



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.

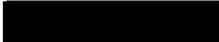

PART A- Personal / Agent Details

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	Mr
First Name	Darren	Richard
Last Name	Ridout	West
Job Title (where relevant)		Director
Organisation (where relevant)	The Welbeck Estates Company Ltd	Cerda Planning Ltd
Address Line 1		The Old Vicarage
Line 2		Market Street
Line 3		Castle Donington
Line 4		
Post Code		DE74 2JB
Telephone Number		
Email Address		

Name or Organisation:	c/o agent Cerda Planning Limited
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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		Paragraph Number:
Second Amended AADMDPD Policy Number	X	Policy Number: Policy DM2 Policy CI/MU/1
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	X	Document Name: Infrastructure Delivery Plan Update 2022 Main Report Newark IDP Update – Transport Chapter 2022 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

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.

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
- (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 refer to Appendix A of this Representation Form which provides The Welbeck Estates Company Ltd's response to Question 8.

(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 refer to Appendix A of this Representation Form which provides The Welbeck Estates Company Ltd's response to Question 9.

(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: 03/11/23



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:



Appendix A: Response on behalf of The Welbeck Estates Company Ltd – Cerda Planning November 2023 to the **Second** Regulation 19 Consultation for the Amended Allocations and Development Management DPD

1. **Response to Question 8 & 9 of the Public Stage Representation Form**

1.1 This updated response has been prepared by Cerda Planning Ltd on behalf of The Welbeck Estates Company Ltd in response to the Newark & Sherwood Amended Allocations and Development Management DPD **Second** Regulation 19 consultation.

1.2 For clarity, as requested on the Representation Form, this response updates and supersedes the previous response provided by Cerda Planning.

1.3 The response to Question 8 of the Public Stage Representation Form below is submitted to constructively comment on the emerging position, with reference to policies DM2 and CI/MU/1. The comments below set out why The Welbeck Estates Company Ltd consider the strategy of the DPD to be 'justified' and thus sound.

1.4 The Welbeck Estates Company Ltd has an interest in land the at former Clipstone Colliery which is allocated under Policy CI/MU/1 for mixed use development in the adopted Allocations & Development Management DPD (ADM DPD). The Regulation 19 consultation version of the Amended ADM DPD carries forward this allocation under the same policy. The Welbeck Estates Company Ltd supports the continuation of Policy CI/MU/1 in the emerging Amended ADM DPD.

1.5 **Background**

1.6 The allocation of the former Clipstone Colliery includes around 120 dwellings, 12 hectares of employment provision, retail and enhanced public open space.

1.7 An application (23/00832/FULM) for 124 dwellings with open space, landscaping, highways and drainage infrastructure and associated works was submitted to Newark and Sherwood District Council on 15th May 2023 with the intention that the application will be taken to planning committee in December 2023. An application for proposed leisure and recreation facilities (23/01846/FULM) for the area of the allocation site immediately to the south was submitted to the Council on 17th October 2023, with a view to the application being determined in February 2024.

1.8 Should both of these planning applications be approved the residential and enhanced open space requirements of the policy would be met. This would result in the allocation being unable to meet the employment requirements as a result of the enhanced leisure and recreation facilities being provided. The remaining space within the allocation

therefore may no longer be conducive to strategic employment. This would result in additional space within the allocation for alternative uses to be provided, such as retail.

1.9 Retail Use

- 1.10 Welbeck Estates are seeking greater clarity and support on the provision of retail uses on the site. It is considered that this description of the quantum of retail development to be provided for is not specific and would therefore be open to interpretation. It is therefore proposed that the quantum of retail development as part of the allocation is specified within the policy and the suggested change to wording is as follows:

‘The site will accommodate around 120 dwellings, 12 hectares of employment provision, approximately 20,000 sqft of retail use (for a small/medium supermarket) and enhanced Public Open Space.’

- 1.11 Having regard to the current planning situation with the two submitted applications referred to above, it is likely to be the case that the overall amount of employment land is reduced. Therefore, should the applications be approved prior to the adoption of this policy the wording may need to be amended to:

‘The site will accommodate around 120 dwellings, approximately 8.5 hectares of employment provision, approximately 20,000 sqft of retail use (for a small/medium supermarket) and 10.8 hectares of enhanced Public Open Space and sports provision.’

- 1.12 The policy, as currently written, offers flexibility by stating that the ‘retail element will be of a size and scale which helps facilitate the wider delivery of the scheme...to help meet the needs of the site and the wider settlement’. However, without clarifying the approximate size of the potential supermarket permitted the policy leaves this discussion open-ended and does not provide certainty as to what would be supported.
- 1.13 Given Policy CI/LC/1 seeks to protect the existing Clipstone Local Centre any new retail unit of a similar scale would potentially directly compete with the existing retailers within the Local Centre. A supermarket larger than 20,000 sqft may compete with existing town centre retailers and larger supermarkets within Mansfield.
- 1.14 At present Clipstone is poorly served by existing supermarkets, with only a small convenience store located within the Local Centre and a similarly sized convenience store located on the development off Cavendish Way. The nearest supermarkets, as the crow flies, are both within Mansfield, with the nearest Asda supermarket approximately 3 miles to the west from Clipstone and a Tesco Extra 3.5m to the southwest; neither are distances that facilitate sustainable means of travel and thus trips to these supermarkets will primarily be car-based. The provision of a small/medium supermarket within this mixed-use site, which is larger than the retail units in the Local Centre, but smaller than the supermarkets in Mansfield, would occupy a niche in the village, allowing for far more sustainable shopping habits for local residents of Clipstone, not just those within the mixed-use development. It is therefore recommended that the scale of the small supermarket is defined within policy CI/MU/1 of approximately 20,000 sqft.
- 1.15 There has been significant growth in Clipstone without additional retail provision having been delivered. In fact historic permissions 93/50350/OUT (340 dwellings) and

08/01905/OUTM (420 dwellings) have delivered over 700 dwellings to the immediate north of Clipstone, accessed from Cavendish Way, without any substantial additional retail facilities for the village, save for a small Co-operative supermarket on Cavendish Way.

1.16 Policy DM2

1.17 The wording of the adopted and emerging Policy CI/MU/1 states that development of the former Clipstone Colliery will be subject to Policy DM2, which relates to development on allocated sites. Policy DM2 of the Amended ADM DPD is carried forward from the adopted ADM DPD.

1.18 As an alternative to amending the wording of the policy additional commentary could be provided in the supporting text to the same effect.

1.19 The wording of adopted Policy DM2 is as follows:

“Within sites allocated in the Allocations & Development Management Development Plan Document (A&DM DPD), proposals will be supported for the intended use that comply with the relevant Core and Development Management Policies, the site specific issues set out in the A&DM DPD and make appropriate contributions to infrastructure provision in accordance with the Developer Contributions SPD.

In addition to national and local submission requirements, proposals on allocated sites should be accompanied by transport, flood risk and other appropriate assessments sufficient to address the site specific issues identified in the A&DM DPD.

Development proposals within the Newark Strategic Sites will be assessed against Area Policies NAP 2A, 2B & 2C, and the other considerations set out above.”

1.20 Policy DM2 in the Amended ADM DPD has been amended to include the following wording:

“It is anticipated that allocated sites will be developed comprehensively with an accompanying site masterplan to reflect phasing and infrastructure provision. Where comprehensive development proposals cannot be prepared, proposals should be developed to ensure that they do not prejudice the proper overall delivery of the whole allocation. Development proposals which prejudice proper overall delivery will be refused.”

1.21 The Welbeck Estates Company Ltd, owner of the allocated site, has a development partner on board who is bringing forward the residential element of the allocation. In addition, The Welbeck Estates Company Ltd is also bringing forward a significant amount of enhanced leisure and recreation facilities within the allocated site, as required by the policy, which will amount to 10.8 hectares of open space for the community. In addition, there is interest in the retail use coming forward on the site and an initial layout is provided in the annexe of this response.

1.22 The additional wording in Policy DM2 of the Amended ADM DPD provides flexibility in terms of how development of an allocated site is delivered. The Welbeck Estates Company Ltd supports the amended wording of Policy DM2, which has been prepared

to allow development of allocated sites to come forward in part, if it can be demonstrated that the overall delivery of the wider allocation would not be prejudiced. The wording demonstrates a more flexible approach to the delivery of allocations, to ensure that they would not be stifled if not brought forward comprehensively.

1.23 Notwithstanding, clarification of how the council would determine whether a development proposal demonstrates that it would not prejudice the proper overall delivery of the whole allocation is not provided in the wording or supporting text of Policy DM2.

1.24 It is considered that the following requirement carried forward in Policy CI/MU/1 of the amended ADM DPD is sufficient in the context of the Clipstone Colliery allocation to demonstrate that delivery of the allocation in part would not prejudice the overall delivery of the allocation at a later date.

“A Masterplan, forming part of any planning applications(s) setting out the broad locations for the different types of development and their phasing, taking account of infrastructure provision, constraints and the need to ensure that the delivery of the range of uses is not prejudiced;”

1.25 It is therefore suggested that the amendment to Policy DM2 be revised to clarify that a proportionate and case-by-case approach would be taken by the council to determine whether development proposals which deliver allocations in part have ensured that the delivery of the entire allocation would not be prejudiced.

1.26 Suggested revised wording is as follows:

‘It is anticipated that allocated sites will be developed comprehensively with an accompanying site masterplan to reflect phasing and infrastructure provision. Where comprehensive development proposals cannot be prepared, proposals should be developed to ensure that they do not prejudice the proper overall delivery of the whole allocation. Development proposals which prejudice proper overall delivery will be refused. An assessment as to whether proposals which deliver allocations in part would prejudice proper overall delivery will be done so on a case-by-case basis, and in such a way that is commensurate to the scale and context of the wider allocation’.

1.27 It is understood from Map 14 of the Regulation 19 Amended ADM DPD version (and as shown in Figure 1 below) that allocation CI/MU/1 is the only planned location for growth in the village.

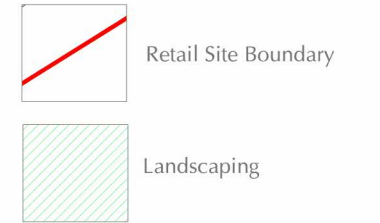


Page 4 of 5

Figure 1 –Clipstone Proposals in the Amended AMD DPD

- 1.28 Having reviewed the evidence bases supporting this consultation which set out the likely implications of planned growth upon infrastructure within the district, their conclusions do not suggest that infrastructure capacity improvements within Clipstone are reliant upon the CI/MU/1 allocation coming forward as a comprehensive development.
- 1.29 The 2022 Infrastructure Capacity Study 2022 update states that site allocation policies in the Amended ADM DPD set out the infrastructure requirements for each site. There are no infrastructure requirements in Policy CI/MU/1 which suggest that the allocation must come forward as a comprehensive development.
- 1.30 The 2022 Transport Update Study does not identify any transport link affecting Clipstone that would require improved infrastructure works in the context of planned growth.
- 1.31 Neither evidence base specifically identifies the allocated site as triggering infrastructure requirements that are reliant upon the allocation coming forward as a comprehensive development.
- 1.32 For the reasons set out above, it is considered justified in the case of Policy DM2 and Policy CI/MU/1 that development on the allocation can come forward in part. The wording and thus strategy of both policies is justified. However, the wording of Policy DM2 should be amended to provide greater clarity as to how the council will determine whether a development proposal would ensure the delivery of an entire allocation is not prejudiced.
- 1.33 In the view of The Welbeck Estates Company Ltd, the residential use on site allocation CI/MU/1 could come forward in accordance with policies DM2 and CI/MU/1 and demonstrate that the overall delivery of the allocation would not be prejudiced. In the context of Policy DM2 and CI/MU/1, the Amended ADM DPD is considered to be sound.

notes:



Car Parking Provision:	
Parking Spaces	128
Disabled Spaces	12
Total	140
Store Area:	2154.6 sq.m
Site Area:	20185.0 sq.m

revisions chk

job title			
Clipstone Colliery			
dwg title			
Proposed Site Plan Retail Zone			
status		Preliminary	
date	22-01-15	scale	1:1000
drawn	RLC	checked	
dwg no.	2028 (03)005	rev	
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