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# **Report to Newark and Sherwood District Council**

**by Christine Thorby MRTPI IHBC**

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

**Date: 17<sup>th</sup> May 2013**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

## **REPORT ON THE EXAMINATION INTO THE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT MANAGEMENT DOCUMENT**

Document submitted for examination on 10 September 2012

Examination hearings held between 11 and 19 December 2012

File Ref: PINS/B/3030/429/6

## Abbreviations Used in this Report

A&DMP	Allocations and Development Management Policies Development Plan Document
CIL	Community Infrastructure Levy
CS	Core Strategy
FPC	Further Proposed Change
HMA	Housing Market Area
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
MOA	Main Open Areas
NCC	Nottinghamshire County Council
The Plan	Allocations and Development Management Policies Development Plan Document
RS	Regional Strategy – East Midlands Regional Plan
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SINC	Site of Importance to Nature Conservation
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SSSI	Site of Special Scientific Interest
SUE	Sustainable Urban Extension

## **Non-Technical Summary**

This report concludes that the Allocations and Development Management Policies Development Plan Document provides an appropriate basis for the planning of the Newark and Sherwood District over the next 15 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. All of the modifications to address this were proposed by the LPA, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- The intention to formally review the housing and retail allocations to add flexibility.
- An additional section to the Plan introduction explaining and updating the retail housing and employment figures, and how they will be monitored and reviewed.
- An updated section on Gypsy and Traveller provision.
- Removal of phasing conditions where they conflict with national policy.
- Clarification of responsibility and timing for allocation requirements.
- Addition of wording to take account of historic heritage and green infrastructure and biodiversity.
- The introduction of a list of strategic policies for the purposes of neighbourhood planning.
- Small scale changes to the Green Belt Boundary.
- The removal of an undeliverable allocation within the Green Belt.
- The alterations of settlement and town centre boundaries.
- The introduction of updated trajectories as appendices to assist monitoring.
- The addition of policy DM12 to emphasise the Plan's presumption in favour of sustainable development.
- Modifications to DM3 for developer contributions to bring the Plan into line with the National Planning Policy Framework.
- Clarification and amendments to remedy flaws in the wording of policies.

## Introduction

1. This report contains my assessment of the Allocations and Development Management Policies, Development Plan Document in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; 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 my examination is the submitted Newark and Sherwood District Allocations and Development Management Development Plan Document (June 2012).
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix A.
4. The main modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report.

## Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
6. The Statement of Compliance with the Duty to Co-operate<sup>1</sup> lists the organisations, public and private bodies and methods of joint working and consultation that took place from the preparation and production of the Options Report through to production and publication of the A&DMP. This included drawing upon information from joint studies used for the CS, discussions with public and private bodies, infrastructure providers, public consultation and organised events. The issues arising from the Options Report and additional site consultation led to meetings or discussions with the Coal Authority, English Heritage, National Trust, Network Rail, Natural England, NCC (highways, education and rail network) and Severn Trent Water. Following these discussions changes were made to the document. The Council sets out that it had regard to the objectives of the Local Enterprise Partnership for Derby, Derbyshire, Nottingham and Nottinghamshire (of which NCC forms part) in the production of the CS and the A&DMP.

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<sup>1</sup> ADM8 Statement of Compliance with the Duty to Co-operate

7. Documents that supported the CS and which are of particular importance to the production of the A&DMP include the Infrastructure Delivery Plan (IDP) and the SHLAA. The Statement of Compliance indicates how both documents were produced in partnership with a wide ranging group of bodies. For the SHLAA, the methodology was agreed in partnership with the local authorities in the Nottingham Outer Housing Market area. Relevant public consultations took place and changes indicated in the Statement of Compliance were made to documents where necessary as a result of the responses.
8. The Community Infrastructure Levy (CIL) informed the viability assessments and timings for delivery of infrastructure for the A&DMP. There were two statutory periods of consultation for CIL seeking views from various agencies and organisations including adjoining District and County Councils, infrastructure providers and their agents and the development industry. Following Examination, the CIL Charging Schedule came into effect on the 1st December 2011.
9. The Council can meet all of its land use requirements within the District. However, the Statement of Compliance and further documentation submitted throughout the hearing sessions details how co-operation is ongoing, with working groups taking place with Gedling Borough Council regarding the greater Nottingham Aligned Core Strategy and Mansfield District Council over progress of their CS, for all cross-borough issues.
10. There were a significant number of representations suggesting the Duty to Co-operate had not been complied with due to changes in allocation reference numbers and status between the options report and the publication A&DMP, also the consultation was on-line and not everybody had access to it and local residents' views were not taken into account. The Council indicated that the consultation was in accordance with the Statement of Community Involvement<sup>2</sup> which itself was subject to three rounds of public consultation. All representations were considered as set out in the Summary of Representation Process and Responses<sup>3</sup> and a balanced view was taken between meeting the needs of the District and taking into account local views.
11. I conclude that, on the basis of the above, the Duty to Co-operate has been met.

## **Assessment of Soundness**

### **Preamble**

12. The Newark and Sherwood District Core Strategy<sup>4</sup> (CS) which was adopted in March 2011, forms the overall framework for the Allocations and Development Management Policies Development Plan Document (A&DMP). The CS divides the District into five distinct strategic areas with common social, economic and environmental characteristics. These are Newark Area, Southwell Area, Nottingham Fringe Area, Sherwood Area and Mansfield Fringe Area<sup>5</sup>. Within these areas, in recognition of their characteristics and to achieve a sustainable pattern of growth, the CS establishes a hierarchy of settlements consisting of

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<sup>2</sup> LDF1 Statement of Community Involvement

<sup>3</sup> ADM4 Statement of Consultation and responses

<sup>4</sup> LDF10 CS

<sup>5</sup> LDF10

the sub regional centre of Newark, service centres and principal villages<sup>6</sup>, and allocates housing numbers accordingly. The CS allocates three sustainable urban extensions (SUE) around Newark which will provide most of the growth in the District<sup>7</sup>.

13. The A&DMP is consistent with the approach to the distribution of growth set out in the CS. The first part establishes the land use allocations. This is divided into the five strategic areas and the hierarchy of settlements, seeking to achieve the provision of development required for growth in a sustainable manner. The second part sets out development management policies which aim to promote the strategy sought by the CS.
14. The East Midlands Regional Strategy was revoked on 12 April 2013, post submission of the Allocations and Development Management Policies Development Plan Document and the hearing sessions. As there is an up to date Core Strategy forming the framework for the Plan the revocation of the Regional Strategy would not affect the soundness. The revocation was advertised and consulted upon from 25 March – 10 April 2013.
15. The Main Modifications are set out in appendix A of this report. The majority of the modifications (around 80%) revise the wording of allocations on three points: phasing, responsibility and planning obligations, for reasons given in this report. Although the same revision is proposed to many of the allocations, these are set out as a separate modification numbers for each amendment. Therefore, there are some 312 main modifications. The number of MMs are a consequence of the approach taken to presentation by the authority and should not be seen as implying that the plan is fundamentally flawed and needs substantial change.

## **Main Issues**

16. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified six main issues upon which the soundness of the Plan depends. Issues 2 - 5 relate to the Allocations and Issue 6 addresses the Development Management Policies.

***Issue 1 – Has the Plan been positively prepared and based on a sound process. Is the Plan viable taking into account affordable housing, infrastructure contributions and other requirements. Is it consistent with the CS and national planning policy?***

17. The National Planning Policy Framework Compatibility Self-Assessment Checklist<sup>8</sup> clearly shows that it has been positively prepared and is based on co-operation with neighbouring authorities and public and private sector organisations. Also, that it reflects the 'golden thread' of sustainable development and includes policies that guide how the presumption should be applied locally. However, to make this explicit **MM300** is necessary. This would insert new policy DM12, which closely reflects the model policy.

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<sup>6</sup> LDF10 Spatial policy 1

<sup>7</sup> LDF SUA NAP2A, NAP2B and NAP2C

<sup>8</sup> ADM20 Compatibility Self Assessment

18. The evolution of the Plan is set out in various background papers. It is clearly based on the testing of feasible and reasonable options to find the most appropriate solutions for the allocation of sites. The allocations and policies within the Plan are justified by a comprehensive and proportionate evidence base. Whilst this is generally up-to-date, some documents were updated during the examination process, and, with the exception of the housing position paper<sup>9</sup>, updated before the hearing sessions. Where this has taken place the updated documents have been published and representors have had the opportunity to comment on them.
19. Identification and filtering of sites has followed a logical, transparent and robust process. The options were considered and the most appropriate uses for the site were established. The process was clearly informed by the CS, the SA<sup>10</sup> and public and private stakeholder consultation and input. The SA has been based on a sound process of Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) in accordance with EU Directive 2001/42/EC and Section 39(2) of the Planning and Compulsory Purchase Act 2004.
20. The Summary of Representation Process and Responses<sup>11</sup> and background to the Options Report<sup>12</sup> clearly table the stages of production of the Plan that led to the identification of sites to be put forward. The first stage involved information gathering to consider sites from a range of sources including the Local Plan, landowners, developers and relevant professionals, the SHLAA, the Northern Regional Employment Land Review, the Employment Land Availability Study and information from other Council sources. The initial sites underwent a sifting process against a range of environment criteria including location, size, flooding, nature conservation, historic environment, green and other infrastructure and the Green Belt. The impact of site selection on the settlement was then assessed including infrastructure, nature of uses and deliverability. This led to the Options Report which set out the Council's preferred sites, alternative site and sites not considered suitable.
21. During consultation on the Options Report, four additional potential sites emerged. These fulfilled the criteria to be considered as viable alternatives to those already presented. Consequently, an additional consultation was carried out between 20th March and 1st May 2012 on the additional sites<sup>13</sup>. Changes were made as a result of consultation and some 66 allocations and 11 Development Management Policies were taken forward to the A&DMP. The Plan has been subject to a Habitats Regulation Assessment 2011 updated in 2012<sup>14</sup> to address points made by Natural England and an Equalities Impact Assessment in June 2012 (ADM9).
22. The policies and proposals of the Plan are mostly consistent with the National Planning Policy Framework (the Framework) and the CS. Those that are not compliant are identified later in my report and main modifications are therefore necessary for their soundness. A number of representations were made in response to the consultation on the compliance of the Plan with the

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<sup>9</sup> NSDC23 updated housing position paper

<sup>10</sup> ADM6 Sustainability Appraisal

<sup>11</sup> ADM4 Statement of Consultation and Representation

<sup>12</sup> ADM16 Options report Section 3 Methodology

<sup>13</sup> ADM10 Additional Sites Consultation Paper

<sup>14</sup> ADM7 and ADM15a HRA and update

Framework, and these are addressed in the report.

23. The August 2012 Residential Viability Assessment<sup>15</sup> indicated that a number of allocated sites in the west of the District (Ed/Ho/1, OB/Ho/1, OB/Ho/3, OB/MU/1, Ra/Ho/2, Bl/Ho/1, Bl/Ho/3, Cl/MU/1) which, according to the housing trajectory are to provide housing commencing within 5 years, are unviable or at risk of being unviable. The viability assessment<sup>16</sup> made the assumption that there would be no affordable housing asked for Mansfield Fringe (the area is already zero rated for CIL) and only 15% for Ollerton and Boughton for the first five years.
24. The document indicated that the sites could be viable if infrastructure requirements in the form of contributions and affordable housing requirements are reduced. There was concern that the assessment left some uncertainty about costs, infrastructure provision and Plan deliverability. Further work was done identifying abnormal costs, the Council's approach to land values and Plan infrastructure requirements. The updated viability assessment and funding statement<sup>17</sup> set out a realistic and robust approach to address these issues, including reduced contributions, changes to CIL, addressing funding gaps and the use of contingent deferred payments.
25. The A&DMP was not explicit on this point as all allocations were subject to CS, core policy 1 which seeks 30% affordable housing and the proposed Development Management Policy DM3 seeking developer contributions. It therefore lacked sufficient flexibility to cope with lack of viability and to clearly guide developers. In order to be very clear about the approach and to assist development where viability was an issue, modifications **MM278** and **MM279** are proposed. These introduce a flow chart and explanatory text to revised policy DM3 setting out the Council's approach to viability.
26. Although affordable housing and contributions for the first five years of the Plan may be reduced, as most sites with viability issues are spread over the Plan period, the contingent deferred payment will seek to deliver affordable housing and other infrastructure in later phases. Modification **MM3** which is addressed again later in this report introduces a commitment to formally review housing allocations in 2015/16, to ensure that the Plan addresses changing situations such as viability. The Commercial Viability Appraisal indicated that generally the commercial allocations would be viable. The approach accords with the Framework paragraph 173 which indicates that development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Subject to modifications the Plan would be viable and therefore provide a sound basis for delivery.

***Issue 2 – Whether the Plan allocates sufficient land in the right locations to achieve the spatial strategy set out in the CS and is there a reasonable prospect that the allocations will be delivered during its timeframe. Is it flexible enough to cope with changes in circumstances that may arise?***

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<sup>15</sup> EB11 Viability Assessment

<sup>16</sup> EB11 Residential Viability Assessment para 1.10

<sup>17</sup> EB38 Funding statement section 3.1



27. *Housing*. Central to the delivery of the CS spatial strategy is the establishment of a hierarchy of settlements and the spatial distribution of growth, defined by percentage, expected in each settlement. The total number of houses required for the plan period is 14,800, of which 14,162 are to be located within the strategic areas comprising the sub regional centre of Newark, the service centres and the principal villages (Spatial Policy 2). The remainder would be found elsewhere in the district. Three Strategic Urban Extensions (SUE) designated by the CS around Newark, account for over 3,500 new dwellings during the plan period. Spatial Policy 4A recognises that within the Green Belt, finding sufficient land to meet the housing requirement would be an exceptional circumstance allowing a small scale review of the Green Belt boundaries.
28. The September 2012 Housing Position Paper<sup>18</sup> indicated that the allocated housing sites would be some 105 dwellings short of the CS target within the strategic areas during the Plan period. Representations were also made that Newark and Sherwood District Council had been persistently under delivering housing and that there was only 5.38 years housing land supply for the first five years. The concern was that the Plan would not be effective, would not enable housing targets to be met and would therefore be unsound.
29. The main reasons for the shortfall were a lapsed planning permission for 100 houses in Newark (renewal pending) and a failure to find suitable sites within two Green Belt villages. However, the overall housing trajectory shows that there are sufficient specific and developable sites in addition to allocated sites throughout the District to make provision for 15,199 dwellings by 2026. At the hearing the Council explained that from 2018 onwards additional, smaller sites have been identified, which together with allocated sites, would more than meet the shortfall in terms of numbers. **MM308** sets out the revised trajectory ensuring that effective monitoring of the housing figures can take place over the plan period.
30. The basis of the Council's 5 year land supply calculation (5.38 years) was questioned, as only 47% of sites with planning permission had been included. Re-assessment of this figure was undertaken during the hearing sessions in the light of guidance in the Framework and recent appeal decisions based on the Framework. The re-assessment enabled the Council to identify 7.61<sup>19</sup> years supply of deliverable houses for the period 1 April 2013 to 31 March 2018. The Council included more of the sites with planning permission, taking a realistic land based approach. They included sites where they were considered deliverable until permission expires, unless there was clear evidence that schemes would not be implemented within 5 years.
31. A revised Housing Position Paper<sup>20</sup> was produced and published, which set out the details of the updated figures. The revised approach is robust and the figure of 7.61 years puts the Council in a good position to deliver sufficient numbers of dwellings for the first stage of the plan. The revised land supply figure would ensure that even if the Council was a persistent under-deliverer, the buffer of 20% of housing advised by the Framework would be met. The

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<sup>18</sup> EB10 page 6 table 5

<sup>19</sup> NSDC 23 updated housing position paper page10 para 5.6

<sup>20</sup> NSDC 23

housing trajectory introduced as **MM09** clarifies this position, setting out the updated five year land supply.

32. The Plan identifies medium and longer term housing allocations. However, some of the allocations such as BI/Ho/4 and NUA/MU/3 are reliant on other significant factors taking place before they can be developed. The Plan lacked flexibility on this point and there was uncertainty over the medium to long term delivery. While the delivery of these sites is some way off, in order to ensure the Plan is sound, and to build sufficient flexibility to cope if allocated sites do not come forward, **MMs 1 - 12** are proposed. These are important modifications introducing a monitoring and review section within the introduction of the plan indicating that a formal review of all allocations and their progress will take place in 2015/2016. This will give the Council the opportunity to take action to identify additional sites, if necessary, and provide the flexibility sought by the Framework. The modification makes sure that the plan is effective over the medium and long term and is sound in this regard.
33. The Green Belt review<sup>21</sup> followed guidance in CS Spatial Policy 4A on the approach to reviewing the Green Belt. It made a pre-Options assessment of possible sites in terms of their importance in meeting the purposes of the Green Belt. Despite criticism of the review, having seen the sites and read the review, I see no reason to disagree with the methodology or conclusions on the Green Belt sites. Those of lower importance were taken forward to be assessed against other environmental criteria and against other non Green Belt sites<sup>22</sup>; however, the process failed to identify sufficient land in Lowdham and Blidworth where the housing shortfall would be significant for these settlements.
34. The housing need in Lowdham and the housing requirement and regeneration in Blidworth identified by CS paragraph 4.30 and spatial policy 4A as key reasons for the review would not, therefore, be met. However, releasing further land which is important to maintaining the purposes of the Green Belt as identified in the review is an adverse impact that would significantly and demonstrably outweigh the benefits in this respect. In the light of this conclusion, the Council's intends to consider formally revising the CS figures in 2015/16 lowering the number of houses to be provided in the Green Belt. **MM3** sets out their intention to do so ensuring consistency between the two documents.
35. While there is a shortfall in the two Green Belt settlements, in terms of provision and distribution, the housing numbers are small (less than 1% of the total). Overall, the plan would be effective in providing sufficient housing in the right place. The Framework, paragraph 14, indicates that local plans should meet objectively assessed needs unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole. The failure to find Green Belt sites would not therefore go to the soundness of the plan. The spatial distribution sought by the CS would not be undermined. The Green Belt boundary will be altered by adoption of the Plan taking out those sites which have been allocated and are at present within the Green Belt.

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<sup>21</sup> EB22 Green Belt Review

<sup>22</sup> (ADM6) Sustainability Appraisal

36. The current requirement for Gypsy and Traveller provision has now been met and exceeded with 93 pitches having been secured. This requirement covers the period to the end of 2012. Projecting forward based on the existing Needs Study<sup>23</sup> it is anticipated that an additional 21 pitches will be required over the next 5 years. There is a site with planning permission which would meet this need and currently the Council is in negotiation to buy the land, having formally resolved to use compulsory purchase powers if necessary. **MM17** introduces text indicating that the Council is updating its evidence base in partnership with other surrounding local authorities to identify requirements from 2012 until the end of the plan period and makes a commitment to seek further allocations based on this information through a separate Gypsy and Traveller Development Plan Document within 2 years. This, together with a criteria based policy contained in the CS (core policy 5), will ensure that Gypsy and Traveller requirements will be met.
37. *Retail.* The CS sets out a retail hierarchy (core policy 8) in accordance with the spatial policies for growth sought throughout the District. The overall quantum of retail development, included within the CS at paragraph 5.31, was based on the findings of the 2009 Retail Assessment<sup>24</sup>. Following consultation on the Options Report<sup>25</sup> and the emergence of an additional site the Council commissioned additional retail advice<sup>26</sup>. The results of this study were that elements of the retail capacity were not as great as assumed by the 2009 Retail Assessment. The retail study concluded that the comparison goods capacity was 15% lower than originally estimated (18,459 square metres) and was now 15,690 square metres net floor space<sup>27</sup>. To clarify the Council's position on retail, **MM13** introduces text within the introduction of the Plan explaining the basis of the new figures.
38. Taking into account existing commitments (including a post submission planning permission for retail development at the Northgate site) and completions, as things currently stand an over-provision of retail is predicted. The convenience retail oversupply relates to existing permissions. There is a residual comparison retail requirement for the latter part of the Plan. Although some minor retail floor space has been allocated in smaller centres, the majority of comparison retail space is to be provided within Newark Urban Area on one, mixed use site (NUA/MU/3) as part of a wider regeneration scheme for the area.
39. The NUA/MU/3 allocation for 'retail up to 10,000 square metres (net)' pre-dates the Northgate permission. **MM55** is proposed reducing the level from 10,000 to 4,000 square metres, to reflect the revised figures for existing commitments. Although this may affect the viability of the allocation (addressed further in paragraph 46 of the report), without the modification or with a lesser reduction, the provision would not be justified. At this stage, in order to ensure that the plan is flexible and in the event that some of the committed sites and types of retail (including within SUEs) do not come forward in time, **MM15** is proposed. This adds a paragraph committing the

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<sup>23</sup> EB4 Gypsy and Traveller Accommodation Needs Assessment

<sup>24</sup> EB18 Newark and Sherwood Retail and Town Centre Study

<sup>25</sup> ADM16 Options Report

<sup>26</sup> EB19 Retail Capacity and Retail Proposals Advice

<sup>27</sup> EB19 para 10

Council to undertake a full retail needs assessment in 2015/16, to review the progress of existing retail allocations and commitments, and make the necessary adjustments if additional floor space (including comparison floor space at NUA/MU/3) or alternative sites are required. A retail trajectory and table of requirements is included as **MM309** to ensure that the monitoring can take place effectively against realistic targets.

40. It is considered that, subject to the modifications, the amount of retail floor space would meet the retail need, its location would be appropriate and the commitment to monitor and adjust if necessary would ensure the plan is effective in delivering the required retail development.
41. *Employment.* The overall quantity of employment floor space sought by CS Spatial Policy 2 is 211 – 220 hectares. The policy set out the levels of distribution required through the five areas of the District in line with residential growth envisaged in the District. The Allocated employment land together with completions, commitments will achieve some 225.44 hectares by the end of the plan period, distributed as set out in CS. Employment policy areas have been identified where the sites are major employment sites (NUA/E/1) or constraints apply to the management of sites (ST/EA/1). This is an appropriate approach where the context of specific allocations requires detailed policies to ensure that the proposed allocations fit in with existing requirements. **MM9** and **MM310** insert an explanation in the introduction and trajectory in Appendix C for clarity and to enable effective monitoring.

***Issue 3 – Are the location of the allocated sites based on the most appropriate strategy when considered against reasonable alternative having regard to the social, economic and environmental characteristics of the district.***

#### NEWARK AREA.

42. The Newark Area covers the eastern side of the District and is dominated by the historic market town of Newark. The area includes the sub regional centre of Newark and the principal villages of Sutton-on-Trent and Collingham.
43. *Newark.* The allocations, together with the SUEs will deliver the significant scale of development sought by the CS and RS. To meet the required growth for the area large scale sites for housing (NUA/Ho/1-10), mixed use (including retail) (NUA/MU/2-4) and employment (NUA/E/1-4) have been allocated. Three policy areas have been identified where allocated sites are encompassed by a wider regeneration area, the Newark Showground or Newark industrial estate.
44. The scale of development is linked to the provision of new infrastructure and the CS identifies strategic highway schemes and infrastructure necessary to support the growth. The IDP and CIL<sup>28</sup> provide guidance on delivery. The allocations set out where local improvements are required as a result of development and these have been taken into account in the viability assessments and timeframe for delivery.

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<sup>28</sup> EB1 and LDF15

45. NUA/MU/1. The use of this site is affected by the delivery of strategic infrastructure improvements<sup>29</sup>. **MM50** alters the wording to make the traffic implications clear. It sets out the requirements for development indicating what uses can take place at the site before and after the infrastructure improvements are implemented.
46. NUA/MU/3. A number of modifications are made to this allocation (see also paragraphs 38 and 39 of this report). This is an important regeneration site, as the existing NSK factory is likely to move out, leaving a relatively large, vacant area within Newark. However, this is not going to occur until the latter stage of the Plan which allows time for the review of housing and retail figures (**MM3 and MM15**) to revisit (if necessary) the allocated uses with long term viability and deliverability in mind. **MM59** adds a sentence seeking a masterplan which will clarify the type of employment provision in line with wider aims for the area, at that point. **MM55** makes clear that the allocation is to provide *comparison* retail and not *convenience* for which there is no need for allocated sites. **MM57** adds wording to ensure that the type of comparison retail and its impact on the town centre would be taken into account. **MM58** inserts a sentence to ensure that the industrial heritage is investigated, as the site may be of some interest.
47. *Sutton on Trent*. The SA<sup>30</sup> indicates that the key issues associated with Sutton on Trent are the impact on existing open spaces within the village envelope and the character of the conservation area. ST/MU/1 occupies open land at the centre of the village. However, the Main Open Area Review<sup>31</sup>, which is robust, indicates that the land could be removed from the MOA without detriment to the character of the area. Having seen the site I agree with this conclusion and concur that its central location makes it highly accessible and the most preferable site in the village. There is no evidence base as yet for additional community facilities within the village which might require extending the allocated area. However, **MM85** adds a sentence before the allocation recognising local residents' desire for such facilities which may, if justified, come forward through development control process. **MM87** adds words to the policy ensuring that a masterplan forms part of the planning application to enable the range of allocated uses to be delivered in the right place within the site.
48. *Collingham*. A large site Co/MU/1 has been allocated for housing, employment, allotments and public open space. **MM75** clarifies the quantity of employment land to ensure it meets the needs of the village. The viability issues for this site are soundly addressed by the approach set out under issue 1.
49. Alternative site Co/AS/2 is designated as MOA and is part of a wider area which contributes to the streetscene and the character of the village. However, it is within the village envelope in a more accessible location than Co/MU/1. Although the site has limited public access I have already concluded that the MOA review was robust and the site has value as a MOA<sup>32</sup>. Alternative site Co/AS/1 sits outside the village envelope where the Options

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<sup>29</sup> EB1 Infrastructure Delivery Plan

<sup>30</sup> ADM6 Sustainability Appraisal

<sup>31</sup> EB23 Main Open Area review, table for Sutton on Trent

<sup>32</sup> EB23

Report<sup>33</sup> indicates that it is constrained by tree preservation orders and limited access. Co/MU/1 by contrast provides scope for comprehensive approach to a mixed development which would benefit the village and meet the CS requirements.

## SOUTHWELL AREA

50. The Southwell area covers the southern part of the District and is focussed around the Minster town of Southwell which is a service centre, and includes the principal village of Farnsfield.
51. Southwell: Southwell is a town of outstanding architectural and historic interest, the protection of which has led to difficulties in finding sites within the existing town envelope. While there were a significant number of representations promoting high density development for housing sites closer to the town centre to reduce the need for greenfield allocations, the SA<sup>34</sup> clearly concluded that the limited potential within the town would necessitate extensions to the existing urban boundary.
52. There is a range of heritage constraints which restrict the quantity of development likely to be accommodated without detriment to the historic environment on brownfield allocations (So/Ho/6, So/Ho/3, So/MU/1). For these allocations the amount of housing was justifiably assessed at a density of 30 dwellings per hectare (dph). Although representations were made about extending So/Ho/6 into the adjacent brownfield site, 'Tucks Yard', having seen the site, I agree with the Highway Authority's view that access arrangements appear inadequate and the site is not suitable for allocation at this time<sup>35</sup>. The Southwell Depot site So/Ho/7 has been assessed at a density of 40 dbh. Nevertheless, the approach to density is justified and an extension to the Southwell boundary is necessary to meet the required housing.
53. Background documents including the Newark and Sherwood Landscape Character Assessment (EB21), SA (ADM6), Southwell Landscape Setting Study (EB24A), Southwell Gateway Sites Assessment (EB25) and the Strategic Flood Risk Assessment<sup>36</sup> influenced the allocation process, including the employment sites So/E/1/2/3 and the evidence base for site selection is clear and convincing.
54. Modifications **MM93 – MM129 and MM131 – MM133** strengthen and clarify wording for the Southwell housing, mixed use and employment allocations to ensure that appropriate landscaping, consideration of flood risk, and sensitive treatment and protection of the historic environment to minimise the impact take place. Modifications **MM134, MM135, MM136 and MM137** to the wording of policies So/Pv and So/Wh and the policy map, protecting views of Southwell and Thurgarton Hundred Workhouse (an important listed building), will ensure that key views and buildings are protected. Although the wording of the allocations recognises that flooding, in particular surface water run-off must be taken account of in the development process, modifications identified

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<sup>33</sup> ADM16 Options Report para 4.72

<sup>34</sup> ADM6 Sustainability Appraisal, page 14

<sup>35</sup> Council's response at the hearing session.

<sup>36</sup> EB32, 33 and 34 Strategic Flood Risk Assessments

under issue 5 provide clarification on what is required of the developer and when this must take place. I am satisfied that other, more detailed matters about design and highway requirements could be dealt with at the planning application stage. The allocations of sites within Southwell therefore meet the land use requirements of the CS whilst conserving the important historic character and landscape setting of the settlement.

55. There is uncertainty about funding of the Southwell bypass and concern about its effect on the historic environment; however, the protection of the route is required by NCC. It is identified in the Nottinghamshire Local Transport Plan<sup>37</sup> and no alternative arrangement can be made at this time. However, **MM3** takes account of the uncertainty of delivery, adding flexibility by enabling a review in 2015/16 when circumstances may have changed.
56. The Options Report<sup>38</sup> identified alternative site So/AS/3 as having potential, but I agree that it would not be as preferable as allocated sites for residential development at this time as the line of the bypass would hinder integration and access to services and facilities. Alternative site 4, land at Crew Lane-Fiskerton Road, suggested for mixed use would also be hindered by the Southwell bypass and would extend the town boundary to a considerably greater extent than other allocated sites to the detriment of the setting of Southwell.
57. Land west of Allenby land (OR: So/Ho/1) was considered suitable for residential development at the Options Report stage but it is less preferable than allocated sites as it has less of a defensible boundary and is further outside the town boundary than allocated sites.
58. *Farnsfield*: Fa/MU/1 and Fa/Ho/1 are at the edge of the village, but form logical extensions to existing built up areas. Access would be appropriate for the allocated development and detailed matters can be dealt with at the planning application stage.
59. Alternative site Fa/AS/2 was put forward at the Options stage for comprehensive development with sites Fa/Ho/1 and alternative site Fa/AS/1, all subject to a Sustainability Assessment. However issues of ownership, highways and visual prominence together with the lack of opportunity for deliverable employment land led to the option of Fa/MU/1 and Fa/Ho/1 being taken forward as the preferred approach. Although Fa/AS/2 was put forward on its own by a representor some time after the publication document had been submitted, I am satisfied that the site had already been through a robust process for selection and had not been taken forward for the reasons given.
60. The A&DMP approach to Southwell area provides the development sought by the CS whilst protecting the historic character and landscape setting of Southwell. It is backed up by robust evidence and is the most appropriate strategy when considered against reasonable alternatives.

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<sup>37</sup> CD1 Local Transport Plan

<sup>38</sup> ADM16 Options Report Southwell section

## NOTTINGHAM FRINGE AREA.

61. This area is within the Green Belt where the main settlement is Lowdham. The A&DMP approach to the Green Belt and Lowdham is set out earlier in this report. I have already concluded that the adverse effect on the Green Belt would outweigh the provision of housing to meet the CS target and the housing shortfall does not therefore go to the heart of soundness of the plan.
62. *Alternative sites.* Notwithstanding my conclusion on the Green Belt review, representations were made about alternative sites. Lo/Ho/3 was put forward in the A&DMP and is of lower importance to the Green Belt<sup>39</sup>. However, **MM159** takes the allocation site out of the A&DMP. This site, for 3 houses, gains access from a narrow lane. The exact dimensions of the lane came to light through the submission of a recent planning application at the site. The Highway Authority objected to the allocation after considering the dimensions inadequate to provide safe access. Although the representor considers that this could be overcome, without certainty, in the form of agreement from the Highway Authority, there would be insufficient justification to remove this site from the Green Belt. The modification therefore takes out a potentially undeliverable site.
63. Site OR:Lo/MU/1. The results of the Strategic Flood Risk Assessment Level 2, Phase 2<sup>40</sup> indicated that the level of flooding across the site amounted to some 60% of the site. The representor has submitted a Flood Risk Statement which shows part of the site within Flood Zone 1 but does not rule out flooding from more extreme events and that the land would need to be raised. There are significant historic issues with flooding in Lowdham and any possible flood risk at the site which could lead to uncertainty over deliverability would not justify the land being removed from the Green Belt.
64. The A&DMP adopts the appropriate strategy for Nottingham Fringe Area protecting the important Green Belt and no reasonable alternative exist that would be preferable to the Council's allocated sites.

## SHERWOOD AREA.

65. The Sherwood area covers the north west of the District. It includes the service centre of Ollerton and Boughton and the principle villages of Edwinstowe and Bilsthorpe.
66. 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. There would be increased recreational pressure placed on the Birklands & Bilhaugh SAC by the additional population arising from new homes in the vicinity. The A&DMP did not make the protection of these sites explicit. Modifications **MM218**, **MM285**, **MM289**, add wording to the Sherwood Forest Visitor Centre Policy ED/VC/1, Policy DM5 - Design, Policy DM7 - Biodiversity and Green Infrastructure, and the Glossary in Appendix A make sure that potential effects

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<sup>39</sup> EB22 Green Belt Study ref 08/0280

<sup>40</sup> EB34 Flood Risk Assessment



are avoided wherever possible and mitigated against or compensated for if this is not possible. The modifications have been agreed with Natural England.

**MM303** adds a section to the glossary with further explanation about sustainable alternative natural green space and how this is relevant to SACs.

67. *Ollerton and Boughton*. The allocations meet the CS requirements for the settlement to help regenerate the area and reinforce its role as the main centre in the area. The Viability Assessment<sup>41</sup> indicates that allocations OB/Ho/1, OB/Ho/3 and OB/Mu/1 are unviable. However, the approach to address this and promote deliverability is soundly addressed under issue 1 of this report. Development management policies DM5 and DM7 will be sufficient to address any local biodiversity and character issues on sites OB/Ho/1 and OB/E/3.
68. *Edwinstowe*. The allocations would provide the housing identified in the CS to meet local housing need and support employment in the area. Although the allocations Ed/Ho/1 and 2 are greenfield, having seen the sites, I agree they form logical extensions fitting neatly into the pattern of development within the village and they would not affect the setting of the Sherwood Forest Country Park. Any concerns about local traffic arising from their development, including when combined with the visitor centre traffic, and the location of appropriate points of access will form part of the detailed planning application. The approach to viability is addressed under issue 1 of this report.
69. Alternative site Ed/AS/3 would have a considerable visual impact when viewed from the northern approach to village, compared to the two allocated sites which sit close to the road frontage.
70. *Bilsthorpe*. The housing, mixed use and employment allocations will meet the CS aim to provide development to regenerate the village. As with Edwinstowe the allocations are logical extensions and will not affect the setting of the village.
71. Alternative site Bi/AS/6. The representor indicates that there are two adopted access points, the local character would not be affected and the site has been promoted for years. However, the allocated sites are easier to develop and the access points are yet to be constructed. I agree that views from the south and west would make this a less preferable site than those allocated.
72. The A&DMP approach to the Sherwood Area is therefore backed up by robust evidence and is the most appropriate strategy when considered against reasonable alternatives.
73. MANSFIELD FRINGE AREA
74. The Mansfield Fringe Area covers the western part of the District. It includes the service centres of Rainworth and Clipstone. The principal village of Blidworth lies within the Green Belt, the boundary of which abuts the southern edge of Rainworth. The allocations support the CS aim to assist regeneration in this area which has suffered from large scale job losses from the decline in coal mining in the area. None of the sites in this area are identified as viable

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<sup>41</sup> EB11 Residential Allocations Viability Assessment

in the Residential Viability Assessment<sup>42</sup> for the first five years of the Plan. The approach to viability is set out under issue 1 of this report.

75. The allocations have taken into account a potential SPA designation in the area. Development management policy DM7 covers the protection of European sites and the Habitat Regulations would apply to the plan and any future planning applications.
76. *Rainworth*. Two large housing sites and an employment site (Ra/Ho/1 and 2 and Ra/E/1) are allocated, making effective use of land in and adjacent to the village. **MM235** amends wording to Ra/Ho/2 clarifying access points, to protect highway safety. Having seen the sites, I agree that Ra/E/1 would be better suited to employment than housing. This is due to its location which is cut off slightly by main roads and it would be less easy to integrate into the pattern of development within the town than the housing allocations.
77. *Clipstone*. Cl/MU/1 is the former Clipstone colliery, a key regeneration site within the existing settlement boundary which will meet the development sought by the CS and support Clipstone's role as a service centre in the area. The allocation makes it clear that the Grade II listed headstocks and power house of the old colliery have been taken into account in determining the number of dwellings and other uses proposed. In co-operation with English Heritage **MM255** adds a sentence seeking the conservation of the listed structures whilst looking at options for their future at the site.
78. Cl/MU/1 and Ra/MU/1 will provide retail provision in Rainworth and Clipstone in line with the CS need to strengthen retail provision in these locations.
79. *Blidworth*. The village is within the Green Belt and I consider the approach to site allocations set out under Issue 2 of this report to be sound. **MM270** introduces a sentence making the position clear on the housing shortfall.
80. There is some uncertainty over the delivery of Bl/Ho/4 which cannot be developed unless another site is found for the existing allotments. However, the housing is not identified to come forward until the last phase of the Plan (2023). The review proposed by **MM3** will enable the progress of the site to be reviewed again and the A&DMP is flexible enough to cope with any changes in circumstances.
81. Alternative sites OR:Bl/Ho/4 has not been taken forward for a combination of reasons, including access and mining subsidence (following advice from the Coal Authority). The potential risks associated with this site would not justify its removal from the Green Belt.
82. The approach for Mansfield Fringe takes account of distinct characteristics of the area. The strategy is the most appropriate when considered against all reasonable alternatives.

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<sup>42</sup> EB11 residential Viability Assessment

## **Issue 4 – Omission Sites**

### ***Whether there are any other sites that should be allocated in the Plan.***

83. With the exception of the Green Belt villages of Lowdham and Blidworth the site allocations meet the relevant targets of the CS. They have all been subject to full SA and, subject to the main modifications in this report, are all sound. Therefore it is unnecessary to make further allocations to make the Plan sound. Written and oral representations have been made about several sites which were rejected at the Options Report stage. Alternative sites have been addressed in the previous section of the report. For the following sites, I agree with the Council that they were not reasonable alternatives for the following reasons:

- X5(Southwell). There are unresolved access constraints and the site is constrained by trees.
- X5 (Lowdham) and X6(Lowdham) and a smaller extension to the Plan allocation Lo/Ho/1. These sites are prominent in the Green Belt and identified in the GB review of importance to the openness and purposes of the GB. The adverse effects would therefore preclude them.
- X2(Lowdham) leads off an existing housing estate. Although it is of lower importance to the Green Belt, the estate only has a single point of access to the main road and this already serves several roads within the estate. Despite traffic surveys and parking results, I am not convinced that Highway Authority's objection could be overcome and the lack of certainty would not justify removing the site from the Green Belt.
- X5 (Rainworth). This is a very large site of the former Rufford Colliery which is available for development. However, the key reason why it has not been allocated is that it sits in a remote location some distance outside settlement boundaries and is the least sustainable location when compared to the allocated sites. It does not offer the benefits of sites within Clipstone and Rainworth which are within or adjacent to these settlements. There are unresolved ecological issues with the presence of protected species at or near the site.
- X5(Blidworth). The site is served by a narrow road which according to the highway authority can only accommodate development of Bi/Ho/3. As there is doubt over highway safety it would not justify the site being removed from the Green Belt.
- X8 (Blidworth) and land to the north. The sites are important in meeting the purposes of the Green Belt.
- X11(Collingham) is in multiple ownership and its deliverability is uncertain.
- X11 Edwinstowe (Villa Real). The open frontage along Mansfield Road at this point is important to the character of the village. Development to the north would be detrimental to the wider countryside setting of the village and potentially affect Sherwood Forest Country Park and the SAC.

84. I conclude that the site selection process has been properly applied to these sites and the alternative sites already mentioned in this report. There are no other overriding reasons why they should be allocated to make the Plan sound.

**Issue 5 - Are the implementation and monitoring mechanisms for delivery reasonable and effective.**

IMPLEMENTATION

85. There were two main areas of deficiencies for implementation. These were the firstly the phasing policies and secondly the responsibility for meeting the requirements of the allocations. Two other modifications include the identification of strategic policies for the purposes of neighbourhood planning and the identification of superseded policies.
86. *Phasing.* The policies sought to restrict development in order to achieve a steady supply of housing. The effect of this would be that some sites would prejudice the delivery of others which had implications for the overall delivery of allocations. This was not in accordance with the Framework which seeks planning permission to be granted for sustainable development which is deliverable.
87. A significant number of modifications are proposed which remove phasing policies Co/Ph/1, ST/Ph/1, So/Ph/1, Fa/Ph/1, Ra/Ph/1 and Cl/Ph/1 and alter the wording of policies NUA/Ph/1, OB/Ph/1 and Bi/Ph/1 deleting the reference to maintaining a steady supply of housing. In areas where the phasing policy has been removed, wording seeking phasing of the site relating to infrastructure has been inserted into the relevant allocation (Co/MU/1, ST/MU/1, So/Ho/4 and 5, Fa/MU/1, Ra/Ho/2, Cl/MU/1). (**MM72 MM78, MM91, MM92, MM108, MM116, MM130, MM148, MM150 MM193, MM223, MM233, MM247 MM255, MM256, MM302**).
88. *Responsibility.* A main concern affecting delivery of the allocation policies is that they did not indicate how they would be developed or when the individual requirements of the allocation would be addressed. The wording of the bullet points was misleading, not making clear that it is the detail that is required (for example for archaeology) rather than the principle. To address this modifications are made to nearly all of the allocations adding, where necessary, the method of delivery such as a masterplan or design brief. The policies are reworded and now make clear the responsibility for the various requirements set out, when they should be addressed and who will deliver them. The modifications will ensure that the development delivery in this regard is clear.
89. *Strategic Policies.* **MM312** introduces a list of Strategic Policies for the purposes of neighbourhood planning as Appendix F, to be consistent with national policy. The aim is to assist those producing a plan or order at a local level, as the list identifies the Plan policies that they must be in line with. Consultation took place from 19<sup>th</sup> September to 15 October 2012 and the responses were taken into account. The basis for the identification of the policies is robust and includes those which cover the whole of the District, policies allocating land which will deliver a large percentage of the future

requirements in that location and policies allocating land which require a change in the Green Belt boundary<sup>43</sup>.

90. *Superseded policies.* **MM311** introduces Appendix D which is a list of superseded policies for the purposes of clarification and the effective implementation of the Plan.

#### MONITORING

91. A weakness of the A&DMP was that it did not adequately indicate when allocations were to be delivered or have measurable targets to monitor against. To remedy this, a section on monitoring and review was introduced at the beginning of the Plan (**MMs 1 – 16**) setting out housing, retail and employment figures and how they will be monitored. This section also indicates that a formal housing and retail review will take place in 2015/16 to add flexibility (addressed earlier in this report). A section is added to the Glossary (**MM302**) at Appendix A adding further clarity to the Council's approach. **MM308, MM309 and MM310** adds development trajectories to enable the monitoring to take place against deliverable targets throughout the plan period. The modification will ensure that the A&DMP can be effectively monitored to assist in delivery of the allocations throughout the plan period.
92. A number of modifications have been made to town centre, settlement and main open area boundaries taking into account the allocations within the Plan. Subject to the modifications the measures for implementation and monitoring are reasonable and will aid effective delivery of the A&DMP.

#### ***Issue 6 - Development Management Policies. Are they consistent with the National Planning Policy Framework and the Core Strategy? Are they aimed at positively promoting the strategy that the Council is seeking to implement?***

93. The A&DMP contains twelve development management policies including the model sustainability policy DM12 introduced as **MM300**. They cover planning obligations, renewable and low carbon energy generation, design, householder development, biodiversity and green infrastructure, development in the open countryside, protecting and enhancing the historic environment, pollution and hazardous materials, retail and town centres. With the exception of modifications to DM3, most of the modifications relate to points of clarification or strengthening of wording.
94. *DM3 Developer Contributions.* The policy did not accord with paragraphs 203-205 of the Framework. It wrongly relied upon the requirements of an untested SPD which meant that there were hidden costs for development. Most of the allocations made reference to the requirements of the SPD, in conflict with the Framework which indicates that planning obligations can only be sought where they are necessary to address the unacceptable impacts of development. To make the Plan sound on this point **MM278** and **MM279** delete the wording of DM3 and its justification. They introduce new wording about developer contributions and planning obligations explaining that infrastructure is to be provided through a combination of CIL, planning

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<sup>43</sup> ADM 22 Strategic Policies consultation

obligation/developer contributions and funding assistance from the Council. The wording makes clear that planning applications will be expected to provide appropriate infrastructure. This is to be tested against paragraphs 203- 205 of the Framework.

95. The new policy wording indicates that the Planning Obligation/Developer Contribution SPD will provide the methodology for delivery and the basis of calculation contributions/infrastructure, and will not, in itself, make new requirements. The new text introduces a section on viability and the Council's approach to planning obligations and contributions to ensure that schemes are not made unviable by excessive burdens. The modifications ensure that DM3 is consistent with the Framework. The allocations have been modified to reflect the new wording.
96. *DM5 Design*. A number of modifications are made to this policy clarifying wording on green infrastructure, character, biodiversity and neighbours' amenities, including additional factors to be taken into account (**MMs 280 - 287**).
97. *DM7 Biodiversity and Green Infrastructure*. Changes to the wording, including the insertion of a new paragraph, were agreed with Natural England to set out the method by which SANGS will be sought and that it should be provided in perpetuity, and to reflect changes to DM3 set out above. (**MM288 and MM289**).
98. *DM8 Development in the Open Countryside*. Wording is amended or added for clarity and/or to reflect the Framework guidance for new isolated dwellings. The provision for small scale employment uses (to be assessed against the range of other DM policies) would be consistent with the Framework requirement to support sustainable economic growth in rural areas. (**MMS 290 – 294**)
99. *DM9 Protecting and Enhancing the Historic Environment*. Following consultation with English Heritage, the wording is strengthened to include historic landscapes, registered parks and gardens and scheduled ancient monuments. Criteria are added to the section on archaeology indicating how this policy is to be complied with. (**MM295, MM296, MM297**)
100. *DM11 Retail and Town Centre Uses*. Wording is added to clarify when sequential testing will be required (**MM298**). This is based on the retail advice forming a background document<sup>44</sup>. To be consistent with the CS core policy 8 Retail Hierarchy, **MM299** adds a sentence indicating that development adversely affecting the vitality and viability of town centres will be resisted.
101. The development management policies are not over-prescriptive and have been positively prepared. They allow material considerations to be adequately assessed and a balanced overall approach to be taken to development. I am satisfied that with the proposed modifications the development management policies are consistent with the Framework and will bring about and guide development including the A&DMP allocations promoting the strategy sought by the CS.

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<sup>44</sup> EB19 Retail Capacity and retail Proposals at Newark

## Assessment of Legal Compliance

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

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Allocations and Development Management Policies Development Plan Document is identified within the approved LDS of September 2010 amended in 2012, which sets out an expected adoption date of April 2013. The A&DMP'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-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations HRA has been carried out and is adequate.
National Policy	The A&DMP complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The A&DMP is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The A&DMP complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

103. **The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**

104. **The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix A the Newark and Sherwood District Allocations and Development Management Policies Development Plan Document satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Christine Thorby*

**Inspector**

This report is accompanied by the Appendix containing the Main Modifications

## **Appendix – Main Modifications**

The modifications below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

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