



# 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.

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## PART A- Personal / Agent Details

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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	Mr	
First Name	Stephen	
Last Name	Hodgson	
Job Title (where relevant)	Construction manager	
Organisation (where relevant)		
Address Line 1	9 Anderson Close	
Line 2	Balderton	
Line 3	Newark	
Line 4	Notts	
Post Code	NG24 3GD	
Telephone Number		
Email Address		

Name or Organisation:	
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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		Paragraph Number:
Second Amended AADMDPD Policy Number		Policy Number:
Second Amended AADMDPD Policies Map Amendments		Part of Policy Map:
Integrated Impact Assessment <sup>1</sup>	x	Paragraph Number: 6
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 X

\*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 X
- (2) Justified
- (3) Effective
- (4) Consistent with national policy X

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.

Ecology

Ecological Appraisal – recommendations for further targeted surveys advised for all the below!

The development must comply with current nature conservation policy and legislation

The report has found significant levels of ecological interest

Further survey is recommended for roosting bats (trees and buildings), bat activity, nesting birds, reptiles hedgehogs and great crested newts.

Ecological impacts on feature of interest including grassland, swamp and hedgerow will need to be avoided, or appropriate mitigation be put in place

No Sites of Special Scientific Interest found within 5km of site – we know this is incorrect as bordering fields are significant in their biodiversity and data collected.

The hedgerows and boundaries are of significant ecological interest with 16 hedgerows and 6 categories of hedgerow present.

A targeted survey of grassland was not carried out BUT more than 50 grassland species were recorded.

A desk study returned 38 records of bats in the search areas with 7 different identified species identified and 1 species unidentified. The hedgerow, dense scrub, grassland and garden mosaic provide moderate to good quality potential for foraging and commuting bats which do tend to reuse the same roost sites, therefore bat roost is protected whether bats are present at the time or not.

A desk study found 10 records of hedgehog

An adult fox was observed during the survey in the edge of the field and is regularly seen with its two pups on our walks.

9 amphibian records were found on the desk study – 3 species and noted the natural habitat has now significantly improved.

The value of the hedgerow habitat in the 2020 survey is now considered to have been underestimated.

9 records of grass snake recorded on the desk study – the nearest 0.8km away at a gypsum mine

The site has recently become more suitable for all reptiles (as it no longer managed) particularly for the grass snake and slow worm.

16 species of birds were observed during the survey as the limited levels of disturbance recently, the range and mosaic of habitat types have provided nesting and roosting opportunities for all birds. All nesting birds are protected and given the number of notable species observed by casual observation it is considered that the impact of this development could be significant.

There are several pieces of legislation that prohibit interference with places used for shelter or protection, or to intentionally disturb animals from occupying such places.

There are protections for some species of animals (European protected species) two of these are Bats and Great Crested Newts – you cannot disturb any EPS, damage or destroy a breeding or resting site of an EPS, intentionally or recklessly disturb an EPS while it's occupying a structure or place that it used for shelter or protection

Lowfield lane Grassland, Balderton Works meadow 1 & 2 are designated for their botanical interest.

The loss of woodland at the site would be adverse at the site at a level of geographical importance

The bramble scrub forms an extensive part of mosaic scrub and is of limited botanical interest but does provide habitat for a wide range of fauna.

Mosaics of grassland and mixed scrub are no longer common in the wider countryside, particularly in small field systems and loss of this will be adverse at both a local and geographical level.

The value of the grassland is of much greater significance than was previously assessed. The average number of species in a square metre are indicative of a grassland that is of at least district if not county level due to its' diversity and extent.

The area of swamp, although low botanical diversity does contribute as it increases the structural and habitat diversity of the area and there is no other area of swamp in the surrounding area.

A desk study returned records of quaking grass and field scabious which are near threatened in England, their presence cannot be discounted.

As already suggested by the Balderton Parish Council.

An in depth ecological survey should be undertaken to fully assess the considerable potential impact of the proposal.

180. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

(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.

Although the ecological appraisal has identified value, there is not any enhancement which protects the biodiversity listed above. The change required to rectify the shortcomings of the DPD in relation to NUA/HO/10 would be to de allocate this parcel of land north of lowfield lane.

The council and their in house developers have hugely underestimated the ecological value of this site. Due diligence was not given at the land purchase stage and continues to be driven forward to avoid embarrassment on the waste of resources.

There is no mitigation to building on greenfield sites with a view to conserve wildlife. Builders move in, wildlife moves out, never to return

This allocation should be refused for the wellbeing of our existing wildlife and the conservation of the varied threatened species existing here for all to admire.

(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 checked="" 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: 05-11-2023

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: