



# Development Plan Document (DPD) Second Publication Stage Representation Form

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

The District Council have produced a guidance note 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 Second Publication Amended Allocations & Development Management DPD ('Second 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 5pm on Monday 6<sup>th</sup> November 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.

If you previously made a representation to the first Publication Allocations & Development Management DPD (November 2022) Regulation 19 stage, we would like to know how you want this to be treated. All representations made at that stage will be forwarded on to the Inspector unless you wish to supersede it with a new representation to this Second Publication Allocations & Development Management. Please make this clear at the beginning of your Representation. If your previous representation is no longer required because of the proposed changes made to this Second Publication AADMDPD, please let us know that you are happy for your previous representation to be withdrawn.

## 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 column two.

Title	<input type="text" value="Mr"/>	<input type="text" value="Ms"/>
First Name	<input type="text" value="Mike"/>	<input type="text" value="Stephenie"/>
Last Name	<input type="text" value="Van den Berg"/>	<input type="text" value="Hawkins"/>
Job Title (where relevant)	<input type="text" value="Project Director"/>	<input type="text" value="Planning Associate Director"/>
Organisation (where relevant)	<input type="text" value="Urban &amp; Civic"/>	<input type="text" value="Stantec"/>
Address Line 1	<input type="text"/>	<input type="text" value="10&lt;sup&gt;th&lt;/sup&gt; Floor, Bank House"/>
Line 2	<input type="text"/>	<input type="text" value="8 Cherry Street"/>
Line 3	<input type="text"/>	<input type="text" value="Birmingham"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text" value="B2 5AL"/>
Telephone Number	<input type="text"/>	<input type="text" value="██████████"/>
Email Address	<input type="text"/>	<input type="text" value="████████████████████"/>

Name or Organisation:	These representations are made on behalf of Urban & Civic, the master developer leading the delivery of the Sustainable Urban Extension at Newark South (now called Middlebeck).
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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 Second Publication AADMDPD:	Mark if Relevant (X)	Specify number/part/document:
Second Amended AADMDPD Paragraph Number	X	Paragraph Number: 2.18
Second Amended AADMDPD Policy Number	X	Policy Number: NUA/AR/1
Second Amended AADMDPD Policies Map Amendments	X	Part of Policy Map: Map 2 Newark South Proposals
Integrated Impact Assessment <sup>1</sup>		Paragraph Number:
Habitat Regulations Assessment		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 (NPPF) (2023).

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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             | <input type="checkbox"/>            |
| (2) Justified                       | <input checked="" type="checkbox"/> |
| (3) Effective                       | <input type="checkbox"/>            |
| (4) Consistent with national policy | <input type="checkbox"/>            |

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.

Stantec, on behalf of Urban & Civic, previously made representations to the first Publication Amended Allocations & Development Management Development Plan Document (AADMDPD) Regulation 19 stage. Our representations made in relation to Policy NUA/AR/1 and Policy Map 2 (Newark South Proposals) (Ref: 054/NUA AR 1 P MAP 2/T2/0134 on behalf of Urban and Civic) still stand and should be forwarded to the Inspector. These representations to the Second Publication AADMDPD should be read alongside our representations to the first Publication AADMDPD.

These representations are made on behalf of Urban & Civic, the master developer leading the delivery of the Sustainable Urban Extension at Newark South (now called Middlebeck).

Newark South benefits from a strategic site allocation under Area Policy NAP 2A of the Amended Core Strategy adopted March 2019 (ACS) and also benefits from outline planning permission reference 14/01978/OUTM for up to 3,150 dwellings, up to 50ha employment land, associated community facilities and infrastructure including the Southern Link Road (SLR).

Development has commenced and works continue on site. The first phase of the SLR is substantially complete and open to traffic, dwellings are being delivered and the first residents moved onto site in spring 2018, and Middlebeck Primary School opened September 2021.

The updates to the Policies Map (Map 2 Newark South Proposals) include the addition of an archaeological area. This includes the designation of land within the western part of Middlebeck. The designation of land within Middlebeck includes land within both NUA/AR/1 – Area A and NUA/AR/1 – Area B, both of which are subject to proposed Policy NUA/AR/1 (Archaeology – Fardon and River Devon Ice Age Landscape).

Policy NUA/AR/1 defines Area A as containing ‘Nationally Important Archaeological Remains’ (demonstrable equivalence to a Scheduled Monument – National Planning Policy Framework, footnote 68). Footnote 68 states that “Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.” Area B is defined as having a ‘High Risk of Nationally Important Archaeological Remains’. This identifies land where the risk of nationally important archaeological remains is regarded as high and specialist approaches to archaeological assessment are required.

Our representations to the first Publication AADMDPD (Ref: 054/NUA AR 1 P MAP 2/T2/0134 on behalf of Urban & Civic) demonstrate that the proposed designation of part of Middlebeck as NUA/AR/1 - Area A is not justified as it is not supported by the evidence. Consequently, our representations to the first Publication AADMDPD (Ref: 054/NUA AR 1 P MAP 2/T2/0134 on behalf of Urban & Civic) requested land classified as NUA/AR/1 - Area A within Middlebeck be reclassified as NUA/AR/1 - Area B.

In response to our representations, as set out in the ‘Schedule of Proposed Amendments to the DPD’

(September 2023), Policy NUA/AR/1, and supporting text at paragraph 2.18, has been amended to “improve the flexibility to take account of future archaeological evidence.” Urban & Civic welcome these amendments. Notwithstanding this, the proposed amendments do not address Urban & Civic’s fundamental point that the evidence does not support the classification of land within Middlebeck as NUA/AR/1 – Area A. Our requested amendment for land classified as NUA/AR/1 - Area A within Middlebeck to be reclassified as NUA/AR/1 - Area B has not been taken forward. Therefore, our representations to the first Publication AADMDPD (Ref: 054/NUA AR 1 P MAP 2/T2/0134 on behalf of Urban & Civic) still stand.

The remainder of this representation provides an update to the case as made in our representations to the first Publication AADMDPD (Ref: 054/NUA AR 1 P MAP 2/T2/0134 on behalf of Urban & Civic).

The outline planning permission for Middlebeck is subject to a condition which requires submission of an Archaeological Management Plan (AMP). The AMP was submitted to the Local Planning Authority and approved in 2015. The AMP provides the framework for further specifications for archaeological mitigation for each phase, and Oxford Archaeology were instructed, through the auspices of RPS, in the Autumn of 2022, to prepare an iterative response to the known potential for nationally important archaeological remains to be present within the western extent of Middlebeck. This has involved undertaking extensive field investigations across Areas A and B (as they fall within Middlebeck) to respond to the increased understanding of the archaeological interest in this area.

Written Schemes of Investigation (WSIs) for geophysical survey, LiDAR assessment, Ground Investigation monitoring and fieldwalking were submitted to and approved by Newark and Sherwood District Council’s planning archaeologist. The results of these surveys informed a deposit model, which was tested through a programme of targeted test pitting and trial trenching. The iterative approach employed by Oxford Archaeology and the specific team undertaking the work had previously, on other development sites incorporating wetland environments, successfully identified similar deposits and material to that anticipated across this site. This approach is consistent with that espoused by Historic England’s draft guidance document *Managing Lithic Sites and Scatters: Archaeological Guidance for Planning Authorities and Developers*.

This work has continued since the submission of our representations to the first Publication AADMDPD. To update, a total of 6 flints have been found in the combined fieldwork above that are assessed as convincingly of Late Upper Palaeolithic date. These were all found on the eastern side of the River Devon within Area B. These flints were all found *ex situ*. With specific reference to Section 4.4 of *Curating the Palaeolithic*, HE 2023, the section relating to national recognition and the criteria set for assessment of national importance, and policies for designated heritage assets (National Planning Policy Framework, paragraph 200 and footnote 68; see also Section 1.3) it is clear that the Late Upper Palaeolithic finds from the Middlebeck site do not meet the criteria for national importance.

In summary therefore there was no Late Upper Palaeolithic material recovered from the Area A within the Middlebeck site – that is, the area defined as containing ‘Nationally Important Archaeological Remains’ – despite intensive investigation. Six Late Upper Palaeolithic flints were found dispersed across c. 7ha within Area B, east of the River Devon, although as set out above these do not meet the criteria for national importance. Whilst there are surviving pockets of a buried palaeo-landsurface, dated to the late glacial period (Windermere Interstadial 14,700–12,900 BP), which was sealed between cold climate laminated sands and overlying coversands and also alluvial sands overlying gravels and laminated sands – these did not produce any lithics or any other evidence for cultural activity of Late Upper Palaeolithic date.

This is consistent with the two previous evaluations by Cook and Mudd (2015), as part of the A46

construction, and Garton et al (2020), ice landscapes community project, which also did not produce any evidence of LUP finds from the palaeosoils within Middlebeck.

The results of the recent fieldwork are clear, the baseline data supporting the mapping is currently too broad and untested to justify designation of parts of Middlebeck as being known to contain Nationally Important Archaeological Remains. Not only does this designation potentially preclude further development, it could also preclude or complicate further assessment and evaluation. The archaeological sensitivity of land within Middlebeck is best expressed as a potential for discoveries rather than known/defined areas of activity.

For the reasons above, and taking account of our representations to the first Publication AADMDPD (Ref: 054/NUA AR 1 P MAP 2/T2/0134 on behalf of Urban & Civic), the proposed designation of part of Middlebeck as NUA/AR/1 - Area A is not justified as it is not supported by the evidence. As such, the Second Publication AADMDPD is not sound.

(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.

As our representations to the first Publication AADMDPD (Ref: 054/NUA AR 1 P MAP 2/T2/0134 on behalf of Urban & Civic), Urban & Civic respectfully request Policy Map 2 (Newark South Proposals) be amended to reclassify the part of Middlebeck proposed to be designated as NUA/AR/1 – Area A, as NUA/AR/1 – Area B.

The proposed NUA/AR/1 – Area A designation is not supported by the evidence and, as such, is not justified. Its re-designation as NUA/AR/1 – Area B is therefore necessary to make the AADMDPD sound in respect of archaeological areas within Middlebeck.

(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.

Urban & Civic respectfully request to participate in the hearing session(s) in order to fully present their case.

(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 Signature]

Date: 6/11/2023

Please return this form by 5pm on 6<sup>th</sup> November 2023 to one of the addresses below:

Email: [planningpolicy@newark-sherwooddc.gov.uk](mailto:planningpolicy@newark-sherwooddc.gov.uk)

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: