



Report to Planning Committee 9 May 2024

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Report Summary	
Application No.	24/00403/LDO
Proposal	Local Development Order (LDO) to enable and control filming at Newark Castle.
Location	Newark Castle, Castle Gate, Newark on Trent
Applicant	Newark and Sherwood District Council
Web Link	24/00403/LDO Application for draft Local Development Order to enable and control filming at Newark Castle. Newark Castle Castle Gate Newark On Trent (newark-sherwooddc.gov.uk)
Registered	29.2.2024
Recommendation	To adopt the LDO as set out in Appendix 2, subject to Secretary of State approval and apply to Historic England for the relevant schedule monument consent.

1.0 Background

- 1.1 A report was previously presented to Planning Committee on 10th November 2022 setting out a proposal to consider the preparation of a Local Development Order for Newark Castle to facilitate film making.
- 1.2 Filming on the land or building that is a schedule monument, listed building or within the curtilage of listed building requires planning permission. The District Council receives requests to film at some of the District's heritage assets, in particular the Castle and Newark Palace Theatre & National Civil War Centre (NCWC). However due to planning permission being required, this makes it impracticable for filmmakers.

- 1.3 The Planning and Compulsory Purchase Act 2004, Part 4 introduces Local Development Orders (LDOs), which are a tool that planning authorities can use to grant planning permission for a type of development within a defined area with specific conditions.
- 1.4 There is no obligation for NSDC to implement an LDO to deal with the issue of filming at heritage sites, however, there are benefits to approving an LDOs to help deal with this matter. The issues around filming at heritage sites are multifaceted, but by approving an LDOs we can remove the planning layer of complexity so that the Heritage & Culture team only need consider the operational practicalities as landowner when responding to potential filmmakers.
- 1.5 A benefit of proceeding with the LDO would be unlocking a new source of revenue for the Heritage & Culture team. Filming at Newark's heritage assets for will indirectly promote the visitor and tourism offer within the Town.
- 1.6 These benefits set out above will support the Objective 7 '*Celebrate and invigorate community pride of place and sense of belonging*' in the Community Plan. Additional revenue from the filmmaking will assist with developing a '*flexible, creative approach to cultural visiting*'.
- 1.7 Since the November 2022 Committee report the LDO has been finalised and necessary site maps. These have been developed through engaging with other council departments as the 'landowner' and other stakeholders such as Historic England to gain advice in particular on the Newark Castle Schedule monuments.
- 1.8 Following the guidance to setting out the procedures for making a LDO, the document has gone out to public consultation ensuing all the prescribed bodies, Town Council and site neighbours have been consulted. The result on the consultation is set out in section 4 of this report.

2.0 The Proposals

- 2.1 A draft Order and statement of reason for making the order has been prepared (Appendix 1). The statement sets out a description of the development that the Order would permit and description identifying the land that the order relates to.
- 2.2 The LDO have taken into consideration how film making on the site will operate, while not disrupting other uses within the Town Centre. These includes restrictions on the operating hours, noise and light restrictions.
- 2.3 The Newark Castle draft LDO has been designed taking into consideration the unique circumstances of the site. Due to Newark Castle being a schedule monument there is a weight restriction on the archaeological sensitive area.

3.0 Departure/Public Advertisement Procedure

- 3.1 The minimum consultation period for a LDO is 28 days. The following methods of consultations and advertisement were made in line with the legislation:

- Occupiers of 44 properties close to the Castle have been individually notified by letter, as has the Town Council.
- Statutory consultees have also been notified by letter.
- A site notice has been displayed near the site on 29th February 2024 and an advert has been placed in the local press on the 7th March 2024.

4.0 Consultations and Representations

4.1 Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

4.2 Historic England – recommended that any lighting is free-standing and do not require permanent fixings across the site.

4.3 The Gardens Trust – responded that they do not wish to comment

4.4 Natural England – No comments received.

4.5 Environmental Health – recommended that no proposed structures, works, plant or machinery will be located in Flood Zone 3 and or within 8 metres of the bank of the River Trent without permission from the Environment Agency, and if required a Flood Risk Activity Permit (FRAP). In addition, the site should review its current risk assessment/evacuation plan to include the proposed uses.

4.6 Nottinghamshire County Council Planning – No comments received

Town Council

4.7 Newark Town Council have raised no objections to the proposal.

Representations/Non-Statutory Consultation

4.8 Comments have been received from a local resident, raising concerns about the level of development and the lack of relevance to the history. The comments largely referenced the recent Newark Castle Gatehouse Scheme (21/02690/FUL), which is not relevant to the proposed LDO.

5.0 Implications

5.1 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.

6.0 Conclusion

- 6.1 The comments received through the consultation process have been supportive of the LDO. Historic England and the Environment Agency have made some recommendations. One of the suggested conditions would prevent temporary structures being attached to the historic fabric. The requirements in terms of the location of structures, works, plant or machinery will need to be agreed through the contracts between Council as landowner (not Local Planning Authority) and the film maker. These requirements will be shared with the Heritage and Culture team to ensure they include them within any contract.
- 6.2 As Newark Castle is a schedule monument, schedule monument consent will need to be sought from Historic England to approve certain groundwork with less sensitive parts of the site. Informal discussions have been held with Historic England about this and have resulted in positive feedback.
- 6.3 The proposed LDO will open up an opportunity to utilise Newark Castle which has previously been impractical due to the requirement for planning permission to be obtained for film making. Film making at the Castle will open a new revenue and assist with objective 7 of the Community Plan.

7.0 Background Papers and Published Documents

- 7.1 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.

[Planning Committee Report](#) – 10th November 2022

Appendix 1 – Draft Local Development Order - Filming, Newark Castle

