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Our ref:LttrtoInspector-Matter14AddInfo

25<sup>th</sup> April 2018

Dear Sir,

**RE Submission of the Enforcement Notice for Land to the Northwest side of Winthorpe Road, Newark**

Following submission of the Council's additional post-hearing statement (NSH/04) on Matter 14 additional information has been introduced into the Examination, this correspondence provides the Council's response.

The objector has advanced the argument that the above unauthorised site represents an additional need for six pitches, and that the need generated by its occupants ought to be reflected in the requirements provided through the Gypsy and Traveller Accommodation Assessment (GTAA) (GT/01). To clarify Stage 2 (Steps 1 and 2) of the GTAA defines the tests which an unauthorised site would need to pass in order to contribute towards need, either;

- 1) Being an unauthorised development (including temporary permissions) that hadn't gained permission prior to the start of the relevant five year tranche; or
- 2) An unauthorised encampment in existence prior to the start of the tranche where there is a demonstrable local need for permanent pitches.

Clearly the unauthorised site did not exist at the point of submission, and so it would not have been possible to update the GTAA to take account of it –even were it appropriate to do so (see later comments). Notwithstanding this on account of its recent coming into use the site would not have fed into either of the two unauthorised site inputs for the first five year tranche, where 31<sup>st</sup> March 2013 provides the cut-off. The Council would refer back to paragraph 2.13 of its original post-hearing statement (NSH/03) which justifies the decision to use 2013 as the base date for the GTAA.

The two inputs for unauthorised sites are repeated in the subsequent two five year tranches (2018 – 2023 and 2023 – 2028), and the assessment confirms that this element of the assessment will be updated at the start of each of those two calculation periods. The Council does not however consider that the circumstances around the unauthorised site are, as-of-yet, clearly defined enough to determine whether the site ought to contribute towards need or not.

It is important to recognise that the unauthorised pitches (which shouldn't be forgotten represents a planning breach serious enough to have been granted an injunction) are a matter currently progressing through the Development Management process. Significantly it is not known whether the occupants meet the traveller definition provided by the Planning Policy for Traveller Sites. It has also not been demonstrated that the occupants haven't chosen to move from an existing authorised site elsewhere in the District. These are critical questions to which no information has been made available, and are of relevance to whether the site should contribute towards need from the perspective of the submitted GTAA. Finally it is of course possible that the site will go on to be granted consent through the Development Management process, in which case the site would then contribute towards supply.

On this basis it is suggested that matters are currently too ill-defined as to exercise definitive judgement over the unauthorised site for the purposes of the GTAA. The Council is of the strong belief that the objector has failed to recognise the important distinction between the Development Plan and Development Management processes. The matter here is whether the submitted GTAA constitutes a sound and proportionate evidence base, and the Council believes it does. Whereas the unauthorised site is at present an on-going Development Management matter, and one at the earliest of stages of determination.

The additional information submitted by the objector does not add anything of relevance to those matters which have already been the subject of debate between the two parties, and it is respectfully considered that the Inspector has ample information before him in which to come to a view over those. Nevertheless the Council hopes that this correspondence clarifies the matter of the unauthorised site and provides sufficient comfort to enable a conclusion over soundness to be reached.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Matthew Norton', written in a cursive style.

Matthew Norton MA (Hons) MRTPI  
Business Manager – Planning Policy  
Newark & Sherwood District Council