



Report to: Cabinet Meeting - 11 July 2023

Portfolio Holders: Councillor Matthew Spoons, Sustainable Economic Development
Councillor Paul Peacock, Strategy, Performance & Finance

Director Lead: Matt Lamb, Director - Planning & Growth

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Report Summary	
Type of Report	Open Report, Non-Key Decision
Report Title	Plan Review Progress Report
Purpose of Report	<ul style="list-style-type: none"> • To update Cabinet on progress on the Amended Allocations & Development Management DPD and progress on the associated Gypsy & Traveller Pitch Delivery Strategy. • To propose an amendment to the Plan Review timetable and the Local Development Scheme.
Recommendations	<p>That Cabinet:</p> <ol style="list-style-type: none"> a) note and support the contents of the report. b) adopt the amendment to the Plan Review timetable (Local Development Scheme) as set in Section 3 of this report, to come into force on 18 July 2023. c) request that the Chief Executive call an Extraordinary Full Council meeting be held on 20 September 2023 to agree publication of the Amended Allocations & Development Management DPD.
Reasons for Recommendations	<ol style="list-style-type: none"> a) To allow Cabinet to note progress on the Plan Review. b) 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. c) To allow the Council to agree to the publication of the Amended Allocations & Development Management DPD in September 2022.

1.0 **Background**

1.1 The Council's Development Plan provides direction for future growth of Newark & Sherwood, including making allocations for new housing employment and community facilities and sets out the planning policies which the Council uses to determine planning applications. Our Development Plan is made up of two parts:

- Amended Core Strategy
- Allocations & Development Management Development Plan Document (DPD)

1.2 The Council has been going through a process of reviewing these documents known as the Plan Review. The Core Strategy has already been updated and the Amended Core Strategy was adopted in 2019. Since then the Council has been updating its Allocations & Development DPD 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.

1.3 Work on preparing the Amended Allocations & Development Management DPD (*hereafter referred to as the DPD*) has gone through the various statutory stages culminating in the publication of a Draft DPD for a period to receive formal representations in November and December 2022.

1.4 It is important to note that there is no requirement as part of this DPD to allocate more general market housing or employment land. That is not the case for all housing sectors with one of the main challenges of the Plan Review being the ability of the Council to identify sufficient sites to meet the future identified needs of the GRT community. The need for an additional 169 pitches over the 15 year plan period is significant when compared to many authorities in the East Midlands but when compared to general market housing requirements of 9050 dwellings for the District it is small. It is challenging because of a lack of available sites. This lack of site is as a result of market failure and has led the Council to conclude that only a comprehensive Pitch Delivery Strategy which includes intervention from the Council to facilitate additional sites will allow the delivery of sufficient sites and pitches for our GRT communities.

1.5 The Pitch Delivery Strategy reflected in the Draft DPD is set out overleaf:

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 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.
Cross Cutting Action:		
Delivery of a flood safe access to Tolney Lane and associated mitigation work		

1.6 The vast majority of our GRT community live in Newark on sites on Tolney Lane. This area, adjacent to the River Trent, is at significant risk of flooding. Work by the Council's flood risk consultants has concluded that whilst full flood defence of the area is not feasible, a flood safe access could be provided by raising the level of Tolney Lane significantly reducing the risk during flood events that residents will not be able to leave the site. It is currently proposed that the scheme will be funded with contributions from the Community Infrastructure Levy.

1.7 The other significant area of Council action will be the provision of a Council managed GRT site. There are currently no public sites in Nottinghamshire, however most neighbouring counties do have such sites. The Draft DPD identifies a potential site to the south of Newark and proposes allocation of between 15 and 27 pitches. Officers in Corporate Property and the Housing Directorate have been considering the various aspects of acquiring, building and maintaining such a site. Further details on the Pitch Delivery strategy are set out in a [GRT Supporting Paper](#) published alongside the Draft DPD.

2.0 Draft DPD and Decisions to be made

2.1 Following the close to the representation period the District Council considered the representations received. Of significance was a representation from the Environment Agency. The District Council has been in detailed and productive discussions with the 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. However the Agency in making their representation the Agency stated until such time as they were happy with the model and its outcomes, they could not support the Tolney Lane flood alleviation scheme.

- 2.2 Cabinet considered the matter at its 21 February 2023 meeting and agreed to delay submission of the DPD to enable Officers and the Council’s flood risk consultants to address the necessary concerns of the Agency. Helpfully National Highways have been updating the flood model for the area to progress the A46 Newark Bypass scheme and the District Council has secured access to the model to progress our modelling work.
- 2.3 Since the publication last year of the Draft DPD the situation regarding a number of the proposals in the Plan both in relation to our Pitch delivery strategy and with other elements of the DPD have changed. The status of a number of sites has changed to the extent to which are considering recommending to the Council that we change our approach to them. Furthermore in relation to the Pitch Delivery Strategy a small number of pitches have been granted planning permission in the interim and the Planning Inspectorate have changed their approach to the implementation of planning policy as set out in Planning Policy for Travellers Sites following legal decisions, which we will need to reflect in the DPD.
- 2.4 It is always the case in plan making that any document will represent a moment in time, but the potential changes are significant enough that it would be most appropriate to publish a new version of the Draft Plan incorporating these changes and seek further representations. This will properly allow anyone to make a representation that can be considered by the Inspector as part of the hearing process, rather than through post hearing Main Modifications stage. It is proposed that this new Draft Plan will be worked up and discussed at Planning Policy Board over the summer and presented to Cabinet and Full Council in September. Further details on the proposed timetable are set out in section 3 below.
- 2.5 Alongside decisions relating to the DPD Cabinet in September will make decisions on those elements of the Pitch Delivery Strategy which require Council investment, namely the Tolney Lane Flood Alleviation Scheme and the delivery of a public GRT site.

3.0 Proposed Amendments to the Timetable

- 3.1 To reflect the proposed approach set out in section 2 the Local Development Scheme – the Plan Review timetable needs to be updated. The table below shows the proposed new timetable which will mean that the DPD will be adopted in Autumn 2024. In order for this to be achieved it will be necessary to ensure that an additional Council meeting is held in September (proposed for the 20 September 2023) so that the Draft DPD can be published that month and the plan hopefully submitted by the end of the year.

PLAN REVIEW TIMETABLE
Consideration of the Draft DPD <i>Cabinet 19th September</i> <i>Full Council Additional Meeting 20 September</i>
Publication of Draft DPD (and final Integrated Impact Assessment) for period of Public Representation (September/October/November 2023)
Consideration of representations and any potential amendments
Submission of DPD to Secretary of State (December 2023) <i>Full Council 12 December</i>
Pre-Hearing Period January to March 2024
Examination by Inspector (April 2024)
Consultation on Main Modifications (June/July 2024)
Receipt of Inspector's Report (September 2024)
Adoption and Publication (October 2024)

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.

Financial Implications - FIN23-24/842

This report has no direct financial implications.

Equality & Diversity Implications

An Integrated Impact Assessment is being prepared alongside the Plan Review process to ensure that the impact on groups with protected characteristics of the proposals are considered as part of the policy making process. It is clearly extremely important that housing provision in line with identified need is identified for the Gypsy and Traveller 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.

Newark & Sherwood Publication Amended Allocations & Development Management DPD
November 2022

Newark & Sherwood Plan Review – Gypsy Roma and Traveller Background Paper November
2022

Newark & Sherwood Local Development Scheme November 2022