



# 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

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="Ms"/>	<input type="text"/>
First Name	<input type="text" value="Lindsay"/>	<input type="text"/>
Last Name	<input type="text" value="Ramsden"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Group Strategic Land Director"/>	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Avant Homes"/>	<input type="text"/>
Address Line 1	<input type="text" value="Avant House"/>	<input type="text"/>
Line 2	<input type="text" value="6 &amp; 9 Tally's End"/>	<input type="text"/>
Line 3	<input type="text" value="Barlborough"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text" value="S43 4WP"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
Email Address	<input type="text" value="REDACTED"/>	<input type="text"/>

Name or Organisation:	Avant Homes
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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: <b>See comments attached</b>
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.

Please see separate comments attached.

(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.

Please see separate comments attached.

(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"/> Yes –Avant would like to participate

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

Avant have strategic land interests in the area which are deliverable, available and achievable and feel that the consultation documents do not meet the local housing needs appropriately.

(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 - Yes
- Examination in Public hearing sessions Yes
- Planning Inspector’s recommendations for the DPD have been published. Yes
- DPD has been formally adopted. Yes

Signature: [REDACTED] Date: 9<sup>th</sup> January 2023

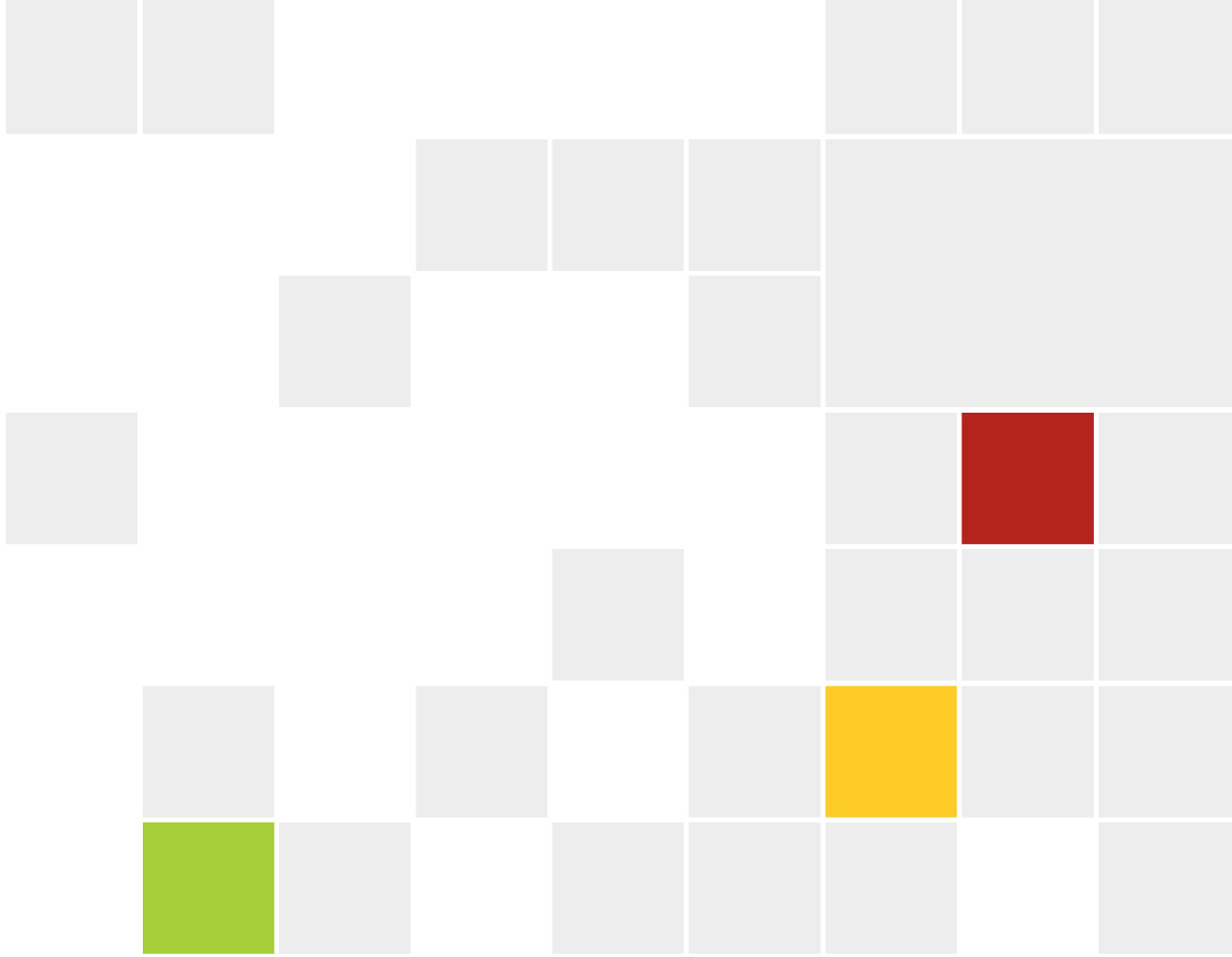
Please return this form by 12 Noon on 9<sup>th</sup> January 2023 to one of the addresses below:

Email: [planningpolicy@nsdc.info](mailto:planningpolicy@nsdc.info)

Post: Planning Policy & Infrastructure Business Unit  
Newark & Sherwood District Council  
Castle House  
Great North Road  
Newark  
NG24 1BY

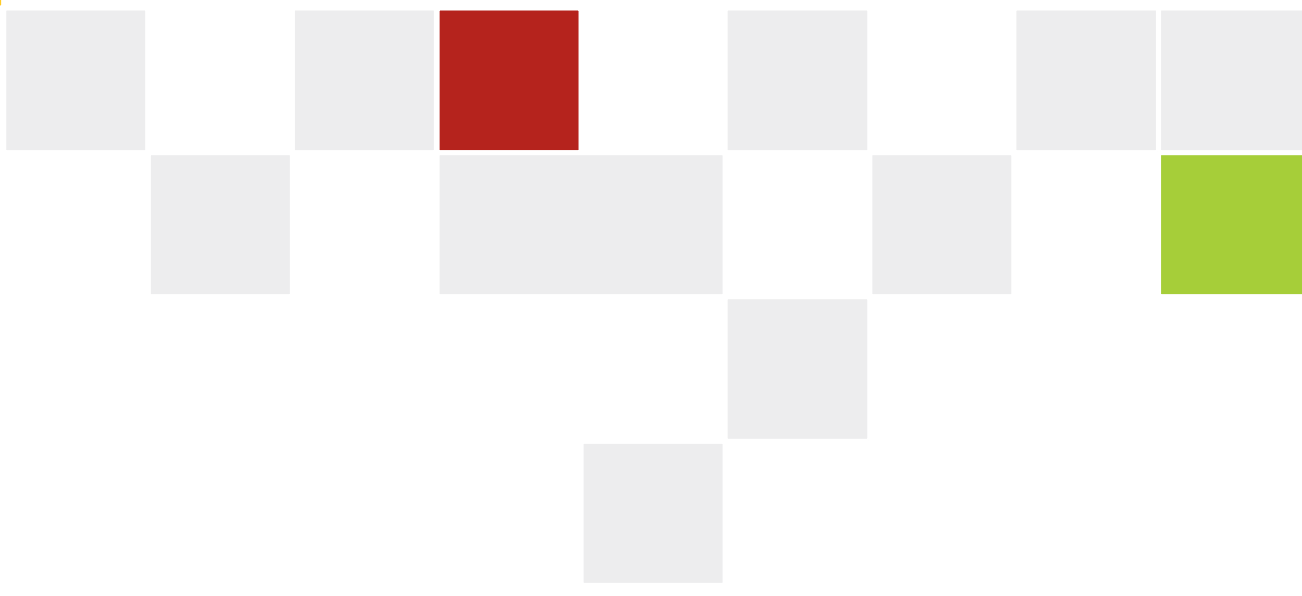
Information is available at:  
<https://www.newark-sherwooddc.gov.uk/aadm-representation/>

Office Use Only
Date of Receipt:
Representation No:



Land off Clipstone Drive, Clipstone, NG19 0JH

Amended Allocations & Development Management Plan  
Document (DPD) Representation



**Boyer**

## Report Control

Project:	Land off Clipstone Drive, Clipstone, NG19 0JH
Client:	Avant Homes
Reference:	21.3031
File Origin:	Document1
Primary Author	Ian Long
Checked By:	David Hutchinson

<i>Issue</i>	<i>Date</i>	<i>Status</i>	<i>Checked By</i>
1	20.09.2021	Draft	David Hutchinson

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## 1. INTRODUCTION

- 1.1 These representations have been prepared by Boyer on behalf of Avant Homes in regard to the 'Amended Allocations and Development Management Policies Development Plan Document: Options Report' consultation being conducted as part of the development of the emerging Local Plan Review.
- 1.2 The below representations provides Avant Homes' response to the topics contained in the consultation, specifically in relation to several questions posed in the Options Report.
- 1.3 This representation continues the promotion of 'Land off Clipstone Drive, Clipstone' which had previously been on behalf of Retail Ventures Ltd but now has been taken on by Avant Homes.
- 1.4 Avant Homes have a proven and established track record of delivering housing in a timely manner in Clipstone, as well as elsewhere in the region.

## **2. RESPONSE TO CONSULTATION QUESTIONS**

### **Question 1 - Core Policy 1 - Affordable Housing Provision**

- 2.1 This representation supports the proposal to align the requirements of Core Policy 1 with the updated National Planning Policy Framework (NPPF). This approach will ensure that the housing mix for proposals can be developed to accord both with local and national planning policy. Therefore, the emerging policy will accord with Paragraph 16d of the updated NPPF.
- 2.2 Nonetheless, the proposed wording of Core Policy 1 contains a repetition of the wording found in Paragraph 65 of the NPPF. The Council should avoid the unnecessary duplication of policies contained in the NPPF, as is required in Paragraph 16f, and as such, the wording should be amended accordingly.
- 2.3 Further to this, the wording of Core Policy 1 should be updated to reflect the position stated in the 24<sup>th</sup> May 2021 Written Ministerial Statement in relation to First Homes, and specifically updated to contain the requirement for a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. Clarity should also be provided that where cash contributions for affordable housing are secured instead of on-site units, a minimum of 25% of these contributions should be used to secure First Homes. Where a mixture of cash contributions towards affordable housing and on-site units are secured, 25% of the overall value of affordable housing contributions should be applied to First Homes.

### **Question 3 - Core Policy 3 - Housing Mix, Type and Density**

- 2.4 The wording of the amended Policy should be updated to reflect that the housing mix, type and density of schemes should vary at the local level across the District, to respond to localised needs and demands. The Integrated Impact Assessment which has been produced to inform the consultation states that “providing for a mix, type and density of new housing development which is able to respond to the housing needs of the District can help promote the creation of sustainable communities”. By this merit, it is imperative that the wording of the amended Policy be updated to allow for the identified variations in local housing needs, which have been informed by the Council’s own evidence base.
- 2.5 For example, the ‘Mansfield Fringe Area’, which Clipstone is a part of, is shown in the ‘District Wide Housing Needs Assessment – Sub Area Summaries’ (December 2020) to have an overall housing mix demand (as a percentage) to be 34.3% requiring the ‘4 or more bedroom house’ category whereas for Newark & Sherwood District there was a demand of 10.4% for the same category.
- 2.6 Simultaneously, it was found for the Mansfield Fringe Area there was a demand of 26.9% for the ‘3-bedroom house’ category whereas it was 39.9% for Newark & Sherwood District, which was the largest requirement of any category. Naturally, this has informed the proposed policy amendment, which seeks for an “emphasis on 2 and 3-bedroom family housing”.

- 2.7 Whilst it may be that other areas in the District have a greater preference for these house types, it is unreasonable to over-emphasise or over rely on these house types in the Mansfield Fringe Area when there is a stated need for an increased provision of 4 or more bedroomed houses. Indeed, we consider that the wording of the Policy prior to the proposed amendment was more appropriate, as it stated that “the District Council will seek to secure an appropriate mix of housing types to reflect local housing need. Such a mix will be dependent on the local characteristics of the site, the viability of the development and any localised housing need information”.
- 2.8 The NPPF is clear in Paragraphs 61 and 62 that strategic policies should be informed by a local housing needs assessment, such as the District Wide Housing Needs Assessment and its associated Sub Area Summaries document, and that the context, size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

### **Question 13 – Policy DM2 – Development on Allocated Sites**

- 2.9 This representation supports the wording contained in the ‘preferred approach’ amendment to Policy DM2. Further to this, we wish to emphasise the importance of the comprehensive delivery of allocated sites, and that where comprehensive development cannot be achieved that proposals for allocated sites ensure that they do not prejudice the overall deliverability of the whole allocation. As is considered in the draft Policy, development proposals which prejudice proper overall delivery should be refused.
- 2.10 The NPPG guidance makes clear that plan-makers need to assess the suitability, availability and achievability of sites, including whether the site is economically viable. This provides information on which a judgement can be made as to whether a site can be considered deliverable within the plan period.
- 2.11 A site can be considered available for development, when, on the best information available there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available.
- 2.12 A site can be considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and sell the development over a certain period.
- 2.13 Where constraints have been identified, the assessment will need to consider what action could be taken to overcome them.
- 2.14 We consider it appropriate for an additional allocation to be made in Clipstone, to protect the housing land supply of the District and to support the Government’s objective to significantly boost the supply of homes, as contained in Paragraph 60 of the NPPF.

- 2.15 In response to this, and in response to other allocated sites which may not come forward as expected elsewhere in the District, we propose the allocation of 'Land off Clipstone Drive, Clipstone' which could be developed for residential purposes delivering in the order of approximately 800 dwellings. 'Land off Clipstone Drive, Clipstone' benefits from being sited in a highly sustainable location being located between the main body of the settlement and the recently developed land off Cavendish Way to the north east. It therefore has the potential to improve connectivity by bridging the gap between the core of the village and the new development for the benefit of all residents.
- 2.16 The site benefits from having access to the south-west from Clipstone Drive with the possibility of pedestrian accessibility into the parcel of land to the north-east where Persimmon Homes obtained full planning permission for 107no. dwellings (app. ref: 17/00582/FULM).
- 2.17 Further to this, the site also benefits from being located entirely within Flood Zone 1 and does not contain any trees or groupings of trees which are protected by Tree Preservation Orders. There are also no listed buildings nor scheduled ancient monuments on or within proximity to the site. The site has no landscape value and its development would effectively infill existing development to the north-east and south-west, demonstrating that this is a logical location for development.
- 2.18 The most recently published SHELAA assessment (2010) of the submitted site provided an overall conclusion that stated that "potential contamination issues at the site if necessary". It is considered that this element could be further investigated prior to the submission of an application with appropriate mitigation measures incorporated into the scheme, if needed.
- 2.19 The SHELAA assessment also stated that there are "highway access constraints in this location". In response to this, an Access Technical Note has been produced by Ardent Consulting, which sought to establish an agreement with Nottinghamshire County Council for an 'in-principle' access strategy that was proposed to consist of two adopted accesses from Clipstone Drive and Cavendish Way. This would enable an 800-unit development of the site to have more than a single point of access, which had been noted as the primary highway constraint to the site.
- 2.20 More recently, pre-application engagement was made with the Council in September 2020, with the response concluding that, at the current time, an application would not be supported due to the site being outside of the settlement boundary of Clipstone. The response advised that the site should be put forward for allocation during the Local Plan review.
- 2.21 'Land off Clipstone Drive, Clipstone' is now controlled by Avant Homes, who have a proven and established track record of delivering housing in a timely manner in Clipstone, as well as elsewhere in the region.
- 2.22 The allocation of the site will act to reinforce the five-year housing land supply of the District in the short to medium term, and the developer would be able to get on-site promptly due to the relative lack of pre-development preparatory works or infrastructure which is required.

- 2.23 This site would make a material contribution towards not only meeting the housing requirements of the District, but could also support the economic and housing needs of Mansfield whose boundary is located within metres of the site and with Clipstone being referred to as a settlement in the 'Mansfield Fringe Area' in the Allocations and Development Management DPD (2013). Therefore, the allocation of land off Clipstone Drive, Clipstone is accordant with the general thrust of the NPPF and in particular the duty for local planning authorities to have regard to the specific needs of neighbouring authorities.
- 2.24 In conclusion, there are no material reasons why land off Clipstone Drive, Clipstone could not be allocated for housing as part of this Local Plan Review process. As such, further allocations should be considered to ensure that the housing land needs of the District are met, being mindful of the Government's aspiration to deliver 300,000 dwellings a year.

### **Question 16 – Policy DM5a & b - Design**

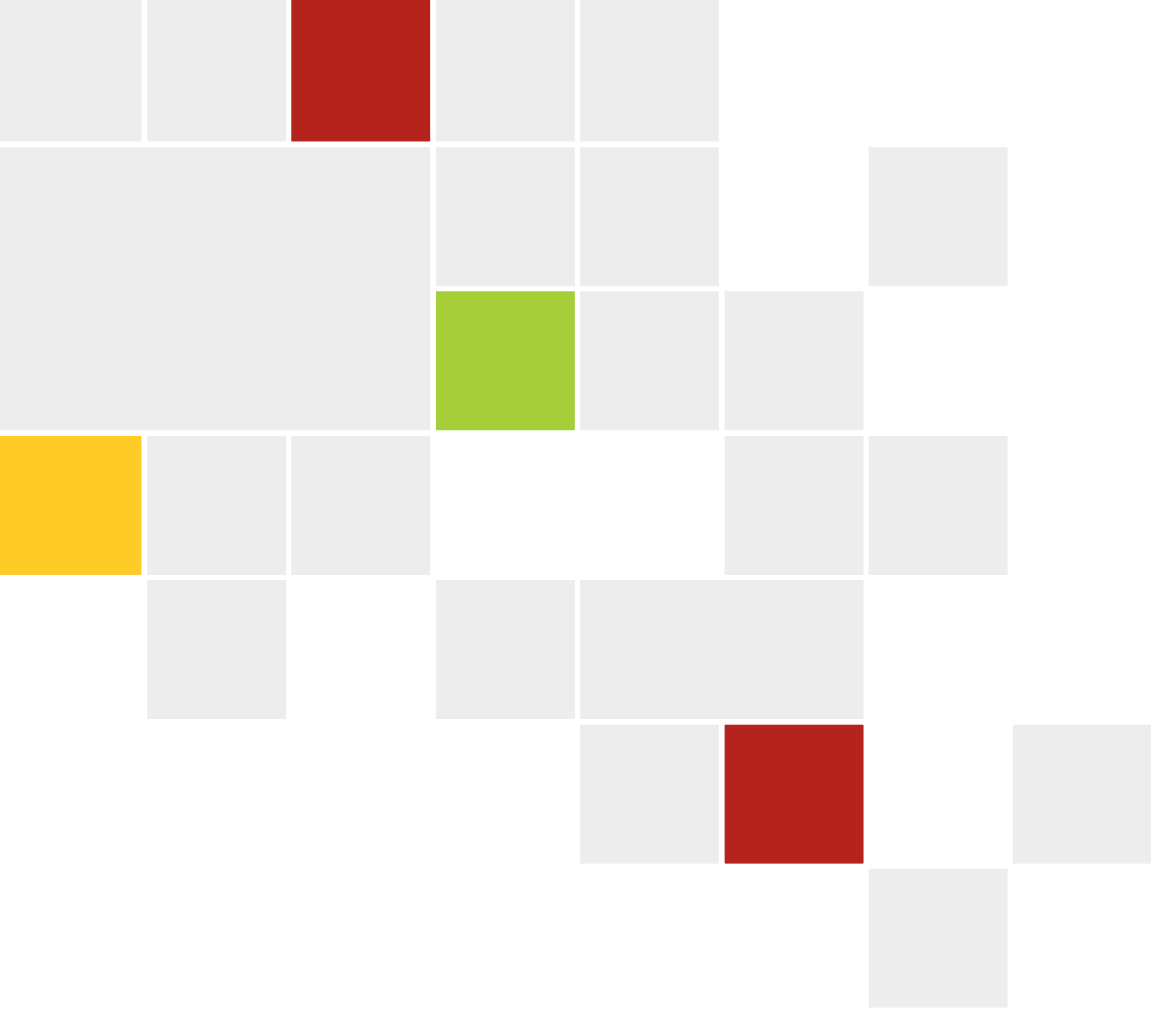
#### *Policy DM5a – The Design Process*

- 2.25 The proposed preferred approach for Policy DM5a seeks to introduce a requirement for new residential development to “perform positively” against the Building for a Healthy Life guidance. Whilst we are supportive of its use as guidance, we consider it appropriate that conformity to Building for a Healthy Life be voluntary as opposed to a mandatory policy requirement, as meeting the requirements of the guidance can have potentially significant impacts upon the viability and the deliverability of sites. This should be reflected in the wording of the policy, or alternatively adherence to Building for a Healthy Life guidance should be kept in the policy subtext only.
- 2.26 Further clarity should be provided regarding what the Council consider a “robust site and contextual appraisal” to include, in addition to the stated constraints and opportunities. This will ensure that there is as little ambiguity in the design process as possible, particularly in the early stages of the development of the design and in ensuring that these are translated through to the latter design stages and eventual submission design.
- 2.27 We query the inclusion of the statement “the District Council expects applicants to ensure that their design teams are well skilled, creative and passionate about creating great places whilst also being well informed in best practice and innovation” as this is something of a throwaway comment that is not supported by corresponding paragraph/s in the NPPF.

#### *Policy DM5b - Design*


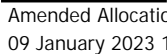
- 2.28 It is acknowledged that Policy DM5b (1. Access) seeks to encourage the integration of sustainable and active modes of travel, however the wording of the Policy should be amended to include reference to the provisions of Paragraph 105 of the NPPF. This Paragraph also seeks to maximise sustainable transport solutions; however, it recognises that opportunities for this will differ between urban and rural areas. As is considered in the Paragraph, “this should be taken into account in both plan-making and decision-making”.

- 2.29 For Policy DM5b (2. Parking), reference is made to development proposals being “in accordance with the adopted Residential Cycle and Car Parking Design Guide SPD”. In effect, this ordains the SPD with the same decision-making weight as an adopted DPD, which has not been subject to examination and does not itself form part of the emerging Amended Allocations & Development Management DPD.
- 2.30 Per Paragraph 16d of the NPPF, Local Plan policies should be “clearly written and unambiguous”. As such, the wording for Policy DM5b (2. Parking) should be updated to contain the cycle and car parking requirements, noting that further information is available in the associated SPD.



# Boyer

1a Cedars Office Park, Butt Lane, Normanton, Loughborough, LE12 5EE | [boyerplanning.co.uk](http://boyerplanning.co.uk)

From:   
To:   
Subject: Amended Allocations and Development Management DPD - Avant Homes response  
Date: 09 January 2023 11:59:25  
Attachments: [Avant Homes Representation Form 090123.pdf](#)  
[210921 Representation Submission - Final.pdf](#)

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**[CAUTION: This email originated from outside of the organisation. Do not click on links or open attachments unless you recognise the sender and know the content is safe]**

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Dear Sir/Madam,

Please see attached a representation form and comments from Avant Homes.

In summary, the basis of our previous representation remain applicable to this current consultation re: Core Policy 1 (which now recognises First Homes), Core Policy 3, Policy DM2 and Policy DM5a and Policy DM5b.

Kind Regards

Lindsay

**Lindsay Ramsden**

Group Strategic Land Director

  
Avant Homes, Avant House, 6 & 9 Tallys End, Barlborough, S43 4WP

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