



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="Mr"/>	<input type="text"/>
First Name	<input type="text" value="Nick"/>	<input type="text"/>
Last Name	<input type="text" value="Baseley"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Director"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="IBA Planning"/>	<input type="text"/>
Address Line 1	<input type="text" value="The Studios"/>	<input type="text"/>
Line 2	<input type="text" value="Church Farm, Mansfield Road,"/>	<input type="text"/>
Line 3	<input type="text" value="Edwinstowe"/>	<input type="text"/>
Line 4	<input type="text" value="Nottinghamshire"/>	<input type="text"/>
Post Code	<input type="text" value="NG21 9NJ"/>	<input type="text"/>
Telephone Number	<input type="text" value=""/>	<input type="text"/>
Email Address	<input type="text" value=""/>	<input type="text"/>

Name or Organisation:	IBA Planning
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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: 7.74
Amended AADMDPD Policy Number	X	Policy Number: Policy DM8
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 | <input checked="" type="checkbox"/> |
| (2) Justified | <input checked="" type="checkbox"/> |
| (3) Effective | <input checked="" type="checkbox"/> |
| (4) Consistent with national policy | <input checked="" 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.

Policy DM8 has supposedly been amended to be consistent with national policy.

We can see this, amongst others, by the various references to para. 80 of the NPPF (when dealing with proposals for isolated new homes) and the new requirement for residential conversions to enhance their immediate setting – further reflecting the wording of para. 80 of the NPPF.

However, despite the amendments made, Policy DM8 (insofar as it relates to the residential re-use of buildings in the open countryside) is still considered inconsistent with national policy – and therefore not justified.

The NPPF (via para. 80.c)) confirms that the residential re-use of redundant or disused buildings (where this would enhance its immediate setting) comprises one of the few circumstances where isolated homes in the countryside can be approved.

There is no additional contingent requirement that such buildings should only be of historic or architect merit to benefit from that national policy support.

Indeed, the residential conversion of such buildings (i.e. heritage assets – covering both designated and non-designated heritage assets) is clearly covered by an entirely separate arm of para. 80 – i.e. criterion (b).

Para. 80 makes clear that proposals only have to satisfy one of the listed criteria to be policy compliant.

Policy DM8 is proposed to be amended to specifically remove the reference to proposals “only” being “granted” for the residential conversion of buildings of architectural or historic merit – which on the face of it seems to acknowledge the previous version of Policy DM8 was more onerous than (and therefore inconsistent with) national policy.

However, paragraph 7.74 would suggest otherwise. If I am wrong, then paragraph 7.74 is inconsistent with Policy DM8 - and obviously needs amending.

If I am correct however, then I consider the Policy itself (and paragraph 7.74) remain inconsistent with national policy – and both therefore need further amending in order for the Plan to be considered sound.

Allied to the above, the Policy as currently proposed to be amended is considered to be ambiguous and imprecise, insofar as it is not clear to the reader exactly what the Council’s policy position is with regard to the residential conversion of buildings in the countryside.

We can see they will support the residential conversion of buildings of historic or architectural merit (i.e. heritage assets) – and this is considered to be in line with criterion b) of para. 80 of the NPPF.

But the Policy is unhelpfully silent on the matter of the residential reuse of other disused or redundant buildings in the countryside – more specifically: whether Policy DM8 lends support for such proposals too?

Such ambiguity raises serious soundness issues in terms of the Policy being positively prepared and effective.

If the Council is intending to support the residential conversion of disused or redundant buildings in the countryside that are not heritage assets (in line with and so as to be consistent with national policy) – then the Policy (and paragraph 7.74) should be further amended to make this much clearer to all.

I can only presume this is the intention? – as otherwise there would have been no need to remove the word ‘only’ amongst others from the wording of the original Policy DM8 as referred to above, or to have inserted the reference to proposals for residential development also needing to demonstrate that “the enhancement of their immediate setting has been provided for” – this being a requirement of the criterion c) of para.80 relating to the re-use of disused or redundant buildings, but not of criterion b) relating to developments representing the optimal viable use of a heritage asset.

It is a Plan-led system – and stakeholders should be left in no doubt what is and isn’t acceptable in policy terms. It is a relatively straight forward type of development, and there is no reason why such clarity cannot and should not be provided.

The Government’s support for the residential conversion of buildings in the countryside is clear via para.80.c) of the NPPF, and when extending permitted development rights by way of Class Q to more quickly and easily bring about the delivery of new rural dwellings via the conversion of all types of agricultural buildings – i.e. not just traditional, or those of architectural or historic merit.

(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.

Policy DM8 should be further amended to provide clarity on its position regarding the residential conversion of rural buildings in the countryside.

The support for the residential conversions of buildings of historic or architectural merit is acknowledged and considered consistent with criterion b) of para.80 of the NPPF, but the Policy should be further amended to provide specific support for the residential re-use of redundant or disused buildings in line with criterion c) of para. 80 of the NPPF so as to be consistent with national policy.

Such clarification would also ensure this part of the Plan is effective – and that the Plan has been positively prepared.

(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.

Experience at other Examinations suggests an in-person discussion on specific policy wording can often be most helpful.

Obviously, if the policy is suitably updated/amended to reflect the above concerns, then there would be no need to attend and take up Examination time.

(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: 9 January 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: