

PLANNING COMMITTEE – 15 MARCH 2022

Application No:	22/00073/S73		
Proposal:	Application to remove condition 2 from planning permission 18/02167/FUL to allow the existing temporary use to become permanent (Change of use of scrubland for the siting of 8 touring caravans and associated amenity block for gypsy travellers)		
Location:	Shannon Falls, Tolney Lane, Newark		
Applicant:	Miss Fallon Price		
Registered:	25 January 2022	Target Date:	22 March 2022
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R5P2PSLB04F00		

This application is being reported to the Planning Committee as the specifics of the application warrant determination by the Planning Committee in line with the Council's Scheme of Delegation.

The Site

The application site is situated west of the Newark Urban Area boundary, within the Rural Area as defined by the Allocations and Development Management DPD and within the countryside. The site sits on the north side of Tolney Lane which runs in a westerly direction from the Great North Road and which terminates in a dead end. It sits close to the junction where Tolney Lane forks into two and the northern arm runs towards the railway line. It is located between the River Trent to the south-east (approx. 20 from the southern boundary of the site) and the railway line to the north-west.

The site measures 0.4 hectares in area and is roughly rectangular in shape and its south-western boundary fronts the road. Temporary planning permission was granted for 3 years in 2019 for the change of use of the land to provide 8 gypsy and traveller pitches. The layout of existing pitches on the site is somewhat different to the approved layout which showed 8 pitches arranged in a row along the length of the site.

The application site represents the western part of a wider site known locally as Shannon Falls which is located between the larger gypsy and traveller sites known as Church View to the east and Hoes Farm to the west. Shannon Falls has now been sub-divided into two larger western and eastern areas and a smaller site to the north-west. The eastern half of Shannon Falls has a temporary permission for 3 years for 13 gypsy and traveller pitches, approved by the Planning Committee at its last meeting (February 2022). The smaller north-western part of the Shannon Falls site was granted permission in 2018 for a permanent gypsy and traveller pitch which has been completed.

Approximately two thirds of the site (to the south-east) is within Flood Zone 3a (high probability of

flooding) of the Environment Agency's Flood Map/Strategic Flood Risk Assessment, and the remaining third to the north-west is located within Flood Zone 2 (medium probability). The application site is outside the designated Conservation Area but the boundary of Newark Conservation Area runs along the southern side of Tolney Lane, opposite the site.

Historically, the site has been subjected to material being tipped onto the land to raise ground levels which occurred roughly in 2001. This has never been authorised in planning terms and continues to be the subject of an Enforcement Notice as set out in the history section below.

Tolney Lane accommodates a large Gypsy and Traveller community providing in excess of 300 pitches.

Relevant Planning History

Including the application site and adjacent land to the north and east:

E/1/1129 - Use of the land as a site for caravans, refused in 1959;

E/1/2531 - Construct a residential caravan site, refused in 1970;

02/02009/FUL - Use of land as residential caravan site (21 plots) and retention of unauthorised tipping on the land which raised land levels, refused on flooding grounds.

Two enforcement notices were served which sought to firstly cease the use as a caravan site and remove all caravans from the land and secondly to remove the unauthorised tipping from the land so that no part of the site is above the level of 10.5 AOD. The applicant appealed to the Planning Inspectorate but on 25 May 2006, the appeals were dismissed and the enforcement notices upheld on the land and still stand.

Whilst the site has ceased being used as a caravan site, the unauthorised tipping remains on the land, artificially raising ground levels.

On land directly to the north but excluding the application site:

15/01770/FUL - Change of Use of Land to a Private Gypsy and Traveller Caravan Site, consisting of One Mobile Home, Two Touring Caravans and One Amenity Building, refused by Planning Committee in May 2016 on the grounds of flood risk.

17/02087/FUL - Change of Use of Land to a Private Gypsy and Traveller Caravan Site consisting of one mobile home, one amenity building and two touring caravans and associated works, approved on a permanent basis by Planning Committee in June 2018.

On land to the east also known as Shannon Falls but excluding the application site:

21/01900/FUL – Use of land as a Gypsy and Travellers' site, erection of amenity blocks and associated works (retrospective), refused by Planning Committee 03.11.2021 on grounds of flood risk and failure to demonstrate Gypsy and Traveller status.

21/02613/FUL - Use of land as a Gypsy and Travellers' site, erection of amenity blocks and associated works for temporary 3 year period (Retrospective) Re-submission of 21/01900/FUL,

approved by Planning Committee 17.02.2022, subject to a condition requiring land levels to be reduced to comply with the Enforcement Notice

This application site only:

12/01088/FUL - Change of Use of scrub land for the siting of 8 static mobile homes for gypsy travellers (and 8 associated amenity blocks). Planning permission was refused by Planning Committee in July 2013 on grounds of flood risk.

16/01884/FUL - Change of use of scrubland for the siting of 8 static mobile homes for gypsy travellers and reduce ground levels to 10.5mAOD was refused by Planning Committee on 25 January 2017 on grounds of flood risk. The applicant appealed this decision, however, in a decision letter dated 26 April 2018, the appeal was dismissed on flood risk grounds.

18/02167/FUL - Change of use of scrubland for the siting of 8 touring caravans and associated amenity block for gypsy travellers. Planning permission was approved by Planning Committee for a temporary period of 3 years until 28 February 2022 on 14.02.2019. No condition was imposed requiring the reduction of land levels in compliance with the Enforcement Notice.

The Proposal

This application seeks the removal of Condition 2 attached to the existing planning permission, which currently allowed the use on a temporary basis until 28 February 2022, to remove this restriction and allow the use to be granted on a permanent basis.

Condition 2 currently states:

“The use hereby permitted shall be for a limited period being the period up to 28 February 2022, or the period during which the land is occupied, whichever is the shorter. When the land ceases to be occupied or on 28 February 2022, whichever shall first occur, the use hereby permitted shall cease and all caravans, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 3 hereof.”

Reason: In the recognition of the current need for gypsy and traveller sites within the district and to allow for further assessment of alternative sites to meet this need including sites at less risk of flooding in accordance with the aims of Core Policy 10.”

No further information has been submitted with this application, however, the original application approved under 18/02167/FUL was accompanied by the following documents:

- Location Plan Scale 1:1250 received 21 November 2018
- Proposed Site Plan (Drawing No: 12.71.02) received 21 November 2018
- WC, Laundry Room Details (Drawing No: 12.71.03) received 21 November 2018
- Design and Access Statement received 21 November 2018
- Flood Risk Assessment by Prior Associates dated October 2018

Departure/Public Advertisement Procedure

Occupiers of 19 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 4 : Gypsies & Travellers - New Pitch Provision

Core Policy 5 : Criteria for Considering Sites for Gypsy & Travellers and Travelling Showpeople

Core Policy 9 : Sustainable Design

Core Policy 10 : Climate Change

Core Policy 13 : Landscape Character

Core Policy 14 : Historic Environment

Allocations & Development Management DPD (adopted July 2013)

DM5 – Design

DM8 – Development in the Open Countryside

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance
- Planning Policy for Traveller Sites – August 2015:

When determining planning applications for traveller sites, this policy states that planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community.

Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies within the NPPF and this document (Planning policy for traveller sites).

This document states that the following issues should be considered, amongst other relevant matters:

- o Existing level of local provision and need for sites;
- o The availability (or lack) of alternative accommodation for the applicants;
- o Other personal circumstances of the applicant;
- o Locally specific criteria used to guide allocation of sites in plans should be used to assess applications that come forward on unallocated sites;
- o Applications should be determined for sites from any travellers and not just those with local connections.

The document goes on to state that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan and sites in rural areas should respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on local infrastructure.

When considering applications, weight should be attached to the following matters:

- a) Effective use of previously developed (brown field), untidy or derelict land;
- b) Sites being well planned or soft landscaped in a way as to positively enhance the environment and increase its openness;
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children and
- d) Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

Annex 1 of this policy provides a definition of “gypsies and travellers” which reads:-

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of their own or their family’s or dependents’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organized group of travelling showpeople or circus people travelling together as such.”

- Emergency Planning Guidance produced by the Nottingham and Nottinghamshire Local Resilience Forum (August 2017)

This document states: “New developments in flood risk areas must not increase the burden on emergency services. The Emergency Services are in heavy demand during flood incidents. The Fire and Safety Regulations state that “people should be able to evacuate by their own means” without support and aid from the emergency services. The emergency services and local authority emergency planners may object to proposals that increase the burden on emergency services.”

“New development must have access and egress routes that allow residents to exit their property during flood conditions. This includes vehicular access to allow emergency services to safely reach the development during flood conditions. It should not be assumed that emergency services will have the resource to carry out air and water resources during significant flooding incidents; therefore safe access and egress routes are essential.....

The emergency services are unlikely to regard developments that increase the scale of any rescue as being safe...”

- Newark and Sherwood Gypsy and Traveller Accommodation Assessment, 2020;
- The Equality Act 2010;
- Human Rights Act 1998.

Consultations

Newark Town Council – Object on grounds of flood risk which poses a danger to life.

NCC, Highway Authority – No objection.

Environment Agency – Object, the development falls within a vulnerable category that is inappropriate to the flood zone in which it is located and is considered to pose a significant risk to life. The FRA fails to

- demonstrate that the development and future occupants will be 'safe' over the lifetime of the development;
- consider whether flood risk will be increased in the surrounding area.

The development therefore fails the Exception Test.

NSDC, Archaeology Consultant – No objection.

One representation has been received from an interested party in general support for the application but seeking a condition to be imposed requiring the applicant to play an active role in reducing anti-social behavior in the area – from dumping rubbish, damaging a neighbour's property and bullying of third parties, which is understood to be in line with the traveller organisations and philosophy.

Comments of the Business Manager

The main planning considerations in the assessment of this proposal are the significant unmet need for gypsy and traveller sites and absence of a 5 year land supply, flood risk, the planning history of the site, the impact on the appearance of the countryside and the character of the area, highway issues, access to and impact on local services, residential amenity, personal circumstances of the applicants and their status.

Core Policy 4 of the Amended Core Strategy states that the District Council will, with partners, address future Gypsy and Traveller pitch provision for the District which is consistent with the most up to date Gypsy and Traveller Accommodation Assessment (GTAA) through all means necessary, including, amongst other criteria, the granting of planning permission for pitches on new sites in line with Core Policy 5. It goes on to state that future pitch provision will be provided in line with the Council's Spatial Strategy with the focus of the Council's efforts to seek to secure additional provision in and around the Newark Urban Area.

Core Policy 5 lists criteria to be used to help inform decisions on proposals reflecting unexpected demand for traveller sites, by reflecting the overall aims of reducing the need for long distance travelling and possible environmental damage caused by unauthorized encampments and the contribution that live/work mixed use sites make to achieving sustainable development.

Background, Planning History and other recent decisions on Tolney Lane

Historically the principle of a residential caravan use on this site was considered in 2002 and it was refused on grounds of flood risk. Two enforcement notices were served which sought to firstly cease the use as a caravan site and remove all caravans from the land and secondly to remove the unauthorised tipping from the land so that no part of the site is above the level of 10.5m AOD. The

applicant appealed to the Planning Inspectorate and the appeals were dismissed. The Inspector concluded:

"I fully understand that the occupants of the site would make sure they were well aware of any imminent flooding and, because of their experience of travelling, they could vacate the site quickly, if necessary. However, this does not address the concerns about the continuing availability of functional flood plain, and the consequences of development for flood control over a wider area." Whilst the use ceased in accordance with the Enforcement Notice, the unauthorized tipping remains on the site.

However, on the adjacent land to the east, (also included as part of the Shannon Falls site and on land covered by the 2006 decision) Planning Committee resolved at its last meeting (February 2022) to grant a temporary permission for 3 years for 13 pitches for gypsy and travellers, subject to a condition requiring ground levels to be reduced to comply with the Enforcement Notice on the site. However, in 2019, Planning Committee resolved to grant a temporary permission on this site for 8 pitches (tourer caravans only) with no requirement to reduce ground levels through the removal of unauthorized tipping material (Ref: 18/02167/FUL).

In addition, on the adjacent site to the north-west, an application for a single traveller pitch which included some removal of the unauthorized tipping material, notwithstanding the Environment Agency objection, the Planning Committee determined in June 2018, to grant a permanent permission (Ref: 17/02087/FUL).

Members may be aware that at the last Planning Committee meeting (February 2022) there was an application for the site at Park View Caravan Park, for the same use, which had a temporary permission until 30 Nov 2021 and originally sought permission for a permanent approval – Ref: 21/02492/S73. Facing a recommendation of refusal on flood risk grounds, the applicants agreed to alter the submission and request a further temporary permission, and which was approved for a further 3 years. At the Committee's meeting in September 2021, Members considered an application at Green Park (Ref: 21/00891/S73), which was originally submitted to convert the temporary permission to a permanent consent but on seeing a recommendation for refusal the agent requested that it be considered for a further temporary permission. Members resolved to grant a further temporary permission for 2 years (until 30 Nov 2023) to allow alternative sites to come forward through the Plan Review process.

The case officer has advised the applicant to consider whether they would wish to alter their current submission in the same way. Their response will be reported to the Planning Committee and an up-date provided.

The Need for Gypsy and Traveller Pitches

The NPPF and the Government's 'Planning policy for traveller sites' (PPTS) requires that Local Planning Authorities maintain a rolling five year supply of specific deliverable Gypsy & Traveller sites together with broad locations for growth within 6-10 years and where possible 11-15 years. Government policy states that a lack of a five year supply should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission.

The District Council, as Local Planning Authority, has a duty to provide sites on which Gypsy and Travellers can live. The Gypsy and Traveller Accommodation Assessment demonstrates a need for 118 pitches to meet the needs of those who were established to meet the planning definition between 2013-33 (this figure rises to 169 to take account of undetermined households and those

who do not meet the definition – but who may require a culturally appropriate form of accommodation). The requirement of 118 pitches forms the basis of the five year land supply test, as required as part of the PPTS. Helpfully the GTAA splits this need across 5 year tranches – with 77 pitches needing to be delivered or available within the first period (2019-24) for a five year supply to be achieved. This reflects a heavy skewing towards that first tranche – due to the need to address unauthorised and temporary development, doubling up (i.e. households lacking their own pitch) and some demographic change within that timespan (i.e. individuals who will be capable of representing a household by the time 2024 is reached).

It is accepted that the Authority has a sizeable overall requirement which needs to be addressed and a considerable shortfall in being able to demonstrate a five year land supply. Both the extent of the pitch requirement and the lack of a five year land supply represent significant material considerations, which weigh heavily in the favour of the granting of consent where proposals would contribute towards supply.

Importantly, the GTAA assumed a net zero contribution from inward migration into the District - meaning that its pitch requirements are driven by locally identifiable need. This site did form part of the baseline for the Assessment. The accommodation needs of the applicants were captured by the GTAA survey and therefore whilst this site catered for the immediate needs of the applicants, who formed a component of the need identified through the Assessment. However, this was only for a temporary 3 year period, and as such, these pitches are not able to be classed as contributing to the need identified by the GTAA, which could only be contributed to by permanent pitches. This is because at the end of the 3 year period, that need would still exist. The temporary consent the site was subject to expired on the 28 February 2022, and so the occupants have an accommodation need which requires addressing.

There are currently no other alternative sites available with planning permission, and no allocated sites identified and consequently the Council does not have a five year supply of sites. Paragraph 27 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this is a significant material when considering applications for the grant of temporary planning permission. The granting of permanent consent for this site would allow for the needs suggested by the GTAA to be met. As outlined above, this should weigh heavily in the favour of granting permanent consent, with robust and justifiable reasons needed to depart from that course of action. Officers consider, given the potential risk to people and property, flood risk has the potential to form such a reason.

Flood Risk

The final criterion of Core Policy 5 states that ‘Proposals for new pitch development on Tolney Lane will be assessed by reference to the Sequential and Exception Tests as defined in the Planning Practice Guidance. These will normally be provided temporary planning permission.’ The NPPF states that local planning authorities should minimise risk by directing development away from high risk areas to those with the lowest probability of flooding. Core Policy 10 and Policy DM5 also reflect the advice on the location of development on land at risk of flooding and aims to steer new development away from areas at highest risk of flooding. Paragraph 13 (g) of the PPTS sets out a clear objective not to locate gypsy and traveller sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.

Table 2 of the Planning Practice Guidance states that caravans, mobile homes and park homes intended for permanent residential use are classified as “highly vulnerable” uses. Table 3 of the Practice Guidance states that within Flood Zones 3a and 3b, highly vulnerable classification development should not be permitted.

The supporting text to Core Policy 5 clearly sets out that Tolney Lane is currently subject to significant flood risk and so to justify additional pitch provision, proposals will need to demonstrate material considerations which outweigh flood risk.

Approximately two-thirds of the application site (at its south-eastern end) is within Flood Zone 3a, with the single point of access/egress along Tolney Lane being within the functional floodplain (Zone 3b).

The NPPF states the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. There are also two parts of the Exception Test that need to be passed:

- a) The development would provide wider sustainability benefits to the community that outweigh flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Even though the proposal has been demonstrated as contributing towards the meeting of locally identified need, the criterion based approach provided by Core Policy 5 is sufficiently flexible so as to provide the reasonable prospect of finding land at lesser flood risk. However, it is accepted that as the Council is unable to point to any reasonably available sites at lesser risk of flooding that the Sequential Test is passed in this case.

In terms of the Exception Test, the accessibility of the site to services within Newark would meet the test of wider sustainability benefits and is therefore accepted.

The Environment Agency has assessed the proposal against the second part of the Exception Test, and raise objection on the basis that firstly, that the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. Secondly, they also consider that the submitted Flood Risk Assessment fails to demonstrate that proposal passes the second part of the Exception Test, on the basis that there will still be a loss of floodplain storage because it is intended not to remove any unauthorised fill and the construction of the new amenity blocks will result in a loss of floodplain storage which would increase flood risk to the wider area and no mitigation for this has been provided. In addition, flood depths on the only access/egress route for the site reach 1.4 metres in places, and the supporting FRA has accepted that there is no safe means of access and egress during a flood event. It is the opinion of the EA that the flood depths on the site itself and the adjacent access road will pose significant risk to life of the occupants of the site.

The access/egress route is within Flood Zone 3 and can be classed as a "Danger to All" which puts even the emergency services at risk. Therefore this indicates (and has been acknowledged within the FRA) that in a flood event, access and egress routes will be cut off. The FRA therefore states that an evacuation plan is required which will remove occupants of the site before an overtopping event. An evacuation plan is outlined in Appendix D of the Flood Risk Assessment. This sets out what action should be taken on a Flood Alert, on a Flood Warning and on a Severe Flood Warning. The Evacuation Plan states that residents would register on the EA "Floodline" warning system which provides a 2 hour warning of a flood event, to enable residents to evacuate the site. The Council's Emergency Planner on the previous application on this site, raised objection based on the additional burden that would be placed on emergency service responders in a flood event.

As already set out, it is considered that the Sequential Test is passed on the basis of the lack of reasonably available alternative sites for this use at lower risk of flooding. The proposal fails the Exception Test because it includes retention of the fill on the site and the addition of the utility blocks, however no floodplain compensation is proposed, thereby increasing flood risk to others.

The proposal is contrary to both national and local planning policies and represents highly vulnerable development that should not be permitted on this site which is at high risk of flooding. Therefore, notwithstanding the passing of the Sequential Test, the use is considered highly vulnerable in flood risk terms and national policy is very clear that it should not be permitted in either Flood Zones 3a or 3b and also fails to demonstrate compliance with the second part of the Exception Test. This weighs very heavily against the proposal in the planning balance.

Other matters

The remaining material planning considerations – impact on the countryside and character of the area, highway safety, access to and impact on local services, residential amenity, personal circumstances and Gypsy and Traveller status remain unchanged from the previously considered application and as such do not require further consideration in this instance. For information, the full officer report from the previous 2018 application can be viewed by clicking on the link attached to the Background Papers listed at the end of this report.

Conclusion and Planning Balance

It is acknowledged that the proposal would allow for the accommodation needs of the occupants to be met, and would contribute supply towards local pitch requirements and the creation of a five year land supply – with the latter two considerations certainly needing to be afforded significant weight. However the land is located within a site at high risk of fluvial flood risk (with the only point of access and egress, Tolney Lane, within the functional flood plain (Zone 3b)), and national policy is very clear that permission should not be granted for this highly vulnerable use in areas at that level of flood risk. The continued policy and technical objection from the Environment Agency, in this regard, is also clear and unambiguous. The potential danger to individuals and property from this context is a considerable material consideration – and one which, in the view of officers, outweighs the otherwise substantial benefits associated with the scheme.

The Council is working to formulate a sound site allocation strategy, but until such time that this can be afforded meaningful weight there is the reasonable prospect that applicants can seek to bring forward suitable land in alternative locations – through Core Policy 5. The criteria within CP5 were modified as part of the examination of the Amended Core Strategy in order to allow this to take place, and provide the reasonable prospect of applicants being able to identify suitable land – including in areas at least flood risk.

In allowing the appeal decision at Green Park on Tolney Lane (for touring caravans that would evacuate the site at the Environment Agency's flood warning as is set out within this proposal), the Inspector considered that that whilst Gypsy and Traveller development would usually be inappropriate in a high risk Flood Zone, balanced against all the other considerations that weighed positively including significant unmet need, a temporary permission was appropriate in that instance. Indeed, the reasoning behind the Inspector's granting of a temporary consent continue to remain valid at this time. This decision was reflected in the previous granting of a temporary permission for 3 years on the previous approval granted on this site, with flood evacuation plans put in place to mitigate flood risk to the occupiers of the site on a short term basis. There has

been little material change to planning considerations since that decision was reached.

Whilst it is acknowledged that this site has already benefited from one temporary permission, as it stands officers are unable to provide support for the granting of permanent consent.

RECOMMENDATION

That planning permission is refused for the following reason:

01

The application use falls within a 'highly vulnerable' flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located (Flood Zone 3a) with a single point of access within the functional floodplain – Flood Zone 3b). Tables 1 and 3 of the Planning Practice Guidance make it clear that this type of development is not compatible to this Flood Zone and therefore should 'not be permitted.'

The purpose of granting temporary consent was to cater for the applicants' immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. The Authority is pro-actively pursuing the identification of suitable sites to meet future gypsy and traveller needs within, or adjoining, the Newark Urban Area through the Development Plan process. Although there would be some social factors which would weigh in favour of the proposal, it is not considered that these, in combination with the supply position, are sufficient to outweigh the severe flood risk and warrant the granting of permanent consent. To allow permanent occupation of a site at such high risk of flooding would put occupiers of the site and members of the emergency services at unnecessary risk.

The proposal would therefore be contrary to Core Policy 5 and 10 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (2013) as well as the National Planning Policy Framework (2021), Planning Practice Guidance and Planning Policy for Traveller Sites (2015), which are material planning considerations.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

Application case file.

Link to Committee Report for application 18/02167/FUL –

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PIJKGBLB04M00>

For further information, please contact **Julia Lockwood** on ext **5902**.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 22/00073/S73

