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Dear Examiner,

Date

Southwell Amended Neighbourhood Plan – Regulation 16 Stage District Council Response

This letter provides the formal response from the District Council to the Regulation 16 stage of the Southwell Amended Neighbourhood Plan (ANP), and follows detailed input provided at the Regulation 14 consultation (appended).

In seeking to update the existing Neighbourhood Plan (NP) there are 3 types of modifications 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.

The process to be followed differs for each of the types of modification, and the Town Council have 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. It has been previously stated that no substantial additional areas of land for development have been allocated, and that the Plan’s approach towards development and conservation has not been fundamentally altered. However, the proposed introduction of a Design Code would on its own (and setting aside the 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 in the view of the District Council require both examination and a referendum. However, it is ultimately your decision as independent Examiner to determine the effect of the proposed changes and process to be followed.

General Comments

Please note that although due to transitional arrangements it may not be necessary to amend the document to take account of changes to the NPPF, it is recommended that the Qualifying Body may be content to do so because it will make it a more useful, up-to-date and comprehensible document.

It is clear from reading the submission ANP that there a number of presentational, formatting and spelling issues which would require addressing to aid the implementation of the plan. These can be picked up through minor amendments prior to a referendum, and have not been listed as part of this response.

Introduction

Paragraph 1.12- the examination of the Amended Allocations & Development Management DPD is currently underway, with the hearing sessions having concluded in November 2024. A further update on progress will be provided prior to the examination of the ANP, to inform a minor amendment prior to referendum.

Paragraph's 2.9 and 2.19- a further update on housing completions and Town Centre vacancy rates will also be provided.

Policies

Policy SD1 – Delivering Sustainable Development

Regulation 14 stage comments addressed.

Policy E1 – Flood Risk Assessments and Mitigation

Regulation 14 stage comments addressed. Minor amendment is suggested to paragraph 6.3 to remove specific reference to an officer at the Lead Local Flood Authority- 'Ross Marshall', a general reference to Nottinghamshire County Council would be more appropriate.

Policy E2 – Flood Resilient Design

No comments – the policy has been subject to amendment in line with advice from flood risk stakeholders.

Policy E3 – Green Infrastructure and Biodiversity

From an implementation perspective the policy is unwieldy (covering some 5 pages) and will be very difficult to implement in an effective and precise way. It is recommended that to aid implementation the proposed policy is redrafted into a more easily interpretable format – potentially being subdivided into smaller but related policies.

Criterion E3.1, it is considered that the wording here could be more precise. In terms of the final paragraph- demonstration of the mandatory minimum 10% net gain comes with discharge of the

general Biodiversity Gain Plan condition, which is a post permission condition. Government guidance is that it would not normally be acceptable to refuse a planning application on the basis that it was considered that an applicant would not be able to discharge their Biodiversity Gain Plan condition. It is therefore suggested that this final element of 3.1 be amended to reflect this or deleted.

Proposed wording at E3.2 has responded to comments made at the previous stage. There is however another element to the 'anti-trashing' rules, which relates to activities that have taken place on or after 25 August 2023 in accordance with an existing planning permission and there is then another planning application that is subject to mandatory BNG. Whilst this is covered by part of paragraph 6A of Schedule 7A of the TCPA 1990, and so would be enforced through the broader planning process, for completeness consideration could be given to additional wording here.

E3.6- It is noted that the most recent iteration of the NPPF now provides additional support for some of the proposed policy content.

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs" [Para. 187 d)]

However, the use of 'must' be retained seems somewhat inflexible, and there may be instances where such loss can be justified and addressed via fulfilment of BNG requirements.

E3.7- Previous comments have been taken account of, though would this requirement if applied in all instances prevent sections being taken to provide for access? This would seem to be a disproportionate constraint on future development. The specific and demonstrable need for a minimum 8m width to buffering is also questioned.

Para 6.22a, the wording here should be amended in order to make it more precise – the use of 'obligation' is not appropriate. Framing this around future round of plan-making taking full account of the biodiversity value of sites, and there being 'in-house' capacity at the District Council to support this would be more appropriate.

Para 6.25 – The first sentence requires amendment to make it reflect how practicably the relevant policy content can be implemented. Currently it states that the Neighbourhood Plan needs to protect hedges on development sites which do not fit these criteria along with trees and other vegetation of ecological, historical or landscape importance. Rather than 'protect' this ought to be framed around providing the basis for the importance of these features being recognised, and appropriately managed as part of future development – including their protection where appropriate.

Policy E4 – Public Rights of Ways and Wildlife Corridors

Amendments have been made to criterion 4.1, which would result in public rights of way seeking to be retained in situ in all instances. This is considered to be too inflexible, and that whilst development proposals should seek to start from this position it may not ultimately be possible/appropriate in all instances. There may be occasions where a diversion is an acceptable solution- and so the policy should reflect this.

No objections are raised to the proposed amendments to criterion 4.2.

Updates to criterion 4.3 seek to address comments made by the District Council at the Regulation 14 stage, and would introduce additional specific requirements around the design of Public Rights of Ways and Cycle Paths. These amendments cite 'draft' Nottinghamshire County Council highways design guidance to support their implementation. It is not clear what guidance is being referred to here, and the reliance on draft standards would not be appropriate. Many of the design requirements would however be consistent with the approach in the County Council's [Developer Contributions Strategy](#) (April 2024), and so it is queried whether this is the source that should be referenced? The references within the criterion to surfacing for public footpaths and bridleways should be amended to 'appropriately surfaced', so that the distinctions around urban/residential areas and bridleways subject to equestrian use outlined in the Developer Contributions Strategy are reflected.

The amendments to criterion 4.4 address the District Council's comments at the Regulation 14 stage.

Criterion 4.5 would see new text introduced, around the alignment of new Public Rights of Way or their re-alignment through development avoiding the use of estate road where possible, and preference being given to paths through landscape of open space. No objection is raised, though there is also the reference to 'draft' County Council Highways guidance, which would prompt the same issue as above.

The new requirements in criterion 4.7 appear to repeat those included within 4.3 – and so the need for this additional content on the design of cycle paths is questioned – where nothing is added then it risks making the proposed policy repetitious and more cumbersome to implement. The use of the 'note' in the policy wording is also not considered appropriate, and this ought to just form a final sentence to the requirement.

Paragraph 6.35 in the supporting justification repeats national planning policy, and the specific paragraph references may become out of date. Indeed, it is the case that under the transitional arrangements the Amended Neighbourhood Plan will be examined against the previous version of national policy. For instance, the referenced paragraph 104 is now 105 and 110 has become 111 within the current Framework. It is suggested that for the sake of clarity and to ensure the wording does not become outdated that this is replaced through a more generic form– which references the consistency with national policy and guidance on the protection and enhancement of Public Rights of Ways and provision of attractive and well-designed walking and cycling networks.

Policy E5- Green Link

New content is proposed for inclusion within the policy, this is however minor in nature and would reflect a more appropriate form of wording.

Policy E6 – Climate Change

To be precise and effective, criterion E6.1 should also make mention of the Solar Energy SPD in addition to the Wind Energy SPD.

The amendments in E6.2, which remove the energy efficiency standards proposed at the Regulation 14 stage are welcomed.

Criterion E6.5, the District Council's comments made at the Regulation 14 stage- concerning the previously proposed water efficiency standard would be addressed through the amendments.

Policy DH1 – Design Codes

Criterion DH1 V.- it is questioned how development could be consistent with the 'well-being' of the local community, and what this imprecise term would mean in practice in terms of the design of new development. There may be the risk that it could be used to make the case for low standards of design- where there is a 'well-being' case.

Criterion DH1.2 is not considered to be a design policy, and is focussed on the planning of Main Town Centre Uses, it would be inconsistent with national and local planning policy in that regard which would require application of the Sequential and Impact Tests at the scale of development which could be considered as creating an alternative centre. Whilst it is unlikely, it cannot be ruled out that such proposals would be able to pass those tests and so justify that new centre in retail planning terms. This criterion should be deleted.

Criterion DH1.3 and 1.4 – the use of 'operative' is considered to lack clarity here. In terms of DH1.4 this is negatively framed and ought to be re-framed to positively support development which meets the Design Codes. The purpose of Design Codes is to provide certainty over what will be supported- and so the policy should reflect this. Clearly design is an important issue and capable of justifying the refusal of any application on those grounds alone. Nevertheless, there may be occasions where other factors are deemed to outweigh the harmful impact from design which is inconsistent with a Design Code – especially where that non-compliance may be marginal (in those instances there may not be the need for meeting its requirements in an alternative form). It is considered that these two criteria require redrafting to better positively support the implementation of an appropriate Design Code.

Criterion DH1.5 – is this proportionate to require of all forms of development? For minor forms it will be quickly evident to the decision-maker whether the relevant requirements of the Code have been met.

Design Codes (Appendix 1)

It is noted that the Submission ANP has been updated and includes proposed detailed design coding in Appendix 1, with an addendum in a further appendix to explain when the codes should be used. Published alongside the Regulation 16 stage is a separate 'Design Assessment' evidence base document which underpins and provides the background to the Codes. Through provision of this information the concerns raised at the Regulation 14 stage over the availability of supporting information for the proposed Design Codes have been addressed.

From a practical implementation perspective, the addendum defines when the Codes will be applicable via reference to 'Countryside' and 'Settlement Focus Areas' however mapping showing their locations is only found within the supporting 'Design Assessment'. In order to aid the implementation of the Design Codes then this mapping should also be included within the Code Appendix.

The District Council provided comments in response to the Regulation 14 stage and it is noted that the content of the codes remains unchanged. Accordingly, the comments raised at the previous stage remain relevant, and the District Council continues to have strong concerns over the proposed

content and whether the Codes will be able to be effectively implemented. Indeed, it is questioned whether some of the content truly represents design coding in the truest sense, and whether it would be more appropriately considered 'guidance'. As outlined through the National Model Design Code – a Code is 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. Many of the design requirements vary between either too vague and not providing detailed parameters for development, or too precise and prescriptive removing the potential for creative solutions. There is also a frequent tension between parts of the Code that expect development to incorporate the local vernacular, and other content which seeks the avoidance of 'mock historic styles'. Particularly in the latter part of the Code there is a tendency to stray into areas which sit outside of the scope of the planning system to control and/or are not matters of design.

The District Council remains committed to supporting the development of a Design Code, but considers that the introduction of a Code that proves ineffective or which stifles creativity will be unlikely to raise the standard of design across the Neighbourhood Area. The risk inherent to Design Coding, is that it serves to reinforce a perceived need for 'safe' forms of design and promotes identikit development. Successful Design Coding will manage the balance between respecting existing local character and an ability to support sympathetic contemporary design. In order to overcome the District Council's concerns it is considered that there is the need for a significant redrafting of the Design Code.

Detailed comments on the proposed codes are provided below – repeating that provided at the Regulation 14 stage where necessary.

Definition of Settlement and Countryside Focus Areas: The Countryside Focus Area ('functional countryside') includes Norwood Park, which is an unregistered park and garden – which doesn't seem appropriate.

Heritage Assets (HA): In terms of the titling, it is considered that 'Historic Environment' would be more appropriate, in that the content does not specifically relate to heritage assets themselves as such, but rather the broader historic townscape and the surrounding landscape.

The reference to 'low quality designs' in the second bullet point is considered imprecise and requires reference to how this would be defined. It is assumed that this will be framed against compliance with the Design Codes? But if that is the case this should be stated.

Bullet point 4 would require new development to seek to incorporate elements of the local vernacular. This may act to limit the potential for high standard new contemporary architecture and be interpreted as providing support for 'pastiche'. It is considered that 'respect' local vernacular would be more appropriate.

Bullet Point 5 concerning advertisements doesn't read like design coding – but rather a non-specific form of guidance. What are the specific parameters that exterior advertisement and signage would need to meet?

Layout General (LG): The reference to 'gappy silhouettes' in the first bullet point is an imprecise term, and greater explanation and/or graphical explanation of what is meant would aid the implementation of this part of the code. This doesn't appear to have been covered within the supporting 'Design Guide' either.

Content within the third bullet point around creating variation within a street scene may not always be appropriate to the wide variety of contexts this code is intended to apply to (all but one of the focus areas). For example, Georgian architecture is typically defined by symmetry/regimented facades.

Corner buildings are addressed within the 4th bullet point, and it is considered that greater flexibility is required here. Approaches necessary for an area of transition (for instance the prominent gateway locations referred to) will be different to those within an urban context. There is a similar issue with the coding on blank gables in the 5th bullet point, which can also work in the right context.

As outlined earlier, this Code would be subject to almost universal application across the Neighbourhood Area- and so the suitability of this with regards to the final bullet point is questioned. Does the spacing of development within all parts of the Town need to reflect a 'rural character', is this genuinely the form of character across the Town? Is there the need for long distance views of the countryside from the public realm to be maintained/provided for in all instances?

Context (C): Through the 2nd bullet point it is considered that 'sympathy' would be a more appropriate form of test rather than requiring *compliance* with the existing character of the area... again the inflexibility has the potential to stifle the potential for creative design approaches which whilst sympathetic to local character do not merely repeat it. This could have the undesired effect of promoting unimaginative and safe design rather than raising standards.

The reasonableness of the 5th bullet point around avoidance of 'too many identical or similar house types' is strongly questioned. There is the potential to instead turn the code into one which supports and encourages diversity.

Some of the wording in the final 6th bullet point requires improvement. It may not just be 'local intimate views' which are relevant to proposals within the extents defined through the 'Southwell Protected Views' policy (So/PV) in the Allocations & Development Management DPD. There are longer distance views which may be relevant to the interplay between heritage significance and landscape. The approach of restricting it to a more localised consideration of views is inconsistent with the existing Development Plan policy. Would 'heritage assets' not be a more appropriate form of wording than 'historic artefacts'? Ultimately it is not clear whether the first part of the code is actually necessary, given it merely seeks to repeat existing policy elsewhere? It could simply reference the need to address the Conservation Area and protect views in line with the provisions of Policy So/PV – and retain the second part in outlining what forms of demonstration may be appropriate.

Building Typology (Codes FA, TP, SDP and DP): The 4 codes all provide content around the design of parking for different residential building typologies. This content should be removed and re-located into a consolidated parking code, which takes the detailed design guidance within the [Residential Cycle and Car Parking Standards SPD](#) and forms it into Design Coding. In some areas the proposed codes don't seem to reflect the more detailed guidance available within the SPD (the content around parking courts being an obvious example).

Materials: Colours (MC): The code requirements seem unreasonable/ potentially redundant. There would be the concern over whether the LPA could also reasonably enforce against this, and whether there is actually sufficient consistency in colour as a starting point to make the approach practical?

Types of Materials (TM): It is not considered reasonable to include the requirements around render and asking for handmade brick in a new build project. The reference to ‘a simple and neat approach to detailing’ lacks precision and clarity. Through the final bullet point boundary treatments are addressed and would be necessary to distinguish private and public spaces, but would it be reasonable to resist fences to the rear of properties away from the public realm?

Historic / Heritage Detailing (HHD): It remains the case that the District Council considers this code to be poorly worded and defined, and that it requires significant redrafting. Applicants are likely to be confused by the imposition of design parameters given other aspirations in the code. There is a contradiction with Code F where the latter asks for development to accord with the surrounding townscape. Similarly, there is further contradiction with the window and roof design codes which ask designers to replicate traditional forms.

Windows and Doors (WD): The detail around use of hardwood and softwood doors and the avoidance of aluminium, UPVC and tropical hardwood windows seems to be unreasonable, and potentially lacking justification for its application across the entire area covered by the code, given the range in character that can be found across the Town. Indeed, in terms of tropical hardwood Idigbo or Sapele hardwoods are often found to be acceptable for use in historic buildings.

Roofscapes (R): The first bullet point outlines that hipped or half-hipped roof are found to a lesser extent and so should be used ‘sparingly’ – what does this mean in terms of implementation? Are there particular locations or contexts where that sparing use would be more appropriate?

Dormers and Rooflights (DR): The second bullet point also refers to the use of dormers needing to be used ‘sparingly’, which presents the same challenges as above. Is it reasonable or proportionate to rule out the use of dormers to extend floor space? Particularly given the potential for some dormers to be covered by permitted development?

Biodiversity and Natural Features (BNF): The first part of the Code seems to largely explain what Biodiversity Net Gain is, rather than providing specific design requirements around its on-site delivery. Whether other elements also represent design coding is questioned, with it appearing to be more like guidance – albeit vague and imprecise.

Protection (P): Similarly, this does not really seem to be design coding or to be focussed on a matter of design.

Buffer Strips (BS): The starting requirement for an 8m wide buffer seems overly prescriptive and arbitrary- this would require justification in order to be appropriate. There is an inconsistency between the first and final bullet points. The starting point of the code, as outlined in the first bullet point, is around ‘retention of buffer strips and other features being ‘retained’ – this is interpreted as meaning they already exist. Whereas the final bullet point appears to be requiring them where a new boundary is created. It is considered this code lacks clarity and precision – it would require redrafting into a proportionate and reasonable form in order to address these concerns.

There seems to be a lot of ‘coding’ dedicated to variations on the retention of existing landscape and natural features, and provision of new. It is accepted that these matters are an important part of good design and so capable of being the subject of coding. However, section 4.5 ‘Natural Features’ is repetitive and likely to be unwieldy from the perspective of implementation. It requires a significant reduction in scope, and revising so that it is tightly defined around design considerations.

Water and Drainage (WDR): Much of the content here is not considered to be design coding, straying to what would be a general flood risk policy and attempting to prescriptively shape matters beyond the planning system; e.g. internal layout water butts, rainwater harvesting and domestic water saving measures (low flow showers by example). It is understood that flood risk is a matter of significant concern within the Neighbourhood Area, but a Design Code needs to be focussed around providing detailed design requirements relevant to issues which fall within the planning system to control. As currently proposed the 'code' falls short of providing this and so either requires redrafting or deletion.

Energy Saving (ES): This is not considered to represent design coding, and again in some parts strays beyond matters capable of being controlled through the planning system.

Cycle Storage (CS): The requirement for (all) development to provide cycle storage is disproportionate and it should be restricted to forms and scales of development likely to trigger the need. It is considered that this is appropriately dealt with through the Residential Cycling and Parking Standards SPD, and this Code is unnecessary.

Utilities (U): Appropriate solutions for utilities can clearly contribute towards good design – however the current content is not considered to represent design coding, and again in some areas is very prescriptive- requiring all street furniture to be painted dark green for example.

Policy DH2 – Public Realm

The comments raised on criterion DH2.2 at the Regulation 14 stage remain relevant. Criterion DH2.2 currently seeks to control the form and provision of squares, parks or spaces where they are proposed. The amendments within the Plan would shift this to become a requirement for their provision as part of development proposals. The use of development proposals lacks precision and as currently written would apply to all forms of development- including some where they would not be common features – or indeed necessary. In terms of those development types where their provision could be appropriate, then no regard is had to the scale of development – or other factors which may lead a decision-maker to prioritise other elements of a scheme, as appropriate. It is considered that alteration is required to the policy to make it precise and flexible enough to be implementable. The use of 'Central' could also be interpreted as meaning public space needs to be at the centre of the site, when in some instances an alternative location may be more appropriate.

Criterion DH2.1 – it is set out that development with the potential to impact on the public realm must contribute to high quality public realm features. It is considered that all development will impact on the public realm to some extent- just by virtue of facilitating change. However, what if that impact is recessive in nature, and the scheme harmonises quietly into the street scene? Would the criterion require more impactful development?

DH3- Historic Environment

Criterion DH3.1 – the setting of listed buildings should be a relevant consideration outside of the historic Town Centre too. Negative impact would also be better referred to as 'harm'.

Criterion DH3.3- providing an archaeology report would be covered in a Heritage Impact Assessment, this could be read as requiring a new local validation requirement.

Policy TA1 – Cycle and Pedestrian Routes

The amendments made since the Regulation 14 stage would address most of the previous comments made by the District Council. Though it is presumed that the reference within TA1.2 to consideration being given to use of CIL receipts for funding improvements would still refer to use of the Town Councils 'meaningful proportion', where consistent with the CIL regulations. The requirement should therefore be amended to make this clear.

Policy TA2 – Public Transport Connectivity

As set out the policy orientates itself around 'larger residential developments, of the types identified as such in the Newark and Sherwood Allocations & Development DPD' – which seems an imprecise threshold... and open to interpretation. The policy is seeking to achieve two things- firstly requiring new residential development to include dedicated walking and cycling corridors and making use of multi-functional Green Infrastructure in their design and routes. Secondly, providing a basis for new development to contribute towards the provision and establishment of new/extended public transport links. The precision and ability to implement the policy would be aided by splitting these two matters apart, and dealing with them separately.

In terms of dedicated walking and cycling corridors then the policy content provides sound principles, which should also potentially apply to scales of residential development below that of 'larger'- dependent upon site circumstances. It is suggested that the wording could therefore just be orientated around residential development taking appropriate opportunities to secure dedicated walking and cycling corridors, which connect into existing defined routes in the surrounding area, and make use of multifunctional Green Infrastructure.

The content on provision and establishment of new/extended public transport links would also take 'larger' residential development as the threshold for its application, and where this scale of development is located beyond 300m or a 5-minute isochrone walk (whichever is the lower) of an existing public transport service then require a contribution towards the provision of a new/extended link to serve the development. Here there still appears to be inconsistencies with content in the County Council's [Developer Contributions Strategy](#) (April 2024).

Through that Strategy the County Council sets out that it *may* seek contributions from residential development of 10 or more dwellings towards the provision of local bus stop facilities. Links back to the Nottinghamshire Highway Design Guidance are also referenced in identifying the maximum walking distance to a served bus stop in urban areas as being 400m, and desirably no more than 250m. Where the nearest bus stop is further away than these distances, then the County Council will request that new bus stops are installed within the relevant distances via developer contribution or, where appropriate planning conditions. For residential developments in excess of 100 dwellings it will be considered whether a bus service contribution is required – it's also flagged that where it is known that several smaller adjoining schemes may cumulatively exceed the threshold then individual contributions may be sought on a pro-rata basis.

The proposed threshold within the policy requirement is therefore vague and imprecise, and it is not clear where the proposed distance and isochrone standards have come from. It is considered that the County Councils Developer Contributions and Highways Guidance adequately deals with the matter, and that the policy should be simplified to reference this – whilst retaining the strategic objectives at the heart of the policy. Similarly, it is considered that the thresholds within TA2.3 should be consistent also be consistent with the Developer Contributions Strategy (April 2024).

Criterion 2.3 ought to make clear that any CIL receipts spent for this purpose would currently need to come from the Town Council's meaningful proportion – where such spend is able to satisfy the relevant parts of the CIL regulations.

Policy TA3 – Highways Impact

The amendments address the District Council's comments at the Regulation 14 stage.

Policy TA4 – Parking Standards

To aid the precision of Criterion 4.1 it should be amended to read- Where appropriate, new residential development must ensure adequate parking provision with due regard to the standards, ~~adopted by N&SDC~~ set out within the Newark & Sherwood Residential Cycle and Car Parking Standards Supplementary Planning Document.

The other amendments to the policy address the concerns highlighted at the Regulation 14 stage.

Policy TA5 – Parking Strategy

The proposed amendments go a long way to addressing the comments made at the Regulation 14 stage, but it is still considered that the policy needs to be flexible enough to accommodate up-to-date evidence being provided in support of proposals which would result in the loss of car parking capacity.

Policy CF2 – Green and Open Spaces and Burial Grounds

The amendments address the comments raised at the Regulation 14 stage, and the deletion of previously proposed new 'Main Open Areas' is particularly welcomed.

It is considered the policy wording around the Local Green Spaces (LGS) at criterion 2.4 could be more effective. Paragraph 107 in the December 2023 NPPF, details that policies and decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts. Clearly the framing of the policy requirement around 'inappropriate development' would be consistent with this, but this suggests that there will be some forms of 'appropriate' development and the Neighbourhood Plan policy doesn't provide any context for what that would be. It is recommended this is resolved through amending the supporting text to make reference to national Green Belt policy.

Through the amended Plan 11 LGS designations are proposed, and from an implementation perspective it is not considered that the information provided through the Plan (the combination of the Proposals Maps and Appendix 4) is sufficient to allow for the precise and consistent application of the proposed policy. No detailed mapping is provided in the appendix, and the scale, depiction, notation and resolution of the Proposals Map is insufficient to allow for the accurate identification of the designations and their extents. This will require amendment to allow for the proper application of the designations.

Paragraph 107 in the current NPPF (previously para 105) sets out the tests which LGS designations need to pass, with LGS needing to be;

- a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land

LGS1 'The Southwell Trail' – the mapping does not allow for the extent of the designation to be properly established. Whilst it would clearly satisfy tests a) and b) there could be a question over whether it is an extensive tract of land should the designation cover a large portion of the Trail. Were this to be the case, and the proposal inappropriate, then clearly the trail as a whole would be afforded protection as a community facility through Spatial Policy 8 in the Amended Core Strategy.

LGS2 'Norwood Gardens' – No objection in principle, aside from the general comments around the quality and effectiveness of the mapping.

LGS3 'Land to the East of Kirklington Road' – It is understood that part of the proposed LGS designation in this location has been subject to an objection from the landowner at the Regulation 14 stage, on the basis they deem it to constitute a private garden area. As a result of the permission 22/01023/FUL much of the garden area within what appears to logically form the pre-existing residential curtilage would be lost to accommodate a single storey extension, partial rebuild and conversion out outbuildings and the introduction of a parking spaces and turning area. With the area to the west (incorporating part of the proposed LGS) having been denoted on the approved plans as 'garden'. The evidence provided in support of the designation, identifying it as an historic orchard area is noted and public access by virtue of a right of way along the northern edge of the designation exists. It is noted that content within the PPG outlines that proposed LGS does not need to be in public ownership in order to be acceptable, however given the level of policy control which would be introduced would be consistent with green belt whether this would be proportionate in this instance is questioned. The area sits outside of the Urban Boundary for the settlement and so under normal circumstances this would afford a level of protection to non-householder forms of development.

Should the Examiner accept the proposed designation of LGS in this location then the general comments around the quality and effectiveness of the mapping would remain relevant in the view of the District Council. Appendix 4 also needs updating to reference the separate evidence base documents for LGS3 – LGS3 'Site Detail' as there is currently a holding comment here.

LGS4 'Hopewell Rise Central Open Space' - No objection in principle, aside from the general comments around the quality and effectiveness of the mapping.

LGS5 'Hopewell Rise Play Area' - No objection in principle, aside from the general comments around the quality and effectiveness of the mapping.

LGS6 'Beckett's Field Open Space' - No objection in principle, aside from the general comments around the quality and effectiveness of the mapping.

LGS7 'Beryl's Meadow' - No objection in principle, aside from the general comments around the quality and effectiveness of the mapping.

LGS8 'Higgins Mead' - No objection in principle, aside from the general comments around the quality and effectiveness of the mapping.

LGS9 'Land South of Potwell Dyke and West of Shady Lane' – the mapping doesn't allow for the extent of the proposed designation to be properly identified, and the description within Appendix 4 refers to it incorporating 'part of the gardens of houses'. The designation extending into

residential gardens is not considered proportionate, given that the level of policy control should be consistent with that of the Green Belt. Furthermore, the area has been identified as an important open space in the Easthorpe Character Area as part of the Southwell Conservation Area Character Appraisal. Therefore, in line with Paragraph 011 in the 'Open space, sports and recreation facilities, public rights of way and local green space' section of the Planning Practice Guidance, judgement will need to be given as to whether any additional local benefit would be gained by the proposed LGS designation. This additional local benefit is not considered to be present in this instance.

LGS10 'Land to the South of Potwell Dyke and East of Shady Lane' - the area has been identified as an important open space in the Easthorpe Character Area as part of the Southwell Conservation Area Character Appraisal. Therefore, in line with Paragraph 011 in the 'Open space, sports and recreation facilities, public rights of way and local green space' section of the Planning Practice Guidance, judgement will need to be given as to whether any additional local benefit would be gained by the proposed LGS designation. This additional local benefit is not considered to be present in this instance.

LGS11 'North Side of Newark Road and West of Potwell Dyke' - No objection in principle, aside from the general comments around the quality and effectiveness of the mapping.

Policy CF3 – Primary Shopping Frontage and District Centre

The amendments to criterion 3.1 address the comments made at the Regulation 14 stage concerning the E-use class and proposed deletion of shopping frontages through the Plan Review process.

Comments raised at the previous stage around the approach of the policy towards the Sequential Test (now within criterion 3.2) however remain relevant. There is an inconsistency in the proposed policy with how national and strategic local planning policy would require the Sequential Test to be implemented. The purpose of the test is to provide an objective comparison between alternative reasonably available options, with the intention that the most sequentially appropriate be prioritised. However, there is no ultimate requirement through the Sequential Test that a proposal *must* physically adjoin a defined Centre- or be so well-connected that it is possible to walk between the two (it is also noted that no standard for establishing whether a site would meet this latter test has been provided).

The sequential test is an assessment of reasonably available options – and it may be that there would be no alternative sites able to meet the proposed requirement, or where there are then they may prove inappropriate for the use. There seems to be a partial overlap between what the policy is seeking to do and the separate impact test. The further the distance from, and the lack of relationship to, a centre then the greater the impact of a proposal on that centre is likely to be- by virtue of the trade diversion and reduced linked trips. Therefore, some of the concern which seems to underpin the policy (distances being walkable and facilitating single trips) would be picked up through that test (where applicable). It should also be noted that Core Policy 8 in the Amended Core Strategy would require submission of an impact test for proposals creating retail floorspace in the Neighbourhood Area- where the gross floorspace is 350 sqm or more. The policy requires further amendment to bring it into line with national and local planning policy.

Policy HE1 – Housing Type and Density

Amendments to the policy have sought to take account of comments made at the Regulation 14 stage – with the supporting evidence (Southwell Housing Needs Assessment, May 2022) having been made available, there have also been changes to the table within the policy to make it clearer over what housing mix is being sought. The HNA has been previously reviewed and is considered to provide for an appropriate evidence base to support the proposed policy. Though this position isn't clear from the supporting text to the policy, which doesn't mention the HNA at all. It is considered that this text requires significant amendment to provide clarity to the context the policy sits within.

The target mix requirements are a direct lift from the recommendations of the HNA and so this needs to be clearly explained. In the supporting justification it would be appropriate to outline that the District-wide Housing Needs Assessment (December 2020) and its Sub-Area Reports provide evidence at the Southwell Sub-Area level (geographically wider than the Neighbourhood Area), but that this has then been built on through the preparation of a more locally detailed housing need evidence base for the Neighbourhood Area itself – with the policy reflecting its findings and recommendations.

Core Policy 3 – Housing Mix, Type and Density in the Amended Core Strategy provides the context for the policy, in seeking to secure an appropriate mix of housing types to reflect local housing need. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information. The availability of localised housing need information, through the HNA can help inform what an acceptable mix should look like. However, it is still important that the Neighbourhood Plan policy is sufficiently flexible to be consistently implementable – with the target mix being capable of being applied non-rigidly. Viability constraints are sought to be addressed through HE1.2, but there should remain the flexibility to take account of site-specific circumstances as per Core Policy 3.

As outlined above there is the need for the specified mix within the policy to be capable of being applied in way which is flexible enough to allow for proposals broadly consistent with it to be acceptable – they are framed as a 'target' after all. How realistic will it be for every relevant proposal to include precisely 6.2% 1 bedroom units for instance? What the target mix would suggest is that the bulk of a larger residential scheme should comprise 2 and 3 bed units (loaded towards the latter), with 4 bed units making up the majority of the larger dwelling types and finally a smaller number of 1 bed units. However, support would only be provided for proposals which vary from the very specific target mix where there are other benefits outweighing the desirability of achieving the balance. This would not be consistent with that necessary flexibility, as it would rely on non-housing mix considerations to outweigh non-compliance. In order to provide for an effective and implementable policy it is considered that further amendments providing for flexibility are introduced. It is suggested that the policy ought to leave open the possibility that more up-to-date local housing needs information may also become available during the lifetime of the Neighbourhood Plan, and so there should be an accommodation of this within the policy to ensure it does not become dated. It is also questioned as to whether there is a minimum scale of residential development that the target mix should apply to?

The amendments to HE1.2 around taking account of viability cases for non-compliance are welcomed.

Whilst not raised at the Regulation 14 stage, the proposal to remove permitted development rights, presumably via condition, on new 1 and 2 bed units does raise significant concerns over proportionality and fairness. Paragraph 54 in the December 2023 NPPF (para 55 in the current version) sets out that planning conditions should not be used to restrict national permitted

development rights unless there is clear justification to do so. This is supplemented through additional content in the Planning Practice Guidance (paragraph 017 in the Use of Planning Conditions section). Which outlines that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.

It is not considered that the clear justification needed for the blanket removal of permitted development rights for new smaller dwelling types has been demonstrated, particularly given that the Amended Neighbourhood Plan proposes to introduce an updated policy taking account of localised housing need information... capable of shaping the provision of future housing mix. The requirement would also be unlikely to result in conditions which meet the tests of reasonableness and necessity, and so it ought to be deleted.

Policy HE2 – Economic Development and Employment

The majority of the comments made at the Regulation 14 stage have been addressed, and it is just those around criterion HE2.6 which require further comment. At the time of the previous comments the Amended Allocations & Development Management DPD had not yet been submitted, this subsequently occurred in January 2024 and the hearing sessions as part of the Examination occurred in November of the same year. This represents an advanced stage of preparation, albeit one yet to reach the stage where the Inspector has issued their draft Report.

Through these proposals So/E/2 would have its boundaries slightly amended to remove an area of flood risk, and So/E/3 would become 'reserved land'. The proposed policy (So/RL/1) seeks to protect the land to ensure it remains available at the next round of plan-making and allow for a comprehensive approach to addressing future development needs in this area. Development proposals which prejudice this approach are set out to not normally be appropriate.

As it stands the extents shown on Policies Map A are neither consistent with the currently Adopted Development Plan, or the amendments emerging as above.

Policy SS4 – Land East of Kirklington Road and Policy SS5 – Lower Kirklington Road

It is not clear whether the previous comments around engagement with the Highways Authority over the details for the required Transport Assessment have taken place, and what the outcome was. Further clarification over the proposed requirement is therefore sought.

Southwell Proposals Map A and B

The resolution and quality of both Proposals Maps needs improving in order to make them more legible, and allow for the precise and consistent application of Neighbourhood Plan policies. Consideration could also be given to enlarging the Inset Maps to A3 scale to assist with this.

In terms of Proposals Map A – no site allocation reference is shown for So/E/3 (see additional comments above).

Implementation Section

Paragraph 13.2 it is important that the eligibility for 15% of the CIL generated in an area is capped at £100 per dwelling plus indexation is mentioned.

Concluding Comments

Across a number of areas the Submission Amended Neighbourhood Plan has addressed concerns raised by the District Council at the previous Regulation 14 stage. This is welcomed and the intentions of the Neighbourhood Body are recognised, the District Council remains committed to positively supporting the process to update the 'made' Neighbourhood Plan. Notwithstanding this there are a number of areas where the District Council possesses significant concerns over the proposed approach within the Submission plan.

There are many areas where concerns could be addressed through the identification of the need for minor and main modifications via the Examination process. Beyond this there are a number of areas where the concerns of the District Council are more substantial in nature- principally Green Infrastructure and Biodiversity, the Design Code, Housing Mix, Type and Density and the justification of the proposed Local Green Space. The Authority would welcome the opportunity to continue to positively engage on these matters through the Examination process.