been undertaken in the IDP (CSEB2/3). This has influenced the proposed mix and distribution of uses indicated in Figs 5, 6 & 7 of the CS. Moreover, the need for the SLR, especially in relation to land to the south (NAP2A), has been confirmed by the District Wide Transport Study (CSEB23) and associated traffic modelling. Consequently, there is a robust and realistic evidence base to justify the nature and extent of the strategic site designations in the CS and the proposed distribution of uses illustrated in the indicative master plans (Figs 5, 6 & 7). The Council's **FPCs 65-95** to NAP2A, 2B and 2C that derive from other endorsed FPCs to housing numbers, density, phasing and the CIL, make these policies properly justified and suitable for implementation. The FPCs are endorsed accordingly.

Issue ii) – Are the locations and sitings suitable, sustainable and appropriate?

123. Realistic options for the expansion of Newark are restricted by the natural and physical geography of the town and the choice of locations for the SUEs partly predetermined by the evidence of the SFRA1 (CSEB24), amongst other studies. Clearly, site selection and definition has also been properly influenced during the CS process by the other evidence available, including the District Wide Transport Study (CSEB23) and the implementation work in connection

with the IDP (CSEB2/3). Moreover, each of the SUEs has also been subject to SA at various stages during the CS process and has passed the tests applied as suitable and appropriate urban extensions.

124. The Council's revised Figs 5, 6 and 7 clarify suitable and appropriate peripheral boundaries for each of the SUEs and are recommended accordingly. In particular, the "Revised Strategic Site Boundary" should supersede the "Existing Strategic Site Boundary" on Fig 5. The same applies in respect of Fig 7. On Fig 6, the "NSDC Strategic Site Boundary" covering the full area affected by the proposals, including the proposed "country park", is also recommended to assist implementation of a comprehensive scheme, rather than any of the alternatives put forward. Subject to the Council's recommended **FPCs** 65-95, the siting and location of the SUEs is suitable, sustainable and appropriate.

Issue iii) – Can the proposals be delivered or are there any significant constraints?

Issue iv) – Is the impact on the local areas acceptable in principle?

NAP 2A - Land South of Newark

125. The potential development of land south of Newark has been identified as suitable in principle, in connection with the construction of a southern relief road for the town, since the 1990s. It was specifically endorsed as appropriate, in general terms, in the Inspector's Report following both Local Plan Inquiries in 1992 and 1997. The advancement of proposals through various studies, including the SFRA1/2 (CSEB24/25) and SLR design work, has resulted in the identification of a SUE capable of delivering around 3,100 dwellings in total.

126. The evidence now available demonstrates that the new housing can be accommodated without built development encroaching onto flood plains relating to the River Trent and associated watercourses. Any remaining localised flood risks can be safely and satisfactorily addressed using sustainable urban drainage systems (SUDS). The same applies in respect of the proposed employment, principally on land south of Jericho Works. No other significant physical, landscape or environmental constraints have emerged that cannot be avoided or suitably mitigated in the design and layout of the development. This conclusion is supported by the Environmental Statement (ES), master plan and other information supporting the recent planning applications.

127. The IDP, collating information from many sources, has identified the infrastructure needed with the new housing and employment on this site. Examination discussions confirmed that all is capable of being delivered to the required timetables, without materially prejudicing the overall economic viability of the project under present market conditions. This includes the SLR, as well as new local centres, primary schools and public open space provision, together with improved bus services with better links to the town's rail stations.

128. The new facilities and services should also provide tangible benefits for existing residents of Hawtonville, one of the most deprived wards in the district, as well as occupiers of the new houses. Notwithstanding completion of the SLR, cumulative traffic generation impacts on other parts of the local road network arising from the new development, including on the C83, C208 and through Coddington, would remain to be satisfactorily addressed through a TA in connection with specific proposals.

NAP 2B - Land East of Newark

129. Land to the east of Newark lies relatively close to the town centre and within a reasonable walking/cycling distance of all its extensive services, facilities and employment opportunities. Thus the absence of new employment provision on site is not a critical issue. Bounded by existing housing off Beacon Hill Road to the west and north, the A1 to the east and Barnby Road to the south, it is therefore a generally sustainable location for new housing.
130. There is no national policy embargo as such on the increased use of level crossings, even on busy main lines, in connection with new development. Nevertheless, in this case, where Network Rail (NR) seeks to avoid any additional use of local level crossings on the ECML for clear safety/operational reasons, these strong highway constraints indicate that new road links should only be provided through the existing housing to the north onto Beacon Hill Road, rather than to the south onto Barnby Road.
131. The Council also aspires to create a "country park", incorporating public open spaces on the prominent sloping land south of the Beacon Heights housing, albeit unsuitable for playing pitches. This is in accordance with the Landscape Character Assessment (CSEB17). It is also reflected in the general limitation of new building essentially to the lower land south of Clay Lane, which runs east/west across the site, as indicated in Fig 6. This would help to avoid any significant visual intrusion into the local landscape from development.
132. However, it was common ground at the Examination debate on NAP2B that there was no need for part A5 of the policy to seek to preclude all new built development, apart from roads, north of Clay Lane as this would allow no flexibility, even for minor forms of infrastructure. Although the Council has confirmed that it intended to include the deletion of the second sentence of part A5 of NAP2B in the FPCs, it was omitted in error. It is therefore necessary to include a recommendation to this effect in the interests of clarity and the practical implementation of the policy (**Recommendation IC4**).
133. Together with the proposed "country park" north of Clay Lane, the general retention of existing landscape features, such as trees, hedges and ponds, on the rest of the site should ensure that new development here does not materially harm the local landscape character. Retaining such features, together with the provision of new green infrastructure and links between them, is also capable of protecting the main wildlife corridors and interest of the locality, including the site of local nature conservation interest to the west.
134. Limiting vehicular access from the development to the north only, albeit on three routes, will mean new roads having to cross the proposed "country park". The additional traffic movements onto Beacon Hill Road, an already busy part of the local road network at peak times, will have to be carefully considered and suitable improvements investigated as part of a detailed TA in the context of specific proposals. This will need to include improved bus services, as well as new walking and cycle routes, as alternatives to private car usage taking advantage of the site's relative proximity to the town centre. Together with completion of the SLR, as confirmed in the District Wide Transport Study (CSEB23), such measures should help avoid undue additional pressures on

Beacon Hill Road and/or routes through Coddington, as well as any need for vehicular access to Barnby Road and increased use of the ECML level crossings.

135. Fig 6 (CS) is indicative only, albeit some development constraints are firm, and the Council's FPCs now recognise that the CS does not need to impose detailed phasing limits on the SUEs. Such matters are best finalised and implemented in the context of site specific proposals. There is, therefore, no requirement for any additional changes to policy, text or figures to acknowledge these matters, albeit the Council's revised Fig 6 is endorsed for clarity.
136. The roughly triangular shaped area of land to the south of Barnby Road, bounded by the A1 to the east and the ECML to the south/west, is essentially flat and largely outside flood risk zones 2 & 3, other than in its north west corner. It has a relatively sustainable location in the NUA within the firm eastern boundary of the built up area formed by the A1. Barnby Road offers a range of potential access points but its practical capacity to serve new development is firmly constrained by the ECML level crossing. NR would prefer that the latter was dispensed with by the construction of a new bridge, albeit they do not have the considerable funds necessary for the foreseeable future. At present, it could only realistically be achieved as part of a comprehensive scheme, whereby land south of Barnby Road was also brought forward for development as part of a much larger SUE.
137. However, the likely direct costs (£8–10 million) and practical implications, including land acquisitions, the need for embankments close to existing houses and temporary rail line closures, would mean that such disproportionate resources, particularly compared to that remaining for providing all other necessary facilities, would have to be met from development of the extended site. In circumstances whereby the designated site can provide the number of new dwellings needed to 2026, without resorting to excessive density and retaining important local landscape features, such a scenario is neither reasonable nor economically realistic. No change to the CS is therefore justified in respect of the land south of Barnby Road. Nor is there any good reason for requiring that the development of land to the east of Newark must be materially delayed to await the preparation of a detailed AAP.

NAP 2C – Land at Fernwood

138. The strong physical boundaries, such as the A1 and East Coast Main Line (ECML), of the proposed SUE at Fernwood (now a civil parish) not only clearly define its extent but also enhance its suitability for development as they would not easily be breached in the future. The development currently being built, based on the former Balderton Hospital with its landmark feature water tower, also supports the suitability of the surrounding area for further development. Moreover, opportunities should arise to extend and improve local facilities for existing as well as new residents, notably in respect of the prospective location of a new secondary school for the town within the SUE. Service provision timing is also clearly important, not least in the SUEs, such as when a primary school is intended in a local centre to form an integral part of a new community.
139. Noise impact zones from the main transport routes affect the edges of the site, whilst a high voltage electricity line and flood zones 2 & 3 also provide significant constraints to development all along the eastern boundary. Oil and

gas pipelines also pass through the area but on alignments that would allow their retention within open spaces or under roads. Indicative master plans based on these physical constraints, including relevant information relating to flood risk zones, nevertheless confirm that the defined SUE is sufficiently large to provide around 3,200 dwellings.

140. Additional B1 employment land is capable of being provided alongside the existing Fernwood Business Park, even though only about 1 ha of around 15 ha there has been developed to date. The SUE site is therefore capable of delivering a "critical mass" of new development so as to provide improved local services on an economically viable basis. These improvements need to include more regular and convenient bus services to Newark town centre and the rail stations, as well as to footpaths and cycle routes. Whilst the area's accessibility would be enhanced by completion of the SLR, traffic generation effects on the local road network also need to be addressed in a site specific TA related to detailed development proposals, including main access points into and out of the site and construction traffic routes.
141. The IDP confirms that the necessary infrastructure can be provided alongside new housing and employment, with new building largely focused on the western part of the site to avoid floodplains and maintain existing waterways such as the Shire Dyke. Green corridors with public open spaces would also be provided as important landscape buffers on the eastern and southern edges. The Council's FPCs 65-95 endorsed above recognise that to be effective the CS should not be prescriptive about phasing, only that matters such as access for construction traffic to various parts of the site must be taken into account and this applies equally to Fernwood.
142. There is clear and robust evidence to conclude that there are no significant physical, social or infrastructure constraints to the delivery of the three SUEs over the plan period. Moreover, the impact of development on the character and appearance, environmental and heritage assets of each locality is acceptable in principle and each scheme is capable of being assimilated into the local landscape framework. The Council's FPCs cover the amendments necessary to clarify the boundaries of the SUEs in Figs 5, 6 and 7 (and for the Proposals Map) for accuracy and effectiveness and are endorsed accordingly.

Issue v) – Are the implementation and monitoring mechanisms reasonable and realistic, including in terms of funding and phasing?

143. Delivering an average of about 150 new houses per year on each of the three sites will be no easy task. Nevertheless, each site is of sufficient size to facilitate construction by three or more housebuilders at any one time. Moreover, without a need to directly restrict total numbers from all three sites in relation to the SLR in the CS, there is an opportunity for some flexibility of phasing according to other relevant infrastructure provision that should assist delivery. In general, the Council's revised App G (LD24B) contains suitable indicators and targets for monitoring progress regarding the SUEs.

Matters 13/14/15 – Southwell/Sherwood/Mansfield Fringe

Southwell

Issue i) – Does the evidence justify the policy and designations, as well as the role of Southwell as a Service Centre?

Issue ii) – Is the impact on the local area acceptable in principle?

144. Southwell is the third largest settlement in the District with the second largest retail offer, one of five secondary schools and one of four leisure centres. It also serves a wide rural hinterland. It is therefore rightly identified as one of four SCs in the settlement hierarchy, below Newark as the SRC. The town's historic character and environmental constraints are already recognised in the allocation of just 15% of the total new housing (and commensurate employment) growth allocated to the SCs; a significantly lower percentage than two of the other four SCs are expected to deliver. In Southwell it is necessary to focus on providing more affordable and smaller market housing to address widely acknowledged local needs, partly arising from relatively high local house prices, and thereby help to create a more balanced and sustainable community.

145. This has to be achieved whilst conserving the important historic character and landscape setting of the settlement, including the National Trust Workhouse just outside, as well as its local economic importance as a major tourist attractor. Current limitations regarding services and infrastructure, including numbers at the secondary school and the capacity of the foul drainage system, also have to be considered. Nevertheless, taking into account recent completions and current commitments, the 425 or so new houses identified for Southwell is equivalent to only about 20 more units a year to be found in the town over the plan period and strikes the correct balance in general terms.

146. Specific proposals for development on land to the south, or on any other sites on the town's periphery, are a matter for the A+DM DPD to consider and determine, rather than the CS. Clearly, any future scheme for a Southwell by-pass, whether on the currently identified line or not, would need to demonstrate that it was the most appropriate solution available in all relevant respects, including in terms of visual and environmental impact on the valued landscape setting of this historic town. In the light of all of the above it is considered that the policy for Southwell is fully justified, including in respect of its role as a SC.

Issue iii) – Can the proposals for Brackenhurst Campus be delivered?

147. The available evidence indicates that the recent investment in the Brackenhurst Campus by Nottingham Trent University has been generally beneficial for the nearby town and surrounding area. Moreover, it is also agreed that there is scope for further development of its education and research facilities on site, as well as for improved links with local businesses and communities, to enhance the wider economy over the plan period. Subject to compliance with other relevant policies of the CS, including the availability of the necessary infrastructure, services and facilities, SoAP2 is therefore satisfactory with reasonable prospects of delivery, albeit FPC 100 is endorsed to ensure effective implementation.

Issue iv) – Are the implementation and monitoring mechanisms reasonable and realistic, including in terms of local transport issues, phasing and funding?

148. The strategic transport study (CSEB23) confirms the need for various local improvements along the A612 route through Southwell to help ease current

traffic problems. Planned rail improvements on the Castle Line, including more frequent services and more regular stops at Fisherton and/or Rolleston stations, more co-ordinated bus linkages, as well as better cycle parking facilities, would all help to encourage greater use of public transport locally. Whilst practically deliverable, timing is subject to the level of available funding, including potentially from the CIL as discussed at the Examination. Otherwise, the revised contents of App G (CS) confirm that the implementation and monitoring mechanisms should prove satisfactory.

Sherwood/Mansfield Fringe

Issue i) – Is there robust and credible evidence to justify the nature and extent of the policies, designations and roles assigned to the various centres?

Issue ii) – Can the proposals be delivered or are there any significant constraints?

Issue iii) – Is the impact on the local areas acceptable in principle?

Issue iv) – Are the implementation and monitoring mechanisms reasonable and realistic, including in terms of funding and phasing?

149. There are significant ecological, heritage and landscape character constraints affecting the development potential of the Sherwood area, including the Sherwood Forest National Nature Reserve, various SSSIs, the SAC at Birklands and Bilhaugh to the north and north east of Edwinstowe, as well as a possible SPA linked to the presence of protected bird species (nightjar and wood lark). In addition, the County and District Councils have ambitions to designate a Sherwood Forest Regional Park over an extensive area.

150. Currently, there is noticeably stronger market demand for new housing in and around Edwinstowe than other nearby villages. But Ollerton/Boughton, Rainworth and Clipstone are all properly deemed to be SCs, due to their existing level of facilities and infrastructure, at a higher level in the settlement hierarchy. Moreover, the first two are identified as “other urban centres” suitable for development in the RS. In such circumstances it is appropriate that a materially greater level of new development, both housing and employment, should be sought in these locations when compared to the lower level PVs, such as Edwinstowe.

151. Within the list of PVs, the 20% allocation to Edwinstowe is the third highest in the district and presumably reflects not only its relatively stronger local housing market but also the delivery of a significant number of new dwellings there since 2006. Even so, the number of new houses remaining to be provided in the plan period is also the third highest in the PVs (App D, Table 11). Accordingly, there is no strong justification for a material increase in the new housing allocation to Edwinstowe, particularly when all the other relevant factors referred to above that affect the village are also taken into account.

152. Through the CS the Council is seeking to “elevate” Clipstone somewhat in the settlement hierarchy, alongside Ollerton/Boughton, Rainworth and Southwell (the other SCs), to assist the regeneration of this former colliery village. Mansfield DC has concerns about the amount of new housing proposed for Clipstone in the light of current difficulties in providing new employment opportunities locally. However, the housing numbers anticipated (App D, Table

11) mainly reflect a substantial recent permission, largely replacing an employment allocation that has not been taken up.

153. In fact only just over 100 new dwellings remain to be allocated in Clipstone over the plan period and this is not an excessive number for a settlement in a relatively sustainable location on the edge of Mansfield, with a reasonable range of existing facilities. Any significant increase in the number of new dwellings for Clipstone would however risk harming the potential regeneration of other former mining communities in the area, as well as placing extra burdens on services and higher level facilities in nearby Mansfield. Accordingly, the identification of Clipstone as a SC in the settlement hierarchy and the approximate levels of new housing and employment growth identified in the CS for the plan period are appropriate.

154. Similar considerations relating to economic regeneration have led the Council to seek significant new housing in the PV of Blidworth, so that it continues to play a role in providing services for the rural area around. As it is presently surrounded by GB, the CS confirms the need for a "small scale review" of the boundary as part of the A+DM DPD, in accord with SP4A (as amended to ensure that any review is carried out in accord with PPG 2).

155. This boundary review will also consider the potential need to amend the GB on the southern side of Rainworth in the same way, given the low level of both recent completions since 2006 and new housing commitments at present. No doubt this will take into account other non GB sites identified in the SHLAA, with PDL accorded priority in accordance with national guidance in PPS 3 if suitable, available and deliverable within the plan period.

156. In relation to employment, policy MFAP1 confirms that as a SC, Rainworth is a sustainable location for growth and the promotion of opportunities, alongside Clipstone and Blidworth. It also makes specific reference to the redevelopment of key regeneration sites to help tackle the relatively high local unemployment level and assist overall regeneration of these former coal mining settlements. This strategic policy approach is entirely appropriate in principle in all the relevant local circumstances, including the relatively low market demand at present. It also provides a starting point for the identification of new employment sites related to the main settlements in the A+DM DPD.

157. The potential availability of any one particular site, such as Rufford Colliery, should not however determine the overall scale of employment land allocations to particular parts of the district. This is a matter for the CS to balance in the context of not only the identified settlement hierarchy but also the anticipated levels of new housing across the area and the infrastructure requirements in all respects. Given the focus on Newark as the SRC, the scale and location of other new employment opportunities should not detract from the achievement of that potential, and the same applies in respect of sites near Mansfield.

158. Accordingly, it would be unsound in principle for the CS to rely entirely on "site led" allocations, when overall strategic considerations should take priority and better reflect the RS. It would also be unsound to more than double the proposed employment land allocation for the Mansfield Fringe area in the CS on the sole basis that a particular site may or may not be available, in full or in part, and may or may not be deliverable, in full or in part, within the plan

period. This is particularly so when there are significant known constraints in the locality and no resolution yet of their implications for the site in question.

159. The fact that there are significant ecological and nature conservation constraints affecting the potential of sites in this area reinforces the conclusion that decisions on their future development need to be considered in more detail and resolved through the A+DM DPD, rather than the CS. This would include factors such as possible phasing and take up in the light of identified strategic needs, as well as practical delivery and infrastructure requirements.
160. Accordingly, there is no justification at present for a major increase in the amount of new employment land identified in the CS as necessary for the Mansfield Fringe area during the plan period. In conclusion, the policies, roles and designations assigned to the various centres in this part of the district are justified by the available evidence and the impacts of the levels of development on the local areas would be acceptable in principle.

Matters 16/17/18/19/20 – Infrastructure/Delivery/Flexibility/Monitoring/Implementation

Issue i) – Infrastructure - Is the strategy economically viable and practically achievable in the timescales and the form proposed?

161. As now revised/updated, the IDP (CSEB2/3), together with App E (CS) including endorsed **FPCs 105 – 115**, provides a relevant schedule of the infrastructure improvements deemed necessary across the district to implement the CS in the context of SP6 and the proposed CIL. For the SUEs, costs have been estimated of all the strategic elements, including the SLR (£20m), the new secondary school (£25m) and the new sports hub (£10m), as well as primary schools, utilities and health provision in addition to highway works.
162. NR's planned improvements to services on both main rail lines serving Newark are highly desirable public transport enhancements, but are not essential strategic infrastructure elements for the implementation of the CS. Thus, they do not need to be included in the IDP or App E. A similar conclusion applies in respect of potential changes to local tertiary education, albeit social and economic benefits may well result. Overall, the wide ranging analysis in the IDP provides the relevant evidence that the infrastructure needed for the delivery of the CS over the plan period has been identified and that the overall strategy is economically viable as well as practically achievable.

Issue ii) – Delivery - Is the necessary funding likely to be available to deliver development on the strategic sites and elsewhere, including via the proposed CIL?

163. The updated HT in App A has been the subject of consultation with relevant parties, including the prospective developers of the SUEs. It therefore provides some reassurance that the challenging delivery rates in the NUA are achievable to 2026, notwithstanding that they are locally unprecedented. The alternative methods potentially available to complete the SLR to an appropriate timetable add a further level of confidence that the CS proposals can be delivered as presently anticipated.
164. More generally, the Council's CIL update (November 2010) and preliminary draft charging schedule (October 2010), suggest that, partly by adopting

differential rates by use and by area, it should not act as a significant disincentive in principle to new development across the district in terms of economic viability. This opinion is supported by the effective consensus to this effect that emerged from the relevant examination debate. Consequently, it may be concluded that the necessary funding to deliver the SUEs and development elsewhere is likely to be available (see also Matter 20 – issue v).

Issue iii) – Flexibility - Is the CS reasonably flexible for changing circumstances?

165. The removal of the phasing restrictions originally to be imposed on the number of new dwellings built on the SUE sites in the NUA before completion of the SLR provides additional flexibility for delivery over the plan period, notably in the early stages. In particular, it helps to facilitate the potential delivery of the SLR in more than one way, without prejudging how that might actually be achieved in practice.

166. It also enables subsequent delivery negotiations to be more flexible and thereby respond better to site specific circumstances so as to assist early delivery of new housing, employment and other important services and facilities as well. The fact that two out of the three SUEs has spare capacity in terms of dwelling numbers sought before 2026 is also significant, in that there is scope for alterations in delivery expectations if problems arise elsewhere without the need for a CS Review. Thus, the CS is reasonably flexible.

Issue iv) – Monitoring - Will the monitoring proposed be sufficiently comprehensive and informative to achieve its objectives?

167. The Council's revised App G (CS) (LD24B) satisfactorily addresses some valid criticisms of the earlier version (LD24A). Taking into account the Council's recommended FPCs, it is now suitably comprehensive in terms of monitoring the CS policies and proposals through the AMR, including the infrastructure schemes in App E. **FPCs 117–120** to App G (CS) are therefore endorsed to ensure that monitoring will be effective in practice and there is no need for any further changes or additions.

Issue v) – Implementation - Are the implementation mechanisms sufficient and suitable to achieve their objectives?

168. Implementation will take place alongside that of the SCS and the Notts SCS. Given the information in the revised App E and IDP, as well as the progress already apparent towards the submission of specific schemes, there is no overriding need for the preparation of AAPs, or any other DPD, with inevitable costs and delays, to assist implementation of the SUEs in the NUA. In the Newark context detailed matters remaining to be resolved seem capable of being properly addressed through planning applications supported by master plans and necessary technical evidence, including an ES.

169. In terms of funding, the latest Council estimate is that the proposed CIL is capable of raising a total of approximately £47m over the plan period, against a requirement of around £45m. This equates to about £3–4k per dwelling for the 10k or so new dwellings that would be expected to contribute (out of a total of just over 14k). In addition, a further £64m or so would be raised from (S106) planning obligations, equivalent to some £6–7k per new unit, as above. On this

basis other public funds of around £8.5m would be needed for district highway schemes, excluding the SLR.

170. The SLR is now expected to be delivered as part of the SUE scheme on land south of Newark, including using about £5m of the Council's NGP capital allocation, as referenced in para 4.40 (CS). The County Council has identified a cost of around £4m for the A614/A616 Ollerton roundabout scheme, whilst the HA supports, in principle, a 50/50 split for the costs of the A46 junction works between Farndon and the A1. In the light of all of the above, the funding appears to be available, with appropriate mechanisms in place, to implement the infrastructure improvements necessary to achieve the CS objectives.
171. Acknowledging concerns about possible cost overruns on infrastructure projects, it is also relevant that alternative/additional sources of funding may be available to all Councils over the plan period. These include the expected New Homes Bonus, possible LEP schemes (most likely to relate to employment provision) and even Tax Increment Funding if such a scheme is introduced. Such potential opportunities provide a degree of flexibility/contingency, should it prove necessary, in relation to the provision of strategic and local infrastructure at the most appropriate time. Therefore, the implementation mechanisms are considered to be suitable and sufficient.

Legal Requirements

172. My examination of the compliance of the Core Strategy with the legal requirements is summarised in the table below. I conclude that the Core Strategy meets them all.

LEGAL REQUIREMENTS		
Local Development Scheme (LDS)		The CS is identified within the approved LDS of September 2010, with an expected adoption date of May 2011. The CS's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations		The SCI was adopted in March 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-publication proposed changes (PC) and further proposed changes (FPC) (see paras 20-23).
Sustainability Appraisal (SA)		SA has been carried out and verified. It is adequate (see paras 24/25).
Appropriate Assessment (AA)		The Habitats Regulations AA (March 2010) is satisfactory.
National and Regional Policy		The CS complies with national and regional policy, except where indicated and changes are recommended.
Sustainable Community Strategy (SCS)		Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)		The CS complies with the Act and the Regulations.

Overall Conclusion and Recommendation

I conclude that with the further changes proposed by the Council, set out in Appendix B (all of which relate to soundness with the exception of FPCs 3, 5, 8, 12, 24, 27, 35, 50, 101 and 116) and the changes that I recommend, set out in Appendix C, the Newark and Sherwood Core Strategy DPD satisfies the requirements of S20(5) of the 2004 Act and meets the criteria for soundness in PPS 12. Therefore, I recommend that the plan be changed accordingly. And, for the avoidance of doubt, I also endorse the Council's proposed (minor) changes, set out in Appendix A.

Nigel Payne

Inspector

This report is accompanied by:

Appendix A (separate document) - Council's Proposed Changes

Appendix B (separate document) - Council's Further Proposed Changes

Appendix C (attached) - Changes that the Inspector considers are needed to make the plan sound

Appendix C – Changes that the Inspector considers are needed to make the plan sound

These changes are required in order to make the Core Strategy sound.

Inspector Change No.	Policy/Paragraph/Page	Change
IC1	SP4 and para 4.30	Delete last two elements of SP4 and last sentence of para 4.30 (supersedes FPC 6).
IC2	CP12B and paras 5.64 to 5.67 inclusive	Delete CP12B and paras 5.64 to 5.67 inclusive (renumber accordingly, plus consequential deletion of reference to monitoring CP12B in revised App G).
IC3	SP7	Delete "to be consistent with, and" from the first line of the second part of SP7.
IC4	NAP2B – part A5	Delete second sentence of part A5 of NAP2B.