



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 AADMDPD, 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	C/O Agent	Ms
First Name		Lynette
Last Name		Swinburne
Job Title (where relevant)		Associate Director
Organisation (where relevant)	Oxton Farms Trust	Savills UK Ltd
Address Line 1	C/O Agent	Stuart House
Line 2		St John's Street
Line 3		Peterborough
Line 4		
Post Code		PE1 5DD
Telephone Number	C/O Agent	[REDACTED]
Email Address	C/O Agent	[REDACTED]
Name or Organisation:	Savills on behalf of Oxton Farms Trust	

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: DM8 parts 6, 8 and 11
Second Amended AADMDPD Policy Number	X	Policy Number: DM8 parts 6, 8 and 11
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 type="checkbox"/> |
| (2) Justified | <input type="checkbox"/> |
| (3) Effective | <input 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.

Please refer to covering letter

(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 covering letter

(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"/> I wish to reserve the right to appear at the examination on behalf of our client if required.

11. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary.

I wish to reserve the right to appear at the examination on behalf of our client if required.

(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: 6th 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

Office Use Only

Date of Receipt:

Representation No:

Information is available at:

<https://www.newark-sherwooddc.gov.uk/aadm-representation/>

6th November 2023
413088/LS/01



Planning Policy & Infrastructure
Newark & Sherwood District Council
Castle House
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Newark
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NG24 1BY

Lynette Swinburne BSc (Hons) DipTP MRTPI
[REDACTED]

Stuart House
St John's Street
Peterborough PE1 5DD
[REDACTED]

savills.com

By email only to: planningpolicy@newark-sherwooddc.gov.uk

Dear Sir or Madam,

**Newark & Sherwood District Council Amended Allocations & Development Management DPD
Reference: Land in Oxton, Nottinghamshire**

Savills UK Ltd is instructed by our client, Oxton Farms Trust to make representations in relation to Newark and Sherwood Amended Allocations & Development Management DPD consultation that extends until 6th November 2023. These representations relate to land in our client's ownership in and around the village of Oxton.

Comments have been set out below in response to the relevant policy within the Amended Allocations & Development Management DPD.

Policy DM8 Development in the Open Countryside

6. Rural Diversification

Our client welcomes the increased support for rural diversification in the revised wording of policy DM8 (6). With changes to subsidy regimes, enabling farming businesses to diversify into new activities remains more important than ever. Therefore, the inclusion of the following working in 6. Rural Diversification is supported:

"Proposals for development which helps sustain existing agricultural and other rural enterprises such as small-scale farm shops selling local produce will be supported. To represent appropriate rural diversification, Farm Shops will be expected to source a reasonable proportion of their produce from the farm and / or local area. This would be secured by way of condition."

Planning applications should be supported by a statement that demonstrates the proposed development forms part of an appropriate rural diversification scheme which will contribute to making the existing business viable."

It is considered important that the policy goes further to support diversification, and encourage uses other than farm shops which could also be appropriate in the countryside (see comments below in relation to 8. Employment uses).

8. Employment uses

In relation to rural employment and business uses, the amendments to the policy seek to add a sequential element to focus development in the first instance within and on the edge of settlements. The following paragraph is proposed as part of the policy:

"Proposals to expand existing businesses or construct buildings for new businesses in the open countryside are more likely to be appropriate in areas such as industrial estates where the principle of such development

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is established. Where it is demonstrated that it is necessary, expansion into adjacent areas could be considered appropriate if the impacts are judged to be acceptable. The proportionality of such developments should be assessed individually and cumulatively and impacts on both the immediate vicinity and the wider setting should be considered. It should be demonstrated that location of existing employment allocations or on employment land within urban boundaries or village envelopes is not more appropriate.”

Our client is disappointed with the inclusion of an additional hurdle for employment uses in the countryside and this is contradictory to the positive approach proposed in other parts of DM8 in relation to farm shops and holiday accommodation in particular. The policy amendments specify that development should be ‘small scale’ and therefore it is considered unnecessary to place a further requirement to sequentially justify the choice of site. In many cases, these small scale employment uses will form part of the diversification of a rural business and therefore, an approach such as that set out in part 6 of the policy, relating to farm shops, would be more appropriate. Unless a proposal is of a large scale, it is considered that a site specific explanation and consideration of impacts would be a more appropriate and proportionate policy response.

Paragraph 84 of the NPPF (2023) states:

“Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses”*

Paragraph 85 goes on to state:

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

Furthermore, the principle of small scale employment uses is recognised by the introduction of permitted development rights in 2015¹ for the conversion of up to 500 square metres of agricultural building/s to uses including Class B8 (storage or distribution), Class C1 (hotels), Class E (commercial, business or service). Whilst specific to conversions, the GPDO confirms that the principle of small scale employment is appropriate in a rural context.

It is therefore considered that the proposed wording of part 8 of DM8 is not in accordance with national guidance and legislation, and creates an additional barrier to rural diversification at a time when local authorities should be doing all they can to support growth in these areas. The draft policy contradicts the guidance in paragraphs 85 and 86 of the NPPF. An approach which reflects that in part 6 of the policy for farm shops is considered more appropriate.

11. Visitor Based Tourism Development and Tourist Accommodation

Amendments to part 11 of DM8 are welcomed and it appears that the policy takes a slightly more flexible approach to tourism development and accommodation (albeit in accordance with Core Policy 7 of the adopted Core Strategy). As noted previously, policies which help facilitate the diversification of rural businesses are welcomed, and tourism presents an important opportunity to attract new visitors to the countryside.

The emphasis of part 11 of the policy is considered to be in accordance with NPPF paragraph 84 states that:

¹ Class R: Schedule 2, Part 3 of the General Permitted Development Order 2015 (as amended) (GPDO)

a

"Planning policies and decisions should enable:

c) sustainable rural tourism and leisure developments which respect the character of the countryside;"

Core Policy 2A - Entry-Level Exception Housing

It is noted that a new policy is proposed which relates to 'Entry-Level Exception Housing'.

"Core Policy 2A - Entry-Level Exception Housing

Entry-level exception sites as set out in national planning policy will be supported in locations adjacent to the Urban Boundary/Village Envelopes of the Newark Urban Area, Service Centres and Principal Villages where it can be demonstrated that they are addressing a shortfall of the type of entry-level product being promoted in the proposal. Such proposals should also reflect the type of entry level product that is required in the locality of the proposal. They should not be larger than one hectare in size or exceed 5% of the size of the existing settlement and be in line with DM5b Design and the Sustainable Design SPD. Entry-level exceptions sites are not acceptable in the Green Belt, on Main Open Areas, Open Breaks, Local Green Space, or areas at risk of flooding, or on designated nature conservation sites or that impact on the special character of heritage assets contrary to the provisions of Core Policy 14 Historic Environment."

It is disappointing that this policy would not apply to those settlements smaller than Principal Villages nor within the Green Belt.

Paragraph 78 of the NPPF states:

"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this."

Furthermore, paragraph 79 states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

It is therefore important that all types of rural exception housing should be supported in rural areas, including the Green Belt.

Other Matters: Call for Sites

In September 2021 seven sites were submitted to NSDC for consideration through the SHELAA. I have included the details of these sites in Appendix 1.

Conclusion

I trust this submission confirms the position of Oxton Farms Trust in relation to the emerging Amended Allocations & Development Management DPD. The Local Plan has a vital role to play in supporting sustainable growth in the countryside, which is essential in ensuring the resilience and vitality of rural communities.

Please do not hesitate to contact me should you require any further information.



Yours faithfully,



Lynette Swinburne MRTPI
Associate Director, Savills UK Ltd

Appendix 1: Sites submitted to NSDC SHELAA in 2021

Site information

A number of sites are put forward on behalf of Oxton Farms Trust for consideration through the SHELAA:

1. Land between Forest Road and Windmill Hill, Oxton
 2. Land to the west of Forest Road, Oxton
 3. Land to the south of Hatfield Lane Oxton
 4. Land south of Elmcroft, Oxton
 5. Land to the east of Main Street Oxton
 6. Old Hall Plant Nursery, Southwell Road Oxton
 7. Land to the east of Windmill Hill Oxton



Delivery of housing

The National Planning Policy Framework (NPPF) 2021 at paragraph 68 requires planning authorities examine the suitability, availability and economic viability of sites when undertaking housing and economic land availability assessment. Further detail about how these assessments should be undertaken is provided within National Planning Policy Guidance (NPPG).



Therefore, an assessment of the sites against the tests within the NPPG, is provided below, confirming that it is suitable (subject to Green Belt policy review), available and achievable for development purposes.

The sites present a range of options for growth, providing opportunities for between 5 and 80 dwellings:

Site	Capacity	Suitable	Available	Achievable
1. Land between Forest Road and Windmill Hill, Oxton	25	Green Belt policy should be reviewed to allow for growth	Yes	No known constraints
2. Land to the west of Forest Road, Oxton	6	Green Belt policy should be reviewed to allow for growth	Yes	No known constraints
3. Land to the south of Hatfield Lane Oxton	25	Green Belt policy should be reviewed to allow for growth	Yes	No known constraints
4. Land south of Elmcroft, Oxton	40	Green Belt policy should be reviewed to allow for growth	Yes	No known constraints
5. Land to the east of Main Street Oxton	10	Green Belt policy should be reviewed to allow for growth	Yes	No known constraints
6. Old Hall Plant Nursery, Southwell Road Oxton	80	Green Belt policy should be reviewed to allow for growth	Yes	No known constraints
7. Land to the east of Windmill Hill Oxton	5	Green Belt policy should be reviewed to allow for growth	Yes	No known constraints

Further information available upon request