

Mansfield District Council

Local Plan Examination

Main Matter 1

Duty to Cooperate (DtC) and Other Legal
Requirements

Mansfield District Council Submission

Date 30 April 2019

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District Council

Mansfield District Council

Local Plan Examination Matter Statement

May 2019

Main Matter 1 – Duty to Cooperate (DtC) and Other Legal Requirements

Issue – Has the Council has complied with the DtC in the preparation of the plan?

Q1. What are the relevant strategic matters in relation to the DtC? (Defined as matters having a significant impact on at least two planning areas or on a county matter in a two tier area¹).

1. The strategic matters and cross boundary issues of relevance to the Local Plan in relation to the Duty to Cooperate are covered by the Duty to Cooperate Compliance Statement (DTC4) and the Statements of Common Ground.
2. As referred to in document DTC4, the relevant strategic matters of relevance to this Local Plan are:
 1. Identify the appropriate Housing Market Area and distribution of housing;
 2. Identify the appropriate Functional Economic Market Area;
 3. Meeting the objectively assessed housing needs during the plan period including Sustainable Urban Extensions and other allocations;
 4. Work with partners to identify Gypsy and Traveller sites to meet identified need;
 5. Identify sufficient land to meet employment land needs during the plan period including allocating land for employment uses and working with partners to identify any unmet need;
 6. Deliver the appropriate amount of retail floorspace to meet identified needs.
 7. Identify the social infrastructure required to support proposed levels of growth – including health and education provision;

¹ S33A(4) of the Planning and Compulsory Purchase Act 2004

8. Identify the transport infrastructure required in order to support proposed levels of growth, encourage modal shift and secure mitigation to avoid severe adverse impacts;
9. Protect important heritage assets; and
10. Protect important natural environment features.

Q2. Has the Council maximised the effectiveness of the plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on these strategic matters during the preparation of the plan and what form it has taken?

3. Engagement with Duty to Cooperate Partners has been based on around the strategic matters set out in question 1 above. These have helped to focus discussions and the issues set out within the Statements of Common Ground. The table in Appendix 1 of the Duty to Cooperate Compliance Statement (DTC4) summarises how the council has sought to engage with its partners on these strategic matters. The table sets out:
 - the strategic planning issue;
 - the evidence base used;
 - which Strategic Partners were involved;
 - actions and outcomes; and,
 - ongoing cooperation.
4. The council has jointly produced evidence base documents with neighbouring authorities to ensure that strategic matters are adequately addressed this has included:
 - A Strategic Housing Market Area Assessment (SHMA) which sought to identify the quantity and type of housing requirements for Mansfield, Ashfield and Newark and Sherwood district councils up to 2033;
 - Employment Land Forecasting Study which considered requirements across the Nottingham Core and Nottingham outer economic areas;
5. In addition, other evidence has been gathered in accordance with methodologies and protocols agreed by DtC partners; these include the Nottingham and Nottinghamshire Traveller Accommodation methodology. The Housing and Economic Land Availability

Assessment (HELAA) was subject to consultation with neighbouring Local Planning Authorities.

6. Ongoing meetings have been held with Duty Cooperate partners and evidence of these meetings are set out within Appendix 5 of the Duty to Cooperate Compliance Statement (DTC4). The council has signed Statement of Common Grounds with the relevant strategic partners.

Q3. What outcomes have resulted from the co-operation with the prescribed bodies on any relevant strategic matters and how have these informed the plan policies?

7. Section 4 of the Duty to Cooperate Compliance Statement (DTC4) at page 17 sets out the key outcomes that have resulted from the cooperation with the prescribed bodies. In summary:

Identification of the Housing Market Area

8. One of key outcomes of joint working with HMA partners on the Strategic Housing Market Area Assessment 2015 (H4) was to confirm the logical extent of the Housing Market Area (HMA). A Statement of Common Ground (DTC1) has been signed by the HMA authorities Newark and Sherwood District Council, Ashfield District Council and Mansfield District Council setting out that all parties agree with Housing Market Area as defined.

Identification of the Functional Economic Market Area and Employment Land Requirement

9. The jointly commissioned Employment Land Forecasting Report 2015 (E1) concluded that the 'Functional Economic Market Area' (FEMA) includes the districts of Mansfield, Ashfield and Newark and Sherwood.
10. The main outcome was that all parties within the FEMA agreed to plan for the employment needs of their respective individual Local Planning Authorities, all parties are able to meet their own employment land requirements as set out within the Statement of Common Ground (DTC1).
11. The D2N2 LEP have also been consulted throughout the preparation of the Local Plan particularly in relation the site selection process and establishing the employment land requirement, as this is based on the planned level of growth within the D2N2 LEP Strategic Economic Plan. The D2N2 LEP agree with the identified FEMA and support the proposed allocations to meet the employment land

requirements, a letter of support is included at Appendix 5.9 with the Statement of Compliance (DTC4).

Objectively Assessed Need for Housing

12. Mansfield District Council forms part of the Outer Nottingham Housing Market Area. Newark and Sherwood have based their housing requirements to those set out in the SHMA. Ashfield are currently preparing their Local Plan based on the standardised housing methodology. The three councils have agreed to meet their own housing needs and have agreed that the best approach for Mansfield District Council in calculating their housing need is to use the standardised housing methodology. A Statement of Common Ground has been signed to this effect (DTC1). Further letters of support have been provided in relation to using the 2014 based projections rather than the 2016 based projections that featured in the SOCG. These are appended at Annex A.
13. The council has also engaged with the neighbouring districts of Bassetlaw and Bolsover who have also confirmed that they can meet their own objectively assessed needs and have signed a Statements of Common Ground to this effect (DTC 9 and DTC 5).

Environment Agency (EA)

14. Discussions with the Environment Agency have guided the site selection process and key discussions identified that no insurmountable objections to emerging sites subject to mitigation. Formal representations received to the Publication Draft Local Plan set out that the EA consider the plan to be sound.

Natural England (NE)

15. DtC discussions were held with Natural England at all stages of plan production in relation to site options and selection and the preparation of the Habitats Regulations Assessment. A meeting was held on 17th March 2017 to discuss emerging site options. No objections have been received from Natural England concerning site options. Discussions with Natural England indicated that they did not consider that there were sufficient grounds to necessitate a Statement of Common Ground, this is set out within Appendix 5 of the Duty to Cooperate Compliance Statement (DTC4).

Provision of unmet need for Gypsy and Traveller Sites

16. The council has engaged with both the authorities in the HMA, Nottinghamshire County Council and the neighbouring authorities to establish if they are able to

accommodate the council's Gypsy and Traveller accommodation needs. Following discussions with each of the authorities none are able to accommodate the council's unmet Gypsy and Traveller accommodation needs. All authorities have agreed to meet their own needs and have each signed a Statement of Common Ground to this effect.

17. As a result of the above an enabling policy for the provision of Gypsy and Traveller pitch provision, consistent with the DCLG Planning Policy for traveller sites (August 2015), has been included within the Local Plan at Policy H8.

Identification of necessary social infrastructure provision

18. Discussions with Nottinghamshire County Council as the local education authority identified the necessary education facilities required to support growth. It has been identified that, in the context of education, the level of development proposed at 'Land off Jubilee Way' (SUE2) and the wider area was sufficient to require the provision of a new primary school. The educational requirements are set out within the Education Technical Paper December 2018 (IN2) and have been included within the signed Statement of Common Ground with Nottinghamshire County Council (DT8). The requirement to provide a new primary school at SUE 2 is included within the site allocation, and a modification has been proposed (M45) setting out further guidance for all future planning applications on the level of education contribution that will be required as any future planning application.
19. Nottinghamshire County Council as the statutory Waste Disposal Authority has been consulted throughout the preparation of the Local Plan and the contribution required to support the level of local plan growth has been identified within the infrastructure delivery plan (IN1). Policy IN1 has been prepared to support the level of infrastructure required to support local plan growth, a statement of common ground sets out that it may be necessary to seek developer contributions to support the construction of a new or expanded recycling centre site.
20. The council jointly commissioned the Mansfield Transport Study 2018 with Nottinghamshire County Council as the local highway authority (LHA). The LHA were engaged in assessing the transport merits of emerging site options and identifying potential constraints; this helped identify preferred allocations. The LHA have responded at all stages of plan production in identifying potential constraints on transport infrastructure and hard and soft mitigation measures. Discussions were held regarding transportation policies contained within the emerging Local Plan, the policies were amended in light of comments made from the LHA.

21. The outcome of discussions with Mansfield and Ashfield Clinical Commissioning Group indicated that it would be possible to accommodate the primary care provision requirements arising from the proposed levels of growth. Financial contributions and extensions to existing services were identified as appropriate solutions. The level of financial contribution required for each site is included within the infrastructure delivery plan (IN1) and are addressed in the Statement of Common Ground (DTC6). Policy IN1 will support the provision of infrastructure required to support growth.

Protecting Heritage Assets

22. Duty to Cooperate discussions were held with Historic England at all stages of plan production in relation to the site selection process and the preparation of the council's HELAA. The main outcomes and changes to the Local Plan were:
- Further evidence gathering at Pleasley Hill Farm in the form of a geophysical survey to establish the potential impact of development on underground archaeology (non- designated heritage assets). The proposal would only be considered acceptable by Historic England subject to this additional evidence.
 - Policies in relation to proposed allocations at Land off Jubilee Way and Three Thorn Hollow were amended to seek a requirement for a 'Written Scheme of Investigation' to understand the archaeological implications of development
 - Alterations to the wording of Policy HE1.
23. The SoCG (DT7) sets out the further modifications that are proposed to the Local Plan from discussions with Historic England.

Q4. Are there any cross boundary issues in relation to any of the proposed site allocations and any general policies and if so, how have they been dealt with through the DtC?

24. Yes, Policy HE2 Pleasley Vale area regeneration has been prepared in partnership with Bolsover District Council and has been agreed as part of the SOCG (DTC5).
25. The proposed allocation H1b Skegby Lane has been subject to discussion with Ashfield District Council and the allocation wording and indicative masterplan on page 248 is reflect these discussions by ensuring that there is landscape buffer along the western boundary of the site to avoid coalescence with Sutton in Ashfield.
26. Discussion were also held with Ashfield District Council in relation to the allocation at Cauldwell Road H1j as the majority of the site was previously allocated in the now

withdrawn Ashfield Local Plan. This allocation is proposed to be withdrawn under modification M41.

Other Legal Requirements

Q5. Do the content and timescale for preparation of the plan accord with the latest version of the Local Development Scheme (K4a)? Are other proposed Supplementary Planning Documents referred to in the plan included within the Local Development Scheme?

27. Yes, the Local Development Scheme (LDS) was updated to set out the latest timetable for preparing the Gypsy and Traveller Site Allocation DPD. All of the proposed Supplementary Planning Documents and Town Centre masterplan identified in the Local Plan are now included within the latest version of the LDS (K4a).

Q6. Has public consultation complied with the public consultation requirements in the Town and Country Planning (Local Plan) (England) Regulations 2012 and the Council's adopted Statement of Community Involvement (K3)?

28. Yes. This is demonstrated in the Consultation Statement which was submitted with the plan (S5). This gives details of all consultation undertaken by the council under Regulation 18 and 19 of the Town and Country Planning (Local Plan) (England) Regulations 2012², and meets Regulation 22 (1)(c)³.

29. The document clearly sets out the methods used to engage the public during each consultation period. The consultation methods used were in accordance with the Statement of Community Involvement 2017 (K3) (see pages 3 to 7).

² Annex 1 - Regulation 18 Scoping Report consultation, Annex 2 - Regulation 18 Consultation Draft consultation, Annex 3 - Regulation 18 Preferred Options consultation, Annex 4 – Regulation 19 Publication Draft consultation.

³ Each of the annexes explains:

- who was invited to make representations and how (Regulation 22 (1)(c)(i) and (ii));
- a summary of the main issues raised by those persons (Regulation 22 (1)(c)(iii)); and
- how those issues have been addressed in the preparation of the Local Plan (Regulation 22 (1)(c)(iv)).

In relation to the formal consultation on the Publication Draft under Regulation 19, Annex 4 includes details on the number of representations made and a summary of the main issues (Regulation 22 (1)(c)(v)). Also provided is a council response to the issues raised.

Q7. Is it clear how the Sustainability Appraisal (S8a – d) and its Addendum (S9) influenced the plan’s strategy and policies and how mitigation measures have been dealt with?

30. Paragraph 1.10 of the plan states how the Sustainability Appraisal has been an integral part of plan preparation and has been undertaken at each iteration.
31. This is clearly shown in section six of the Sustainability Appraisal Report (S8a) which sets out a summary of the appraisal findings for each policy, including a discussion of how the policy has developed, the alternatives considered at each stage of plan making, and recommendations (mitigation and enhancement measures) that were made. This included the spatial strategy and the scale and distribution of growth. Section seven provides an assessment of the Plan ‘as a whole’, bringing together the various appraisals that have been undertaken on the plan strategy, policies and site allocations.
32. The Addendum (S9) was written to reflect some changes that were made purely to amend factual information, and have no significant effect upon the conclusions set out in S8a.
33. The document states the recommendations made for each policy at each stage of plan making, but it is not always entirely clear without cross referencing to the plan if those recommendations were taken forward. For the avoidance of doubt, and in reference only to the Publication Draft, please see the table below which clearly sets out the recommendations and any reasons for them not being included in the plan.

Policy	Recommendation	Included?
S4	The policy should encourage development to consider the suitability of district energy schemes as part of the regeneration strategy.	No, this was considered too detailed for this policy. It can be included in the masterplanning work referred to in paragraph 3.31 of the plan’s supporting text.
P1	There is an opportunity to improve the policy by including sustainable construction and natural resource use as a key principle of the design process. For example, energy efficiency as part of Passivhaus standards should	No, these principles are covered in Policy P5 and the plan should be read as a whole.

	form an integral part of developments overall designs.	
P8	Provide greater flexibility to the policy that allows well integrated external shutters in appropriate circumstances.	Yes, in part 1e.
H6	Include measures to require specialist housing to be located in areas with good access to public transport (as well as being well located to access facilities on foot).	Yes, in part 1a.
SUE policies	Include reference for the need to ensure that increased access to wildlife sites enhances, rather than degrades such habitats.	No, covered in NE2 and the plan should be read as a whole.
HE1	Provide specific guidance on the preservation and potential enhancement of heritage assets at a local scale. This could be achieved through the delivery of a Supplementary Planning Document for example.	No, this was considered too detailed for this policy. The council could consider producing a SPD in the future.

Q8. Does the Sustainability Appraisal test the plan against reasonable alternatives in terms of the scale of employment and housing development and its broad distribution as set out in the spatial strategy in Policy S2? What alternatives were considered and is it clear why they were discounted?

34. Yes the Sustainability Appraisal tested reasonable alternatives in relation to the scale of employment and housing development and broad distribution of development. At the start of plan preparation the scale and distribution of development were considered separately. The summary of the appraisal of the initial scale of development options for housing and employment development can be found on pages 27 to 31 of the Sustainability Appraisal Report (S8a).

35. The appraisal of initial options for the broad distribution of development can be found on pages 32 to 36.
36. The two issues were then brought together into Policy S2 at the Publication Draft stage. This is set out along with a summary of further options regarding the housing requirement and the appraisal of the policy is summarised on pages 36 to 39 of S8a. The full appraisal of the housing options can be found in Appendix E of the document (S8c, pdf pages 151 – 182). The appraisal of the final policy can be found on pdf page 229 of S8c. Please note this is labelled Policy S1 in error.
37. For clarity and for further explanation, the following alternatives were considered throughout the plan process and reasons for discounting them are set out below:

Stage	Issue	Reasonable alternative	Taken forward / discounted?
Scale of development			
Issues and options ⁴	Scale of employment development (Evidence base was the Northern Sub-Region Employment Land Review and the Mansfield and Ashfield Joint Property Strategy. Options A and B were based on the least and most optimistic scenarios).	Option A - Use a low figure of 24 ha net to plan for future employment land provision	Evidence base (RSS Housing Scenario) superseded
		Option B - Use a high figure of 38 ha net to plan for future employment land provision	Evidence base (Sector Profiling Scenario) superseded
		Option C - Seek to avoid setting employment land figures but rely on a criteria based policy approach to future employment land provision	Would not meet OAN
		Business as usual (rely on remaining allocations within the 1998 Local Plan)	Would not meet OAN

⁴ <http://www.mansfield.gov.uk/CHttpHandler.ashx?id=7074&p=0>

Consultation Draft ⁵	Scale of employment development (Evidence base is the Nottingham Core HMA and Nottingham Outer HMA Employment Land Forecasting Study 2015 (E1))	D2N2 Policy On (42 hectares of industrial land and 26,000 sqm of office floorspace.	These two scenarios produced very similar figures and the D2N2 Policy On scenario was taken forward in the Consultation Draft
		Labour Supply (42 hectares of industrial land and 25,500 sqm of office floorspace)	
		Experian baseline (neutral starting point) (40 hectares of industrial and 24,000 sqm of office floorspace)	Discounted. The council considered that the Local Plan should allocate enough land to meet employment space requirements identified under the labour supply / LEP policy on scenarios in order to meet business needs and the district's workforce in the future
Issues and options (supplement document 'Setting a Long-Term Dwelling Requirement' ⁶)	Scale of housing development (Evidence base was a study produced on behalf of all Nottinghamshire and Derbyshire district councils by Edge Analytics Ltd)	Base level - 4,413 dwellings (221 per annum)	Evidence base superseded
		Low level - 5,643 dwellings (282pa)	Evidence base superseded
		Medium level - 7,828 dwellings (391 pa)	Evidence base superseded
		High level - 11,100 dwellings (555 pa)	Evidence base superseded
		Business as usual (EMRP figure) - 10,600 dwellings (530 pa)	Evidence base superseded
Consultation Draft	Scale of housing development	OAN – 7,520 dwellings (376 per annum)	Taken forward into Consultation Draft

⁵ <http://www.mansfield.gov.uk/CHttpHandler.ashx?id=8348&p=0>

⁶ <http://www.mansfield.gov.uk/CHttpHandler.ashx?id=7080&p=0>

	(Evidence base is the Nottingham Outer Strategic Housing Market Assessment (H4))	Set a housing target lower than the OAN	Discounted. Would not meet OAN, and no justification
		Set a housing target higher than the OAN	Discounted. Unlikely to be deliverable. OAN already exceeds figure needed to align with Policy On employment figures
Distribution of development			
Issues and options	Distribution of employment development	Option A – Seek to allocate new employment sites in locations which maximise accessibility for the local population	Would not meet the OAN
		Option B – Seek to allocate employment land at Market Warsop urban area with the remainder concentrated on new strategic employment sites as part of mixed use sustainable urban extensions to the Mansfield urban area	Taken forward
		Option C – Focus employment land provision on new strategic employment sites as part of mixed use sustainable urban extensions to the Mansfield urban area	Would not meet the development needs of Warsop Parish
Issues and options	Strategic approach to development	Option A – Maximise development around the sub-regional centre of Mansfield	Would not meet the development needs of Warsop Parish

		and safeguard the rural settlements	
		Option B – Strengthen the role of Market Warsop while maintaining a development focus in and around the Mansfield urban area.	Taken forward
		Option C – Providing limited growth in and around Market Warsop and the settlements	Would not fully meet the development needs of Warsop Parish
Consultation Draft	Distribution of development – taking account of the approaches above	Urban (brownfield and greenfield) sites only	Would not meet OANs
		Mix of urban (brownfield and greenfield) sites, and sites adjoining the urban boundary.	Taken forward in Consultation Draft, with development levels in each urban area reflecting recommendations within the evidence base and site availability / deliverability in each location
		Mix of urban (brownfield only) and sites adjoining the urban boundary.	Would leave surplus and underutilised urban greenfield land undeveloped at the expense of open countryside
Consultation Draft	Spatial strategy / settlement hierarchy – taking account of the approaches above	Option A – Mansfield urban area to be the focus of all housing and employment development.	Discounted. Would not meet any of the development needs of Warsop Parish.

		Option B – Focus the majority of housing and employment development at and around the Mansfield urban area, whilst supporting growth at Market Warsop urban area.	Would not allow any growth at the villages within Warsop Parish
		Option C – Focus housing and employment development at Mansfield urban area, followed, at a lesser scale, by Market Warsop urban area, followed by limited development in the villages	Taken forward in Consultation Draft, with development levels in each urban area reflecting recommendations within the evidence base and site availability / deliverability in each location
Scale and distribution of development (combined)			
Publication Draft	The spatial strategy, scale and distribution of growth. Further options, taking account of the approach above.	Option 1: Current Standardised Methodology figure. 279 dwellings per annum (5580)	As explained in our answer to Main Matter 4, Q2 and in the Housing Technical Paper, 2018 (H1), 279 dpa was taken forward as our starting point, however was lower than our long term average completion rate (308). We added 5% to 308 which gives a figure of 325 dpa. This aspirational but realistic figure will deliver an uplift against past delivery and local housing need and is closely aligned with
		Option 2: SHMA economic growth scenario – 328 dwellings per annum (6560)	

			the SHMA economic growth scenario.
		Option 3: The SHMA Objectively Assessed Housing need. 376 dwellings per annum (7520)	Evidence based on 2012 household projections which have been superseded. Approach will be superseded by new standard method. Figure is not deliverable.
		Option 4: The SHMA Objectively Assessed Housing need plus a buffer for flexibility. 451 dwellings per annum (9020)	Evidence based on 2012 household projections which have been superseded. Approach will be superseded by new standard method. High figure is not deliverable.

Q9. Is the Habitats Regulations Screening Report (S10) legally compliant having regard to the judgement in People over Wind, Peter Sweetman v Coillte Teoranta⁷? Does the report incorporate any mitigation measures that are intended to avoid or reduce harmful effects on the Birklands and Bilhaugh Special Area of Conservation and Sherwood Forest potential Special Protection Area? Are the report's conclusions robust and is Appropriate Assessment necessary?

38. Yes, the Habitats Regulations Screening Report (S10) is legally compliant having regard to the recent 'Sweetman' European Court Justice ruling (1 People over Wind and Sweetman v Coillte Teoranta (C-323/17), 12th April 2018). Report S10 makes explicit reference to this⁸.
39. This European Court Justice ruling asserts that mitigation should not be taken into account when forming a view on likely significant effects (i.e. the screening stage), and that this should instead be addressed at the Appropriate Assessment (AA) stage.

⁷ C-323/17

⁸ paragraphs 1.1.4 to 1.1.7

40. Wording in S10⁹ makes clear the distinction between mitigation that needs to be taken into consideration at the AA stage¹⁰ and *embedded*¹¹ measures, as defined by PINS Note to Inspectors 05/2018¹² which can be taken into account at the screening stage (i.e. likely significant effect stage). According to the PINS guidance, whether or not something constitutes a mitigation measure depends on the purpose for which it was introduced. It draws the distinction between additional avoidance or reduction measures (i.e. relevant at the AA stage) and proposals which can be considered integral to the plan (i.e. embedded mitigation)⁵.
41. Embedded measures are identified in S10¹³ with respect to sites of European significance¹⁴. The key issues screened in relation to the integrity of this site are summarised on page 62 of S10. Embedded measures relevant to the Birklands and Blihaugh SAC include: 1) relocation of the Sherwood Forest Visitor's Centre which has now taken place as part of Nottinghamshire County Council's plans to address recreational impacts and 2) the commitment through the Local Plan towards the creation and promotion of a strong green infrastructure network through Policy IN2 and planned SPD. Also please see Section 6 (Overall Conclusion) within S10 (page 62).
42. Based on Article 6(3) of the Habitats Directive, an appropriate assessment is needed if the risk of significant effects cannot be excluded at the screening stage. Since no likely significant effects will arise (alone or in-combination with other plans or projects) and no actual mitigation is required to protect the SAC, no Appropriate Assessment is required.
43. S10 also takes into consideration a substantial habitat area identified as supporting nightjar and woodlark¹⁵ but is not formally designated (or planned for designation) as a site of European significance (i.e. neither designated a Special Protection Area or a potential SPA (pSPA)). As such, there is no legal requirement to carry out a HRA Screening or an Appropriate Assessment; thus, the Sweetman ECJ ruling does not apply. But as an application of good practice and in response to guidance issued by Natural England¹⁶ with respect to this area it is included in S10.

⁹ Paragraphs 1.1.4 and 1.1.5.

¹⁰ PINS Note (05/2018) paragraph 11.

¹¹ PINS Note (05/2018) paragraph 17.

¹² Consideration of avoidance and reduction measures in Habitats Regulations Assessments: People over Wind, Peter Sweetman v Coillte Teoranta.

¹³ Paragraph 1.1.6.

¹⁴ Birklands & Blihaugh SAC

¹⁵ This area is known informally as the Sherwood possible potential Special Protection Area (ppSPA).

¹⁶ Natural England's Advice Notes on the Sherwood ppSPA, 2014 (S11)

44. The key issues screened in relation to the integrity of this site are summarised on page 63 of S10. Overall, S10 concluded¹⁷ that no adverse effects will arise from the Mansfield Local Plan either alone or in combination with other plans and projects. This is a result of adopting Natural England's advised risk-based to future-proof the local plan¹⁸. No further assessment work is required.
45. Natural England, as the statutory consultee, has confirmed that it is in agreement with this conclusion¹⁹ and that the HRA Scoping Report is in line with appropriate legislation and guidance.

Q10. Does the plan include policies designed to mitigate and adapt to climate change, including supporting the transition to a low carbon future?

46. Overall, when read as a whole, the council considers that the plan's policies will address the plan's vision and objectives (namely objectives 1, 8, 9 and 13) that seek to positively and effectively mitigate and adapt to climate change, including supporting the transition to a low carbon future.
47. Mitigation and adaptation to climate change are proactively addressed through a number of policies in the local plan, as consistent with the National Planning Policy Framework (NPPF)²⁰:
- S2: The spatial strategy
 - E1: Enabling economic development
 - E4: Other industrial and business development
 - CC1: Renewable and low carbon energy generation
 - P3: Connected developments
 - P5: Climate change and new development
 - CC2: Flood risk
 - CC3: Sustainable drainage systems
 - CC4: River and waterbody corridors
 - IN2: Green infrastructure
 - NE2: Biodiversity and geodiversity
 - S3: Urban regeneration
 - IN1: Infrastructure delivery

¹⁷ Section 6 (Overall Conclusion), page 63.

¹⁸ Please see Section 6 (Overall conclusion) in S10, page 64.

¹⁹ Habitat Regulations Assessment Screening Report - Natural England Letter, 2018 (S10a)

²⁰ All references to the NPPF are to the 2012 version, unless stated.

- IN8: Protecting and improving the sustainable transport network
- IN9: Impact of development on the transport network
- IN11: Telecommunications and broadband
- RT4: Mansfield town centre improvements
- RT5: Accessing Mansfield town centre

48. These policies work together to:

Measure supported in plan	Policy reference
Plan for new development in locations and ways that reduce greenhouse gases by focusing the allocation of development within the Mansfield urban area and Market Warsop (the main urban areas) and strategic sites where there is greater access to public transport, jobs, schools, etc. Thus, reducing the need to travel by car.	<ul style="list-style-type: none"> • S2 • E2 – criteria 2 and 3 • E4 – criterion 1 a and 1f). Policy IN11 also supports improved broadband connects that allows people to work from home and commute less
Support high quality sustainable design and layout that helps reduce, mitigate and adapt to the impacts of climate change.	<ul style="list-style-type: none"> • P5 • P3 – criterion 1b • S3 – criteria 1f, 1h and 1i
Encourage the sustainable and efficient use of energy and natural resources, such as water and waste, and maximise solar gain	<ul style="list-style-type: none"> • P5 – criteria 1c, 1e and 1f • RT4 – criterion 1f
Support the incorporation of microgeneration and larger scale renewable energy sources and low carbon energy technologies.	<ul style="list-style-type: none"> • CC1 • P5 – criterion 1f • RT4 – criterion 1f
Prioritise the use of and improvements to the sustainable transport and green infrastructure networks.	<ul style="list-style-type: none"> • IN1 • IN2 – criteria 1a, 1b and 3 • IN8 • IN9 – criteria 2a and 2b • P3 • RT4 – criterion 1i • RT5
Avoid placing development at risk of flooding, improve resilience (i.e. adapt) to climate change and promote the use of Sustainable Drainage Systems to effectively manage surface water drainage.	<ul style="list-style-type: none"> • CC2 • CC3 • P5 • IN2 – criterion 1d
Improve resilience to climate change for wildlife by supporting protection, enhancement and management of ecological networks and also prioritising their de-fragmentation, restoration, retention and sensitive management of habitat networks.	<ul style="list-style-type: none"> • IN2 – criteria 1a and 1d NE2 - criteria 1a and 1d CC4 – criteria 1a-d
promote the sustainable reuse of previously developed land (policy S3), including improving resilience to climate change and creating stronger walking and cycling linkages	<ul style="list-style-type: none"> • S3 - criterion 1f • S3 - criterion 1h
Encourage the protection and enhancement of the strategic green infrastructure network and creation of new local green infrastructure within	<ul style="list-style-type: none"> • IN2 • S3 – criterion 1i

new development which will, in turn, help improve access to non-car routes, resilience to flooding and the urban heat effect and adaptation for biodiversity.	<ul style="list-style-type: none"> • P5 – criterion 1g
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Q11. Has the preparation of the plan complied with the Planning and Compulsory Purchase Act 2004 Part 2 and the Town and Country Planning (Local Plan) (England) Regulations 2012 in all other respects?

49. Yes. Details can be found in the PAS Legal Compliance Checklist which has been completed (K1). Please note that the Local Development Scheme has been updated and adopted by the council since submission (see K4a). This was updated to reflect changes to the Gypsy and Traveller Site Allocations DPD timetable, and to update the list of SPDs to be prepared.

Annex A

Use of 2014 based projections – letters of support

Ms.K.Mills,
Team Leader, Planning Policy,
Mansfield District Council,
Civic Centre,
Chesterfield Road,
Mansfield,
Nottinghamshire,
NG19 7BH.

Contact: Neil Oxby
Direct Line: [REDACTED]
Email: [REDACTED]

Your Ref: Katie Mills
Our Ref: Statement
Date: 24 April 2019

Dear Katie,

Statement of Common Ground Ashfield District Council, Mansfield District Council and Newark and Sherwood District Council

Under the Statement of Common Grounds dated 18th December 2018, Ashfield District Council agreed that it should meet its own housing need within its administrative area. For Ashfield, the standardised methodology of September 2018 results in an annual housing requirement for 492 dwellings per annum.

The National Planning Policy Framework (Feb 2019) identifies that the minimum homes needed should be informed by a local housing need assessment conducted using the standard methodology. Based on Planning Practice Guidance on Housing and economic need assessment (updated on 20th February 2019) the minimum housing needed for Ashfield District Council is 475 dwellings per annum. It is confirmed it remains the intention that Ashfield District Council will meet its own housing need within its administrative area based on the standard methodology.

Yours sincerely,



Christine Sarris
Assistant Director Planning and Regulatory Services.

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Tel: 01623 450000 **Fax:** 01623 457006 **Web:** www.ashfield.gov.uk

If reasonable adjustments are needed to fully engage with the Authority - contact **01623 450000**

[REDACTED]

From: [REDACTED]
Sent: 29 April 2019 09:25
To: Katie Mills
Subject: FW: N&S Housing Requirement and the SOCG

Debbie Dickinson
Planner - Lead Practitioner (Policy)
Newark and Sherwood District Council
Tel: [REDACTED]
[REDACTED]

Working Days: Mon-Thurs inc

From: Debbie Dickinson
Sent: 23 April 2019 15:02
To: [REDACTED]
Subject: N&S Housing Requirement and the SOCG

For clarification, whilst the content of paragraph 3.3.5 of the Statement of Common Ground is now out of date, the Amended Core Strategy Development Plan Document has now been Adopted by Newark & Sherwood District Council and the housing requirement of 454 dwelling per annum will be met by the authority within our own administrative boundary.

Kind regards

Debbie Dickinson
Planner - Lead Practitioner (Policy)
Newark and Sherwood District Council
Tel: [REDACTED]
[REDACTED]

Working Days: Mon-Thurs inc

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Thank You.

