

Draft LDO for filming at Newark Castle

Statement of Reasons

The proposed Local Development Order (LDO) is being drafted to enable and control filming at Newark Castle. Filming at this site currently requires planning permission, which slows down and has effectively made unviable many potential projects. The LDO aims to provide a framework through which permission for filming can be granted appropriately as well as quickly and efficiently.

Allowing more external filming projects to go ahead will have several benefits:

- A new opportunity to generate income for the Heritage & Culture department of Newark & Sherwood District Council.
- Further opportunities to raise the profile of the Castle, the town and the district through media channels.
- Enhancement of the District Council's reputation of being forward-looking, dynamic and helpful.

Creating an LDO will produce these benefits with minimal cost in terms of officer hours, once the LDO has been adopted. The Order will allow filming enquires to be responded to efficiently and ensure opportunities to host filming at the Castle are not missed through unnecessary delays.

The LDO will also include conditions, to safeguard against the potential adverse effects of filming on: historic features; natural resources and habitats; our neighbours and the public.

Policy Framework

The LDO is consistent with and will help deliver a number of national and local planning policies and guidance. Legislation for preparing and granting a Development Order is set out within Section 61A of the Town and Country Planning Act 1990

The National Planning Policy Framework (NPPF) 2021 advises that local planning authorities should consider using Local Development Orders to set the planning framework for areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.

Additionally, the NPPF provides the framework for a number of areas that need to be considered when looking to approve development. For the purposes of this LDO, the following chapters are applicable:

- Achieving sustainable development
- Decision-making
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

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

- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 7 – Tourism Development
- Core Policy 14 – Historic Environment
- NAP1 - Newark Urban Area

Allocations & Development Management DPD

- DM5 – Design
- DM9 – Protecting and Enhancing the Historic Environment

Additionally, both the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are applicable.

LDO

Part I - Area covered by the Local Development Order (LDO)

Castle grounds excluding the Gilstrap.

Part II - Description of Development

In pursuance of the powers under the above Act, Newark & Sherwood District Council hereby gives notice that planning permission has been approved for the carrying out of the development referred to below, subject to the conditions listed under Part III:

Permitted Development

- (a) The temporary use of any land or buildings for the purpose of commercial film-making; and
- (b) The provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use:

Development not permitted

The development is not permitted by the above if:

- i. the use of the land is for overnight accommodation.

Reason: Temporary structures sufficient for overnight accommodation are likely to materially harm the historic fabric of the site.

- ii. any temporary structure, works, plant or machinery is affixed to the historic fabric or features of the site.

Reason: The site includes a listed building and a scheduled ancient monument, the materials of which must not be damaged, altered or defaced.

- iii. any temporary structure, works, plant or machinery would involve the disturbance of more than 100mm depth of surface soil/ground material.

Reason: The site is of archaeological interest and the soil should not be disturbed unnecessarily.

Part III – Conditions

Preamble

In these conditions:

'the council' means Newark & Sherwood District Council

'the development' means the works authorised by the Order;

'the Local Planning Authority' means Newark & Sherwood District Council;

'the Order' means the Newark District Heritage Site Filming Local Development Order for Newark Castle.

1. This LDO permits filming subject to the condition that –

- (a) the hours of filming are undertaken between xxx and xxx only and at no other time.
- (b) noise impacts of the development shall be limited to no more than xxxdb between the hours of xxx and xxx and xxxdb between xxx and xxx. No noise arising from filming or any ancillary development or works shall take place outside of these hours. *consultation with Environmental Health required*
- (c) illumination shall be limited to no more than xxx candela between the hours of xxx and xxx. Lighting for filming is not permitted outside of these hours. *consultation with Environmental Health required*
- (d) the height of any temporary structure, works, plant or machinery provided shall not exceed 5 metres or X weight (to be agreed after consultation with Historic England colleagues)
- (e) any structure, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period, be removed from the land.
- (f) the land on which any development permitted by this Order has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before that development was carried out.
- (g) notifying the Local Planning Authority 10 working days prior to commencing filming of the intention to film. The notification shall include:
 - i. a written description of the proposed development;
 - ii. a plan indicating the site and showing the proposed development;
 - iii. the schedule of dates which make up the filming period in question;
 - iv. the developer's contact address;
 - v. the developer's email address if the developer is content to receive communications electronically

Other Statutory Requirements

Whilst the LDO grants planning permission for filming at Newark Castle, it does not grant other consents that may be required under other legislation. It will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.

Failure to comply with the relevant statutory requirements could result in any development being unlawful and may result in appropriate enforcement action being taken by the council and/or other agencies. It is the responsibility of the developer/development to be in accordance with all relevant legislation.

Process details

In addition to the notification details above, please allow up to six weeks for the process of liaising with the Heritage & Culture team to arrange filming.

The works shall be carried out in accordance with the approved details agreed with the Senior Operations Manager, Heritage & Culture.

These details will include at least:

- (a) dates and times of filming
- (b) maximum noise levels, specifying the hours of the day the noise levels apply to
- (c) scheduled on site liaison and orientation
- (d) compliance with site safety measures
- (e) the structure, works, plant or machinery to be used