



# 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 9<sup>th</sup> 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.

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## PART A- Personal / Agent Details

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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	<input type="text"/>	<input type="text" value="Mr"/>
First Name	<input type="text"/>	<input type="text" value="Michael"/>
Last Name	<input type="text"/>	<input type="text" value="Dinn"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Planning Manager"/>
Organisation (where relevant)	<input type="text"/>	<input type="text" value="Gladman Developments"/>
Address Line 1	<input type="text"/>	<input type="text" value="Gladman House"/>
Line 2	<input type="text"/>	<input type="text" value="Alexandra Way"/>
Line 3	<input type="text"/>	<input type="text" value="Congleton"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="CW12 1LB"/>
Telephone Number	<input type="text"/>	<input type="text" value="██████████"/>
Email Address	<input type="text"/>	<input type="text" value="██████████████████"/>

Name or Organisation:	<input type="text"/>
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## PART B- Representation(s)

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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		Paragraph Number:
Amended AADMDPD Policy Number		Policy Number:
Amended AADMDPD Policies Map Amendments		Part of Policy Map:
Integrated Impact Assessment <sup>1</sup>		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).

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<sup>1</sup> 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.

See supplementary statement

(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.

See supplementary statement

(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 type="checkbox"/>	<input checked="" type="checkbox"/>

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

See supplementary statement
(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: [REDACTED] Date: 9/1/2023

Please return this form by 12 Noon on 9 <sup>th</sup> January 2023 to one of the addresses below:				
Email: <a href="mailto:planningpolicy@nsdc.info">planningpolicy@nsdc.info</a>				
Post: Planning Policy & Infrastructure Business Unit Newark & Sherwood District Council Castle House Great North Road Newark NG24 1BY				
Information is available at: <a href="https://www.newark-sherwooddc.gov.uk/aadm-representation/">https://www.newark-sherwooddc.gov.uk/aadm-representation/</a>	<table border="1"><tr><td>Office Use Only</td></tr><tr><td>Date of Receipt:</td></tr><tr><td>Representation No:</td></tr></table>	Office Use Only	Date of Receipt:	Representation No:
Office Use Only				
Date of Receipt:				
Representation No:				

Newark & Sherwood District Council  
Planning Policy and Infrastructure  
Growth and Regeneration  
Castle House  
Great North Road  
Newark  
Nottinghamshire  
NG24 1BY

Gladman House  
Alexandria Way  
Congleton  
CW12 1LB

By email only: [planningpolicy@newark-sherwooddc.gov.uk](mailto:planningpolicy@newark-sherwooddc.gov.uk)

Dear Sir or Madam,

RE: Amended Allocations & Development Management Development Plan Document – Publication

This letter is made in response to the above consultation and provides Gladman's representations on Newark & Sherwood District Council's Amended Allocations & Development Management Development Plan Document: Publication (AADMDPD).

Gladman has considerable experience in the development industry across a number of sectors including residential and employment development. From that experience, we understand the need for the planning system to provide local communities with the homes and jobs that are needed to ensure residents have access to the homes and employment opportunities that are required to meet future development needs of the area and contribute towards sustainable economic development.

Gladman welcome the opportunity to comment on the options contained in the consultation documents. Gladman has been involved in contributing to the plan preparation process across England through the submission of written representations and participation at local plan public examinations. It is on the basis of that experience that these representations have been prepared.

Core Policy 1: Affordable housing Provision – Not justified.

Gladman note the inclusion of First Homes within the policy however the policy should be amended to reflect the latest viability evidence published by the Council which demonstrates that development on brownfield sites in low and medium value areas face challenging viability circumstances.

The NPPF and Planning Practice Guidance are clear that sites should be deliverable at planning application stage without the need for additional viability assessments and the requirements of the policy should therefore reflect the conclusion of the Councils own evidence.



## Biodiversity Net Gain

Additional work is required by the Council in order to test the impact of increased Biodiversity Net Gain Costs on Development in Newark and Sherwood. The question of whether BNG can be delivered onsite is dependent on what the baseline level of biodiversity. This baseline level varies substantially between sites and there are circumstances where sites could require increased levels of offsite provision than the Government's central estimate. Newark and Sherwood should perform increased tests on the impact of higher BNG costs on development in Newark and Sherwood.

## Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy - Not justified

Gladman consider that this policy should be amended so that it provides clarity on what forms of development would be considered acceptable beyond the urban boundaries of the sub-regional centre, service centres and the village envelopes of the principal villages. In this regard, Gladman are generally opposed to the use of settlement boundaries, as these are often used as an arbitrary tool to prevent otherwise sustainable proposals for development from coming forward. Gladman believe that this policy should be modified to a criteria-based policy which provides a more appropriate mechanism for assessing the merits of individual development proposals, based on their specific circumstances and ability to deliver sustainable development rather than being discounted simply due to a site's location beyond an artificial boundary.

To achieve this, Gladman would recommend a criteria-based approach would allow the AADMDPD to protect itself against unsustainable development, whilst at the same time, offering a flexible solution to the consideration of development opportunities outside these boundaries which are able to come forward to meet identified housing needs should the Council's housing land supply start to fail. Gladman refer to the submission version of the Harborough Local Plan, Policy GD2, which states: "In addition to sites allocated by this Local Plan and neighbourhood plans, development within or contiguous with the existing or committed built up area of Market Harborough, Key Centres, the Leicestershire Principal Urban Area (PUA), Rural Centres and Selected Rural Villages will be permitted where..."

A series of criteria follows.

Clearly the policy here would need to reflect the local circumstances of Newark and Sherwood, however it does provide an example of a local planning authority taking a proactive approach to guiding development and ensuring that it can meet its housing target as well as planning for approaches if and when problems arise over the course of the plan period with regard to the delivery of allocated sites. Accordingly, Gladman recommend that a similar criteria-based policy should be included within the AADMDPD to ensure that housing needs are met in full.

## Site Allocations and Opportunity Sites

The Council are not seeking to allocate any additional housing land for development. Gladman note that there are a number of allocations now being deallocated.

This demonstrates that sites can ultimately not come forward for a multitude of reasons and therefore a level of flexibility should to be built into Local Plans to ensure the required level of housing land.

Gladman note the Council is seeking to identify a number of 'opportunity sites'. Gladman disagree with the Council's decision that the identification of these Opportunity Sites to provide extra flexibility because there is no certainty that these sites will be available or deliverable during the plan period. Should any slippage occur on the proposed allocated sites then these sites do not provide the necessary contingency to ensure that housing needs can be met.

Gladman consider that additional housing allocations are required across the settlement hierarchy and it is important that the Local Plan Review provides a sufficient amount and variety of suitable sites which are available and deliverable and are able to come forward where they are needed and to ensure that these respond to the housing needs of groups with specific housing requirements and land with permission is developed without unnecessary delay.

#### DM2: Development on allocated sites. Not consistent with National Policy

In Policy DM2, the reference to "in accordance with the Developer Contributions & Planning Obligations Supplementary Planning Document (SPD)" should not be interpreted by the Council's Development Management Officers as conveying the weight of a DPD onto this SPD, which has not been subject to examination and does not form part of the Amended Allocations & Development Management DPD.

The Town and Country Planning (Local Planning) (England) Regulations 2012 are clear that development management policies, which are intended to guide the determination of applications for planning permission should be set out in policy in the Local Plan. To ensure a policy is effective, it should be clearly written and unambiguous so it is evident how a decision maker should react to development proposals. The Council's requirements should be set out in sufficient detail to determine a planning application without relying on, other criteria or guidelines set out in a separate SPD.

#### DM3: Developer Contributions and Planning Obligations. Not consistent with national policy

Policy DM3 refers to provision of appropriate contributions being guided by the Council's Planning Obligations & Developer Contributions SPD. National policy clearly defines the scope and nature of an SPD in the planning process as providing more detailed advice and guidance on adopted Local Plan policies. The NPPG confirms that an SPD cannot introduce new planning policies nor add unnecessarily to the financial burdens on development (ID: 61-008-20190315). Policy DM2 should be modified to delete the reference "... in accordance with the Developer Contributions & Planning Obligations SPD".

#### Sustainability Appraisal

In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, the SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.



The AADMDPD should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the district, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the Council's decision-making and scoring should be robust, justified and transparent.

Gladman is concerned that the SA, in its current form, does not appropriately consider reasonable alternatives. In this regard, the SA simply considers the preferred option for development of individual sites against an alternative of 'no change' or 'deallocate the site' etc. It does not assess reasonable alternatives for sites which are available for development and could be proven to be sustainably better than the preferred approach if tested through the SA process.

Gladman consider there is a need to expand the SA process to test sites which the Council may not be aware of such as 'Land at Mansfield Road, Rainworth'. Should the SA process determine that such sites score more positively than the preferred approach then these sites should also be included as potential allocations within the amended AADMDPD.

### Site Submission

Gladman are promoting Land at Mansfield Road, Rainworth for residential development and associated community infrastructure. The site extends circa 58 acres and is able to accommodate up to 350 dwellings.

Rainworth is identified as a Tier 2 Service Centre and is located within the Mansfield fringe area. It is identified as being a self-sufficient settlement for people's daily needs. A key objective of the area is to encourage sustainable housing and economic growth in the settlements within the Mansfield fringe area to complement Mansfield's role as a sub-regional centre and to increase the self-sufficiency of the settlements within the fringe area.

The site is well placed to accommodate new residential development owing to its location outside of the Green Belt. The site's southern boundary is contained by hedgerow beyond which is Mansfield Road which will provide both vehicular and pedestrian access. The site is bound by hedgerow and mature tree to the sites western boundary beyond which is existing residential development. The northern boundary is contained by existing hedgerows beyond which is open countryside and is also within the same ownership which can be included for a variety of development purposes. The site's eastern boundary is currently undefined, however new structural planting would be implemented as part of any proposals in order to delineate the boundary and provide a sympathetic link to the wider open countryside.

The proposal represents a logical extension in a sustainable location with access to a wide range of local services and facilities. It is envisaged that the site can provide biodiversity net gains by retaining existing vegetation as much as possible and providing additional planting throughout the site in addition to public open space to the benefit of existing and future residents.

The site will provide a policy compliant amount of affordable housing to contribute towards meeting identified affordable housing needs. Gladman are currently considering how to bring the site forward

for residential development but it is considered that the Site is available and achievable for the delivery of up to 350 dwellings.

I trust these representations are of assistance in taking the plan forward to the next stage of plan preparation and examination. I would also like to express my interest in attending any relevant hearing sessions at the Examination in Public.

Yours faithfully,

Michael Dinn  
Planning Manager



Gladman Developments Ltd