

Southwell Town Council

<Sent via email to [admin@southwell-tc.gov.uk](mailto:admin@southwell-tc.gov.uk)>

Telephone: 01636 650000  
Email: [PlanningPolicy@nsdc.info](mailto:PlanningPolicy@nsdc.info)  
Your ref:  
Our ref:

28<sup>th</sup> September 2023

Dear Clerk,

### **Draft Amended Southwell Neighbourhood Plan – September 2023**

The following provides a response to the Draft Amended Southwell Neighbourhood Plan consultation. Please note that this response reflects Officer observations and does not provide a formal view of the District Council.

#### **1.0 Context**

- 1.1 The efforts of the Town Council in producing the current plan, and its proactive intent in commencing its review are both recognised. Through the following comments, and the informal input provided outside of the consultation, it is hoped that useful assistance can be provided to the Qualifying Body which will contribute to shaping the review. It remains the case that it is in all parties interests to see an Amended Neighbourhood Plan which is fit for purpose, implementable and able to deliver on its objectives.
- 1.2 There are a number of references on the Town Councils webpage, and in the documentation for the review, which state the District Council to have been uneven in its application of the policies and general guidance within the Neighbourhood Plan and that the Design Guidance has been largely ignored. These are not considered appropriate, and ought to be removed. It is important that the amended Plan provides for a positive forward facing vision. Regardless of what form of wording is used within individual planning policies, any planning decision will always be based on a reading and application of the Development Plan as a whole. This will often be an exercise in balanced judgement for the decision-maker between what may be conflicting policy aims and priorities. There is also the longstanding principle at the heart of the English planning system – that decisions will be taken in-line with the Development Plan *unless* material considerations indicate otherwise. It is important that this broader context within which the Development Plan (including the Neighbourhood Plan) sits and decisions are made is understood.

## 2.0 General Comments

2.1 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.

2.2 The process to be followed differs for each of the types of modification, and the Town Council are 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 is 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 proposals through Policy CF2 are sufficient on their own to mean that the nature of the Plan would be fundamentally changed. Through the policy extensive tracts of land have been identified affecting its development potential, and setting a clear direction of travel for future rounds of plan-making through effectively enclosing the majority of the existing Town.

2.3 This would mean that amended plan would, as currently written, require both examination and a referendum. However, it is ultimately the independent Examiner who will determine the effect of the proposed changes. In doing so, the examiner will consider the nature of the existing plan, alongside representations and the statements on the matter made by the Qualifying Body and the Local Planning Authority before coming to a judgement.

2.4 There is a lack of clarity between the Planning Practice Guidance and the Neighbourhood Planning regulations, over the process for updating an existing plan. The guidance appears to anticipate that after submission of the modified plan to the District Council the document would then be sent straight onto the independent Examiner, without the need for an additional stage of consultation. This would be different to the process for the production of the current SNP, which had the Regulation 16 consultation following the District Council's receipt of the plan. However, the regulations themselves do not appear to reflect this slimmed down process.

2.5 Schedule 4b of the TCPA 1990, as amended by the planning and compulsory purchase act 2004, states, at para 7 (2):

*(2) The authority must submit for independent examination—*

*(a) the draft neighbourhood development order, and*

*(b) such other documents as may be prescribed.*

2.6 Regulation 17 gives us the prescribed documents and in particular (d):

*As soon as possible after the appointment of a person to carry out an examination under paragraph 7 of Schedule 4B to the 1990 Act (as applied by section 38A of the 2004 Act), a local planning authority must send the following to the person appointed—*

*(a) the plan proposal;*

*(b) the documents referred to in regulation 15(1) and any other document submitted to the local planning authority by the qualifying body in relation to the plan proposal;*

*(c) if the order proposal is one to which the Conservation of Habitats and Species Regulations 2010(1) applies, the information submitted in accordance with regulation 102A of those Regulations; and*

**(d) a copy of any representations which have been made in accordance with regulation 16.**

- 2.7 On this basis a further consultation under Regulation 16 must take place once submission by the Town Council has occurred.
- 2.8 Positive support has been provided to the Town Council to enable this stage of consultation to be carried out. With the named bodies within the Neighbourhood Planning regulations, and landowners (or their representatives) with land included within the Strategic Housing and Employment Land Availability Assessment (SHELAA) being identified and notified on behalf of the Qualifying Body. However, as previously advised in terms of landowners these efforts should not be considered comprehensive, and the Body will need to ensure that its obligations around consultation and publication of the plan have been met. This includes the separate identification and engagement of landowners whose interests may be affected by the proposals within the Amended Neighbourhood Plan, as necessary.

### **3.0 Specific Comments**

- 3.1 These comments have been made on the composite version of the consultation document – showing both the existing and new text, paragraph numbers referenced are taken from that document and the page numbers highlighted concern those of the pdf file itself. In some instances, there appear to be inconsistencies between the published draft and the composite – which the Town Council will need to resolve moving forwards.

#### **Introduction**

- 3.2 It would be helpful if the final sentence within para 1.1 setting out the role of the Development Plan in decision-making made reference to - decisions being made in-line with its provisions, unless material considerations indicate otherwise. This would set the Development Plan (inclusive of the Amended Neighbourhood Plan) within its proper context.
- 3.3 The statement at para 1.5 that design codes have been largely ‘ignored’ is inappropriate and should be removed. Reference to there being design codes within the current SNP is also factually incorrect, there is currently the Southwell Design Guide in place – but this is not a code.
- 3.4 Para 1.5 in the ‘Status of the Neighbourhood Plan’ section, states that the final period for public representations on the Amended Allocations & Development Management DPD was November/December 2022. This should be updated to reference the proposed second Regulation 19 stage scheduled for September 2023 – this would provide an additional opportunity for representations to be made prior to Submission to the Secretary of State.

#### **Background to Parish**

- 3.5 It is appreciated that detailed information from the most recent census may not be available, but a lot of the statistical content in this section now dates to 2011... and whether this still provides a contemporary understanding of the Parish may be questionable. Efforts could be made to update it –attempting to draw on alternative information sources, as

appropriate, if the census is lacking. This is important as the context for the Parish could help set the agenda for the review and inform the development of relevant policy objectives. This particularly concerns topic areas where changes have been proposed (for instance the unemployment figures date to 2011, some 12 years ago).

- 3.6 Para 1.17 includes housing completion statistics, it is suggested that the Qualifying Body make contact with the District Council shortly before submission and the most up-to-date figures can then be provided.
- 3.7 Para 1.25 (Employment and Services), the Town Council may wish to review the data in this section on the basis of the most up-to-date Retail Monitoring Report from the District Council. Our monitoring reports are available at;
- <https://www.newark-sherwooddc.gov.uk/monitoring/>
- 3.8 The map on page 46 (of the pdf) showing the policies and designations from the Amended NP could be clearer, the Main Open Areas are shown in a very faint way- so for the sake of clarity and legibility this could be improved. Elsewhere the map on page 48 lists the Southwell Protected Views as 'proposed'- the designation is now adopted. Given that the apparent base date of the mapping precedes adoption of the current Allocations & Development Management DPD then it either needs to be updated, or alternatively if the content within the SNP replicates existing policy elsewhere – without adding to it – then it could be considered for deletion. The detail of the map is out of date and risks imprecision.

### **Policies**

- 3.9 Paragraph 16 of the National Planning Policy Framework outlines the tests which Plans being taken through the plan-making process should meet. Paragraph 16(d) goes on to set out that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should respond to development proposals. This is further reflected in the national Planning Practice Guidance, which also expects policy in a Neighbourhood Plan to be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. Policies within Neighbourhood Plans need to be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.
- 3.10 Through the preparation of a Neighbourhood Plan regard should be had to national planning policy, and its content should be in general conformity with the strategic policies of the Development Plan for the District. Although a draft Neighbourhood Plan is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a Neighbourhood Plan is tested.

### **Policy SD1**

- 3.11 It is not considered that the amendment of criterion i) to introduce 'is' in place of 'are' makes sense as currently written. This results in the criterion reading – *'Sustainability requirements relating to the site and proposed development is to be met, with reference to the Local Plan and applicable policies in the Neighbourhood Plan'*. The original wording was clear and ought to be retained. Point 2 of the policy should be amended from 'full account' to 'due account' or something similar, it may be that in some instances not all elements of

the 'Codes' will apply to a given proposal. The practicalities of involving an 'appropriately qualified expert' in the Defra Agricultural Land Classification Scheme to assess proposals resulting in the loss of agricultural land, under the final criterion is questioned. There is the potential for this to be both disproportionate and to load unreasonable burden onto applicants and the Local Planning Authority.

#### **Policy E1 – Flood Risk Assessments and Mitigation**

- 3.12 The proposed policy would replace 'should' with 'must' in the current requirement that there should be no development in the floodplain of local watercourses, resulting in a loss of flood plain storage without adequate compensation and an allowance for climate change. This would result in the requirement becoming compulsory, although 'should' already carries a significant expectation around compliance. Notwithstanding the concerns that have been consistently raised over this form of wording no objection is offered in this specific instance. This approach would seem consistent with the Exception Test in national and local policy, which requires development to not increase flood risk elsewhere in order for it to be permitted – the logical consequence being that where this is not the case then it ought to be refused.
- 3.13 The supporting text (para 5.2) to the policy refers applicants onto the digital map produced by Southwell Flood Forum, illustrating the engineered and natural flood mitigation interventions and through which localised flood risk 'hotspots' can be identified. The Qualifying Body will need to be content that this forms a sufficiently robust piece of evidence, and the County Council in its capacity as Lead Local Flood Authority (LLFA) would be deferred to here for a view on that.

#### **Policy E2 – Flood Resilient Design**

- 3.14 The local importance for new development providing for appropriate flood management, where it is likely to generate risk is appreciated. However, given the technical nature to much of the new content within the policy then the LLFA are best placed to provide meaningful input. It is crucial that it is confirmed that they are content with the proposed approach. There is however the general point to raise, in that it is important that any requirements are proportionate, and there may be minor forms of development where expectations should be set accordingly, the requirements outlined at E2.3 would be such an example.

#### **Policy E3 – Green Infrastructure and Biodiversity**

- 3.15 The observations of the District Council's Biodiversity and Ecology Lead Officer are appended to this letter, and provide the response to the proposed policy.

#### **Policy E4 – Public Rights of Ways and Wildlife Corridors**

- 3.16 It is not considered that the proposed amendments to criterion E4.3 are appropriate, this would remove the ability for such requirements to be shown as impracticable. This is deemed to be too-inflexible-an approach to be appropriate in all instances. Whilst it may be desirable for public right of ways to be of a sufficient width for machine maintenance to be feasible, it is not considered to be fundamental– with other approaches being available. This could also contribute to under-provision, where no alternative exists and a potential route is discounted on this basis. This is also the case in terms of the requirement that there should be an allowance for hard surfacing – not all public rights of way require such treatment and may sometimes be located in areas where this would be inappropriate, or

its provision would conflict with other policy aims – management of surface water for instance. The current policy wording is considered sufficient, in carrying the expectation that demonstration be made where this would not be practicable.

- 3.17 This inflexibility carries through into criterion E4.4 which could prove unable to be consistently implementable, whilst the intention is recognised it may not be the case that boundary screening by ‘erect vegetation’ of a ‘appropriate height and structure’ will be appropriate or practicable in every instance – it also seems somewhat vague without more detailed definition. For example, ground conditions may not be able to support such provision. The use of ‘should’ rather than ‘must’ is recommended here, so that site-specific conditions may be taken account of – but carrying the expectation that the starting point is that this will occur.
- 3.18 There are the same concerns over ‘must’ with criterion E4.5, see the content in this response around the wider concerns with the ‘Codes’ as currently presented.

### **Policy E6 – Climate Change**

- 3.19 The intentions of the Qualifying Body to have a climate conscious Neighbourhood Plan are welcomed and the extent of, and challenges posed, by the climate emergency are recognised. Clearly in shaping the future of the District the Development Plan has an important role to play here, and the planning system in general will need to support positive action in order to meet Government net zero targets. Notwithstanding, this the development of planning policy sits within a framework of regulation and national policy and guidance- which set parameters over what can be achieved. In order to get to the point where new policy is adopted (or in the case of a Neighbourhood Plan ‘made’) and effects change in the real world then it needs to be assessed against and conform to the requirements of that framework.
- 3.20 The criterion under E6.3(iii) would require that all non-residential development should meet the BREAAAM ‘excellent’ building standard. Presently the wording is ‘should’, which clearly allows some limited room for non-compliance. This would be removed through the amendment, and I am not aware of any work having been done to establish the local viability impact of this on non-residential development. The increased level of requirement has not been justified, and so cannot be considered appropriate. It is considered that ‘should’ ought to be retained here.
- 3.21 Criterion E6.4 would be a significant departure from the existing plan and introduce strict new minimum requirements around energy efficiency for new residential development. The policy is framed around a binding requirement to meet the minimum requirements recommended by the UK Green Building Council (a building industry network) in their ‘New Homes Policy Playbook’ (published February 2021), or through the subsequent Future Homes Standard. With developers then being required to ‘seek to achieve’ the related ‘stretching requirements’, and where they fall short of this to explain why.
- 3.22 However, the legal basis through which gives Local Planning Authorities the right to set binding energy efficiency standards comes from The Planning and Energy Act 2008. Consequently, this preceded the introduction of neighbourhood planning through the Localism Act in 2011, and the 2008 Act makes no reference to Neighbourhood Plans. Accordingly, there does not appear to be any statutory basis on which the SNP could introduce a binding standard.

- 3.23 The minimum requirement would entail a 31% reduction in the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on the 2013 Edition of the 2010 Building Regulations (Part L). With a fabric first approach being prioritised, ensuring that a minimum thermal performance of the whole envelop exceeds that of the notional specification by 5%. These recommended requirements mirror what were, at the time the Playbook was written, the Government's intended 2022 Building Regulations uplift. These requirements seem to have subsequently come into force, with Part L to the Building Regulations having been updated on the 15th June 2023. As a result, the policy content represents an unnecessary duplication of requirements within a different regime, and so ought to be deleted. Had this not been the case then it would have been recommended that the requirement be removed, given the lack of statutory basis for its introduction through a Neighbourhood Plan.
- 3.24 In terms of the 'stretching requirements' adoption of the recommendations into policy would mean an energy use intensity (EUI) target of <70 kWh/m<sup>2</sup>/year operational energy use in GIA excluding renewable energy contribution. With the target including both regulated and unregulated energy consumption. New build homes would deliver ultra-high levels of energy efficiency consistent with a space heat demand of 15-20 kWh/m<sup>2</sup>/year. Compliance would need to be demonstrated through use of a design for performance methodology such as Passivhaus PHPP or CIBSE TM54 Operational Energy.
- 3.25 As currently worded the policy states that developers 'must seek to achieve' these additional requirements, and so that falls short of being a binding requirement. However, it still carries a level of expectation that developers will strive to reach the standard, and they have to provide justification where it is not met. As far as I can see there has been no work carried out in support of the requirement, and whether it will prove to be locally viable or not. The Qualifying Body is therefore risking introduction of what turns out to be a superfluous requirement that is never delivered. There is also the concern that it will place an undue additional burden on applicants to make that demonstration on a case-by-case basis, when it could have been screened out as unviable at the plan-preparation stage. Without the necessary evidenced justification, the inclusion of the stretching requirements within the policy are objected to.
- 3.26 In order to resolve this objection the Qualifying Body could consider provision of that evidence, or alternatively amend the wording to underline that this aspect is aspirational. It may also be the case that these stretching requirements are soon overtaken through introduction of the Future Homes Standard, which as proposed would include the mandatory requirement that homes built from 2025 onwards would produce 75-80% less carbon emissions than homes built under current Building Regulations. On this timetable the SNPs 'stretching requirement' would likely only be in place for a short time, and so the Qualifying Body may wish to consider whether it is expedient to bring the necessary evidence together, or whether this matter is best left dealt with at a national level through Building Regulations.
- 3.27 Should the Body wish to disregard this advice, and test its current approach through the Examination of the amended NP then it is strongly suggested that the wording of the policy is amended. It is not clear why the 'playbook' has been referenced- as it appears to have no formal recognition, planning status or weight and may be subject to future update or withdrawal. This document would be best referenced within the supporting justification, and the actual recommended standards included within the policy – with a caveat to them

being applicable until replaced by any successor standard. This would improve the precision of the policy, and aid its implementation.

- 3.28 Criterion E6.8 would result in the introduction of a water efficiency standard, however this varies from that being sought to be introduced through the Amended Allocations & Development Management DPD. The standard within the SNP would achieve an expected water consumption of less than 100 litres per person per day, whereas the District-wide standard emerging through the Plan Review would be 110 litres per person per day. This is the recommended standard from the two local water companies and has been viability tested. It is suggested that, for ease of implementation and consistency in decision-making across the District, this evidenced standard is used within the SNP, or that this is left to the Amended Allocations & Development Management DPD to address.

**Policy DH1 – Design Codes for Sustainability & Sense of Place (and all other policies containing cross references to the Design Codes)**

- 3.29 The intention to drive up standards of design through the introduction of a Design Code as part of the Neighbourhood Plan is applauded. This is a mutually shared aim, with existing design policy in the Allocations & Development Management DPD to be comprehensively updated through its review and a Masterplan and Design Code for Newark currently under development. However, in order to potentially be considered a formal ‘Design Code’ then the content in the SNP will require the supporting evidence and contextual analysis to be made available. Appendix 3 ‘Key Supporting Documentary Evidence’ lists ‘Design Codes-Final Report AECOM March 2023’ as an entry, and work by the consultancy is mentioned in the justification to Policy DH1. Yet, the document itself does not appear to have been published alongside the amended SNP for the purposes of this consultation.
- 3.30 Without this evidence the development of the codes cannot be understood, their merits assessed and ultimately their implementation properly supported. For instance, it is not clear whether the National Model Design Code guidance has been followed? The content in Appendix 1 has the feel of being the end result of a process, but with none of the preceding information being made available. The PPG is clear that design codes are a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area. Their content should also be informed by the 10 characteristics of good places set out in the National Design Guide, and the National Model Design Code. Clearly the process of selecting and setting design parameters, should directly derive from robust analysis and design visioning. The information provided within, and in support of, the Codes fall significantly short of meeting this guidance.
- 3.31 In its current form it is strongly questioned how the Local Planning Authority as decision maker will have sufficient clarity over the approach in order to apply it consistently and with confidence, when determining applications. It is also unclear whether applicants are being provided with a clear and precise approach, within which to develop proposals.
- 3.32 Given these fundamental concerns the references and cross-references to the Codes within relevant policies of the amended SNP are ambiguous – given that they do not link back to an evidenced, justified and fully formed Design Code. Consequently, it will not be possible to implement those requirements in the way anticipated, where their meeting is defined as compulsory. In order to take this forward as a Design Code the Qualifying Body is urged to publish the supporting evidence, so that the merits of the process followed and its



conclusions may be critically assessed. An alternative approach would be to revert back to more traditional design guidance, albeit with there still being the need for this to be supported by proportionate evidence. This option would also require the wording within the plan to appropriately reflect the status of guidance (i.e. there being more scope for pragmatism, consideration within the round and prioritisation of key criteria than exists with a formal code).

- 3.33 Given the benefits that can derive from the use of Design Codes at a local level it is regrettable that support for the approach within the amended SNP cannot currently be provided, and that there is no choice but to raise an in-principle objection.
- 3.34 In terms of specific comments on the wording within Policy DH1 the above has bearing for that proposed within criteria DH 1.2 – DH 1.5 (inclusive), which as it stands is considered to be inappropriate and unjustified. Separately, from an implementation perspective the mapping provided in Appendix 1 is not of a sufficient quality or at a legible enough scale to allow precise identification of site location – and so to determine what parts of the codes are relevant. This will further undermine implementation of the codes in a precise and consistent way.
- 3.35 Should the Qualifying Body wish to retain the current approach, and test it at Examination, then the wording in DH1.4 ought to be slightly amended to ensure that application of the codes deals purely with the matter of design – there may be other issues which result in a design compliant scheme not being supported. Perhaps wording similar to ‘development proposals that are consistent with the relevant Southwell Design Codes will be considered to have met an acceptable standard of design’ would be better.
- 3.36 With regards to the detailed content within Appendix 1, the following input has been provided by the District Council’s Conservation team. The CFA: A ‘functional countryside’ area includes Norwood Park, which is an unregistered park and garden – which doesn’t seem appropriate. The choice of language in SFA2 provides some discomfort, with it described as the ‘most privileged part of the Town’. SFA3 is referred to as ‘lower density’, something that is questioned and only really true of Westhorpe – perhaps agglomerated/informal would be a better description, which could then also apply to part of Halam Road?
- 3.37 Code HA; point 1 how is ‘low-quality’ defined? Point 4 may limit the potential for new architecture, wouldn’t it be better to use wording along the lines of ‘respect’ local vernacular. Point 5 should be reviewed against the advertisement regulations and the management options available.
- 3.38 There is concern over whether Code LG can work in the way currently drafted. For example Georgian architecture is typically defined by symmetry/regimented facades, context is crucial – and so should determine approaches. ‘Gappy’ silhouettes is considered to represent poor terminology. How corner buildings are addressed should be more flexible, and may not work in transition areas but can potentially be ok within an urban context. Similarly blank gables can also work in the right context.
- 3.39 Code C, the replacement of ‘compliance’ with ‘sympathy’ is recommended in Point 2. Point 5 may prove unreasonable – and so an alternative could be to turn this positive to encourage diversity, rather than framed negative and around avoidance.
- 3.40 Code MC, in terms of colours the requirements here seem slightly unreasonable/redundant – could the LPA reasonably enforce against this, and is there sufficient consistency in colour

as a starting point to make it practical. On materials, there is some discomfort around the text on render and being able to ask for handmade bricks in a new build project. It would not be possible to resist engineering bricks in footings and are partially visible, so would form from discharged condition for materials. The policy could prove to problematic therefore. The use of 'simple and neat' is unclear. Boundary treatments would be required to distinguish between private and public spaces- but would it be unreasonable to resist fences at rear of property for example away from public realm?

- 3.41 Code HHD is poorly worded and defined. Applicants will likely be confused by the imposition of design parameters given other aspirations in the code. There is a contradiction through Code F when it asks for development to accord with the surrounding townscape. Similarly, there is a contradiction with the window and roof design codes which essentially ask designers to replicate traditional forms.
- 3.42 It would seem that the context code C section is currently the most useful part of the code, and as presently drafted the suitability of the other parts of the 'code' is questioned.

#### **Policy DH2 – Public Realm**

- 3.43 Criterion DH2.2 currently seeks to control the form and provision of squares, parks or spaces where they are proposed. The amendments would shift this to become a requirement for their provision as part of development proposals. The use of development proposals lacks precision and would as currently written apply to all forms of development- including some where they would not be common features – or indeed necessary. Beyond this in terms of development where their provision could be appropriate then no regard is had to the scale of development proposed – 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 this policy to make it precise and flexible enough to be implementable.

#### **Policy DH3 – Historic Environment**

- 3.44 Further advice on this policy and section will be provided subsequently, following advice from the District Council's Conservation team.

#### **Policy TA1 – Cycle and Pedestrian Routes**

- 3.45 The policy would be amended to require that 'all new developments must' provide accessible pedestrian and cycle routes. This would be changed from the current wording, which ties consideration of where cycle and pedestrian route should be provided to circumstances where this is appropriate. In seeking mandatory provision through all forms of development the policy lacks precision, there will be forms and scales of development where such provision would be inappropriate. The existing wording appears to be more appropriate. If the Qualifying Body remains of the view that the wording still requires amendment, then it is suggested that something along the lines of 'Where appropriate due to the scale and form of development proposed, schemes should...' would be preferable.
- 3.46 The new criterion proposed through TA1.1 (e) would require provision of off-road cycle routes. It is considered unnecessary for this to be altered, given that this may not always be achievable, and in such circumstances then surely on-road provision is better than none taking place at all? The requirement could be amended to say something similar to, 'prioritisation should be given to provision of off-road cycle routes wherever practicable...'

- 3.47 It is presumed that the reference within TA1.2 to consideration being given to use of CIL receipts for funding improvements refers 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**

- 3.48 Criterion TA2.2 requires residential development of more than 10 dwellings to be located within 300 metres or a 5-minute isochrone (whichever is lower) walk of existing public transport services. Sites unable to achieve this would be required to subsidise a new/extended transport link to serve the new residential site. This requirement appears to conflict with the County Councils – [Public Transport Planning Obligations Funding Guidance for Prospective Developers](#) which sits alongside their [Developer Contributions Strategy](#) and which carries 100 dwellings or more as the threshold at which consideration would be given to a bus service contribution. The County Council guidance does appear to suggest that local quality standards can also be put in place, in this respect the District Council's Developer Contributions SPD sets a threshold of 50 dwellings or a site area of 1.2ha as the trigger to potentially seek transport related Developer Contributions. It is unclear what necessitates such a radically different approach for Southwell Parish. Consequently, the proposed threshold lacks an evidence base to support it and demonstrate that it will prove locally viable for qualifying schemes. Without demonstration over the necessity, and an evidence base to support its introduction then this requirement should be deleted. The same issues extend to criterion TA2.3
- 3.49 TA 2.4 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**

- 3.50 There doesn't appear to be any evidence in support of the specific roads and junctions identified for improvement / intervention through TA3.2 and TA3.3. These recommendations do not appear in the District Council's infrastructure evidence base, and so in order for them to be retained then such evidence will need to be provided. It is also strongly suggested that the Highways Authority be engaged.

### **Policy TA4 – Parking Standards**

- 3.51 There is an important difference in the proposed standards to those in the District Council's Residential Cycle and Car Parking standards SPD. The SNP proposals would seek provision of 2 off street parking spaces for 3 bed dwellings, whereas the SPD seeks 3 for that size of dwelling. Amendments to the design policies within the Amended Allocations & Development Management DPD will reference the SPD. Accordingly for the ease of implementation and to avoid duplication of policy content, the inclusion of specific standards in the Neighbourhood Plan should be considered for deletion.
- 3.52 Criterion TA 4.3 would result in developer contributions being sought from commercial and retail development to provide sufficient parking provision in Southwell Town Centre, with an emphasis on free and affordable parking charges. It is unclear on what basis of need these contributions would be being sought, the policy requirement is not evidenced in any way.

- 3.53 In order to pass the planning obligation tests these contributions would have to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Given the type of site that is likely to become available within the Town Centre boundary and new commercial and retail development likely to trigger the requirement is going to be extremely modest in scale, the requirement would therefore seem disproportionate and so unlikely to pass the tests. The proposal would also seem to be introducing an additional barrier towards inward investment into the Town Centre from two important Main Town Centre Uses, at a time when retail and commercial concerns are generally rationalising their floorspace and withdrawing from Town Centres. Therefore, unless robustly evidenced as necessary, this proposed approach is not in the interests of the continued vitality and viability of Southwell Town Centre.

#### **Policy TA5 – Parking Strategy**

- 3.54 The policy appears to promote a desire for parking capacity within the town to, as a minimum, be kept in equilibrium with its current levels, and that proposals which result in a loss of parking capacity would be resisted. No evidence has been presented in support of this policy stance, demonstrating that the Town has a significant issue around car parking capacity – and so it is important that this is provided, in order for the content to be considered appropriate policy response to the issue. Use, function and location are all important considerations here, and it may not prove appropriate to ‘resist’ all proposals which result in a loss of parking provision. The policy should be flexible enough to deal with the specific merits of a proposal, and allow for up-to-date evidence over available parking capacity to be taken account of. It is assumed that the form of parking provision which is most critical is either in a Town Centre location, or areas on its periphery. Therefore, would it be a proportionate policy response to constrain the loss of car parking capacity on sites without a relationship to the Town Centre? As drafted the policy could also potentially cover private car parking provision, which doesn’t seem reasonable. TA5.6 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 CF2 – Green and Open Spaces and Burial Grounds**

- 3.55 The wording of the amendment to CF2.1, which would require ‘public demonstration’ is deemed unnecessary. Clearly such information will already be public – given that a planning application is a matter of public record, and the Officers report should outline how they have applied relevant policies. An alternative would be to frame this around demonstration through the planning application process.
- 3.56 There are a wide range of new designations shown on the map titled ‘Green and Open Spaces and Burial Grounds’, and in terms of the ‘Main Open Areas’ the proposed policy makes no reference to them, or what approach will be taken towards their management. This provides a lack of clarity and will severely impede implementation. If the intention is that the designation will be managed in-line with Policy SoA/MOA in the Allocations & Development Management DPD then this ought to be referenced. The policy also directs the reader to ‘Appendix ??’ for the Local Green Space designations – which appear to be shown on the map above.
- 3.57 Notwithstanding there are severe concerns over the justification of the new Main Open areas, and the extent of land covered through the designation. There is a lack of clarity

around the methodology for their selection and the explanatory justification in the amended SNP does not aid the reader in understanding what role the areas play, and why this is important. Main Open Areas are a pre-existing designation within the Development Plan, and represent areas of open land within settlements that play an important role in defining their form and structure. They are not always open to the public although most are viewable from public land or accessible via public footpaths through them.

- 3.58 It is recognised that the existing MOA to the south of the Minster sits outside of the settlement – however this is very much an exception, and the openness of that space has clearly significantly influenced the form and structure of the Town despite its location outside. There is an important relationship to the Minster and it contributes towards its significance as a heritage asset (this relationship is duly reflected within the Southwell Protected Views policy). Setting aside this exceptional MOA, there would be a fundamental inconsistency between the remaining existing designations and the new ones proposed through the Amended Neighbourhood Plan, given their location outside of the settlement. Setting aside methodological concerns, they cannot be considered ‘Main Open Areas’ on this basis alone. Whilst the existing Main Open Area policies are not identified as a strategic for the purposes of Neighbourhood Planning, it is considered that the proposed approach of the SNP would nevertheless contribute to a confused policy position- undermining both the implementation of existing Main Open Area policies (in multiple locations across the District) and Policy CF2.
- 3.59 Turning to the methodology, it is assumed the intention is that the two documents entitled ‘Key to Proposed Open Spaces’ provides the basis for the identification of the land. There is however a lack of precision to this evidence base, with the majority of the methodology seeming to be based on an application of the Local Green Space criteria in the NPPF. However 18 of the 33 areas identified on the map in the SNP are listed as ‘New Main Open Areas’ and not ‘Local Green Space’. If the merits of their identification as Main Open Areas is to be properly assessed, then this must instead entail the development and application of a suitable methodology relevant to their purpose – as set out through Policy SoA/MOA. However as referred to above, it is currently unclear how they contribute to the form and structure of the Town, and in any event for the most part they are located beyond its boundary. It is not considered that the methodology is rigorous enough to support the identification of the land in the way which has occurred.
- 3.60 Many of the 11 criteria in the methodology have been taken from the Local Green Space content in the NPPF, but on their own and with no broader context provided can be extremely subjective and lacking in definition. It is necessary to understand how the methodology followed has allowed for an objective assessment to be made against the criteria. In many cases just a simple ‘yes’ or ‘no’ is given as to whether they meet a criterion or not, with the accompanying commentary for each site being extremely brief. Consequently, as it stands the proposed approach of the SNP does not seem to be based on a robust and objective evidence base. Taken cumulatively, the approach risks introducing an extremely low bar for the identification and protection of a significant amount of land within and beyond the Town. Para 103 of the NPPF states that policies for the management of development within Local Green Space should be consistent with that for Green Belt. Therefore, in order for the policy to have merit then this protection must have a degree of permanence to it, and not be undone through future rounds of plan-making. This increases the threshold that the supporting evidence base will need to pass – given the significant implications the approach would present for the future growth of the Town.

- 3.61 If the intention is that all of the land will be Local Green Space, then much of it would fail the tests within the NPPF. Some of the land could be considered to be extensive tracts when considered in isolation, and would definitely be so when taken cumulatively. The Planning Practice Guidance (para 015, reference ID: 37-015-20140306 in the Open space, sports and recreation facilities, public rights of way and local green space section) is very clear, in that Local Green Space *'should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name'*. There is extreme concern that when taken together this is what the proposed new Local Green Space and Main Open Areas amounts to.
- 3.62 The objective merits of land that has been identified is somewhat undermined through land around the Crew Lane area having not being included. In superficial terms, and with the apparent low threshold for inclusion of land elsewhere, there would seem little difference here between land in that location and other parcels that are covered by either the Main Open Area or Local Green Space designations. The methodology doesn't allow this to be understood.
- 3.63 Ultimately the need for the policy intervention is questioned, beyond a limited identification of appropriate Local Green Space. There is significant overlap here with protection already provided through existing policies and designations. For example, the land beyond the Urban Boundary is covered by planning policy for the open countryside – which is restrictive in what it would allow for. Whilst other spaces are likely identified through the Conservation Area Character appraisal – and where integral to that designation then protection is provided. Unnecessary duplication in local planning policy, which adds to the complexity of the Development Plan, should be avoided where there is no need for this to occur. Beyond the horizon of the current round of plan-making the proposals would likely significantly constraint the options available to future decision-makers over the growth of the Town, and so undermine its sustainable long-term planning.
- 3.64 The concern amongst some landowners over the extent of engagement that has occurred in support of the designations is noted. In terms of the Local Green Space the Planning Practice Guidance is clear that landowners should be contacted at an early stage over proposals to designate any part of their land and that opportunities should be available for them to make representations. Clearly the Town Council will need to be satisfied that they have met this, with details provided through the consultation statement supporting the amended SNP. Following submission, the District Council will also need to have sufficient detail provided to allow these efforts to be replicated. Whilst there is a lack of clarity over whether all of the land identified is intended to be Local Green Space or not, it remains the case that proactive engagement of a similar type for landowners affected by the Main Open Areas should be undertaken. There would likely be a similar outcome in terms of the impact on the development potential of the land, and so it would appear to set a reasonable precedent in what ought to be expected.
- 3.65 As it stands there are severe concerns over the proposed approach, its justification, and the ability for it to be precisely and consistently implemented. Beyond this there is the strong risk that the options available to future decision-makers will be significantly constrained and the long-term planning of the Town impeded, without the justification necessary to warrant this having been provided. Should the Town Council wish to seek to overcome the objection then there is the need for a robust and comprehensive evidence base to be brought together, which clearly demonstrates the need and justification for such

an extensive amount of land to be protected. Without this compelling justification the policy approach will require substantial amendment.

### **Policy CF3 - Primary Shopping Frontage and District Centre**

- 3.66 It should be noted here that the District Council is proposing to delete retail frontages through its Amended Allocations & Development Management DPD. It is considered that this type of policy tool has been made redundant through changes to the use classes order, given the breadth of uses within this class and the fact that changes between them will no longer constitute development (though related alterations to building fabric to facilitate a change may require permission). It should also be noted that the change of use from E class uses to 1 or 2 flats above can be carried out subject to 'prior approval', as can the change to a state funded school. Notwithstanding this, it is clearly implicit to the definition of the E class that uses falling within it can be taken as read to support the vitality and viability of Centres. Therefore, it is not considered proportionate or appropriate that proposals be required to demonstrate this. Part 2 of the policy is unnecessary – given that change within the E use class does not constitute development.
- 3.67 The first bullet point within CF3.3 is inconsistent 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 basis for establishing whether a site would meet this test has been provided).
- 3.68 Whilst the intention behind the requirement is understood and in some respects laudable, 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 is clearly a partial overlap here with 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 the 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 would be picked up through that separate test (where applicable). Given the inconsistency with national and local policy, then the requirement will either need to be redrafted, or deleted. Wording within the second bullet point to CF3.3 ought to be slightly modified – the phrasing 'not significantly reduce' appears somewhat imprecise, and it is suggested that 'must not result in an unacceptable loss of...' would be an improvement from an implementation perspective.

### **Policy HE1 – Housing Type and Density**

- 3.69 It's unclear where the new housing mix requirements have come from, the supporting text suggests that they are consistent with the Southwell Sub-area profile from the District-wide Housing Needs Assessment (2020), and whilst they are similar (being broadly weighted towards those dwelling types that the 2020 work identifies as priorities... 2 and 3 bed units) there are important differences. The evidence appendix has listed the 2014 Housing Needs Sub-area Analysis, which adds to a lack of clarity here. No alternative locally produced evidence has been published alongside the plan in order to allow the figures in the policy to be understood, and so it is important that this is now made available – or that the

requirements are adjusted so that the figures in the policy match the recommendations of the source that the supporting text refers to. The way the bedrooms has been split doesn't reflect the District-wide work, which includes 1-2 bedroom houses as a single category, whereas 1 and 2 bed dwellings are separate entries in the policy table of HE1. Likewise 4 or more bedrooms is the upper size in the District-wide study, but the SNP policy table includes 5 bed dwellings as a distinct group. These are not critical issues and a more localised approach could prove appropriate, if the work behind this can be made available and its merits considered.

- 3.70 In seeking to implement the policy it is not clear which column the decision-maker should apply - is it the middle or the final column? Following on from this, the purpose of the final column ('Balance of new housing to reach target mix') in the table needs to be explained and/or retitled so that its purpose, relevance and application can be properly understood. It is assumed that this reflects an assessment of what would need to occur on the remaining site allocations, in order for the housing brought forward in the Town to match the mix recommendations. This may be interesting background context, but will reflect a constantly evolving figure – taking account of windfall development and the mixes actually delivered on remaining allocations. The importance of the mix targets in the policy being clear and precise is underlined here, and it is strongly suggested that the middle column provide the policy requirements around mix. HE1.1 still seems to refer to associated densities being sought, but these no longer seem to form part of the policy (see also erroneous references to tables HE1a and HE1b under criterion HE1.3).
- 3.71 The requirement at HE1.2 for the Town Council Planning Committee to be involved in the agreement of open book viability assessments, where schemes are not policy compliant, is not considered appropriate and should be deleted. The Local Planning Authority is the decision-making body, and the role of the Town Council in that instance is one of consultee. Given that viability appraisals should be publicly available this then allows for the Town Council to review and input into the process through that route.

### **Policy HE2 – Economic Development and Employment**

- 3.72 Proposed amendments would result in the deletion of So/E/3 from the policy, the basis for which is assumed to reflect the proposals emerging through the Amended Allocations & Development Management DPD. However, whether this emerging amendment through the District Council's plan review can be given any significant material weight is debatable. Subject to progress with the review of the Allocations & Development Management DPD then it may be that the reference to So/E/3 will require retention, to reflect the currently adopted plan. This could be the case should progress stall or the Neighbourhood Plan overtake the District Council's own Plan Review process.
- 3.73 It is unclear why the amendment to HE2.5 has replaced 'employment' with 'commercial', particularly given that the test within the policy remains orientated around demonstration an employment use is no longer viable. The proposed change altering the alternative need for a demonstrable beneficial environmental improvement, to become just an environmental improvement represents a significant lowering of the threshold that proposals would need to pass. This could result in minor perceived environmental benefits justifying the loss of an otherwise viable commercial or employment use. The reference to 'public well-being' in the final sentence of HE2.5 seems a little imprecise, and it is suggested that wording along the lines of 'public amenity' may be better used.



- 3.74 HE2.6 outlines that where So/E/2 and So/E/3 are considered unnecessary to meet employment needs that other uses will be considered. So/E/2 is not currently explicitly identified in this way within the existing policy, and no objection is offered here – it is recognised that a release under those circumstances may prove acceptable. Proposals emerging through the Amended Allocations & Development Management DPD would result in So/E/3 becoming ‘reserved land’ with the intention that it be protected from development and remain available to be considered within a future round of plan-making. There is however a divergence here between the two positions, and the proposed content within the Neighbourhood Plan could result in its earlier development. Whilst the Amended Allocations & Development Management DPD is yet to be submitted to the Secretary of State it is important that a coherent approach across the Development Plan is struck for this area of the Town. It is therefore suggested that this matter is the subject of further discussions between the two Councils.

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

- 3.75 Engagement should take place with the Highways Authority to ensure the additional requirements that the Transport Assessment for the sites also take account of impact the Kirklington Road / Lower Kirklington Road junction – with provision of appropriate mitigating measures being made- is necessary.

#### **‘Southwell Proposals Map A’**

- 3.76 The map appears to show changes emerging through the Amended Allocations & Development Management DPD – for instance the Reserved Land at Crew Lane – which has not been tied into content within the proposed amended Neighbourhood Plan. In this instance the employment policy still references So/E/2 and So/E/3 – so this provides for a confused position with the map and policies not aligning with one another. It is suggested that the map within the SNP needs to provide an accurate representation of its policy contents, and so requires amendment. Site allocation SS7 is shown on an extended basis – as per proposals emerging through the District Councils Plan Review, but the indicative site capacity remains at around 15 dwellings – whereas this has been proposed to be increased to 18 dwellings in order to reflect that larger site area. It is recommended that the SNP also reflect this higher dwelling number.
- 3.77 The Urban Boundary would be slightly expanded through the SNP, to include land between the south of SS7 and Fiskerton Road. The Urban Boundary is a strategic policy for the purposes of Neighbourhood Planning, and so any proposals within the amended SNP will need to be in general conformity with the existing Development Plan. In this instance, given the boundary would be drawn more generously, then the change could be made and general conformity maintained. However, the Town Council should be aware of the implications, which may arise from the change. Under Policy DM1 the new location within the settlement boundary would make its development for a range of uses acceptable in principle, but there would be no policy to control how it would be brought forward – other than application of general policies within the Plan. Loss of the land to development may also prevent the area forming part of comprehensive future options for that part of the Town.

#### **Implementation Section**

- 3.78 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. Paragraph 13.5 should refer to

'programmes listed' in 13.7 and not 'policies' – it is also queried whether the paragraph referenced should actually be 13.8. In terms of the programmes referred to in the list, it is important to recognise that some may not be able to be realised without the consent of private owners (e.g. the steps that lead from Beckett's field footpath to the end of Halloughton Road).

#### **4.0 Strategic Environmental and Habitats Regulations Assessments**

- 4.1 Separate to this response a screening opinion on the proposed amended plan against the need for Strategic Environmental and Habitats Regulations Assessments will be provided.

#### **5.0 Concluding Comments**

- 5.1 Objections have been raised across a number of important areas in the emerging Amended Neighbourhood Plan. It is appreciated that the Qualifying Body may be disappointed to receive this input, however it is intended to help positively shape the Plan and ensure that it is fit for purpose, able to be consistently and precisely applied and to provide a plan that can deliver on local objectives. The Qualifying Body is not obligated to follow the input provided, and may choose to submit the plan unchanged with areas of disagreement to be resolved through its Examination. Notwithstanding this Officers remain committed to positively supporting the development of the amended Neighbourhood Plan, and would be happy to discuss matters in further detail.

Yours faithfully,



Matthew Tubb  
Senior Planner (Policy)  
Planning Policy & Infrastructure