

Sequential Test Statement – Submission Update

January 2024

Context

In order to support the first Publication Amended Allocations & Development Management DPD, in November 2022, a [Sequential Test statement](#) was prepared. This was subsequently followed by an [update](#) to accompany the second Publication Amended Allocations & Development Management DPD in September 2023. This update took account of the new flood risk evidence base provided by [refreshes](#) to the Level 1 and Level 2 Strategic Flood Risk Assessments, and amendments to the Gypsy and Traveller site allocation strategy proposed through the second publication stage. Subsequently as the result of further noise assessment work it has been concluded that the previous proposed site allocation at Old Stable Yard, Winthorpe is no longer suitable or achievable. There have also been two new sites assessed through the Gypsy and Traveller Land Availability Assessment. Therefore, the Sequential Test Statement has been further updated to reflect this changed context.

The methodological approach mirrors that undertaken for the previous tests – with there being two stages. This has entailed the testing of site options in locations away from Tolney Lane, prior to the subsequent consideration of reasonably available options there.

Following the Lisa Smith v The Secretary of State for Housing, Communities and Local Government and others [2021] EWHC 1650 (Admin) legal case the Government has reverted back to the definition of Gypsies and Travellers in the Planning Policy for Traveller Sites, adopted in 2012. The Council believes that use of the overall requirement (**169 pitches**) from its GTAA responds to the implications from this change to policy, resulting in this providing the local pitch target.

The Council has interpreted the minimum requirements from the PPTS that it will need to satisfy, as follows. As a minimum, it is required (taking account of any valid completions which have occurred) to identify enough suitable and deliverable sites which have a realistic prospect of delivering development within five years. This can include land with an extant planning permission, and/or site allocations. Following the Smith legal decision the Council deems the local target in this instance to be **103 pitches** within the 2019-24 first five-year tranche (the current basis for the five-year land supply test). Beyond this it would then be necessary for the strategy to at the very least identify broad locations for growth for the **32 pitch** requirement in the 2024-29 second five-year tranche. Cumulatively this equates to **135 pitches**. The Council has been consistently on record over its desire to exceed the lowest bar set in national policy, but nonetheless this represents the basic test of supply that the Strategy needs to pass.

The results of the Sequential Test are summarised in the tables below. Full details of the Test are provided in Appendix 1 to this document.

Sequential Test – Stage 1 Conclusions

Table 1 : Sequential Test (Stage 1) Summary of Results

	Newark Urban Area	Rest of District	Pitches
Overall Pitch Requirement (2013-33)	N/A	N/A	169
Minimum PPTS Requirement	N/A	N/A	135
Flood Zone 1 Pitch Yield	42-54	76*	118-130
Flood Zone 2 Pitch Yield	0	0	0
Flood Zone 3 Pitch Yield	0	0	0
	42-54	76	118-130

Conclusion: Purely based on site capacities there is insufficient land in Flood Zone 1 to meet the overall pitch requirement, or indeed the minimum PPTS requirement. Indeed, it is notable that the pitch availability in the rest of the District (76 pitches) is inflated by the extension to the Shannon Caravan Park, which discussions with the owners have confirmed to not be available to meet need arising in the Newark area, to which it would likely be unsuited to even were this not to be the case given the cultural differences between the respective communities. Inclusion of the Shannon Extension at its full capacity would also fail to support an emphasis on provision being made in the Newark Urban Area, which on the distribution in the table above would mean the Ollerton area accommodating 58-64% of the overall provision. Reflecting this the site has been included within the strategy as a broad location, rather than a site allocation, with the potential to meet help address need as part of future rounds of plan-making. The impact of discounting the 49 pitches at the Shannon extension is shown in the table below.

Table 2: Sequential Test (Stage 1) Summary of Results (discounting the 49 pitches at the Shannon Caravan Park Extension)

	Newark Urban Area	Rest of District	Pitches
Overall Pitch Requirement (2013-33)	N/A	N/A	169
Minimum PPTS Requirement	N/A	N/A	135
Flood Zone 1 Pitch Yield	42-54	27	69-81
Flood Zone 2 Pitch Yield	0	0	0
Flood Zone 3 Pitch Yield	0	0	0
	42-54	27	69-81

Taking the two different levels of analysis in Tables 9 and 10 it is clear from Part 1 of the Test that it is not possible to satisfy the overall requirement, or minimum PPTS requirement, on sequentially preferable land away from Tolney Lane, and so Stage 2 of the Test is necessary.

Sequential Test – Stage 2 Conclusions

Table 3: Sequential Test (Stage 2) Summary of Results

	Pitches
Overall Pitch Requirement (2013-33)	169
Minimum PPTS Requirement	135
Stage 1	
Flood Zone 1 Pitch Yield	118-130
Flood Zone 2 Pitch Yield	0
Flood Zone 3 Pitch Yield	0
Total Pitch Yield	118-130
Total Pitch Yield – Shannon Extension	69-81
Stage 2	
Tolney Lane Flood Zone 1 Yield	0
Tolney Lane Flood Zone 2 Yield	14
Tolney Lane Flood Zone 3 Yield	62
Total Pitch Yield	76
Overall Yields	
Stage 1 + Stage 2 Overall Pitch Yield	194-206
Stage 1 + Stage 2 Yield – Shannon Extension	145-157

Conclusion: Through the addition of sites at Tolney Lane to those sites identified through Stage 1 it is possible that the District-wide pitch requirement (169 pitches) could be met. Exceeding that target by 25-37 would appear to give the impression of greater flexibility than exists. However, the Shannon Site Extension (19_0011) with a theoretical capacity of 49 pitches, in Flood Zone 1, is not available to meet need generated in and around the Newark Urban Area, and such an approach would also be inconsistent with the locational requirements which the application of the Test has sought to take account of. Discounting it from the supply leaves the strategy able to support between 145-157 pitches across Flood Zones 1, 2 and 3- falling short of the overall requirement, but exceeding the minimum requirement required through the PPTS (135 pitches). Delivery of the Tolney Lane Flood Alleviation Scheme remains a key part of the overall strategy, and is necessary to reduce the flood risk to a number of reasonably available alternative options within the Sequential Test, currently located within Flood Zone 3b. The practical effect of delivery of the scheme would be that the proposed strategy within the second Amended Allocation & Development Management DPD does not allocate additional pitches within the functional floodplain, where there is no ability for this risk to be reduced via delivery of the FAS.

Caravans are a highly vulnerable use in flood risk terms, and following national Planning Practice Guidance not compatible with Flood Zone 3a and b. Theoretically it appears possible to service the need within the first five year tranche of the GTAA (103 pitches) from appropriate sites in Flood Zones 1 and 2 (total pitch yield of 118-130), but once the Shannon Site Extension is discounted, for the reasons outlined earlier, then this is no longer the case (total pitch yield of 69-81 under that scenario). This would also require all of those sites to be deliverable within a five-year time horizon, which as detailed through the most recent GTLAA and updated Five-Year Land Supply statement would not be the case in reality.

The above necessitates the;

- Identification of land with marginal areas within Flood Zone 3a and/or 3b– but that where additional pitches could be realistically restricted to areas at lesser risk; and the
- Identification of land at Tolney Lane with larger areas within Flood Zone 3a and/or 3b, but which would have its level of flood risk reduced through the Tolney Lane Flood Alleviation Scheme.

Accordingly, a strategy based around the allocation of land identified within the second Publication Amended Allocations & Development Management DPD is considered to pass the Sequential Test.

Please note that the flood risk information provided within Appendix A and B of the first Sequential Test Statement has been updated through the updates to the Level 1 and 2 SFRA. Application of the Exceptions Test for those sites proposed to be taken forward, where necessary, is considered through the Level 2 SFRA update.

Appendix 1 – Sequential Test Tables

Table 4: Unavailable Sites

Ref	Site	Location	Area of Search	Existing site	Pitch Capacity	Pitch Yield	Availability Confirmed	Flood Zone	Comments
19_0002	Fen Lane	Balderton	Primary	No	2	2	No	FZ1	Constrained by oil pipeline, insufficient capacity to support improvement works necessary to make site suitable in highways terms. Continued availability not confirmed by landowner - site considered unavailable
19_0010	Station Road	Collingham	Secondary	No	95	95	No	FZ1	Located outside of primary area of. Continued availability not confirmed by landowner - site considered unavailable
19_0014	Cottage Farm Yard	Blidworth	Secondary	No	42	42	No	FZ1	Green Belt location - unsuitable. Continued availability not confirmed by landowner - site considered unavailable
19_0016	Gravelly Lane	Fiskerton	Beyond Primary and Secondary Area of Search	No					Located outside of primary and secondary area of search. Poor access to the necessary road network. Level of improvement to Gravelly Lane (road widening, footways and lighting) unlikely to be supported by what would be an acceptable level of development. Continued availability not confirmed by landowner - site considered unavailable
19_0007	Trent Lane	Newark	Primary	No			No	FZ2	The site would require Council action to deliver and is no longer considered available or achievable, due to no agreement being reached between the parties.
					15	15		FZ2 and FZ3	

Table 5: Flood Zone 1- Newark Urban Area (Stage 1)

Ref	Site	Location	Area of Search	Existing Site	Private Site	Fluvial Flood Risk			Pitch Capacity	Pitch Yield	Discounted	Comments
						FZ1 (Sept 2023)	FZ2 (Sept 2023)	FZ3 (Sept 2023)				
19_0001	Land at Appleby Lodge (formerly referred to as Barnby Road/Clay Lane)	Newark	Primary	No	Yes	100.00%			27	8	No	No change from previous Sequential Test. Site considered suitable and deliverable
19_0004	Former Belvoir Ironworks	Newark	Primary	No	No	100.00%			15-27	15-27	No	Flood risk reduced from previous Sequential Test, now entirely FZ1. Site considered suitable and deliverable
19_0018	Chestnut Lodge	Barnby	Primary	No	Yes	100.00%			19	19	No	No change from previous Sequential Test. Site considered suitable and deliverable
									Total	42-54		

Table 6: Flood Zone 1 - Rest of District (Stage 1)

Ref	Site	Location	Area of Search	Existing Site	Private Site	FZ1 (Sept 2023)	FZ2 (Sept 2023)	FZ3 (Sept 2023)	Pitch Capacity	Pitch Yield	Discounted	Comments
19_0011	Shannon Site Extension	Ollerton	Primary	No	Yes	100.00%			49	49	No	No change from previous Sequential Test. Extension to an existing site, discussions with owners confirm only available to meet non-Newark needs.
19_0012	Newark Road/Wellow Road (North)	Ollerton	Primary	No	Yes	100.00%			6	6	No	Previously assessed as not deliverable within the Sequential Test due to highways constraints. Subsequently demonstrated to be possible to overcome. Site considered suitable and deliverable
19_0013	Newark Road/Wellow Road (South)	Ollerton	Primary	No	Yes						Yes	No change from previous Sequential Test. Highways constraints remain - site undeliverable
19_0020	Shannon Caravan Site	Ollerton	Primary	Yes	Yes	100.00%			9	9	No	No change from previous Sequential Test. Site considered suitable and deliverable
19_0021	The Paddock	Ollerton	Primary	Yes	Yes	100.00%			3	3	No	No change from previous Sequential Test. Site considered suitable and deliverable
19_0022	The Stables	Ollerton	Primary	Yes	Yes	100.00%			4	4	No	No change from previous Sequential Test. Site considered suitable and deliverable
19_0023	Dunromin	Ollerton	Primary	Yes	Yes	100.00%			4	4	No	No change from previous Sequential Test. Site considered suitable and deliverable
19_0024	Greenwood	Ollerton	Primary	Yes	Yes	100.00%			1	1	No	No change from previous Sequential Test. Site considered suitable and deliverable
19_0025	Mulberries	Collingham	Secondary	No	Yes				19		Yes	No change from previous Sequential Test. Site remains located outside of primary area of search
19_0043	Newark Road	Wellow	Primary	Yes	Yes						Yes	No Change from previous Sequential Test. Existing private site, with no need identified through GTAA. Unavailable for additional pitches to meet need from elsewhere.
19_0044	Former Walesby Garden Centre	Walesby	Secondary	No	Yes	100.00%			17-34		Yes	Site located outside of primary area of search
19_0045	Sand Lane	Besthorpe	Secondary	Yes	Yes						Yes	Existing private site, with no need identified through the GTAA. Unavailable for additional pitches to meet need from elsewhere.
Total										76		

Table 7: Flood Zone 2 - Newark Urban Area (Stage 1)

Ref	Site	Location	Area of Search	Existing Site	Private Site	Fluvial Flood Risk			Pitch Capacity	Pitch Yield	Discounted	Comments
						FZ1 (Sept 2023)	FZ2 (Sept 2023)	FZ3 (Sept 2023)				
19_0009	Land Northwest of Winthorpe Road (The Old Stable Yard)	Newark	Primary	Yes	Yes		100.00%		14	Yes		
									Total			

Table 8: Flood Zone 2 - Rest of District (Stage 1)

Ref	Site	Location	Area of Search	Existing Site	Private Site	Fluvial Flood Risk			Pitch Capacity	Pitch Yield	Discounted	Comments
						FZ1 (Sept 2023)	FZ2 (Sept 2023)	FZ3 (Sept 2023)				
	No sites within this category of flood risk											
									Total			

Table 9: Flood Zone 3 - Newark Urban Area (Stage 1)

Ref	Site	Location	Area of Search	Existing Site	Private Site	Fluvial Flood Risk			Pitch Capacity	Pitch Yield	Discounted	Comments
						FZ1 (Sept 2023)	FZ2 (Sept 2023)	FZ3 (Sept 2023)				
19_0003	Denton Close	Balderton	Primary	No	Yes				29	Yes	No change from previous Sequential Test. Highways constraints - site undeliverable	
									Total			

Table 10: Flood Zone 3 - Rest of District (Stage 1)

Ref	Site	Location	Area of Search	Existing Site	Private Site	Fluvial Flood Risk			Pitch Capacity	Pitch Yield	Discounted	Comments
						FZ1 (Sept 2023)	FZ2 (Sept 2023)	FZ3 (Sept 2023)				
19_0019	Seven Oaks	Edingley	Beyond Primary and Secondary Area of Search	Yes	Yes						Yes	No change from previous Sequential Test. Not considered able to physically accommodate additional pitches.
19_0026	Land between Tinkers Lane & A1133	Girton	Beyond Primary and Secondary Area of Search	No	Yes							No change from previous Sequential Test. Located outside of primary and secondary area of search.
									31		Yes	
Total												

Table 11: Tolney Lane (Stage 2)

Ref	Site	Location	Fluvial Flood Risk				Pitch Yield	Discounted	Comments		
			FZ1 (Sept 2023)	FZ2 (Sept 2023)	FZ3a (Sept 2023)	FZ3b (Sept 2023)					
19_0007	Green Park	Tolney Lane						Yes	Significant proportion of the site within the functional floodplain (Zone 3b). No direct reduction in risk from the Tolney Lane flood alleviation scheme. Unsuitable.		
19_0008	Park View	Tolney Lane				100.00%		13	No	100% of the site is within the functional floodplain (Zone 3b). Tolney Lane flood alleviation scheme would however reduce the level of risk.	
19_0027	Bowers Caravan Park	Tolney Lane				100.00%			Yes	GTAA need for site can be met through natural turnover. No additional pitch yield identified through GTAA.	
19_0028	Church View	Tolney Lane				100.00%		10	No	100% of the site is within the functional floodplain (Zone 3b). Tolney Lane flood alleviation scheme would however reduce the level of risk.	
19_0029	Shannon Falls	Tolney Lane		18.00%	25.00%	57.00%		21	No	Site now considered available and achievable within the GTAA. Significant proportion (57%) of the site is within the functional floodplain (Zone 3b). Tolney Lane flood alleviation scheme would however reduce the level of risk.	
19_0030	Hose Farm	Tolney Lane		95.00%	2.00%	3.00%			Yes	GTAA need for site can be met through existing permission. No additional pitch yield identified through GTAA.	
19_0031	Land opposite Ropewalk Farm	Tolney Lane		53.00%	45.00%	2.00%			Yes	GTAA need for site can be met through existing permission. No additional pitch yield identified through GTAA.	
19_0032	Castle View	Tolney Lane							Yes	Site considered to have insufficient capacity to accommodate additional pitches.	
19_0033	Riverside Park	Tolney Lane		98.00%	2.00%			9	No	Site considered suitable and deliverable. Marginal portion of site in Flood Zone 3a to the rear.	
19_0034	The Paddocks	Tolney Lane		99.00%		1.00%		3	No	Site considered suitable and deliverable. Marginal portion of the site in Flood Zone 3b.	
19_0035	New Paddocks and Ark Bungalow	Tolney Lane							Yes	Site considered to have insufficient capacity to accommodate additional pitches.	
19_0036	Sandhill Sconce	Tolney Lane		57.00%	33.00%			11	No	Site considered suitable and deliverable.	
19_0037	Hiram's Paddock	Tolney Lane		33.00%	57.00%			7	No	Site considered suitable and deliverable.	
19_0038	Taylor's Paddock	Tolney Lane		100.00%				1	No	Site considered suitable and deliverable.	
19_0039	Price's Paddock	Tolney Lane		94.00%	6.00%			1	No	Site considered suitable and deliverable.	
19_0040	Maryland Paddocks	Tolney Lane							Yes	Significant proportion of the site within the functional floodplain (Zone 3b). No direct reduction in risk from the Tolney Lane flood alleviation scheme. Unsuitable.	
19_0041	Ropewalk Farm	Tolney Lane							Yes	Significant proportion of the site within the functional floodplain (Zone 3b). No direct reduction in risk from the Tolney Lane flood alleviation scheme. Unsuitable.	
19_0042	The Burrows	Tolney Lane							Yes	Significant proportion of the site within the functional floodplain (Zone 3b). No direct reduction in risk from the Tolney Lane flood alleviation scheme. Unsuitable.	
Total										76	

pick up this type of site in commentary