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Dear Councillor

FULL COUNCIL - TUESDAY, 21ST MAY, 2024

I now enclose, for consideration the following reports that were unavailable when the agenda was published.

Agenda No Item

14. Record of Urgent Decisions (Pages 2 - 14)

‘One Earth’ Solar Farm – response to statutory consultation which was omitted from the agenda.

16 k) Planning Committee - 9 May 2024 (Pages 15 - 21)



RECORD OF URGENT DECISION

Date: 29.04.24

Lead Officer: Simon Betts, Planner (Major Projects) + [44\(1636\)655369](tel:441636655369)
Simon.Betts@newark-sherwooddc.gov.uk

Part D, Section 6 of the Council’s Constitution provides that the Head of Paid Service (or in their absence a nominated deputy) shall have delegated authority to take urgent decisions following consultation with the Monitoring Officer and the Section 151 Officer (or their deputies). In respect of Executive Functions the Head of Paid Service (or their nominated deputy) will consult with the Leader of the Council (or in their absence the Deputy Leader or in their absence a Portfolio Holder), and in respect of non-Executive functions the Head of Paid Service (or their nominated deputy) will consult with the Chairman of the Council (or in their absence the Vice-Chairman of the Council or in their absence the Chairman of the relevant Committee).

If the matter is likely to be a key decision and has not been advertised for a minimum of 28 clear days on the Council’s website, the decision can still be taken if a) it is impracticable to defer the decision until it has been possible for 28 clear days’ notice to be given; b) the Monitoring Officer has informed the Chairman of the Policy & Performance Improvement Committee.

Note – this urgent decision record will be reported to the next available meeting of the Full Council.

Decision Record Summary	
Nature of Decision	Open and Non-Key
Decision Title	‘One Earth’ Solar Farm (OESF) – Response to Statutory Consultation on Statement of Community Consultation (SOCC).
Summary of Decision	The formal response of the Council to applicant’s consultation on how the community should be consulted on the OESF project, in accordance with the provisions of the Planning Act 2008.
Decision Taken	That the Council will issue a formal response to the SOCC consultation, no later than the 3 May 2024, in the form attached as the Appendix to this report, to comply with the statutory timescales as set out in Section 47(3) of the Planning Act 2008.

<p>Decision Taker and Consultation</p>	<p>Decision was taken by the Head of Paid Service, in consultation with the following parties:</p> <ul style="list-style-type: none"> i. the Monitoring Officer and the Section 151 Officer (or their deputies); and ii. in respect of non-Executive functions, the Chair of the Council (or in their absence the Vice-Chair of the Council or their absence the Chair of the relevant Committee). iii. The Leader of the Council’s largest opposition group iv. The Chair and Vice Chair of Planning Committee <p>The decision has also been sent for information to the following parties:</p> <ul style="list-style-type: none"> v. The Portfolio Holder for Sustainable Economic Development. vi. All other members of the Planning Committee (other than the Chair and Vice Chair who were consulted as above)
<p>Members Consulted</p>	<p>All of the following members were consulted on the 30.04.24.</p> <p><u>Planning Committee</u> Councillor Andy Freeman (Chairman). Councillor David Moore (Vice- Chairman).</p> <p><u>Full Council</u> Councillor Celia Brooks (Chair). Councillor Jean Hall (Vice-Chair).</p> <p>Councillor Rhona Holloway (Leader of the Opposition).</p> <p>Councillor Keith Melton (Portfolio Holder for Climate Change)</p>
<p>Reason for Urgency</p>	<p>This decision and its urgency, is as a result of a statutory Timescale as defined in Section 47 of the Planning Act 2008. It is necessary to ensure the Council is able to respond on the proposed approach to consultation by the Applicant within the prescribed timescale for this Nationally Significant Infrastructure Project.</p>

1.0 Background

- 1.1 There is currently a report being drafted about the OSEF scheme and how to respond to the various future consultations that the Council will be party to as a statutory consultee on this project. In the interim, it is necessary to take an urgent decision to be able to respond to the current 28-day statutory Consultation. The OSEF is a Nationally Significant Infrastructure Project (NSIP) and the legal framework for the consenting of such projects is defined under the terms of the Planning Act 2008. In accordance with Section 47(1) of the Act, an applicant is required to *‘prepare a statement setting out*

how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.'

- 1.2 Further to this and as set out in Section 47(2) of the Act '*before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.'*
- 1.3 This decision and the current consultation are under the provision of Section 47(2) of the Act. The 28-day period for a response, is set out under Section 47(3) of the Act, which dictates the urgent nature of the decision. A Project overview, including previous engagement on this project is summarised below.

Project overview

- 1.4 One Earth Solar Farm is being brought forward by two companies, PS Renewables and Ørsted ('the Developers'). The project website can be found here: [Home - One Earth Solar Farm](#).
- 1.5 The OESF comprises the construction and installation of solar photovoltaic panels, Battery Energy Storage Systems (BESS) and associated grid connection infrastructure which would allow for the generation of an anticipated 740 megawatts (MW) of electricity across approximately 1,500 hectares (ha) in Lincolnshire and Nottinghamshire.

Progress to date

- 1.6 The Developers carried out non-statutory public engagement between 27th September – 8th November 2023 which comprised of several in person and virtual consultation events as well as site visits to local properties. They also submitted an Environmental Impact Assessment (EIA) [Scoping Report](#) to the Planning Inspectorate (PINS) for consideration in December 2023. Before responding to the Scoping Opinion, PINS consulted several consultation bodies¹ which included Newark and Sherwood District Council.
- 1.7 The Lead Officer responded to the Scoping Opinion on behalf of NSDC and this response can be found in full on pages 170-193 of PINS' Adopted Scoping Opinion here: [EN010159-000009-EN010159 - One Earth Solar - Scoping Opinion 2017 EIA Regs.pdf \(planninginspectorate.gov.uk\)](#)

2.0 Options Considered and Reasons for the Decision

- 2.1 The need to draft a suitable response to the consultation (to which this decision relates) and subsequently engage with and seek approval, to allow a suitable response to be issued (within a fixed 28-day period) presented a significant challenge. This urgent decision is necessary in this instance, to ensure that the Council are able to provide a formal response within the statutory period. If a response is not provided within the set timeframe, the applicant, has no duty to consider the content of the Council's response

¹ in accordance with Regulation 10(6) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

and may choose to disregard our comments. This decision will ensure our comments are submitted in time and ensure that the applicant must take the Council's views into account.

- 2.2 As mentioned above (see paragraph 1.1) a separate report is currently being drafted, which will provide more details on the OSEF project, other similar NSIPs, the Planning Act 2008 and officer proposals for future responses to subsequent consultations and engagement on these projects. What is proposed to follow from this, is an agreed approach, which will seek to avoid further urgent decisions being necessary for subsequent stages of this and similar projects.
- 2.3 For the avoidance of doubt, this decision does not relate to the substantive application for the OSEF project and/or the merits of this scheme. It is simply a response on how the applicant proposes to consult with the community. There will be a number of further stages (with the next being the applicant's statutory consultation on the project) where the Council will be able to scrutinise the merits of the application, leading up to the submission of the application by the Applicant to the Planning Inspectorate and in the post submission Examination stage of the project.

3.0 Implications

- 3.1 In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.
- 3.2 This decision, does not link into a statutory function of the Council as a decision maker and therefore, there are not considered to be any significant implications. The role of the Council on this project, is that of a statutory consultee, rather than a decision maker, Nonetheless, the response of the Council, as a result of this decision, will ensure that we are able to maintain a position of influence on behalf of and in the interests of the local community.

Background Papers and Published Documents

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

None

APPENDIX

Harriet Swale – DWD
69 Carter Lane
London
EC4V 5EQ

Sent via email to:

Harriet.Swale@dwd-ltd.co.uk

Telephone: 01636 650000

Email: planning@nsdc.info

Your Ref: EN010159

Our Ref: 23/02003/CONSUL

Date: 3/04/24

Dear Harriet,

Planning Act 2008 (as amended) – Section 47(2) – response to consultation on the Statement of Community Consultation (SOCC)

Application by One Earth Solar Farm Ltd (the Applicant) for an Order granting Development Consent for the One Earth Solar Farm (the Proposed Development)

SOCC Consultation

Thank you for your consultation request under Section 47(2) of the Planning Act 2008 (PA2008) in relation to the SOCC, which was received by the Council on the 5th of April 2024. The original request sought comments by the 2nd of April 2024, although as a point of clarity, the Council would confirm that in accordance with Section 47(3) of the PA2008, the 28-day period begins on the day after the day of receipt, meaning the end of the 28-day period in fact falls on the 4th of May 2024.

Newark & Sherwood District Council (NSDC), as a statutory consultee and host authority, wishes to make the following comments regarding the approach to community consultation as set out within the SOCC. For ease of reference, we present our observations below, following the structure of the SOCC document.

The comments provided have had regard to the following key legislation and/or guidance:

- *The Planning Act 2008, with specific regard to the provisions of Section 47 of the Act.*
- *Planning Act 2008: Guidance on the Pre-application Process (March 2015).*
- *Nationally Significant Infrastructure Projects – Advice Note Two: The Role of Local Authorities in the Development Consent Process.*

In responding to the SOCC, we have focussed on the applicant's proposed approach to community consultation, but make other general observations, where we consider they are beneficial points to raise, for the applicant's consideration. In making comments on the approach to community consultation, we have had regard to the Statement of Community Involvement produced by NSDC and currently subject to an update consultation: [Statement of Community Involvement | Newark & Sherwood District Council \(newark-sherwooddc.gov.uk\)](#)

In addition to the comments made below on the main SOCC document, we have also made comments on the community groups document, which is enclosed with this correspondence, under separate cover.

Reference/ Pages	Description	NSDC's Comments
Pg. 2-5.	Introduction and About Us, including Components of a Solar Farm.	NSDC have no comments to make on this section, which comprises a factual presentation and overview of the PA2008, the Applicant, and the scheme.
Pg. 6-7	The Planning Process	NSDC welcome the inclusion of the flow charts on both the DCO process and consultation activities, including a timeline. We consider which will assist the community in review of the SOCC, upon the point of publication. We note under the heading of 'Scoping' a hyperlink is provided to a copy of the Scoping Opinion on the PINS website, which makes an assumption that an electronic version of the SOCC is being read. We would recommend that the full web address be provided in the document at this point. Whilst we note that the EIA Scoping Opinion is a document produced and published by PINS, we would further recommend the applicant consider whether a hard copy of this document should also be made available for review during the statutory consultation period, alongside other hard copies of documents, that will be provided for review in the Community Access Points (See Page 10 of the SOCC).
Pg 8-9	Our Approach to Community Consultation/What are we consulting on?	Paragraph 1, page 8, refers to ' <i>We have developed the approach set out in this document taking into account what has worked well in <u>previous rounds of consultation.</u></i> ' For clarity, we would recommend reference is made to the single previous round of non-statutory consultation at this point. Under the heading of 'Feedback from Local Authorities' firstly, in terms of the period of consultation, we note that reference is made to the incorrect consultation period for the SOCC document. As noted above, the end of the statutory consultation period is the 4 May 2024 and not the 2 May 2024. We also have concerns with the following comments in the same paragraph which states: ' <i>Our strategy has been updated to include their feedback (insert details here). XX confirmed that they supported this</i>

		<p><i>approach.</i> NSDC consider this to be a pre-emptive comment and it is particularly concerning that an assumed reference to support is made which prejudices the outcome of the consultation on the SOCC itself. NSDC considers it would have been more appropriate to omit this reference or simply refer to the fact that the comments of the Local Authorities would be taken into account following the conclusion of the statutory consultation period on the SOCC and prior to its publication and commencement of the statutory consultation. NSDC considers that this pre-emptive approach undermines the statutory duty of the applicant to ‘have regard’ to the response to the consultation, under Section 47(5) of the Planning Act 2008.</p>
<p>Pg. 10-11</p>	<p>Who are we consulting?</p>	<p>NSDC note and welcome the presentation of a Consultation Zone that includes the boundary of the scheme and the further inclusion of additional addresses in the proposed Zone 1 consultation. However, for the avoidance of doubt, it is recommended that all named settlements within Zone 1 that are to be consulted are either identified within the map or are listed for clarity. It would appear to NSDC that all of the settlements within the district boundary at this location to include North Clifton, South Clifton, Thorney, Spalford, Wigsley and Harby would be directly consulted. If that is the case, we are supportive of the proposed Consultation Zone 1.</p> <p>Under the Heading of <i>Zone 2: ‘Additional members of the community, groups, and elected officials’</i> it is stated that ‘<i>We have identified organisations and community groups that serve the broader community, including organisations that support seldom heard groups.</i>’ Firstly, we have provided specific comments on the community groups to be consulted, as provided under separate cover. However, there is no reference to how the applicant will endeavour to engage with these groups and support their ability to feed back as part of the consultation. NSDC seeks reassurance on the measures that will be deployed to positively engage with seldom heard groups, as part of the consultation process. This needs to extend beyond mere identification of the groups.</p> <p>In respect of the actions listed on page 11, we are broadly supportive of the approach, but would make the following comments, some of which we have provided previously, when undertaking an informal review of the SOCC:</p>

		<ul style="list-style-type: none"> • A copy of the consultation leaflet and poster to be displayed, should be appended to the final version of the SOCC and in the case of posters, confirmation of where they will be displayed. • A copy of the public notices should also be appended to the SOCC. • NSDC should be provided with a copy of any press notices issued and the media outlets that they have been provided to. • Finally, we would ask what consideration has been given to the role of social media in supporting consultation and as a supplement to the project website. This may also help with regard to the approach to engaging with hard-to-reach groups.
Pg. 12-13	<p>Providing Information About One Earth</p>	<p>In respect of ‘in person’ events, we welcome the inclusion of an additional event to be held at South Clifton Coronation Hall, following the proposal of a single event only during the informal consultation stage. Whilst noting that South Clifton Hall is an appropriate venue for a consultation, NSDC would encourage consideration for whether St Helen’s Church in Thorney, could also support an additional community consultation event, noting it is currently also listed as a Community Access Point, facilitating access to hard copies of the SOCC, project booklet and questionnaire. If deemed a suitable venue, it would provide more convenient access to those members of the community that reside to the eastern side of the proposed development and have a greater distance to travel to access an ‘in person’ consultation event.</p> <p>In addition to the above and irrespective of whether the applicant chooses to add any additional events, NSDC consider that the current planned timings of the events are not sufficiently flexible to support maximum attendance. The event planned for Wednesday the 12th of June is proposed as 2-6pm. This is considered too small a time window in general terms. It excludes the ability for people in employment to attend over lunchtime and is considered to finish too early, to allow those people who wish to attend after work, particularly if they do not work in the locality and have to travel home and/or to the venue. To address this point, we would suggest the event run for a minimum of 12 noon – 8pm. Similarly, whilst being on a weekend, which in itself offers more flexibility, NSDC consider that the hours of opening for the 29th of June event should be increased and operate for a minimum of 8 hours.</p> <p>Finally, given the level of organisation required is more limited and it is convenient for all parties (that have access to the internet) we would recommend a minimum of at</p>

		<p>least one further webinar event. In our view one webinar at the beginning of the consultation period, one at the midway point and one further and final one at the end of the consultation period would complement the planned in-person events.</p> <p>NSDC consider it imperative that the planned consultation is suitably proportionate to the size and scale of the proposed development, as an NSIP, that is located within a rural part of the district, with significant potential impacts. As noted in NSDC’s Statement of Community Involvement, (which is currently the subject of its own consultation on planned updates Draft-Statement-of-Community-Involvement-for-consultation.pdf (newark-sherwooddc.gov.uk)) at paragraph 3.7 ‘<i>Some applications, particularly for larger scale or controversial developments, have the potential to affect whole communities rather than just residents of neighbouring properties.</i>’ This paragraph goes on to state that: ‘<i>large scale ground mounted solar photovoltaic farms can also be controversial and the Council will expect developers to show evidence of meaningful community consultation.</i>’</p> <p>Further to this, the table under paragraph 3.8 sets out the consultation that would typically be requested by the District Council. In relation to Large Scale Ground Mounted Solar Photovoltaic Farms, it is stated that:</p> <p><i>‘The developer should show that they have consulted with representatives of the Parish Councils or Meetings of all affected parishes, as well as residents. The Council will expect to see evidence that people were fully informed about the proposal and given adequate time to respond to the consultation. The developer should show how account has been taken of views expressed.’</i></p> <p>NSDC consider that the proposed suggested revisions to the SOCC as referred to above are necessary to ensure that local communities are engaged with via a robust set of measures that ensures they have the maximum opportunity to engage in this process. It is important that a full cross section of the community have the ability to respond to the process, so the applicant can subsequently take those comments into account, as required by Section 49 of the Planning Act 2008.</p>
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		<p>Turning to the ‘Information Materials’ we note that reference is made to (amongst other things) maps to be produced and made available on the project website. We would encourage use of an interactive mapping tool that enables interested parties to search on a micro scale of their area of interest, that provides information on both the proposals and constraints. Given the scale of development, we consider that tools such as this are important in understanding the impacts of the project and therefore support meaningful engagement.</p> <p>Finally, in respect of Communication Channels, we would encourage the applicant to consider the use of social media. In accordance with the Council’s SCI, we actively deploy social media channels, with regard to consultation on the local plan and other strategic proposals. We consider it useful in engaging with different parts of the community, including ‘hard to reach groups.’</p>
<p>Pg. 14-15</p>	<p>Receiving Feedback & After the Statutory Consultation</p>	<p>In respect of Receiving Feedback, NSDC considers that it would be useful in this section to link back into the Communication Channels with greater explanation on:</p> <ul style="list-style-type: none"> • How feedback will be recorded via the freephone number. • How feedback will be recorded verbally in person and via the planned webinars and in respect of the latter, whether those webinars will be recorded and made available to all parties, including (as relevant) the period of time for which they will be made available. <p>Finally, in respect of ‘After the Statutory Consultation’ we consider it appropriate to make clear that the applicant has a Statutory Duty under Section 49 of the Planning Act 2008 to have regard to the response to the consultation, as a point of clarity and consider this could sensibly be added where reference is made to the Consultation Report.</p>

Please consider the comments made above and enclosed with this correspondence to constitute Newark & Sherwood District Council's formal consultation response under Section 47(3) of the Planning Act 2008.

Yours sincerely,

Simon Betts

Simon Betts MRTPI

Planner, (Major Projects) Planning Development Business Unit

On behalf of Newark & Sherwood District Council

Enc: Comments on OESF Community Groups

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 9 May 2024 at 4.00 pm.

PRESENT: Councillor A Freeman (Chair)
Councillor D Moore (Vice-Chair)

Councillor A Amer, Councillor C Brooks, Councillor L Dales, Councillor P Harris, Councillor J Lee, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor S Saddington and Councillor M Shakeshaft

ALSO IN
ATTENDANCE: Councillor L Brazier

APOLOGIES FOR
ABSENCE: Councillor M Spoor, Councillor L Tift and Councillor T Wildgust

142 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

143 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

The Chair advised the Committee of other registerable interests declared on behalf of Councillors L Dales, A Freeman and K Melton as appointed representatives on the Trent Valley Internal Drainage Board for any relevant items.

Councillor J Lee declared an other registerable interest as appointed representative on the Nottingham Fire Authority and Member for Nottinghamshire County Council.

144 MINUTES OF THE MEETING HELD ON 4 APRIL 2024

AGREED that the minutes of the meeting held on 4 April 2024 were approved as a correct record and signed by the Chair.

145 ORDER OF BUSINESS

The Planning Committee Chair advised the Committee that the following two applications had been withdrawn from the agenda, by request from the Agents: Agenda Item 5 – Wild Briars, Goverton, Bleasby, NG14 7FN (23/01960/FUL) and Agenda Item 10 – Oak House, Grassthorpe Road, Sutton On Trent, NG23 6QX (24/00150/HOUSE). The order of business was also changed, Item 7 – E-Centre, Darwin Drive, Sherwood Energy Village, Ollerton, NG22 9GW (23/01857/OUTM) was taken as the first item for decision. The agenda resumed its stated order thereafter.

146 WILD BRIARS, GOVERTON, BLEASBY NG14 7FN - 23/01960/FUL

The application was withdrawn from the agenda by the agent.

147 E-CENTRE, DARWIN DRIVE, SHERWOOD ENERGY VILLAGE, OLLERTON, NG22 9GW - 23/01857/OUTM

The Committee considered the report of the Business Manager – Planning Development, which sought outline permission for proposed Care Home Development for up to 105 En-Suite Resident Accommodations (Use Class C2) all matters reserved except access.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Members considered the application acceptable.

Councillor C Brooks entered the meeting during the Planning Officers presentation and in accordance with the Planning Protocol took no part in the debate or vote.

AGREED (unanimously) that Planning Permission be approved subject to the conditions contained within the report and the completion of a Section 106 agreement.

148 GOVERTON HEIGHTS, GOVERTON, BLEASBY NG14 7FN - 23/02058/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of two dwellings with detached garages.

A site visit had taken place prior to the commencement of the Planning Committee, for the following two reasons: that there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; and the impact of the proposed development was difficult to visualise.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the Agenda from a neighbour.

Michele Tierney, public speaker, acted as spokesperson and spoke against the application as contained as representations within the report.

Councillor Michael Coombs representing Bleasby Parish Council, spoke against the application in accordance with the views of Bleasby Parish Council as contained within the report.

Members considered the application and the following concerns were raised: fluvial and pluvial flooding; over intensification of the site; narrow road serving the site, with the potential of an increase in vehicles; clay base and springs in the area which would result in greater flooding. There was also a lack of knowledge regarding the trees on

site and some confusion regarding what trees had been removed or would be retained.

The Senior Planning Officer confirmed that this site was in flood zone 1 which was the lowest rating for flooding. Condition 4 could include “permeable” to be added, which would address concerns in relation to flooding. Condition 6 could include the wording, “that any scheme needed to demonstrate it could mitigate its full impact”.

Members commented on the need for biodiversity net gain, the Chair reminded the Committee that any application prior to April 2024 did not have to comply with that. Members were also reminded that none of the trees on site had Tree Preservation Orders (TPOs) and could therefore be felled.

A Member suggested that a flood mitigation plan be submitted for consideration.

AGREED (with 5 votes For, 5 votes Against and 1 Abstention, the Chair used his casting vote For the application) that Planning Permission be approved subject to the conditions contained within the report and the inclusion of hard standing to be permeable materials in Condition 4 and strengthening of Condition 6 to include demonstration that any surface water resulting from the development could be fully mitigated and not cause harm elsewhere.

Councillors P Harris and M Shakeshaft left the meeting at this point.

149 LAND OFF CHURCH CIRCLE, BRIAR ROAD, OLLERTON - 24/00281/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought five new dwellings with parking and associate infrastructure.

A site visit had taken place prior to the commencement of the Planning Committee, for the reason that there were particular site factors which were significant in terms of the weight attached to them relative to other factors as they would be difficult to assess in the absence of a site inspection.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members considered the proposal as excellent and would provide good quality homes. Several Members commented upon the tree lined walkway down the side of the development and requested that as many of the Sycamore trees as possible should be retained. It was therefore suggested that Condition 2 & 5 be amended to facilitate the retention of the Sycamore trees on the boundary path where possible.

AGREED (unanimously) that Planning Permission be approved subject to the conditions contained within the report and the amendment of Condition 2 and 5, to facilitate the retention of the sycamore trees on the boundary path where possible.

150 HEATHCOTES ENRIGHT VIEW, 1 - 4 ENRIGHT CLOSE, NEWARK ON TRENT, NG24 4EB - 24/00064/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the creation of a car park, the erection of a fence and associated works.

A site visit had taken place prior to the commencement of the Planning Committee, for the reason that the impact of the proposed development was difficult to visualise.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

The Business Manager – Planning Development provided an update on the trees and landscape comments which had been omitted from the report. The comments raised concerns regarding the loss of the trees as the tree officer would like them to be retained. It was considered that the tree report needed compliance to British Standard and recommended a condition be attached to enable compliance with this. There were concerns over the close proximity of trees to the fencing, however with appropriate tree planting it was considered that this could be accommodated hence the condition.

Councillor L Geary representing Newark Town Council, spoke against the application in accordance with the views of Newark Town Council as contained within the report.

Members considered the application and were disappointed that some of the trees would need to be felled. The Business Manager – Planning Development explained that trees had to be of a certain standard to be protected and whilst the Planning Team would like to see all trees retained, sometimes that was not possible. Replacing tall mature trees with similar trees was also unlikely to be possible as it was understood they did not survive; a compromise would be somewhere between the two.

A Member suggested that Condition 8 regarding maintenance of planting be amended to ten years as five years was too short a time period.

A Member commented that a stronger policy was required regarding trees to try and retain as many trees as possible. The Chair confirmed that could be discussed at the Planning Policy Board.

Councillor S Saddington arrived at the meeting during the Officer presentation and in accordance with the Planning Protocol took no part in the debate or vote for this application.

AGREED (with 8 votes For) that Planning Permission be approved subject to the conditions contained within the report subject to the amendment to Condition 8 to replace the period of five years to “**ten years** of being planted die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other or similar size and species.”

151 OAK HOUSE, GRASSTHORPE ROAD, SUTTON ON TRENT, NG23 6QX - 24/00150/HOUSE

The application was withdrawn from the agenda by the agent.

152 NEWARK CASTLE, CASTLE GATE, NEWARK ON TRENT - 24/00403/LDO

The Committee considered the report of the Business Manager – Planning Development, which sought a Local Development Order (LDO) to enable and control filming at Newark Castle.

The Business Manager – Planning development requested a small amendment to the definition of the Castle to include “and all below ground archaeology”.

A consultation had been undertaken for a period of 28 days and the results of the consultation were contained within the report.

Members considered the application, and one Member raised concern regarding the Castle being closed for long periods of time when filming was taking place for residents and the disruption to the town. He requested that the Planning Committee should make the decision on a case-by-case basis and not allow the Heritage, Culture and the Arts Portfolio Holder to take responsibility.

The Business Manager – Planning Development confirmed that consent through a contract would still be required for each event, and they would have to comply with Planning and any criteria set by Heritage, Culture and the Arts.

Other Members commented on the benefits from tourism that this would bring to the district and considered the Order acceptable.

AGREED (with 9 votes For and 1 Against) to adopt the Local Development Order (LDO) as set out in the report with the amendment to the definition of the wording regarding the Castle, subject to Secretary of State approval and apply to Historic England for the relevant schedule monument consent.

153 PALACE THEATRE, 16 - 18 APPLETON GATE, NEWARK ON TRENT - 24/00404/LDO

The Committee considered the report of the Business Manager – Planning Development, which sought the Local Development Order (LDO) to enable and control filming at the Palace Theatre and National Civil War Centre.

A consultation had been undertaken for a period of 28 days and the results of the consultation were contained within the report.

Members considered the LDO acceptable.

AGREED (with 9 votes For and 1 vote Against) to adopt the formal Local Development Order (LDO) as set out in the report, subject to Secretary of State approval.

154 APPEALS LODGED

AGREED that the report be noted.

155 APPEALS DETERMINED

AGREED that the report be noted.

156 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered the report of the Director – Planning & Growth relating to the performance of the Planning Development Business Unit over the three-month period January to March 2024 as well as providing an overview of the performance and achievements across the financial year. In order for the latest quarter's performance to be understood in context, in some areas data going back to January 2022 was provided. The performance of the Planning Enforcement team was provided as a separate report.

AGREED that the report be noted.

157 QUARTERLY PLANNING ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report of the Business Manager – Planning Development updating Members as to the activity and performance of the planning enforcement function over the fourth quarter of the previous financial year and a review of the financial year as a whole.

The report provided Members with examples of cases that had been resolved, both through negotiation and via the service of notices and provided detailed and explanations of notices that had been issued during the period covered 1 January 2024 – 31 March 2024; financial year 1 April 2023 – 31 March 2024.

The Planning Committee Chair thanked the Planning Enforcement team for all the work they had achieved over the year.

AGREED that the contents of the report and the ongoing work of the planning enforcement team be noted.

158 PLANNING COMMITTEE ANNUAL REPORT 2023-2024

The Committee considered the report of the Director – Planning & Growth relating to the performance of the Planning Committee.

The report advised that all Planning Committee meetings had been held at Castle House. All meetings commenced at 1600 hours on a Thursday. An Extraordinary meeting was held in November.

Newark & Sherwood District Council's Planning Committee sat on twelve occasions throughout the municipal year 2022- 2023, one more than 2023. The Committee undertook twenty-three official site visits, as part of seven meetings. This was one

more site visit than the previous municipal year but the same number of meetings.

The Planning Committee considered sixty-four planning applications over the eleven meetings. This was six more applications than 2022/23. Thirty-two applications were granted in line with officer recommendation; nineteen applications were refused in line with officer recommendation; three applications were granted contrary to officer recommendation; nine applications were refused contrary to officer recommendation; one was withdrawn from the agenda; and of the sixty-four, one was deferred for negotiation or further information.

Throughout the municipal year Newark & Sherwood District Council received two appeal decisions in respect of decisions made by the Planning Committee.

Out of the two, one of the appeals were allowed (i.e. granted) by the Inspector and one was dismissed (refused) supporting the decision of the Committee.

Of the appeals one of these had been recommended for approval by Officers but overturned by Committee; and one had been recommended by Officers to be refused. The report also detailed the allowed appeal. A list of the variety of reports considered by the Planning Committee was also detailed in the report.

AGREED that the report be noted.

This was the last meeting on the Planning Committee for Councillor J Lee as he was coming off this Committee, the Chair thanked Councillor J Lee for his valued contribution whilst serving on the Planning Committee.

Meeting closed at 6.57 pm.

Chair