



The Planning Inspectorate

Report to Mansfield District Council

by Sarah Housden

an Inspector appointed by the Secretary of State

Date: 31 March 2020

Planning and Compulsory Purchase Act 2004
(as amended)

Section 20

Report on the Examination of the Mansfield Local Plan

The Plan was submitted for examination on 19 December 2018

The examination hearings were held between 14 and 24 May 2019

File Ref: PINS/X3025/429/7

Abbreviations used in this report

AA	Appropriate Assessment
AMR	Annual Monitoring Report
CIL	Community Infrastructure Levy
D2N2	Derby, Derbyshire, Nottingham and Nottinghamshire
DPD	Development Plan Document
DPH	Dwellings per hectare
DPY	Dwellings per year
DtC	Duty to Co-operate
ELFS	Employment Land Forecasting Study
ELR	Employment Land Review
FEMA	Functional Economic Market Area
HELAA	Housing and Employment Land Availability
HIA	Health Impact Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LHN	Local housing need
LP	Local Plan
LPZ	Landscape Policy Zone
MARR	Mansfield and Ashfield Regeneration Route
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
MoU	Memorandum of Understanding
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
PPG	Planning Practice Guidance
ppSPA	Possible potential Special Protection Area
PPTS	Planning Policy for Traveller Sites
PROW	Public Right of Way
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SEP	Strategic Economic Plan
SfG	Strategy for Growth
SHMA	Strategic Housing Market Assessment
SoCG	Statement of Common Ground
SPA	Special Protection Area
SPD	Supplementary Planning Document
SUE	Strategic Urban Extension
VA	Viability Assessment

Non-Technical Summary

This report concludes that the Mansfield Local Plan provides an appropriate basis for the planning of Mansfield District, provided that a number of main modifications (MMs) are made to it. Mansfield District Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared a schedule of the proposed MMs and carried out Sustainability Appraisal and Habitats Regulations Assessment of them which included appropriate assessment. The MMs were subject to public consultation over a six week period. In some cases, I have amended their detailed wording and added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Amending general policies and site allocations to incorporate mitigation measures to ensure no adverse effect on the integrity of the possible potential Sherwood Special Protection Area;
- Clarifications and updates to strategic urban extensions, employment, retail and housing site allocation policies;
- Updating the housing trajectory to take account of site deletions, planning permissions and completions;
- Changes to Policy CC1 to delete references to larger and small scale wind turbines;
- Deletion of Policy RT10 relating to St Peters and Portland Retail Parks;
- Revisions to the wording of development management policies for consistency with national policy, positive preparation and effectiveness.

Introduction

1. This report contains my assessment of the Mansfield Local Plan (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate (DtC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (the NPPF) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised NPPF was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, apart from where I have stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2019 NPPF.
3. The Plan provides a development strategy and detailed policies and identifies specific sites to deliver the need for employment, housing and retail development over the Plan period 2013 - 2033. The exception to this is provision for Gypsy and Traveller sites and I deal with this matter in more detail in Issue 3 of this report. Minerals and waste development is covered by the saved policies in the Waste Local Plan and Core Strategy and Minerals Local Plan produced by Nottinghamshire County Council.
4. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound Plan. The Mansfield Local Plan submitted in December 2018 is the basis for my examination. It is the same document as was published for consultation in September 2018.

Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
6. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) of them. The MMs schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the MMs. None of the amendments significantly alters the content of the MMs as published for consultation or undermines the

participatory processes, SA and HRA that have been undertaken. Where necessary I have highlighted these amendments in this report.

7. I have deleted proposed MMs which I do not consider are necessary for soundness or which relate solely to changes to the Policies Map. The Council may consider the former of these as additional modifications which it can make on adoption of the Plan and the latter as changes to the Policies Map which it can also make on adoption.
8. The Council has published 'additional modifications' alongside the MMs which are modifications that do not materially affect the policies in the Plan. The Council is accountable for these changes and they do not fall within the scope of the examination.

Habitats Regulations Assessment

9. On submission, the Plan was accompanied by a Habitats Regulations Assessment (HRA) screening report. Likely significant effects on the integrity of the Birklands and Bilhaugh Special Area of Conservation (SAC) from the impact pathways of air quality, recreational pressure, water abstraction for public supply and urbanisation were screened out. However, the conclusion of no likely significant effect on the possible potential Sherwood Special Protection Area (Sherwood ppSPA) relied upon the incorporation of mitigation measures to screen out adverse effects on integrity.
10. The NPPF at paragraph 118 is clear that potential Special Protection Areas (SPAs) should be given the same protection as European sites. Having regard to the Sweetman¹ ruling and the risk based approach advised by Natural England², in response to my interim findings an appropriate assessment (AA) was prepared after the examination hearings and consulted on alongside the MMs. For completeness, both the SAC and ppSPA are included in the AA. I return to the impact on the SAC and ppSPA in Issue 4 of this report.
11. Some representors consider that the AA does not afford sufficient legal 'status' to the ppSPA and that it has not been undertaken as if it were a designated European site. I consider that the AA has been conducted following a robust and comprehensive framework and has identified relevant potential impact pathways on the Sherwood ppSPA. I am satisfied that the legal requirements have been met and in coming to that view, I have had regard to the views of Natural England who consider that the AA meets the requirements of the Habitats Regulations and relevant case law.

Policies Map

12. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development

¹ People over Wind, Peter Sweetman v Coillte Teoranta Case C-323/17

² Evidence Document S11

plan. When submitting a Local Plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted Plan. In this case, the submission policies map comprises the plans in the Draft Local Plan Policies Map (documents S3a and S3b).

13. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
14. These further changes to the policies map were published for consultation alongside the MMs in the 'Schedule of Changes to the Policies Map and Key Diagrams' (October 2019). In this report I identify any amendments that are needed to those further changes in the light of the consultation responses.
15. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the policies map to include all the changes proposed in the Draft Local Plan Policies Map and the further changes published alongside the MMs, incorporating any necessary amendments identified in this report.
16. The submitted Plan contains a number of diagrams providing an overview of the Plan's policies together with indicative masterplans. In the interests of brevity, I have not referred to every diagram/masterplan alteration in this report, but all of the proposed changes were included in the Schedule of Changes that was consulted on and I am satisfied that these can be updated on adoption of the Plan.

Post Hearing Consultation

17. In response to my request that further consideration should be given to whether an uplift should be applied to the local housing need (LHN) figure to increase the supply of affordable housing, additional evidence in relation to affordable housing need was submitted by the Council following the examination hearings in the 'Affordable Housing Needs Update' (May 2019). Representors were invited to comment on the update and I have taken account of those responses in coming to my conclusions on the soundness of the Plan.

Assessment of Duty to Co-operate

18. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. The Council's Duty to Co-operate Statement details the strategic cross boundary issues of relevance to the Plan's preparation, including housing, employment, retail development, infrastructure and protection and enhancement of the natural and historic environment.

19. Regular engagement with adjoining local authorities and prescribed bodies has taken place on all relevant strategic cross boundary issues from an early stage in Plan preparation, resulting in a number of agreed Statements of Common Ground (SoCG). Mansfield is part of the Nottingham Outer Strategic Housing Market Area (HMA) together with Ashfield District Council and Newark and Sherwood District Council. The Nottingham Outer Strategic Housing Market Assessment (2015) (2015 SHMA) and SHMA Update (2017 SHMA) are accompanied by a Memorandum of Understanding (MoU) signed by the three HMA authorities in 2017. This agrees the objectively assessed housing need (OAN) for the HMA and confirms that the need for each authority can be met within its own administrative area.
20. Matters have since changed in that the Ashfield Local Plan was withdrawn from examination in September 2018 and Mansfield Council subsequently decided to move away from OAN and use the LHN figure as a basis for identifying housing need. I deal with the justification for that approach in Issue 3 of this report. There is now a consequential degree of unmet need in the HMA because of Mansfield's marginally lower LHN figure. However, this does not undermine the co-operation that has taken place. No HMA authority has objected that there is an unmet need that Mansfield should address. In the context of a transition to a different method of assessing housing need, it is inevitable that plans within the same HMA and at different stages of preparation and examination may not align on meeting an overall need figure.
21. Through the DtC the Council has also worked with Bolsover Council to produce Policy HE2 for the regeneration of Pleasley Vale which straddles the common administrative boundary between the two authorities.
22. In conclusion, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

Assessment of Soundness

Main Issues

23. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified nine main issues upon which the legal compliance and soundness of the Plan depends. This report deals with these main issues and does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.
24. The MMs table includes some re-numbering of the Plan's policies. To avoid any confusion, in this report all policies are referenced by their 'old' policy number, as set out in the submitted Plan and the updating of policy numbers can be done by the Council when the Plan is adopted.

Issue 1 – Will the Plan help to deliver the vision and objectives for Mansfield and is the spatial strategy, distribution of development and settlement hierarchy soundly based?

25. The Plan's vision and objectives aim to achieve the long term regeneration of the District and a healthier, greener and more vibrant area for residents, workers and visitors. This reflects the aims of the Council's economic, housing and other strategies and the economic, social and environmental challenges facing the area. The explanation at the end of each policy shows how it will contribute to the Plan's objectives and this is a robust approach. One of the Plan's objectives is to achieve good connectivity and there is no justification to refer specifically to the Mansfield and Ashfield Regeneration Route (MARR) within the objectives since it is already referred to in Policy S2 which sets out the spatial strategy.
26. Policy S1 sets out the approach to achieving sustainable development in the context of Mansfield District. Paragraph 1 of the policy has an overly permissive approach to new development which is inconsistent with the achievement of sustainable development in the NPPF. **MM1** is necessary to rectify this and for clarity and effectiveness, **MM1** also updates the wording of criterion 3 to refer to the 'most important' policies for determining the application. National policy does not set out a presumption against unsustainable development, and applications are determined in accordance with the development plan, read as a whole, unless material considerations indicate otherwise. Consequently, there is no justification to include a presumption against unsustainable development within Policy S1.

Settlement hierarchy

27. Although the Mansfield Urban Area incorporates a number of settlements with different identities, it is the largest built up area in the District and accommodates the main retail and employment areas and services and facilities. Accordingly, its identification as a single category at the 'top' of the settlement hierarchy is justified. Forest Town is peripheral to, but contiguous with, the Mansfield Urban Area. Its inclusion within the Urban Area is justified and there is no justification for it to be identified as a separate settlement. The requirement in Policy S2 of the submitted Plan that new development in Rainworth should reflect its rural character is unduly onerous. **MM2** rectifies this by requiring new development to reflect its identity as a separate settlement rather than one with a rural character.
28. Market Warsop is within Warsop parish and is a small town approximately 6 kilometres to the north of Mansfield. Its identification as a separate settlement within the hierarchy is justified. The identification of the other communities in Warsop parish as villages reflects their rural location, smaller size and more limited range of services and facilities and this is a logical approach.

Spatial strategy and distribution of development

29. The Plan's spatial strategy is articulated through Policy S2. Through the SA, reasonable alternatives for the spatial strategy, scale and distribution of housing and employment development have been tested against the SA objectives at different stages of Plan preparation. The broad strategy selected focuses the majority of housing and employment development in and around the Mansfield Urban Area whilst meeting needs at Market Warsop and the surrounding villages. This will optimise the use of existing transport infrastructure, maximise accessibility to jobs and services and support the redevelopment of brownfield sites. Based on the assessment of alternatives through the SA, the spatial strategy as articulated through Policy S2 is justified.
30. Alternative options for the distribution of development were also assessed through the SA. The selected option set out in Policy S2 seeks to direct 90% of the housing requirement together with the majority of employment development and community facilities to the Mansfield Urban Area. The remaining housing requirement and a small amount of new employment will be accommodated in Market Warsop and the Warsop parish villages. Housing numbers are expressed as a minimum in Policy S2 and the policy is sufficiently flexible to accommodate minor variations in the distribution of new housing between the Mansfield Urban Area and Warsop parish.
31. The SA acknowledges that development on the edge of the Mansfield Urban Area will result in the loss of open land and negative effects on biodiversity arising from growth in proximity to the ppSPA. Through mitigation it was concluded that this would not lead to long term permanent effects and that phasing could help to manage short term impacts. The distribution of new housing set out in Policy S2 focuses growth in the most sustainable locations, reflects the spatial strategy and is justified.
32. As submitted, Policy S2 criteria (a) refers to 'district wide service development' being accommodated in the Mansfield Urban Area and it is unclear what type of development this refers to. In order for Policy S2 to be effective, **MM2** is necessary to replace this with 'retail and other community facilities'. Community facilities are defined in the glossary and there is no need for any further definition within the policy. As submitted, Policy S2 includes very specific monitoring data for retail and leisure floorspace which could become out of date quickly. For effectiveness, the monitoring information should be removed from Policy S2 and included within its supporting text and **MM2** and **MM3** secure the necessary changes.
33. The focus for development in the Mansfield Urban Area will be on brownfield sites, other underutilised land and greenfield sites on the edge of the town. Whilst this is consistent with the NPPF's core planning principles, the term 'underutilised' land is ambiguous. In order that Policy S2 will be effective, **MM2** replaces 'underutilised' with 'surplus or derelict' land and **MM95** is also necessary to provide a definition of 'surplus land' within the Plan's glossary. **MM2** is also necessary to replace 'brownfield' with 'previously developed land' for consistency with Policy S5.
34. I have had regard to representations that the definition of 'surplus land' in the glossary should exclude land that has been developed for minerals

extraction and is subject to restoration conditions, on the basis that it has a 'current' use and does not fall within the definition of previously developed land in the 2012 NPPF. However, the definition of 'previously developed land' in the Plan's glossary is consistent with the 2012 NPPF and whether a site has a 'current' use is best decided on a case by case basis.

35. The A617/MARR to the south of Mansfield Urban Area was opened in 2004 and has improved the District's connectivity to the M1 and A1. However, locations with good public transport can also provide sustainable locations for new development and so that the Plan has been positively prepared, **MM2** inserts this locational consideration into Policy S2.
36. As submitted, the Plan does not set out the approach to new development in the countryside in Policy S2 and the policy is not positively prepared in this regard. **MM2** rectifies this by including a new paragraph (d) with a cross reference to Policy S5 - 'Development in the Countryside'. For consistency with Policy S5, I have removed the word 'open' within paragraph (d) of Policy S2.
37. Policy S3 as submitted sets out specific criteria for new development which will contribute to the regeneration of the Mansfield Urban Area and Market Warsop. For consistency with Policies S2 and S5, reference to 'other surplus or derelict land' should also be included within Policy S3 and **MM4** makes the necessary change. The redevelopment of White Hart Street (Site S4a), Portland Gateway (Site S4b) and Riverside (S4c) will contribute to the regeneration of Mansfield town centre and so that the Plan has been positively prepared, **MM5** is recommended so that Policy S4 indicates the type of uses that would be appropriate on each area. These include 'small scale' retail uses at Portland Gateway and Riverside due to their out of centre location and any proposals beyond that scale would be assessed against Policy RT1. That is an appropriate approach. Following consultation on the MMs, I have deleted the references to improvements to Mansfield Town Football Club's stadium in relation to Sites S4b and S4c which had been included in **MM5** in error.

Development in the Countryside

38. Development in the countryside is dealt with under Policy S5. For clarity and to assist Plan users, Policy S5 should make clear that proposals in the countryside will only be supported where they meet criteria (a) to (o) of the policy and **MM6** makes the necessary change. Criteria (v) deals with accessibility but the submitted Plan does not indicate what is meant by 'appropriately accessible'. For effectiveness, this is rectified by **MM6** and **MM8**.
39. Policy S5 as submitted allows for small scale residential development of self-build or innovative/exceptional design in the countryside without any indication of the scale that would be appropriate. For consistency with NPPF paragraph 55, **MM6** clarifies that only individual dwellings would be appropriate. **MM7** is also necessary to clarify this in the supporting text. Following consultation on the MMs, I have corrected punctuation and re-structured the final bullet of Policy S5 as set out in **MM6** to clarify that all of the bullets underneath will be relevant to assessing the design of any such

dwelling. In addition, I have corrected a typographical error in **MM7** to clarify that the text in paragraph 3.37 of the submitted Plan is to be deleted.

40. The countryside may be a suitable location for low carbon energy generation in addition to renewable energy as provided for by Policy CC1 and **MM6** ensures that Policy S5 has been positively prepared in that regard.

Conclusion on Issue 1

41. Subject to the proposed MMs, I conclude that the Plan will make a positive contribution to meeting the vision and objectives for Mansfield and that the spatial strategy, distribution of development and settlement hierarchy are soundly based.

Issue 2 – Is the employment land requirement soundly based and does the Plan set out a positively prepared strategy for employment and the economy that is justified, effective and consistent with national policy?

The Functional Economic Area

42. Based on travel to work statistics in the Nottingham Outer HMA Employment Land Forecasting Study (2015) (ELFS), Mansfield lies within a wider functional economic market area (FEMA) which includes Ashfield and Newark and Sherwood Districts. Travel to work patterns within the area demonstrate a degree of self-containment with 68% of the resident workforce working in the FEMA and 74% of those working in the area living there. The FEMA represents an appropriate geographical basis on which to assess the need for employment.

Employment Needs and the Employment Land Requirement

43. The 2011 Census and ELFS³ indicate that there are approximately 7000 more working residents in the District than jobs. In addition to increasing job density and securing higher value jobs, there is a need to improve skills levels. Education attainment levels continue to lag behind regional and national averages⁴.
44. Based on Experian job growth forecasts to 2033, the sectors envisaged for expansion in Mansfield are construction, education, residential and social care, health and wholesale, accommodation and professional services. Retail employment is forecast to decline but will still employ over 5000 people. The ELFS identifies a net job growth of 4816 over the period 2011 to 2033 in these sectors.
45. The Derby, Derbyshire, Nottingham and Nottinghamshire (D2N2) Local Enterprise Partnership (LEP) Strategy for Growth (2013 – 2023) (SfG) seeks to increase private sector jobs by 55,000. Although there is no

³ Document E1 p29 Figure 2.17

⁴ Council Hearing Statement Main Matter 4 paragraph 64

apportionment of that figure to Mansfield, the LEP strategy has informed estimates of future labour demand by calculating the number of net additional jobs to the Experian baseline projections likely to be generated by the specific projects identified in the SfG. The SfG review which is underway does not set any future targets for job growth but it identifies the need for the LEP area to become more productive with a high and stable employment rate by maintaining the working age population.

46. Translating these job numbers into a land requirement, based on the ELFS there is an objectively assessed need for 38 hectares of employment land in the B1c/B2 and B8 Use Classes during the Plan period and 3 hectares of B1a/b space. Assumptions on plot ratios and job densities for the different employment Use Classes anticipated for expansion and to be accommodated on new employment sites appear reasonable and robust. A 30% allowance for choice and flexibility is justified and comparable with assumptions made in adjoining authorities.
47. The employment land requirement figure also incorporates a replacement allowance of 13.8 hectares over the Plan period. Although there has been a loss of only 0.98 hectares of employment land to other uses since the start of the Plan period, the replacement figure has been informed by the Council's knowledge of proposals for some of the existing employment sites and potential planning applications and represents a realistic and forward looking position. I conclude that the replacement allowance is justified.
48. Reflecting the conclusion of the ELFS, Policy S2 sets out an employment land requirement of at least 41 hectares over the Plan period. The majority of the proposed employment allocations are within the Mansfield Urban Area (approximately 16 hectares) including within the three strategic urban extensions (SUEs) but an employment site of 2.2 hectares is also proposed at Market Warsop.
49. The submitted Plan identifies a supply of 55 hectares of employment land, comprised of allocated sites, completions since the start of the Plan period, sites with planning permission and land available on existing employment sites. Taking into account the de-allocation of part of employment site E2a which is dealt with elsewhere in this report together with updated information on other components of the supply, it would reduce to approximately 52 hectares. As that represents an oversupply against the requirement of 41 hectares set out in Policy S2, no further site allocations are required to make up the shortfall. **MM44** is necessary to ensure that Table 6.3 in the Plan is accurate and up to date in relation to all components of the employment land supply. I have corrected the figure for Local Plan allocations from 18.1 hectares to 17.95 hectares and the overall total.

Other employment policies

50. The Employment Land Review (2017) (ELR) found that there is a shortage of small to medium sized, good quality units and assessed the suitability and capacity of the main existing employment sites within Mansfield and Market Warsop and identified those to be safeguarded for continuing employment use.

51. Policy E3 seeks to safeguard existing and allocated employment sites for employment uses and sets out how alternative uses would be assessed. **MM45** is required to ensure greater clarity in terms of the operation of various aspects of the policy. The five year marketing period for alternative uses on the employment areas in Sites SUE1, SUE2 and SUE3 is reasonable given their strategic importance to the employment land supply and contribution to providing employment opportunities for new residents. However, demonstrating that there is no reasonable prospect of employment use until the end of the Plan period is unduly onerous and **MM45** deletes this requirement so that Policy E3 has been positively prepared.
52. The submitted Plan identifies site E3n (Intake Business Centre) as a safeguarded employment site. This is inconsistent with the findings of the ELR. Due to a fire on the site and the potential for alternative uses, the safeguarding of Site E3w (Victoria Street) is also not justified. **MM45** is required to delete the references to sites E3n and E3w within Policy E3 and **MM44** ensures that this is reflected in Table 6.3. Changes to the policies map to show these alterations have been prepared and consulted on by the Council.
53. Policy E4 sets out the criteria against which other employment proposals will be assessed. **MM46** is recommended to ensure greater clarity in terms of the operation of various aspects of the policy for effectiveness.

Conclusion on Issue 2

54. Subject to the proposed MMs, I conclude that the Plan's strategy for employment and the local economy has been positively prepared and that the employment land requirement is soundly based. The degree of over provision of employment land above forecasted requirements is justified. I deal with the soundness of the allocated employment sites later in this report.

Issue 3 - Is the assessment of housing need and the housing requirement soundly based and does the Plan set out a positively prepared strategy for housing that is justified, effective and consistent with national policy?

Establishing Housing Need

55. The 2015 SHMA identifies an OAN of 376 dwellings per year (dpy) for Mansfield, adjusted from a demographic baseline of 356 dpy to support an improvement in household formation rates. Based on the 2014 household projections and a re-assessment of migration trends over a 10 year period, the 2017 SHMA identified a demographic baseline of 338 dpy. This was, however, to be subject to a modest uplift to support jobs growth.
56. Despite being submitted during the transitional period, the Council opted to use the LHN method to establish housing need which is 247 dpy for the period 2016 – 2036. Applying the LHN calculation for market signals

increases the need from 247 to 279 dpy. The Council's rationale for this approach was on the basis of the (then) imminent introduction of the standard methodology, concerns that a five year supply against the 2017 SHMA OAN figure would not be deliverable based on historical rates of delivery and the age of the SHMA.

57. The PPG relevant to this examination states that 'there is no one methodological approach or use of a particular dataset(s) that will provide a definitive assessment of development need. But the use of this standard methodology set out in this guidance is strongly recommended because it will ensure that the assessment findings are transparently prepared. Local planning authorities may consider departing from the methodology, but they should explain why their particular local circumstances have led them to adopt a different approach where this is the case'.
58. The maintenance of a 5 year supply should not influence the assessment of housing need. However, the LHN and the latest 2017 SHMA figures are both based on the 2014 household projections. Historical rates of delivery over the period 2013 – 2018 have averaged 308 dpy which lies between the LHN figure and 2017 SHMA OAN. I find the use of the LHN figure to be a reasonable starting point and the use of a different methodology as countenanced in the PPG to be acceptable. I have therefore considered the most recent PPG which explores when a higher figure than the LHN needs to be considered. This includes in relation to jobs growth which I deal with next.

Jobs Growth

59. The PPG advises that adjustments can be made to ensure that new housing will accommodate sufficient working age population to support economic forecasts. The Plan's objective for jobs growth should feature in the assessment of housing need. The Council has applied an uplift of 46 dwellings to the LHN figure of 279 dpy to arrive at a housing need figure of 325 dpy. The figure of 325 dpy would go some way to supporting the additional workers required to fill the jobs to be created as part of the Plan's economic strategy.

Affordable Housing

60. The 2017 SHMA established an affordable housing need of 180 dpy for the period 2013 – 2033. Due in part to rising incomes and static house prices, the 'Affordable Housing Needs Update' points to a reduced annual affordable need of 87 dpy. Whilst that is considered to be an under-estimate by some representors, it is based on an analysis of the relevant factors including an affordability threshold of 25% which appears appropriate in the context of rental values and incomes in Mansfield.
61. Based on the contribution that could be expected from outstanding permissions and proposed Plan allocations and the percentage requirements for affordable housing in Policy H4, the overall supply for the Plan period is estimated to be 1115 dwellings or 55 dpy. This represents a shortfall of 32 dpy against the latest identified need of 87 dpy.

62. An uplift in addition to the LHN figure to support increased delivery of affordable housing as a proportion of open market schemes is not justified for three principal reasons. Firstly, the standard housing methodology includes an uplift for market signals, increasing the need from 247 to 279 dpy. Secondly, to support jobs growth a further uplift has been applied to arrive at the figure of 325 dpy and some of that 'additionality' will be delivered as affordable housing in accordance with Policy H4. Thirdly, the Council is taking proactive steps to secure the delivery of affordable homes through its Housing Revenue Account and partnerships with Registered Providers, demonstrating a realistic prospect for supplementing the provision secured as a percentage of open market development through Policy H4.

Overall Conclusion on Housing Need and Requirement

63. The Council has applied an uplift to the LHN 279 dpy figure to account for jobs growth and the resulting housing need of 325 dpy is only marginally below the 338 dpy identified in the 2017 SHMA. The most recent PPG states that where an authority can show that an alternative approach identifies a need higher than using the standard method and that it adequately reflects current and future demographic trends and market signals, the approach can be considered sound as it will have exceeded the minimum starting point. The Plan seeks to meet housing need in full and the housing requirement of 6500 dwellings or 325 dpy is justified.

Housing mix and choice

64. The 2015 SHMA confirms the need for a range and mix of residential dwellings to meet future needs in Mansfield in terms of both tenure and size. Policy H3 sets out a reasonable approach in requiring major housing schemes to provide for a mix of size and types of housing and Table 5.4 of the supporting text provides more guidance on an appropriate mix. The 'Housing Needs of Particular Groups' report states that single storey properties can assist in meeting the needs of people with mobility difficulties and the proportion of older people in the District with mobility problems is expected to increase by 62% - 65% over the Plan period. The viability evidence does not justify a requirement in this regard, but a general indication of support for single storey dwellings in the supporting text of Policy H3 would be a pragmatic approach to ensure that the Plan has been positively prepared and **MM31** achieves that.
65. The provision of specialist forms of housing is dealt with in Policy H6. In line with the viability evidence there is no justification for Policy H6 to require specific 'quotas' for M4(2) homes. Policy P1 (Achieving High Quality Design) will also contribute to delivering accessible and adaptable homes. As submitted, Policy H6 refers to 'elderly' people which could exclude other groups with care needs and so that the policy has been positively prepared, **MM37** addresses that.

Affordable housing

66. Policy H4 sets out the requirement for the delivery of affordable housing as a proportion of open market development on sites where 11 or more dwellings are proposed or which are larger than 0.5 hectares. Different percentages apply depending on the location of the site within Zone 1 or Zone 2 and whether the site is greenfield or brownfield. The affordable housing zones reflect the broad differences in the viability of development identified in the Whole Plan and Community Infrastructure Levy (CIL) Viability Assessment (June 2018) (VA1) and Whole Plan Viability Assessment (December 2018) (VA2) which assessed the impact of all the Plan's policies on development viability.
67. The instances where viability is more marginal generally relate to brownfield sites or smaller developments. Both studies demonstrate that housing development on brownfield land in Zone 1 would be unviable and that affordable housing requirements may have to be re-assessed at the planning application stage. However, since this type of site constitutes only 5% of the overall housing supply the risk to affordable housing delivery is low. Greenfield sites are all viable except small schemes. Policy H4 is sufficiently flexible to deal with individual scheme viability.
68. The 2019 NPPF includes affordable home ownership within the definition of affordable housing and this would include shared ownership, relevant equity loans, other low cost homes for sale and rent to buy. The PPG also widens the definition of those considered to be in affordable need as including 'households who can afford to rent in the private rental market but cannot afford to buy despite a preference for owning their own home'. The 'Affordable Housing Update' concluded that the main affordable housing need in Mansfield from 2018 - 2033 is for social/affordable rented accommodation and that affordable home ownership would not necessarily be the most appropriate tenure to meet that need. Nevertheless, the evidence suggests that owner occupation for some households is hindered by a lack of access to capital and mortgage restrictions and a wider range of affordable house types and tenures may assist in meeting that need.
69. Although the Plan is being examined under the transitional arrangements against the 2012 NPPF, it would be pragmatic and appropriate for the Plan's definition of affordable housing to reflect the 2019 NPPF definition and for the threshold at which affordable housing is required to be consistent with the 2019 NPPF. **MM32** and **MM33** secure the necessary changes to Policy H4 and its supporting text. For consistency, the affordable housing definition in the glossary should also be amended (**MM95**).
70. Policy H4 sets out a reasonable approach in seeking to ensure that the type and tenure of affordable housing reflects evidence of local housing need. Whilst document VA2 concluded that the 2019 NPPF requirement for 10% affordable home ownership on sites of 10 or more dwellings would improve scheme viability, the mix and type of affordable housing to be provided is best decided on a scheme by scheme basis, based on the Council's evidence of need and local incomes.
71. As submitted, Policy H4 refers to a minimum proportion of affordable housing being provided which is inflexible, particularly where viability is an

issue. So that the policy will be effective, **MM32** is necessary to delete the word 'minimum'.

Custom and Self Build Dwellings

72. Policy H5 of the submitted Plan includes a criterion requiring that 5% of units on sites of 100 dwellings or more should be made available for self/custom build dwellings. The policy is not supported by evidence to justify either the 100 dwelling threshold nor the 5% figure. Furthermore, it is not clear how the policy would operate effectively including the procedures that would apply where plots remain unsold. My interim findings concluded that this criterion of Policy H5 is not soundly based and **MM34** secures its deletion. Policy H5 as modified would give general support to proposals for self build and/or custom housing subject to meeting a number of criteria. This is an appropriate approach and would not preclude proposals for self build on the allocated or windfall sites. **MM35** and **MM36** are also necessary to delete other consequential references to the self-build/custom dwelling requirement from the Plan.

Gypsies and Travellers

73. The Mansfield Gypsy and Traveller Accommodation Needs Assessment (2017) identifies a shortfall of 3 residential pitches and 1 transit pitch/emergency stopping place in the District between 2017 and 2033. No need has been identified for Travelling Showpeople's accommodation.
74. The Planning Policy for Traveller Sites (PPTS) requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets and to consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, amongst other things.
75. Although the Council intended to make site provision through this Plan, no suitable sites were identified through the Gypsy and Traveller Land Availability Assessment. Nottinghamshire County Council does not have any land available for the Council to consider. The Council has also requested assistance in meeting the need for Gypsy and Traveller pitches from its HMA partner authorities and neighbouring authorities Bassetlaw and Bolsover District Councils. However, none has been able to assist.
76. In May 2018, the Council resolved to prepare a Gypsy and Traveller Site Allocations Development Plan Document (DPD). Consultation on the Regulation 18 stage concluded on the 13 September 2019. The production of the DPD is evidence of a clear intention and progress to meet identified needs.
77. Pending the adoption of the site allocations DPD, Policy H8 sets out the criteria against which any applications for Gypsy and Traveller accommodation will be assessed in the interim. As submitted, criterion 3a of the policy requires a demonstration of need which is inconsistent with the

PPTS and **MM38** is required to delete this requirement and clarify other considerations in relation to amenity and flood risk.

Conclusion on Issue 3

78. Subject to the proposed MMs, I conclude that the assessment of housing need and the Plan's housing requirement are justified and positively prepared and that the Plan's strategy for housing to deliver an appropriate choice and mix of homes is consistent with national policy and will be effective.

Issue 4 - Will the Plan have any adverse impact on the integrity of designated and possible potential European sites and is the strategy for the natural and built environment including air and water quality and climate change positively prepared?

Birklands and Bilhaugh SAC

79. The Birklands and Bilhaugh SAC is located approximately 3km to the east of Market Warsop and its qualifying features are old acidophilous oak woods on sandy plains, remnants of Sherwood Forest which support a range of invertebrate fauna and diverse fungi. The AA assessed the impact pathways of air quality, recreation pressure, water abstraction for public supply and urbanisation on the integrity of the SAC. Pathways are defined as a direct or indirect relationship between a key issue and the site's qualifying features.
80. The AA assesses the location of the SAC in relation to the road network in Mansfield and adjoining Districts and the effect of planned growth. It concludes that increases in vehicle traffic on roads within 200 metres of the SAC will be negligible and because employment allocations in the Plan are for B1, B2 and B8 uses there will be no significant atmospheric emissions from industrial development. The conclusion of the AA that the Plan will not have an adverse effect on the integrity of the SAC alone or in combination as a result of nitrogen deposition from vehicle pollution or emissions from industrial development is a reasonable one.
81. The relocation of Sherwood Forest Country Park visitor centre will result in a substantial reduction in visitor pressure within the SAC and hence reduced risk of trampling and disturbance. The availability of alternative green infrastructure, open space and public rights of way (PROW) within the District will also assist in diverting recreation trips away from the SAC and the Plan has a strong emphasis on maintaining and improving the green infrastructure network.
82. Since there are no plans to increase abstraction from the Sherwood Sandstone Aquifer, the conclusion of the AA that there will be no adverse effect on the integrity of the SAC from water abstraction is a reasonable one.

83. Similarly, the conclusion that there would be no adverse effect on integrity arising from the impact pathway of urbanisation, due to the separation distance between the Plan's site allocations and the SAC, is also reasonable.

Sherwood ppSPA

84. The Sherwood ppSPA contains more than 1% of the UK's population of nightjar and woodlark which is the step towards considering if an area qualifies as SPA or potential SPA. It is being assessed for designation alongside a UK wide SPA review led by the Department for the Environment, Food and Rural Affairs. The most suitable habitats for nesting nightjar and woodlark are heathland, acid grassland and plantation woodland but they forage in a wide range of habitat.
85. Pending any future decision on designation, Natural England recommends a precautionary approach which ensures that reasonable and proportionate steps have been taken to avoid or minimise, as far as possible, any potential adverse effects from development on breeding populations of both birds. Plans should be accompanied by an additional and robust assessment of the likely impacts of proposals including from disturbance, loss or fragmentation of habitat, pet predation, bird mortality from traffic and/or turbines and nitrogen deposition. In addition, local planning authorities have a duty under Regulation 9A of the Habitats Regulations⁵ to apply all reasonable endeavours to avoid the deterioration of wild bird habitat. The AA assessed the impact pathways of air quality, recreation pressure, water abstraction for public supply, urbanisation and habitat fragmentation on the integrity of the Sherwood ppSPA.
86. The AA assesses the effect of the Plan's proposals on roads within 200 metres of the ppSPA boundary.⁶ The ppSPA covers a large area and the A60, A617, A6191 Southwell Road, A6075, B6035 and 4 other local roads all fall within 200 metres of the ppSPA. There are areas of ppSPA heathland within 200 metres of some of these roads, but they are narrow disturbed areas that would be unsuitable for nesting habitat. There are also areas of plantation woodland which lie within 200 metres of the A60, A617, A6191, A6075 and B6035. These are either permanent woodland in proximity to the road which is unlikely to be suitable nesting habitat or, where these areas are felled to provide open habitat, surrounding woodland is likely to reduce dispersal of pollutants. For these reasons, the AA concludes that an adverse effect on the integrity of nightjar and woodlark habitat would not arise from emissions, either alone or in combination with other plans and projects.
87. The Plan as a whole also represents a robust framework to assess and mitigate adverse impacts on air quality. Policy NE3 seeks to ensure that new development avoids adverse impacts on human health, amenity and the natural environment including through unacceptable air quality. Policy

⁵ The Conservation of Habitats and Species Regulations 2017

⁶ Habitats Regulations Assessment – Likely Significant Effects including Appropriate Assessment (September 2019) paragraph 6.2.8

IN8 supports the provision of sustainable transport modes to serve new development. Natural England, has, however, indicated that for Site SUE2 an air quality impact assessment should be submitted with any planning application and I deal with that in Issue 5 below.

88. The AA concludes that whilst visits to Sherwood Country Park which is within the ppSPA are likely to increase, the strong green infrastructure network within Mansfield will provide an alternative outlet for recreational visits. Policies NE2 and IN2 of the Plan will ensure that a robust policy framework is in place to protect nightjar and woodlark habitat in the ppSPA from recreational pressure.
89. Since there are no plans to increase abstraction from the Sherwood Sandstone Aquifer, the conclusion of the AA that there will be no adverse effect on the integrity of the ppSPA from water abstraction is a reasonable one.
90. The habitats in the ppSPA that support nightjar and woodlark are generally located in small, scattered patches and are vulnerable to urban edge effects. Based on average distances for domestic cat predation, the AA concludes that increases in development within 400 metres of the ppSPA present the greatest potential to reduce nightjar and woodlark densities and will require particular scrutiny on a case by case basis. This is reflected in Policy NE2 which requires that the risk based approach that has been advised by Natural England will apply to any development proposed within 400 metres of the ppSPA. This represents an appropriate precautionary approach.
91. There is no prohibition on development within the 400 metre 'buffer' and nor has such an approach been advised by Natural England. Accordingly, there is nothing in the evidence that would justify a prohibition on development within 500 metres of the ppSPA boundary.
92. The AA concluded that sites H1a, SUE2, H1j, E2a and RT6b should be subject to a specific assessment at the planning application stage due to their location within, or within 400 metres of the ppSPA. With the exception of site H1j which is to be deleted from the Plan, I address the effect of development on the integrity of the ppSPA in relation to each site in Issue 5 of this report.
93. New development has the potential to result in further fragmentation and/or loss of nesting and foraging habitat. In general, site selection has aimed to avoid further fragmentation of the ppSPA and Policy NE2 seeks to prioritise the de-fragmentation of habitat, whether within the ppSPA or elsewhere, by requiring new development to explore and implement measures to strengthen habitat connectivity. The Green Infrastructure network incorporates areas identified as a priority for creating and restoring key habitat linkages and this is a requirement of Policy IN2.
94. I have had regard to the fact that the Mansfield Sand Quarry finished operations in 2016 and has been referred to as a 'working quarry on previously developed land' in the AA of Policy E2a, the extension to Ratcher

Hill employment area. However, that does not undermine the robustness of the process that has been undertaken. At the present time it is not known whether the site in its current condition or as restored will present suitable nesting or foraging habitat for nightjar and woodlark. This is a matter that would be addressed by a site specific survey should any proposals come forward, either for the area itself that is proposed to be restored to heathland or for development in close proximity which may have the potential for an adverse effect on the integrity of the ppSPA.

95. Overall, I conclude that the Plan will not have an adverse effect on the integrity of the ppSPA. **MM102** is recommended so that the Plan includes the up to date position on HRA and AA and meets the legal requirements of the Habitats Regulations.

Biodiversity and geodiversity

96. **MM86** is necessary to ensure that the approach in Policy NE2 to securing compensatory measures is consistent with Article 6(4) of the Habitats Directive and legally compliant. Following consultation on the MMs and for legal compliance with the Habitats Regulations, I have amended criterion 2(a) to remove the word 'or' and replace it with 'and' and corrected the typographical error at the end of criterion 2(b) to remove the superfluous 'and'.
97. Consistent with the NPPF, Policy NE2 also seeks a net gain in biodiversity where this would be appropriate in relation to the scale, location and type of development being proposed. A Green Infrastructure and Biodiversity Supplementary Planning Document (SPD) is to be produced outlining how the DEFRA Biodiversity Metric will be used to secure net gain. To ensure that Policy NE2 will be effective, **MM87** is necessary to clarify this in the supporting text to the policy. Irreplaceable habitats are also protected under Policy NE2 and **MM86** is recommended to ensure a robust approach to proposals involving the loss of such habitat. The approach is consistent with the 2019 NPPF which would also apply to any development proposals and I do not consider that any further qualification is necessary within Policy NE2.
98. In advance of any decision on formal designation, I see no justification to include reference to the ppSPA in paragraph 2 of Policy NE2 which deals with designated European sites.
99. Allocated sites have been subject to robust ecological assessments and where necessary and justified, measures to conserve and enhance biodiversity have been incorporated into the site policies.

Landscape character

100. The Mansfield Landscape Character Assessment and Addendum assesses the District's distinctive landscape character and identifies Landscape Policy Zones (LPZs) and actions for them based on landscape sensitivity and condition. Policy NE1 requires new development to be sympathetic to landscape character and contribute to meeting the LPZ actions where

appropriate and feasible. As submitted, Policy NE1 does not make clear that it is only development located within an LPZ that will be required to contribute to the actions and it is not clear what is meant by 'where appropriate and feasible'.

101. **MM83** and **MM84** are necessary to rectify these matters and indicate that the LPZs can provide useful evidence to inform the design of new development proposals. **MM85** is also necessary to highlight that the LPZs without the requirement to 'conserve' landscape character may contain more sensitive localised areas.
102. Some of the allocated sites are beyond existing built up areas and will result in a degree of landscape harm. The site selection process considered the sensitivity and capacity of the landscape for change based on the Landscape Character Assessment and the impact of development proposals on landscape character and the requirement for sensitive layouts and landscaping will be assessed against Policy NE1. I consider that this is a robust and appropriate approach.

Built Environment

103. Consistent with the NPPF's stance on good design, Policies P1 – P8 represent a robust and positive approach to achieving a high standard of design for new development which will contribute to healthy, safe and attractive neighbourhoods, one of the Plan's objectives. Policies P1 and P2 of the submitted Plan do not require inclusive and accessible design as required by paragraphs 57 and 58 of the NPPF. **MM9** and **MM11** secure the necessary changes to the policies and their supporting text to ensure that they have been positively prepared, are consistent with national policy, effective and that due regard has been paid to the requirements of the Public Sector Equality Duty. The requirement for a Health Impact Assessment (HIA) set out in Policy P2 is dealt with in Issue 8 of this report.
104. Design and access statements also have an important role in securing good design and in order to be effective, **MM10** is necessary to confirm the approach that will be sought in relation to non-residential development within the supporting text to Policy P1. A comprehensive approach to the development of large sites is sought through Policy P4 to deliver high quality and co-ordinated development and Masterplans are included in Appendix 8 of the Plan. For effectiveness, these should be cross referenced in Policy P4 and **MM12** and **MM13** achieve that.
105. Securing a good standard of residential amenity is an integral component of good design and this applies to the future occupiers of new development as well as existing residents. As submitted, Policy P7 does not define what is meant by an 'unacceptable level' in relation to the amenity of future occupiers. For effectiveness, **MM14** is necessary to re-structure the policy so that future occupiers are included within criterion 1(a). **MM15** is necessary to indicate within the supporting text to Policy P7 that an SPD will be published by the Council to provide further guidance on assessing the impact of development on air quality. These changes will ensure that Policy P7 and its supporting text have been positively prepared.

106. The conservation and enhancement of the historic environment is dealt with by Policy HE1. As submitted, the approach to non-designated heritage assets is inconsistent with the NPPF and **MM90** rectifies this. Proposals for shop front design and signage are dealt with in Policy P8. As submitted, the approach to proposals affecting Conservation Areas is inconsistent with the statutory test set out in s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and there is duplication of the criterion dealing with illuminated advertisements. **MM16** ensures that proposals affecting heritage assets will preserve or enhance their character and appearance and will provide clear guidance for illuminated advertisements, so that Policy P8 will be effective.

Air and Water Quality

107. Policy NE3 considers the impact of development on various types of pollution including in relation to air quality and will apply to all development proposals. There are no Air Quality Management Areas in the District but there are locations with relatively poor air quality arising from high volumes of slow moving vehicles. The situation is being monitored and there is a specific indicator within the Plan's monitoring framework. In addition, the Council intends to produce an Air Quality and Emissions Mitigation Guidance SPD. That should be made clear within the supporting text to Policy NE3 for which **MM88** is necessary.

108. Development can pose a risk to water quality and so that Policy NE3 has been positively prepared, its supporting text should make reference to the initiatives to protect groundwater sources. **MM89** rectifies that. I have corrected the location of the river basin to refer to the Humber.

Climate Change

109. The Plan includes policies to ensure that the use and development of land in the District contribute to the mitigation of and adaptation to climate change. These include Policy P5 which seeks sustainable design, construction and energy provision, Policy S2 which directs development to the most sustainable locations with the potential for access to services and facilities by sustainable modes of transport and Policy CC1 which supports appropriately located renewable energy.

110. However, my interim findings concluded that Policy CC1 was not soundly based in its approach to small and larger scale wind turbines. The evidence which informed the approach is based on the East Midlands report⁷ and mapping done for Mansfield District. However, both these documents pre-date the Mansfield Landscape Character Assessment Addendum (2015) which shows updated LPZs included within the Plan. This later landscape character evidence has not informed the scale of smaller⁸ or larger wind

⁷ Document C4a -f - Low Carbon Energy Opportunities and Heat Mapping for Local Planning Areas Across the East Midlands Final Report March 2011

⁸ Defined as up to 65 metres to blade tip

turbines that would be supported under Policy CC1 as submitted, nor is it clear how it contributed to the identification of areas suitable for large scale wind turbines on the policies map.

111. The areas identified for large scale wind turbines on the policies map do not have clearly defined boundaries and do not follow physical features on the ground. Overall, Policy CC1 is not justified in so far as it relates to proposals for wind turbines and its geographic interpretation on the policies map is not soundly based. **MM91**, **MM93** and **MM94** are necessary to delete paragraphs 2 and 3 relating to small and larger scale wind turbines from Policy CC1 and delete Figure 12.1 from the Plan. **MM91** also confirms that the impact of renewable energy proposals will be considered alone and in combination. I have made a correction to **MM93** to delete the final sentence of paragraph 12.7 which is superfluous following the MMs to Policy CC1. Modification of the policies map to delete Inset Map 6 has been prepared and consulted on by the Council.
112. Future proposals for wind turbines will be assessed against guidance in the PPG and the Written Ministerial Statement and for consistency with national policy, **MM92** is required to clarify that within the supporting text to Policy CC1.

Conclusion on Issue 4

113. Subject to the proposed MMs, I conclude that the Plan will avoid an adverse impact on the integrity of the Birklands and Bilhaugh SAC and Sherwood ppSPA and that its policies represent a positively prepared strategy to safeguard and enhance the natural and built environment, safeguard air and water quality and reduce the causes of climate change.

Issue 5 - Are the strategic urban extensions, employment and housing allocations positively prepared, justified and effective?

Site Selection

114. The site selection process for the housing and employment allocations has been comprehensive and has taken place over several stages of Plan preparation. It has been informed by relevant technical evidence and based on comprehensive, logical and robust criteria that are consistent with the SA objectives.
115. Reasonable alternatives have been assessed through the Housing and Economic Land Availability report (HELAA) and SA. All sites within the existing settlement boundaries considered to be available, suitable and achievable have been allocated in order to minimise the loss of greenfield land. The assessment of sites outside the settlement boundaries used a two stage process, taking account of relevant factors including the impact on landscape character, green infrastructure, highways and sustainable transport and heritage.
116. Consultation at the various stages of Plan preparation has also informed site selection. The reasons for selecting allocated sites and rejecting others are

clearly set out in the Site Selection Technical Paper and the conclusions reached are reasonable ones.

117. That there have been some challenges to the scoring of the criteria for individual sites and subsequent decisions not to allocate them is inevitable given that an element of planning judgement is involved. However, I am satisfied that the reasons for selecting allocated sites and rejecting others are clear and the conclusions reached are reasonable ones. I consider that the site selection process is robust.

Site Capacity

118. In assessing site capacity, appropriate deductions have been made to arrive at a net developable area based on site size. Where a site has known constraints, appropriate reductions have been applied before calculating the net developable area.

119. In terms of density, a 'blended' figure for greenfield and brownfield sites of 35 dwellings per hectare (net) (dph) has been used. This is marginally lower than the average of 37 dph based on the net density of permissions granted on greenfield and brownfield sites between 2011 and 2016, but at a Plan level it is a reasonable assumption. Having separate density assumptions for greenfield and brownfield sites would be unnecessarily complex. Policy H3 does not include a specific density requirement, but states that layouts should make efficient use of a site and respect the character and appearance of the area. That is an appropriate approach.

120. The site allocation policies identify specific site constraints and requirements for mitigation to guide and inform Plan users and those making development proposals. The Plan is to be read as a whole and planning applications will be subject to assessment against all relevant Plan policies. The indicative masterplans in Appendix 8 including for sites SUE1 and SUE2 are intended to inform more detailed site planning. Consequently, they may be subject to alteration as more detailed site assessments are completed. That should be made clear in the Plan and **MM98** is recommended for clarity and to explain in more detail how stakeholders will be involved in the process.

121. For the avoidance of doubt, I have considered further only those allocations which raise specific issues in respect of soundness including the strategic urban extensions, those where MMs are necessary for soundness and sites that are proposed to be altered or deleted. I have considered all the representations made at the Regulation 19 stage, at the hearing sessions and as part of the MMs consultation and where a site has not been referred to, I am satisfied that its allocation is soundly based.

Employment allocations

Site E2a- Ratcher Hill Employment Area

122. The submitted Plan allocates Site E2a as an extension to the existing Ratcher Hill employment area. Following the hearing sessions, the Council

confirmed that the 5.37 hectares referred to in Policy E2a is incorrect and should in fact be 8.33 hectares. Part of the proposed allocation (4.88 hectares) falls within a sand quarry which finished operations in 2016 and is subject to planning conditions and a section 106 agreement to secure its restoration to woodland, scrub and acid grassland. The restoration of the 4.88 hectare area allocated in Policy E2a would contribute towards heathland creation and habitat connectivity in this part of the District as well as compensating for the loss of habitats when the quarry was created. The proposed mitigation in criterion E2a (f) for the creation of heathland habitat elsewhere in the District would be isolated from the site and would not satisfactorily compensate for the loss of this habitat which is in proximity to other areas of biodiversity importance.

123. For the above reasons, my interim findings concluded that the allocation of site E2a in its entirety is not justified. **MM39** and **MM40** are necessary to delete the 4.88 hectare area within the quarry site from the allocation, clarify options for the site access and remove Figure 6.1 from the Plan. The remaining area of 3.45 hectares is allocated as an extension to the existing Ratcher Hill employment area. As the employment land supply exceeds the objectively assessed need, no further employment allocations are necessary to take account of the reduction in supply. **MM44** ensures that the revised employment land allocation figure in table 6.3 is accurate. Changes to the policies map have been prepared and consulted on by the Council.

124. I have had regard to representations that the settlement boundary should be changed to exclude the 4.88 hectare area. Any future proposals would be assessed against the Plan, read as a whole and there is nothing in the evidence before me to justify any alterations to the settlement boundary.

Site E2b – Oakfield Lane, Market Warsop

125. Whilst the ELFS does not apportion the employment land requirement between the Mansfield Urban Area and Warsop parish, the allocation of this site will support local job opportunities in Market Warsop and contribute to a sustainable community. The site is adjacent to an existing recycling plant and in a suitable location for employment uses and its allocation is justified.

126. The Mansfield Transport Study identifies the A60/Church St/Wood St junction as one where capacity will be affected by planned growth, including from this site. Although this will be assessed further through a Transport Assessment with any planning application, reference to the need for improvements within Policy E2b is justified. As submitted, the site allocation also requires the provision of varying sizes of employment units which is a matter of detail best left for a planning application. Similarly, since there are policies in the Plan that would be used to assess any alternative proposals, it is unnecessary to specify what alternative uses of the site may be if an employment use does not come forward. For effectiveness, **MM41** is necessary to rectify both these matters in Policy E2b.

Site E2c – Penniment Farm

127. The site is adjacent to a housing development currently under construction. The requirement for a comprehensive masterplan is justified given its proximity to residential uses and the level of detail to be provided is a matter for discussion with the Council at the planning application stage. The site allocation should clarify the minimum amount and type of employment land sought, make clear that any further masterplan will be for the employment area and include reference to the indicative masterplan in Appendix 8. **MM42** and **MM43** achieve that and will ensure that the site allocation will be effective and deliverable.

Strategic Urban Extensions

Site SUE1 – Pleasley Hill Farm

128. The site is located to the north west of Mansfield, between Pleasley village and the Mansfield Urban Area along the A617/MARR. It is allocated for approximately 900 dwellings including retirement accommodation, an employment area and a local centre accommodating retail, leisure and community facilities. No cross boundary impacts have been identified with Bolsover District, as set out in the SoCG between the two Councils.

129. Development of the site would extend into the open countryside which falls within the Skegby Village Farmlands Landscape Character Area in the Mansfield Landscape Character Assessment, characterised by rolling arable farmland on rising ground and fields bounded by hedgerows and wide vistas. The screening along the MARR and reinforcement of existing hedgerow boundaries will help to minimise visual impact and assimilate the new development into the landscape. Preventing any visual coalescence with Pleasley village will also be important to safeguard its separate identity. The indicative masterplan in Appendix 8 of the submitted Plan sets out an initial indication of how the above issues might be addressed but should be updated to reflect the latest mix of uses and site proposals and provide further guidance on walking and cycling connections between the proposed development and existing communities. So that the Plan will be effective, **MM98** achieves the necessary changes.

130. Taking into account existing retail planning permissions within the local neighbourhood centre, the Retail Update 2017 identifies a need for a minimum of 180m² (net) of comparison floorspace and 170m² of convenience floorspace to fulfil a localised shopping function at Site SUE1. However, the report states that where housing growth areas have inadequate main food shopping facilities or other local services, additional floorspace may be appropriate. Based on the lack of a local centre in the vicinity of Site SUE1, the submitted Plan makes provision for a new local centre at site SUE1 with up to 1600 m² of A1 retail floorspace and up to 3000m² of A3/A4 floorspace.

131. In order to safeguard the vitality and viability of Mansfield town centre, the approach to future retail and leisure proposals at Site SUE1 should be consistent with the overall approach in Policy RT1, including the 500m² threshold above which an impact assessment will be required for edge and out of centre proposals. **MM69** is necessary to ensure that Policy SUE1 is

justified and consistent with Policy RT1 in this regard. I acknowledge that specific proposals for a new store at Site SUE1 are being developed but for soundness, a justified and robust approach is required at a Plan level. The D1 (leisure) uses proposed should be of a nature and scale appropriate to a local centre and **MM69** clarifies that.

132. Infrastructure items critical to the delivery of the site include primary education. Development on Site SUE1 together with Sites H1m and H1q will generate the need for an extension to Crescent Primary School. Contributions would be sought at the planning application stage through Policy IN1 and Nottinghamshire County Council's Planning Obligations Strategy (2018).
133. As submitted, the Plan provides for 925 dwellings on site SUE1 and for effectiveness, **MM69** is necessary to make clear that the figure is approximate. The SoCG indicates that 634 dwellings will be delivered in the Plan period with a start scheduled for 2022/23. Whilst the start date for the parcel off Wharmby Avenue is anticipated for 2028/29, based on the conclusion of a Transport Assessment, approximately 110 dwellings could be served by the existing access road at Wharmby Avenue in advance of the other parts of the site. The Council sees no difficulty with this timing should a planning application come forward before 2028/29 and there is no justification to make any specific provision or phasing arrangement for that in Policy SUE1.
134. The site's viability was assessed in VA1 and for the residential element indicated a negative residual value. However, that appraisal was of necessity based on broad assumptions for the appraisal inputs. Based on more recent sales and cost data and informed by technical evidence, the updated appraisals submitted to the examination⁹ indicate that the site would be viable based on 10% affordable housing in line with Policy H4. Whilst that position will need to be kept under review, it does indicate a reasonable prospect for delivery.

Site SUE2 – Land off Jubilee Way

135. The site covers approximately 47 hectares and is allocated for 800 dwellings, a neighbourhood parade and a 1.6 hectare extension to the existing employment area at Crown Farm Way. It comprises a number of land parcels including part of the former Mansfield Colliery site, Mansfield Rugby Club, Sherwood Forest Golf Club and Mansfield Golf Course. A 10 hectare section of the golf course, the proposed employment area and parts of the former colliery fall within the ppSPA and contain blocks of woodland/woodland scrub and small patches of heathland. The Strawberry Hills Heath, Oak Tree Heath and Sherwood Forest Golf Course SSSIs are also in close proximity to the site boundary. A new road is proposed to connect Eakring Way to Crown Farm Way via the Crown Farm employment area which would be within the ppSPA.

⁹ Documents Exam 5a & 5b

136. The SA concluded that development of the site had the potential for significant negative effects on biodiversity through recreation pressure, loss of supporting habitat and disturbance during construction and operation. Taking into account proposed mitigation, the residual impacts were still considered to be negative.
137. Having assessed the impact pathways of air quality, recreation pressure, water abstraction, urbanisation and habitat fragmentation, the AA concluded that specific provision is required to avoid, minimise and mitigate potential impacts arising from recreation pressure and the proximity of new development to important areas of habitat to the south and east of Site SUE2 which fall within the ppSPA.
138. The Mansfield Transport Study predicts significant increases in vehicle movements along Eakring Road, however the nearest areas of heathland are 30 metres or more from the road which is beyond the zone where nitrogen deposition concentrations will occur. Nevertheless, in accordance with the precautionary approach advised by Natural England, the potential effect of nitrogen deposition on ppSPA heathland and woodland within the site should be assessed at the planning application stage. For effectiveness, this requirement should be within Policy SUE2 and **MM70** achieves that.
139. The vicinity of Site SUE2 is already a focus for recreation activity due to the presence of numerous PROW including bridleways through and adjacent to the site, together with the recreation activity at the Golf Courses and Rugby Club. However, there is also evidence of anti-social activity and illegal off road vehicle movements along some access tracks. Additional residents would be likely to add to levels of recreation activity, and dog walking is a particular risk to ground nesting birds.
140. I have considered whether more detailed surveys and mitigation measures are required at this stage to ensure that the allocation of site SUE2 is soundly based. However, based on the AA, I am satisfied that sufficient evidence and information has been submitted at a Plan level for potential impacts and mitigation measures to be identified within Policy SUE2. Any planning application would be accompanied by a more detailed survey of the site and necessary mitigation measures to protect nesting and foraging habitat for nightjar, woodlark and any other priority habitat as defined by Section 41 of the Natural Environment and Rural Communities Act 2006.
141. The submitted Plan's indicative masterplan for Site SUE2 and evidence submitted to the examination set out appropriate mitigation measures. These include management of existing PROW and access points, providing areas of managed open space for dog walking within the development, habitat creation within the site to provide buffering to adjoining sites and the provision of compensatory habitat should more detailed surveys identify evidence of nesting habitat for nightjar and woodlark.
142. As submitted, Policy SUE2 requires an impact assessment at the planning application stage but does not outline in any detail the mitigation measures that are likely to be necessary to protect important habitat within and adjoining the site to avoid adverse impacts on the ppSPA. Further detail is

required both within Policy SUE2 and its supporting text to ensure that the Plan will be effective and is consistent with national policy to conserve and enhance biodiversity. **MM70** and **MM71** secure the necessary changes to Policy SUE2 and its supporting text. For effectiveness, these MMs secure other changes to confirm that the number of dwellings is approximate, the employment area is a minimum figure and to set out more detailed requirements for archaeological investigation.

143. The submitted policies map does not accurately reflect the latest site boundary and so that the Plan has been positively prepared, an amendment to the southern boundary of the site is necessary. The indicative masterplan in Appendix 8 of the submitted Plan also requires updating. Changes to the policies map and masterplan have been prepared and consulted on by the Council.
144. Based on the Education Technical Paper, development of site SUE2 in conjunction with sites H1d, H1e and H1k would generate the need for approximately 210 primary school places. No alternative options to meet this need have been put forward and at a Plan level the requirement for a new school site within Policy SUE2 is justified.
145. The VA demonstrates that the site is viable. The development of Site SUE2 also offers other benefits, including the extension of the Rugby Club facilities, the opportunity to manage public access and support the vitality and viability of the existing Oak Tree Lane local centre. The provision of a neighbourhood parade within the development is an appropriate approach given the proximity of the site to the existing retail facilities at Oak Tree Lane local centre. As submitted, Policy SUE2 sets out how any proposals for additional neighbourhood parades at site SUE2 would be assessed. As any such proposals would be assessed against Policy RT9, this is unnecessary and **MM62** secures the necessary change.

Site SUE3 – Land at Berry Hill

146. This site is currently under construction and includes 18.1 hectares of employment land which will make an important contribution to the District's employment land supply. However, as submitted the site allocation merely reflects the overall scale and mix of consented uses¹⁰ and for this reason is inflexible and ineffective. For effectiveness and consistency with the other SUE allocations, Policy SUE3 should set out the broad type and scale of uses planned for the site and the development requirements including a new local centre and primary school. **MM72** achieves the necessary changes and will ensure that Policy SUE3 has been positively prepared. The scale of retail uses in the proposed local centre reflects the planning permission and is therefore justified and soundly based. Any significant variation would be assessed against the Plan as a whole including Policy RT1.

¹⁰ Permission ref 2010/0089/ST

Housing allocations

147. To ensure that heritage assets are safeguarded and that the Plan is consistent with national policy for the historic environment, the requirement for archaeological investigation needs to be set out in more detail within several of the housing site allocations. This applies to sites H1c, H1d, H1f, H1g, H1i, H1q and H1t and **MM19, MM20, MM21, MM22, MM23, MM26, and MM27** are necessary to provide appropriate guidance within the respective site policies. Policy H1 is the overarching policy for the housing site allocations and as submitted, does not make clear that planning applications will need to make provision for necessary infrastructure including transport and education. **MM29** remedies this and will ensure that the Plan has been positively prepared. Following consultation on the MMs, I have made a consequential amendment to **MM29** to remove the reference to two potential school sites – this is dealt with in Issue 8 below.

Site H1a – Clipstone Road East

148. The site is located to the south of the B6030/Clipstone Road East on the eastern edge of Forest Town and is allocated for approximately 511 dwellings. Part of the site has outline planning permission for 313 dwellings and a reserved matters application for 30 dwellings on part of this site is pending. A full application has been submitted for 202 dwellings on the rest of the site. This indicates a good prospect for delivery from 2022/23 which has been confirmed in a SoCG. Due to its location within 400 metres of the ppSPA boundary, further assessment of the impact of any proposal on nightjar and woodlark and their habitat would be required as part of any planning application. **MM17** secures these additional provisions to ensure compliance with the Habitats Regulations.

Site H1b – Land off Skegby Lane

149. The site is located to the west of Mansfield to the north of the B6014/Skegby Lane. As submitted, the Plan allocates the site for approximately 215 dwellings. As part of the MMs consultation, the site allocation was proposed to be reduced to 194 dwellings to accommodate a new primary school site together with a change to the indicative masterplan in Appendix 8. As outlined in Issue 8 of this report, Nottinghamshire County Council has confirmed that the need for the school will not arise until 2028/29 which would be beyond the Plan's five year review period.

150. As such, no changes are required to Policy H1b (for approximately 215 dwellings on the site) nor to the indicative masterplan as shown in the submitted Plan.

Site H1c – Fields Farm, Abbott Road

151. The site is allocated for approximately 200 dwellings. Policy H1c contains appropriate mitigation measures to ensure a satisfactory form of development including in relation to habitat connectivity and heritage assets. The boundary of the site in the submitted Plan does not fully reflect

the ownership of the site and a small extension to the allocated area would ensure that the site allocation has been positively prepared. Changes to the policies map and indicative masterplan in Appendix 8 have been prepared and consulted on by the Council.

Site H1d – Three Thorn Hollows Farm

152. The site is allocated for approximately 188 dwellings in the submitted Plan but an additional area to the south of the site could be readily accommodated within the site boundaries to increase its capacity to 200 dwellings. So that Policy H1d has been positively prepared, **MM20** increases the indicative number of dwellings from 188 to 200 and clarifies the landscaping requirements for field boundaries. I am satisfied that Policy H1d contains appropriate mitigation measures to ensure a satisfactory form of development and the indicative masterplan in Appendix 8 highlights the location of nearby wind turbines. Changes to the policies map and indicative masterplan in Appendix 8 have been prepared and consulted on by the Council to reflect the increase in the site area.

Site H1f – Former Rosebrook Primary School

153. The site is allocated for approximately 134 dwellings in the submitted Plan. In order that the site allocation will be effective and deliverable, the position of the site access should be identified. **MM21** achieves the necessary alteration to Policy H1f in this regard.

Site H1g – Abbott Road

154. The site is allocated for approximately 102 dwellings in the submitted Plan. The key highway junctions towards which financial contributions will be sought should be identified to ensure that Policy H1g will be effective. **MM22** secures the necessary changes.

Site H1j – Caudwell Road

155. The site forms part of a larger allocation straddling the administrative boundary with Ashfield District and was allocated in the Ashfield Local Plan. The Ashfield Local Plan was withdrawn from its examination in October 2018 and the site as a whole is no longer deliverable. As such, the allocation within Mansfield District is not soundly based and should be deleted from the Plan. **MM24** achieves that and modification of the policies map has been prepared and consulted on by the Council.

Site H1n - Sherwood Close

156. The site is the subject of a current planning application. A change to the policies map which aligns the boundaries of the site allocation with the proposed development has been prepared and consulted on by the Council and this will ensure that the site allocation has the correct geographical interpretation.

Conclusion on Issue 5

157. In conclusion, the Plan's site allocations are based on a logical and appropriate set of criteria and assessment methodology, SA and HRA. Subject to the MMs, the strategic urban extensions, employment and housing allocations are positively prepared, justified and effective.

Issue 6 - Will the housing requirement be met and will a five year supply of deliverable sites be available on adoption and are there reasonable prospects that this can be maintained over the Plan period?

158. I have found that the housing requirement figure of 6500 dwellings or 325 dpy is soundly based. This represents a reasonable but realistic step up from the average of 308 dpy achieved from 2013 to 2018, and an up-to-date Plan will provide a positive framework to support delivery on a wide range of sites.

159. The revised housing trajectory for the MMs consultation (**MM97**) indicates that completions, current commitments and site allocations would provide approximately 8726 dwellings (net) during the Plan period. This represents a substantial 'headroom' of 2226 dwellings against the requirement. However, I consider this position is justified for two reasons.

160. Firstly, Sites SUE1 and SUE2 represent long term commitments which will continue to deliver new homes beyond the Plan period. Both sites are strategically well located in relation to the Mansfield Urban Area and offer a comprehensive form of development with opportunities for homes, jobs and facilities to be located close together. Secondly, new evidence on the viability and deliverability of Site SUE1 has been provided during the course of the examination, and whilst on submission its contribution towards housing land supply over the Plan period was uncertain, the evidence demonstrates improved viability and the site should be factored into calculations of land supply. Paragraph 8.4 of the submitted Plan indicates that both Sites SUE1 and SUE2 are not currently viable and so that the Plan has been positively prepared, it should reflect the up to date position. **MM68** achieves the necessary change.

161. Windfalls have historically made an important contribution to housing delivery in the District averaging 219 dpy over the period 2006 – 2017. However, the greater certainty afforded by site allocations particularly on larger sites is likely to mean that there is less incentive for speculative windfall development. Going forward, a more cautious approach is justified and the windfall allowance of 38 dpy from 2023/24 onwards is a realistic figure which has been fully evidenced in the Site Selection Technical Paper.

162. The Council has robust monitoring arrangements in place and takes a proactive and partnership approach via its Growth Delivery Group to keep the delivery of housing and other development sites under review. Policy IM1 sets out the circumstances under which a partial review of the Plan or other actions would be taken to address a shortfall in housing delivery.

163. Although the Plan was submitted in the transitional period, housing need has been assessed using the standard methodology and the 2019 NPPF will govern how the five year supply is calculated following adoption of the Plan.

I have therefore considered the approach to the five year supply against the provisions of the 2019 NPPF.

164. The submitted Plan was informed by housing land supply data from the 2017/18 Annual Monitoring Report (AMR). Prior to the hearing sessions, the Council was able to produce the latest 2018/19 data and so that the Plan has been positively prepared, housing land supply figures should be updated to 31.3.19 and **MM28** achieves that. The Council's hearing statement also corrected the approach to the calculation of the five year requirement and the calculation is set out in document Exam 14.
165. From the start of the Plan period in 2013 up to 2019, 1935 dwellings were delivered against a requirement of 1950 dwellings, a nominal shortfall of 15 dwellings. The Housing Delivery Test results published in February 2019 confirm that there are no actions required by the Council in relation to housing land supply. In accordance with paragraph 73 of the NPPF, a 5% buffer should be applied on top of the five year requirement, which from 2019/20 to 2024/25 would result in a requirement of 1722 dwellings or 344 dpy.
166. Sites with planning permission will contribute to the housing land supply and they have been identified in the trajectory. Although no deduction has been applied to account for non-delivery, the contribution of large sites (5 or more dwellings) to the five year supply has been assessed on a case by case basis. Sites under construction but where there were no dwelling completions 2 years prior to the AMR baseline of 1.4.19 have not been included in the trajectory.
167. During the examination, the Council reviewed and revised the start dates for some of the site allocations within the trajectory. The SUEs are key to the District's housing delivery in the middle part of the Plan period. The commencement date of 2022/23 for the majority of Site SUE1 is realistic based on the preparatory investigations that have been undertaken. Similarly, a start date of 2024/25 for Site SUE2 is reasonable given the ecological assessments that need to be undertaken and infrastructure requirements. The HELAA has assessed delivery rates according to site size, the proximity of other housing development under construction and local market conditions. Delivery rates for Sites SUE1 and SUE2 are anticipated to rise gradually to 50 dpy towards the middle of the Plan period which will boost supply. Build out rates will be monitored through the AMR and will inform any necessary adjustments to the trajectory.
168. Whilst some representors maintain that lead in times and delivery rates are still unrealistic, they are based wherever possible on discussions with representors, developers and landowners. In broad terms I am satisfied that most of the sites that the Council has identified within the five year supply from 2019/20 to 2024/25 have a realistic prospect of being delivered. Additional sites are not required to meet the five year housing requirement.
169. The updated trajectory indicates a current supply of 1920 dwellings in the relevant five year period. Dealing with the nominal shortfall in supply since

the start of the Plan period, on adoption of the Plan there would be a deliverable supply exceeding the five year requirement. **MM97** is necessary to replace the submitted Plan's housing trajectory with the most up-to-date position. This will be supported by a detailed trajectory for individual sites published in the AMR. The reduced capacity of Site H1b (from 215 to 194 dwellings) is marginal and will not affect the five year supply. I am therefore content for the Council to reflect the change in the next update of the AMR.

Conclusion on Issue 6

170. In conclusion and subject to the proposed MM, there is a reasonable prospect that on adoption of the Plan there will be a supply of deliverable housing land exceeding the five year requirement, that this situation will be maintained throughout the Plan period and the housing requirement will be met.

Issue 7 – Will the plan contribute to the vitality and viability of Mansfield town centre and the District and Local Centres and are the site allocations and retail policies positively prepared, justified and effective?

171. The retail policies are informed by a range of evidence including a Retail and Leisure Study (2011) (the 2011 Retail Study) and 2017 Retail Update, a Retail Viability Study (2016), town centre surveys and a Retail and Leisure Technical Paper (2019). An updated Retail Monitoring Report and Town Centre Health Check (2019) was published in advance of the hearing sessions.

172. Policy RT1 directs main town centre uses to a hierarchy of town, district and local centres - Mansfield town centre, Mansfield Woodhouse and Market Warsop district centres and six local centres, all of which are defined on the policies map. This is a sound and sustainable approach and will focus retail and other town centre uses where they will support the vitality and viability of existing locations that are served by public transport and with the potential for the redevelopment of previously developed land.

173. Consistent with the NPPF, Policy RT1 requires that proposals for main town centre uses on edge or out of centre sites will be subject to a sequential test and an impact test will also be required where the proposed floorspace exceeds 500m². The 500m² threshold for the district and local centres is justified by the findings of the 2011 Retail Study. However, for the town centre, the 2011 Retail Study considered that the NPPF threshold of 2500m² was appropriate.

174. Vacancy rates in Mansfield town centre have averaged 13.1% over the period 2008 - 2018¹¹ compared with a national average of 9.9% and it faces increasing competition from other destinations within and outside the District. Its market share in comparison retailing declined from 28.6% to

¹¹ Document R1 - Retail and Leisure Technical Paper (September 2018) Appendix 3

24% between 2011 and 2017. Approximately 64% of vacant floorspace in the town centre is within units of less than 500m², meaning that large format operators are not well catered for. Based on these indicators, the town centre is vulnerable to proposals for out of centre retail or leisure proposals. The locally set threshold of 500m² is based on an update to the evidence in the 2011 Retail Study and is justified.

175. Reflecting the 2017 Retail Update and the need to provide local facilities for new residents close to home, Policy RT1 also supports new local centres at sites SUE1 and SUE3. Provision for Site SUE3 reflects the extant planning permission for 1000 m² retail floorspace. However, in order to protect the vitality and viability of existing town centres, any planning application for retail and leisure uses on Site SUE1 above the 500m² threshold set out in Policy RT1 should be subject to the sequential and impact tests and **MM47** is necessary to ensure that Policy RT1 will be effective in that regard. It will be important to ensure that the vitality and viability of the local centres at Sites SUE1 and SUE3 is not harmed by out of centre proposals. To ensure the necessary safeguards, **MM47** is necessary to add them to the list of local centres within Policy RT1.
176. As submitted, the Plan requires only major development to demonstrate how it will contribute to the town centre improvements identified in Policy R4. In the interests of effectiveness, smaller schemes should also meet this requirement, where relevant and proportionate to do so and **MM51** makes the necessary change and also ensures that Policy R4 refers to Site RT6b. The extent of the primary and secondary shopping frontages identified in the town centre is justified based on the findings of the 2011 Retail Study. For clarity, **MM50** is necessary to clarify that the size of units protected within primary frontages (500m²) relates to the gross floor area.
177. Representations suggest that the Plan does not embody a strong enough 'town centre' first approach. In my view, the spatial strategy in Policy S2 allied with the retail policies provide a robust approach to safeguarding the vitality and viability of the town centre. The policies are sufficiently flexible to accommodate qualitative improvements to town centre retailing, including additional convenience floorspace should such a proposal be put forward.

Retail and Leisure Allocations

178. The need for additional retail and leisure floorspace to 2033 is assessed through the 2011 Retail Study and 2017 Retail Update and will be met by a combination of existing permissions, site allocations and reoccupation of vacant floorspace. The Plan does not meet the need for comparison floorspace in full, but this is justified given the changes in retail trends and uncertain expenditure growth over the Plan period. To ensure that the Plan will be effective, **MM56** and **MM57** are recommended so that the Plan includes the most up to date information on existing retail and leisure commitments.
179. Site RT6a (Former Bus Station, Stockwell Gate North) in the town centre has planning permission for a hotel, retail and leisure uses and the site

allocation reflects those uses. So that the Plan will be effective, **MM53** is necessary to set out the requirement for archaeological investigation in more detail within Policy RT6a.

180. Site RT6b (Belvedere Street, Stockwell Gate South) has outline planning permission but there is some uncertainty about the amount and type of uses that may come forward on the site. The submitted Plan does not allocate the site but development with a range of main town centre uses would make a positive contribution to the regeneration of a key town centre site. So that the Plan has been positively prepared, **MM55** is recommended to allocate the site. The reference to 11,500 m² floor area reflects the outline planning permission and is justified as is the requirement to ensure that the setting of nearby listed buildings is conserved or enhanced. A change to the policies map has been prepared and consulted on by the Council.
181. The allocation of Site RT6c (Frontage to Ransom Wood Business Park) for retail and leisure uses would provide ancillary facilities for existing employees at the Business Park together with visitors to the conference facilities. Proposals designed to serve a wider catchment area would be required to meet the tests in Policy RT1 and that is an appropriate approach. The site is located within the ppSPA and **MM54** is necessary to ensure that an application specific assessment is submitted alongside the other site requirements. Subject to this MM, I am satisfied that the site allocation is justified.
182. For the avoidance of doubt, I have referred to Sites RT6a, RT6b and RT6c above with the new site references outlined in the MMs. **MM52** is necessary to ensure that all three sites are referred to in the overarching policy, RT6.

Other Retail Policies

183. Policy RT10 as submitted allows for the development of new floorspace within or on the edge of Portland and St Peter's Retail Parks without the need for a sequential or impact assessment, subject to meeting a number of criteria. My interim findings concluded that the policy as submitted is unsound for three main reasons. Firstly, the threshold of 1000 m² against which cumulative increases in floorspace would be measured is not justified by the evidence. Secondly, St Peter's Retail Park contains a number of units selling comparison goods and restricting sales to bulky goods within any extensions to those units, whether mezzanine floors or extensions, would be unreasonable. Finally, the geographical extent of the area that would constitute 'the edge' of the retail parks is not defined on the policies map and would be open to wide interpretation.
184. Policy RT10 and its supporting text are not justified and should be deleted from the Plan and **MM64** and **MM65** achieve that. Portland and St Peter's Retail Parks would remain as suitable locations for new retail warehousing but proposals would be assessed against Policy RT1 and **MM49** is required to make that clear within the supporting text.

185. Maintaining the vitality and viability of the district and local centres is important for their role in meeting daily needs. Policy RT8 sets out appropriate criteria against which proposals will be assessed, including a requirement that retail (Use Class A1) remains the predominant use within the centre. As submitted, there is no definition of 'predominant' and so that the policy will be effective, **MM58** is necessary to clarify that this will be defined as 40% of the units in the centre.
186. Smaller neighbourhood parades will be the focus for convenience retailing serving a more localised catchment and are dealt with under Policy RT9. Whilst future proposals for new neighbourhood parades or extensions to existing parades are likely to be small scale and would not require a sequential or impact test, there may be circumstances in which larger scale units are proposed. **MM59**, **MM60** and **MM63** are all necessary so that Policy RT9 and its supporting text set out a robust approach to supporting the vitality and viability of neighbourhood parades and dealing with larger scale proposals within or adjacent to them. So that Policy RT9 will be consistent with the approach to local shops in Policy IN7, **MM61** is necessary to change the floorspace limit for extensions to neighbourhood parades from 250 m² to 280m² (net). This is a relatively small increase and would not undermine the vitality and viability of other town centres.
187. Small local shops are covered by Policy IN7 (Local Shops, Community and Cultural Facilities) and for consistency, Policy RT1 allows for small scale proposals in out of centre locations where they would meet the day to day needs of the immediate area. As submitted, Policy RT1 does not indicate the scale that would be appropriate and **MM48** is necessary to ensure that the approach is consistent with Policy IN7.

Conclusion on Issue 7

188. Overall and subject to the proposed MMs, I conclude that the Plan sets out a positive strategy to support the vitality and viability of Mansfield town centre and the District and Local Centres and that the site allocations and retail policies have been positively prepared.

Issue 8 – Does the plan make adequate provision for infrastructure including community facilities and transport and will it contribute to healthy and safe communities?

189. Ongoing dialogue between the Council and key infrastructure providers in Plan preparation is evidenced in the Infrastructure and Delivery Plan (2018) (IDP) which provides an up to date and comprehensive assessment of existing and future capacity across the key infrastructure items and services needed to support the Plan's proposals. The delivery programme makes clear the requirements including in relation to health, education, utilities, flood risk, green infrastructure and transport and key requirements are listed in Appendix 9 of the Plan. The IDP will be kept updated as a live document and future requirements will be secured through Policy IN1.

Open Space and Community Facilities

190. The strategic green infrastructure network is a distinctive and important feature of the District, offering multiple benefits for recreation, supporting the visitor economy, ecosystem services such as water, soil and air and resilience to climate change. Based on the Green Infrastructure Study (2018), the network is shown on the policies map and Policy IN2 sets out the approach to any development within those areas. As the Plan is to be read as a whole, the cross reference to Policy S5 (Development in the Countryside) within criterion (g) is unnecessary. For effectiveness, **MM73** secures its deletion from Policy IN2 and **MM74** re-locates it to the supporting text. For consistency with **MM6**, I have deleted the word 'open' from the name of the policy in **MM74**.
191. Key indicators of wellbeing for the District's population are generally worse than national and regional averages and underline the importance of existing and future residents having access to good quality green and open spaces to support their health and wellbeing. The Mansfield Community Open Space Assessment (2018) reviewed all formal parks and recreation grounds, play areas, amenity space and natural green space in terms of quantity, distribution, accessibility, quality and contribution to supporting healthy communities. Policy IN3 sets out an appropriate approach to safeguard and resist the loss of community open space identified on the policies map unless specified criteria are met.
192. The Mansfield Green Space Standard sets out thresholds to assess the accessibility, quality and amount of open space across the District and for provision in new development. Appendix 11 of the Plan sets out the standard and **MM99** is necessary to ensure that accessibility for all users is considered. Based on the Local Green Space Study (2015) and its Addendum, the Plan designates some of the areas of community open space as local green space which is identified on the policies map and in Appendix 12 of the submitted Plan. The study is based on a robust methodology using the criteria set out in the NPPF and has been undertaken with input from local communities. Whilst there is some overlap with the community open space designation on the policies map, I am satisfied that the local green spaces identified have a particular local significance, as required by the NPPF and the policies map makes the distinction between the two designations clear.
193. Policy IN6 sets out that development on local green space will only be permitted in very special circumstances. For clarity and effectiveness, the supporting text should explain the approach that will be taken to assessing whether 'very special circumstances' exist to justify development on local green space and **MM79** achieves that.
194. For accuracy, the boundary of the Forest Park local green space should be amended to be consistent with the Local Wildlife Site. Modification of the policies map to show this alteration has been prepared and consulted on by the Council.
195. From the evidence before me, I am satisfied that the protection and provision of community open space is based on a robust and up to date audit of existing provision and evidence of need. The identification of

community open space, allotments and local green space on the policies map is justified, including at the Miners Welfare, Meden Vale and Berry Hill Park.

196. Policy IN5 protects all existing allotments whether they are Council run or privately owned and this is justified to meet the standard for allotment provision assessed through the IDP. The policy requires an assessment of existing and future demand for any proposals involving the loss of allotments and Policy IN5 and its supporting text should be expanded to clarify how that could be demonstrated. **MM76** and **MM77** achieve that and will ensure that Policy IN5 is effective. The designation of allotments on the policies map is justified by the evidence, subject to the addition of the Broomhill Lane allotments. Modification of the policies map to show this addition has been prepared and consulted on by the Council.
197. Policy IN7 seeks to protect existing local shops, cultural and community facilities and sets out the approach that will be taken where development proposals would result in the loss of local facilities. Proposals for new facilities including local shops are also dealt with in Policy IN7. As submitted, Policy IN7 defines a local shop as having a floor area of 250m². In order to ensure that Policy IN7 will be effective, a small increase in the floor area is justified so that it is consistent with the format allowed for under Sunday trading laws. **MM80** increases the area to 280m² (net) within the definition.

Healthy Communities

198. The NPPF emphasises that the planning system can play an important role in creating healthy, inclusive communities. A report by the Healthy Mansfield Commission indicates that Mansfield is among the 20% most deprived areas in the country and performs badly in relation to a number of health indices including life expectancy, obesity, child health and alcohol related conditions.¹²
199. The Plan's requirement for development proposals to enhance physical activity and create safe and accessible environments is therefore justified. In order to achieve this, Policy P2 requires schemes of 50 dwellings or more, or other types of development exceeding 5000m² to submit a Health Impact Assessment (HIA), developed by Nottinghamshire County Council in conjunction with partner authorities. This is a robust way of considering health matters and as it applies to larger developments, it is consistent with the advice in the PPG that a HIA may be a useful tool where there are expected to be significant impacts.
200. The approach to restrict new takeaway (Use Class A5) premises within a 400 metre radius of secondary schools or colleges in Policy RT11¹³ is based on robust and compelling evidence. Mansfield had a fast food outlet density of 96.3 per 100,000 residents in 2015, compared to 88 per 100,000 for

¹² Document SE7 - Healthy Mansfield

¹³ To be renumbered Policy RT10 MM66

England. The 'Fast Food Outlets and Obesity Briefing Paper' published by Nottinghamshire County Council shows that four secondary schools are located within areas which have a higher density of fast food outlets than the national average. In 2013/14, 34.6% of year 6 children were overweight or obese compared with 31% for Nottinghamshire and 33.5% for England¹⁴. Whilst the causes are multi-faceted, managing the food environment is one element of a package of measures promoted in the Nottinghamshire Health and Well Being Strategy and the Healthy Mansfield document.

201. However, there is potential for ambiguity in Policy RT11 as submitted on the precise location that the 400 metre radius would be measured from. **MM66** is necessary to clarify that the measurement will be taken from the main access point to the secondary school or college and to change the structure of the policy for clarity and effectiveness. In addition, the areas to which the policy applies are not shown on the submission policies map and to ensure that Policy RT11 has an accurate geographical interpretation, the required changes have been prepared and consulted on by the Council.
202. Existing Class A5 outlets within the exclusion zones would not be affected by the new policy and subject to meeting the criteria in Policy RT11, other Class A5 uses could be permitted elsewhere in Mansfield and Warsop parish. On the basis of the evidence before me there is no justification to extend the proposed exclusion zones around primary schools.

Transport

203. The Plan's spatial strategy focuses development in locations with good access to services and facilities by sustainable modes of transport. The MARR has improved the District's connectivity to the M1 and A1 and enhanced opportunities for growth and development in the Mansfield Urban Area. Effective liaison with Highways England and Nottinghamshire County Council as the Highway Authority has occurred through the DtC.
204. The Mansfield Transport Study (2018) tested the cumulative impact of the Plan's proposals and those in adjoining authority areas on the capacity and operation of the road network up to 2033. The M1 is outside the District but additional traffic anticipated from the Plan will not materially affect the operation and capacity of Junctions 27, 28 and 29. Transport Assessments will be required for developments which generate significant levels of movement together with consultation with Highways England where there are potential impacts on the strategic highway network. The study identifies a number of junctions within the District that are forecast to be at or over capacity and for which developer contributions may be sought towards improvements. These are identified in the IDP and Appendix 9 of the Plan. Further investigation of capacity and the need for mitigation measures will be required through Policy IN9 which requires the submission of transport assessments.

¹⁴ Document SE4 - Nottinghamshire Joint Strategic Needs Assessment 2016

205. Policy IN8 supports improvements and sustainable transport schemes on the main arterial routes and for clarity, **MM81** is recommended to name the roads in the town centre where this applies. The full extent of the Dukeries Line railway line identified for improvement in Policy IN8 is not shown on the submission policies map and the required change has been prepared and consulted on by the Council.
206. As submitted, criterion (a) of Policy IN10 requires parking provision to be in accordance with further guidance 'to be published by the Council'. Any future guidance would need to be subject to consultation. As consulted on, **MM82** referred to the Nottinghamshire Highway Design Guide but to ensure sufficient flexibility to accommodate any future guidance that may be adopted by the Council and for effectiveness, following consultation on the MMs I have amended the detailed wording of criterion (a) to refer to 'adopted guidance'.
207. Since the close of the hearing sessions, the Government has consulted on whether requirements for electric car charging points within new development should be required as part of the Building Regulations. Meeting current and future demand in conjunction with parking provision as a requirement in Policy IN10 of the submitted Plan is unsound. **MM82** is recommended to indicate support for electric charging points where appropriate to the scale and use of development rather than as a requirement and following consultation on the MMs, I have amended the wording to insert 'where practical' pending any future decision by the Government.

Education

208. Additional primary and secondary school places will be needed to support housing growth in the Plan period. Additional capacity will be secured through developer contributions in accordance with Policy IN1. Specific requirements for a new primary school are included within Policy SUE2 and for Site SUE3, contributions towards a new two form entry primary school will be secured through the completed s106 planning agreement. The Education Technical Paper identified a need for a new primary school in the Mansfield West Place Planning Area by 2022/23 which could be accommodated on Sites H1b or H1g. Nottinghamshire County Council has since confirmed that this will not be required until 2028. I have therefore deleted the reference to the two potential sites from **MM29** as this is not necessary for soundness and the matter will be dealt with through a Plan review.

Conclusion on Issue 8

209. Subject to the proposed MMs, I conclude that the Plan's provision for new and improvements to existing infrastructure are adequate and that the Plan will make a robust and positive contribution to supporting healthy and safe communities.

Issue 9 – Would development be viable having regard to infrastructure and policy requirements and are the arrangements for monitoring and delivery robust and will the Plan be sufficiently flexible to respond to changing circumstances?

Viability

210. The NPPF requires that Plans should be deliverable and that sites and the scale of development identified should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The Plan has been informed by viability assessments VA1 and VA2. The Council is keeping the option of introducing CIL under review and in the meantime, developer contributions will be sought in accordance with Policy IN1.
211. The viability of the strategic urban extensions was tested through VA1 and concluded that Site SUE1 would not be viable whilst Site SUE2 demonstrated marginal viability. As outlined above, the evidence for Site SUE1 demonstrates that the situation has improved. The delivery of these sites involves significant infrastructure costs and they will be delivered over a long time period. There needs to be sufficient flexibility for site specific viability assessments to be considered and I am satisfied that Policies H4 and IN1 are sufficiently flexible to achieve that.
212. VA2 tested the viability of the majority of the other proposed housing allocations based on the various policy requirements including for affordable housing, on and off site open space, sustainable urban drainage systems, developer contributions towards education and highways and any site specific requirements in the site allocations. Development viability across the District varies, with generally stronger sales values to the south. However, the majority of housing allocations are in the lower value Zone 1 where viability is more challenging.
213. Of the 18 sites tested in Zone 1 where 10% affordable housing is required, nine of the sites would be viable. Of the nine demonstrating negative residual value, the deficit is not substantial in all but two cases. Modelling of affordable home ownership for the provision of affordable housing improves viability and a further 2 sites become viable. All of the sites within Zone 2 would be viable.
214. The VA reports suggest that for some sites it may be necessary to strike a balance between policy requirements sought via s106 obligations and the provision of affordable housing. However, Policies H4 and IN1 are sufficiently flexible to enable that balance to be struck and overall, I am satisfied that the policy requirements in the Plan including for affordable housing are not of such a scale that they would threaten the viable development of sites.
215. In relation to other types of development, whilst convenience retailing demonstrates positive viability, employment development is unviable. However, Mansfield is not unusual in that regard and the majority of employment development is for specified end users.

216. Overall I conclude that the Plan's policy requirements will not be of such a scale or burden to threaten the delivery of allocated sites and the Plan as a whole.
217. Policy IM1 sets out a commitment to Plan review no later than five years from adoption and at an earlier point if housing delivery falls below the Housing Delivery Test thresholds. Having regard to the requirement in the 2019 NPPF that policies should be reviewed at least every five years to assess whether or not they need updating, a specific commitment to an early review is not necessary. Appendix 2 sets out how the Plan's objectives will be delivered by the policies and the monitoring framework in Appendix 13 sets out clear and comprehensive targets and triggers and the remedial actions that may be necessary. **MM96** and **MM100** are necessary to update the policy references in Appendix 2 and the monitoring framework in the interests of clarity and effectiveness.

Conclusion on Issue 9

218. Subject to the proposed MMs, I conclude that the Plan is based on a robust assessment of viability which will ensure that it is effective, deliverable and consistent with national policy. The monitoring framework and arrangements will provide an effective mechanism to assess whether or not the Plan's vision and objectives are being delivered.

Other Matters

219. For clarity and effectiveness, various entries in the Plan's glossary require updating in addition to the changes for affordable housing and surplus and derelict land referred to above and this is achieved through **MM95**.

Assessment of Legal Compliance

220. My examination of the legal compliance of the Plan is summarised below.
221. The Mansfield Local Plan has been prepared in accordance with the Council's Local Development Scheme (March 2019).
222. Consultation leading up to the submission of the Plan took place over a number of stages, including on the Scoping Report (PC1), the Consultation Draft Plan (PC2), the Preferred Options (PC4), the Publication Draft (S1) and most recently on the MMs. I am satisfied that the various stages of consultation gave representors adequate opportunities to express their views and I have been able to take these into account in my assessment of the Plan's soundness. Some sites were added to the Plan at the Publication stage which can be confusing, but I am satisfied that the full range of issues raised in representations has been before me as part of the examination.
223. Overall, I am satisfied that consultation was undertaken in accordance with the 2012 Regulations and the Council's Statement of Community Involvement (2017).

224. Sustainability Appraisal has been carried out and is adequate.

225. As outlined in Issue 4, I am satisfied that the Plan as proposed to be modified will not have an adverse effect on the integrity of designated European sites and the Sherwood ppSPA.

226. The Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of and adaptation to, climate change. This includes seeking sustainable design, construction and energy provision, directing development to the most sustainable locations with the potential for access to services and facilities by sustainable modes of transport and supporting appropriately located renewable energy.

227. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

228. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including securing accessible and inclusive environments and ensuring that the Plan provides for a mix and choice of housing to meet the needs of different groups in the community.

Overall Conclusion and Recommendation

229. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

230. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Mansfield Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Sarah Housden

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.