

ECONOMIC DEVELOPMENT COMMITTEE

20 JUNE 2018

LOCAL DEVELOPMENT FRAMEWORK PROGRESS REPORT

1.0 Purpose of Report

- 1.1 To update Members on the progress of the various elements of the Local Development Framework (LDF) contained within the Local Development Scheme (LDS) timetable and to seek delegated authority to agree a statement of Common Ground with Mansfield District Council.

2.0 Background Information

- 2.1 The current LDS was adopted by Full Council on 11 July 2017 and came into force on the 12 July 2017. Full Council adopted the LDS to ensure that the Amended Core Strategy could be submitted for Examination in September 2017.

3.0 Progress

- 3.1 The Amended Core Strategy DPD (ACS) was submitted for examination on the 29 September 2017 in line with the Local Development Scheme. The Planning Inspectorate appointed Inspector Mr. Paul Griffiths BSc (Hons) BArch IHBC to carry out the Examination process. The Examination Hearings took place on 1 and 2 February 2018. The Inspector identified a small number of issues where he believed that the Council need to make modifications to the Plan to make the Plan sound. The Inspector has however following consideration (and several exchanges of correspondence) of the Gypsy & Traveller Accommodation Assessment concluded that a new assessment will need to be undertaken. This is obviously a disappointing conclusion and one which could have had the potential of delaying the conclusion of the Amended Core Strategy examination process; however the Inspector has proposed that a new GTAA should be conducted as part of the Plan Review work on the Allocations & Development Management DPD.
- 3.2 A recent ruling by the European Court on the process of ensuring that plans and programmes do not have adverse impact on a protected European habitat has also impacted on the ACS. Previously in order to satisfy the Habitat Regulations a screening assessment would be conducted which could include potential mitigation measures as part of the consideration on the impact on sites. Including such mitigation ensured that a more detailed Appropriate Assessment process did not have to be undertaken. However this approach has been ruled unlawful by the courts and this has required the Planning Inspectorate to write to all Plans subject to examination to ask if this has any implications for the Habitat Regulation screening work that has been undertaken. In Newark & Sherwood's case this has resulted in the requirement to undertake an Appropriate Assessment.
- 3.3 At the time of writing the Appropriate Assessment is being conducted by the Council's ecological consultants and it is anticipated that there will not be any material difference on the outcome of the earlier screening assessment. Once the Appropriate Assessment has been finalised, the main modifications the Inspector requires, will be subject to a six week consultation period. The District Council will also take this opportunity to consult on the

minor modifications it is proposing along with the findings of the Appropriate Assessment. Once this process is concluded the Inspector will consider any responses and prepare his Report.

4.0 Amendments to the LDS

4.1 The Local Development Scheme will need to be updated both to reflect the delays in the examination of the ACS and the requirement to undertake a new GTAA as part of the Allocations & Development Management DPD. As yet it's not clear when the inspector will conclude the Examination process so an amendment to the LDS will be tabled at the 12th September Committee Meeting. In the meantime Officers are drawing up tender documentation for the production of a new GTAA to inform the Allocations & Development Management DPD review.

5.0 Duty to Co-operate – Mansfield District Council

5.1 Within the Nottingham Outer Housing Market Area, Ashfield District Council like Newark & Sherwood District Council are at a post Hearing stage in their Plan production, our other partner Mansfield District Council is hoping to publish their Local Plan in September 2018. Whilst a memorandum of understanding has been agreed between the three partners, as part of the proposed changes to the Planning System and the National Planning Policy Framework each plan will be required to be submitted with a statement of common ground setting out how partners are working together. Mansfield District Council is preparing such as statement to accompany their Local Plan and have requested that the District Council sign up to it. It is not envisaged that any matters of concern will be raised as part of this process given that we have all already agreed to meet our own development needs, however if there were any points of disagreement this would be covered in the statement in any event and we would still be able to object if necessary.

5.2 Mansfield District Council is keen to progress their Local Plan and given the nature of the committee cycle it might not be possible to bring a proposed Statement of Common Ground to a future meeting. Therefore it is proposed that delegated authority to sign a Statement of Common Ground with Mansfield District Council and Ashfield District Council on the proposals within the Mansfield Local Plan be given to the (Acting) Chief Executive in consultation with the Chairman, Vice-Chairman and Opposition Spokesman and Chairman of the Local Development Framework Task Group.

6.0 Impact on Budget/Policy Framework

6.1 The Constitution gives responsibility to Economic Development Committee for agreeing the update of the Local Development Scheme.

7.0 RECOMMENDATIONS that:

(a) **progress towards meeting the timetable of the adopted Local Development Scheme be noted; and**

- (b) delegated authority to sign a Statement of Common Ground with Mansfield District Council and Ashfield District Council on the proposals within the Mansfield Local Plan be given to the (Acting) Chief Executive in consultation with the Chairman, Vice-Chairman and Opposition Spokesman of the Committee and Chairman of the Local Development Framework Task Group.**

Reason for Recommendations

To comply with the Planning and Compulsory Purchase Act 2004 and amending regulations and to allow the District Council to sign a statement of common ground with Mansfield District Council on their Local Plan.

Background Papers

Local Development Scheme July 2017.

For further information please contact Matthew Norton on Ext 5852

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