

[REDACTED]

From: Nick [REDACTED]
Sent: 06 November 2023 10:20
To: planningpolicy
Subject: Representations on Policy DM8
Attachments: Representation-Form-DM8.pdf

Importance: High

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Hi there

**Second Publication Amended Allocations and Development Management DPD – September 2023
Representations on Policy DM8 (and Explanatory Paragraph 7.74)**

Please find attached completed representation form in respect of the above.

We had of course previously submitted representations to the previous version – **objecting** on the basis that the current wording of Policy DM8 and its associated explanatory paragraph 7.74 are inconsistent with national planning policy (and therefore the Plan cannot be considered sound, positively prepared or justified).

The further amendments do nothing to remedy our original objection.

As our original representations have not been taken into account, these remain – and therefore I would be grateful if you would forward these (as well as these latest representations) to the Examination Inspector in order that they consider both in the round.

Many thanks.

Kind regards

[REDACTED]
Nick Baseley
MA(Hons)TP MRTPI
Director

 **iba planning** chartered town planners

web: www.ibaplanning.co.uk

[REDACTED]

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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.

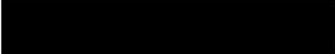
PART A- Personal / Agent Details

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	Nick	
Last Name	Baseley	
Job Title (where relevant)	Director	
Organisation (where relevant)	IBA Planning Ltd	
Address Line 1	The Studios	
Line 2	Church Farm, Mansfield Road	
Line 3	Edwinstowe	
Line 4	Nottinghamshire	
Post Code	NG21 9NJ	
Telephone Number		
Email Address		

Name or Organisation:	IBA Planning Ltd
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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	X	Paragraph Number: 7.74
Second Amended AADMDPD Policy Number	X	Policy Number: DM8
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		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 (NPPF) (2023).

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 | <input checked="" type="checkbox"/> |
| (2) Justified | <input checked="" type="checkbox"/> |
| (3) Effective | <input checked="" type="checkbox"/> |
| (4) Consistent with national policy | <input checked="" type="checkbox"/> |

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.

Our previous representations highlighted what we considered was a material inconsistency between the proposed wording of Policy DM8 (and associated explanatory paragraph 7.74) and national planning policy with regard to the residential conversion of rural buildings – and between the policy itself and explanatory paragraph 7.74.

Notwithstanding these representations, the highlighted inconsistencies have not been remedied via this subsequent Second Publication Amended Allocations and Development Management DPD.

Our previous representations therefore remain – and should be supplemented by the following.

Given section 5 of Policy DM8 deals simply with the conversion of existing buildings, I am not sure of the relevance of the first sentence stating that consideration should be given to the conversion of existing buildings before proposing replacement development?

The second sentence would appear to introduce the requirement to approach proposed re-uses of an existing building sequentially. This is considered to be inconsistent with national planning policy – which contains no such requirement.

In the above connection, para 80 of the NPPF confirms that the residential re-use of disused or redundant buildings in isolated locations is acceptable where this results in an enhancement to its setting. There is no such requirement that an applicant considers and discounts other uses beforehand.

Whilst para 80 deals specifically with isolated locations, it would clearly make no sense whatsoever if the Government was not similarly supportive of the residential conversion of rural buildings in non-isolated locations.

Policy DM8 has been further amended to deal with redevelopment proposals which significantly expand the existing form of the building. Again, I do not see the relevance of this here – since the policy deals simply with the re-use of existing buildings, not their redevelopment. In any event, as presently worded, this part of the policy is considered ambiguous – as there is no clarity as to what would be regarded as significantly expanding the existing form of the building, or what might be considered appropriate before tipping the balance to constituting significant expansion?

The entire first paragraph of section 5 of Policy DM8 is considered to be either unnecessary or inconsistent with national planning policy – and should be removed. Its inclusion adds little meaningful to the application of this part of the policy, and its removal would take nothing away from the effectiveness of the balance of the policy itself and the associated explanatory paragraph.

Turning to the second paragraph of section 5 of Policy DM8, the removal of the word 'only' where this refers to the residential conversion of buildings is supported.

It is understood the Council accepts the need for amendments to Policy DM8 to reflect national planning policy – as the current adopted Policy DM8 is inconsistent.

However, the policy is still considered too ambiguous (when read in conjunction with explanatory paragraph 7.74) as regards the Council's position with regard to its support for the residential conversion of all rural buildings in line with national planning policy.

Turning then to paragraph 7.74, this clearly needs to be amended to reflect the Council's intended amendments to section 5 of Policy DM8 to ensure consistency with national planning policy.

As currently worded, paragraph 7.74 appears to maintain the Council's previous position that only the residential conversion of buildings of architectural or historic merit are appropriate for residential conversion – and this is plainly inconsistent with national planning policy (in particular paragraph 80 of the NPPF).

Paragraph 7.75 is also considered to be inconsistent with national planning policy and should be removed in its entirety – save for the final sentence referring to the Conversion of Traditional Rural Building SPD (which could sensibly be tagged on to the end of para 7.74).

(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.

As above, the first paragraph of section 5 of Policy DM8 should be removed in its entirety as it is not directly relevant and/or inconsistent with national planning policy.

The second paragraph of section 5 of Policy DM8 can be retained as presently worded, but only if explanatory paragraph 7.74 is amended to provide the necessary clarity regarding the Council's position (i.e. that they support) on the residential conversion of rural buildings.

Paragraph 7.74 should be amended to remove the current conflict with section 5 of Policy DM8 – and to be consistent with national planning policy.

The sustainability of the location of a site is irrelevant with regard to the residential conversion of buildings. The NPPF makes it clear that the residential conversion of a building in an isolated location is acceptable subject to the development resulting in an enhancement to its setting – and it would

therefore make no sense whatsoever for the residential conversion of buildings in non-isolated (i.e. more sustainable) locations to not be supported in the same way.

Paragraph 7.75 is also considered to be inconsistent with national planning policy and should be removed in its entirety – save for the final sentence referring to the Conversion of Traditional Rural Building SPD (which could sensibly be tagged on to the end of para 7.74).

(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.

Experience at other Examinations suggests an in-person discussion on specific policy wording can often be most helpful.

Obviously, if the policy is suitably updated/amended to reflect the above concerns, then there would be no need to attend and take up Examination time.

(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: 6 November 2023

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: