



Development Plan Document (DPD) Publication Stage Representation Form

Publication Amended Allocations & Development Management Development Plan Document (DPD)

A guidance note has been produced to assist in the completion of this form. Copies have been provided in correspondence and additional copies are available at: Castle House, Libraries in the District and <https://www.newark-sherwooddc.gov.uk/aadm-representation/>

Newark and Sherwood District Council is seeking your comments on the Publication Amended Allocations & Development Management DPD ('Publication AADMDPD'). Comments received at this stage should be about whether the Plan is legally compliant, sound and whether it has met the duty to cooperate. All representations must be received by the Council by 12 Noon on 9th January 2023.

This form has two parts- Part A- Personal / Agent Details and Part B- Your Representation(s) and further notification requests. (Please fill in a separate sheet (Part B) for each aspect or part of the Local Plan you wish to make representation on). Documents to support your representations (optional) should be referenced.

Privacy Notice

Apart from your comments below, the personal information you have provided will only be used by Newark & Sherwood District Council in accordance with the UK General Data Protection Regulation and the Data Protection Act 2018 and will not be shared with any third party.

The basis under which the Council uses personal data for this purpose is to undertake a public task.

The information that you have provided will be kept in accordance with the Council's retention schedule, which can be found at: <https://www.newark-sherwooddc.gov.uk/dataprotection/>

Please note the Council cannot accept anonymous responses. All representations received will be made available for public inspection and therefore cannot be treated as confidential. They will also be:

- Published in the public domain;
- Published on the Council's website;
- Shared with other organisations for the purpose of developing/adopting the Publication AADMDPD and forwarded to the Secretary of State for consideration;
- Made available to the Planning Inspector appointed by the Secretary of State to examine the Publication AADMDPD; and
- Used by the Inspector to contact you regarding the Examination of the Plan.

When making representations available on the Council's website the Council will remove all telephone numbers, email addresses and signatures.

By submitting your Response Form/representation, you agree to your personal details being processed in accordance with these Data Protection Terms.

PART A- Personal / Agent Details

In circumstances where individuals/groups share a similar view, it would be helpful to the Inspector to make a single representation, stating how many people the submission is representing and how the representation was authorised.

1. Personal Details

2. Agents Details

*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

Title	Mrs	Mrs
First Name	Jean	Jean
Last Name	Hall	Hall
Job Title (where relevant)		
Organisation (where relevant)	SWAN	SWAN
Address Line 1		55 Rowan Way
Line 2		Balderton
Line 3		Newark
Line 4		Notts
Post Code		NG24 3AU
Telephone Number		
Email Address		

Name or Organisation:	SWAN (Saving Wildlife and Nature) Balderton resident group
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PART B- Representation(s)

3. To which part of the DPD does this Representation relate?

Part of the Publication AADMDPD:	Mark if Relevant (X)	Specify number/part/document:
Amended AADMDPD Paragraph Number	X	Paragraph Number: 2.26 of the Amended DPD
Amended AADMDPD Policy Number		Policy Number:
Amended AADMDPD Policies Map Amendments		Part of Policy Map:
Integrated Impact Assessment ¹		Paragraph Number:
Statement of Consultation		Paragraph Number:
Supporting Evidence Base		Document Name: Page/Paragraph:

4. Do you consider the DPD to be LEGALLY COMPLIANT?

Yes

No

5 Do you consider the DPD to comply with the Duty-to-Cooperate?

Yes

No

6. Do you consider the DPD to be SOUND?

Yes

No

*The considerations in relation to the Legal Compliance, Duty to Cooperate and the DPD being 'Sound' are explained in the Newark & Sherwood Development Plan Document Representation Guidance Notes and in Paragraph 35 of National Planning Policy Framework 2021 (NPPF).

¹ The Integrated Impact Assessment (IIA) integrates Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA), Equalities Impact Assessment (EqIA) and Health Impact Assessment (HIA). Sustainability Appraisals (SA) are a requirement of the Planning and Compulsory Purchase Act 2004 and Strategic Environmental Assessments (SEA) are required by European Directive EC/2001/42, which was transposed into UK law by the Environmental Assessment Regulations for Plans and Programmes (July 2004). The EqIA is a way of demonstrating the District Council is fulfilling the requirements of the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. HIA is a recognised process for considering the health impacts of plans and undertaking this type of assessment is widely seen as best practice.

7. The DPD is not sound because it is not:

- (1) Positively Prepared
- (2) Justified
- (3) Effective
- (4) Consistent with national policy

8. Please provide precise details of why you believe the DPD is, or is not, legally compliant, sound or in compliance with the duty to cooperate in the box below.

If you wish to provide supplementary information to support your details, please ensure they are clearly referenced.

On page 30, 2.26 of the Amended DPD it states:

“Outdoor sport facilities are not analysed as part of the Open Space Strategy & Assessment as a different methodology in line with national guidance (Sport England) is prescribed and is contained in a separate standalone Playing Pitch Strategy (PPS). This document will be updated in due course.”

This statement appears ten times throughout the document and is inconsistent with NPPF Paragraph 98 and 99 which states.

98. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

By stating that the document will be updated in due course the Amended DPD will neither be robust or up to date. There will be no calculation or assessment of what open space for sport and recreational provision is needed or should be provided in the future.

Playing Pitch Strategy documents covers the sports of football, cricket, rugby, golf, hockey, tennis and bowls. For each of the sports covered, the assessment report aims to, summarise the current supply of facilities, outline current demand and evaluate likely future demand, evaluate the overall adequacy of provision to meet current and projected future demand and identify the key issues for the Playing Pitch Strategy to address.

Without an up-to-date PPS planning decisions will be open to challenge.

It fails the test of soundness because the Amended DPD is not robust and up to date and so therefore not compliant with NPPF paragraph 98 and 99.

(Continue on a separate sheet/expand box if necessary)

9. Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified at 6 above where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the Amended DPD to be compliant with NPPF paragraph 98 the PPS must be updated and approved by NSDC before the Amended DPD is approved by the independent examiner.

2.26 of the Amended DPD should then be amended to state:

“Outdoor sport facilities are not analysed as part of the Open Space Strategy & Assessment as a different methodology in line with national guidance (Sport England) is prescribed and is contained in a separate standalone Playing Pitch Strategy (PPS) which will be reviewed regularly or at times of significant changes in provision.”

The Amended DPD would then be robust and up to date and compliant with NPPF paragraph 98 and 99. Planning decisions will be less open to challenge and it would meet the test of soundness.

We concur and in addition to the above statement, Balderton has lost the sports amenities and community facilities at Flowserve. This totals 3.2ha of lost both green and sports space. The site hosted football and bowls so it is critical that the PPS is brought up to date prior to the adoption of the ADPD. Flowserve was in the Balderton ward and very relevant to the local community. It is not on the catchment map and therefore the loss of Flowserve needs to be recognised.

There is no longer an open break strategy for Balderton as in 2019 Balderton Hospital was deleted. This is now part of Fernwood village and the ongoing housing development.

Balderton has no Neighbourhood Plan documented therefore all its green spaces are at risk of development.

The only consultation documents referred to were carried out in Bridge Ward in 2012 and Hawtonville in 2016.

(Continue on a separate sheet/expand box if necessary)

Please note your Representation should cover succinctly all the information, evidence and supporting Information necessary to support/justify the Representation and the suggested change, as there will not normally be a subsequent opportunity to make further Representations based on the original Representations at the Publication stage. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for Examination.

10. If your Representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral Examination	Yes, I wish to participate at the oral Examination
<input checked="" type="checkbox"/>	<input type="checkbox"/>


11. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary.

(Continue on a separate sheet/expand box if necessary)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

12. Please tick the relevant boxes below to receive notifications (via email) on the following events:

- DPD submitted to the Secretary of State for Inspection
- Examination in Public hearing sessions
- Planning Inspector's recommendations for the DPD have been published.
- DPD has been formally adopted.

Signature: 

Date: 8th Jan 2023

Please return this form by 12 Noon on 9th January 2023 to one of the addresses below:

Email: planningpolicy@nsdc.info

Post: Planning Policy & Infrastructure Business Unit
Newark & Sherwood District Council
Castle House
Great North Road
Newark
NG24 1BY

Information is available at:

<https://www.newark-sherwooddc.gov.uk/aadm-representation/>

Office Use Only

Date of Receipt:

Representation No: