



NEWARK & SHERWOOD DISTRICT COUNCIL

Report to: Cabinet Meeting: 18 February 2025
Portfolio Holder: Councillor Claire Penny - Sustainable Economic Development
Director Lead: Matt Lamb, Director - Planning & Growth
Lead Officer: Matthew Norton, Business Manager - Planning Policy & Infrastructure, Ext. 5852

Report Summary	
Type of Report	Open report / Non-Key Decision
Report Title	Southwell Amended Neighbourhood Plan
Purpose of Report	<ul style="list-style-type: none">• To update Cabinet on the progress of the development of the Southwell Amended Neighbourhood Plan.• To approve the District Council consultation response to the Southwell Amended Neighbourhood Plan.
Recommendations	That Cabinet approve the District Council consultation response to the Southwell Amended Neighbourhood Plan as set out in Appendix A of this report.
Alternative Options Considered	It is necessary for the District Council to run the Regulation 16 Consultation on the Southwell Amended Neighbourhood Plan because Southwell Town Council have submitted a Neighbourhood Plan proposal under Regulation 15 (1) of The Neighbourhood Planning (General) Regulations 2012. Officers' comments are necessary to address issues around consistency with national and local planning policy, and to improve the precision and effectiveness of the Neighbourhood Plan in reaching decisions on development proposals in Southwell Parish.
Reason for Recommendations	To allow District Council to submit a consultation response on the Southwell Amended Neighbourhood Plan.

1.0 Background

1.1 The current Southwell Neighbourhood Plan was 'made' (adopted) in 2016 and since that point has formed part of the Development Plan for Newark & Sherwood- being used to assist in the determination of planning applications in the Neighbourhood Area. Since 2020 Southwell Town Council as the 'Qualifying Body' in this instance has been carrying out a review of the current Plan with the intention of modifying it and replacing it with an Amended Neighbourhood Plan.

- 1.2 The first formal stage in this process was the public consultation carried out under 'Regulation 14' of the Neighbourhood Planning (General) Regulations 2012 (the Regulations) between 25 July and 26 September 2023. The District Council provided a detailed response (**Appendix B** to this report) at that stage, with Planning Policy Board having considered the draft response before Cabinet provided approval for its submission.
- 1.3 Following this, Southwell Town Council submitted a Submission Draft version of the Neighbourhood Plan to the District Council under Regulation 15 of the Regulations. This submission met the requirements under Regulation 15, and so the District Council published the Neighbourhood Plan for comments under Regulation 16 of the Regulations. The period within which representors can make submissions concludes on the 19 February 2025.

2.0 Proposal/Details of Options Considered

- 2.1 District Council Planning Officers have prepared comments on the Submission Draft version of the Amended Neighbourhood Plan and these are attached as **Appendix A**. The Submission Southwell Amended Neighbourhood Plan and its proposed Design Code can be seen on the District Councils website.
- [Submission Southwell Amended Neighbourhood Plan](#)
 - [Submission Southwell Amended Neighbourhood Plan – Appendix 1 Design Code](#)
 - [Submission Southwell Amended Neighbourhood Plan – Appendix 1 Design Code Addendum](#)
 - [Design Assessment Evidence Base Document](#)
- 2.2 The Town Council has responded to a number of the significant concerns outlined at the previous stage, making amendments in line with the District Councils suggestions. This is particularly welcomed and reflects the positive engagement and input provided into the process.
- 2.3 Through the proposed response many of the points raised could be straight forwardly addressed by the Independent Examiner recommending either minor or more detailed modifications. Beyond this however areas of more significant concern have also been identified, which if left unaddressed will limit the effectiveness of the proposed Amended Neighbourhood Plan and present severe challenges to the District Council in seeking to implement it as part of the Development Plan.
- 2.4 The proposed Design Code represents one of the more significant areas of concern – with the District Council's comments from the previous stage not seeming to have been accepted. It is questionable whether some of the proposed content represents 'design coding' in its truest sense (a set of simple, concise, illustrated design requirements that are visual and numerical wherever possible to provide specific, detailed parameters for the physical development of a site or area). Whilst many of the design requirements also vary between either being too vague, or too precise and prescriptive. Parts of the Code also seek to control matters which sit outside of the Planning system.

- 2.5 Content included around Housing Mix, Type and Density requires greater flexibility to be implementable and the proposed requirement to remove permitted development rights from smaller dwelling types granted permission is considered disproportionate and as unlikely to meet the national tests around Planning Conditions. Removal of those rights would require the submission of planning applications for forms of householder development which would otherwise not need permission.
- 2.6 The necessary supporting evidence for the proposed designation of Local Green Space through the Neighbourhood Plan was not initially submitted and has now been provided. All consultees have been informed of this additional information.
- 2.7 Proposed policy content covering Green Infrastructure and Biodiversity is lengthy, and in order to assist implementation would benefit from being redrafted into a more easily interpretable format.

Next Steps

- 2.8 Where an existing Neighbourhood Plan is being 'modified' then there are 3 types of modification which can be made;
1. Minor non-material amendments;
 2. Material modifications which do not change the nature of the plan; and
 3. Material modifications which do change the nature of the plan.
- 2.9 The process to be followed differs for each type of modification, and the Town Council have previously been of the view that whilst the modifications proposed are 'material' they do not change the nature of the Neighbourhood Plan, as originally 'made' in 2016. However, the proposed introduction of a Design Code would on its own (ignoring the potential effect of other amendments proposed elsewhere) mean that the nature of the Plan would be fundamentally changed. This would mean that the amended plan would require both independent examination and a referendum before being 'made'. However, it is ultimately the decision of the independent Examiner to determine the effect of the proposed changes and what process will need to be followed.
- 2.10 Further engagement will take place with Southwell Town Council following the Cabinet meeting to discuss the content of the District Council's response, representations made by other parties and establish whether they wish to proceed onto examination. Should this be the case then an Examiner will be appointed.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Financial Implications – FIN24/25/9302

- 3.1 The District Council is responsible for the costs associated with the ensuing stages of examination and referendum of the Southwell Neighbourhood Plan. Funding from Central Government is available to cover these costs.

Legal Implications (LEG2425/4944)

- 3.2 Cabinet is the appropriate body to consider the content of this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Submission Southwell Amended Neighbourhood Plan.