



Newark & Sherwood District Council

**Matter 8:
Open Breaks and Main Open Areas**

October 2024

Contents

Issue 1 – Whether the Designated Open Breaks are Justified and Soundly Based 2

- Q8.1 Are the amendments to the Open Breaks set out in the Newark Open Breaks Review (August 2019) soundly based and justified by evidence? 2
- Q8.2 Will Policy NUA/OB/1 be effective in maintaining the separate identity of settlements? 3

Issue 2 – Whether the Designated Main Open Areas are Justified and Soundly Based..... 4

- Q8.3 Are the boundaries and extent of the Main Open Areas justified by evidence? 4
- Q8.4 Will they serve their intended purpose over the Plan period? 4

Issue 1 – Whether the Designated Open Breaks are Justified and Soundly Based

Q8.1 Are the amendments to the Open Breaks set out in the Newark Open Breaks Review (August 2019) soundly based and justified by evidence?

A: Yes, it is considered that the Open Break Assessment 2019 ([OB1](#)) and the update for the Winthorpe designation ('Winthorpe Open Break Review 2022, [OB27](#)) provide a robust evidence base justifying the proposed amendments to the Open Breaks. These are longstanding local designations similar to 'Green Wedge' policies elsewhere. They were present in the previous District-wide Local Plan (adopted March 1999) and the Newark Area Local Plan (adopted September 1994) but predate this in being able to be traced back to the Newark District Plan (adopted March 1976). As a result, they have had a degree of permanence, and endured through successive rounds of plan-making.

The degree of planned growth for the Newark Urban Area, and its supporting infrastructure, is such that to have no regard to its potential implications on the designations would risk making them redundant. Given no comprehensive review took place as part of the extant Allocations & Development Management DPD, and that growth is now being successfully delivered, then their assessment was not something that could be delayed by a further round of plan-making.

In order to conduct the review, an appropriate methodology was developed to establish the contribution that is made or could be made, in the case of potential additions, towards the purpose of the designation. This purpose is to ensure that settlements retain their separate identities and characteristics, in locations where there is pressure for development. The methodology has been applied consistently across all the existing designations.

Representor 021 ([021/NUA OB 1/T1/T2/T3/T4/0039](#)) questions the extent to which development pressure affects the Newark-Farndon designation. However, the potential impact from growth is particularly acute in terms of this designation, with the Middlebeck strategic site to the south (NAP2A) and the connection of the Southern Link Road into the A46 occurring here. There is also the dualling of the A46 Newark Bypass to consider, should it be approved through the NSIP process. The concentration of substantial housing growth and the integration of improved highways infrastructure has the potential to function as a catalyst of additional development pressure in the location. Particularly, forms of development which would find the improved connectivity attractive; roadside services and logistics for instance.

This is not without precedent, with the existing Newark-Farndon Open Break already having been subject to a speculative application (18/02362/FULM) for erection of a mixed-use development including a petrol filling station, associated retail unit and drive-thru, additional restaurant with drive-thru, 2 offices and a 103 bed hotel which was refused in 2019.

Representor 021 has also raised fears that the LPA will seek to resist agricultural development in this area. Clearly this will not be the case where permission is not

required for that form of development. With respect to the prior approval process, then the representor themselves have noted that this is not intended to undermine or revisit the principle of acceptability. It would only be those matters falling within the remit of the prior approval process which would be assessed.

Representor 007 ([007/NUA OB 1/T1/T2/T3/T4/0011](#)) sought amendments to the Newark-Coddington Open Break, which were incorporated at the second publication stage.

Q8.2 Will Policy NUA/OB/1 be effective in maintaining the separate identity of settlements?

A: Yes, the policy will be effective in implementing the designation, with the wording remaining largely unchanged from that currently in place, save for amendments to improve its clarity and effectiveness. The policy has a strong track record of being upheld at appeal and has provided an effective policy tool in maintaining the separate identities of Newark and its surrounding settlements.

The proposed amendments seek to further improve the effectiveness of the policy in responding to the first appeal ([APP/B3030/C/18/3196972](#)) at land to the northwest side of Winthorpe Road (now referred to as Old Stable Yard, and the Traveller site proposed to be de-allocated through Main Modification [MM16](#)). Where it was debated whether the policy applied to Traveller caravans or not (on account of them not being 'built development'). The Inspector concluded that;

"The second sentence in the policy states that "planning permission will not normally be granted for built development." As the appellant correctly pointed out, the residential occupation of caravans amounts to a material change of use and not built development in planning terms. However, in my view, the policy needs to be read as a whole and it is not only the second sentence that should be applied. The first sentence of the policy identifies a clear aim of maintaining an open break between settlements that are under pressure from "development." That is not exclusive to built development and I find that the wording and aims are broad enough to be applied to the development in this case."

Accordingly, the policy is proposed to be amended to provide clarity that it applies to non-built development too. However, in order to ensure the policy is proportionate and to account for occasions where there are existing residential uses and other forms of development within a designation, then some exceptions to its negative application have also been defined.

The policy wording is necessarily strict, in order to limit the prospects of new development which could result in, or contribute towards, the coalescence of Newark with its adjoining settlements. Without this level of strictness, the policy would fail to be effective on its own terms. Great care has been taken through the preparation of a robust evidence base, which ensures that any land unnecessary to support its purpose has not been included within the proposed amended designations.

Issue 2 – Whether the Designated Main Open Areas are Justified and Soundly Based

Q8.3 Are the boundaries and extent of the Main Open Areas justified by evidence?

A: Main Open Areas ('MOAs') have been identified in a number of settlements across the District as part of the production of the currently adopted Allocations & Development Management DPD in 2013. Main Open Areas have existed in local planning policy previous to this, as part of Area Plans, and were formally included within the local planning framework as part of Newark & Sherwood Local Plan (Adopted 1999). Given the long-standing nature of the designation it was important to assess the continuing suitability of sites going forward and any new potential sites for designation. The 2011 Main Open Area Review ([EB23 Main Open Area Review](#)) was undertaken which reviewed existing sites and considered new ones. Main Open Areas are defined as:

“Predominately open land within settlements which play an important role in defining their form and structure.”

In carrying out the review consideration was given to the following:

- the role that the area plays in the form and structure of the settlement;
- level of public access or potential for people to overlook the site;
- whether the site is protected by other policies or designations and if so, does there need to be an MOA designation in addition to this.

The review recommended 32 MOAs be designated, or continue to be designated, and that 18 areas of land which were designated as MOAs, or part of MOAs in the Local Plan should no longer have an MOA status.

These proposals were included within the Options Report consultation into the Allocations & Development Management DPD, a number of respondents suggested additional sites for consideration and as a result following assessment 3 additional sites were added in Coddington ([Main Open Area Review - Coddington](#)). The MOAs proposed were considered as part of the examination of the Allocations & Development Management DPD and found to be sound by the Inspector.

The Options Report ([OR1](#)) set out *“the Council undertook a comprehensive review of Main Open Areas as part of the production of the original Allocations & Development Management DPD and it is not intended to review these as part of the review.”* Given the relative permanence of the MOA approach, and therefore the limited likelihood of development changing them in a short period of time, the Council believes this is a justifiable approach to their continued inclusion in the Development Plan.

Q8.4 Will they serve their intended purpose over the Plan period?

A: Yes, as noted in Question 8.3 above, the nature of the designation seeks to protect the form and character of individual settlements. This approach continues to be important and more so now because Spatial Policy 3 provides an ability to develop smaller infill plots in 'other villages' to a larger extent than under the previous Core Strategy.

It is noted that two Representors wish to remove the MOA designation from land in Coddington and South Muskham. Both sites are allocated by Policy NUA/MOA Newark Area (Main Open Areas).

Representor 66 ([066/NA/MOA/T2/T4/0183](#)) is opposed to the retention of the area designated as an MOA in South Muskham, arguing that it would be better to grant planning permission on the land to open it up for pedestrians and provide better quality open space. The northern part of the MOA (not the subject of this representation) is viewable from the High Street and the southern half (the subject of this representation) is viewable from the Great North Road. It should be noted that the current designation does not stop the site being opened up for public access or used for recreation. The conditions of the MOA remain the same as when the site was considered by the Inspector and found sound as part of the Allocations & Development Management DPD Examination process and therefore the designation should remain. The Representation suggests that the site does not meet the definition of Local Green Space in the NPPF and it should be noted that the Council is not suggesting that the site is Local Green Space.

Representor 71 ([071/NA/MOA/T2/T4/0193](#)) does not believe the Main Open Area policy is justified in this location advances a number of arguments in relation to the status of the land. As noted above the Coddington MOAs were advanced after representations (from Coddington Parish Council) as part of the previous plan process. The land is a significant wedge of land between three areas of developed land in the village and is important in the form and structure of this part of the village. Footpaths run through the site which are regularly used by residents.

The southern part of the MOA is being put forward as a SHELAA site. The current Amended Core Strategy does not direct development to Coddington. Consideration of future development in Coddington and the potential for this site to be used for housing or employment would be considered as part of the production of a new Local Plan.