



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 6th 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 AADMPD, please let us know that you are happy for your previous representation to be withdrawn.

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 column two.*

Title	Mr	
First Name	Des	
Last Name	Kay	
Job Title (where relevant)		
Organisation (where relevant)	Protect Our wildlife on Lowfield Lan	
Address Line 1	198 Lowfield Lane	
Line 2	Balderton	
Line 3	Newark	
Line 4	Notts	
Post Code	NG24 3 EP	
Telephone Number		
Email Address		

Name or Organisation:	Protect OWLI
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PART B- Representation(s)

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	10 - Policy NUA/Ho/10 Newark Urban Area - Housing Site 10 and HOUSING TRAJECTORY PLAN	Paragraph Number: 1, PAGE 18 P.233
Second Amended AADMDPD Policy Number		Policy Number:
Second Amended AADMDPD Policies Map Amendments		Part of Policy Map:
Integrated Impact Assessment ¹		Paragraph Number:
Habitat Regulations Assessment		Paragraph Number:
Statement of Consultation		Paragraph Number:
Supporting Evidence Base	Table summarising the Newark Southern sites	Document Name: Integrated impact Assessment Sept 2023 Page/Paragraph: pg 14 sec 6.8 and appendix 2 pages 61, 62

4. Do you consider the DPD to be LEGALLY COMPLIANT? *Not sure*

No

5. Do you consider the DPD to comply with the Duty-to-Cooperate? NO

Yes

No x

6. Do you consider the DPD to be SOUND? *No*

Yes

No x

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.

**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).*

7. The DPD is not sound because it is not:

- (1) Positively Prepared
- (2) Justified xx
- (3) Effective- xx
- (4) Consistent with national policy xx

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.

I submit that the judgements behind the production of the options report in previous versions and the updated risk assessment 2023 on respective criteria no 3, 6, 7 and 14 are unsound and not based on proportionate evidence in relation to NUA/Ho10. Specifically :

In relation to objective 3 'to provide better opportunities for people to value and enjoy the districts heritage'. The affected area is one of the last unimproved country lanes in the Balderton area bordering rich mature hedgerows with the site itself composed of ridge and furrow grassland and mature tree lines .This development will result in the loss of this heritage and irreversibly spoil this country lane character It is erroneously scored as a 0 no impact when it should be at best a – (single minus). A petition of 2000 signatures proves that this area is of significant cultural value to local people and this has simply been ignored by the council

In relation to objective 6 to increase biodiversity levels across the district it is scored –, (single minus) however the loss of several hectares of species rich grassland which is a national priority habitat, occupied by several list one species and further protected species which will also impact on the adjoining 3 Local wildlife site merits a - -, (double minus), score , as has been pointed out by several other respondents.

Moreover, this is in direct conflict with current government policy under the Environmental Improvement Plan EIP 23, to 'leave nature in a better state than we find it'. It is in direct conflict with NPPF and statutory consultee advice by not applying Biodiversity net gain BNG , moreover the application of the current BNG metric would conclude there are areas of such high value – species rich grassland - that they cannot be compensated for and should be retained.

The presence of several list 1 species breeding barn owls within 100 m of the site, and large flocks of winter redwings and field fares Tawny owls and many other list 1 species . there are also 10 's of UK red list species present song thrush, redwing, spotted flycatcher, linnets fieldfares and others that use this rich habitat to feed and breed . recent nest success include a brood of 4 barn owls , 4 kestrels and 1 tawny owl . There is a facebook 'Balderton Wildlife' group started in May 23 centred around Lowfield Lane which now has over 700 members to record and enjoy the amazing wildlife this area has to offer so close to our community . a recent bat survey in Sept 23 by the local bat group revealed 6 species of bat present including the rare Nathusius Pipistrelle , which is arguably no surprise for habitat of this quality and location . The allocation of this area will seriously detract from this and has simply been ignored by the council despite its own ecological survey supporting this high value . The site borders local wildlife sites- LWS - on 3 sides and presents a significant impact of disturbance, encroachment and fragmentation of this nation important Public Habitat inventory PHI designated area. Moreover it infers that the quality of the

actual allocation site is of equal national significance as species rich grassland of which we have lost 97 % . there is a strong case to designate parts of the site as Local wildlife site in it own right as has been stated by others

In relation to objective 7 to protect and enhance the rich diversity of the natural, cultural and built environment and archaeological assets of the district it is bizarrely listed as a + implying some benefit and no impact which is clearly wrong when we have a petition of 2000 local people clearly opposing this development because it is so special and important to them and the aforementioned reasons.

It is simply destroying 7 hectares of irreplaceable heritage, land form , hedge boundary , ridge and furrow and pushing this accessible very well used green space area further away from our community . no evidence has been offered to support the scoring which is completely unsound .

I have further considered the conflict of the allocation plan to be in conflict with statutory advice and government policy and the National planning policy framework in a separate submission for clarity for the inspector

(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.**

1. Remove mentions of 'Land north of Lowfield Lane' allocation NUA/ Ho 10 from the DPD until more accurate and sound assessment of its agreement with objectives 3, 6 and 7 can be made on the basis of more accurate assessment and survey data can be determined
2. The inclusion of the additional parcel of land on to the west of the site in this updated plan which takes the capacity from 120 houses to 170 houses should be subjected to scrutiny as it was not included in the original allocation and should be considered in the light of current govt and planning policy not considered as part of the original allocation granted back in 2012/13 .

(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"/>	yes <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.**

To fully understand the process and ensure that the detail and principle of our challenge has been correctly represented

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: Des Kay

Date: 5/11/23

Please return this form by 5pm on 6th November 2023 to one of the addresses below:

Email: 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: