INDEPENDENT EXAMINATION OF THE AMENDED SOUTHWELL

NEIGHBOURHOOD PLAN

EXAMINER: Andrew Freeman BSc (Hons) DipTP DipEM FRTPI

Examination Ref: 01/AF/SNP

Peter Scorer
Southwell Town Council

Matthew Tubb
Senior Planner
Newark and Sherwood District Council

Via email

15 September 2026

Dear Mr Scorer and Mr Tubb

Following submission of the Amended Southwell Neighbourhood Plan (draft Plan/modified plan proposal) for examination, prepared by Southwell Town Council (the Town Council), I have two preliminary matters that will need to be actioned. The first relates to the recent statutory changes to the statutory compliance requirements for neighbourhood plans and, the second, relates to the nature of the modified plan proposal.

1. Revised Statutory Framework

Following submission to Newark and Sherwood District Council (the District Council), the draft Plan Regulation 16 consultation (under The Neighbourhood Planning (General) Regulations 2012) ran between 18 December 2024 and 19 February 2025. I understand that there was a period of consideration following the close of the consultation to enable the Town Council and the District Council to consider the representations received; the implications of updates to national planning policy; and the examination process in relation to the District Council's Amended Allocations & Development Management Development Plan Document. Accordingly, progression to examination did not occur until September 2026.

In the meantime, sections 98[1] and 99[2] of the Levelling-up and Regeneration Act 2023 came into force on 25 March by virtue of *The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026,* which were made on 2 March 2025.[3] In relation to neighbourhood plans, sections 98 and 99 amend the Planning and Compulsory Purchase Act 2004[4] and the Town and Country Planning Act 1990[5] in respect of the legal compliance and the Basic Conditions requirements.

In summary, the further legal compliance requirements are as follows:

- so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to secure that the development and use

[1] View at: https://www.legislation.gov.uk/ukpga/2023/55/section/98
[2] View at: https://www.legislation.gov.uk/ukpga/2023/55/section/99
[3] View at: https://www.legislation.gov.uk/uksi/2026/169/made#top
[4] Section 38B of the 2004 Act: https://www.legislation.gov.uk/ukpga/2004/5/section/38B
[5] Paragraph 8(2), Schedule 4B to the 1990 Act (and s.38C to the 2004 Act): https://www.legislation.gov.uk/ukpga/1990/8/schedule/4B and https://www.legislation.gov.uk/ukpga/2004/5/section/38C

of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change; and
- so far as the qualifying body considers appropriate and having regard to the subject matter of the plan, the plan must be designed to take account of any local nature recovery strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

In addition, there is a new Basic Condition requirement:
- the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made. Note: this **replaces** the former Basic Condition that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area.[6]

A further Basic Condition[7] related to the new environmental assessment framework[8] is commenced albeit, until such time as a completed framework for the implementation of Environmental Assessment Reports is in place, compliance with this Basic Condition cannot be assessed.

In order to progress the examination of the Amended Southwell Neighbourhood Plan, I am providing both the Town Council and District Council an opportunity to comment on these changes (which are not covered by the submitted Basic Conditions Statement). Similarly, I also consider that any persons who may have an interest in the examination should be given the opportunity to comment, including those who submitted representations to the Regulation 16 consultation.

Therefore, I request that the District Council places a notice on their website cross referencing this letter, advising that anyone with an interest in the examination may, should they wish, comment on the legal compliance and Basic Conditions changes outlined above.

It should be made clear that there is no need for responses to repeat representations that have already been made in relation to any other matters (since the Regulation 16 representations stand as submitted). Similarly, it is not an opportunity to raise new matters that do not relate to these legal points.

I suggest that the local authority's website should advise that **2 weeks** will be provided to submit comments to Newark and Sherwood District Council. **I would also request Newark and Sherwood District Council contact those who made representations at Regulation 16 to notify them of this opportunity**. Should any person(s) request additional time in order to respond, you should seek to accommodate this provided a revised and reasonable response date is proposed.

Any responses received at the end of the 2 week (or, where requested, extended) period, along with those of the Town Council and District Council, should be forwarded to the IPe office team for my attention.

2. Nature of the Modified Plan Proposal

Under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004, I am required before proceeding with the substantive examination assessment to determine whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the Neighbourhood Development Plan which the draft Plan would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan which will,

[6] Basic Condition '(e)' is replaced by '(ea)'.
[7] New Basic Condition '(fa)'.
[8] Part 6, Levelling-up and Regeneration Act 2023: https://www.legislation.gov.uk/ukpga/2023/55/part/6

amongst other things, affect whether or not the draft Plan will need to be the subject of a referendum if it is to be made.

In order to make this determination, I request the following:

- **That the Town Council provides me with a note providing a concise summary of the changes to the policies from the Made (i.e. current adopted) Plan.** Subject to the provision of this additional summary, I consider I have sufficient information from the Town Council to constitute its 'Statement' on this matter (by reference to page 77 of the submitted Consultation Statement).
- **That the District Council provides me with a formal Modifications Statement to comply with Regulation 17(e)(ii) of the 2012 Regulations.**

It would be helpful to me if these requests could be met at your earliest convenience (and no later than the provision of the responses under 1. above to the IPe office). Should you have any questions in relation to this letter or any other related examination matters, please contact the IPe office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent response is placed on the Southwell Town Council and Newark and Sherwood District Council websites.

Thank you in advance for your assistance.

Yours sincerely

Andrew Freeman

Examiner