

**Newark and Sherwood Publication Amended Allocations & Development Management  
Development Plan Document (DPD) Representation Guidance Notes**

These guidance notes have been produced to assist anyone who wishes to make a formal representation on the Publication Amended Allocations & Development Management DPD (Publication AADMDPD).

The DPD is subject to a period of representation from **Monday 14<sup>th</sup> November 2022 until no later than 12 Noon on Monday 9<sup>th</sup> January 2023**. Representations received will be submitted to the Secretary of State together with the DPD. The Planning Inspector appointed by the Secretary of State will carry out a public examination before the DPD is adopted.

The Inspector will assess whether the DPD has been prepared in accordance with the Duty to Cooperate, the legal and procedural requirements, and whether it is sound. Representations submitted should relate to the requirements of the Duty to Cooperate, legal compliance or the 'Tests of Soundness.'

1. If you are seeking to make representations on the way in which Newark and Sherwood District Council has prepared the Publication AADMDPD, it is likely your comments or objections will relate to a matter of legal compliance.
2. If it is the actual content on which you wish to comment or object to, it is likely it will relate to whether the Publication AADMDPD is justified, effective or consistent with national policy, i.e. sound.

Please note that all respondents must complete their personal details as it is not possible for representations to be considered anonymously. Respondents should also note that representations are not confidential and that they will be published on the Newark and Sherwood District Council website and copies will be placed at appropriate venues across the District for public inspection.

**Legal Compliance**

The Inspector will first check that the DPD meets the legal requirements:

A plan is considered legally compliant when the inspector is satisfied that it complies with the various acts and regulations that govern how it should have been prepared. These include the Planning and Compulsory Purchase Act 2004 (as amended); the Localism Act 2011 (as amended); the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Environmental Assessment of Plans and Programmes Regulation 2004.

*Consideration by the Inspector will include:*

- *Has the DPD been prepared in accordance with the Local Development Scheme (LDS)?*
- *Is the DPD in compliance with the Statement of Community Involvement (SCI)?*
- *Has the DPD been subject to Sustainability Appraisal (SA)?*
- *Does the DPD comply with the acts and regulations outlined above?*

## **Soundness**

A local planning authority should submit a DPD for examination which it considers is 'sound' namely that it is positively prepared, justified, effective and consistent with national policy.

If you wish to make a representation seeking a change to the DPD you should make it clear in what way it is not sound, having regard to the four tests set out below. You should try to support your representations by evidence showing why the DPD should be changed, and how you think it should be changed, including your suggested wording to amend the DPD and make it sound.

- **Positively prepared** –the DPD should be prepared based on a strategy which, as a minimum, seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is practical to do so and consistent with achieving sustainable development.
  - This means that the Plan has objectively assessed the need for housing, employment, services and infrastructure in Newark and Sherwood, and that they will be delivered sustainably. If you think that our assessments of need are not objective, or do not take sufficient account of unmet needs in neighbouring authorities, then your comments will relate to whether the DPD has been positively prepared.
- **Justified** - the DPD should be the most appropriate strategy, when taking into account the reasonable alternatives, based on proportionate evidence.
  - This means that the DPD has a robust and reliable evidence base to justify the chosen options. If you think that the evidence does not support the choice made in the DPD, then your comments will relate to whether the DPD is justified.
- **Effective** – the DPD should be deliverable over its plan period and based on effective joint working on cross-boundary strategic matters.
  - This means that the DPD will deliver what it sets out to. If you think that the proposals in the DPD will not happen due to deliverability issues, or they do not join up with the strategies of neighbouring authorities, then your comments will relate to whether the DPD is effective.
- **Consistent with national policy** – the DPD should enable the delivery of sustainable development in accordance with the policies in the Framework and other statements of National Planning Policy, where relevant.
  - This means that the DPD accords with the National Planning Policy Framework, or includes clear and convincing reasons when it does not. If you think that the plan conflicts with national policy, then your comments will relate to whether the DPD is consistent with national policy.

### **Duty to Cooperate**

A DPD is considered to have the 'duty to cooperate' when the Inspector is satisfied that the Council has worked collaboratively with other local planning authorities, the County Council and other prescribed bodies on matters of cross-boundary strategic priority. The requirements of the duty-to-cooperate are set out in Section 110 of the Localism Act 2011. In preparing the DPD, the Council is required to cooperate on strategic matters by:

- Engaging constructively, actively and on an on-going basis with other local planning authorities, the county council and prescribed bodies.
- Having regard to the activities of other local planning authorities, the county council and prescribed bodies.

Issues relating to strategic matters are defined as:

- Sustainable development or use of land that has or would have a significant impact on at least two planning areas, including that in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas.
- Sustainable development or use of land in a two tier area if the development or use is a county matter, or would have significant impact on a county matter.

Consideration by the Inspector will include:

- The commissioning and utilising of joint evidence to inform strategic policy on key issues.

Representations made in relation to compliance with the duty to cooperate should be made only by the relevant persons. These are surrounding local planning authorities, county councils, and the prescribed bodies (as defined in the Town and Country Planning (Local Planning) (England) Regulations 2012) including the Environment Agency, Historic England, Natural England, the Civil Aviation Authority, the Clinical Commissioning Group, the National Health Service Commissioning Board, The Office of Rail Regulation (Office of Rail and Road) the Highway Authority (within the meaning of section 1 of the Highways Act 1980) and the Marine Management Organisation. The Council should also have regard to the Local Enterprise Partnership and Local Nature Partnerships.

### **General Advice**

- Representations are only valid if your name and address are supplied.
- Agents should please state the full name or organisation of who they are representing.
- Please clarify which DPD Policy or paragraph, part of amendments to policy map or document name, page and paragraph you are commenting on.
- The DPD has been subject to Sustainability Appraisal as part of the Integrated Impact Assessment.
- Any objection to the DPD being unsound needs to be backed up with reasons why and indicate what needs to be done to make it sound.

- Please use a separate response form for each element of the document that you wish to comment on and for each test of soundness or comment that you wish to make. Further response forms can be obtained from the Council’s website.
- Representations can only relate to the Publication Amended Allocations & Development Management DPD, the Policies Map Amendments, the Integrated Impact Assessment, Habitat Regulations Assessment, the Statement of Consultation and the Supporting Evidence Base.

**Request to Participate at Hearing Sessions**

A series of sessions will be chaired by the Inspector will be held part way through the Examination period and it is here that individuals will be invited to verbally contribute to the discussion and debate on the ‘soundness’, ‘legal compliance’ and ‘duty to cooperate’.

If you mark ‘NO’ your written representation will still receive equal consideration to verbal representations. Please note, the examination hearing sessions are public events which you can attend without participating and hear the discussions taking place.

If you mark ‘YES’ please indicate why you consider it necessary to participate at the Hearing sessions. Please note, the Inspector will decide who will be invited to speak at the sessions, and will decide the topics to be covered in each Hearing session based on the issues raised by the written representations at this Publication stage.

**Request for Future Notification**

Representations may be accompanied by a request to be notified at a specific address of any of the following in relation to the Publication Amended Allocations & Development DPD:

- 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

**Please sign and date the form and submit your representations using the outlined submission methods by no later than 12 Noon on Monday 9<sup>th</sup> January 2023.**

If you require any further information, or have queries about the DPD please contact Planning Policy at:

<b>Website</b>	<a href="https://www.newark-sherwooddc.gov.uk/aadm-representation/">https://www.newark-sherwooddc.gov.uk/aadm-representation/</a>
<b>Telephone</b>	01636 650000
<b>Email</b>	<a href="mailto:planningpolicy@nsdc.info">planningpolicy@nsdc.info</a>
<b>Post</b>	Planning Policy and Infrastructure Business Unit Newark and Sherwood District Council Castle House Great North Road Newark NG24 1BY