



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	Mr & Mrs	Mr
First Name	C.L & J.D	Anthony
Last Name	Smith	Northcote
Job Title (where relevant)		Executive Director
Organisation (where relevant)		TOWN-PLANNING.CO.UK
Address Line 1	Blacks Farm	South View, 16 Hounsfield Way
Line 2	27 Newark Road	Sutton on Trent
Line 3	Coddington	Newark
Line 4	Newark	Notts
Post Code	NG24 2QF	NG23 6PX
Telephone Number		
Email Address		

Name or Organisation:	Mr & Mrs C.L & J.D Smith
-----------------------	--------------------------

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		Paragraph Number:
Amended AADMDPD Policy Number	X	Policy Number: Policy NUA/OB/1
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.

Policy NUA/OB/1 Newark Urban Area - Open Breaks (Coddington)

Please see the attached document which contains plans so cannot be included in this box.

(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.

The Open Break boundary should be amended along Newark Road to not cover the existing physical extent of the residential curtilages in the village as shown on the accompanying document.

(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.

To exercise the legal right to be heard and to be able to fully explain our position.

(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: 07/12/2022

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:

Mr C L & Mrs J D Smith
Blacks Farm, 27 Newark Road, Coddington,
Newark, Notts NG24 2QF

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

December 2022

South View, 16 Hounsfeld Way, Sutton on Trent, Newark, Nottinghamshire, NG23 6PX

Executive Director - Anthony Northcote, HNCert LA(P), Dip TP, PgDip URP, MA, FGS, ICIOB, MInstLM, MCMI, MRTPI
TOWN-PLANNING.CO.UK is a trading name of Anthony Northcote Planning Ltd, Company Registered in England & Wales (6979909)
Website: www.town-planning.co.uk

1. The southernmost part of the residential curtilage of Blacks Farm is currently overlaid by the Newark and Coddington Open Break. Policy NUA/OB/1 in the Allocations and Development Management Policies DPD states:

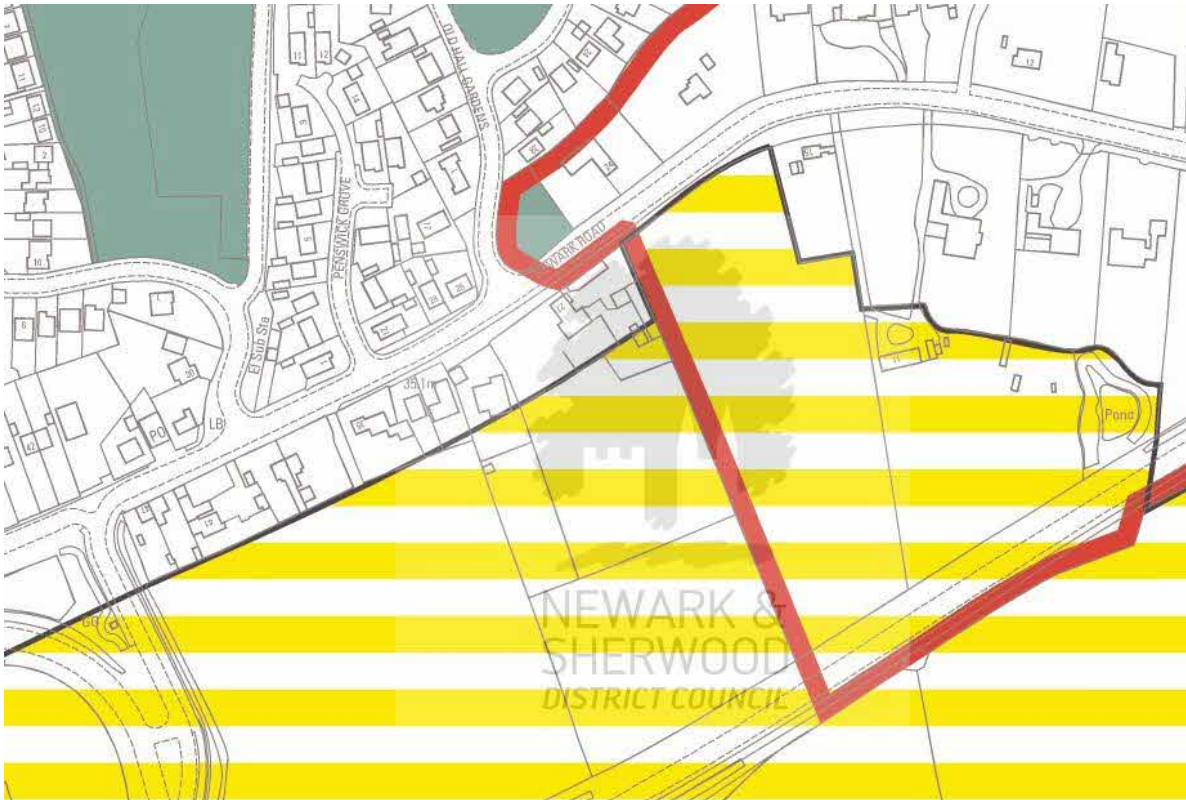
“Newark Urban Area - Open Breaks

In order to ensure that existing settlements retain their separate identities and characteristics, the District Council has identified certain areas that are under pressure for development which provide an open break between settlements.

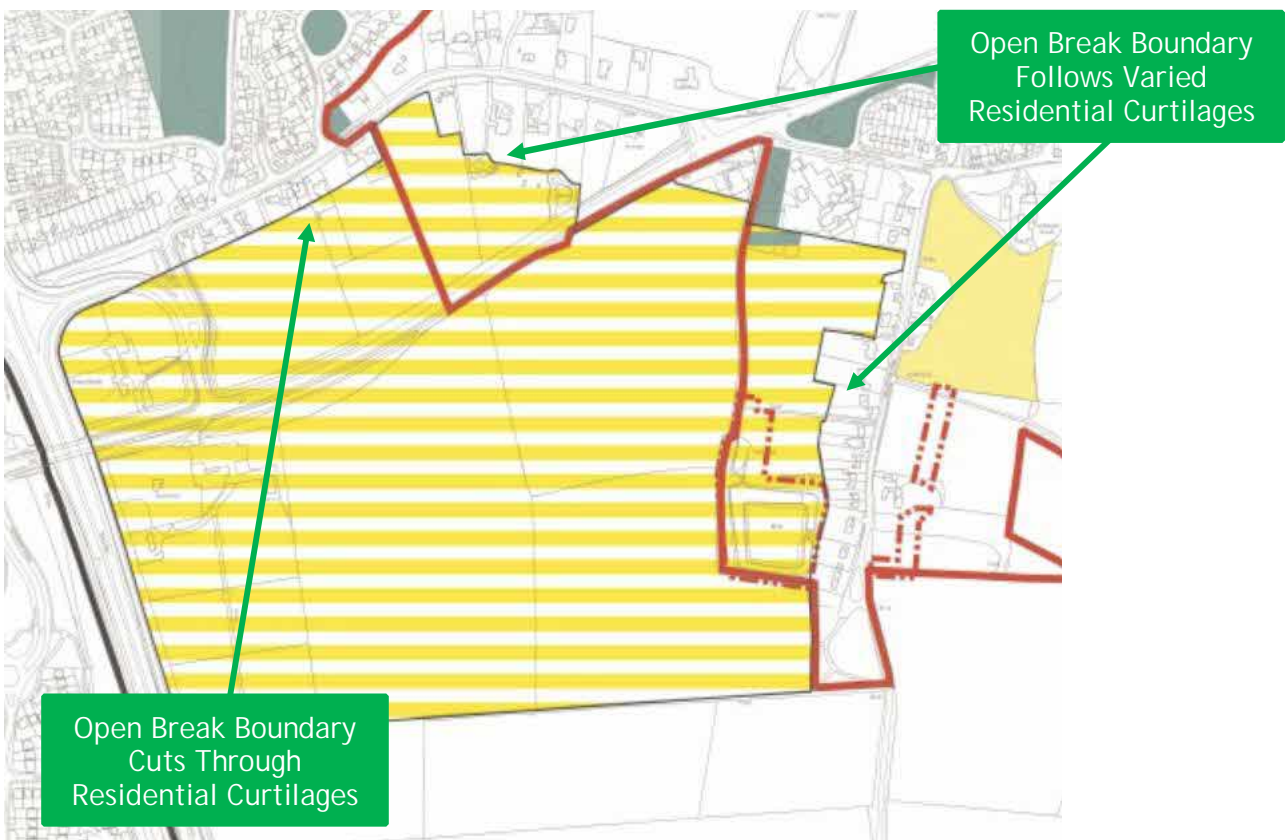
- i. Newark and Farndon;
- ii. Newark and Winthorpe; and
- iii. Newark and Coddington.

Within land allocated on the Policies Map as Open Breaks in Newark Urban Area, planning permission will not normally be granted for built development.”

2. The part of the Blacks Farm site within the Open Break already contains a large outbuilding and two smaller outbuildings. These three outbuildings collectively cover more than 50m² so already represent a sizeable built footprint within the Open Break.
3. The Open Break boundary at present is illogical and we are submitting this representation to the review of the Allocations and Development Management Policies DPD to object to the overlap of the Open Break on the garden of Blacks Farm 27 Newark Road.
4. The Open Break as presently defined actually includes not just open and undeveloped land but it overlays existing built development including Greenfields Care Home; Greenways; Bramble Bank 29 Newark Road; Blacks Farm 27 Newark Road; Mill Dene 11 Newark Road and 27a Newark Road. The emerging review of the Allocations and Development Management Policies DPD proposes to remove Greenfields Care Home from the Open Break. It doesn't propose as of yet to address the anomaly of approach along our stretch of Newark Road to the approach taken elsewhere to the east on Newark Road and to the south on Balderton Lane.



Close Up Extract from the Policies Map © Newark & Sherwood DC

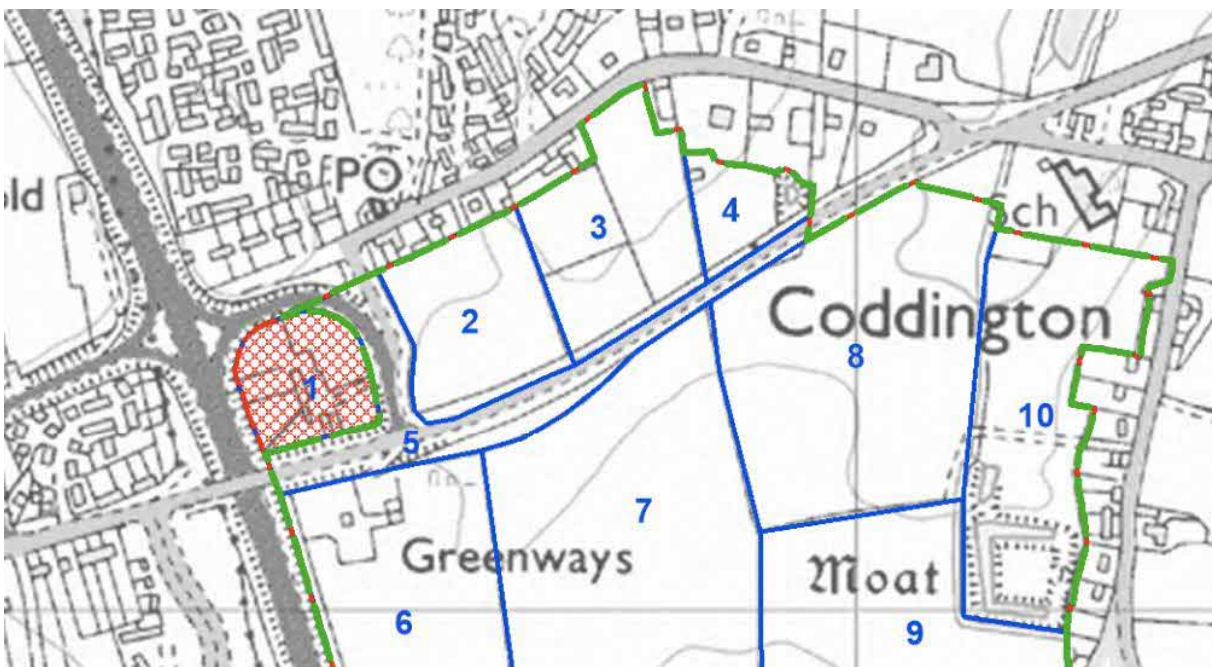


Open Break Boundary
Follows Varied
Residential Curtilages

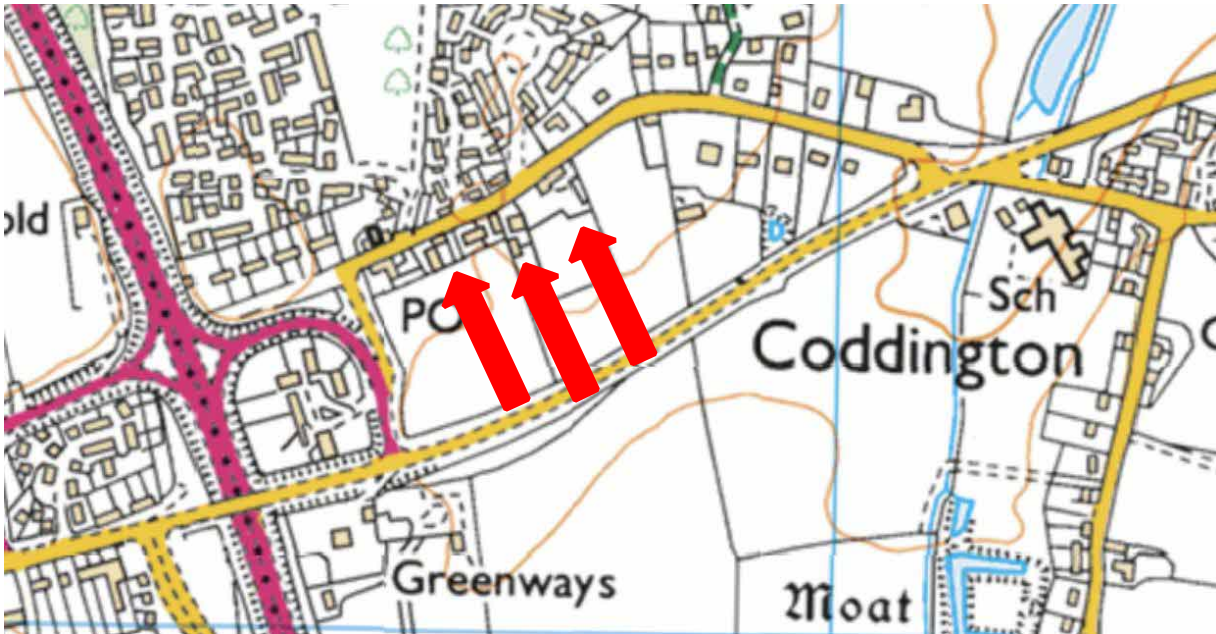
Open Break Boundary
Cuts Through
Residential Curtilages

Extract from the Policies Map Showing Overall Open Break © Newark & Sherwood DC

5. In most areas along Newark Road the Open Break boundary follows the edge of the residential curtilage, as can be seen by the wavy line boundary. Also, along Balderton Lane the Open Break boundary follows the edge of the residential curtilage, as can be seen by the wavy line boundary. For reasons which the Allocations and Development Management Policies DPD does not explain along this part of Newark Road the open break boundary is drawn in a straight line, rather than following the varied edge of the residential curtilage. As such it cuts straight through the gardens of Bramble Bank 29 Newark Road; Blacks Farm 27 Newark Road; and 27a Newark Road. This is in direct contrast to the approach elsewhere as described above where the Open Break boundary goes in and out strictly following the varied edge of the residential curtilages.
6. The review of the DPD assesses the land within the Open Break and buffer area around it to determine if it still functions to retain the separate identities and characteristics of Newark and the neighbouring settlements. The assessment of Open Break functionality was split into three areas: Physical; Perceptual; and Landscape value. However, the assessment was undertaken using a 1:25,000 OS base map which is out-of-date and does not correctly reflect the actual property curtilage boundaries along the southern side of Newark Road.



Extract from Open Break Review Document - Out of Date 1:25,000 OS Map Base



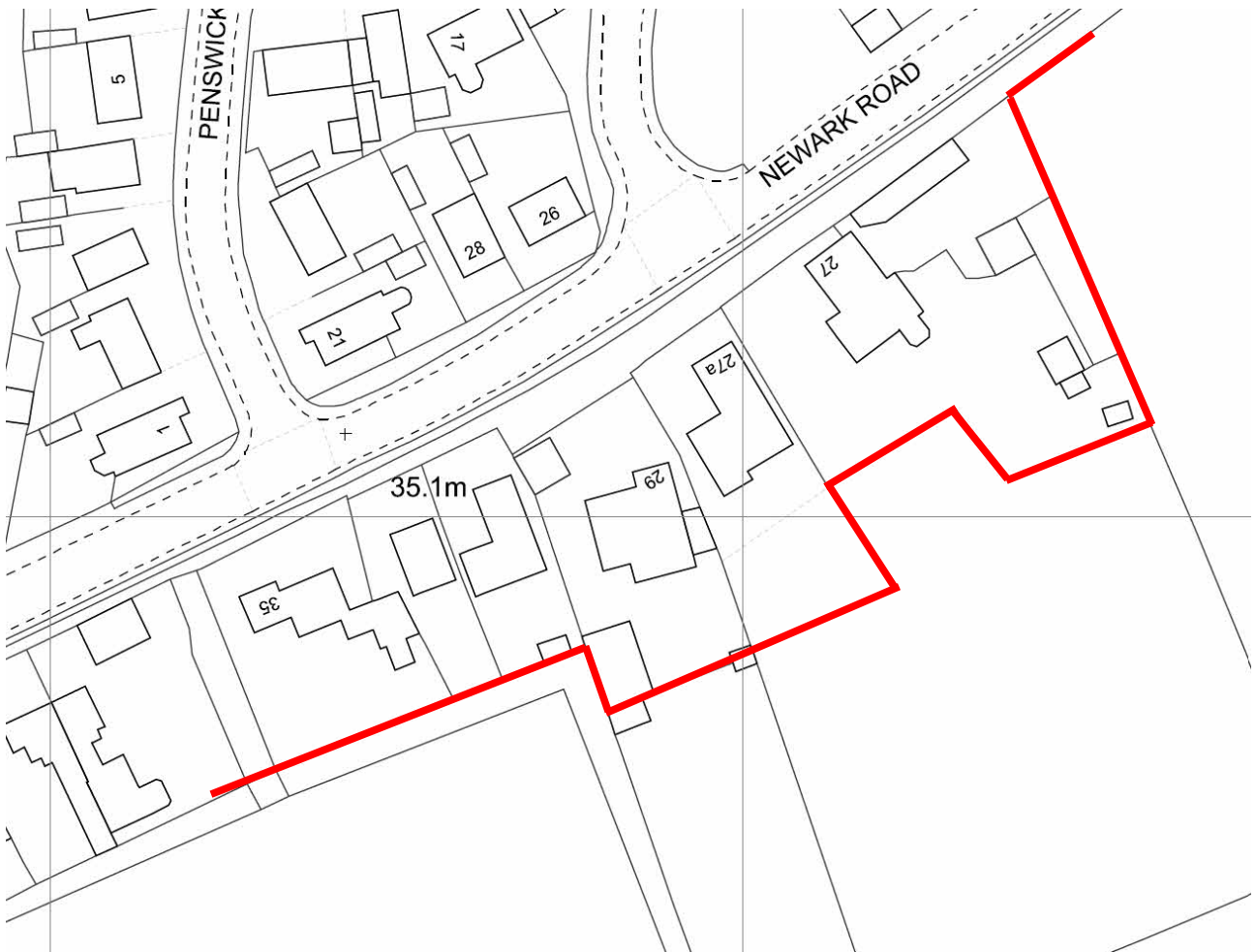
Up to Date 1:25,000 OS Map Base with Main Differences Highlighted

7. The 1:25,000 OS Map base used by the LPA is at least 20 years out-of-date because it fails to represent buildings that were present on the 2001 OS Map as shown on the extract below from Nottinghamshire Insight Mapping. The inconsistency of policy approach in the DPD is a matter we must legitimately raise in objection to the review of the DPD.



Extract from the 2001 OS Map on Nottinghamshire Insight Mapping (Hosted by Nottingham City Council)

8. The garden and outbuildings of Blacks Farm does not contribute to the physical separation of Newark and Coddington due to its geographic position. It is not part of the open or undeveloped farmland which forms the main proportion of the Open Break. As such it would score 'Low' on the physical assessment criteria. In perceptual terms the garden and outbuildings of Blacks Farm already contains built form and is distinct from the land to the south and east. It is already perceived as being part of the established village built footprint. Accordingly, it does not contribute to the sense of separation of Newark and Coddington. As such it would also score 'Low' on the perceptual assessment criteria.
9. In landscape terms the character of the garden and outbuildings of Blacks Farm is weak, with little landscape identity. The characteristic features are of a domestic residential curtilage with poor quality outbuildings which detract from any feeling of openness. It does not have the landscape character of countryside and there are no areas of conservation interest within the garden. Consequently, it would also score 'Low' on the landscape value assessment criteria.
10. On the basis of the above analysis, the garden and outbuildings of Blacks Farm does not share the characteristics of the Open Break. In the review of the DPD the boundary along Newark Road should be amended to reflect the actual varied boundary curtilages of the residential properties including Blacks Farm. This is what we are requesting. The current position is clearly an anomaly and inconsistent with the approach taken elsewhere on the same Open Break. This inconsistency and the inability of the LPA to explain a rationale for the inconsistency is material to the review of the DPD.
11. The evidence document fails to make any reference the Coddington Open Break overlapping any existing gardens. This calls into question whether the author has ever actually visited the village to see the position on the ground. Elsewhere as detailed in paragraph 5.1.3 of the evidence document the removal of plot to the edge of unit 6 in proposed in the Farndon area because 'This residential property relates to adjacent properties rather than the wider agricultural landscape. It ties into the existing linear development along Fosse Road.' As such the evidence document is being inconsistent in approach and should also recommend that the boundary along Newark Road in Coddington should be amended to exclude the existing residential gardens from the Open Break.
12. The Open Break boundary should be amended as follows:



Suggested Amendment to Open Break Boundary along Newark Road in Coddington

13. The DPD Open Break boundary is not justified by evidence and is not justified or effective in delivering the role of Coddington as a rural settlement that benefits from excellent accessibility to the services and facilities of the Newark Urban Area. As such the DPD is inconsistent with the Amended Core Strategy and conflicts with the NPPF and in particular paragraph 79 as it fails to promote sustainable development in rural areas by allowing housing to be located where it will enhance or maintain the vitality of the rural community of Coddington. The NPPF requires planning policies to identify opportunities for villages to grow and thrive, especially where this will support local services. The settlement boundary conflicts with the NPPF in this regard.