



Report to: Cabinet Meeting - 21 February 2023

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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<b>Report Summary</b>	
<b>Type of Report</b>	Open Report, Key Decision
<b>Report Title</b>	Newark & Sherwood Plan Review - Amended Allocations & Development Management Development Plan Document Publication
<b>Purpose of Report</b>	To update Cabinet on the initial results of the period of public representation of the Amended Allocations & Development Management Development Plan Document (DPD).  To seek approval to delay submission of the DPD because of the objection of the Environment Agency.
<b>Recommendations</b>	That Cabinet:  a) note the initial results of the period of public representation of the Amended Allocations & Development Management Development Plan Document; and  b) authorise the delay of the submission of the DPD to allow the Environment Agency to validate the results of the Tolney Lane Flood Alleviation Scheme modelling.
<b>Alternative Options Considered</b>	As set out at 2.3 without support by the Environment Agency for the overall strategy the DPD cannot currently be submitted.
<b>Reason for Recommendations</b>	a) To allow for the update to be noted.  b) The objection of the Environment Agency means that submission of the DPD is not possible in March 2023.

## **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 been reviewed focusing on the following 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 Full Council at an Extraordinary Meeting on the 9 of November 2022 approved the publication of an Amended Allocations & Development Management DPD to seek representations on its soundness. The period for representations ran from 14<sup>th</sup> November until the 9 January 2023. 63 organisation or individuals made in the region of 160 representations. Officers are currently analysing the representations in detail, but initial review suggests that the issues raised can be addressed by officers; however the representation from the Environment Agency was quickly identified as one with significant implications. The Environment Agency are objecting to various elements of our strategy in relation to GRT pitch provision at Tolney Lane and this report sets out the implications of this stance.

1.3 Cabinet will recall that the agreed GRT pitch provision strategy is made up of three elements:

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

In order for the strategy to be successful all elements of it need to contribute towards supply and in particular the cross-cutting action of delivering a flood safe access to Tolney Lane is a requirement which unlocks additional capacity and provides flood safe access for existing residents.

## **2.0 Amendment Allocations & Development Management DPD – Environment Agency Representation**

2.1 The District Council has been in detailed and productive discussions with the Environment Agency for a significant period of time. The Agency have been supportive of an overall approach which lessens flood risk for residents and provides a proper framework for making planning decisions in the Tolney Lane area. They have met with the Council's flood risk consultants who have explained the scheme and the results of the detailed flood modelling analysis to them. Our understanding had been that the work published alongside the DPD would be sufficient to progress to submission.

2.2 In making a representation to the DPD however the Environment Agency have raised a significant issue with the proposed flood allocation they state that:

“The proposed Gypsy and Traveller site allocations at Tolney Lane are located within an area of very high flood risk. A flood risk alleviation scheme has been proposed which involves raising the access road, to protect parts of the site from flooding and provide dry access and egress to the Tolney Lane area. However, this scheme is at an early stage in its development. An initial design and flood risk model has been provided however this has not been technically assessed by the Environment Agency. Our Evidence and Risk team need to check both the baseline model and design proposals to be assured that the scheme will work as intended, without increasing flood risk elsewhere. Typically this model assessment results in a series of updates and revisions to new models before they are fit for purpose. There is therefore a substantial risk that the model outputs may change, and not show the same benefits, or show an increase in flood risk elsewhere.”

They conclude:

“Given our concerns above we consider that the flood risk to the proposed site allocations on Tolney Lane should not therefore assume the potential benefits of the proposed flood alleviation scheme, and instead should be based on the current flood risk to the site and the currently approved and established baseline model data for this area, which is the Trent Fluvial Newark 2011 model. This model data shows the sole access road, Tolney Lane is situated in flood zone 3b. There is not therefore safe access and egress to the proposed site allocations.”

2.3 Put simply until such time that the Agency have validated the modelling work and are happy the proposed scheme could deliver the benefits currently demonstrated they are objecting to the elements of the DPD in relation to Tolney Lane. Given the centrality of these proposals to the delivery of the overall strategy it is not possible to submit the plan until the Agency has changed its stance.

## **3.0 Proposals**

3.1 The Council and its flood risk consultants are working to have the modelling work which informs the Tolney Lane flood alleviation scheme validated by the Environment Agency. This process takes a number of months, and therefore it will not be possible to submit the Amended Allocations & Development Management DPD for examination as previously proposed in March.

3.2 There are a number of impacts of delay, principally that we will be further off having a strategy which meets the housing needs of the GRT community and a five year supply of sites but also means that the other new policies within the DPD are further off from adoption. Officers will continue to work with the Agency to ensure that the modelling work can be validated as swiftly as possible. It is anticipated that Officers will present a report to Cabinet in June updating on progress and making recommendations.

#### **4.0 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**

4.1 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). The results of the IIA have concluded that:

- **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.
- **Equality and Diversity** – 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.

4.2 Any changes which are proposed for the DPD before it is submitted will be appraised using the same methodology.

#### **Financial Implications**

4.3 This report has no direct financial implications.

#### **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.