



**NEWARK & SHERWOOD DISTRICT COUNCIL
ALLOCATIONS & DEVELOPMENT MANAGEMENT
DEVELOPMENT PLAN DOCUMENT**

MATTER 1 – COMPLIANCE AND PROCEDURAL
(Issues: 1 and 2)

**Statements on behalf of Newark & Sherwood
District Council**

November 2012

Issue 1: Has the plan been prepared in accordance with the relevant legal requirements, including the Duty to Co-operate and the procedural requirements of the National Planning Policy Framework?

- 1.1 The Newark & Sherwood District Council Allocations & Development Management Development Plan Document (the Plan) has been prepared in accordance with relevant legal requirements. The Council has complied with the Duty to Co-operate as set out in Section 110 of the Localism Act and has produced a Statement of Compliance with the Duty to Co-operate (ADM8) that demonstrates this. The procedural requirements of the National Planning Policy Framework (NPPF)(ND10) and other relevant legislation have also been fulfilled.
- 1.2 Although the Duty to Co-operate came into effect in November 2011, the whole of the Local Development Framework (LDF) including the Core Strategy (CS)(LDF10), adopted in March 2011, has been produced in a co-operative manner, reflecting the Council's commitment to joint working and collaboration with relevant bodies. This means that all documents that form the evidence base for the LDF comply with the Duty to Co-operate.
- 1.3 The Council has worked with all relevant public bodies and other authorities throughout the process of the preparation of the LDF, meeting regulatory requirements. The details of this are laid out in the Duty to Cooperate Statement (ADM8). Although Blidworth Parish Council believes that the District Council has not cooperated with Neighbouring Authorities on the production of the Plan, ADM8 demonstrates that this is not the case. Mansfield District Council and Gedling Borough Council have both been involved in the ongoing production of the LDF, as set out in Question 2 of the Council's Responses to the Inspector's Initial Questions.
- 1.4 The process of consultation and the representation process were in accordance with legal requirements and full details of this are given in the Statement of Consultation and Representation (ADM4). All statutory consultees and other interested parties who were consulted are listed in appendices A, B and C of ADM4.
- 1.5 As required by the NPPF (ND10), the Plan draws upon a base of up-to-date evidence about the economic, social and environmental characteristics and prospects of the area. The NPPF also obliges local planning authorities to co-operate on planning issues that cross administrative boundaries, and the Council has fulfilled this requirement as described above. Furthermore, the Plan is considered to be sound in terms of the four criteria in paragraph 182 of the NPPF.
- 1.6 Other legal requirements relevant to the preparation of the Plan are laid out in the Planning and Compulsory Purchase Act 2004 (the Act) and The Town and Country Planning (Local Planning) (England) Regulations 2012. Correct procedure has been followed in the preparation of the Plan in accordance with these requirements, including fulfilling the obligation to contribute to the achievement of sustainable development set out under section 39 (2) of the Act.
- 1.7 The Plan has been prepared with regard to the Sustainable Community Strategy for the District and the County, set out in Appendix B of the CS, as required by the Act. A Statement of Community Involvement (LDF1) has also been prepared, as required.

Issue 2: Is the Plan in general conformity with the RSS and consistent with the National Planning Policy Framework? Does it reflect the National Planning Policy Framework's presumption in favour of sustainable development?

- 2.1 The Plan is in general conformity with the RSS (RD1) and it is consistent with the NPPF (ND10), reflecting its presumption in favour of sustainable development.
- 2.2 As set out in the proposed modifications, Policy DM12 states that the Council will pro-actively work with applicants to secure development that improves social, economic and environmental conditions, goals that are in line with the priorities of the NPPF. In the absence of material considerations that indicate otherwise, applications that accord with the policies in the Plan or to which no up-to-date policies are relevant will be approved without delay. The Local Plans and the National Planning Policy Framework Compatibility Self-Assessment Checklist (ADM20) provide confirmation that the Plan is in accordance with the NPPF. The policies of the Plan are also in line with the RSS and the importance that it places on sustainable communities and the simultaneous advancement of economic, cultural and environmental objectives.
- 2.3 The policies in the Plan are consistent with the NPPF (ND10) and the RSS (RD1) in ensuring that the natural and built environment is protected and enhanced, promoting local distinctiveness. Within the Plan, site specific policies make sure that development respects the character, setting and appearance of Conservation Areas, Listed Buildings and other heritage assets. The Plan also ensures that development is characterised by appropriate design, density, layout and landscaping; and that due consideration is given to archaeological considerations. These policies are in accordance with both the NPPF and the RSS.
- 2.4 Through the Plan, the Council positively seeks to meet the objectively assessed development needs of the area. The Plan, where appropriate, requires applicants to prepare flood risk assessments, assess access issues, consider the impact of proposals on biodiversity and ecology and take account of other recognised local issues. These local policies as well as the overall strategy behind the Plan are consistent with the objectives of the NPPF (ND10) and the RSS (RD1).