



Report to: Cabinet Meeting - 1 November 2022

Portfolio Holders: Councillor Rhona Holloway – Economic Development & Visitors
Councillor David Lloyd – Strategy, Performance & Finance

Director Leads: Matt Lamb - Director Planning & Growth
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Report Summary	
Type of Report	Open Report, Key Decision
Report Title	Newark & Sherwood Plan Review - Amended Allocations & Development Management Development Plan Document Publication
Purpose of Report	<p>To seek approval from the Council to the publication of the Amended Allocations & Development Management Development Plan Document (DPD) for a period of public representation.</p> <p>To update progress on the Gypsy, Roma, Traveller Pitch Delivery Strategy.</p> <p>To propose an amendment to the Plan Review timetable and the Local Development Scheme.</p>
Recommendations	<p>a) That the proposals contained within Appendix 1 form the basis of the Publication Amended Allocations & Development Management DPD and amended Policies Map;</p> <p>b) That approval be sought from Full Council (at the Extraordinary Meeting to be held on 9 November 2002) for this document be published for a period of Public Representation week commencing 14 November 2022;</p> <p>c) That the latest position on the Gypsy Roma Traveller Pitch Delivery Strategy be noted; and</p> <p>d) To adopt the amendment to the Plan Review timetable (Local Development Scheme) as set in Section 4 of this report, to come into force on 8 November 2022.</p>

Alternative Options Considered	As set out in Section 1 of the report, the District Council has considered a range of options as part of the Plan Review engagement and consultation process.
Reason for Recommendations	<ul style="list-style-type: none"> a) To approve the DPD. b) To enable the DPD to be published for a period of public representation. c) To allow for the update to be noted. d) To agree an amendment to the timetable so that the Local Development Scheme can be updated to comply with the Planning and Compulsory Purchase Act 2004 and appropriate regulations.

1.0 Background

1.1 The Council has been conducting a review of its Development Plan the first element was completed by the adoption of an Amended Core Strategy in March 2019. The second element of the Development Plan the Allocations & Development Management DPD has now been finalised ready for submission to the Planning Inspectorate for Examination. The review has focussed on four elements:

- 1) Ensuring that the housing, employment, retail allocations continue to be deliverable and that any settlement specific planning policy issues continue to be appropriately addressed.
- 2) Ensuring that the Development Management policies are in line with the Amended Core Strategy and the latest national planning policy.
- 3) Updating housing policies contained in the Amended Core Strategy to reflect the latest Housing Needs Assessment and national planning policy
- 4) The development of a strategy to deliver enough sites and pitches to meet the future needs of our Gypsy, Roma, Traveller (GRT) communities.

1.2 A public consultation on an Allocations & Development Management Options Report took place between the 27 July 2021 and 21 September 2021, a period of 8 weeks. This set out the options that the Council was considering as part of the review. In line with COVID restrictions at the time officers held a majority of on-line consultation events and along with a face-to-face event in Newark Market Place. The Options Report and supporting documentation were available on the Council's website.

1.3 A total of 137 responses were received, which resulted in 668 individual answers to the 56 questions posed as part of the consultation. Economic Development Committee at its 23 March meeting considered these and agreed District Council responses and resultant actions to them. The details are contained in the [Options Report Statement of Consultation](#). Most actions required officers to amend policies/allocations to clarify and make clear requirements and to ensure that preferred approaches comprehensively addressed relevant issues. A smaller number of policies/allocations required evidence base review or refresh and discussions with stakeholders.

1.4 Most significantly the work to develop a GRT pitch delivery strategy has been progressing as reported to Cabinet in June and July, a comprehensive whole council approach to pitch provision has been adopted. The agreed approach is set out in the following diagram and the latest updates are included in section 3 below:

Pitch Delivery Strategy Meeting the overall need by the following actions:		
1 Contribution from Existing Sites	2 Allocating new sites in private ownership	3 New sites facilitated by Council Action
Current sites with existing additional capacity contribute additional pitches Sites with potential to accommodate need have been identified.	Sites in locations around Newark allocated for additional pitch provision Proposed sites on Tolney Lane can be brought out of flood risk	Purchase of a site to deliver on our own or with partners Work with private sector operators to bring sites back into GRT use.
Cross Cutting Action: Delivery of a flood safe access to Tolney Lane and associated mitigation work		

2.0 Amendment Allocations & Development Management DPD – Publication

2.1 The publication version of the DPD, referred to as **Appendix 1** has been published as a separate document with the agenda for this meeting. It should be noted that this document shows amendments to the current DPD with underlining for additional text and crossings out (~~crossings out~~) for text proposed for deletion. It contains the proposed amendments to Allocations, the update to Development Management Policies and a new Chapter 8 which includes updated affordable housing policies and policies for meeting GRT housing need. The Council must also publish any proposed changes to the Policies Map. The Policies Map shows how the policies expressed in the DPD relate to sites and locations in the District on a map. We have included this mapping within the DPD that goes out for the representation period to aid those responding, however a separate document will be created alongside this based on these maps. A finalised version of the Policies Map (in paper and electronically) will be created once the DPD is adopted.

2.2 If approved by Cabinet for consideration by Council the proposals, along with various supporting documentation will be placed on public deposit for a 6-week period of public representation. It is proposed that this period will begin in the week commencing 14 November 2022. Following the representation period, a review will be conducted of the nature of the representations and Council will decide whether or not to submit the DPD to the Secretary of State for Examination by an independent Planning Inspector. It should be noted that this consultation will be undertaken in line with statutory requirements and the Council’s Statement of Community Involvement (SCI). The Annex to the SCI which was adopted in September 2020 to set out temporary COVID consultation measures is now no longer in force.

2.3 There are a number of other legal requirements which the Council has to fulfil in order to be able to submit a DPD the plan must be subject to as Sustainability Appraisal and a Habitat Regulations Assessment and an Appropriate Assessment. The findings in relation to sustainability appraisal are part of the wider Integrated Impact Assessment and are reported in Section 5 below. The recommendations of the Habitat Regulations Assessment and Appropriate Assessment have been incorporated within the DPD, with the overall approach to the protected habitats is included within Policy DM7 Biodiversity and Green Infrastructure and individual requirements within allocations.

3.0 GRT Pitch Delivery Strategy

3.1 As set out above Appendix 1 contains the publication version of the DPD. Chapter 8 sets out the detail of the proposed GRT Strategy for delivering additional pitches.

3.2 **Strand 1** – The Council’s GRT Housing Needs consultants have carried out a review of existing sites engaging with residents and owners to identify additional capacity. This has identified capacity for 73 pitches.

3.3 **Strand 2** – Land owners have come forward with a range of potential sites which the Council has evaluated and identified three deliverable sites in and around Newark. Two of these sites were previously not considered suitable but following further consideration the Council is now proposing allocation. In terms of the site at The Old Stable Yard, Land North of Winthorpe Road, Newark further work on the Open Break policy has concluded that an allocation of this type in this location is appropriate within the designation. With regards to Land at Appleby Lodge, Barnby Road, Newark new access proposals have overcome highways concerns that had previously been raised by Nottinghamshire County Council. The three sites would be delivered by the landowners themselves. To enable the Council to plan for long term needs (between 10 to 15 years) two broad locations for potential future growth have been identified next to an existing site and a proposed allocation.

3.4 **Strand 3** – The Council has identified a site at the former Belvoir Iron Works, Bowbridge Lane to the south of Middlebeck. The Council are engaged in the necessary due diligence and is liaising with the owners. On the 13th June the Council submitted a bid to the Department for Levelling Up, Homes and Communities (DLUHC), Traveller Site Fund 2022/23. The bid was for £1 million, the maximum amount of capital funding to create a new permanent site for GRT community on Bowbridge Lane. The outcome of the application is not yet known but the Council continues to engage with DLUHC on the financial implications for the Council associated with site delivery and wider challenges of meeting GRT need. Consideration will also be given to the securing funding through Homes England on a similar basis as the Council House Build programme.

3.5 The management of GRT accommodation would be a new service for the Council. Following extensive research with other providers, the Council considers that an intensive housing management approach would be most appropriate for managing the site. Officers are currently working up the details for how this would operate and this will be presented to Cabinet in due course for consideration. It is important to note that as the Council enters the market in provision of GRT accommodation it will be in a position to support and help people find more appropriate accommodation.

- 3.6 It should also be noted that two further sites have been identified with the potential to provide additional supply on Tolney Lane, the Council would work with the landowners of these sites to bring them forward for GRT use.
- 3.7 **Cross Cutting Activity** - Significantly to enable the strategy to be successful the Council is proposing to provide a flood safe access by raising the level of Tolney Lane between Great North Road and the point where Tolney Lane is no longer in the functional flood plain. This scheme has a number of benefits:
- Providing flood safe access for residents of Tolney Lane
 - Wider flood prevention benefits to the Kelham Road Area
 - Flood compensation areas providing biodiversity net gain
- 3.8 The scheme is a major civil engineering project which will require a temporary road to provide continued access to residents, will require joint working with Newark Town Council, Nottinghamshire County Council, Network Rail, the Environment Agency and most importantly residents themselves. This project will need to transport flood water under the Castle Rail Line and an area of flood compensation will need to be provided to the north of the River Trent, south of Tolney Lane. The Council's flood risk consultants estimate that at this time the scheme will cost in the region of £6,000,000. Given the trend in inflation the consultants have included an optimum bias of 20%.
- 3.9 Clearly the costs are significant, and the Council is working with the Environment Agency to identify potential funding mechanisms to support the scheme. It is envisaged that the Council will contribute to the scheme through the Community Infrastructure Levy. This reflects the fact the cost of the scheme which will enable continued pitch provision on Tolney Lane could not be borne by any development and will require match funding to secure external support.
- 3.10 For the purposes of ensuring that the various elements of the strategy in relation to Tolney Lane are properly managed a Tolney Lane Policy Area is proposed in the DPD. For the first time this will set out a comprehensive strategy for the area and will include those areas where appropriate development can be accommodated within the Newark Urban Boundary. Those areas beyond the Urban Boundary will not be in the Policy Area and will be in the open countryside.
- 3.11 Officers continue to work on the various proposals, and they will be presented to a future Cabinet meeting for consideration to compliment the submission of the DPD for Examination. It is important to note that whilst it is anticipated that the Plan will be adopted in early 2024, the work of implementing the Pitch Delivery Strategy will take a number of years involving many stakeholders.

4.0 Proposed Amendments to the Timetable

- 4.1 To reflect the delay caused by the change in government guidance on flood risk the Local Development Scheme – the Plan Review timetable - needs to be updated. The table below shows the proposed new timetable which anticipates that the DPD will be adopted in May 2024.

Amended Allocations & Development Management DPD
Publication of Draft DPD (and final Integrated Impact Assessment) for period of Public Representation (November/December 2022)
Consideration of representations and any potential amendments
Submission of DPD to Secretary of State (March 2023)
Examination by Inspector (September 2023)
Consultation on Main Modifications (November/December 2023)
Receipt of Inspector's Report (February 2024)
Adoption and Publication (May 2024)

5.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Assessing the Impact of the Amended Allocations & Development DPD on Sustainability, Equalities and Health

- 5.1 The Council has carried out an Integrated Impact Assessment (IIA) of the DPD. The IIA integrates Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA), Equalities Impact Assessment (EqIA) and Health Impact Assessment (HIA). Sustainability Appraisals (SA) are a requirement of the Planning and Compulsory Purchase Act 2004 and Strategic Environmental Assessments (SEA) are required by European Directive EC/2001/42, which was transposed into UK law by the Environmental Assessment Regulations for Plans and Programmes (July 2004). The EqIA is a way of demonstrating the District Council is fulfilling the requirements of the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. HIA is a recognised process for considering the health impacts of plans and undertaking this type of assessment is widely seen as best practice.
- 5.2 **Sustainability & Health** - Overall, the proposal in the Publication DPD are positive and very few negative impacts on the objectives of the IIA have been identified. The amended and new suite of development management policies provide significant beneficial impacts, particularly in relation to the Health and Sustainable Communities objectives.
- 5.3 **Equality and Diversity** – The results of the Integrated impact assessment conclude that the following policies are assessed as having positive impacts in relation to equality: Core Policy 1, Core Policy 2A, Core Policy 3, GRT1, GRT2, GRT3, GRT4, GRT5, DM5b and DM10. Core Policies 1, 2A and 3, relating to specific types of housing provision, together with the suite of Gypsy, Roma and Traveller policies GRT1 to GRT5, enhance the opportunities for all members of the District's communities to access appropriate, good quality accommodation in suitable locations, ensuring equality of opportunity for all. Policy DM5b requires consideration of a range of measures to improve health and well-being, integration and social interaction and therefore has a potentially significant beneficial

impact on equality and policy DM10 promotes improvements in air quality, helping to address inequalities associated with deprivation linked to poor air quality.

- 5.4 Overall, the Publication Draft Amended A & DM DPD has a positive and beneficial impact in relation to equality and there are no new or amended policies which have been assessed as having any negative or conflicting impacts upon equality.

Financial Implications FIN22-23/438

- 5.5 This report has no direct financial implications, however, in order to deliver the outcomes of the GRT Pitch Delivery Strategy two major projects will need to be undertaken by the District Council:

1. Provision of a Council owned and operated GRT site.
This will require acquiring and developing a site. Once due diligence and negotiations with the landowners are completed a report will be brought to Cabinet detailing costs and proposed sources of funding prior to any bids being submitted.
2. Tolney Lane Flood Alleviation Scheme.
As per paragraph 3.8 the cost of this scheme is in the region of £6m. Discussions with the Environment Agency will identify the potential for the scheme to attract agency funding and at this time it is envisaged that the Community Infrastructure Levy will make a significant contribution towards delivery of this scheme. In due a report will come forward for consideration.

As of 31 March 2022, the Council was holding £10.925m in CIL receipts. A commitment of £5.6m to the A1 overbridge agreed at Council on 9 March 2021 as part of the Capital Budget report. This may need to be revisited given the significant increases in construction material. There have been further CIL receipts of £2.6m received as at 30 September, however this will need to be shared with Town and Parish Councils in their Meaningful Proportion.

Background Papers and Published Documents

None.