



Report to: Meeting of the Full Council - 12 December 2023

Portfolio Holder: Councillor Matthew Spoons, Sustainable Economic Development

Director Lead: Matt Lamb, Director - Planning & Growth

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Report Summary	
Report Title	Amended Allocations and Development Management Development Plan Document – Submission
Purpose of Report	<p>To present Council with an overview of the representations received following the publication of the Amended Allocations & Development Management Development Plan Document (DPD) and to set before members modifications which seek to address the issues raised by the representations.</p> <p>To seek approval from Council to submit to the Secretary of State for examination the Amended Allocations & Development Management DPD as amended by proposed modifications.</p> <p>To seek approval from the Council to accept the Planning Inspectors recommendations as binding and seek approval for delegated authority to make any further minor amendments.</p>
Recommendations	<p>That:</p> <ul style="list-style-type: none"> (a) the contents of the report be noted; (b) the DPD as amended by the proposals contained within Appendix B is submitted to the Secretary of State for examination; (c) when asked the District Council agree to accept a binding report from the Inspector; and (d) the Director - Planning & Growth be given delegated authority to propose amendments to the DPD following consultation with the Portfolio Holder for Sustainable Economic Development and Planning Policy Board in accordance with paragraph 3.4 of the report.
Reason for Recommendations	To seek approval for Submission of the Amended Allocations & Development Management Development Plan Document.

1.0 Background

1.1 Following approval by the Full Council on 20 September 2023, the Amended Allocations & Development Management DPD was published for a second pre-submission Representation Period on Monday 25 September for a period of six weeks ending on Monday 6 November 2023. Also published at this time were proposed amendments to the Policies Map to reflect changes in the DPD which the Council also sought representations on.

2.0 Second Publication Amended Allocations & Development Management DPD - Representations Received

2.1 In total 123 representations were made by 59 Representors. The contents of the representations have been made available to view on the Council website since the 4 December 2023 (the day that this report was published) these are included within a Statement of Consultation. The representations are also attached at **Appendix A**.

2.2 It is very important to note that as with the first Publication DPD in 2022 the representation period is distinctly different from the earlier consultation periods; its purpose is to allow comment on legal compliance, the duty to cooperate and soundness by reference to specified tests. All representations will be available to the Inspector as part of the examination process, including those from the earlier 2022 representation period unless the representor has withdrawn them.

2.3 As part of the supporting material and information that has to be sent to the Planning Inspectorate together with a Submission DPD, a 'Summary of Main Issues' arising from the various representations, is required. The Summary gives an overview of the main issues which were raised in the representation responses. It is not meant to be exhaustive and will be a starting point for the Inspector to consider in his/her decision making on what topics should be discussed in detail at the Hearing Sessions which form an important part of the Examination process. The 'Summary of Main Issues' is set out below and, in some cases, proposed modifications to the plan (these modifications are included at **Appendix B**):

Main Issue 1 – Environment Agency Response

2.4 The Environment Agency (Ref 62) objected to the 1st Publication DPD, because they wanted more detailed modelling for the Tolney Lane Flood Alleviation Scheme before they could support the plan. Subsequent to this the Council and Agency have been in detailed discussion about next steps for the scheme and the Agency, considering the complexities of the situation, have confirmed in a holding statement, that they want to address these matters through a Statement of Common Ground.

2.5 District Council Response: The District Council welcomes the approach taken by the Environment Agency and is already working towards agreeing a Statement of Common Ground with the Agency. This will outline the current position in terms of flooding in the District, the approach taken to dealing with flooding as part of the Amended Allocations & Development Management DPD, the issues for dealing with flooding at Tolney Lane in particular and the proposed approach for dealing with this.

2.6 Action: Agree a statement of common ground with the Environment Agency.

Main Issue 2 – Newark Showground Policy Area

2.7 Various landowners within the Showground Policy Area (SPA) have made representations including regarding NUA/MU/1 the mixed-use allocation within the SPA. The developers of NUA/MU/1 Lindum (75) are currently engaged in a land swap with Newark Showground (67). This swap will enable the showground operations to continue to operate efficiently. Both propose that the land swap should be reflected in a change in boundaries to the allocation. They also want to remove reference to hotel/conference centre from the allocation because that is no longer proposed, and a covenant will restrict this on the land transferred to Lindum. Newark Showground further proposes that an allocation be made elsewhere for a Hotel/Conference facility.

2.8 District Council Response: It is recognised that in order to deliver NUA/MU/1, and to allow the Showground to effectively function the land swap should be reflected in the extent of the policy. It is also noted that the allocation will not be able to deliver a Hotel/Conference Facility in the location proposed and therefore it is appropriate to amend the wording. It is not proposed to make a new allocation at this stage, in any event hotel and conference facilities are permitted on the wider site as part of the proposed amendment to NUA/SPA/1.

2.9 Action: Propose to the Inspector that the allocation is adjusted as part of a modification. Remove reference to Hotel/Conference facility from NUA/MU/1.

Main Issue 3 – Policy CI/MU/1 Clipstone Colliery

2.10 Welbeck Estates (24) who are the major landowner within the allocation are supportive of the continued allocation of the site but want a number of adjustments to the policy:

- Retail – the policy is currently flexible and does not specify a size for the retail provision, Welbeck want a definition of up to 20,000 square feet.
- Employment – Whilst phase 1 and 2 of the redevelopment are currently under consideration as planning applications, the residual of the site is still being considered. At this stage the exact distribution and quantum of development is under consideration, given current thinking Welbeck want to state that 8.5 hectares of employment provision will be made.
- Open Space – Welbeck want to include a figure of 10.8 hectares for Public Open Space and sports provision in policy.

2.11 District Council Response: At this stage the exact distribution and quantum of development for a large element of the site is still under consideration and to that extent it is not considered appropriate to fix the quantum of development. In particular the flexibility for retail will allow a proposal to be developed which supports the wider redevelopment and meets the requirements of wider retail policy. It is therefore proposed that the wording around the quantum of employment growth be amended to support flexibility.

2.12 Action: Propose to the Inspector that the wording is modified to provide flexibility.

Main Issue 4 – Objections to the (continued) allocation of sites

- 2.13 A number of representations have been made regarding the suitability and deliverability of existing and proposed allocations, most notably, NUA/Ho/10 (73,77,79,86,88), GRT/NUA/10 (65,90) and GRT/NUA/11 (42, 43).
- 2.14 District Council Response: Following review of the representations it is not proposed to amend any allocations.
- 2.15 Action: None

Main Issue 5 - NUA/Ho/1

- 2.16 A representor (91) questions why NUA/Ho/1 is proposed for deallocation setting out that the site is still suitable for development and will not be impacted upon by the A46 Bypass scheme.
- 2.17 District Council Response: The site was proposed for deallocation as we had had no contact from the owner in many years. At this late stage it would not be appropriate to change our position on this allocation as no one has been afforded the right to comment on continuing to allocate the site. The area of land will remain within the Urban Boundary for Newark Urban Area.
- 2.18 Action: None

Main Issue 6 – DM2 and DM3

- 2.19 These policies were amended by the District Council following earlier representations made regarding the status of Supplementary Planning Documents. Representations now require further clarification of the evidence required to justify developer contributions.
- 2.20 District Council Response: The District Council notes the request for clarity on this matter and the need to set out the types of evidence that the Plan is proposing to be used.
- 2.21 Action: Propose to the Inspector that the wording is modified to provide further clarification.

Main Issue – DM4 Renewable Energy

- 2.22 Two representors (16 and 33) have suggested that DM4 will not assist in allowing them to develop renewable energy and suggest that the Policy is not in line with the NPPF.
- 2.23 District Council response: Whilst the policy is broadly supportive of renewable energy a number of amendments have been proposed to ensure that the policy is in line with the NPPF.

- 2.24 Action: Propose to the Inspector that the wording is modified to ensure that the policy is in line with the NPPF.

Main Issue – DM8 Development in the Open Countryside

- 2.25 Representations were received on various elements of DM8, representor 16 did not believe that the policy in relation to employment development was facilitative enough for existing large employers, such as their client British Sugar, in open countryside locations. Representors 53 and 72 are concerned that the elements relating to conversion of existing buildings and the supporting paragraphs 7.74 and 7.75 are not fully in line with Paragraph 80 of the NPPF.
- 2.26 District Council Response: The District Council accepts that further clarifications to the policy to show support for existing appropriate employers in the Open Countryside and clarify how all types of conversion of buildings should be dealt with.
- 2.27 Action: Propose to the Inspector that the wording is modified at para 7.80 to make clear the Council will work with existing businesses in the countryside. It is also proposed to reword DM8 and para 7.74 and 7.75 to more clearly reflect the NPPF.

Main Issue – Viability in housing policies

- 2.28 The Home Builders Federation (50) have raised issues with Core Policy 1 Affordable Housing and Core Policy 3 Housing Mix, Type and Density with regard to their viability. The policies in the plan have been subjected to a whole plan viability assessment.
- 2.29 District Council Response: The policies in the plan have been subjected to a whole plan viability assessment which justifies the approach taken. The HBFs submission is being considered by our viability consultant and whilst the details of the viability assessment could change, officers do not believe that this will fundamentally alter the viability position.
- 2.30 Action: Viability representation to be addressed.

Outstanding Issues

- 2.31 It should be noted that the Officers are currently considering the results of a further noise assessment in relation to Old Stable Yard Winthorpe Road (site NUA/GRT/12), following discussions with interested parties any actions that result from these discussions will be reported to Full Council.

3.0 Publication Amended Allocations & Development Management DPD - Proposed Modifications

- 3.1 A number of the actions detailed in Section 2 require modifications to the Amended DPD. These modifications fall into two categories, Main Modifications and Clarification Minor Amendments. Main Modifications are to ensure that the Plan is Sound, are made by the Planning Inspector, and the Council must request a binding report containing such modifications. After making and advertising such modifications we would be able to adopt the plan. It is necessary to request a binding report as otherwise the Inspector may have no choice but to find the Plan unsound.

- 3.2 Alongside representations opposing or supporting the plan, a number of organisations, developers and individuals made suggested amendments on the details of the plan. Many suggested Clarification Minor amendments which would make the plan clearer and clarify the requirements. Contained in **Appendix B** is a schedule of such changes which the District Council is proposing to make to the Amended DPD.
- 3.3 It is recommended Council agree to amend the DPD to include the proposed Main Modifications Clarification Minor Amendments contained in **Appendix B**.
- 3.4 It is likely that further Main Modifications and Clarification Minor Amendments will emerge through discussion at the Examination Hearing Sessions and the Inspector will very quickly expect the Council to discuss these matters. As such it is proposed that Council give delegated authority to the Director of Planning & Growth in consultation with the Portfolio Holder for Sustainable Economic Growth and the Planning Policy Board to propose modifications to the DPD in line with requests from the Inspector.

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 and Sustainability 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). Sustainability Appraisals (SA) are a requirement of the Planning and Compulsory Purchase Act 2004 and Strategic Environmental Assessments (SEA) are required by European Directive EC/2001/42, which was transposed into UK law 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.
- 4.2 **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.
- 4.3 **Equality and Diversity** – The results of the Integrated impact assessment conclude that the following 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 and Traveller policies GRT1 to GRT5,

enhance the opportunities for all members of the District's 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.

- 4.4 Overall, the Publication 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 FIN23-24/1621

- 4.5 This report has no direct financial implications, however, the delivery of the GRT Pitch Delivery Strategy which supports the Amended DPD will require updates to Cabinet in the future to agree any funding required.

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.

2nd Publication Amended Allocations & Development Management DPD