



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	<input type="text" value="Cllr"/>	<input type="text"/>
First Name	<input type="text" value="Debbie"/>	<input type="text"/>
Last Name	<input type="text" value="Darby"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Councillor"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="NCC"/>	<input type="text"/>
Address Line 1	<input type="text" value="40 Yorke Drive"/>	<input type="text"/>
Line 2	<input type="text"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text" value="Newark"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text" value="REDACTED"/>	<input type="text"/>
Email Address	<input type="text" value="REDACTED"/>	<input type="text"/>

Name or Organisation:	<input type="text" value="NCC"/>
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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: Open Spaces and Green Infrastructure paragraph 2.24 and 2.25 Table 1 - Newark Urban Area Open Space Requirements
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.

The DPD is not sound because it is not compliant with National Policy - **Open space and recreation** paragraph 98 and 99.

Open space and recreation

98. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

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.

The changes on page 29 Open Spaces and Green Infrastructure paragraph 2.24 - Table 1 - Newark Urban Area Open Space Requirements in the Amended DPD (See below) is reliant on the calculations and designations in the Open Space Strategy (OSS) document adopted in January 2022. The change to applying open space standards at settlement level rather than ward level is misleading. All references to wards have been removed. See below.

Table 3.1 - Newark Urban Area Open Space Requirements

Allotments	<u>Additional provision required Newark, Balderton & Fernwood</u> New provision required in Balderton West, Beacon, Bridge, Castle, Devon and Fernwood Wards
Amenity Greenspace	<u>Additional provision required in Balderton</u> New provision required in Balderton West, Bridge and Fernwood Wards
Outdoor Sports Facilities	New provision required in Beacon, Bridge and Devon Wards
Children and Young Persons Provision	<u>Additional provision in Newark, Balderton and Fernwood</u> New provision required in Castle, Devon and Magnus Wards
Natural/Semi-Natural Greenspace	<u>Additional provision in Newark, Balderton & Fernwood</u> New provision required to serve Beacon and Magnus Wards
Parks and Gardens	<u>Additional provision in Newark and Fernwood</u> New provision required in Fernwood Ward.

In an email to the NSA on the 15th of December NSDC stated that the “the lowest geographical level of assessment that the new OSS has applied is settlement level – rather than Ward- and so the contents of the new tables reflect this.” Green space designation should only be used where the green space is in close proximity to the local community.

This creates the misapprehension that that there is sufficient provision of Amenity Green Space (AGS) in Newark. This is incorrect, misleading and could lead to challenge by developers. A developer (MLN) responding to the consultation stated “Newark is pretty much **on standard for parks and gardens and over for amenity grassland (AGS).**”

There are two measures of AGS, a distance measure of 480m and a quantity measure of 0.6ha per 1000 people. AGS by definition is local and so the proposal to aggregate provision over larger settlement areas is deeply flawed and misleading. According to the OSS the settlement of Newark has 0.95 ha of AGS for every 1000 people against a standard of 0.60ha. However Newark is a large settlement and 8.45ha of AGS (29%) is concentrated on the edge of the settlement in the Beacon Ward and so only accessible to the population living within 480m of the AGS.

Lincoln Road Playing Fields (7.7ha) in the Bridge Ward have been designated as AGS when it should be designated as Parks and Gardens in line with other similar sites such as Coronation Street Playing Field in Balderton.

If provision of AGS is recalculated for the Bridge, Castle and Devon Ward then provision falls to 0.53, 0.32 and 0.54 ha respectively under the current standard of 0.60ha.

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.

Aggregating provision across settlements, urban areas and on occasion the District hides specific and local areas of under and over provision. To guide planning decisions accessibility or distance catchments should be used and based on provision within the catchment of the development taking into account the existing population and the social demography of the catchment. Provision should be universally proportionate and equitable.

Proportionate universalism is **the resourcing and delivering of universal services at a scale and intensity proportionate to the degree of need**. Services are therefore universally available and are able to respond to the level of need. This will solve the issue of aggregating provision across larger settlement areas and provide a more accurate, up to date and robust assessment of need.

The Amended DPD is contingent on the calculations and designations in the Open Space Strategy (OSS) document adopted in January 2022. The designation of open space should be consistent throughout the OSS. The OSS should be updated before the Amended DPD so that it is consistent across the district before it is approved by the independent examiner so that the document is robust, up to date and compliant with NPPF paragraph 98 and 99.

The Amended DPD would then not be misleading, planning decisions will be less open to challenge. It would be compliant with the NPPF and meet the test of soundness.

Suggested change:

Table 1 - Newark Urban Area Open Space Requirements should correctly state that additional AGS is required in Newark.

On page 30 - 2.25 should state:

These requirements will need to be delivered as part of the delivery of housing allocations and/or through the District/Town/Parish Council working with their partners. Accessibility and quantity catchments should be used based on provision within the catchment of the development taking into account the existing population and the social demography of the catchment. Provision should be universally proportionate and equitable.

(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 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: 07/01/2023

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: