



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" value="Mr"/>
First Name	<input type="text" value="Jack"/>	<input type="text" value="Anthony"/>
Last Name	<input type="text" value="Hardy"/>	<input type="text" value="Northcote"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Executive Director"/>
Organisation (where relevant)	<input type="text" value="001 Hardy Ltd"/>	<input type="text" value="TOWN-PLANNING.CO.UK"/>
Address Line 1	<input type="text" value="The Willows Farm"/>	<input type="text" value="South View, 16 Hounsfield Way"/>
Line 2	<input type="text" value="Hawton"/>	<input type="text" value="Sutton on Trent"/>
Line 3	<input type="text" value="Newark"/>	<input type="text" value="Newark"/>
Line 4	<input type="text"/>	<input type="text" value="Notts"/>
Post Code	<input type="text" value="NG24 3RR"/>	<input type="text" value="NG23 6PX"/>
Telephone Number	<input type="text"/>	<input type="text" value="REDACTED"/>
Email Address	<input type="text"/>	<input type="text" value="REDACTED"/>

Name or Organisation:	Mr Jack Hardy
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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		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 (Farndon)

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 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: 23 December 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 Jack Hardy - 001 Hardy Ltd
The willows Farm. Hawton, Newark NG24 3RR

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, ICIQB, MInstLM, MCMI, MRTPI
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Website: www.town-planning.co.uk

Newark Urban Area - Open Breaks (Farndon)

1. The proposed extension to the Newark - Farndon Open Break is not supported.
2. The Newark - Farndon Open Break is somewhat odd in that it actually separates part of Newark from the remainder of Newark as well as from Farndon.
3. The evidence appears to lack clarity on what is the purpose of the open break. The current open break is based on the existing built-form rather than the planned form. The evidence base document is that produced in 2019 for the preferred approach stage. The publication version of the DPD does not specifically refer to extending the Open Break nor does it set out any justification. As such we have to revert back to the documents published at the preferred approach stage for the rationale being advanced.
4. The preferred approach document in paragraph 6.1.12 discounted consideration of an open-break between Newark and Hawton because 'development pressure does not yet exist at this location and no detailed landscape analysis was undertaken due to planned changes in the area.' The same position applies between Farndon and the future Newark South urban extension; but nonetheless the evidence tries to justify extension by referring to the future development of Middlebeck. The LPA is being inconsistent on this matter.
5. The methodology is mixing up two elements, it is looking at the juxtaposition between Newark and Farndon; along with the setting of the River Devon. The setting of the River Devon has no role to play in the concept of coalescence which the open breaks are principally trying to prevent. In fact probably the most appropriate notation for the northern part of the open break separating the Farndon Road part of Newark from the rest of Newark would be 'Main Open Area' designation rather than 'Open Break'. Historically the Farndon Road part of Newark up to the River Devon was still part of the Parish of Farndon; we are unclear as to when the Farndon Road area transferred to the Parish of Newark.
6. The policy seeks to resist all forms of development within the Open Breaks save for some exceptions. Any proposal to increase the area covered therefore has serious consequences for any additional land included. A significant amount of land included in the existing open break is important agricultural land and the proposed extension would cover substantial areas of additional important agricultural land upon which appropriate agricultural built development may need to be undertaken.

7. As the LPA is aware excavations and engineering operations reasonably necessary for agriculture are permitted development under Class A of Part 6 of Schedule 2 of the GPDO 2015. Some of these can be undertaken without even the need for prior notification to the LPA. The erection of buildings reasonably necessary for agriculture are also permitted development. As confirmed in Appeal Decision APP/R1010/W/20/3265080 there is no ability to impose conditions on a prior approval nor to request information beyond what the GPDO states.
8. The land is important agricultural land and we are concerned that the LPA will seek to resist agricultural development in this area on the basis of this notation. This would be inappropriate given that agricultural development constitutes permitted development under Part 6 even within open breaks or similar; and the prior approval process is not intended to undermine or revisit the principle of acceptability set out in the GPDO. The policy seeks to be more restrictive than Green Belt policy which is inappropriate for large tracts of land. A restrictive policy seeking to resist all development should cover the absolute minimum land, for example a single field.
9. The Open Break between Newark - Farndon and Newark - Winthorpe are to undergo significant structural change through the proposed dualling of the A46. The alignment that this will take is still to be decided through an NSIP application and subsequent examination. However, this will fundamentally change the nature of the land use and the relationship between the settlements. As such no review of the open breaks should be undertaken until the final implications of the A46 dualling is known and consented. The policy as currently written seeks to resist development; in literal terms therefore it could be used to resist the provision of the important infrastructure of the A46 dualling and the provision of the southern relief road.
10. The Newark - Farndon open break is also to undergo further change at a point that is unknown in relation to the provision of the Southern Relief Road and the western end of the Land South of Newark urban extension. The proposed extension of the open break in the evidence document overlaps land allocated for housing development in the Land South of Newark which already has outline planning permission; together with land allocated for the Southern Relief Road. This approach is wholly inconsistent within the DPD and the preferred approach would not be in conformity with policies NAP 1 and NAP 2A of the

Amended Core Strategy. The yellow line on the is very thick and it is unclear whether the boundary is meant to be the inside or outside of the line.

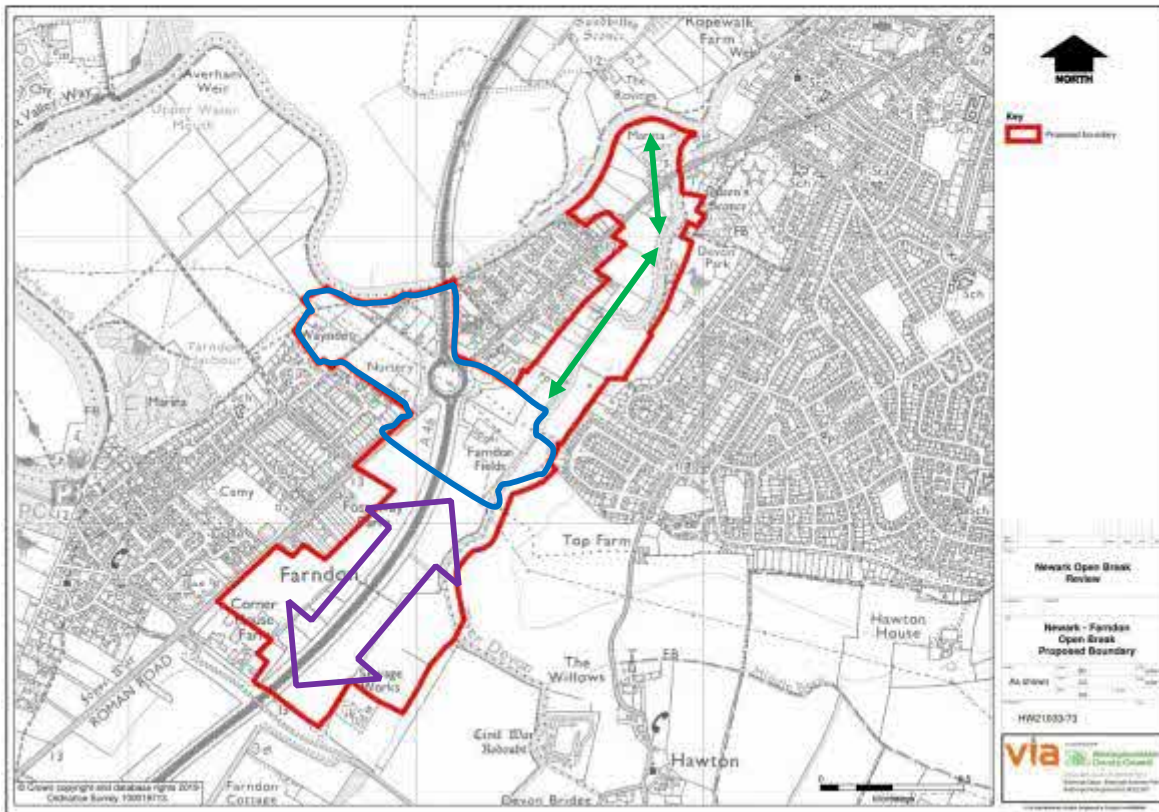
11. The methodology for the open breaks refers to having considered three headings: physical separation; perceptual separation; and landscape value. Policy NUA/OB/1 in the existing DPD does not set out what factors were considered and there is no evidence document shown in the evidence base for the 2012 public examination. The DPD only refers to separate identities which implies it relates to coalescence; this would only relate to physical or visual separation. There is no suggestion that the existing policy in any way was based on landscape value; as such this appears to be an entirely new factor.
12. Table 4.1 in the methodology includes four categories of assessment; there is no explanation as to what 'Contribution to open break' means; and as identified earlier in our view it also incorrectly assesses 'landscape value'. The key factors are in our view 'physical separation' and 'perceptual separation'. These factors have as referred to above incorrectly included the setting of the River Devon.
13. The preferred approach is to include part of unit 10 and all of units 11 and 12; the evidence document assesses these as follows:
 - Unit 10 - physical - High; perceptual - Medium
 - Unit 11 - physical - Medium; perceptual - Low;
 - Unit 12 - physical - High; perceptual - Low
14. The LPA evidence does not support the suggested extension, 'Low perceptual' is defined in the evidence methodology as 'Land unit does not contribute or only makes a weak contribution to the sense of separation of Newark and Farndon'. Accordingly, this does not support the inclusion of units 11 and 12 in the proposed extended open break. Even 'Medium perceptual' or 'Medium physical' is defined as 'Land unit partially contributes to the sense of separation of the two settlements'. This again does not support the inclusion of part of units 10 and 11 in the open break.
15. Units 10, 11 & 12 do not sit between the existing settlement of Farndon and Newark. The units are also in parts a very significant distance from the urban areas. The southern end of unit 12 is at the maximum 1.25km away from the edge of Newark and 0.62km from the edge of Farndon. The southern end of unit 11 is 1.34km from the edge of Newark. These units do not even fall within the space between Farndon and the planned edge of the Land




South of Newark. Given these distances the assessment of units 10 and 12 are incorrectly assessed as being high in relation to physical separation.

16. The conclusions in the methodology in paragraph 5.12 refer to the justification being that Middlebeck will extend towards Hawton. There is no mention of Farndon and the evidence overall does not support any extension to the open break between Newark - Farndon. The reserved matters for the western end of Middlebeck is yet to be submitted and approved; therefore the amount of new green infrastructure to be provided to the east of the River Devon is unknown. However, in parts flood zones 2 and 3 extend over 100m to the east of the River Devon; as such the actual built housing development will have to stop some distance east of the River Devon.
17. The open break should either be retained in its current arrangement (save for excluding the parcel of land associated with no.77 Fosse Road, Farndon and the southern extent being amended to follow defined features on the ground); or the open break should only relate to the existing part actually between Newark and Farndon with the northern bit separating the main part of Newark from Farndon Road in Newark replaced with Main Open Area designation. We have submitted an annotated diagram to indicate what we mean.
18. The Open Break boundary should be amended as follows:

Preferred Approach:

Newark - Farndon Open Break



-  Suggested Open Break Extent
-  Suggested Alteration from Open Break to Main Open Area
-  Area Suggested Not to Be Included in the Open Break

19. The DPD Open Break boundary is not justified by evidence and is not justified or effective in delivering the role of Farndon as a rural settlement that benefits from excellent accessibility to the services and facilities of the Newark Urban Area.