



**Newark & Sherwood District Council**

**Matter 9:  
Environment**

**October 2024**

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## **Issue 1 – Whether the Policies Relating to Climate Change and the Natural and Built Environment are Positively Prepared, Justified, Effective and Consistent with National Policy**

### **Policy DM4 – Renewable and Low Carbon Energy Generation**

#### **Q9.1 How will the application of Policy DM4 ensure there are no unacceptable cumulative effects from solar energy development?**

A: Policy DM4 of the AADMDPD specifies that renewable energy schemes will be granted planning permission only when any detrimental cumulative impacts on the landscape character or urban form of the District, or the purposes of including land within the Green Belt, are outweighed by the benefits of the proposal. This will ensure that any cumulative effects from solar energy development are acceptable. Although the visual impacts of solar energy schemes can in some cases be minimal, it is recognised that some cumulative effects may arise and Policy DM4 makes sure that only where these are judged to be acceptable will development be permitted.

Subsequent to the submission of the Plan, the District Council prepared a [Draft Solar Energy SPD](#). This document provides guidance on the application and interpretation of local and national policy on major stand-alone ground mounted solar photovoltaic (PV) developments in Newark & Sherwood District, with special consideration given to protected local features. The Draft SPD was consulted on between 30<sup>th</sup> July 2024 to 24<sup>th</sup> September 2024. The District Council is currently considering the implications of the proposed changes to the NPPF recently consulted on by the Government and the impact this might have for the development of the Draft SPD.

The Draft SPD discusses cumulative impacts from solar PV developments, stating that the assessment of such applications in Newark & Sherwood District should take into account other consented, under construction and developed schemes that are of a similar nature, or otherwise contribute to a cumulative effect, both in the District and in neighbouring areas.

It is also the intention of the District Council to have a Landscape Sensitivity Study relating to solar energy conducted. This will be valuable in assisting the assessment of cumulative impacts. It will provide a baseline by creating a detailed picture of the development of solar energy schemes in Newark & Sherwood District and neighbouring areas, and it will also assess the sensitivity of landscapes to further such development in the light of existing cumulative impacts.

#### **Q9.2 Where Neighbourhood Plans identify sites for wind turbines that would require planning permission, how will the application of Policy DM4 ensure there are no unacceptable cumulative effects?**

A: Policy DM4 of the AADMDPD specifies that renewable energy schemes will be granted planning permission only when any detrimental cumulative impacts on the landscape character or urban form of the District, or the purposes of including land within the Green Belt, are outweighed by the benefits of the proposal. This will ensure that any cumulative effects from the erection of wind turbines are acceptable. Wind turbines can be prominent in the landscape but Policy DM4 makes sure that only where the

cumulative effects of such schemes are judged to be acceptable will development be permitted.

Policy DM4 refers to that Newark & Sherwood Landscape Capacity Study for Wind Energy Development. The Landscape Capacity Study includes the examination of cumulative developments and the consideration of their effect on assessed landscape capacity, as well as assessment of the sensitivity of the different landscape character types in the District to wind turbine development at a range of scales. The District Council has also produced a [Wind Energy SPD](#) which addresses the cumulative impacts of this form of development.

The Council is proposing two main modifications (MM6, MM7) to reflect changes in the NPPF in December 2023. However, following the Government's policy statement on onshore wind it is now clear that these modifications are no longer relevant.

The existing requirements in relation to Wind Turbines in Policy DM4 and those proposed in MM6 are no longer relevant as footnote 57 of the 2023 NPPF has been cancelled. It is proposed that MM6 should consist of the following sentence:

*"Applications to develop new wind energy schemes involving turbines of sufficient size to require planning permission will only be considered acceptable in areas set away from sensitive receptors."*

The proposed MM7 to Paragraph 7.10 should not be made as Supplementary Planning Documents cannot identify areas for onshore wind now that footnote 58 of the 2023 NPPF has been cancelled.

### **Policy DM5(b) – Design**

#### **3 – Amenity**

##### **Q9.3 How will the requirement to demonstrate adequate internal and external space in new housing be assessed?**

A: The Council will encourage developers to use the Nationally Described Space Standards in proposals as a starting point. The Council will be preparing a Design SPD that will provide more detail on what constitutes adequate internal and external in practice. It is not considered that the District suits an inflexible approach to amenity space and it is most appropriately judged on a case-by-case basis.

#### **4 – Local Distinctiveness and Character**

##### **Q9.4 How will the Landscape Character Assessment SPD be used to assess the effects of development proposals?**

A: The [LCA SPD](#) identifies specific policy zones which provides the basis for considering landscape issues as part of decisions over new development. The SPD will be used to evaluate development proposals by providing a framework for understanding the distinct landscape characteristics of the District. The assessment will help to mitigate negative effects and promote sustainable development that enhances landscape quality.

**Q9.5 Is the Policy based on up-to-date evidence and if so, what?**

A: Yes, the [LCA SPD](#) is based on a comprehensive landscape character assessment which has been prepared following the County-level methodology. The LCA offers an objective methodology for assessing the varied landscape within Newark and Sherwood and gives a greater understanding of what makes the landscape within the District locally distinctive. This is reflected through the identification of Policy Zones across the 5 Landscape Character Types represented within Newark and Sherwood, shown on Figure 1.1. The Landscape Character Assessment provides the basis for the implementation of Core Policy 13 and as a Supplementary Planning Document (SPD) of the LDF is capable of being a material consideration with within the planning process. The assessment is up-to-date and its contents are regularly upheld as part of Planning Appeals.

The local distinctiveness of the district is also captured in the various Conservation Area Character Appraisals ([ENV18](#)) which cover a number of the Districts' 47 Conservation Areas. The Conservation Team have a programme of preparing, reviewing, and updating such appraisals, having just completed Southwell, and currently finalising the first appraisal of Newark.

**Q9.6 Is the policy sufficiently robust to protect the District's distinctive landscape character and how will it be achieved?**

A: Yes, the policy is sufficient robust. It will be achieved through careful evaluation of development proposals against the identified landscape characteristics, ensuring that new developments enhance or maintain the landscape's quality.

**5 – Public Realm**

**Q9.7 Is the policy sufficiently robust to create new or strengthen existing street and public open space networks and how will it be achieved?**

A: Yes, the policy is sufficiently robust. It will be achieved by incorporating requirements for connectivity, accessibility, and the integration of open space into development proposals, ensuring that they contribute to sustainable development. Additionally, the policy encourages collaboration with stakeholders to enhance public realm design (Policy DM5a) and promote active travel options.

**Q9.8 Does the Open Space Assessment and Strategy (Evidence Base ENV1) correctly identify open space typologies for each site assessed and will it provide a robust mechanism for decision making on the amount of open space necessary in line with planned housing growth?**

A: Yes. The [Open Space Assessment & Strategy](#) (ENV1) was undertaken in accordance with the relevant methodology and identifies 6 open space typologies (parks and gardens, natural / semi-natural greenspace, amenity greenspace, provision for children and young people, allotments and cemeteries, churchyards and other burial grounds). All sites within the OSS have been categorised into one of these 6 categories. Where a site has amenity greenspace and a children's provision, these have been identified and categorised separately.

The OSS enables us to establish clear guidelines on the amount and type of open space necessary to meet the needs arising from planned housing growth (Table 22.3.2 in ENV1). This has enabled discussions with developers to ensure we seek the right type of open space. The OSS also forecasts future planned housing growth alongside anticipated population growth to illustrate what types of open space might be needed in the future (Chapter 24 of ENV1). This ensures that developments are adequately supported by appropriate open space provision, promoting healthy communities and environmental sustainability.

## **6 – Trees, Woodland, Biodiversity and Green and Blue Infrastructure**

### **Q9.9 Is the policy sufficiently robust to achieve its objectives?**

A: Yes, it is considered that the policy is sufficiently robust to achieve its objectives. The policy makes the consideration of natural features an integral part of the design process. This both strengthens protection for trees, woodland, biodiversity, and green and blue infrastructure, and also enhances the benefits to amenity that such natural features can bring.

### **Q9.10 Is the inclusion of biodiversity and green infrastructure necessary in light of the requirements of Policy DM7?**

A: Yes, the policy requires developments to contribute positively to biodiversity and to ensure that green infrastructure is integrated appropriately into planning proposals (not just as a requirement, but from a design perspective). This is distinctly different from the purposes of DM7.

## **7 – Ecology**

### **Q9.11 How will it be determined that a site provides a habitat for protected species in advance of the requirement for development proposals to provide an ecological assessment?**

A: This would be determined via two mechanisms. The first would be if pre-application advice were sought from the Council. Depending on the scale of the proposed development, the information provided by the prospective applicant often includes a Preliminary Ecological Appraisal which will have included an assessment of the broad habitats present and their potential to support protected species and Species of Principal Importance (i.e., priority species) listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. If this information is not provided as part of the pre-application information, the assigned planning case officer with support from the Council's in-house ecological expertise, will make an assessment as to whether the site is likely to support protected species or priority species and advise the applicant accordingly.

The second is the Council's '[Planning Application Local Validation Checklist](#)'. Section 16 which provides guidance on thresholds/triggers for development proposals that might affect protected and priority species, including encouragement to use the pre-application advice service. If applications have not involved a request for pre-application advice, and are not supported by an ecological assessment, at validation a

similar assessment to that outlined above for pre-application advice requests is undertaken to determine whether the application site is likely to support protected or priority species.

For those applications where the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)) would apply if planning permission were granted, the Council's [Local Validation Checklist](#) sets out in Section 7 the information required at a local level regarding biodiversity net gain. This includes detailed information regarding the habitats present, which by default assists with the assessment at validation as to whether protected or priority species are likely to be present.

## **10 – Flood Risk and Water Management**

### **Q9.12 Does flood risk and water management need to appear within Policy DM5(b) or should it be incorporated in some form into Policy DM5(c)?**

A: Flood risk and water management can be incorporated into Policy DM5(c) as it pertains to the assessment of development proposals. However, the text on SuDS could be incorporated within DM5(b) as it relates to the design of proposals.

### **Q9.13 What is meant by 'where the scale and form of development is appropriate' in paragraph 7.46 of the supporting text? Is it referring to major development? If so, how will the policy ensure minor development incorporate SuDS?**

A: The phrase 'where scale and form of development is appropriate' in Paragraph 7.46 refers to the suitability of development types in relation to their context, including both major and minor developments. The policy will ensure that minor developments incorporate SuDS by establishing clear guidelines and requirements for most development proposals, to manage surface water effectively.

### **Q9.14 Will the policy be effective in minimising surface water flood risk from developments of 9 dwellings or less?**

A: Yes. Core Policy 9 in the ACS is the overarching policy that sits above DM5a&b. This policy expects new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment.

Policy DM5b states that '*where possible, all non-major development should look to incorporate these same SuDS principles into their design.*' The Council believes this is sufficiently clear to be effective in minimising surface water flood risk from developments of 9 dwellings or less where this is appropriate.

## **14 – Design SPD and Design Codes**

### **Q9.15 What is the timescale for producing an SPD and will the operation of Policy DM5(b) depend on it?**

A: Preparation of the SPD will commence within the next financial year (2025/26). The SPD will provide further guidance on design, but Policy DM5(b) has been written in such a way that it can operate independently and without an SPD for the time being.



**Q9.16 Will the policy secure inclusive and accessible design as required by the NPPF? Is it clear what scale and type of development will trigger the requirement for design codes?**

A: Yes, the policy is inspired by Building for a Healthy Life and will be secured through the Development Management Process. Design Codes will be prepared by the District Council for specific areas in line with the NPPF and will not be required for planning applications by developers. The Council will determine when Design Codes are required based information available at the time and any site-specific characteristics to justify one.

**Q9.17 How effective will design codes be in the circumstance that some have not been prepared until later in the plan period (Ref paragraph 7.51 of the supporting text)?**

A: The policy will promote good design practices through existing policy wording and the eventual implementation of design codes will enhance overall coherence and quality in the long term.

#### **Policy DM5(c) – Sequential Test**

**Q9.18 How has national policy been taken into account in the formation of the policy and the allocation of sites with regard to (i) the Sequential Test and (ii) the drainage hierarchy?**

A: Policy DM5(C)

The NPPF as of 20<sup>th</sup> December 2023 and the accompany Planning Practice Guidance outlines the national approach towards applying the Sequential Test. DM5(c) has been developed within this framework of policy and guidance, and additional local content being provided to ensure an approach for which is appropriate to the District is provided. In this respect the Council rejects the representations (030/DM5C/T2/T4/0066 and 030/DM5C/T2/T4/00189) from Representor 30. This additional local content seeks to address the implications from paragraph 027 in the Flood Risk and Coastal Change section of the Planning Practice Guidance, which states;

*“For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.”*

The proposed wording sets out that in terms of the area over which the Test should be applied, this will be District-wide unless there are reasons for this to be further refined, with regards to wider provisions within the Development Plan and/or the

specific catchment of the proposed use. In addition, it was also felt necessary to also provide additional local guidance around where development is 'needed in those areas to sustain the existing community,' and specifically what housing proposals would need to do, to demonstrate this as part of the Sequential Test. With Main Modification MM9 (Core Document [CD05](#)) making clear that a settlement-level housing needs survey will not justify application of the test to that location alone.

Main Modification MM9 also introduces further clarity, in line with the contents of the Planning Practice Guidance, around the Sequential Test seeking to direct development away from those areas at highest flood risk from all sources.

### Allocations

With regards to site allocations, the only new allocations proposed are those to meet the needs of the District's Gypsy and Traveller communities. The site selection process has been subject to the Sequential Test, in a way that is consistent with national policy and guidance. This process is outlined in the Sequential Test Statement ([ENV15](#)).

Beyond this, the Amended Allocations & Development Management DPD provides for a review of existing housing, employment, retail, and mixed-use allocations. Through their original allocation, these sites have been subject to a robust and thorough Sequential Test process which was found to be sound. This original process followed between 2009-2012, was guided by the SFRA Level 1 Report ([ENV8](#)), SFRA Level 2 Part 1 ([ENV9](#)) and SFRA Level 2 Part 2 ([ENV10](#)). This is detailed through the Sequential Test Statement for the currently adopted DPD ([EB36](#) in the examination library for that examination).

In respect of these existing sites, the position for the review has been clear, in that sites will only be de-allocated where they have become undeliverable. Clearly a change to flood risk could represent circumstances where a site becomes undeliverable. Accordingly, a proportionate approach prior to the undertaking of a full new Sequential Test exercise was to review the flood risk position of those remaining sites (i.e. those which have not yet been completed and not covered by some form of planning permission). Where that risk has not changed, and/or the allocated use remains compatible with its flood risk vulnerability category, then it has been concluded that the site remains sequentially acceptable in flood risk terms. This position is important in order to provide continued certainty to landowners and developers with allocated land yet to come forward.

In terms of fluvial flood risk, there is only one remaining housing allocation (NUA/Ho/2, Quibell's Lane, Newark) identified through the SFRA Level 2 Refresh (ENV 14: [Main Report](#) and [Appendices](#)) as being at fluvial flood risk. Whilst it should be noted the site boundaries have been amended, the site retains a broadly comparable level of risk between its original allocation and review through this process. The site is therefore considered to remain sequentially acceptable. In terms of non-fluvial flood risk for the site this is not considered significant and is likely able to be managed in a way that does not render the site undeliverable.

Turning to existing employment allocations, these are considered through the NPPF to represent 'less vulnerable' uses in flood risk terms, and acceptable across Flood

Zones 1-3a without application of the Exceptions Test being required. The presence of a longstanding network of existing industrial estates across the District's sub-areas has been recognised as part of this review. With many of the remaining allocations either having been made within these areas or providing for their extension. Outside of where new strategic employment provision is being made at scale, and where a concentration of existing employment uses is absent, then continuing to identify additional land within or adjacent to industrial estates is most likely to provide for commercially deliverable employment land. It is also the case that this clustering of employment uses will provide opportunities for allied uses to locate close to one another. Therefore, from a sequential flood risk perspective there are sound reasons for continuing the locational approach towards the provision of employment land, without reconsidering the potential availability of alternative land elsewhere at lesser risk. Providing that is that the vulnerability of the use and flood risk level of the land remain compatible with one another.

The main issue to arise from the sequential review of existing employment land allocations was at Bi/E/1 (Land on the southern side of Brailwood Road). This was on account of the site's high surface water flood risk, and not due to its fluvial flood risk (with the site being located within Flood Zone 1). Whilst the risk has been identified as high, the Lead Local Flood Authority has not recommended the de-allocation of the land on the basis of this risk. It is also the case that the site would allow for an expansion of the existing industrial uses, and so there are site specific justifications over why development would be suitable to take place in this location. The SFRA Level 2 Refresh details what considerations a site-specific Flood Risk Assessment would need to address in order for the site to be acceptable in surface water flood risk terms. This provides an appropriate means for the site to be successfully brought forward for development, and so it remains sequentially appropriate. A main modification is proposed for Bi/E/1 in Matter 6 to address this issue. No other issues were identified with the existing employment allocations from a sequential flood risk perspective.

The single remaining mixed-use allocation with flood risk identified through the SFRA Level 2 Refresh was CI/MU/1 (Clipstone Colliery), where the level of flood risk appears to have remained broadly consistent between the two assessments and there is scope to manage the minimal level of flood risk through application of the Sequential Test at site level. There is now a resolution to grant permission in place for the housing element of the allocation, subject to the completion of the Section 106 Agreement. Accordingly flood risk for the most flood sensitive element of the allocation has been satisfactorily resolved through the planning process. Plans are in place as part of the 'Three Rivers Project' which seek to manage flood risk arising from the adjoining Vicar Water Country Park. Once delivered this will provide additional benefit to the site from a flooding perspective. No issues were identified with site allocations for retail proposed to be carried through into the new plan.

Where additional risk has been identified as a result of climate change, then the site profiles within the SFRA Level 2 Refresh have provided recommendations around what would need to be addressed through a future application on the site. This is considered to be an appropriate and effective way of ensuring that the development of allocated sites addresses the issue of climate change from a flood risk perspective. The conclusions over the impact from climate change on flood risk reached through

most recent assessment does not alter the sequential suitability of the approach towards site allocation.

The outcome from the Sequential Test review is outlined in the table below.

**Table 9.1 Sequential Test Review**

Site	SFRA Level 2 (2012)	SFRA Level 2 (2023)	Comments
<b>Housing Allocations (More Vulnerable Flood Risk Vulnerability)</b>			
<b>NUA/Ho/2</b> Quibell's Lane	FZ1: 20% FZ2: 80%	FZ1: 39% FZ2: 61%	Note that the site boundaries are proposed to be altered through the Amended Allocations & Development Management DPD – with an area within the northwest of the site and the central area hosting the now completed hostel being removed.  However, risk remains broadly comparable – with no increase having occurred between the two assessments.
<b>Employment Allocations (Less Vulnerable Flood Risk Vulnerability)</b>			
<b>NUA/E/4</b> Former NCC Highways Depot	FZ1: 0% FZ2: 0% FZ3: 100%	FZ1: 0% FZ2: 66% FZ3A: 34% FZ3B: 0%	Flood risk has reduced between the two assessments. Whilst there remains an area of the site in Zone 3A, a less vulnerable use would remain compatible with these Zones.
<b>So/E/2</b> Land to the east of Crew Lane	FZ1: 100% FZ2: 0% FZ3: 0%	FZ1: 86% FZ2: 14% FZ3A: 0% FZ3B: 0%	The SFRA undertaken for the current A&DM DPD showed the site as being entirely within Flood Zone 1.  There has been an increase in flood risk since this point. The SFRA Review 2017 (ENV11) took account of hydraulic modelling for Southwell, conducted after the severe flooding the Town experienced in 2013. This highlighted the area to the north as being at highest flood risk. The site boundaries have been proposed for amendment to reflect this modelling & remove the area at greatest risk.  The residual land has been assessed through the subsequent updates to the SFRA (ENV13 and ENV14). This shows an increase in risk to that previously assessed. However, the site represents an extension to an existing industrial estate, and so there are site specific justifications over why development would be suitable to take place in this location. The less vulnerable use would be compatible with this Flood Zone.
<b>OB/E/1</b> Boughton Industrial Estate North Policy Area	Mostly identified as FZ1, with small proportion (circa 1%) of the site in FZ2 & 3	FZ1: 96% FZ2: 1% FZ3A: 3% FZ3B: 0%	No notable increase in flood risk. The site represents an existing industrial estate, and so there are site specific justifications over why development would be suitable to take place in this location. The less vulnerable use would be compatible with these Flood Zones.
<b>OB/E/2</b> Boughton Industrial Estate (South) Policy Area	Predominantly FZ1, with less than 5% of the site within FZ2 and 3	FZ1: 97% FZ2: 0% FZ3A: 3% FZ3B: 0%	Increase to flood risk is marginal – with some pre-existing risk moving from FZ2 to FZ3a. Doesn't seem to affect any new parts of the site, however.  The site represents an existing industrial estate, and so there are site specific justifications over why development would be suitable to take place in this location. The less vulnerable use would be compatible with these Flood Zone.
<b>OB/E/3</b>	Not assessed in Level 2 part 2 – but visible	FZ1: 95% FZ2: 1%	Level of flood risk appears broadly consistent between the two assessments.

Land to the south of Boughton Industrial Estate	on mapping for OB/E/2  Small area along sites western boundary in FZ2 and 3	FZ3A: 4% FZ3B: 0%	The site represents an extension to an existing industrial estate, and so there are site specific justifications over why development would be suitable to take place in this location. The less vulnerable use would be compatible with these Flood Zones.
<b>Bi/E/1</b>  Land on the southern side of Brailwood Road	FZ1: 100%	FZ1: 100% FZ2: 0% FZ3A: 0% FZ3B: 0%	The site would represent an expansion of existing industrial uses in this location, and so there are site specific justifications over why development would be suitable to take place in this location. The less use would be compatible with the Flood Zone.  However, the latest SFRA Level 2 has identified the site as being at high risk of surface water flooding. A site-specific FRA will need to assess the risk from surface water in more detail and determine whether it can be managed and mitigated against without increasing risk elsewhere.  The risk of surface water and any changes to surface runoff would need to be managed through the design stage to allow it to be mitigated against, through sequential site design and SUDS to ensure no increase in risk elsewhere. This provides a means for the site to be successfully brought forwards for development.
<b>Ra/E/1</b>  Land West of Colliery Lane	Approximately 10% of the eastern part of the site is located within FZ 2 & 3.	FZ1: 92% FZ2: 1% FZ3A: 7% FZ3B: 0%	Level of flood risk appears broadly consistent between the two assessments.  The less vulnerable use would be compatible with these Flood Zones.
<b>Mixed Use Allocation</b>			
<b>CI/MU/1</b>  Land at the former Clipstone Colliery	Approximately 3% of the eastern edge of the site is located within FZ 2 & 3, the remainder being in FZ 1 & not subject to any other flooding issues.	FZ1: 96% FZ2: 2% FZ3A: 2% FZ3B: 0%	Level of flood risk appears broadly consistent between the two assessments.  The mixed use allocation will provide for the regeneration of a key site, incorporating 120 dwellings, 12ha of employment land, retail, and enhanced Public Open Space.  Given the minimal area of the site subject to flood risk there is plenty of scope to apply the Sequential Test at site level and ensure uses that either have the least flood risk vulnerability or that are water compatible are located in the areas at highest risk.

### Drainage Hierarchy

Policy DM5(b) 'Design' under criterion 10 'Flood Risk and Water Management', requires all applications for new development to demonstrate that all surface water discharges have been conducted in accordance with the principles laid out within the drainage hierarchy.

#### **Q9.19 Is there evidence to indicate that development will not increase flood risk to people and property?**

A: Yes, the Plan has been supported by a robust Strategic Flood Risk Assessment process, with updates to the Level 1 and Level 2 studies being provided. The recommendations of the assessments have informed site selection decisions and the integration of policy requirements into the plan. This provides an effective understanding of flood risk and

policy basis for the management of flood risk as part of new development, ensuring that it will not increase risk to people and/or property.

### **Policy DM5(d) – Water Efficiency Measures in New Dwellings**

#### **Q9.20 What evidence supports optional higher water efficiency requirement?**

A: The [Housing: Optional Technical Standards](#) produced by the Government encourage engagement with water companies to establish if there is a need to set higher optional water efficiency standards. As set out in the July 2021 Options Report ([OR1](#)), Anglian Water encouraged the Council to adopt such standards because the Anglian Water area (which supplies water to communities in the eastern parts of Newark & Sherwood) was judged to be an area of serious water stress. Anglian Water, Natural England and the Environment Agency have a joint approach of encouraging higher standards in the water supply area as a way of tackling water stress.

Areas of serious water stress are identified by the Environment Agency. In July 2021 they issued an updated list of areas of serious water stress and included the Severn Trent Water area within the list.

Paragraph: 015 (Ref ID: 56-015-20150327) of the [Housing: Optional Technical Standards](#) sets out how a local planning authority should establish a clear need based on:

- existing sources of evidence.
- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships. See Paragraph 003 of the [water supply guidance](#)
- consideration of the impact on viability and housing supply of such a requirement.

The Guidance identifies that the Water Stressed Areas Classification List produced by the Environment Agency is an appropriate existing source of evidence. The requirement to consult with the relevant water companies has been met as Anglian Water and Severn Trent Water are both supportive of the approach. These costs were included within the assumptions of the Whole Plan Viability Assessment ([WP1](#)) to ensure that the proposal did not have any impact on viability and by extension housing supply.

### **Policy DM6 – Householder Development**

#### **Q9.21 How have permitted development rights been taken into account in the formation of the policy?**

A: Paragraph 7.55 in the justification for Policy DM5 sets out that “*many proposals for householder development can be carried out with the benefit of permitted development rights.*” Policy DM6 (Householder Development) sets a framework for the consideration of householder development that does require planning permission.

**Q9.22 How will the retention of a reasonable amount of amenity space be quantified and assessed?**

A: The assessment of what is a reasonable amount of amenity space is a matter of judgement based on the site circumstances. The Council's [Householder Development SPD](#) provides more guidance on how these matters are considered.

**Policy DM7 – Biodiversity and Green Infrastructure**

**Q9.23 Biodiversity Net Gain became mandatory in February 2024. Is a main modification therefore required to update the policy wording?**

A: Yes, it is considered that a main modification is required to update the policy wording. MM10 should be disregarded and the District Council proposes the following main modification, which also adds a reference to the Biodiversity Gain hierarchy:

*'Development proposals in all areas of the District should seek to enhance biodiversity for species and habitats, taking into account the latest information on biodiversity including Nottinghamshire Biodiversity Opportunity Mapping, and the forthcoming Nottinghamshire & Nottingham Local Nature Recovery Strategy.*

*For those developments that are subject to the general Biodiversity Gain Condition if planning permission is granted, habitat creation and enhancements resulting in a net gain of at least 10% (or other value set by the Secretary of State by regulations) as calculated using the relevant biodiversity metric published by the Secretary of State, must be delivered by the development. The Biodiversity Gain hierarchy must be followed, and the proposed gains must be delivered for a period of at least 30 years from completion of the development.'*

**Q9.24 Is the approach to internationally, nationally, and locally designated sites consistent with national policy?**

A: National policy in respect of internationally, nationally, and locally designated sites is set out in the NPPF. Paragraph 185 states that plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national, and locally designated sites of importance for biodiversity.

In Paragraph 186, it is stated that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

Paragraph 187 states that the following should be given the same protection as habitats sites:

*"a) potential Special Protection Areas and possible Special Areas of Conservation;*

*b) listed or proposed Ramsar sites; and*

*c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”*

Following the UK leaving the European Union Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) no longer formed part of the European Union’s Natura 2000 ecological network. Consequently, via the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, a national site network was created containing those SACs and SPAs that existed at the time and with the provision to include any future designations made under the Regulations. Whilst those sites within the national site network are no longer ‘European Sites’ in terms of the Natura 2000 network, they are still of international importance.

Policy DM7 considers the impact on development proposals following a hierarchal format with the policy at section a) seeking to ensure protection of SACs and SPAs. However, it does refer to these as European sites, and the following minor modification is proposed with new material underlined “...or affecting European sites within the national site network (i.e., Special Areas of Conservation and Special Protection Areas) unless...”

This section of the policy makes suitable provision for any future designations that might occur within the lifespan of the plan.

Section b) provides a specific section of the policy to provide appropriate protection to the single site within the District that is within the national sites network.

Section c) deals with a unique situation within the UK regarding a possible future designation of land within the Sherwood Forest Area as a Special Protection Area, the first stage of which would be for the formal identification of a potential SPA.

Section d) then considers Sites of Special Scientific Interest which are the next and final tier of the hierarchy of statutory designated sites, and which are of national importance. Again, the policy seeks to afford appropriate protection from development.

The final tier of the hierarchy of sites designated for their nature conservation importance are non-statutory Local Sites, which are Local Wildlife Sites within Nottinghamshire. These are considered in Section e) of the policy which again aims to protect these designated sites.

It is therefore considered that DM7 is consistent with national policy.

### **Policy DM8 - Development in the Open Countryside**

#### **Q9.25 How has national policy and PPG on Rural Housing been taking into account in the formulation of the policy?**

A: Policy DM8 sits within the overall Spatial Strategy for rural areas, set out in Spatial Policy 3 of the ACS. Spatial Policy 3 sets out a criteria-based policy for new



development in rural areas. In relation to housing, it supports development in sustainable accessible communities which have local facilities and good access to higher order settlements elsewhere. In other communities which don't have facilities themselves, but are well related to those that do, limited infilling of one or two dwellings are permitted. Core Policy 2 (Rural Affordable Housing) of the ACS sets out the criteria for considering rural exceptions sites. This approach is in line with [Paragraph 009](#) (Ref ID: 67-009-20190722) of the PPG and the NPPF. Policy DM8 is in effect the policy that deals with development "not in villages and settlements" as set out in Spatial Policy 3 of the ACS.

Part 2,3 and 5 deal with residential development of various kinds that is acceptable in the open countryside. Taking them in turn;

- Part 2: relates to Rural Workers dwellings and sets out the detail for the consideration of such dwellings – and extensions to such dwellings in line with Paragraph 79a of the NPPF and Paragraph 010 of the PPG (Ref ID: 67-010-20190722).
- Part 3: New and Replacement Dwellings addresses parts b, d and e of Paragraph 79 setting out policies on new dwellings that are outstanding or innovative, that the subdivision of existing residential development is acceptable and supports the optimal viable reuse of heritage assets.
- Part 5: deals with the conversion of rural buildings which is supported in Paragraph 79 of the 2019 NPPF. A number of representors ([053/Para 7.74 \(DM8\)/T1/T2/T3/T40129](#) [053/DM8/T1/T2/T3-T4/0232](#) [072/DM8/T4/0196](#)) have objected that the policy wording and accompanying justification is too prescriptive and not in line with National Policy. The Council has addressed these concerns by proposing Main Modification 11 and CMA 12 and 13.

**Q9.26 What is meant by small scale employment development and how will that be determined?**

A: These are schemes which are modest in size and impact, of a scale not likely to require justification in the context of the Policy. It is, however, not considered appropriate to set a specific threshold as it is important there remains the ability to take account of site-specific circumstances and individual business models in determining what is 'small scale.' The aim of this section of the policy is to protect the open countryside from inappropriate levels and forms of development while supporting the economies of rural communities in line with Core Policy 6 of the ACS.

**Q9.27 How will 'close proximity' to settlements be defined in relation to community and leisure facilities?**

A: The purpose of this policy is to ensure that rural communities that want to provide new community and leisure facilities can do so in countryside locations nearby to the communities. In order to ensure that they can be sustainably accessed by residents, the Council requires them to be in close proximity to a settlement. The particular characteristics of each site and the nature of the facility will vary significantly and means it is not desirable to prescriptively define 'close proximity.' Therefore, it will be a judgement to be made as part of the assessment of any planning application.

**Q9.28 Is the expectation in paragraph 7.68 of the supporting text for applications to be accompanied by 3 years audited accounts justified? Does this requirement need to be set out in the policy wording?**

A: Yes, In order to make an appropriate judgement of the necessity for the rural workers dwelling, in line with [Paragraph 010](#) (Ref ID: 67-010-20190722) of the PPG, the status of the business that the residence will support needs to be understood by the Council and its agricultural consultant. In practical terms, it is considered that only after a sustained period of time can this judgement be made. This approach to dealing with rural workers dwellings has been in place in the district for over 25 years. The reason that the requirement is in the justification rather than the policy text is because it sets out the detail of implementation of the policy and it may be that in certain circumstances material considerations may indicate a different approach is taken.

**Q9.29 Overall, will the Plan contribute to the achievement of sustainable development? Are any main modifications necessary for soundness?**

A: As set out in the answer to Question 9.25, a Main Modification (MM11) and two Clarification Minor Amendments (CMA 12 & 13) are proposed to address representors concerns regarding the conversion of rural buildings. Following a recent appeal decision in relation to a battery storage unit in the District ([APP/B3030/W/23/3334043](#)), it has become clear that an amendment to the policy is required to clarify the status of renewable energy development in the open countryside and matters relating to best and most versatile agricultural land. It is proposed that a main modification should be inserted at the end of the policy to state:

*“Applications for renewable energy generation in the open countryside will be judged against Core Policy 10 of the Amended Core Strategy and Policy DM8 Renewable Energy.”*

In place of proposed Main Modification 12 which sort to reintroduce an element of the policy which had not been included in the Draft Plan, it is proposed to that main modification should be inserted at the end of the policy to state:

*“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection.”*

Taking into account to proposed main modifications submitted with the Plan ([CM05](#)) and those proposed above, the Council believes that the policy, will help to promote sustainable development in the open countryside.

**Policy DM9 – Protecting and Enhancing the Historic Environment**

**Q9.30 Is the policy positively prepared and justified by evidence in relation to the Farndon and River Devon Ice Age Landscape?**

A: Yes, the proposed policy has been positively prepared and justified through ‘Archaeology – Farndon and River Devon Ice Age Landscape Justification’ ([ENV17](#)). The Farndon and River Devon Ice Age Landscape is of national importance but lies outside the scope for designation under the 1979 Ancient Monuments and Archaeological

Areas Act (as amended), because it does not represent a 'work'. Government Policy addresses such sites through National Planning Policy Framework Footnote 72 and [Scheduled Monuments & nationally important but non-scheduled monuments](#) (DCMS, October 2013) The proposed policy provides a proportionate approach in-light of national policy and responds to the best information currently available. This information reflects finds from plough-soil collection (Area A), and where the geological conditions are conducive to material surviving at depth (Area B). Development of the policy has been subject to advice from Historic England, and the body have submitted representations in support of its introduction.

The Archaeology – Farndon and River Devon Ice Age Landscape Justification Paper ([ENV17](#)), drawing on further advice from Historic England, was made available at the Second Publication stage and provides a response to the representation from Representor 021 ([021/NUA AR 1/LC/T1/T2/T3/T4/0040](#)). The representor objected to introduction of the policy at the First Publication stage. No further representation was however submitted by Representor 021, either in response to the publication of ENV17, or the amendments made to the proposed policy between the two publication stages. These changes are intended to ensure that implementation of the policy is capable of having regard to the most up-to-date information.

Additional objections from representor 054 were raised against the proposed policy at the first publication ([054/NUA AR 1/PMAP/2/T2/0134](#)) and second publication ([054/NUA AR 1/PMAP/2/T2/0223](#)) stages. The amendment to the proposed policy around implementation was welcomed by the representor, but it remains the case that they consider the cited evidence does not support the classification of land within their control as sitting within Area A. The representation refers to the results of recent fieldwork, with the argument presented that the archaeological sensitivity of their land is best expressed as the potential for discoveries rather than known/defined areas of activity. However, whilst aspects of this fieldwork may prove useful, it is not at the point where it has been fully accepted by either the Council's archaeological advisors, the archaeological function of Nottinghamshire County Council or Historic England. Should this position change then the proposed policy approach contains sufficient flexibility to allow that evidence to inform how the policy is implemented.

**Q9.31 Does the Plan set out a positive strategy for the conservation and enjoyment of the historic environment in accordance with paragraph 190 of the NPPF and the Planning (Listed Buildings and Conservations Areas) Act 1990?**

A: Yes, Policy DM9 and the policies in the DPD (and the Amended Core Strategy) set out a positive strategy for conservation clearly identifying the need to respect heritage assets in accordance with their significance and recognising the contribution that they can make to regeneration, sense of place and quality of life. Policy DM9 identifies an approach to heritage assets, including identification of local assets which have bespoke approaches to them including various historic landscapes and Newark's Historic Core. The policy sets out a comprehensive positive approach for dealing with applications that involve all heritage assets.

The policy now makes reference to non-designated assets reflecting the Council's current review and update to its local list of non-designated assets against robust criteria. The introduction of ShA/L/1 Laxton, also demonstrates the Council's

commitment to preserving and enhancing the nationally important open field system and associated heritage assets.

**Policy DM12 – Presumption in Favour of Sustainable Development**

**Q9.32 The Policy repeats paragraphs 11 and 12 of the NPPF. Is it necessary to include this policy in the Plan?**

A: The policy was inserted into the original Allocations & Development Management DPD, as at the time such a policy was a requirement of national policy. This approach is no longer promoted and as such retaining the policy for this primary purpose may not be necessary. However, in seeking to address Nottinghamshire County Council's consultation responses the policy has been amended to include specific reference to the Minerals Local Plan and Mineral's Safeguarding Areas. If the Inspector is so minded the Council is happy to propose a Main Modification to amend and rename the policy to focus solely on addressing Nottinghamshire County Council's concerns in relation to Minerals Safeguarding.