



Report to: Extraordinary Meeting of the Full Council - 20 September 2023

Director Lead: Matt Lamb, Director - Planning & Growth

Lead Officer: Matthew Norton, Business Manager – Planning Policy & Infrastructure, Ext 5852

<b>Report Summary</b>	
<b>Report Title</b>	Newark & Sherwood Plan Review - Amended Allocations & Development Management Development Plan Document Publication.
<b>Purpose of Report</b>	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.
<b>Recommendations</b>	That Council: a) approve that the proposals contained within Appendix 1; Appendix 2; and Appendix 3 to the report, form the basis of the Second Publication Amended Allocations & Development Management DPD and amended Policies Map; and b) approve that these documents be published for a period of Public Representation, week commencing 25 September 2023.
<b>Reason for Recommendations</b>	To approve the DPD and enable it to be published for a period of public representation.

## **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. Before this occurs, the Document must be published for a period to seek representations. 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 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. 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.
- 1.3 Following the close of 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, 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.
- 1.4 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.
- 1.5 Officers have reviewed and considered the representations and have identified those which need to be addressed. Attached at **Appendix 1** is a table setting out the proposed amendments to the Draft DPD in response to the representations 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 1. The proposed changes have been considered and endorsed by the Planning Policy Board at its 6 September 2023 meeting. 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)
--------------------	--

1.6 Alongside amendments to the Draft DPD, the District Council has been seeking to address the concerns of the Environment Agency. 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 to the Environment Agency and seek to agree a statement of common ground on the issue.

1.7 In order to demonstrate that the proposals within the DPD are deliverable, the Council has developed a GRT Pitch Delivery Strategy which relies on wider Council action, principally the TLFA and the delivery of a site at Belvoir Iron Works. The latest position on the pitch delivery strategy, alongside the second publication version of the DPD, were considered at Cabinet on 19 September 2023.

## **2.0 Amendment Allocations & Development Management DPD – Second Publication**

2.1 Attached at **Appendix 2** is a Draft version of the Second Publication Amended Allocations & Development Management DPD incorporating all of the changes discussed in section 1 and Appendix 1. 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 2.

2.2 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 has been created alongside this which will include the mapping as required by regulations. The text and supporting information which will form this separate document (apart from the mapping included in Appendix 2) is attached at **Appendix 3**.

2.3 If approved 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 25 September 2023. 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).

- 2.4 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 3 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 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**

- 3.1 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 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. The IIA 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.*

### **Financial Implications – FIN (23-24/8692)**

- 3.2 There are no direct financial implications beyond pre-existing budgets associated with the continued progression of the Development Plan. Community Infrastructure 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 considered by Cabinet on the 19 September.

### **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 Statement of Community Involvement