

Newark & Sherwood District  
Council

Amended Allocations &  
Development Management  
DPD

## Matter 1 Statement

Prepared by Fisher German on  
Behalf of Richborough



# 01 Introduction

- 1.1 This Matter Statement is prepared on behalf of Richborough in respect of their land interests at Allenby Road, Southwell, as illustrated on Figure 1 below. The site has been previously promoted and was included as a preferred residential site in the Allocations & Development Management Options Report (2011), however was not included in the subsequent adopted Plan in 2013.
- 1.2 The site remains a deliverable and logical location for growth within Southwell, a Service Centre behind only Newark, the Sub-Regional Centre, within the adopted Settlement Hierarchy, with the realistic prospect of the site being built out within 5 years.



Figure 1 - Illustrative Masterplan

- 1.3 In accordance with the transitional arrangements within the NPPF (Annex 1), as the final Regulation 19 consultation was undertaken on the 25<sup>th</sup> September 2023, the applicable NPPF for this Examination is the September 2023 NPPF (published on the 5<sup>th</sup> September 2023). It is however noted that the September 2023 NPPF predominantly reflects the 2021 NPPF, save for matters relating to sustainable energy generation.

# 02 Matter 1 - DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS

## 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.

- 2.1 As discussed within the other Matters Statements, there are fundamental issues relating to developing a Part 2 Plan to deliver the requirements of a Part 1 Plan which is already out of date, due to the strategic housing requirement being over 5-years old, thus regard should instead be had for Local Housing Need as derived from the Standard Method.
- 2.2 Paragraph 33 of the NPPF (September 2023) states that “*Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and **they are likely to require earlier review if local housing need is expected to change significantly in the near future**” [Our emphasis]. Amended Core Strategy was adopted in March 2029 and is therefore over 5 years old and the local housing need is ‘expected’ to change significantly, therefore a full review is urgently required. The Council’s latest LDS (July 2023)<sup>1</sup> does not include any such reference to a Part 1 Plan review (to include housing numbers) or timescales for such.*
- 2.3 Our view is that a review of the Amended Core Strategy would result in an increase in housing requirement for the reasons articulated below and in respect of Matter 3. Paragraph 74 of the NPPF (September 2023) confirms that “*Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum*

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<sup>1</sup> <https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/planning-policy/local-development-framework/local-development-framework/LDS-July-2023.pdf>

*of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need **where the strategic policies are more than five years old**" [our emphasis].*

- 2.4 Paragraph 76 of the Framework (December 2023) (which whilst not directly relevant to this Plan in terms of examination does provide a logical material consideration), affirms that there is no requirement to demonstrate a 5-year housing land supply if the adopted Plan is under 5 years old and if the adopted plan identified at least a 5-year of specific, deliverable sites at the time that its examination concluded.
- 2.5 As is clear in the Inspector's questioning, it is a requirement that this Plan will need to demonstrate a 5-year housing land supply, thus would seemingly pass the tests of Paragraph 76. Paragraph 76 however does not differentiate between Part 1 and Part 2 Plans, though it would certainly seem incorrect if the Council's strategic housing requirement as derived from a Part 1 Plan was safeguarded by a Part 2 Plan which itself was delivered when the Part 1 Plan, and its strategic requirements, were objectively out of date.
- 2.6 Due to the provisions of Paragraph 76 of the NPPF (December 2023), if this Plan is adopted, and found sound, then the Council would benefit from 5-years protection against the tests of 5-year housing land supply from the date of adoption. This means in practice that utilising a requirement that at the end of the 5<sup>th</sup> year from the adoption of the Amended Allocations and Development Management DPD, could be 11 years old or more (given the Amended Core Strategy was adopted in March 2019), and be impacted by housing delivery (over/undersupply) dating as far back as 2013 (the Amended Core Strategy Plan period base date), some 17 years from the end of the 5-year period (assuming adoption in 2025 and thus a 5-year protection period extending to 2030). It would clearly be inappropriate for an out of date housing requirement to be artificially prolonged through a Plan which does not itself consider or contain policies relating to the strategic housing requirement.
- 2.7 The calculation of 5-year housing land supply is inherently based on the strategic housing requirement, or when that requirement is over 5 years old, Local Housing Need as derived from the Standard Method. As the Council's calculation is based upon delivery during the Plan period, historic performance since 2013 forms part of the Council's calculations. In light of the standard method, it is clearly inappropriate for development from 2013 (11 years ago) to impact

development needs in 2024. Moreover, having regard for the potential implications of Paragraph 76, which may provide protection to 5 years post adoption (notwithstanding our arguments that this should not be the case), then historic development from 2013 could serve to frustrate housing delivery to 2030 or beyond (depending on the eventual adoption of this Plan). It is clearly in conflict with the NPPF and PPG for historic development from 2013 to frustrate delivery as much as 17 years in the future, when the housing requirement has not been tested in the interim, save for its initial adoption in 2019.

- 2.8 The Council in justifying their approach may set out that Local Housing Need is broadly comparable to the adopted housing requirement, therefore it remains robust. The adopted housing requirement is 9,080 dwellings over the period 2013-2033, or 454 dwellings per annum (dpa), whilst the Local Housing Need calculated in 2024 (utilising 2024 as the base year and also using the most recent affordability ratio (2023) results in a Local Housing Need of 437 dpa.
- 2.9 However, as confirmed in the Council's 5-year housing land supply calculation as submitted for this examination, and reflected by MIQ question 3.8, the effective housing requirement that is proposed is 371 dpa, due to historic over delivery. This is a significant reduction from the Local Housing Need requirement which should be applicable to this Plan (437 dpa), and which is applicable if one was to calculate 5-year housing land supply in Newark and Sherwood today, outside of this examination, due to strategic policies being over 5-years old (as evidenced by the Council's most recent housing land supply position statement - *Statement of Five Year Housing Land Supply 1st April 2024 – though this does not form an examination document*).
- 2.10 The difference is important, as the Standard Method calculation inherently includes historic delivery, as confirmed by the PPG. Therefore, when calculated, historic over/under supply does not need to be included, the figure derived from the Standard Method is the figure to plan for. Thus, should the strategic housing requirement be calculated now using the Standard Method, historic delivery as much as a decade ago should not be included, regardless as to whether this is over/undersupply. The minimum housing requirement figure had the Amended Core Strategy been reviewed immediately prior to this Plan being brought forward would have been a minimum of 437 dpa. This, as discussed in relation to Matter 4 is material both to this Plan, but also the function of Paragraph 76 of the NPPF, as clearly if this Plan is examined against a lower housing requirement, then the Council has absolved itself of ensuring the delivery of additional housing, despite it being

a national priority, based on an out-of-date requirement.

- 2.11 Moreover, despite the application of Paragraph 76, there is a chance that Paragraph 11 of the NPPF could be engaged, if it was agreed at Appeal that the strategic housing requirement is out of date, and thus all policies designed to deliver that requirement, or lower amount based on historic delivery, must also be out of date, meaning that the Plan could be very quickly found as unenforceable and essentially de facto out of date itself, even beyond the application of 5 year housing land supply tests.
- 2.12 The outcome of these considerations is that there is somewhat of an impasse in respect of the position this Plan finds itself in. This Plan is not, and cannot be made to be, via Main Modifications, a review of the strategic housing requirement, as that has never formed part of this Plan's development. Thus, to introduce such a measure at this late stage serves to entirely prejudice those who may have commented on such issues through the development of the Plan, including Regulation 19, had they formed part of this Plan's scope and remit. This Plan is clear throughout that its role is to deliver the updated development targets over the updated time period as introduced by the Amended Core Strategy (as is made clear in the Allocations and Development Management DPD Plan at Paragraphs 1.3, 1.10, 1.24, etc). However, this Plan cannot also be used to cement the status of a strategic housing requirement which will be over 10 years old by the end of the 5-year period following adoption of this Plan, as that is clearly also inappropriate.
- 2.13 The preferential route would be an immediate review of the Core Strategy's housing requirement through a full Plan review so it can be underpinned by an up-to-date housing requirement through the Standard Method. This would untangle many of the complications and potentially unwarranted scenarios as listed above. As per the question, Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires the review of a Local Plan (in its entirety, not simply separate elements) every 5-years. There is therefore a legal requirement for the Council to update the Development Plan as a whole within these timescales. The Council acknowledge that the adoption of this Plan completes the review of the Development Plan as a whole, but clearly the 5-year threshold will have been missed by some distance (likely 12 years since the adoption of the Allocations and Development Management DPD in July 2013).
- 2.14 The timescales taken since the Amended Core Strategy was adopted also points strongly to the delivery of a comprehensive Plan, as it has been demonstrated by Newark and Sherwood (who are

acknowledged to be one of the more efficient Local Planning Authorities in the country), that delivering a 2-part Local Plan system in a 5-year review period is likely simply unachievable, and the predominant route of the issues cited within these Matter Statements.

- 2.15 Whilst it is not directly material to this examination, regard must also be had for the potential requirements of the emerging NPPF published by the Labour administration, which may necessitate immediate review of Newark and Sherwood's development plan regardless. This is due to a potential significant increase in housing requirement above 200 dwellings per annum as a result of the updated proposed Standard Method (730 dwellings per annum). If the consultation NPPF was brought into force the Council would immediately fall short of the requisite 5-year housing land supply and paragraph 11 would be applicable. Using the Council's 2024 figures (which do not yet form an examination document but do form an updated assessment on supply), the Council's supply would drop from the present 5.8 year supply to a mere 3.3 year supply (assuming 730 per annum and including a 5% buffer as proposed by the updated NPPF).
- 2.16 Clearly in the context of the potential need for immediate review, combined with structural soundness issues relating to this Plan's remit in meeting out of date requirements, the Council may be well advised if such a requirement is published into National Policy, to begin preparatory works on a new plan immediately, rather than wasting significant time bringing this Plan into force.
- 2.17 Whilst we of course have sympathy for the Council who have invested time and resource into the development of this Plan, given the strategic requirements are out of date, we see no way this Plan can be effectively brought into force without a potential myriad of legal and planning complications, including the Plan being found immediately out of date, particularly if the new NPPF is introduced, removing the protections of Paragraph 76 and thus the Council's strategic housing requirement would be out of date. Regardless, at the very least this examination must conclude that Paragraph 76 of the NPPF (December 2023) is not applicable for the reasons articulated above.