



Newark & Sherwood District Council

**Matter 1:
Duty to Cooperate and Other Legal Requirements**

October 2024

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Issue 1 – Whether the Council has Complied with the Duty to Cooperate in the Preparation of the Plan

Q1.1 What are the relevant cross-boundary strategic matters that have arisen through the preparation of the Plan (defined as a matter having a significant impact on at least two planning areas)?

A: The Council has established a strong working relationship with authorities in the Nottingham Outer and Nottingham Core Housing Market Areas, in particular working on joint housing and employment evidence. We also regularly liaise with other neighbouring councils to the north, east and south of the district. Currently the only cross boundary issue to be addressed is the requirement for a strategic employment site to meet the needs of the logistics industry in Nottinghamshire. The Council will continue to work with the other authorities going forward through the review of the Plan.

Q1.2 What outcomes have resulted from engagement and cooperation on the relevant strategic matters and how have these informed the Plan’s policies, including in relation to:

- a. Housing (including any site allocations with cross-boundary impacts)**
- b. Gypsy and Traveller needs**
- c. Employment**
- d. Transport and Infrastructure**
- e. Environment (including water management and nature conservation)**

A: **a. Housing**

NSDC has worked with Mansfield District Council and Ashfield District Council, which collectively form the Nottingham Outer Housing Market Area, to produce joint housing evidence. This has informed the strategic approach set out in the [Amended Core Strategy](#). All parties have agreed to meet their own housing needs, as evidenced in the Memorandum of Understanding (signed by all parties in November 2017) in Appendix B of the [Duty to Cooperate Statement](#).¹

b. Gypsy and Traveller needs

NSDC has agreed to meet the district’s own needs and the Council has not received any requests from neighbouring Councils to meet their needs.

c. Employment

As set out in Paragraph 6.10 of the [Duty to Cooperate Statement](#) regarding strategic employment requirements, the Council is working with neighbouring Nottinghamshire Councils to address the findings of the [2022 Nottinghamshire Core & Outer HMA Logistics Study](#). There is a need to identify a suitable location for a large-scale logistics employment allocation within the vicinity of a key strategic route. Areas

¹ NB. A signed copy of the MoU (signed November 2017) is available to view. This version has not been published in order to comply with Data Protection Law and [GDPR Regulations](#).

of opportunity identified by the study include the Junctions 25, 26, 27 and 28 of the M1 (outside Newark and Sherwood District), the A46 or the A1 (within Newark and Sherwood District). This will form part of the next review of Newark and Sherwood's LDF moving forward. Opportunities exist on allocated sites to the south of Newark upon completion of the Southern Link Road (which links the A1 to the A46) towards the end of 2025.

d. Transport and Infrastructure

Except for any necessary infrastructure required for a strategic employment site, there are no other cross boundary matters relating to transport and infrastructure to be addressed at the current time. The Council continues to work with Nottinghamshire County Council and neighbouring authorities to identify and address strategic transport matters, including the evolution of [the Local Cycling and Walking Infrastructure Strategy \(LCWIP\)](#), which is a living document adopted by Nottinghamshire County Council. We regularly meet with transport planners at Nottinghamshire County Council and with rail companies serving the district to discuss matters relating to public transport and active travel. The following table provides a list of LCWIP projects for the district (these are all subject to securing funding):

Table 1.1 - LCWIP Programme of Projects for Newark and Sherwood District

Route Corridor	Type of Network	Funding Secured for delivery in 2022/23 – 23/24?	Proposed delivery priority – Short Term 2023/24 - 2025/26	Proposed delivery priority – Medium Term 2026/27 - 2030/31	Proposed delivery priority – Long Term 2031/32 - 2036/37
Beacon Hill Road to town centre, Newark	Local		✓		
Newark Bridleway 5/Cow Lane, Newark	Local			✓	
Newark to Coddington	Local			✓	
Winthorpe to Farndon via Newark town centre	Core			✓	
A616 (Newark to South Muskham)	Local				✓
Visitor Economy routes (Phase 1): Sherwood Forest Visitor Centre to Rufford Country Park via Edwinstowe. Ollerton Road, Mansfield Road, Edwinstowe.	Core		✓		
Clipstone to Southwell via Bilsthorpe and Farnsfield	Core			✓	
Ollerton Roundabout to Budby	Core			✓	
Strategic Corridors prioritised for beyond 2036/37					
A46 Newark to Lincolnshire	Core				
B6326 Fernwood to Newark	Core				
Burton Joyce to Gunthorpe	Local				
Clipstone Forest to Ravenshead via Rainworth and Blidworth	Local				
Fosse Road, Farndon	Core				
Lowdham to Fiskerton	Local				
Lowdham to Gunthorpe	Core				

NCN64: (B6326 London Road to Southern Relief Road), Balderton (core network)	Core				
NCN64: Winthorpe to Collingham	Local				
NCN64: NCN15 to Balderton	Local				
Newark Northgate Station to Balderton	Core				
Newark Southwest	Local				
Newark to Southwell via Fiskerton	Core				
Southern Relief Road, Balderton	Local				

Secondary Education

In terms of provision of/need for secondary school education, there is some overlap with Bassetlaw District to the north of the district and Mansfield to the northwest. Tuxford Academy (in Bassetlaw District) serves communities to the northeast, and Garibaldi School (in Forest Town, Mansfield) serves communities to the northwest of the district. Other secondary provision at Dukeries Academy in Ollerton and Joseph Whitaker School in Rainworth is within Newark & Sherwood. The [IDP](#) identifies a potential need to provide CIL monies to deliver secondary school expansion in this area. Nottinghamshire County Council has confirmed that the IDP is up to date and there is currently no requirement for expansion of a secondary school in this location. Regarding which school should receive CIL monies for expansion (if required), the Council will be informed by Nottinghamshire County Council.

Paragraph 7.5 of the AADMDPD sets out:

“Planning Obligations for appropriate infrastructure to meet the needs of development will take into account Amended Core Strategy Policy for Affordable Housing, the Infrastructure Delivery Plan [IDP](#), and the Open Space Assessment & Strategy and supporting evidence, including adopted Supplementary Planning Documents”

The [IDP](#) Paragraph 5.23 acknowledges the potential need to deliver expansion across the district boundary:

“5.23 The County Council has advised that there is also a surplus of secondary school places for the next 7 years. However, they have indicated that there may be a requirement to expand one of the secondary schools across the boundary to the north-east of the District and this has been identified as a potential project in the Infrastructure Funding Statement. 2023 pupil projections for Newark and Sherwood District secondary planning areas are referred to below, alongside potential mitigation measures.”

Environment

Flood Risk

Engagement with the EA regarding the Gypsy and Traveller site allocations on Tolney Lane has been ongoing throughout the development of the AADMDPD. The Environment Agency are statutory consultees for flood risk and have advised on the flood risk at the Tolney Lane site, which is currently at substantial flood risk, with the site being in flood zones 2, 3a and 3b. A Statement of Common Ground ([CD15](#))

between the Environment Agency and NSDC has been signed and sets out the following:

Areas of agreement

- The access road to the site, Tolney Lane, is in Flood Zone 3b and therefore at substantial flood risk; during flood events the site is cut off by floodwater. This has happened most recently during Storm Henk (December 2023).
- Through the 2017 review of the Strategic Flood Risk Assessment, the relocation of established and lawful existing pitches away from Tolney Lane was agreed to not be feasible as part of this round of plan-making.
- With regards to the proposed flood alleviation scheme, the Agency welcome the proposal in principle. The existing community at Tolney Lane are at very high flood risk. Adding flood defences to protect the existing community would be a significant betterment in comparison to the current situation.
- The Agency will continue to work with N&SDC to advise on flood risk, national flood risk guidance and the assessment of further scheme designs and modelling.
- Both parties agree over the benefits of taking a plan-led approach to development in the Tolney Lane area

Areas of disagreement

- The EA do not consider that it is appropriate for new pitches to be occupied until any flood alleviation scheme has been fully implemented.
- The EA consider that if it is not possible to protect the site to a 1% AEP + climate change flood event with the proposed flood alleviation scheme, there should be provision of a safe refuge or emergency dry access and egress for occupants of the site who have not evacuated.

Moving forward

Both parties will continue to work together to develop the flood alleviation scheme and options for mitigating the risk of a 1% AEP + climate change flood event. The Environment Agency will provide technical flood risk advice to inform N&SDC making decisions regarding their Local Plan

Biodiversity

Engagement with Bassetlaw has taken place to address any potential impact on Birklands and Bilhaugh SPA and Clumber Park SSSI. Two evidence reports have been produced to assess the effects on both designed sites. These are:

- [ENV4 Birklands and Bilhaugh SAC Recreational Impact Report](#); and
- [ENV5 Final Clumber Park SSSI RIA](#).

NSDC has signed a Statement of Common Ground with Bassetlaw District Council ([Bassetlaw Statement of Common Ground with NSDC](#)) in relation to proposals in Bassetlaw district. In particular, a new Garden Village was proposed to be located at Morton, near Retford. This site has since been withdrawn and deleted from Bassetlaw's Local Plan (adopted in May 2024).

Following the withdrawal of the Garden Village, Natural England subsequently advised that as Clumber Park is a SSSI (rather than a European level site) a strategic solution would be hard to justify as recommended within the [ENV5 Final Clumber Park SSSI RIA](#) (noting that the Garden Village was the main driver).

Advise note [ENV3 Natural England Advice Note on the Sherwood PPSPA \(2014\)](#) sets out:

“While no conclusion has yet been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interest, Natural England advise those affected Local Planning Authorities (LPAs) to be mindful of the Secretary of State’s decision in 2011, following Public Inquiry, to refuse to grant planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats was given significant weight.

In light of this decision, we therefore recommend a precautionary approach should be adopted by LPAs which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. This will help to ensure that any future need to comply with the provisions of the 2010 Regulations is met with a robust set of measures already in place.”

Evidence from the RIAs and Natural England’s Advice note on the Sherwood PPSPA have been considered through the Habitats Regulation Assessment (HRA). Paragraph 5.2 of the AADMDDP has been updated to ensure recommendations of the HRA are taken forward in the plan:

“5.2 The Area also contains some of Nottinghamshire’s most important nature conservation sites, including the Birklands & Bilhaugh Special Area of Conservation which is north of Edwinstowe. This is also the location of the Sherwood Forest Visitor Centre. The results of the Habitat Regulations Assessment carried out on the proposals in this DPD identified that:

• further housing development within an 8.9km zone of the Birklands & Billhaugh Special Area of Conservation (SAC) would likely impact on it by increasing recreational pressure. It recommends that this could be most appropriately remedied by the provision of Suitable Alternative Natural Green Spaces (SANGS) onsite. Where it is not possible develop SANGs on site applicants should work with the Local Planning Authority and Natural England to identify appropriate offsite proposals to relieve recreational pressure on the SAC within the surrounding area. This approach has been reflected in this DPD and also in the approach to the redevelopment of Thoresby Colliery allocated in the Amended Core Strategy.

• that within 400m of habitat which support populations of woodlark and nightjar and have the potential to be identified in the future as a Special Protection Area – known as the possible potential Special Protection Area (ppSPA) - that a risk based approach in line with Natural England advice should be followed and this is reflected within this DPD.”

The following site allocation policies have now been amended to reflect recommendations of the HRA:

Policy OB/MU/1 Ollerton & Boughton Mixed Use Site 1
Policy OB/MU/2 Ollerton & Boughton Mixed Use Site 2
Policy Ed/Ho/2 Edwinstowe - Housing Site 2
Policy Bi/Ho/2 Bilsthorpe - Housing Site 2
Policy Bi/MU/1 Bilsthorpe - Mixed Use Site 1
Policy Ra/MU/1 Rainworth - Mixed Use Site 1
Policy Cl/MU/1 Clipstone – Mixed Use Site 1
Policy DM7 Biodiversity and Green Infrastructure

Q1.3 Is the process of cooperation demonstrated by clear evidence, including Statements of Common Ground as expected by NPPF paragraph 27 and the Planning Practice Guidance? Do the Statements of Common Ground identify the relevant strategic matters, actions in relation to cross-boundary issues and the outcomes of the actions taken?

A: A Memorandum of Understanding was signed with Ashfield District Council and Mansfield District Council as part of the Amended Core Strategy DPD (2019) review process to address strategic housing matters (see Appendix A and B of the [Duty to Cooperate Statement](#)). The Council has reviewed this and considers it to be still relevant as it deals with strategic matters. The AADM DPDP deals with non-strategic site allocations and development management policies and the Council does not consider there to be any strategic matters to address within this part of the Local Development Framework. All neighbouring authorities were contacted by letter as part of the Amended Allocations and Development Management DPD review process and all have confirmed that the Council has complied with the duty to cooperate (see Appendix A and B of the [Duty to Cooperate Statement](#)).

Cross-boundary Infrastructure

Q1.4 Have the Plan’s transport impacts been considered on a cross-boundary basis, including the role of active and sustainable travel modes?

A: The September 2022 update to the transport chapter of the [Infrastructure Delivery Plan](#) considered impacts by all transport modes. The Amended Core Strategy focusses most new development in and around Newark-on-Trent which means transport impacts are also focussed within and around the town. Considering the distances between the town and the boundaries of the district cross-boundary impacts are not significant, particularly for active and sustainable modes of transport.

The updated transport impact calculations produced for the [Infrastructure Delivery Plan Update](#) (2022) estimated the increase in person trips by mode that will be generated by planned new development. The methodology used was robust and included person trips generated by developments that have been delivered since the previous [2017 IDP](#) assessment, as well as person trips that will be generated by currently proposed allocations.

For active travel modes, impacts are of a scale that can be largely accommodated by existing infrastructure and services within Newark-on-Trent, with developer-funded enhancements provided on a site-by-site basis, as appropriate. Forecast active travel trips in rural settlements are not significant and will be accommodated on existing infrastructure with suitable developer funded enhancements, as appropriate.

Traffic impacts were identified on the wider highway network within the district and on all significant roads connecting the district to adjacent authorities. The methodology used to estimate traffic impacts considered trips in and out of the district as well as trips passing through. No significant cross-boundary traffic impacts were identified.

One cross-boundary road, the A6097 at Lowdham, which connects the south of the district to neighbouring Rushcliffe Borough, was identified to be close to, or exceeding capacity by the end of the plan period (2033). However, this link is forecast to experience delays and congestion in the 2033 Reference Case (i.e. without any Local Plan development) and the AADMDPD does not make this situation any worse. In addition, the local highway authority, Nottinghamshire County Council already has a committed and funded highway improvement scheme for the A6097/A614 corridor between Ollerton and East Bridgford to address these issues.

The AADMDPD will therefore not result in any significant cross-boundary transport impacts.

Active Travel and Public Transport

See Table 1 above regarding plans for active and sustainable transport. A districtwide Active Travel Study has also been undertaken (by consultants appointed by NSDC) and is awaiting approval by the Council. Evidence from this document will inform future projects.

The Council also regularly meets with the Enhanced Bus Partnership, which comprises Nottinghamshire County Council, local bus operators, representatives of bus users, business groups, public sector organisations and other interest groups. The County Council has adopted a [Bus Service Improvement Plan](#) (BSIP) which sets out objectives for delivering an improved bus service in the county. Since 2021, the Enhanced Bus Partnership, through the BSIP, has invested £48.6m improving local bus services, buying new buses, introducing bus priority, and delivering improvements at bus stops. The East Midlands Mayoral Authority is now becoming involved in the BSIP and we anticipate further enhancements to public transport provision to continue through this mechanism.

Q1.5 In overall terms, is there evidence to demonstrate that, during the preparation of the Plan, the Council has engaged constructively, actively and on an on-going basis with relevant authorities and prescribed bodies on relevant strategic matters? Has the Duty to Cooperate been met in a manner consistent with paragraphs 24-27 of the NPPF?

A: Yes. Throughout the development of the Plan, the Council has continued to work with neighbouring authorities to ensure that cross boundary matters are being addressed. A [Statement of Common Ground](#) (SoCG) has been signed between NSDC and

Nottinghamshire County Council regarding developer contributions for infrastructure. The [Duty to Cooperate Statement](#) demonstrates, in Appendix A, that neighbouring authorities are in agreement that the Council has complied with the duty to cooperate. The only outstanding issue relates to the need for a strategic employment site for logistics. The Greater Nottingham Authorities have confirmed (letter in Appendix A of the [Duty to Cooperate Statement](#)) that NSDC is continuing to work with them to identify a suitable site.

NSDC has also signed a [SoCG](#) with the Environment Agency regarding the need for a flood alleviation scheme to support the delivery of Tolney Lane Gypsy and Traveller pitches. Regular meetings have taken place, and the Council continues to work with the EA to address this matter.

The [Statement of Consultation](#) confirms that the Council consulted the specific and general consultation bodies identified within [the Regulations](#) together with other bodies and individuals who had previously registered and interest in the process. These were sent either an email or a letter setting out the availability of the document and the consultation timescale along with details on how to respond to the consultation.

The [Statement of Community Involvement](#) provides details of the methods used by the Council to actively engage with a range of stakeholders, including prescribed bodies and other interested parties, including the general public. This SCI has recently been superseded by a [Revised SCI](#), adopted by the Council in June 2024 to reflect changes to allow public speaking at Planning Committee.

Issue 2 – Whether the Plan has been Informed by a Sustainability Appraisal

Q1.6 Is it clear how the preparation of the Plan and its policies has been informed by the Sustainability Appraisal (Integrated Impact Assessment – CD03) at each stage and how mitigation measures have been dealt with?

A: The Integrated Impact Assessment ([CD03](#)) is the sixth iteration of the IIA. The first related the Plan Review consultation on the Preferred Approach – Strategy which took place from 29 July 2016 until 23 September 2016. The second element assessed the Preferred Approach – Sites & Settlements, which was out for consultation between 12 January 2017 and 24 February 2017. The third related to the Publication Amended Core Strategy which was put out for a period seeking representations between 17 July 2017 and 1 September 2017. The fourth related to the Options Report for the Amended Allocations & Development Management Development Plan, which was out for consultation between 27 July 2021 and 21 September 2021. The fifth related to the Publication Amended Allocations & Development Management Development Plan Document (First Publication AADM DPD), which was out for consultation between 14 November 2022 and 9 January 2023.

The production of the IIA draws upon the Scoping Report which established the basis of the assessment. The Options Report set out the preferred approach to updating the Allocations & Development Management Development Plan Document (A & DM DPD) which was adopted in July 2013. The First Publication AADM DPD, drawing upon the Options Report, set out the updates to the [ADM DPD](#), and also updated the Amended Core Strategy policies relating to affordable housing to reflect the latest guidance and research.

The approach taken to Policy DM10 provides an example of how mitigation measures have been dealt with. The preferred approach was to amend the policy to, among other things, take account of the fact that the 2021 NPPF stated that opportunities to improve air quality should be considered at the plan-making stage. The preferred approach adds text to the policy that states that development proposals should identify opportunities to improve air quality or mitigate impacts, such as through traffic and travel management. This was assessed in upon the Options Report against making no changes to the policy.

The Options Report IIA concluded that for the ‘biodiversity’, ‘transport’, ‘climate change’ and ‘equality’ IIA objectives, the preferred approach would support the objective, but beneficial impact may be minor. For the ‘health’ IIA objective, there would be a potentially significant beneficial impact, and for the ‘natural resources’ IIA objective, there would be a strong and significant beneficial impact. The alternative option scored 0 for these, and both options scored 0 against other IIA objectives. The assessment of the preferred approach was more positive overall than the assessment of the alternative option. This provided a basis for taking the preferred approach forward, rather than the alternative option of making no changes.

The First Publication IIA reached similar conclusions about the preferred approach, with the impact on all the IIA objectives being the same apart from ‘biodiversity’ where it was now considered that there would be a potentially significant beneficial impact.

Policy DM10 was assessed against the IIA objectives rather than the alternative which was assessed as less positive. The preferred approach has therefore been taken forward into the AADM DPD, with new text added to Policy DM10 including: *'development proposals should identify opportunities to improve air quality or mitigate impacts, such as through traffic and travel management, green infrastructure provision and enhancement'*.

Q1.7 Does the Sustainability Appraisal robustly test the Plan against reasonable alternatives for the allocated sites for housing, employment and retail and other types of development?

A: Where amendments are suggested to improve clarity, update factual information, or respond to changes in national policy, it was not always considered necessary to test the preferred approach against alternatives. Rather, the preferred approach was tested against the IIA objectives to determine whether it was appropriate to proceed.

The approach taken to Policy NUA/Ho/2 provides an example of how the Plan was robustly tested against reasonable alternatives. The site was originally allocated for residential development for around 86 dwellings. The site included the District Council's Seven Hills Homeless Hostel and redevelopment of the site was dependent upon suitable alternative provision for the Hostel being made. The District Council determined, however, that the Hostel would be replaced on site and in addition the western part of the allocation was no longer available.

The preferred approach was to amend the allocation boundary to remove the area to the west and the operational area of the homeless hostel from the allocation, and for the site to be identified for around 25 dwellings. It was also proposed that access to the site should be from Hatchets Lane rather than Quibells Lane. In the Options Report IIA, the preferred approach was tested against the options of making no change or deallocating the site.

The Options Report IIA concluded that for the 'landscape and land use', 'climate change' and 'design' IIA objectives, the preferred approach would support the objective, but beneficial impact may be minor. For the 'sustainable communities' IIA objective, there would be a potentially significant beneficial impact. The assessment of the preferred approach was more positive overall than the assessment of the other two options, with deallocation being given the most negative score. This provided a basis for taking the preferred approach forward.

The First Publication IIA tested Policy NUA/Ho/2 against the IIA objectives rather than the alternatives were assessed as less positive, and concluded that overall, its impacts would be beneficial. The outcomes of the IIA assessments are reflected in Policy NUA/Ho/2 as it appears in the AADM DPD. The site is now allocated for residential development providing around 25 dwellings, with access to be provided from Hatchets Lane. A similar approach was taken to allocations for employment, retail, and other types of development.

Q1.8 What alternative options were considered, which were discounted and were the reasons for this clear?

A: The approach taken to Policy So/Ho/7 provides an example of how alternative options were considered, which ones were discounted, and what the reasons for this were. So/Ho/7 was allocated for 15 dwellings. The land to the rear of the allocation was covered by a route that was protected for the potential provision of a bypass. Over the course of the making of the Plan, it became apparent that there was no longer a requirement to provide a bypass for Southwell, and so there was no need to protect a route. It was therefore proposed that the preferred approach should be to amend the site area to include the whole of the depot site and increase the allocation to 18 dwellings. This also requires an amendment to the exiting Urban Boundary to better reflect the site boundary on the ground.

In the Options Report IIA, the preferred approach was assessed against the options of making no changes to the policy, or further enlarging the site. The preferred approach was considered to have a strong and significant beneficial impact in terms of the 'housing' IIA objective, because an increase to the total allocation capacity will provide additional assurance the housing needs of the District will be met on an already allocated and sustainable site. The alternative options were considered to conflict with the objective and potentially have adverse impacts. For the option of making no change, this was because it was considered that maintaining the total allocation capacity at a lower level than the site could accommodate may be detrimental to the objective of ensuring that the housing needs of the District are met. For the option of further enlarging the site, this was because it was considered that the additional land to the south of the site may not be deliverable, and pursuing an allocation which is not deliverable could cast doubt on the credibility of the spatial strategy that the Plan relies on.

The preferred approach was also considered to have a potentially significant beneficial impact in terms of the 'sustainable communities' IIA objective, because this site was already allocated and to increase the site capacity ensures a greater quantum of development will occur in a sustainable location. The alternative options were considered to conflict with the objective and potentially have adverse impacts. For the option of making no change, this was because it would not be sustainable for the site to be allocated for a lower number of dwellings than the site could now accommodate when it is located within Newark Urban Area. For the option of further enlarging the site, this was because again it was considered that the additional land to the south of the site may not be deliverable, and pursuing an allocation which is not deliverable could cast doubt on the credibility of the spatial strategy that the Plan relies on.

Against the 'landscape and land use' IIA objective, both the preferred approach and the option of making no change were considered to support the objective, but the beneficial impact may be minor. For the preferred approach, this was because increasing the site area to include additional land would ensure a more comprehensive development and enhancement of a wider landscape and more efficient land use. For the option of making no change, this was because provision for retention and

enhancement of existing screening is a requirement of the policy. The option of further enlarging the site was considered to conflict with the objective and potentially have adverse impacts. It was considered that increasing the site area to include additional land could ensure a more comprehensive development and enhancement of a wider landscape and more efficient land use. However, as this land may not be deliverable this could prejudice the site coming forward and result in no additional benefit.

All alternative scored equally against other IIA objectives, meaning that the assessment of the preferred approach was more positive overall than the assessment of the other two options, with further enlarging the site being given the most negative score. This provided a basis for taking the preferred approach forward.

The First Publication IIA tested Policy So/Ho/7 against the IIA objectives rather than the alternatives were assessed as less positive, and concluded that overall, its impacts would be beneficial. The outcomes of the IIA assessments were reflected in Policy So/Ho/7 as it appears in the AADM DPD, with the site allocated for 18 dwellings. A similar approach to that discussed here was taken to allocations for employment, retail, and other types of development.

A further proposed Main Modification to the site has been promoted through Matter 2 – Q 2.10 – Site So/Ho/7; due to highways constraints raised through the SHELAA process, the Council are now proposing a new Main Modification to revert the site capacity back to 15 dwellings. If the Inspector is minded to support this Main Modification a further assessment of the site through the IIA will need to be undertaken to support the Main Modification process.

Q1.9 Have any concerns been raised with regard to the Sustainability Appraisal, and if so, what is the Council’s response to those?

A: Yes, three representations including two from the same address have been submitted that are critical of the IIA’s assessment of Policy NUA/Ho/10. It has not been considered that the District Council’s approach to Policy NUA/Ho/10 should change or that any Main Modifications are necessary in the light of these representations.

One representor wrote that: ‘I do not believe The Integrated Impact Assessment Framework has been objectively assessed, seeming to be weighted in favour of the objectives, with little acknowledgement of the adverse impacts other than token wording being added to a policy without any real meaning.’

For example, this representor, referring to the ‘biodiversity’ IIA objective, wrote: ‘Q6 - the score of 0 Neutral (Policy has no impact or the effect is neutral) is erroneous as an ecological appraisal has identified the site as having ecological value therefore how can a 0 score of “having no impact” be recorded. The ecological survey suggests there is wildlife and grassland that is of at least district if not county level significance. This score should be a triple negative as it does not “increase biodiversity levels across the district or protect habitats” it is in direct conflict to the objective.’

The IIA’s assessment was: ‘An ecological appraisal has identified that the site has ecological value. The policy requires ecological evaluation, mitigation and enhancement which will protect and enhance biodiversity.’ Given that there will

inevitably also be some negative impacts on biodiversity, a score of neutral seems reasonable. The rest of the relevant material in the representations was comparable to that reproduced above.

While it is understood that the development of NUA/Ho/10 for residential use may be unwelcome for some local residents, the representations received about the IIA are not regarded as valid criticism.

A fourth representation was received regarding an additional site in Rainworth. The representor argued that their site should have been considered as part of the Sustainability Appraisal process. Given that the Plan Review has determined that there is no need for additional housing and employments it was not necessary to consider this site.

Issue 3 – Whether the Plan has been Prepared in Compliance with other Legal Requirements

Q1.10 Is the Habitats Regulations Assessment (CD04) robust and have the requirements of the Conservation of Habitats and Species Regulations 2017 been met? Are any modifications necessary for legal compliance with the Regulations?

A: Yes, the HRA is robust and meets the requirements of the Conservation of Habitats and Species Regulations 2017. Full details are included within the Technical Advice Note prepared by the District Council's HRA consultants submitted alongside this matter.

Q1.11 Has the Plan been prepared in accordance with the scope, timescale and content set out in the submitted Local Development Scheme (CD10)?

A: Yes, during the Plan Review process the Local Development Scheme has been updated on a regular basis to reflect process. The current LDS was adopted in July 2023 and, whilst the submission of the Plan was delayed by a few weeks, to allow a representor time to respond to the plan, the Council judges that a submission in January 2024 rather than late December 2023 is acceptable given the circumstances.

Q1.12 Has consultation been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement (CD14)?

A: Yes, consultation has been conducted in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement.

The District Council notified all parties that it was required to, of the subject of the local plan which it proposed to prepare, and it invited each of them to make representations about what a local plan with that subject ought to contain. The District Council also took into account any representation made in response these invitations. This satisfies the requirements of S18 of the Regulations.

Before submitting the Plan to the Secretary of State, the District Council made a copy of each of the proposed submission documents and a statement of the representations procedure available. The District Council also ensured that a statement of the representations procedure and a statement of the fact that the proposed submission documents were available for inspection, and of the places and times at which they could be inspected, was sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations. This satisfies the requirements of S19 of the Regulations.

The District Council submitted to the Secretary of State, a statement with all the information about representations received that is required in S22 of the Regulations ([CD12](#)). All relevant documents have been made available in line with S35 of the Regulations.

Newark & Sherwood District Council's [Statement of Community Involvement](#) (SCI) sets out principles of consultation on planning policy documents. The Statement of Consultation ([CD12](#)) sets out the details of the consultation undertaken.

Q1.13 Does the Plan include policies designed to ensure that the development and use of land in the District contributes to the mitigation of, and adaption to, climate change in accordance with the legislation?

A: [Section 19\(1A\) of the Planning and Compulsory Purchase Act \(2004\) \(as amended\)](#) states that Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

Overall, the policies within the Plan ensure that the development and use of land in the District contributes to the mitigation of, and adaption to, climate change in accordance with the legislation. The AADMDPD acknowledges that the District Council declared a climate change emergency on 16th July 2019.

Several of the allocations policies have been amended to include the requirement for the submission of a Site Specific Flood Risk Assessment and details of measures to mitigate the potential for on-site surface water flooding risk and management of run-off and ensure that flood risk is not increased elsewhere. Additionally, Policy DM5(b) includes significant requirements relating to flood risk and water management. Together, this contributes to the mitigation of climate change which will make flooding more likely.

Policy DM4 facilitates renewable and low carbon energy generation, which contributes to mitigating and adapting to climate change. This is supported by Core Policy 10 of the Amended Core Strategy (ACS). Together, these ensure that the mitigation of, and adaption to, climate change are key aspects of the Local Plan.

Q1.14 In what ways has Plan preparation and the Plan's content had regard to the aims expressed in S149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

A: Newark & Sherwood District Council is fully committed to fulfilling the obligations of [S149 of the Equality Act 2010](#). The 'equality' IIA objective is to ensure that there is equality of opportunity and that no individuals or groups are disadvantaged or discriminated against because of race, sex, disability, religion or belief, sexual orientation, gender reassignment, maternity and pregnancy, marriage or civil partnership, age, or social inequality.

An example of how the AADMDPD has regard to the aims expressed in [S149 of the Equality Act 2010](#) in relation to those who have a relevant protected characteristic is the approach taken to meeting the accommodation needs of the Gypsy, Roma, and Traveller communities (GRT). Based on a new Gypsy and Traveller Accommodation Assessment ([GTAA](#)), a comprehensive and strategic approach to meeting the locally identified pitch requirement of GRT households has been identified. The GRT communities are a recognised ethnic minority and as such fall under the protected characteristic of race.

All the GRT policies and site allocations were assessed by the IIA as having strong and significant beneficial impacts in relation to the Equality objective. The assessment of Policy GRT1 concludes that *'the policy quantifies the full accommodation needs for the District's Gypsy Roma Travellers identified through the Gypsy and Traveller Accommodation Assessment. This allows for the development of a detailed strategy to allow those needs to be met, providing equality in terms of access to accommodation.'*

[S149 of the Equality Act 2010](#) states that a public authority must, in the exercise of its functions, among other things, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The Act further states that this involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Providing equality in terms of access to accommodation clearly makes a significant contribution to meeting the requirements of sub-paragraphs (a) and (b). It also makes a significant contribution to meeting the requirements of sub-paragraph (c) because having, stable, secure long-term accommodation and a permanent address facilitates participation in public life other activity in which participation by such members of the GRT communities is disproportionately low. For example, it makes it much easier to register to vote, receive appropriate health care and education, apply for passports and driving licences, access utilities including internet provision and services such as waste collection.

[S149 of the Equality Act 2010](#) also states that a public authority must, in the exercise of its functions, among other things, have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The Act further states that this involves having due regard, in particular, to the need to:

- a) tackle prejudice, and
- b) promote understanding.

Providing equality in terms of access to accommodation clearly makes a significant contribution to meeting these requirements. Eliminating the necessity of households from the GRT communities residing in unauthorised and inappropriate locations will remove a major source of conflict with the settled community and promote greater social cohesion and understanding. It is likely that this will contribute significantly to the tackling of prejudice.

Q1.15 Has the preparation of the Plan complied with the Planning and Compulsory Purchase Act 2004 (as amended) Part 2 and the Town and Country Planning (Local

Planning) (England) Regulations 2012 (as amended) in all other respects, including in terms of:

- i. Having regard to the Planning Practice Guidance³ that the preparation of the Plan should take into account policies and proposals in Neighbourhood Plans;**
- ii. Making clear which policies will be superseded if the Plan is adopted.**

A: The District Council works closely with Neighbourhood Planning Bodies to ensure that the various elements of the Development Plan complement each other. Most made Neighbourhood Plans are in communities which do not have specific site allocations for development, of those that do, Farnsfield and Southwell are closely aligned with proposals in the AADMDPD and Fernwood reflects the Strategic Site allocation in the Amended Core Strategy.

Appendix A – Policies Amended or Deleted by the Adoption of this DPD in the AADMDPD ([CD01a](#)) sets out the status of each policy after the adoption of the DPD. There is also a table in Chapter 8 Homes For All sets out the status of the various policy replaced by the AADMDPD.

With regard to other elements of the Act and Regulations the Statement of Consultation ([CD12](#)), the Soundness Self-Assessment Checklist ([CD19](#)) and the answers to the various Matters Issues and Questions demonstrate that the Council has met the requirements of the Act and Regulations.

Q1.16 What is the up-to-date position with Neighbourhood Plan preparation in the District?

A: The Council's website contains up to date information on [Neighbourhood Plans](#) . In total, there are 8 made Neighbourhood Plans within the district:

- Bulcote Neighbourhood Plan
- Epperstone Neighbourhood Plan
- Farnsfield Neighbourhood Plan
- Fernwood neighbourhood plan
- Fiskerton-cum-Morton Neighbourhood Plan
- Kings Clipstone neighbourhood plan
- Southwell neighbourhood plan
- Thurgarton neighbourhood plan

Southwell NP is under Review and will be published for its formal six weeks consultation by the end of the year.

There are a further 5 designated neighbourhood planning areas. These areas are at various stages of [plan preparation](#):

- Clipstone Neighbourhood Plan (designated as a neighbourhood area on 9 October 2017)

- Collingham Neighbourhood Plan (designated as a neighbourhood area on 12 October 2020)
- Kneesall, Kersall and Ompton Neighbourhood Plan (designated as a neighbourhood area on 25 March 2015)
- Winthorpe with Langford Neighbourhood Plan (designated as a neighbourhood area on 26 February 2021)

Q1.17 Has Plan preparation had regard to the additional matters set out in Section 19 of the 2004 Act and in Regulation 10 of the 2012 Regulations?

A: With regard to section 19 of the 2004 Act, those matters not covered elsewhere in the Issue:

- In relation to section 1B and 1C the Amended Core Strategy provides the strategic priorities for the development and use of land in the District.
- In relation section 2(a) the Plan has been prepared with due reference to the National Planning Policy Framework, written ministerial statements and Planning Practice Guidance. These are referred to throughout the Council's response to the various Matter Issues and Questions.

With regard to [Regulation 10 of the Town & Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

“(a) policies developed by a local transport authority in accordance with section 108 of the Transport Act 2000.”

The Local Transport Plan (LTP) and the proposals within it have been considered throughout Plan preparation, both in reviewing the Amended Core Strategy and the AADMDPD. The transport and infrastructure evidence base [[Transport Infrastructure Delivery Plan Update](#) (2022), [2017 IDP](#) and [IDP 2023 Update](#)] reflect the proposals of the LTP, and the policies map contains any safeguarded transport proposals within the Plan.

As noted in the Council's response to Matter 2 Question 2.8 changes to the proposals of the LTP have led to the removal of the saved line of the Southwell by-pass. A number of other

“(b) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment;

(c) the need, in the long term—

(i) to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and as far as possible, major transport routes;

(ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures;”

In reviewing and considering the proposals within the DPD the Council has considered the impact of environmental factors through the [IIA](#) and the [SHELAA](#). The AADMDPD contains Policy DM10 (Pollution and Hazardous Materials) which sets out the Council's approach for dealing with such matters as part of the consideration of planning applications.

d) the national waste management plan

The Planning Directorate works closely with colleagues in Environmental Services to ensure that waste collection has been considered as part of the Plan Review process. Similarly, the Council has regular dialogue with Nottinghamshire County Council as the waste disposal authority and the associated responsibilities in relation to the Waste Local Plan, which the Council has contributed to the productions of.

e & f) Not relevant to Newark & Sherwood

Issue 4 - Core Strategy Review

Q1.18 The Core Strategy is due for review in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. What are the implications for the Amended Allocations & Development Management DPD resulting from a review of the Core Strategy?

A: The Amended Core Strategy (ACS) was adopted on the March 2019. It became five years old in March 2024.

The ACS contains a requirement for 454 dwellings per annum to be delivered over the plan period. This figure is higher than the current local housing figure of 437 dwellings a year and the latest five-year housing land supply indicates that the Council has a 5.82 year supply. In those terms therefore the Council judges that the ACS continues to be up to date.

The Council has sought to update the affordable housing policies in the ACS through the production of the Amended Allocations & Development Management DPD and also to complete the requirement to plan for Gypsy Roma Traveller communities which is set out in Core Policy 4 in ACS.

Whilst it is not possible to prejudge the outcome of the proposed government planning reforms, changes to the standard method for determining housing need and other reforms as currently laid out would result in the District having a changed housing target. Alongside this, it is already acknowledged that the requirement for an early review of GRT need set out in proposed GRT/1 will necessitate the commencement of the production of a new Local Plan for the District under the new regulations due to be in place next autumn.

Therefore, both the ACS and the Amended Allocations & Development Management DPD would be replaced at the same time.

It should be noted that representor 037 ([037/CP1/T1/T2/T3/T4/0086](#)) thinks that these matters should be dealt with as an amendment to the Amended Core Strategy, but by updating the policies as part of the ADMDPD we are in effect doing the same thing.