



Report to: Cabinet Meeting – 19 September 2023

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

Director Lead: Matt Lamb, Director - Planning & Growth

Lead Officers: Matthew Norton, Business Manager - Planning Policy & Infrastructure, Ext. 5852  
Mark Eyre, Business Manager - Corporate Property, Ext. 5440

Report Summary	
<b>Type of Report</b>	Open report (with exempt appendix) Key Decision
<b>Report Title</b>	Amended Allocations & Development Management Development Plan Document
<b>Purpose of Report</b>	<p>To present to Cabinet for approval the Publication Version of the Amended Allocations &amp; Development Management Development Plan Document</p> <p>To set out proposals around the provision of a Gypsy Roma Traveller site at the former Belvoir Iron Works, Newark including to secure approval to purchase the site, subject to planning.</p>
<b>Recommendations</b>	<p>That Cabinet:</p> <ul style="list-style-type: none"> <li>a) endorse the proposed amendments to the previous version of the Amended Allocations &amp; Development Management DPD as set out in Appendix B;</li> <li>b) recommends to Full Council that the Amended Allocations &amp; Development Management DPD as set out in Appendix B is published for a period of public representation;</li> <li>c) approves, subject to planning, a Maximum Contribution (as set out in the Exempt Appendix) towards the delivery of former Belvoir Iron Works Site, with delegated Authority being given to the Deputy Chief Executive &amp; Director of Resources, in consultation with the Portfolio Holders for Strategy, Performance &amp; Finance and Sustainable Economic Development, to conclude the terms of a land purchase in accordance with the Council's Acquisitions and Disposals Policy, subject to planning and the outcome of the grant funding submission to the Homes England Affordable Homes Programme; and</li> </ul>

	d) to add the maximum contribution (as set out in the Exempt Appendix) into the Capital Programme financed by the Change Management Reserve.
<b>Reasons for Recommendations</b>	To allow Full Council to consider a publication version of the Allocations & Development Management DPD for a period of public representation. To allow the delivery of the former Belvoir Iron Works site as part of the Council's Gypsy and Traveller Strategy, as contained within the publication version of the Allocations & Development Management DPD.

## 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, with the Amended Core Strategy being 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, and 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.

## 2.0 Representations Received and Proposed Amendments

2.1 In response to the Draft DPD a total of 164 representations were received from 63 individuals and organisations. The details are contained in the [Statement of Consultation](#) which is available on the planning policy webpage. Officers have reviewed and considered the representations and have identified those which need to be addressed. Attached at **Appendix A** is a table setting out the proposed amendments to the Draft DPD in response to the representations we received. Each change is linked by

number and name to the representations in the Statement of Consultation. A range of further proposed changes to update the document are also set out in Appendix A. The proposed changes have been considered and endorsed by Planning Policy Board at its 6 September meeting.

2.2 The proposed amendments fall into the following groups:

<b>Amendment</b>	<b>Purpose/Reason</b>
Amendment in response to representations received.	In most instances the proposed amendments seek to clarify the intention of the policy or better reflect national policy.
Amendments following updated evidence and change of circumstances since the Draft DPD was published	To reflect current position.
Inclusion/Re-inclusion of allocations	A small number of additional Allocations have been included that have been demonstrated that they are deliverable
Amendments of Fact	These relate to the change in timelines in DPD production, more up-to-date information and any grammatical and spelling errors that need amending (these are not always noted in the Changes schedule)

2.3 Alongside amendments to the Draft DPD, the District Council has been seeking to address the concerns of the Environment Agency. Despite the District Council being in detailed and productive discussions with the Agency for a significant period of time about the proposed approach to flood risk at Tolney Lane the Agency, in making their representation, stated until such time as they were happy with the flood risk model and its outcomes, they could not support the Tolney Lane flood alleviation scheme.

2.4 The District Council's flood risk consultants (Tetra Tech) have been hoping to use the updated model created by National Highways for the A46 scheme to model in more detail the impacts of the Tolney Lane Flood Alleviation (TLFA) scheme. This model is currently being validated by the Environment Agency. However, officers have become concerned that it will not be available in time for use by the Tetra tech for submission of the DPD in December. To avoid further delays Officers have commissioned Tetra Tech to comprehensively model the area and the impacts of the TLFA scheme themselves. We will outline our approach the Environment Agency and seek to agree a statement of common ground on the issue.

### **3.0 Proposed Amended Allocations & Development Management DPD**

3.1 Attached at **Appendix B** (separate from main agenda document) is a Draft version of the Second Publication Amended Allocations & Development Management DPD incorporating all of the changes discussed in section 2 and Appendix A. As we are amending an already amended document the new amendments are signified by double underlining's for additions and double strike throughs for deletions. For ease at this

stage we have also highlighted changes in yellow. This is a working draft and as such the maps have not yet been inserted into the document and are at the rear of Appendix B.

3.2 It should be noted that there are 2 additional GRT sites that have been included within the Draft DPD:

- NUA/GRT/7 Shannon Falls Newark - The site will be behind the proposed Tolney Lane Flood Alleviation Scheme and is currently already in use having temporary permissions for GRT accommodation. The proposal is to formalise this as part of the plan as a site for 21 pitches.
- OB/GRT/6 - Land East of Newark Road Ollerton - This site was previously considered for GRT accommodation but ruled out because of highway concerns. These have now been satisfactorily addressed and we are proposing to allocate the site accordingly. It will help meet the needs of the nearby existing sites in the Area.

3.3 Allocation Bi/Ho/1 Land North of Kirklington Road Bilsthorpe was due to be deallocated as it was assessed as no longer deliverable. New owners have indicated that they intend to develop the site and as with all such allocated sites if they are deliverable, we have undertaken to continue to allocate them in the DPD. To that end we are proposing not to deallocate Bi/Ho/1.

3.4 Alongside the identification of additional GRT allocations other elements of GRT policy have been updated. This reflects representations received and the consideration of latest case law. Significantly the Planning Inspectorate are requiring Local Planning Authorities in the Plans to include total GRT housing need as the pitch target rather than the 'planning definition' need set out in the national policy. In the case of Newark and Sherwood this makes the target 169 pitches rather than 118. What is not clear, as no update to national policy has been undertaken, is the detailed implications for delivering supply. Officers in redrafting the policies to reflect the change in the stance of the Inspectorate have attempted to provide as much flexibility as possible to cover off a variety of scenarios with regards to the supply that we are seeking to demonstrating. The Inspectorates approach has allowed the policies to be simplified because there no longer needs to be a differential between the planning definition and other need.

#### **4.0 Delivery of the Council's GRT Strategy**

4.1 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 that already identified and allocated in previous rounds of Plan Review. 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 plan period (up to 2033) is very significant when compared to many authorities in the East Midlands. This is small when compared to general market housing requirements of 9050 dwellings for the District over the same period, albeit as a percentage uplift it is greater than the general market housing requirement. Meeting ongoing GRT need is challenging because of a lack of available and suitable sites. This lack of suitable alternative sites had effectively led to 'market failure', in other words the market is failing in its own right to deliver sufficient pitches. This has led the Council to conclude that only a comprehensive GRT 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.

4.2 The Pitch Delivery Strategy reflected in the Draft DPD is set out below:

<b>Pitch Delivery Strategy</b> Meeting the overall need by the following actions:		
<b>1</b> <b>Contribution from Existing Sites</b>	<b>2</b> <b>Allocating new sites in private ownership</b>	<b>3</b> <b>New sites facilitated by Council Action</b>
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.
<b>Cross Cutting Action:</b> Delivery of a flood safe access to Tolney Lane and associated mitigation work		

- 4.3 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. As outlined above 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. The scheme can be supported by funding from the Community Infrastructure Levy.
- 4.4 The provision of a Tolney Lane Flood Alleviation scheme, alongside a number of private GRT sites which have been promoted by the market for GRT allocation will go some way towards assisting the Council meet both its overall GRT need for the plan period and its ongoing 5 year land supply challenges. More is required, including consideration of the Council delivering a GRT site.
- 4.5 The Draft DPD identifies the former Belvior Ironworks site to the south of Newark as a preferred additional allocation which can be delivered with Council support and resources. As detailed in the Exempt Appendix negotiations with the landowner continue. Based on information currently available it is recommended that the Council commits a Maximum Contribution towards the purchase and delivery of this site. It is anticipated that this will be supplemented by public sector grant via Homes England based on recent negotiations.
- 4.6. Both the Tolney Lane Flood Alleviation scheme and any decision to pursue the former Belvior Ironworks site for GRT accommodation will result in very significant financial and resource commitments from this Council. The Council is committed to planning for the future housing needs of all its communities, including GRT. The Council has asked the Government to assist this commitment by providing funding (see **Appendix C**).

**5.0 Next Steps**

5.1 The finalised DPD will be presented to an Extraordinary Full Council on the 20 September 2023 seeking approval to publish a Second Publication DPD. The timetable post this event is set out below:

<b>PLAN REVIEW TIMETABLE</b>
Consideration of the Draft DPD <i>Cabinet 19th September</i> <i>Full Council Additional Meeting 20/21 September</i>
<b>Publication of Draft DPD</b> (and final Integrated Impact Assessment) for period of Public Representation <b>(September/October/November 2023)</b>
Consideration of representations and any potential amendments
<b>Submission of DPD to Secretary of State (December 2023)</b> <i>Full Council 12 December</i>
<b>Pre-Hearing Period January to March 2024</b>
<b>Examination by Inspector (April 2024)</b>
Consultation on <b>Main Modifications (June/July 2024)</b>
Receipt of <b>Inspector's Report (September 2024)</b>
<b>Adoption and Publication (October 2024)</b>

5.2 With respect to the former Belvior Ironworks site the Council intends to secure its interest in the site, subject to the Maximum Contribution detailed within the Exempt Appendix. This will also be subject to securing planning permission.

**6.0 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 - FIN23-24/267**

6.1 There are no direct financial implications beyond pre-existing budgets associated with the continued progression of the Development Plan. Community Infrasutre Levy contributions for the Tolney Lane Flood Alleviation scheme had previously need identified and funding of the Council’s Maximum Contribution towards the delivery of the former Belvior Ironworks for GRT accommodation can be provided in accordance with the Exempt Appendix.

**Equality & Diversity Implications**

6.2 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 concludes:

*The following new and amended 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 Traveller policies GRT1 to GRT5, enhance the opportunities for all members of the Districts 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.*

*Overall, the Draft Amended 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.*

### **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  
[Statement of Consultation](#)

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

Note – Appendix B to the report has been published as a separate document.