



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 5pm on 30th December 2022.

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"/>	<input type="text" value="Mr"/>
First Name	<input type="text"/>	<input type="text" value="John"/>
Last Name	<input type="text"/>	<input type="text" value="Pearce"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Associate"/>
Organisation (where relevant)	<input type="text" value="CB Collier NK (SSC) Limited"/>	<input type="text" value="Harris Lamb"/>
Address Line 1	<input type="text" value="c/o Agent"/>	<input type="text" value="75 – 76 Francis Road"/>
Line 2	<input type="text"/>	<input type="text" value="Edgbaston"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text" value="Birmingham"/>
Post Code	<input type="text"/>	<input type="text" value="B16 8SP"/>
Telephone Number	<input type="text"/>	<input type="text" value="REDACTED"/>
Email Address	<input type="text"/>	<input type="text" value="REDACTED"/>

Name or Organisation:	Harris Lamb Planning Consultancy
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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: Omission Site – Land at Former Sports and social Club, Hawton Lane, Newark
Amended AADMDPD Policies Map Amendments		Paragraph Number:
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 x

No

5 Do you consider the DPD to comply with the Duty-to-Cooperate?

Yes x

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 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.

Subject to successfully deleting the designation/protection of the former SSC site for sports and recreational use, CB Collier also seek the allocation of the site as a potential residential development site. The grant of outline planning permission on the former Flowserve site confirms that the location is one that is sustainable and is suitable for the delivery of new housing to meet the needs of Newark. The proximity of the SSC site to the site that has been granted outline planning permission would indicate that the same could be concluded for it as well. The site has the capacity to deliver approximately 115 dwellings which could be brought forward as a further phase of the wider Flowserve development. We, therefore, object to the omission of the site on the basis that it is considered suitable and deliverable and could contribute to meeting the housing needs of Newark if there was a requirement to identify additional housing sites for the district.

(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 removal of the open space designation and the allocation of the site for residential development would address our concerns.

(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"/>	x <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.

As a key landowner in the District we feel it important to participate to present the case for our site and to engage in positive discussion with the inspector/council on this matter

(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 x
- Examination in Public hearing sessions x
- Planning Inspector's recommendations for the DPD have been published. x
- DPD has been formally adopted. x

Signature: 

Date: 22/11/2022

Please return this form by 5pm on 30th December 2022 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

Office Use Only

Date of Receipt:

Representation No:



Our Ref: P1736/JP/hr
Date: 22nd November 2022

Grosvenor House
75-76 Francis Road
Edgbaston
Birmingham B16 8SP

Planning Policy and Infrastructure
Newark and Sherwood District Council
Castle House
Great North Road
Newark
NG24 1BY



BY EMAIL ONLY:

Dear Sir/Madam

**Newark – Publication Amended Allocations and Development Management DPD
Response by CB Collier NK (SSC) Limited**

We are instructed by CB Collier NK (SSC) Limited (“**CB Collier**”) to submit representations to the Publication Amended Allocations and Development Management DPD (“**PAADMDPD**”) and welcome the opportunity to comment at this time. CB Collier’s interests in the plan is focused on its land interests at the former Flowserve Sports and Social Club, Hawton Lane, Newark (“**the Site**”). The site is currently designated as public open space/school playing fields on the draft Proposals Map. The nature of our representations is to seek to have this designation removed and to seek the reallocation of the site for alternative use. Our comments, therefore, focus on matters relating to the provision and protection of sports facilities and recreation/open space.

Background

CB Collier purchased the site from Flowserve in 2019. The purchase was comprised of two parcels; the surplus land for the factory and the Sports and Social Club (“**SSC**”) site. The surplus land for the factory now has the benefit of outline planning permission following a successful appeal and the Council are currently considering reserved matters applications under the outline permission.

The SSC and associated pitches/facilities are currently vacant, with vacant possession being secured in May 2021. The site was originally used by, and was run, for the employees of Flowserve. However, over time, use by employees of the business dwindled. The running of the club and the facilities was not properly managed and the club was largely paid for by Flowserve but was no longer run for the benefit of its employees and Flowserve subsequently ceased their financial support. When the business downsized it also decided to off load the SSC site as they no longer had any association with it and were largely subsidizing a private entity/business.



Following the acquisition of the site by CB Collier, attempts were made to resolve the lease arrangements of the SSC as there were significant levels of unpaid rent (over £200k) on the property with no obvious method for the occupier to pay these back or to pay an agreed rent going forward. As such, acceptable terms could not be agreed upon and the lease was terminated.

CB Collier then discussed with the Council and Sport England on a number of occasions whether they would take on the site and act as a guarantor to Newark Football Club. Both the Council and Sport England decided against such an intervention and the football club subsequently declined to enter into a commercial lease with CB Collier and relocated to another facility elsewhere within the District.

The SSC ceased trading in March 2020 and has now been vacant for over 2 years despite repeated and concerted efforts to market the site, both locally and nationally, for continued sport use. It is in this context that the site is vacant, and despite a concerted period of marketing, there has been little or no demand for reuse for sport or recreational purposes such that CB Collier now wants to explore options for its redevelopment for non-sporting uses. The nature of our representations should be read in this context.

Proposals Map

The land and premises at the former SSC are identified on the draft Proposals Map as public open space/school playing fields and covered by SP8 of the adopted Core Strategy. We object to the designation and are seeking its removal. Paragraph 2.23 of the Publication Plan states that a number of open space sites require protection under policy SP8 and are shown on the Proposals Map, the necessity for which is explained in the Supporting Open Space Assessment and Strategy Document. The document does not cover outdoor sports facilities, which were present at the former SSC. Paragraph 2.26 confirms that:

“Outdoor sports facilities are not analysed as part of the Open Space Strategy and Assessment as a different methodology in line with national guidance (Sport England) is prescribed and is contained in a separate standalone Playing Pitch Strategy (PPS). This document will be updated in due course.”

In light of the fact that the Council does not have an up to date PPS we consider that the continued protection of the former SSC is not justified in that there is not up to date evidence of the need for the facilities.

Clearly, if the site was needed, evidence should have been provided that confirms that the facilities are required and worthy of protection from development/non-sporting use. Stating that evidence will be updated in due course is not satisfactory as paragraph 31 of the Framework states that:

“The preparation and review of all policies should be underpinned by relevant and up to date evidence.”

As the evidence underpinning the designation/protection of the former SSC is not up to date, we consider that the designation/protection of the site is unsound in that it is not justified as the Council does not have the requisite evidence to substantiate its intention to retain/protect the SSC from alternative non-sporting use.

Our own marketing activities of the site for continued sport and recreation use have drawn a blank despite over 24 months of continued marketing, which includes over 18 months of

marketing by an agent active in the sports and leisure market, who have had no credible interest in anyone wanting to use the site in its current form. As such, we conclude that there is no demand for the facility.

Furthermore, we are aware of the provision of new sports facilities within Newark that have come on stream in the recent past. Equally, we are aware of the provision of future sports facilities within the adjacent Middlebeck Urban Extension Masterplan. All of which provide a much higher standard of facility than is available at the former SSC site. It is our view, therefore, that the loss of the former SSC site would not undermine the provision of sports and recreation facility uses across Newark. We, therefore, seek the deletion of the POS/school playing designation afforded by the Core Strategy policy SP8 from the site to address our concerns about the plan.

Omission Site

Subject to successfully deleting the designation/protection of the former SSC site for sports and recreational use, CB Collier also seek the allocation of the site as a potential residential development site. The grant of outline planning permission on the former Flowserve site confirms that the location is one that is sustainable and is suitable for the delivery of new housing to meet the needs of Newark. The proximity of the SSC site to the site that has been granted outline planning permission would indicate that the same could be concluded for it as well. The site has the capacity to deliver approximately 115 dwellings which could be brought forward as a further phase of the wider Flowserve development. We, therefore, object to the omission of the site on the basis that it is considered suitable and deliverable and could contribute to meeting the housing needs of Newark if there was a requirement to identify additional housing sites for the district.

We trust you take our comments into consideration and look forward to being notified of the submission of the plan for examination and would welcome the opportunity to participate at the examination in due course. If you have any questions or queries about the representations above please do not hesitate to contact the undersigned.

Yours faithfully



**John Pearce BSc (Hons) MTPL MRTPI
Associate**



cc C Collier – CB Collier Limited