

Newark & Sherwood Plan Review – Gypsy Roma and Traveller Background Paper

September 2023

1.0 Introduction

1.1 In seeking to plan for the future housing needs of residents the Council is committed to addressing the particular needs of the Gypsy, Roma and Traveller (GRT) community. The Council resolved, at its meeting on the 11 July 2017, to ***“seek all necessary means to secure appropriate provision of Gypsy & Travellers sites to meet anticipated need.”*** The Council agreed that the following methods could be used to achieve this resolution:

- *“ The allocation of new sites through the development plan;*
- *The granting of planning permission for pitches on new sites in line with Core Policy 5;*
- *The granting of planning permission for the provision of additional pitches at existing sites through further appropriate intensification of use or expansion of the site in line with Core Policy 5;*
- *The purchase by the Council, or partners, of new sites for additional pitches;*
- *Encouraging owners of underutilised sites to allow occupation of vacant pitches;*
- *The compulsory purchase of existing sites with the benefit of planning permission which are not in use; and*
- *The provision of flood reliance measures to enable the safe expansion of existing sites in partnership with the Environment Agency.”*

1.2 This approach has been incorporated into Core Policy 4 of the adopted Amended Core Strategy (Adopted 2019). This background paper outlines how the Council has brought together its GRT strategy within the second Publication Amended Allocations & Development Management DPD. This strategy represents an evolution of that presented through the first Publication Amended Allocations & Development DPD, published in November 2022. Development of the strategy has been underpinned by a robust evidence base, which can be viewed at <https://www.newark-sherwooddc.gov.uk/aadm-representatation/>. Key pieces of evidence and supporting documentation are listed below.

- Gypsy and Traveller Accommodation Assessment (February 2020), need breakdown by site provided in Appendix A to this document;
- Gypsy and Traveller Land Availability Assessment (September 2023);
- Integrated Impact Assessment (2023);
- Statement of Consultation
- Gypsy & Traveller Site Deliverability Assessment (November 2021) – Appendix B to this document;
- Gypsy and Traveller Five Year Land Supply Statement (September 2023);
- Strategic Flood Risk Assessment Update (2016);
- Strategic Flood Risk Assessment Level 1 Refresh (2022);
- Strategic Flood Risk Assessment Level 1 Refresh (2023);

- Strategic Flood Risk Assessment Level 2 Refresh (2022);
- Strategic Flood Risk Assessment Level 2 Refresh (2023);
- Sequential Test Statement – Gypsy and Traveller Site Identification (September 2023);
- Tolney Lane Flood Alleviation Options Appraisal (2019);
- Tolney Lane Flood Alleviation Scheme (2022); and
- Winthorpe Open Break Review (2022).

2.0 Establishing a need

- 2.1 The Submission Amended Core Strategy included proposed pitch requirements (40 pitches between 2013-2028), based on a Gypsy and Traveller Accommodation Assessment which had been prepared in-house. As part of the examination of the Amended Core Strategy (ACS) the Plan Inspector found the Gypsy and Traveller pitch requirements in the submitted plan to be unsound. Accordingly, through the making of a main modification it was required that a new assessment of need be undertaken, with its conclusions on need to be addressed as part of the production of the Allocations & Development Management DPD. This modification was reflected in the adopted wording of Core Policy 4 in the ACS.
- 2.2 Opinion Research Services (ORS) were duly engaged to undertake this assessment, and a new GTAA was published in February 2020. The assessment has a base date of August 2019 and provides a robust and up-to-date understanding of the likely permanent and transit accommodation need of the area over the lifespan of the Development Plan – as per Policy A of the Planning Policy for Traveller Sites (PPTS). ORS are a respected consultancy with nationwide experience of producing GTAAs, with their methodology having been found sound at numerous Plan Examinations and planning appeals.
- 2.3 The assessments findings were informed by desk-based research, stakeholder interviews and engagement with members of the travelling community living on all known sites, yards and encampments. A total of 123 interviews or proxy interviews were completed with Gypsies and Travellers living on sites in Newark & Sherwood. There were no Travelling Showpeople identified in Newark & Sherwood. A total of 14 external stakeholder interviews were also completed.
- 2.4 Its outcomes supersedes those of previous Traveller and Travelling Showpeople Accommodation Needs Assessments completed in the District. The study provides for a strong evidence base to enable the Council to comply with its requirements towards Gypsies, Travellers and Travelling Showpeople under the Housing Act 1985, Planning Practice Guidance (PPG), Planning Policy for Traveller Sites (PPTS) 2015, the Housing and Planning Act (2016) and the National Planning Policy Framework (NPPF).

- 2.5 The recommended pitch requirements (covering the period 2013-33) from the assessment are detailed below.
- **118 pitches** to address the needs of households meeting the planning definition of a Traveller (as defined through Annex 1 to the PPTS);
 - **21 pitches** to meet the needs of ‘undetermined’ households (households where an interview was not completed, either due to refusal or due to them not being present during the fieldwork period); and
 - **30 pitches** for households who did not meet the planning definition of a Traveller.
- 2.6 This equates to **169 pitches** overall, the need identified on a site-by-site basis by the GTAA is outlined in Appendix A. Following the *Lisa Smith v The Secretary of State for Housing, Communities and Local Government and others* [2021] EWHC 1650 (Admin) legal case, the definition within Annex 1 was found to be unlawfully discriminatory. Due to its exclusion of Gypsies or Travellers who have permanently ceased to travel due to old age, disability or due to caring responsibilities. Whilst the PPTS content on what ought to constitute the local pitch target (currently) remains unchanged, the emerging picture from Development Plan examinations (such as that recently held for Central Lincolnshire) is that Inspectors are modifying pitch requirements to take account of needs beyond those for purely PPTS definition households. Were this approach to be taken here, then that would result in the overall 169 pitch requirement becoming the local target.
- 2.7 There is however uncertainty from the perspective of demonstrating a five-year land supply – in line with Policy B of the PPTS- over whether this ought to continue to be orientated around ‘planning definition’ need or the overall requirement.
- 2.8 Regardless, the GTAA provides five year splits for each of the possible requirements, allowing for the five-year land supply calculation to be made. Both show a level of need which is heavily balanced towards the first five-year tranche. This is as a result of all current need (from unauthorised pitches, pitches with temporary planning permission, concealed and doubled-up households, 5-year need from teenage children, and net movement from bricks and mortar) being included.

Table 1: GTAA Requirements Split by Five Year Period

	Years				
	0-5 (2019-24)	6-10 (2024-29)	11-14 (2029-33)	15 (2033-34)	
Planning Definition Household Pitch Requirement	77	20	18	3	118
Undetermined Households Pitch Requirement	8	6	5	2	21
Non-Planning Definition Households Pitch Requirement	18	6	5	1	30
Overall Pitch Requirement	103	32	28	6	169

2.9 No Travelling Showpeople were identified within the District as part of the assessment. Taking account of historic data, no particular need for transit provision was recorded either. Accordingly, no requirements relating to these forms of provision were identified as necessary.

2.10 As part of producing the GTAA, and in implementing the Duty to Cooperate engagement has taken place with neighbouring Authorities. This has enabled the conclusion to be drawn that there is a lack of firm evidence showing a demand for inward migration of Traveller households into the District. Whilst in strategic planning terms each Authority will plan to meet its own Traveller needs.

3.0 Seeking a supply

Minimum Requirements

3.1 Having established the levels of need for Traveller accommodation across the District it was then necessary to identify a supply of sites to assist in the meeting of these requirements. The minimum tests for doing so are identified at paragraph 10, within Policy B of the PPTS (extract below).

10. Local planning authorities should, in producing their Local Plan:

a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets

b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15

- 3.2 The Council has interpreted this as meaning that, 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. 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. 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.

Supply Contribution Determinants

- 3.3 No firm evidence of demand for inward migration into the District was found as part of the GTAA. Therefore, net migration to the sum of zero was assumed for the GTAA – which means that net pitch requirements are driven by locally identified need rather than speculative modelling assumptions.
- 3.4 With inward and outward migration in balance with one another, this means that when a household moves into the District that movement is counterbalanced by the outward migration of another. Therefore, providing proposed pitches are addressing the needs of a Traveller household, consistent with the definition below (reflecting the Smith decision), then they would contribute supply against the local pitch target.

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Locational Approach

- 3.5 Core Policy 4 in the Amended Core Strategy has determined the locational approach towards site selection. This details that future provision will be provided in line with the Council's Spatial Strategy, with the focus of the Council's efforts to seek to secure additional provision in and around Newark Urban Area. The way the Council has interpreted this is to firstly seek to secure the bulk of provision in and around the Newark Urban Area (which as the Sub-regional Centre sits at the top of the Settlement Hierarchy in Spatial Policy 1 of the ACS), with lesser levels then identified in and around Ollerton (a Service Centre in the second tier of the Hierarchy). This represents

the 'primary area of search', and where insufficient suitable and deliverable land is identified then this would tier down to a 'secondary area of search' in line with the Spatial Strategy (the remaining Service Centres and then the Principal Villages, before considering locations beyond this).

- 3.6 Where sufficient land is able to be identified within the Primary Area of search, and pitch provision loaded towards the Newark Urban Area- then this would match the existing pattern of Gypsy and Traveller settlement within the District – which is focussed around existing communities in the Newark Area and to a lesser extent the Ollerton/Wellow area. This would also represent a Strategy that seeks to meet need as close to the broad location it arises in. There are also practicalities which support this geographic approach, including respecting the distinct cultural differences between Travellers in the Newark area and those in the Ollerton/Wellow areas.
- 3.7 Given the existing pattern of settlement, areas within the Primary Area of Search clearly represent the locations of greatest demand for pitches - not least as it is need from the existing sites which drives the requirements. The importance of provision being made in the right places, is reflected within the aim of the PPTS to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply. Therefore, the Council has attempted to match locational demand to site identification as closely as the supply of suitable and deliverable land has allowed.

Site Sources

- 3.8 Formal 'Call for Sites' exercises were undertaken in July 2019 (through the Issues Paper consultation) and July 2021 (as part of the Options Report consultation), which followed earlier similar exercises. Landowners and agents have also been able to submit new sites on an ongoing basis throughout the Plan Review. Sites in the planning process have also been considered and investigated. Given the preferred locational approach of the Council and the fact that the pitch requirements are generated by existing sites, then these have also formed a source of potential land.
- 3.9 The pool of potential sites the Council has available to identify a supply from has been assessed for its suitability, availability and achievability through the Gypsy and Traveller Land Availability Assessment (GTLAA). The methodology applied and detailed assessments for each site are available to view in that document. In building a strategy various site considerations and policy tests (e.g. application of the Sequential Test and the Five-Year Land Supply requirement) have then been applied on top of the GTLAA assessments - this process is outlined in detail in the subsequent sections.

Supply Summary

3.10 The above process has culminated in a strategy which facilitates an overall supply of between **159-171 pitches**, from the following sources;

- Contributions from existing Traveller sites (78 pitches,);
- The allocation of new sites in private ownership (47 pitches); and
- Sites facilitated by Council action (including the purchase and delivery of a new public site (15-27 pitches) and working with private operators to bring some existing sites back into exclusive Traveller use (19 pitches) 34-46 pitches overall).

3.11 Individual sites identified within the publication plan are listed below.

Table 2: Individual Sites Identified within the second Publication Amended Allocations & Development Management DPD

Site	Pitch Allocation
Contributions from Existing Sites	
NUA/GRT/1 - Park View, Tolney Lane	13
NUA/GRT/2 – Sandhill Sconce, Tolney Lane	11
NUA/GRT/3 – The Paddocks, Tolney Lane	3
NUA/GRT/4 – Hiram’s Paddock, Tolney Lane	7
NUA/GRT/5- Taylor’s Paddock, Tolney Lane	1
NUA/GRT/6 – Price’s Paddock, Tolney Lane	1
NUA/GRT/7 – Land at Shannon Falls, Tolney Lane	21
OB/GRT/1 – Shannon Caravan Site, Wellow Road	9
OB/GRT/2- The Paddock, Wellow Road	3
OB/GRT/3 – The Stables, Wellow Road	4
OB/GRT/4 – Dunromin, Wellow Road	4
OB/GRT/5 – Greenwood, Wellow Road 1 pitch	1
New Site Allocations in Private Ownership	
NUA/GRT/10 – Land at Chestnut Lodge Barnby Road, Barnby-in-the-Willows	19
NUA/GRT/12 – The Old Stable Yard, Land North of Winthorpe Road, Newark	14
NUA/GRT/13 – Land at Appleby Lodge, Barnby Road, Newark	8
OB/GRT/6 – Land East of Newark Road, Ollerton	6
Sites Facilitated by Council Action	
NUA/GRT/11 – Former Belvoir Ironworks, Newark	15 – 27
NUA/GRT/8 – Church View, Tolney Lane, Newark	10
NUA/GRT/9 – Riverside Park, Tolney Lane, Newark	9

3.12 In providing for between 159-171 pitches at its upper end the strategy would address the overall need for 169 pitches. At it’s lower end of 159 pitches then it comfortably exceeds the minimum requirements for 103 pitches to address the first five year

requirement, and broad locations to meet the 32 pitches (135 pitches cumulatively) within years 5-10.

- 3.13 The separate Five-Year Land Supply Statement (September 2023) provides the detail in terms of the five-year requirements from Policy B of the PPTS. However, the conclusions are summarised below. Note that to overcome the uncertainty within national policy arising from the Smith legal decisions two scenarios are included (one where the requirement remains orientated around ‘planning definition households’ and an increased second scenario based around the five-year needs of all forms of Traveller).

Table 4: Five-Year Land Supply Calculation

	Scenario 1 (77 Pitch Target)	Scenario 2 (103 Pitch Target)
GTAA Five-Year Requirement	77	103
Completed Pitches Servicing Requirement	3	3
Adjusted GTAA Five-Year Requirement	74	100
Annualised Five-Year Requirement	14.8	20
Supply		
Pitches with implementable permission deliverable within period	4	4
Deliverable Land Supply from Site Allocations within period	107	107
Total Supply	111	111
No. Years Supply		
Against Requirement	111/14.8= 7.5	111/20= 5.56
	7.5 years	5.56 years

- 3.14 In order to ensure that the projected supply for the above calculation was realistic and achievable, it was only assumed that the GTAA need from existing sites falling within 2019-24 would be delivered within 5 years. On this basis it is clear that the strategy allows for the identification of a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against the locally set target under both scenarios, thus satisfying Policy B part a) in the PPTS.
- 3.15 There exists additional flexibility beyond the specific deliverable sites identified within the plan, through the two broad locations identified at Newark (NUA/GRT/BL/1) and Ollerton (OB/GRT/BL/1). Which have been assessed within the GTLAA to have maximum capacities of 21 and 49 pitches respectively, and to be available from the 0-5 year period onwards.

4.0 Site considerations

- 4.1 This section of the paper outlines how specific site considerations have been taken account of in bringing the strategy within the Publication plan together. Section 5 summarises the chronological development of the strategy.
- 4.2 As stated earlier in the paper a robust and wide-ranging evidence base supports the strategy, and this has been key to addressing site considerations - allowing decisions over site selection to be made, and specific policy wording to address site-level issues to be worked-up.

Site Deliverability Assessment

- 4.3 Following completion of the GTAA, ORS were engaged to undertake a 'site deliverability assessment'. The objective of this work was to assess existing sites identified with a pitch need through the GTAA to determine whether the site could physically accommodate pitches, and whether the site owners were in a position to take the site forward themselves. The site appraisals are included in Appendix B to this document. This exercise was not intended to pre-empt the site selection process, but purely to gain an understanding of where need may be able to be met on site should that be the most appropriate approach for the site in question. This yielded a range of useful information which has subsequently informed the GTLAA and site selection process.

Gypsy and Traveller Land Availability Assessment (GTLAA)

- 4.4 Through the GTLAA the sites, forming the pool of potential land to allocate from, have been assessed for their suitability, availability and achievability. The approach broadly followed the Strategic Housing and Employment Land Availability Assessment methodology, but with some amendments made to make assessments suitable for GRT purposes (e.g. given the scarce land supply then greater pragmatism over locational suitability for instance).
- 4.5 Assessments of suitability considered various detailed criteria within the broader categories of 'character, land use and location', existing policy constraints, access to services, physical constraints and landscape, biodiversity and built heritage constraints. These assessments of suitability have been crucial to the development of policy content for land identified in the publication plan and ensure that the sites will be suitable in planning and technical terms.
- 4.6 The assessment of availability reduced the pool of potential site allocations, given that where a site is unavailable then it cannot represent an appropriate candidate for allocation. Achievability and the forecasted time-period of delivery have, alongside information from the GTAA, provided for a realistic assessment over how and when supply will be deliverable. Site ownership details have been a critical part to this – with

sites in existing Traveller ownership being considered as more straight forward to deliver. Where a site may require the sale and land to a third party or for the Council to take action then this has been reflected in the conclusions. This approach has allowed for a robust assessment against the requirements of Policy B in the PPTS.

- 4.7 A summary of the suitability results from the GTLAA is below. This shows the period which the site is assumed to become available and completed within, please note that each site only features within one tranche to avoid double counting.

Table 5: Summary of GTLAA Results

	0-5yrs	0-10yrs	0-15 yrs	5-10yrs	5-15 yrs	10-15yrs	Total
Total Suitable Pitches	0	0	0	0	0	0	0
Total May be Suitable Pitches	160	95	201	36	10	0	502
Grand Total	160	95	201	36	10	0	502

- 4.8 The above however provides a slightly distorted picture. In some cases the assessed yield for a site is theoretical, and based on an application of the 550 sqm pitch standard within Core Policy 5 of the ACS. This has resulted in some site submissions having a large stated capacity which would not satisfy the content around the scale of sites in rural or semi-rural settings in Policy C of the PPTS. These capacities would likely also not be conducive to the promotion of peaceful and integrated co-existence between the site and the existing local community- or indeed between GRT groups accommodated within the site.
- 4.9 Whilst providing much of the information relevant, the GTLAA has not determined the site allocation decisions proposed through the publication plan alone. The fact that no site was concluded to be any more suitable than ‘may be suitable’ partly underlines why. May be suitable sites have caveats to their suitability, which may require a comparison of relative preference against other options (e.g. the Sequential Test for flood risk) or require additional evidence to support a positive conclusion. This is also a reflection that, unfortunately, much of the land submitted for consideration has been marginal in nature - invariably possessing characteristics which have ruled out what the owner may have perceived as more attractive end uses (flood risk, land contamination and less than ideal neighbouring uses being frequent issues).

Flood Risk

- 4.10 The flood risk evidence base for the publication plan includes the original Strategic Flood Risk Assessment (Level 1 and Level 2 part 1 and 2), though it is the SFRA Update (2016) and the refreshes of the SFRA Level 1 and 2 undertaken in 2022 and 2023 which have been critical to the GRT strategy. This updated evidence base has allowed for the extent of flood risk (including the effects of climate change) to be understood and

taken account of as part of the site selection process, and supported application of the Sequential and Exception policy tests.

- 4.11 In this respect the Sequential Test has been central to narrowing the pool of may be suitable, available and achievable sites down to those included within the second publication plan. The methodological approach for the Test followed national policy and guidance in place at the time of its production. This process is fully detailed in the Sequential Test statement (2023).
- 4.12 As detailed earlier in the paper the locational direction provided by Core Policy 4 has resulted in primary and secondary areas of search for the purposes of site allocation. This places an emphasis on provision occurring in and around the Newark Urban Area, and this policy direction has consequently been reflected in the area of search for the Test. There is also a secondary implication, which concerns the number of existing sites within the GTLAA and located at Tolney Lane, Newark. Indeed most of the sites which could be described as in or around the Newark Urban Area can be found at Tolney Lane.
- 4.13 Tolney Lane is known to be at flood risk and accommodates a significant number of existing pitches (317 were recorded in the GTAA baseline). Flood risk across the area is split between Flood Zone 3b, 3a and 2, with a number of sites and the single point of access/egress sitting within the functional floodplain. This access point is also modelled to flood early during an event of sufficient magnitude, and leads to emergency planning concerns. Through the 2016 update to the SFRA, which the Environment Agency and other flood risk management bodies were included as stakeholders for, it was however agreed that the re-location of existing development at Tolney Lane was not a viable option.
- 4.14 The reality that Tolney Lane represents an existing focal point for Traveller accommodation within the District, and the dominance of sites from this area within the GTLAA has had implications for the approach taken through the Sequential Test. Reflecting a desire to identify land for new pitches away from Tolney Lane, the application of the Test was split into two separate stages. The first stage considered whether the pitch requirements can be met in a sequentially appropriate way without use of Tolney Lane. Where this was not be possible then existing sites at Tolney Lane were considered sequentially, as part of a second stage. In addition, and as outlined later in this section, work has been undertaken on a 'Tolney Lane Flood Alleviation Scheme'. Where the modelling results to date show positive site-level effects from a reduction in flood risk perspective then this has been taken account of.
- 4.15 Beyond the locational direction provided through the adopted Development Plan, and the realities around Tolney Lane, the methodology for the Sequential Test has had regard for reasonable locational requirements – with information from the GTLAA helping to make judgements. These included access to services and facilities (including education, health, welfare and employment provision) and the preference for a good level of access to the major road network to support travelling patterns. Where

planning and technical constraints were identified then these were also taken account of in how the Test was applied.

4.17 The results of part 1 of the Test are provided in the table below.

Table 6: Sequential Test (Stage 1) Summary of Results

	Newark Urban Area	Rest of District	Pitches
Overall Pitch Requirement (2013-33)	N/A	N/A	169
Planning Definition Pitch Requirement (2013-33)	N/A	N/A	118
Flood Zone 1 Pitch Yield	42-54	76*	118-130
Flood Zone 2 Pitch Yield	14	0	14
Flood Zone 3 Pitch Yield	0	0	0
	56-68	76	132-144

*49 pitches identified from an extension to the Shannon Caravan Park

4.18 Purely based on site capacities there is insufficient land in Flood Zone 1 to meet the overall pitch 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 53-58% 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 7: Sequential Test (Stage 1) Summary of Results (- Shannon Caravan Park Extension)

	Newark Urban Area	Rest of District	Pitches
Overall Pitch Requirement (2013-33)	N/A	N/A	169
Planning Definition Pitch Requirement (2013-33)	N/A	N/A	118
Flood Zone 1 Pitch Yield	42-54	27	69-81
Flood Zone 2 Pitch Yield	14	0	14
Flood Zone 3 Pitch Yield	0	0	0
	56-68	27	83-95

4.19 It was clear from Stage 1 of the Test that it is not possible to satisfy either the overall requirements (or indeed the lower target were the planning definition requirement retained) on sequentially preferable land away from Tolney Lane, and so Stage 2 of the Test was necessary.

Table 8: Sequential Test (Stage 2) Summary of Results

	Pitches
Overall Pitch Requirement (2013-33)	169
Planning Definition Pitch Requirement (2013-33)	118
Stage 1	
Flood Zone 1 Pitch Yield	118-130
Flood Zone 2 Pitch Yield	14
Flood Zone 3 Pitch Yield	0
Total Pitch Yield	132-144
Total Pitch Yield – Shannon Extension	83-95
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	208-220
Stage 1 + Stage 2 Yield – Shannon Extension	159-171

- 4.20 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 39-51 pitches 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 159-171 pitches across Flood Zones 1, 2 and 3a- marginally exceeding the overall requirement at the upper end of the pitch yield range.
- 4.21 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.
- 4.22 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 132-144), but once the Shannon Site Extension is discounted, for the reasons outlined earlier, then this is no longer the case (total pitch yield of 83-95 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 updated GTLAA and updated Five-Year Land Supply statement would not be the case in reality. This necessitates the;

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

4.23 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.

4.24 In order to ensure that there is the prospect that sites can likely be made safe in flood risk terms and not increase risk elsewhere the Exceptions Test has also been applied through the updates to the SFRA. The conclusions and recommendations do not indicate that proposed site allocations would be likely to be unable to pass this threshold.

Tolney Lane

4.25 The Tolney Lane area in Newark is an existing focus of GRT sites within the District, with the GTAA recording 317 pitches across 18 sites. The area has a deep and well-established tradition of GRT settlement, with the oldest sites pre-dating introduction of the planning system. Traveller settlement in the area arose because of Newark's location at a crossroads on the historic travelling routes east-to-west and north-to-south. Unsurprisingly given the concentration of sites, the GTAA underlines that it is need generated in this location which largely drives the pitch requirements.

4.26 Given its location close to the River Trent the area is at flood risk, and as the area has grown over time then this risk has increased. With the addition of the effects from climate change the area is now considered to be at significant flood risk, with risk in the area split across Flood Zones 2, 3a and 3b. The longer established sites tend to be located within the area covered by Flood Zone 2, with the newer sites and those currently subject to temporary planning consent, or which are unauthorised, on the periphery being those affected by the functional floodplain (Zone 3b). However, the area has a single point of access/egress from the Tolney Lane / Great North Road junction, which sits within the functional floodplain and is modelled to flood at an early point of a flood event of sufficient magnitude.

4.27 This situation is something which the Council is extremely mindful of, and regardless of whether the location is capable of accommodating additional pitches, and so has been investigating flood alleviation options. This started with the Tolney Lane Flood

Alleviation Options Appraisal in 2019, which appraised three options in detail after having discounted additional ones. These were;

- 1) Raising a section of Tolney Lane and defending some plots;
- 2) Creation of emergency second point of exit on the A46, and defence of some plots; and
- 3) Full defence of the area

- 4.28 Ultimately options 2 and 3 were discounted. Option 2 due to the further refinement and work being necessary to show that the design would deliver site-level flood risk benefits to the same extent as option 1, but more fundamentally the practicalities around delivering the exit route and that its introduction would result in traffic (including caravans etc) leaving the area directly onto the strategic road network. The subsequent road investment scheme to upgrade this section of the A46 to a dual carriageway has further reinforced those concerns around suitability and safety. The infeasibility of providing a second point of access/egress to the area is now accepted by the Highways Authority. Option 3, whilst shown to be technically possible, was ruled out due to the increase in flood risk to other parts of Newark which would arise.
- 4.29 Option 1 was shown to be technically feasible through the work, both in terms of delivering an access/egress with the same level of flood resiliency as the surrounding highway network, and also in achieving significant flood risk reductions to a number of existing Traveller sites through site-level interventions.
- 4.30 Accordingly Option 1 has been taken forward with further work, through the 2022 commission, to refine and build up the detail for the scheme being undertaken. The conclusions from this work provided the District Council with a high level of confidence that the scheme remains technically feasible, achieves the necessary level of flood resilient access/egress, delivers substantial site-level flood risk reductions and doesn't increase flood risk elsewhere. Deliverability of the scheme was considered through the design of arrangements, which demonstrate how the area to continue to function whilst the road improvements are implemented.
- 4.31 Notwithstanding the above the Environment Agency's representations to the first Publication Amended Allocations & Development Management DPD have necessitated further modelling work around the FAS. Most critically the representations outlined that the design of the scheme and its flood risk model had not yet been technically assessed by the Agency, and that it's possible that this could result in the outputs of the model changing – not showing the same level of benefit. This work is now underway, with the model to be put through the EA testing regime. The Council remains confident that this process will result in the provision of a proportionate evidence base, and one able to support the submission Draft Development Plan later in the year.
- 4.32 Given the relative lack in supply of suitable, available and achievable land away from Tolney Lane it has been necessary for the Strategy to identify a number of existing

sites where additional pitches will be supported. Those sites which have been identified fall into two categories - the first are those which for all intents and purposes sit outside of the functional floodplain, and benefit from a general increase to flood resiliency from the road improvements. The second category are those which whilst currently affected by the functional floodplain will see direct reductions to flood risk from the combination of the road and provision of site-level measures. As outlined previously the Council considers that the strategy as a whole, incorporating this approach towards Tolney Lane, passes the Sequential and Exception Tests.

- 4.33 The Strategy does not include the sites at Green Park (covered by a temporary consent) and Maryland Paddocks (unauthorised encampment), both of which have a need identified through the GTAA. The way in which their needs would be addressed is either via the provision made through the plan or through the occupants finding land themselves which is able to satisfy the criteria within Core Policy 5 of the ACS.
- 4.34 Whilst the strategy identifies 76 pitches at Tolney Lane this does not entirely constitute additional provision on top of the current level of pitches, or an increase to the level of occupancy. Some of the pitches will go to address the needs of households already insitu, given the presence of concealed households and those on doubled-up pitches. Secondly the strategy seeks to achieve the bringing back of two sites currently occupied by non-Travellers at a level of density far in excess than that which would be otherwise seen. The strategy also facilitates more suitable alternative provision for occupants at Green Park and Maryland Paddocks, ensuring that the pitches currently at these locations do not become permanent. Implementation of this approach would result in a net -13 pitch position for the Tolney Lane area, as outlined below.

Table 9: Tolney Lane Net Additional Pitches

Site	Pitches Allocated	Pitches Removed	Net Additional Pitches	Notes
Park View	13	0	13	Site currently has temporary consent for 15 caravans until 31st Jan 2025. Proposed approach would ensure sufficient pitches to meet need over plan period.
Church View	10	35	-25	35 pitches/plots, occupied by non-Travellers. Proposals would result in their removal
Land at Shannon Falls	21	0	21	Site covered by two temporary consents for 21 pitches
Castle View	0	0	0	

Riverside Park	9	27	-18	27 pitches/plots occupied by non-Travellers. Proposals would result in their removal
The Paddocks	3	0	3	
New Paddocks and Ark Bungalow	0	0	0	
Sandhill Sconce	11	0	11	
Hirram's Paddock	7	0	7	
Taylor's Paddock	1	0	1	
Price's Paddock	1	0	1	
Green Park	0	10	-10	Site currently has temporary consent for 20 caravans. 10 pitches recorded in GTAA. Proposals would result in their removal
Maryland Paddocks	0	17	-17	Site host to 17 unauthorised pitches which would be removed through proposals.
Ropewalk Farm	0	0	0	
The Burrows	0	0	0	
Bowers Caravan Site	0	0	0	
Land opposite Ropewalk Farm	0	0	0	
Hose Farm	0	0	0	
	76	89	-13	

- 4.35 Even were one to discount the removal of pitches benefiting from temporary consent at Green Park, and those unauthorised at Maryland Paddocks - on the basis that they do not represent consented sites – then the Strategy still only facilitates a net additional 14 pitches. This level of growth is minimal, and forms part of a comprehensive wider Strategy with significant positive attributes.
- 4.36 As shown earlier in this paper there will need to be a level of pitch provision which occurs at Tolney Lane in advance of the full delivery of the road improvements, to ensure that a five-year supply can be maintained. The supply for this period from Tolney Lane equates to 48 pitches.
- 4.37 Representations on the first Publication Amended Allocations & Development Management DPD from Heine Planning, questioned the ability of proposed site allocations at Tolney Lane to accommodate the numbers of pitches identified. The following table sets out as assessment of pitch density arising from the proposals – taking account of the pitch standards within Core Policy 5 of the Amended Core Strategy (350 sqm per pitch where there are communal facilities within the overall

site, and 550 sqm per pitch where plots are self-contained), and taking account of site-specific circumstances. On this basis it is considered that additional pitches proposed on existing sites at Tolney Lane provide for a suitable density of occupation.

Table 10 Tolney Lane Site Allocation Pitch Density

Site	Site Area (sqm)	Capacity & 550 sqm per pitch	Total Pitches post-Allocation	Avg Existing Pitch Size	Avg Pitch Size post-Allocation	Comments
Park View	5649	10	13	377	455	Site would be occupied at a density level below current temporary consent. Site appears to have communal facilities. Suitable
Sandhill Sconce	13100	24	35	570	374	Increase to pitch density, but appears to be sufficient room within existing plots to achieve. Existing plots would allow for shared facilities. Suitable
The Paddocks	3200	6	6	1067	533	Increase to pitch density, but appears to be sufficient room within existing plots to achieve. Existing plots would allow for shared facilities. Suitable
Hiram's Paddock	26800	49	19	2233	1411	Increase to pitch density, but still able to provide for generous pitch standards
Taylor's Paddock	300	0.55	3	150	100	Small family site. Increase to pitch density, but appears to be sufficient room within existing plots to achieve. Built facilities already insitu. Suitable

Price's Paddock	1900	3.45	4	633	475	Increase to pitch density, but appears to be sufficient room within existing plots to achieve. Existing plots would allow for shared facilities. Suitable
Church View	7300	13	13	N/A	730	Decrease to density
Riverside Park	5700	10	10	N/A	570	Decrease to density
Land at Shannon Falls	9371	17	21	446	446	No increase to density – would be occupied at same level as existing temporary consents. Site appears to have communal facilities. Suitable

- 4.39 The Highways Authority have raised comments as part of the GTLAA process around assessment of the highways capacity of the Tolney Lane / Great North Road junction- to ensure it can accommodate the cumulative impact of the proposals arising from the Strategy. This was reflected within the representations from the body to the first publication Amended Allocations & Development Management DPD. Additional highways capacity work has been undertaken, with the Highways Authority being engaged as part of this. The District Council believes the work to demonstrate that the junction capacity can accommodate the proposals within the GRT strategy.
- 4.40 The final piece of the Strategy towards Tolney Lane seeks to introduce a Policy Area, the purpose of which is to bring the location inside the Urban Boundary and to set out a framework for its future management from a day-to-day planning perspective. In addition, through ensuring sufficient provision is made available to meet locally identified Traveller needs and bringing Tolney Lane inside the Urban Boundary, then a definitive line is set beyond which additional pitches will not be supported in this location. Thus halting the incremental outward expansion of the area which has been witnessed in recent years – and providing the robust policy steer towards Traveller needs being met in more suitable locations.
- 4.41 The Council is of the opinion that whilst the approach it has taken towards Tolney Lane has necessarily entailed a level of pragmatism, given the lack of suitable and available land elsewhere, that an appropriate balance has nonetheless been struck and that taken as a whole the strategy will deliver significant betterment over the current position.

Meeting the Needs of Undetermined and non-Planning Definition Households

- 4.42 The implications arising from the Smith legal case are such that the proposed local pitch target now makes no distinction between Travellers of different backgrounds. The meeting of the needs of undetermined and non-Planning Definition Households is factored into the approach towards site allocation.

Integrated Impact Assessment

- 4.43 The suite of GRT policies and site allocations have been subject to Integrated Impact Assessment as part of their preparation, with the process being iterative and assessment taking place at each stage. Clearly the suite of GRT policies have been assessed to have strong and significant beneficial impacts in relation to the housing and equality objectives. Though in respect of the site allocations, with some sitting outside settlement boundaries and/or being located within Flood Zones 2 or 3 then adverse impacts have also been identified. But in all instances these have been judged to be minor in nature, with the new policies themselves ensuring that the potential adverse impacts can be avoided or minimised. Full details of each appraisal can be seen in the Integrated Impact Assessment.

5.0 Development of the strategy

- 5.1 The Options Report (July 2021) represented the first GRT strategy publicly consulted upon by the Council following publication of the ORS GTAA. This was followed by the first Publication Amended Allocations & Development Management DPD, which was published for representation in November 2022. Input received at these previous stages is set out within the Statement of Consultation. This section details the elements of the strategy which have significantly changed within the Second Draft Amended Allocations & Development Management DPD.
- 5.2 There are a number of sites previously proposed for allocation, which have not been carried through into the second publication Plan. This includes;
- Bowers Caravan Site, Tolney Lane (previous site allocation reference NUA/GRT/2);
 - Hose Farm, Tolney Lane (previous site allocation reference NUA/GRT/3); and
 - Land opposite Ropewalk Farm, Tolney Lane (previous site allocation reference NUA/GRT/4)
- 5.3 Pitch delivery work showed these sites to be host to a number of pitches below that allowed for through their existing planning consents. This under occupation would be capable of addressing the needs identified through the GTAA. Consequently, there was no need to continue their identification as site allocations.

- 5.4 In addition there are two new sites included as proposed site allocations within the strategy;
- Land at Shannon Falls, Tolney Lane (21 pitches); and
 - Land East of Newark Road, Ollerton (6 pitches)
- 5.5 With regards to Land at Shannon Falls, at the time of the GTAA the land had a temporary planning consent, but one which was yet to be implemented. This has now occurred and has been supplemented by a further implemented temporary permission which cumulatively allow for 21 pitches. The site allocation would benefit from a reduction in flood risk through the Tolney Lane Flood Alleviation Scheme and so it was considered appropriate to integrate the site into the strategy.
- 5.6 Land East of Newark Road was previously assessed as not suitable through the GTLAA, on account of highways constraints. The landowner has carried out further work and satisfied the concerns of the Highways Authority. Given that under the previous strategy there was a potential shortfall of land for around 6 pitches to address needs arising from existing sites in the Ollerton area, it was concluded that the land was now appropriate for allocation. The broad location covering land adjacent to the Shannon Caravan site is proposed to be retained as a 'broad location' which could assist in future rounds of plan-making.

6.0 Implementing the strategy

- 6.1 In terms of site delivery the strategy is split between three strands, with the first two concerning sites within private ownership being brought forward – be they existing sites or new site allocations. Given these sites are within existing Traveller ownership it is not expected that the Council will need to become directly involved in their delivery – though in the case of Tolney Lane it clearly has a fundamental role in taking the Flood Alleviation Scheme forwards. The Council will closely monitor delivery – both in overall terms against the five-year supply test, and should delivery slow then it will look to take action to investigate and assist with resolving barriers (where appropriate), or seek to cooperate with site owners to accelerate delivery of sites included as broad locations.
- 6.2 Where the Council anticipates having a more direct role is through sites that would be facilitated by Council action. This includes the purchase and delivery of a new public site at the former Belvoir Ironworks. The Council is in detailed discussions over purchase with the landowners and has undertaken detailed site investigations. Having sought professional input from an individual with considerable experience in designing, delivering and running public Traveller sites in the East Midlands. As part of this work site layouts able to accommodate between 15 and 27 pitches have been produced. The work around delivery of the site is ongoing and underlines the firm commitment on the part of the Council to delivering a public site as part of this strategy. Given the flexibility in pitch numbers there is the potential for the Council to

seek to increase pitch yields from the lower range of 15 to compensate for any slow delivery which occurs elsewhere.

- 6.3 The final area that the Council has direct involvement with implementation is through the design, approval and implementation of the Tolney Lane Flood Alleviation Scheme. Again this is an area where the Council has demonstrated commitment to delivery through the technical work undertaken to date, and the discussions and engagement with relevant stakeholders. This process will continue to accelerate with additional highways capacity work to be undertaken on the Tolney Lane/Great North Road junction. The scheme will then be taken forwards through its more detailed stages of design, the seeking of approval and implementation as efficiently as possible. The Council will pursue external sources of funding to support delivery of the Tolney Lane improvements, but where this proves to be unavailable, or falls short of addressing the full cost, then the scheme will be supported through use of revenue collected via the Community Infrastructure Levy.
- 6.4 Maintaining an up-to-date understanding of GRT accommodation needs within the District is recognised as important by the Council. Accordingly, it has included policy content within the strategy, which requires the review of current pitch requirements and a new assessment of need to be carried out within 5 years of the publication of the current Gypsy and Traveller Accommodation Assessment.

Appendix A: Gypsy and Traveller Accommodation Assessment (February 2020) Need Breakdown; and

Appendix B: Gypsy & Traveller Site Deliverability Assessment (November 2021)

See previous November 2022 [Background Paper](#)