



**Capability**

Submitted to  
Newark and Sherwood District  
Council  
  
Planning Advisory Service

Submitted by  
AECOM  
6-8 Greencoat Place  
London  
SW1P 1PL  
February 2015

# Plan Review- Newark and Sherwood District Council Adopted Core Strategy



# Table of Contents

<b>1 Introduction .....</b>	<b>1</b>
Planning Advisory Service Plan Review Support .....	1
Support to Newark and Sherwood District Council.....	1
Methodology.....	2
<b>2 Conformity of adopted Core Strategy with NPPF .....</b>	<b>2</b>
Policy-by-policy assessment .....	2
Further points raised by the Council on policy conformity .....	11
<b>3 Other relevant requirements of the NPPF.....</b>	<b>13</b>

# 1 Introduction

## Planning Advisory Service Plan Review Support

1. The Planning Advisory Service (PAS) provides consultancy and peer support, learning events and outline resources to improve local government planning. 'Plan review' is one of a range of direct support packages available to local authorities.
2. Plan review draws on recent Government announcements, Planning Practice Guidance (PPG), policy and the tests of soundness presented within the National Planning Policy Framework (NPPF) and the latest reports on local plans issued by the Planning Inspectorate (PINS). The reviews also take into consideration matters of compliance with planning and environmental assessment regulations. Plan review is akin to a health check. It is about helping councils to 'take a step back' and understand the risks and opportunities that the plan in its current form presents.
3. The output is generally a short advice note setting out some thoughts and suggested actions. Outcomes can include increased confidence in the draft plan and an understanding of any vulnerable areas plus potential mitigating actions.

## Support to Newark and Sherwood District Council

4. Newark and Sherwood District Council (henceforth the 'District Council') is currently in the process of preparing a new NPPF-compliant replacement for its Newark and Sherwood Core Strategy (henceforth CS), which was adopted in March 2011, and is therefore at present considered not fully NPPF-compliant. By contrast, the District Council's Allocations and Development Management DPD was adopted in July 2013 and is therefore fully NPPF-compliant.
5. The scope of works therefore comprises: a policy-by-policy check of the adopted CS to provide detail on which policy text is in compliance with the NPPF and which is not. The Council has stated that most value would be added if AECOM were to carry out this review because an impartial viewpoint is needed. The District Council planning team considers itself too close to the policy text to do this review alone, having previously formulated the policies needing review, as well as now applying them on a regular basis.
6. In discussion with the District Council, AECOM also suggested that there could be scope for a complementary 'reverse' check of the NPPF to determine which of its provisions are not currently covered either by the adopted Core Strategy or by the adopted Development Management DPD (although, as previously stated, the latter document is considered NPPF-compliant, it is possible that the 'reverse' check could pick up NPPF provisions not currently covered by that DPD). We have therefore also carried out this second checking exercise.

## Methodology

7. Most of AECOM's plan reviews are structured around the NPPF tests of soundness. However, in this case the methodology is to carry out a policy-by-policy review of the adopted Core Strategy against the NPPF, followed by a paragraph-by-paragraph review of the NPPF for additional provisions not covered by the first review.
8. The most effective way to carry out and present the reviews is by tabulating each one. The results are therefore presented in two tables, one in Chapter Two and one in Chapter Three.
9. On 14th January 2015, Jesse Honey of AECOM held a face-to-face meeting with District Council representatives to verify and add detail to AECOM's interim conclusions. The tables in both chapters have been amended appropriately to take account of these discussions.

## 2 Conformity of adopted Core Strategy with NPPF

### Policy-by-policy assessment

10. **Table 1** sets out in detail on a policy-by policy basis the conclusions on the extent to which the CS is in conformity with the NPPF. The CS has three types of policy, moving from the strategic to the specific, namely Spatial Policies, Core Policies and Area Policies.
11. It was agreed with the Council that as long as Spatial Policies and Core Policies were assessed in full, Area Policies did not need to be assessed for the extent of their conformity with the NPPF. The agreed exception to this is Policy SoAP 1 on the Role and Setting of Southwell, which has been assessed below.

**Table 1: Selected Newark and Sherwood adopted Core Strategy policies tested for NPPF conformity**

Core Strategy Policy Number	Core Strategy Policy Name	Relevant NPPF paragraphs	Conformity with NPPF or other relevant national policy?	Details of where conformity exists	Details of where conformity does not exist
Spatial Policy 1	Settlement Hierarchy	95, 156	Yes	NPPF requires LPAs to plan for new development in locations and ways which reduce greenhouse gas emissions, and as drafted, Spatial Policy 1 achieves this aim. Developments/changes on the ground rather than the adoption of the NPPF have the greatest potential to render Spatial Policy 1 out of date	n/a
Spatial Policy 2	Spatial Distribution of Growth	95, 18-21, 47, 55, 156	Yes	NPPF requires LPAs to plan for new development in locations and ways which reduce greenhouse gas emissions, and as drafted, Spatial Policy 2 achieves this aim. It is developments/changes on the ground rather than the adoption of the NPPF that has the greatest potential to render Spatial Policy 2 out of date.	n/a
Spatial Policy 3	Rural Areas	28, 55, 109	No	n/a	The first bullet point of NPPF para 28 seems to give broader support to rural business development (in any location) versus the restrictive final paragraph of Spatial Policy 3: 'Development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting such as Agriculture and Forestry.' Also, positive support for rural services and facilities in the fourth bullet point of NPPF para 28 appears to be missing in Spatial Policy 3. Finally, NPPF paragraph 55 is less restrictive in terms of location: 'housing should be located where it will enhance or maintain the vitality of rural communities.' It also allows housing in the countryside if development fulfils one of a number of bullet point alternatives. Spatial Policy 3 restricts new housing to villages, with the only exception specifically being agricultural or forestry use.

Core Strategy Policy Number	Core Strategy Policy Name	Relevant NPPF paragraphs	Conformity with NPPF or other relevant national policy?	Details of where conformity exists	Details of where conformity does not exist
Spatial Policy 4A	Extent of the Green Belt	79-86	No	n/a	In order to be in full conformity with NPPF paras 83-85, Spatial Policy 4A would have to demonstrate that the housing requirements of Blidworth, Lowdham and Rainworth are 'exceptional circumstances' justifying revision of Green Belt boundaries, which they probably are not; recent ministerial statements and case law have made it clear that housing need alone does not constitute exceptional circumstances in Green Belt terms. Given that there is much land in the District not covered by Green Belt, it may instead be necessary to divert the housing requirements of villages in the Green Belt to non-Green Belt settlements in the same Housing Market Area where possible, if necessary working with neighbouring authorities under the Duty to Co-Operate. In any case, Green Belt review work has already been undertaken, meaning this point is effectively academic.
Spatial Policy 4B	Green Belt Development	87-92	Yes	The only part of Spatial Policy 4b proposing development in the Green Belt covers Rural Affordable Housing Exception Sites, and this is considered in conformity with Para. 89 (fifth bullet point) of the NPPF.	n/a
Spatial Policy 5	Delivering Strategic Sites	17, 47, 52	Yes	This policy appears to be supported by the NPPF in terms of promoting mixed use development, plus paragraph 52: 'The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.'	n/a
Spatial Policy 6	Infrastructure for Growth	175, 203-206	Yes	Spatial Policy 6 simply states that the District Council will seek to introduce a Community Infrastructure Levy but that planning obligations will continue to apply at a site or neighbourhood level. This is consistent with the NPPF's references to CIL and planning obligations.	

Core Strategy Policy Number	Core Strategy Policy Name	Relevant NPPF paragraphs	Conformity with NPPF or other relevant national policy?	Details of where conformity exists	Details of where conformity does not exist
Spatial Policy 7	Sustainable Transport	29-32, 34-41, 75	No	n/a	The NPPF appears to be firmer on the requirement for Travel Plans (para 36) than Spatial Policy 7. The NPPF states that 'All developments which generate significant amounts of movement should be required to provide a Travel Plan' whereas Spatial Policy 7 (first bullet point) mentions travel plans as one of a number of alternatives, and therefore appears to be not fully in conformity with the NPPF. Bullet points 2-6, and all other policy text appears to be in general conformity with paras 29-32 and 34-41 of the NPPF.
Spatial Policy 8	Protecting and Promoting Leisure and Community Facilities	70, 73-74	No	n/a	The NPPF allows more flexibility and freedom than Spatial Policy 8. Specifically, Spatial Policy 8's bullet point criteria are linked by 'and' whereas the NPPF goes no further than promoting the retention of community facilities (para 70). Some of Newark's community and leisure facilities will be open space (e.g. sports grounds) and here, NPPF paragraph 74, covering open space, sports and recreational buildings and land, makes it clear that loss is acceptable subject to any of three alternative bullet point provisions (i.e. linked by 'or' rather than 'and'). Additionally, Spatial Policy 8's bullet points relate well to the first two bullet points of paragraph 74, but the final bullet point of paragraph 74 is not currently reflected in the Core Strategy.

Core Strategy Policy Number	Core Strategy Policy Name	Relevant NPPF paragraphs	Conformity with NPPF or other relevant national policy?	Details of where conformity exists	Details of where conformity does not exist
Spatial Policy 9	Selecting Appropriate Sites for Allocation	17, 52, 70, 74, 100, 109-110	No	n/a	Spatial Policy 9 sets out 9 bullet points. Of these, 1-6 and 8 are considered in conformity with the NPPF. However, point numbers 7 and 9 may both need to be strengthened to ensure full consistency with the NPPF. Point 7 seeks that allocations would not lead to the loss, or adverse impact on, important nature conservation or biodiversity sites, whereas the NPPF seeks that allocations should 'prefer land of lesser environmental value', which is much broader, covering, for example, landscape and agricultural land classification impacts as well- also, para 109 refers to minimising impacts on biodiversity . Point 9, while broadly consistent with the NPPF, could be made more so by referencing the sequential, risk-based approach (including the Exception Test) required in respect of flood risk (para 100).
Core Policy 1	Affordable Housing Provision	50, 173-174	Yes	Core Policy 1 appears in broad conformity with the NPPF. Although it states that off site contributions will be discouraged, the word 'normally' provides the flexibility required by the NPPF (para. 50, third bullet point- 'robust justification' of off-site contributions). However, see reference to Ministerial Statement of November 2014 below this table.	n/a
Core Policy 2	Rural Affordable Housing	54, 174	Yes	Core Policy 2 appears to be in conformity with NPPF paragraph 54.	n/a

Core Strategy Policy Number	Core Strategy Policy Name	Relevant NPPF paragraphs	Conformity with NPPF or other relevant national policy?	Details of where conformity exists	Details of where conformity does not exist
Core Policy 3	Housing Mix, Type and Density	50	No	n/a	Most of Core Policy 3 is consistent with NPPF Paragraph 50, which sets out three ways in which local authorities should set housing policies. However, there are some points in the NPPF that could be better reflected in Core Policy 3 text, including: promoting self-build as a housing solution, more details on size, type and/or range of housing in particular locations; at present, the policy addresses density at the three Strategic Sites and elsewhere, as well as size and range in the three bullet points, but mentions type only in general terms. The ongoing SHMA should provide the evidence base for the additional detail needed. Tenure of affordable housing is covered under Core Policy 1.
Core Policy 4	Gypsies & Travellers and Travelling Showpeople - New Pitch Provision	Planning policy for traveller sites, Policy B	No	n/a	Although the Core Strategy sets pitch targets as required by Planning Policy for traveller sites (PPfTS) Policy B, it does so on the basis of the now rescinded East Midlands Regional Plan. PPfTS (para 9, Policy B) requires an authority-level assessment of need in the same terms as the SHMA for market housing (i.e. five years' worth of specific, deliverable sites), which would need to be the basis of the policy target

Core Strategy Policy Number	Core Strategy Policy Name	Relevant NPPF paragraphs	Conformity with NPPF or other relevant national policy?	Details of where conformity exists	Details of where conformity does not exist
Core Policy 5	Criteria for Considering Sites for Gypsies & Travellers and Travelling Showpeople	Planning policy for traveller sites, Policy B-F	No	n/a	This policy is broadly in conformity with para 10 under Policy B of the PPfTS. However, at present it does not mention the following requirements of the PPfTS: reducing the need for long-distance travelling and possible environmental damage caused by unauthorized encampment (11 d), reflecting the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability (11h). Additionally, the wording of criterion 6 will need to be amended to reflect 11g of the PPfTS rather than the now rescinded PPG25. There will also be a need to reflect (either in this policy or a new suite of two or more policies) PPfTS Policy C (ensuring the scale of traveller sites does not dominate the nearest settled community), Policy E (Traveller sites in Green Belt- although none are proposed in Core Policy 5, this could be explicitly stated), Policy F (mixed planning use traveller sites), Policy G (Major Development Projects) and, if necessary, Policy D (using rural exception sites to meet traveller need)

Core Strategy Policy Number	Core Strategy Policy Name	Relevant NPPF paragraphs	Conformity with NPPF or other relevant national policy?	Details of where conformity exists	Details of where conformity does not exist
Core Policy 6	Shaping our Employment Profile	18-22, 28	No	n/a	<p>This policy overlaps with some of the aims of NPPF paras 18-22 but needs updating to reflect it more fully. It has nine main bullet points. Taking these in order: the first three bullet points appear to be consistent with the NPPF. The fourth is not, as its relatively strong emphasis on safeguarding employment land conflicts to some extent with paragraph 22. Instead, the fourth bullet point needs to more explicitly cover the circumstances whereby employment land could or should be released, and the process for doing so (i.e. a SHELAA). Of course, reference to PPS4 also needs to be removed. Bullet points 5 and 6 are considered consistent with NPPF para 21. Bullet point 7 on skills and training is not specifically mentioned by the NPPF, but can be considered to be covered under its text on planning obligations. Bullet point 8 is considered consistent with NPPF para 28, and bullet point 9 with para 22. Over and above the existing policy text, NPPF paragraph 21 requires strong cross-referencing and mutual support between the Local Plan and the local economic strategy. While the Core Strategy does refer to the local economic strategy, it does so only in supporting text rather than in policy text. Covering the implications of the local economic strategy within this policy text in the terms described by NPPF paragraph 21 will boost NPPF conformity. Other relevant issues mentioned in the NPPF with respect to economic development not currently addressed within Core Policy 6 include low carbon employment, globally competitive industry (both para 18), inward investment, planning for new and emerging sectors alongside traditional strengths, planning for clusters and networks of businesses, and areas for economic regeneration, infrastructure provision and environmental enhancement (all para 21).</p>

Core Strategy Policy Number	Core Strategy Policy Name	Relevant NPPF paragraphs	Conformity with NPPF or other relevant national policy?	Details of where conformity exists	Details of where conformity does not exist
Core Policy 7	Tourism Development	23, 28	No	n/a	Core Policy 7 supports tourism development through seven bullet points. Most bullets are considered relatively consistent with NPPF para 23 (bullet point six) and para 28 (bullet point three). However, bullets 3 and 4 appears significantly more restrictive in terms of directing tourism development, particularly rural tourism, to specific locations than indicated by para 28, which only requires rural tourist development to 'respect the character of the countryside' and 'support the provision and expansion of tourist and visitor facilities in appropriate locations'. The NPPF also does not distinguish between scales of development, whereas bullet point 3's provisions differ depending on whether the development is considered 'significant' or not. One potential solution for rapidly boosting conformity of Core Policy 7 with the NPPF is to remove its more restrictive provisions, relying on other policies (e.g. urban design, landscape) to set the restrictions that tourism development must accord with, in common with all other types of development- this appears to be the approach taken by the NPPF.
Core Policy 8	Retail hierarchy	23-27	No	n/a	Core Policy 8 is broadly consistent with the NPPF, which requires a retail hierarchy to be defined (para 23, bullet point 2) and the extent of town centres and primary shopping areas to be defined (para 23, bullet point 3). The NPPF's retail hierarchy is stricter than Core Policy 8's- it requires a sequential test starting with town centre, then edge of centre, whereas Core Policy 8 makes no distinction between town centre and edge of centre. Finally, reference to PPS4's approach to out-of-centre development needs to be replaced by reference to the NPPF approach (paras 24-27)

Core Strategy Policy Number	Core Strategy Policy Name	Relevant NPPF paragraphs	Conformity with NPPF or other relevant national policy?	Details of where conformity exists	Details of where conformity does not exist
Core Policy 9	Sustainable Design	56-68	Yes	Core Policy 9 promotes sustainable design through seven bullet points. Taking these in order: bullet point 1 appears consistent with NPPF para 57 and 58 (fourth bullet point); bullet point 2 is consistent with NPPF paras 99 and 103 ; bullet point 3 is consistent with national waste policy; bullet point 4 is consistent with para 17 bullet point eight and para 58 bullet point three; bullet point 5 is consistent with para 58 bullet point three, bullet point 6 is consistent with NPPF paras 93-94. Although the NPPF does not mention lifetime homes, by including the phrase 'where appropriate and viable', sufficient flexibility of application is achievable. Finally, bullet point 7 is consistent with NPPF para 58, bullet point five and para 69 bullet point two.	n/a
Core Policy 10	Climate Change	93-100	Yes	Core Policy 10 seeks to mitigate the effects of climate change through seven bullet points. Taking these in order: bullet points 1-6 appear consistent with NPPF paras 94, 95 and 97, and bullet point 7 appears consistent with paragraph 100.	n/a
Core Policy 11	Rural accessibility	28-30, 34, 37	Yes	Core Policy 11 seeks to enhance rural accessibility through two high-level bullet points. The first of these is a locally-specific point consistent with NPPF paras 29-30, and the second is consistent with NPPF para 28 bullet point four, although note that this second bullet point states that it is in line with Spatial Policy 3 and Spatial Policy 8, neither of which is considered to be fully consistent with the NPPF at present (see above).	n/a

Core Strategy Policy Number	Core Strategy Policy Name	Relevant NPPF paragraphs	Conformity with NPPF or other relevant national policy?	Details of where conformity exists	Details of where conformity does not exist
Core Policy 12	Biodiversity and Green Infrastructure	109, 114, 117-119, 165-166	Yes	Core Policy 12 seeks to conserve and enhance biodiversity and geological diversity through seven bullet points. Bullet points 1-4 are considered in conformity with NPPF para 109. Bullet points 3, 5 and 7 are in conformity with NPPF para 114 first bullet point. Bullet point 6 is in conformity with NPPF para 109 second bullet point and para 28 third bullet point.	n/a
Core Policy 13	Landscape Character	109, 113, 170	Yes	Core Policy 13 on landscape character states that a system of Landscape Policy Zones will be introduced, based on landscape character, and sets out a criteria-based matrix categorising actions. The policy is considered consistent with NPPF paras 109 (first bullet), 113, and 170.	n/a

### Further points raised by the Council on policy conformity

12. The District Council raised further points on policy conformity at the 14th January meeting, which are summarised below:

- It is considered that adding another lower tier of smaller villages to the settlement hierarchy would help boost conformity of Spatial Policies 1, 2 and 3 with the NPPF;
- There is potential for the District Council to formulate a consistent definition of 'significant amounts of movement' to help determine which applications would or would not require a Travel Plan to facilitate interpretation of the policy replacing Spatial Policy 7, as well as developing consistency on what applications could be considered exceptions;
- The District Council asked if there was currently a policy requirement to develop and hold a list of sites suitable for self-build or custom build development. Having checked this requirement since our meeting, the answer is that at the time of writing, no such requirement exists. What the District Council is referring to is the Self-build and Custom Housebuilding Bill 2014-5<sup>1</sup> which is at the time of writing going through Parliament but is not yet a legal requirement. However, clearly this could be an emerging future requirement for the District Council.
- The District Council noted, and AECOM subsequently confirmed, that Written Statement (HCWS50) made by Brandon Lewis, Minister of State for Housing and Planning, on 28 November 2014 supersedes some requirements of the NPPF. Specifically, HCWS50 requires that on all sites of ten units or less and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to residential annexes and extensions. In rural areas, authorities may choose to implement a lower threshold of 5 units or less. Where this threshold is implemented, then payment of affordable housing and tariff style contributions on developments of between 6 to 10 units should also be sought as a cash payment only and be commuted until after completion of units within the development. However, these changes to national planning policy will not apply to Rural Exception Sites, which remain available. The Government states that revised planning guidance to assist local authorities in implementing these changes will be published shortly.

---

<sup>1</sup> <http://services.parliament.uk/bills/2014-15/selfbuildandcustomhousebuilding.html>

- With respect to ensuring Core Policy 6 or its replacement is in conformity with NPPF para. 22, the District Council stated they recognise at present there is a significant amount of land protected for employment in the Local Plan. To address this issue an Employment Land Feasibility Study (ELFS) is being progressed as a Nottingham Core and Nottingham Housing Market Areas joint study, with more local work to follow on Newark and Sherwood District's most important sites. The ELFS will form a key part of the evidence base justifying which land will be released from employment use and which land will be retained in that use. It is anticipated that such an approach will enable greater certainty on which strategic sites should be protected rather than decisions being made on a building-by-building basis.

### 3 Other relevant requirements of the NPPF

13. AECOM considered that it would add value to the project to complement the review of the CS against the NPPF by also checking the NPPF for any further specific requirements not already covered as part of this exercise.
14. The NPPF, though general and non-specific across much of its text, nevertheless incorporates a number of specific points that plans adopted before the NPPF came into effect might not necessarily have included. AECOM developed a longlist of such points that do not appear currently to be covered by the CS, and discussed them with Newark and Sherwood officers to determine which could be taken forward into a final shortlist informing the CS review. One of the criteria for carrying the site forward into the shortlist was that this issue was not already covered by the District Council's Allocations and Development Management DPD. For example, though not mentioned in the CS, the Allocations and Development Management DPD refers to NPPF para 53 on resisting inappropriate development of residential gardens.
15. Following this discussion, those points considered most relevant for the Council to consider when progressing its CS review are listed in Table 2 below. The listing of a point in Table 2 does not necessarily indicate that the District Council is not already progressing work on this topic- it is more that if the work and/or the topic were referenced in the CS review, conformity with the NPPF as determined by the Local Plan Inspector at examination would be likely enhanced.

**Table 2: NPPF paragraphs not already referenced in Table 1 considered most relevant for Newark and Sherwood Core Strategy review process**

NPPF paragraph number	Paragraph text	Relevant Core Strategy review topic area(s)
35, bullet 4 and 39, bullet 5	Facilities for charging plug-in and other ultra-low emission vehicles	Sustainability, transport, parking
42 and 43	Development and expansion of high speed broadband technology and other communications networks	Employment, infrastructure
51	Identifying and bringing back into use empty housing	Housing
75	Protecting and enhancing public rights of way and access	Transport
96 bullet 2	New development should take account of landform, layout, orientation, massing and landscaping to minimize energy consumption	Sustainability, urban design
105	Taking account of the UK Marine Policy Statement and marine plans in coastal areas <sup>2</sup>	Environment, flooding

<sup>2</sup> This is considered relevant as Newark and Sherwood includes some of the River Trent's tidal frontage, which is considered part of the English coast for the purposes of the Marine and Coastal Access Act 2009.

## About AECOM

AECOM (NYSE: ACM) is a global provider of professional technical and management support services to a broad range of markets, including transportation, facilities, environmental, energy, water and government. With approximately 45,000 employees around the world, AECOM is a leader in all of the key markets that it serves. AECOM provides a blend of global reach, local knowledge, innovation, and collaborative technical excellence in delivering solutions that enhance and sustain the world's built, natural, and social environments. A Fortune 500 company, AECOM serves clients in more than 100 countries and has annual revenue in excess of \$6 billion.

More information on AECOM and its services can be found at [www.aecom.com](http://www.aecom.com).

6-8 Greencoat Place  
020 7798 5000  
[www.aecom.com](http://www.aecom.com)