| ID | Organisation |
|----------------|---|
| Housing Del | ivery, Trajectory and Land Supply (including 5 year land supply) |
| 119 | Home Builders Federation |
| 6881 | R Taylor (Represented by Featherstones) |
| 2542 | Viitanen (Represented by Featherstones) |
| 4622 | Barnes (Represented by Featherstones) |
| 2652 | W Westerman (Represented by Oxalis Planning Ltd) |
| 2685 | Bloor Homes Ltd (Represented by Oxalis Planning Ltd) |
| 6512 | Peveril Homes and UKPP (Toton) (Represented by WYG) |
| 3756 | Gladman Developments Limited |
| 4193 | Mr Turton (Represented by Planning and Design Group) |
| 6879 | Crampin, Barden and Scott (Represented by SSA Planning Limited) |
| 634 | The Wilds (Represented by Aspbury Planning Ltd) |
| 1436 | Mr and Mrs Evans (Represented by IBA Planning) |
| 6880 | Davidsons Developments Ltd (Represented by Pegasus Group) |
| 4200 | Taylor & Burrows Property (Represented by Phoenix Planning (UK) |
| | <u>Ltd)</u> |
| | ing Land Supply |
| 119 | Home Builders Federation |
| 3756 | Gladman Development Ltd |
| 6512 | Peveril Homes and UKPP (Toton) (represented by WYG) |
| 4193 | Mr Turton (represented by Planning and Design Group) |
| 2652 | W Westerman (represented by Oxalis Planning Ltd) |
| 2685 | Bloor Homes Ltd (represented by Oxalis Planning Ltd) |
| 718 | J McCann & Co (Nottingham) Ltd (represented by Planning and |
| | Design Group) |
| 6881 | R Taylor (represented by Featherstones) |
| 2542 | Viitanen (represented by Featherstones) |
| 4622 | Barnes (represented by Featherstones) |
| 6980 | The Pickering Family (represented by GraceMachin Planning |
| 0750 | Development Ltd) |
| 3756 | Gladman Development Ltd |
| 634 | The Wilds (represented by Aspbury Planning Ltd) |
| 4200 | Taylor & Burrows Property (represented by Phoenix Planning (UK) |
| | Ltd) |
| 6880 | Davidsons Developments Ltd (represented by Pegasus Group) |
| Delivery / Flo | |
| 6881 | R Taylor (represented by Featherstones) |
| 2542 | Viitanen (represented by Featherstones) |
| 4622 | Barnes (represented by Featherstones) |
| 2652 | W Westerman (represented by Oxalis Planning Ltd) |
| 2685 | Bloor Homes Ltd (represented by Oxalis Planning Ltd) |
| 634 | The Wilds (represented by Aspbury Planning Ltd) |
| 2418 and 6878 | Mr Moult (representing himself and represented by Beech Architects) |
| Housing Dis | tribution |
| 6279 | Bramcote Neighbourhood Forum |
| 634 | The Wilds (represented by Aspbury Planning Ltd) |
| 004 | The Wilds (represented by Aspbury Fidilinity Ltu) |

| 1436 | Mr and Mrs Evans (represented by iba Planning) |
|----------------|--|
| Site Selection | on / All Allocations |
| 16 | The Coal Authority |
| 48 | Sport England |
| 119 | Home Builders Federation |
| 6882 | Broxtowe Labour Group |
| 34 | Nottinghamshire Wildlife Trust |
| 6279 | Bramcote Neighbourhood Forum |
| 718 | J McCann & Co (Nottingham) Ltd (represented by Planning and |
| | Design Group) |
| 1436 | Mr and Mrs Evans (represented by iba Planning) |
| Main Built U | p Area |
| 2542 | Viitanen (represented by Featherstones) |
| 4622 | Barnes (represented by Featherstones) |
| 6881 | R Taylor (represented by Featherstones) |
| 2652 | W Westerman (represented by Oxalis Planning Ltd) |
| 2685 | Bloor Homes Ltd (represented by Oxalis Planning Ltd) |
| 718 | J McCann & Co (Nottingham) Ltd (represented by Planning and |
| | Design Group) |
| 720 | Pearson |
| 64 | Derbyshire County Council |
| 4200 | Taylor & Burrows Property (Represented by Phoenix Planning (UK) |
| | Ltd) |
| All Brinsley | |
| 4200 | Taylor & Burrows Property (Represented by Phoenix Planning (UK) |
| | Ltd) |
| All Eastwood | |
| 4200 | Taylor & Burrows Property (Represented by Phoenix Planning (UK) |
| | Ltd) |
| 6980 | The Pickering Family (represented by GraceMachin Planning & |
| 4731 | Property) |
| | <u>Calder</u> y allocations |
| 4200 | Taylor & Burrows Property (represented by Phoenix Planning (UK) |
| 7200 | Ltd) |
| 6883 | Walker |
| 6973 | Fletcher |
| 4193 | Mr Turton (represented by Planning and Design Group) |
| 6880 | Davidsons Developments Ltd (Represented by Pegasus Group) |
| | ousing Providers |
| 403 | McCarthy & Stone Retirement Lifestyles Ltd (represented by the |
| | Planning Bureau Limited) |
| 178 | Caunton Engineering Ltd (represented by iPlan Solutions Ltd) |
| 1201 | Whitehead (Concrete) Ltd & Foulds Investment Ltd (represented by |
| | iPlan Solutions Ltd) |
| 2607 | Harworth Estates (represented by Pegasus Group) |
| 6882 | Broxtowe Labour Group |



Broxtowe District Council Council Offices Foster Avenue Beeston Nottingham NG9 1AB

SENT BY E-MAIL AND POST

3rd November 2017

Dear Sir / Madam

BROXTOWE LOCAL PLAN PART 2 PRE SUBMISSION CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following representations and in due course attend the Broxtowe Local Plan Part 2 Examination Hearing Sessions.

The scope of the Broxtowe Local Plan Part 2

The Broxtowe Local Plan Part 2 sets out detailed planning policies that will work with the strategic policies set out in the adopted Aligned Core Strategy (ACS) including specific polices for development management and the allocation of non-strategic development sites.

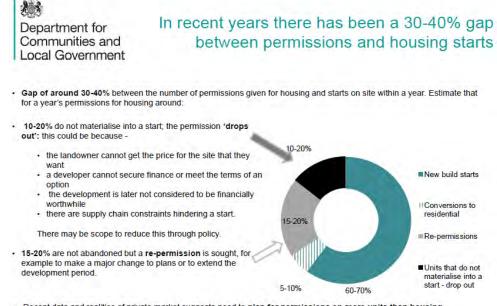
Site Allocation Policies

Overall Housing Land Supply (HLS)

The ACS sets out the overall spatial strategy for the District and this vision is rolled forward in the Local Plan Part 2. The purpose of the Local Plan is to allocate sufficient non-strategic sites to meet the housing requirement of at least 6,150 dwellings for the District to 2028. Accordingly under **Policies 3 – 7** and **11** fifteen non-strategic housing sites are allocated for circa 2,636 dwellings which comprise :-

- Policy 3 : main built up area site allocations for circa 1,779 dwellings on 8 sites (Policies 3.1 – 3.8);
- Policy 4 : Awsworth site allocation for land west of Awsworth for 250 dwellings (Policy 4.1);
- **Policy 5** : Brinsley site allocation for land east of Brinsley for 110 dwellings (**Policy 5.1**);
- Policy 6 : Eastwood site allocation for 200 dwellings & 30 extra care units (Policy 6.1);
- Policy 7 : Kimberley site allocations for 167 dwellings on 3 sites (Policies 7.1 – 7.3);
- **Policy 11** : The Square Beeston Square for 100 dwellings.

A **housing trajectory** is included in Table 4 in which the Council is showing a HLS of 6,747 dwellings against a housing requirement of 6,150 dwellings. Since the adopted housing requirement is a minimum figure it should not be treated as a maximum ceiling to restrict overall HLS and prevent sustainable development from coming forward. The Council is referred to the DCLG presentation slide from the HBF Planning Conference September 2015 (see below). This slide illustrates 10 - 20% non-implementation gap together with 15 - 20% lapse rate. The slide also suggests "the need to plan for permissions on more units than the housing start / completions ambition". It is acknowledged that this presentation slide shows generic percentages across England but it provides an indication of the level of flexibility within the overall HLS that the Council should be providing. The Council's contingency of 597 dwellings (9.7%) is below the recommendations of DCLG therefore it is unlikely to provide sufficient flexibility for unforeseen circumstances.



 Recent data and realities of private market suggests need to plan for permissions on more units than housing start/completion ambition.

Extract from slide presentation "DCLG Planning Update" by Ruth Stanier Director of Planning - HBF Planning Conference Sept 2015

5 Year Housing Land Supply (YHLS)

The 5 YHLS is a snap shot in time which can change very quickly. The following analysis addresses matters of principle rather than detailed site

specific analysis. The HBF's preferences for the calculation of a 5 YHLS are a Sedgefield approach to shortfalls as set out in the NPPG (ID 3-035) with a 20% buffer applied to both the annualised housing requirement and any shortfall. The Council's latest 5 YHLS calculation is set out in the SHLAA Report 2015/16. The Council has provided calculations using both a Sedgefield / Liverpool approach to shortfalls and 5% / 20% buffers. The Council is proposing Sedgefield and 20% buffer as the most appropriate. The HBF agrees with this proposal. However the Council is not applying the buffer to the shortfall. The HBF disagrees with this approach. The Council is referred to the following :-

- the Warwick Local Plan Examination Inspector's letter dated 1st June 2015 (paragraph 41);
- the letter dated 10th August 2015 from the Inspector examining the Amber Valley Local Plan;
- the West Dorset Weymouth & Portland Joint Local Plan Inspector's Final Report dated 14th August 2015 (paragraphs 85 & 86);
- Herefordshire Local Plan Inspector's Final Report dated September 2015 (para 48);
- Gloucester, Cheltenham & Tewkesbury Joint Core Strategy Inspector's Interim Report dated 31st May 2016 ;
- Forest of Dean Site Allocations Plan Inspector's Interim Report dated 24 June 2016;
- West Somerset Local Plan Inspector's Final Report dated 14 September 2016.

The Council's 5 YHLS calculation using Sedgefield and 20% buffer is only 3.6 years which will be even lower when the buffer is applied to the shortfall as well as the requirement. The Local Plan Part 2 cannot be sound if the Council cannot demonstrate 5 YHLS on adoption of the Plan. Furthermore the 5 YHLS should be maintainable throughout the plan period. As a consequence of not having a demonstrable 5 YHLS policies for the supply of housing in the adopted ACS will also be deemed out of date.

The HBF do not comment on the merits or otherwise of individual sites therefore our representations are submitted without prejudice to any comments made by other parties on the deliverability of specific sites included in the overall HLS, 5 YHLS and housing trajectories. Both the Council's overall HLS and 5 YHLS assumes that all of the allocations in the Plan will be found sound. However, the soundness of individual allocations will be discussed throughout the course of the Examination. If any are found to be unsound these will need to be deleted from the deliverable / developable supply accordingly. It is also essential that the Council's assumptions on lead-in times, lapse rates and delivery rates for sites are realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council using historical empirical data and local knowledge.

The small site windfall allowance of 195 dwellings in the 5 YHLS is considered too high. If the windfall allowance is applied throughout 5 year period there is

a risk of double counting in the early years. It is only reasonable to include a windfall allowance in the later years of the 5 YHLS.

It is also noted that the Council has applied an 8% non-implementation allowance in the 5 YHLS but it is unclear if a similar allowance has been applied to the overall HLS.

It is obvious that further site allocations are required to provide a greater overall HLS contingency and a 5 YHLS on adoption of the Plan. Therefore to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range of demand. This approach is also advocated in the Housing White Paper because a good mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector.

The Council should also consider the allocation of developable reserve sites together with an appropriate release mechanism as recommended by the Local Plan Expert Group (LPEG). The LPEG Report proposed that "the NPPF makes clear that local plans should be required not only to demonstrate a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement, as far as is consistent with the policies set out in the NPPF" (para 11.4 of the LPEG Report).

If further information on HLS becomes available the HBF may wish to submit further comments in written Hearing Statements and during oral discussions at the Examination Hearing Sessions.

Development Management Policies

Policy 15 : House size, mix and choice

If the Local Plan is to be compliant with the NPPF development should not be subject to such a scale of obligations and policy burdens that viability is threatened (paras 173 & 174). The residual land value model is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on viability. Therefore it is important that the Council understands and tests the influence of all inputs on the residual land value as this determines whether or not land is released for development. The Harman Report highlighted that "what ultimately matters for housing delivery is whether the value received by land owners is sufficient to persuade him or her to sell their land for development".

Bullet Points (1), (2) & (3) propose differential affordable housing provision on allocated and unallocated sites subject to viability. These are :-

- On allocated sites of 10+ dwellings in Awsworth, Bramcote, Brinsley, Stapleford & Toton and any site in the Green Belt 30% or more affordable housing provision ;
- On Kimerley allocated site 20% or more affordable housing provision ;
- On unallocated C2 & C3 sites in sub-markets of Beeston 30% or more, Eastwood 10% or more, Kimberley 20% or more & Stapleford 10% or more affordable housing provision.

The Council should be mindful that the cumulative burden of policy requirements are not set so high that the majority of sites are only deliverable if these sites are routinely rather than occasionally negotiated on the grounds of viability. The Nottingham Core Viability Update Study (September 2013) is now somewhat out of date. As set out in the NPPG (ID 12-014) "when approaching submission if key studies are already reliant on data that is a few years old they should be updated to reflect the most recent information available". The adopted ACS proposed 30% on sites of 15+ dwellings. The Council has provided no new evidence to support the proposals set out in **Policy 15**. There is no up to date evidence justifying the differentials or site thresholds. It is not evidenced that lower site thresholds or C2 sites are viable. The policy is also worded such that these percentage provisions are minimums which should be deleted.

In **Bullet Point (6)** the word "size" should be deleted from the policy title and bullet point so there is no conjecture that the Council is seeking to adopt the Nationally Described Space Standard (NDSS).

Bullet Point (7) proposes that on sites of 10+ dwellings at least 10% of dwellings are Building Regulation M4(2) compliant. The Written Ministerial Statement dated 25th March 2015 stated that "the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG". If the Council wishes to adopt the higher optional standards for accessible & adaptable homes the Council should only do so by applying the criteria set out in the NPPG (ID 56-005 to 56-011). All new homes are built to Building Regulation Part M standards so it is incumbent on the Council to provide a local assessment evidencing the specific case for Broxtowe which justifies the inclusion of the optional higher standard of M4(2) for accessible / adaptable homes in its Local Plan policy. If it had been the Government's intention that evidence of an ageing population justified adoption of M4(2) then the logical solution would have been to incorporate the standard as mandatory via the Building Regulations which the Government has not done. M4(2) should only be introduced on a "need to have" rather than "nice to have" basis.

Bullet Point (8) proposes that on sites of 20+ dwellings the Council will seek at least 5% self / custom build. The HBF supports self and / or custom build in principle for its potential additional contribution to overall housing supply where this is based on a positive policy approach to increase the total amount

page 5

of new housing development and to meet an identified and quantified selfbuild housing need. Such positive policy responses include supporting development on small windfall sites as well as allocating more small sites. It is not evident that the Council has assessed such housing needs in its SHMA work as set out in the NPPG (ID 2a-021) whereby the Council should collate from reliable local information the local demand for people wishing to build their own homes. It is not known the number of people who have registered on the Council's Self Build Register. So there is no publically available evidence to justify the Council's proposed policy approach of seeking selfbuild plots on all housing sites of more than 20 dwellings. Furthermore the Council has not undertaken any viability assessment of this policy proposal. The NPPG confirms that "different types of residential development such as those wanting to build their own homes ... are funded and delivered in different ways. This should be reflected in viability assessments" (ID 10-009). The Council's proposal is a restrictive policy which provides no additionality to land supply but merely changes house construction from one to another type of builder. It is suggested that the Council gives further consideration to the practical workings of **Bullet Point (8)** including the implications on responsibilities under health & safety legislation, working hours, length of build programmes, etc. The Council should also refer to the East Devon Inspector's Final Report dated January 2016 which expresses reservations about the implementation difficulties associated with this sort of policy. In para 46 the Inspector states "However, I don't see how the planning system can make developers sell land to potential rivals (and at a reasonable price)". If self build / custom build plots are not developed the Council has proposed no mechanism by which these dwellings may be developed thereby effectively removing these dwellings from its HLS which is unjustifiable in the current circumstances where the Council cannot demonstrate a 5 YHLS on adoption of the Local Plan Part 2.

Policy 17 : Place-making, design & amenity

Bullet Points (2) & (3) require developments of 10+ dwellings to be assessed under Building for Life 12 and to achieve a score of 9 or more greens. The HBF is supportive of the use of Building for Life 12 as best practice guidance to assist Local Planning Authorities, local communities and developers assess new housing schemes but it should not be included as a Local Plan policy requirement which obliges developers to use this tool. The use of Building for Life 12 should remain voluntary. The reference to Building for Life 12 should be removed from **Policy 17** to the supporting text. The requirement for 9 or more greens is also a misinterpretation of the use of Building for Life 12.

Policy 20 : Air quality

Bullet Point (2) is a vaguely expressed aspiration. It is doubtful if this aspect of the policy can be effectively implemented.

Policy 26 : Travel Plans

Policy 26 and its supporting text are contradictory. The policy requires submission of Travel Plans for all housing sites of 10+ dwellings but the

justification (para 26.1) states the requirement is applicable to only nonallocated sites. Even if the policy is amended to apply explicitly to nonallocated sites Travel Plans should only be required if there is an identified impact to warrant such a requirement.

Policy 27 : Local Green Space

The HBF would question if the proposed Local Green Space designation under **Bullet Point (3)** is appropriate. The area identified on the accompanying map is extensive. This designation could be construed as a redesignation as Green Belt by another name via the back door.

Policy 32 : Developer Contributions

As stated in the NPPF the use of planning obligations should only be considered if it could make unacceptable development acceptable (para 203). Furthermore planning obligations should only be sought which meet all of the tests set out in the NPPF (para 204). It should be clear that any improvements to existing facilities is related to the proposed development and it is not rectifying an existing deficiency.

If any of the above mentioned **Policies** are modified then the HBF may make further comments in Hearing Statements and orally at the Examination Hearing Sessions.

Conclusion

The purpose of the Broxtowe Local Plan Part 2 is :-

- the allocation of non-strategic sites to meet the housing requirement set out in the adopted ACS ;
- the provision and maintenance of a 5 YHLS ;
- the setting out of detailed development management policies.

The Plan is unsound (not positively prepared, unjustified, ineffective and inconsistent with national policy) because the Plan fails to :-

- provide sufficient flexibility in the overall HLS ;
- demonstrate a 5 YHLS on adoption ;
- set appropriate policy requirements in **Policies 15, 17, 20, 26, 27 & 32**.

It is hoped that these representations are helpful in informing the next stage of the Broxtowe Local Plan Part 2. If you require any further assistance or information please contact the undersigned.

Yours faithfully



BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION Representations by FEATHERSTONES on behalf of RICHARD TAYLOR

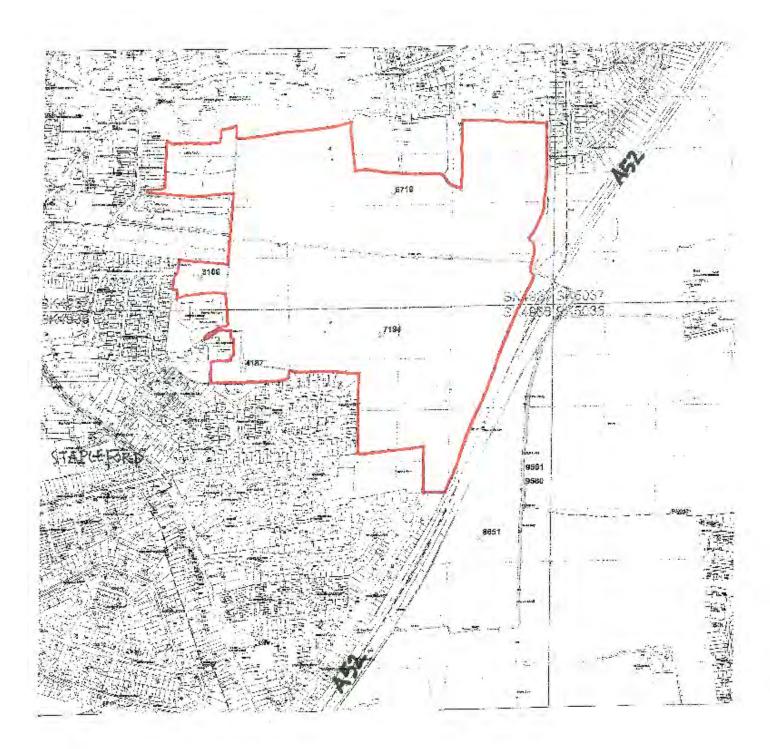
- 1. This submission is made on behalf of Richard Taylor, who is the owner of land identified on the attached plan 1. Part of that land (plan 2) we contend, is suitable for housing development.
- 2. As presented the Broxtowe Plan is unsound because it fails to demonstrate how delivery of allocated sites will be guaranteed; it fails to incorporate sufficient flexibility to respond to any failure of delivery and it fails to provide a mechanism for the release of developable 'reserve sites' equivalent to 20% of the total housing requirement (as recommended by the Local Plans Expert Group in its Report to Government of March 2016).
- 3. Additional housing sites, therefore, need to be identified in order to meet the NPPF's requirement to ensure the delivery of the minimum housing provision and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the Framework.
- 4. Policy 2 of the Plan fails the challenge of housing supply. Table 4 confirms a significant housing supply short fall and a persistent history of under delivery.
- 5. There is demonstrably no certainty of future housing delivery.
- The Plan relies on housing sites which have been allocated in previous Plans for up to (and beyond) 15 years. There are clearly strong reasons why these sites have not come forward. Sites include:
 - Beeston Maltings
 - Land at Awsworth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

Each of these sites were allocated in the 2004 Plan.

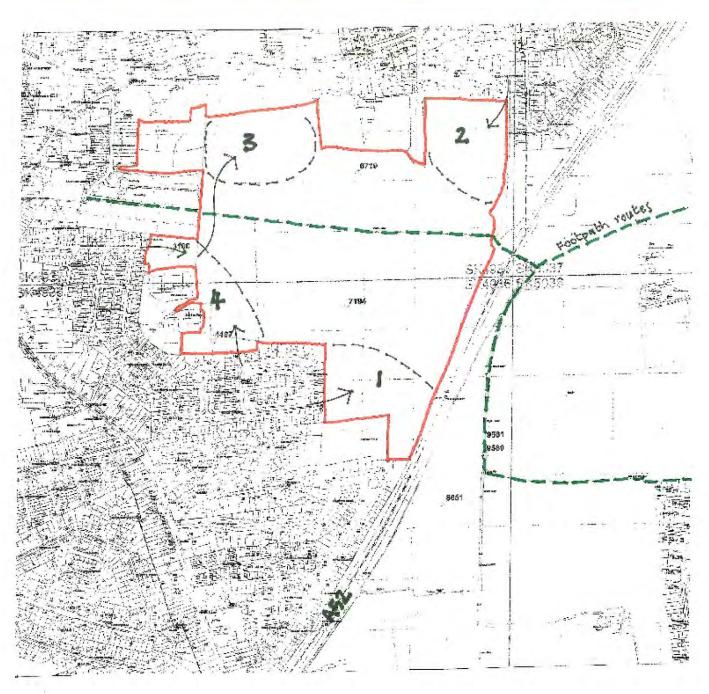
In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

- 7. Uncertainty of housing delivery also exists at strategic sites:
 - Boots
 - Severn Trent Sewage Treatment Works (contamination)
 - Chetwynd Barracks (no commitment to land release)
 - Toton/HS2 Hub (confused aspirations)
- 8. In order to help to minimise the (likely) continued non-delivery of sites for housing, additional land should be identified (for housing) in the plan; specifically, land at Stapleford, as identified on plan 2. Four parcels of land here could be developed for housing without adversely impacting on land important to the visual significance of Windmill Hill (part of the Bramcote Ridge). Similarly, the role of that Ridge as a public footpath would not be threatened, long distance views would be maintained, landscaping would be enhanced and properly managed.
- 9. In turn, the four parcels could accommodate:
 - Sisley Avenue 80 dwellings
 - Baulk Lane 75 dwellings

- North West Hill Top 80 dwellings
- Hill Top Farm 30 dwellings
- 10. Consequently, it is estimated that (about) 265 new dwellings could be delivered on the site. This would be in a manner which would acknowledge, respect and enhance the context and the wider environment.
- 11. The land is in one ownership. There are no technical, access or commercial impediments to immediate delivery and the allocation would help the Plan to achieve soundness.



PLAN I OWNERSHIP



PLAN 2 OPPORTUNITY

SISLEY AVENUE
 BAULK LANE
 NORTH WEST HILL TOP
 HILL TOP FARM

LOCATION

Featherstones





Agent

| Please provide your client's name | | ne | Richard Taylor | | |
|--|---------|---------------|----------------|--------|--|
| Your Details | | | | | |
| Title | Mr Mrs | Miss | Ms | Other: | |
| Name | | | l I | | |
| Organisation (fresponding on behalf of the organisation) | Feather | Featherstones | | | |
| Address | | | | | |
| Postcode | | | | | |
| Tel. Number | | | | | |
| E-mail address | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|--|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocations Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 19: Pollution, Hazardous Substances and Ground Conditions Policy 20: Air Quality Policy 21: Unstable land Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | | Policy 2 Policy 3 Policy 4 Policy 5 Policy 6 Policy 7 |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | No |
|--|---------------------------------------|--|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | | | |
|--|---|--|--|--|
| It is not justified | V | | | |
| It is not effective | v | | | |
| It is not positively prepared | v | | | |
| It is not consistent with national policy | v | | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

See attached Statement

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Please use a separate sheet of paper if required. Please use one form per representation.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at th public examination? | | | | |
|---|-------|--|--|--|
| Yes, I wish to participate at the public examination | V | | | |
| No, I do not wish to participate at the public examination | | | | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be | | | |
| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | | | | |
| | | | | |
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| | | | | |

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 public examination.

Please use a separate sheet of paper if required. Please use one form per representation.

Featherstones

PLANNING • DESIGN • DEVELOPMENT

BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION Representations by FEATHERSTONES

on behalf of Mrs D Viitanen

October 2017

- 1. These representations have been prepared on behalf of Mrs D Viitanen who has land interest in the site at Gilt Hill Farm, Kimberley (see attached Plan). Mrs Viitanen has serious concerns about the soundness of the Plan, particularly in relation to the approach to housing delivery. These concerns are set out below.
- 2. As presented the Broxtowe Plan is unsound because it fails to demonstrate how delivery of allocated sites will be guaranteed; it fails to incorporate sufficient flexibility to respond to any failure of delivery and it fails to provide a mechanism for the release of developable 'reserve sites' equivalent to 20% of the total housing requirement (as recommended by the Local Plans Expert Group in its Report to Government of March 2016).
- 3. Additional housing sites, therefore, need to be identified in order to meet the NPPF's requirement to ensure the delivery of the minimum housing provision and also to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the Framework.
- 4. Policy 2 of the Plan fails the challenge of housing supply. Table 4 confirms a significant housing supply short fall and a persistent history of under delivery.
- 5. There is demonstrably no certainty of future housing delivery.
- 6. The Plan relies on housing sites which have been allocated in previous Plans for up to (and beyond) 15 years. There are clearly strong reasons why these sites have not come forward. Sites include:
 - Beeston Maltings
 - Land at Awsworth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

Each of these sites were allocated in the 2004 Plan.

In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

- 7. Uncertainty of housing delivery also exists at strategic sites:
 - Boots
 - Severn Trent Sewage Treatment Works (contamination)
 - Chetwynd Barracks (no commitment to land release)
 - Toton/HS2 Hub (confused aspirations)
 - 8. There are a range of sites and locations where additional, sustainable development can take place. Land at Gilt Hill Farm, Gilt Hill, Kimberley (identified on the Plan attached) is well related to the Kimberley Urban area, including local shops, employment and schools. It sits on

the edge of the settlement where there is no gap to distinguish it visually, physically or functionally from the urban area.

9. Releasing the site from the Green Belt and allocating it for housing development will provide the opportunity to improve the visual appearance of the site by replacing buildings in a poor condition with attractive and sustainable new buildings. It would remove a use that is nonconforming with adjacent residential and education land uses and provides an opportunity to introduce high quality landscaping and biodiversity features to ensure that the openness of the Green Belt is safeguarded. Crucially, the site is deliverable within the next five years so will help to off-set slow delivery on other sites, address immediate land supply issues and provide the certainty of delivery necessary to make the Plan sound.

Site Location Plan



Broxtowe Part 2 Local Plan

Agent

| Please provide your | client's nan | ne | Mrs I | D Viitanen |
|--|--------------|-------|-------|------------|
| Your Details | | | | |
| Title | Mr Mrs | Miss | Ms | Other: |
| Name | | | İ | |
| Organisation (fresponding on behalf of the organisation) | Feather | stone | s | |
| Address | | | | |
| Postcode | | | | |
| Tel. Number | | | | |
| E-mail address | | | | |

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If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
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| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | No |
|--|---------------------------------------|--|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | V | |
| It is not effective | v | |
| It is not positively prepared | V | |
| It is not consistent with national policy | v | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

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Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | | |
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| Yes, I wish to participate at the public examination | V | | |
| No, I do not wish to participate at the public examination | | | |
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| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | | | |
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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 public examination.

Please use a separate sheet of paper if required. Please use one form per representation.

Featherstones

PLANNING • DESIGN • DEVELOPMENT

BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION Representations by FEATHERSTONES

on behalf of Mrs M Barnes

October 2017

- 1. These representations have been prepared on behalf of Mrs M Barnes who has land interest in the site at Land off Back Lane, Nuthall (see attached Plan). Mrs Barnes has serious concerns about the soundness of the Plan, particularly in relation to the approach to housing delivery. These concerns are set out below.
- 2. As presented the Broxtowe Plan is unsound because it fails to demonstrate how delivery of allocated sites will be guaranteed; it fails to incorporate sufficient flexibility to respond to any failure of delivery and it fails to provide a mechanism for the release of developable 'reserve sites' equivalent to 20% of the total housing requirement (as recommended by the Local Plans Expert Group in its Report to Government of March 2016).
- 3. Additional housing sites, therefore, need to be identified in order to meet the NPPF's requirement to ensure the delivery of the minimum housing provision and also to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the Framework.
- 4. Policy 2 of the Plan fails the challenge of housing supply. Table 4 confirms a significant housing supply short fall and a persistent history of under delivery.
- 5. There is demonstrably no certainty of future housing delivery.
- The Plan relies on housing sites which have been allocated in previous Plans for up to (and beyond) 15 years. There are clearly strong reasons why these sites have not come forward. Sites include:
 - Beeston Maltings
 - Land at Awsworth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

Each of these sites were allocated in the 2004 Plan.

In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

- 7. Uncertainty of housing delivery also exists at strategic sites:
 - Boots
 - Severn Trent Sewage Treatment Works (contamination)
 - Chetwynd Barracks (no commitment to land release)
 - Toton/HS2 Hub (confused aspirations)
- 8. There are a range of sites and locations where additional, sustainable development can take place. Land off Back Lane, Nuthall (identified on the Site Plan attached) is currently used for equestrian purposes with stables, livery and associated activity together with residential property. The site is within the defined Green Belt, however this designation no longer

satisfies the purpose or function of Green Belt land as defined within Paragraph 80 of the NPPF.

- 9. The removal of the Back Lane site from the Green Belt would facilitate the redevelopment of the site for up to 40 new dwellings as well as delivering improved screening and buffering from the M1 motorway to the wider benefit of existing residents.
- 10. Housing development on this site would assist in providing additional flexibility regarding the delivery of new housing in the Borough, helping to off-set slow delivery rates on other sites. The site is in single ownership where the intention is to progress towards a planning application as soon as possible and to bring the site to the housing market at the earliest opportunity.



Site Location Plan – Land off Back Lane, Nuthall

Broxtowe Part 2 Local Plan

Agent

| Please provide your client's name | | ne | Mrs I | Marjorie Barnes |
|--|---------------|------|-------|-----------------|
| /our Details | | | | |
| Title | Mr Mrs | Miss | Ms | 5 Other: |
| Name | | | İ. | |
| Organisation (fresponding on behalf of the organisation) | Featherstones | | | |
| Address | | | | |
| Postcode | | | | |
| Tel. Number | | | | |
| E-mail address | | | | |

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If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. | |
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| Please tick here 🗸 | 1 |
| Please help us save money and the environment by providing an e-mail address that correspondence | 100 |
| can be sent to: | C |

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| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| | Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | | |
|-----|--|--|---|--|--|
| 2.1 | Legally compliant | | | | |
| 2.2 | Compliant with the duty to co-operate | | | | |
| 2.3 | Sound | | ٧ | | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | V | |
| It is not effective | v | |
| It is not positively prepared | V | |
| It is not consistent with national policy | v | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

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Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to particip public examination? | ate at the |
|--|------------|
| Yes, I wish to participate at the public examination | V |
| No, I do not wish to participate at the public examination | |
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| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | |
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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 public examination.

Please use a separate sheet of paper if required. Please use one form per representation.



BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION

Representations by OXALIS PLANNING on behalf of W.WESTERMAN LTD

- 1.1 These representations have been prepared on behalf of W. Westerman Ltd who have a number of land interests in Broxtowe. W. Westerman Ltd have serious concerns about the soundness of the Plan, particularly in relation to the approach to housing delivery. These concerns are set out below.
- 1.2 The NPPF requires Local Planning Authorities to plan positively to ensure the delivery of the area's 'minimum' housing requirements and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the NPPF.
- 1.3 It is unclear from Policy 2 of the proposed Plan how the Government's requirements regarding housing delivery will be met. It can be seen from the Housing Trajectory at Table 4 of the Plan that Broxtowe has a significant housing supply shortfall and a persistent history of under delivery. Within this context it is essential that the Council are able to provide certainty regarding the delivery of housing. For the reasons set out below it is considered that the Plan fails to do this and is therefore unsound.
- 1.4 The need for flexibility or the identification of 'reserve sites' is not unusual but is particularly pertinent to Broxtowe because of its historical under performance, the number of sites carried forward from the 2004 Local Plan and the uncertainty regarding the key strategic sites. It is W.Westerman's view that a number of the sites proposed to be allocated by the Council will fail to be delivered and others are likely to be delayed such that the numbers assumed to be delivered will not be met. Individually a number of sites should not be counted towards delivery targets given their uncertainty. However the collective impact of so many complex and uncertain sites must also be addressed through the allocation of additional land.
- 1.5 In terms of strategic sites this uncertainty includes:
 - a. Land at Boots, which although the site has permission continues to be complex with significant delivery uncertainties.
 - b. Severn Trent land which is a former sewage treatment works with associated complexities of decontamination and remediation. Housing delivery on the site is therefore highly uncertain.
 - c. Chetwynd Barracks: A current and active Ministry of Defence site. Whilst the MOD have indicated that the site may become available for redevelopment, no firm committed dates are set out and the timing of any closure is subject to change. There remains a potential for a significant delay to the closure of the site or a cancellation. Delivery is highly uncertain therefore.
 - d. Toton: Whilst planning permission exists on part of this site, that permission conflicts with the vision for the site as set out in Policy 3.2. The supporting text to this Policy is confusing and ill-conceived. It is based largely on the East Midlands HS2 Growth Strategy Document published in September 2017. It includes the statement in relation to the vision for the Toton that

'It will also require higher densities than those currently subject of an extant Outline Planning Consent for the site and this will need careful consideration by Broxtowe Borough Council as the Local Planning Authority.' (Page 20).

Whilst this implies the potential for greater housing numbers in the long term it brings onto question the deliverability of the extant consent and housing delivery in the short to medium term.

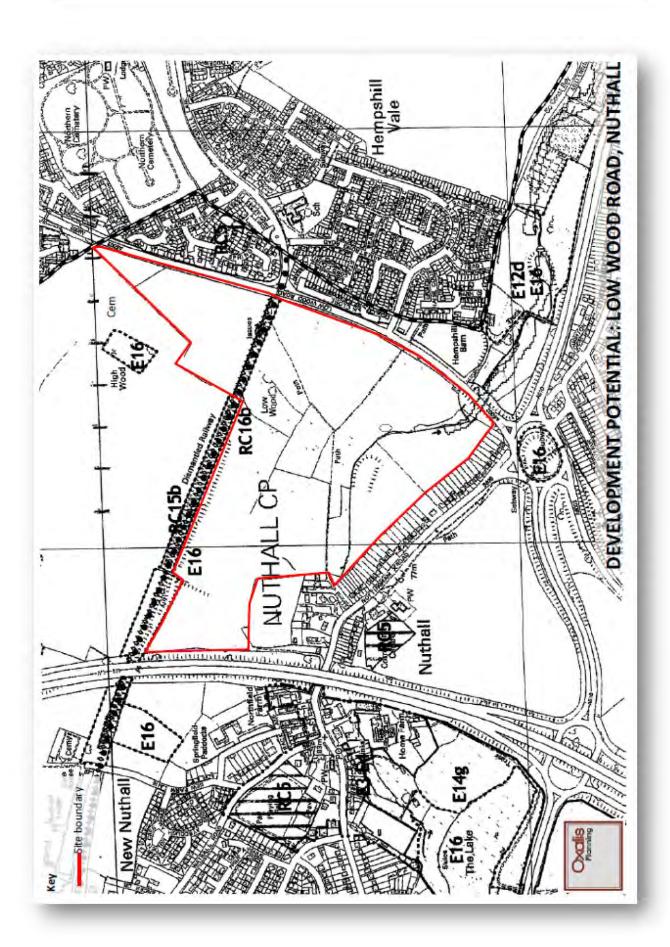
- 1.6 In terms of other allocations or 'committed' sites:
 - a. Land at Beeston Maltings Policy 3.6, has been allocated since 2004. It remains a difficult and complex site and delivery is highly uncertain.
 - b. Land in Awsworth includes land allocated since 2004 and although there is extant permission, delivery is not certain.
 - c. Two sites in Eastwood were allocated in the 2004 Local Plan and delivery remains uncertain notwithstanding extant planning permission.
 - d. Land at Walker Street, Eastwood Policy 6.1. This forms part of a school and recreation facility. Aside from its individual merits as an allocation, the site has been allocated (although a different part of the overall school site) since 2004 with no development progressing. Given the status of the site and wider uncertainty regarding school places and the quality and quantity of sports and recreation space, the delivery of the site is highly uncertain.
 - e. Land south of Kimberley including Kimberley Depot Policy 7.1. The site is currently a refuse depot with refuse tip. It is unclear if new facilities have been found to facilitate relocation. Notwithstanding, the site will contain areas of contamination which could preclude or limit development. Delivery on the site is therefore uncertain.
 - f. Land South of Eastwood Road, Kimberley Policy 7.2. This site has been allocated since 2004. Development of the site remains complex and delivery highly uncertain.
 - g. Builders Yard, Eastwood Road, Kimberley Policy 7.3. This site has been allocated since 2004. Development on the site remains uncertain.
- 1.7 The uncertainty in Broxtowe stems principally from the sheer number of complex sites where the level of certainty regarding delivery is extremely low. In these circumstances there is not a sufficiently reasonable prospect that the minimum housing numbers will be achieved and the Plan is therefore unsound. The circumstances in Broxtowe are the very circumstances that have led the Local Plan Experts Group to recommend the introduction of appropriate lapse rates and a 20% reserve site allowance. To adopt the Plan in its current form would perpetuate the current and historic role the planning system has played in creating a crisis in housing through the lack of delivery of new homes.
- 1.8 The Government recognises that more needs to be done to ensure that the right numbers of houses are built. It's White Paper Fixing Our Broken Housing Market (February 2017) is aimed at just that. The White Paper draws on and makes reference to the work undertaken by the Local Plan Experts Group (LPEG). As well as proposing a new approach to calculating housing needs, the LPEG made recommendations as to how Local Plans should be approached not only to demonstrate a five year land supply but to ensure plans deliver over the whole plan period.
- 1.9 In their Report to Government (March 2016) the LPEG state that:

'there needs to be a clearer and more effective mechanism for maintaining a five year land supply, at the same time as ensuring plans consider delivery over the whole plan period and incorporate sufficient flexibility to respond to rapid change' (Paragraph 11.3).

And they recommend that plans:

focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement' (Paragraph 11.4).

- 1.10 Because of its existing delivery problems, the scale of its shortfall and the uncertainties regarding delivery in the future, it is important that this 'sufficient Flexibility' is adopted by Broxtowe in its Local Plan Part 2. The Local Plan must be flexible enough to guarantee the delivery of the minimum number of new homes in the Plan period.
- 1.11 In simple terms this means planning for more houses so that there is sufficient flexibility now, to take account of inevitable delays to delivery on some sites and lapsed permission or non-implementation on others.
- 1.12 Furthermore in terms of a 5 year land supply the Plan does not set out how an appropriate land supply should be calculated and how this will then be met by the Plan. It is essential that the Plan, or supporting evidence, contains appropriate information to confirm that the Plan provides a 5 year land supply calculation from adoption of the Plan. The Plan will be unsound unless it can be demonstrated, based on appropriate assumptions, that it will bring about a 5 year land supply position.
- 1.13 There are a range of sites and locations where additional, sustainable development can take place. Land at Low Wood Road, Nuthall (identified on the Plan attached) is well related to the Urban area and extremely well related to the transport network, including the Tram. There is potential for the Tram to be extended into the site and for new and improved park and ride facilities to be provided, helping to address existing congestion and capacity issues. As a minimum it is considered that the site should be removed from the Green Belt so that it is available for development in the longer term or if delivery on other identified sites stall.



Broxtowe Part 2 Local Plan

Agent

| Please provide your client's name | | ne | W.WESTERMAN | |
|--|--------|--------|-------------|--------|
| Your Details | | | | |
| Title | Mr Mrs | Miss | Ms | Other: |
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| Organisation (fresponding on behalf of the organisation) | Oxalis | Planni | ing L | td |
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| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | No | | |
|--|---------------------------------------|--|----|--|--|
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| 2.2 | Compliant with the duty to co-operate | | | | |
| 2.3 | Sound | | ٧ | | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | | | |
|--|---|--|--|--|
| It is not justified | V | | | |
| It is not effective | v | | | |
| It is not positively prepared | v | | | |
| It is not consistent with national policy | v | | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

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BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION

Representations by OXALIS PLANNING on behalf of BLOOR HOMES

Contents

Representations:

| 1.0 Introductio | n |
|-----------------|---|
|-----------------|---|

- 2.0 Housing Delivery
- 3.0 Land in the vicinity of the HS2 Station at Toton Policy 3.2
- 4.0 Approach to self-build and custom-build housing Policy 15
- 5.0 Policy 17: Place Making, Design and Amenity

Appendices:

| Appendix One : | Appendix One : Site Location Plan and Illustrative Masterplan relating to land at Nether Green, east of Mansfield Road, Eastwood | | | | |
|-----------------|---|--|--|--|--|
| Appendix Two: | Proposed Site allocation Boundary for Land at Toton | | | | |
| Appendix Three: | 'Broxtowe Gateway' vision document produced by Oxalis Planning April 2017 | | | | |
| Appendix Four: | 'Broxtowe: Gateway to the East Midlands' vision document produced by Oxalis Planning March 2014 | | | | |
| Appendix Five: | 'Toton – Strategic Location for Growth' produced by Oxalis Planning in December 2015 | | | | |

1.0 Introduction

1.1 These representations have been prepared on behalf of Bloor Homes who have a number of land interests in Broxtowe. Bloor Homes have serious concerns about the soundness of the Plan, particularly in relation to the approach to housing and the allocation at Toton. Details of their concerns are set out in the statement below, with reference to particular policies and paragraph numbers where relevant. The statement also sets out the modifications to the Plan that are considered necessary to make it sound.

2.0 Housing Delivery

- 2.1 The NPPF requires Local Planning Authorities to plan positively to ensure the delivery of the area's 'minimum' housing requirements and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the NPPF.
- 2.2 It is unclear from Policy 2 of the proposed Plan how the Government's requirements regarding housing delivery will be met. It can be seen from the Housing Trajectory at Table 4 of the Plan that Broxtowe has a significant housing supply shortfall and a persistent history of under delivery. Within this context it is essential that the Council are able to provide certainty regarding the delivery of housing. For the reasons set out below it is considered that the Plan fails to do this and is therefore unsound.
- 2.3 In terms of a 5 year land supply the Plan does not set out how an appropriate land supply should be calculated and how this will then be met by the Plan. It is essential that the Plan, or supporting evidence, contains appropriate information to confirm that the Plan provides a 5 year land supply calculation from adoption of the Plan. The Plan will be unsound unless it can be demonstrated, based on appropriate assumptions that it will bring about a 5 year land supply position.
- 2.4 The Trajectory at Table 4 indicates that the Borough will have sufficient sites to deliver the housing requirement. Indeed it suggests a buffer exists. However Bloor Homes has significant concerns about the assumptions used to inform these figures and the cumulative effect of the uncertainty regarding the delivery of a large number of sites. Within this context Bloor Homes do not consider that the approach is sound, both because of the unrealistic assumptions on individual sites but, most importantly because of the lack of certainty regarding delivery overall.
- 2.5 The Government recognises that more needs to be done to ensure that the right numbers of houses are built. It's White Paper Fixing Our Broken Housing Market (February 2017) is aimed at just that. The White Paper draws on and makes reference to the work undertaken by the Local Plan Experts Group (LPEG). As well as proposing a new approach to calculating housing needs, the LPEG made recommendations as to how Local Plans should be approached not only to demonstrate a five year land supply but to ensure plans deliver over the whole plan period.
- 2.6 In their Report to Government (March 2016) the LPEG state that:

'there needs to be a clearer and more effective mechanism for maintaining a five year land supply, at the same time as ensuring plans consider delivery over the whole plan period and incorporate sufficient flexibility to respond to rapid change' (Paragraph 11.3).

And they recommend that plans:

'focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement' (Paragraph 11.4).

- 2.7 Because of its existing delivery problems, the scale of its shortfall and the uncertainties regarding delivery in the future, it is important that this 'sufficient Flexibility' is adopted by Broxtowe in its Local Plan Part 2. The Local Plan must be flexible enough to guarantee the delivery of the minimum number of new homes in the Plan period.
- 2.8 In simple terms this means planning for more houses so that there is sufficient flexibility now, to take account of inevitable delays to delivery on some sites and lapsed permission or non-implementation on others.
- 2.9 A 20% flexibility allowance or 20% reserve sites as suggested by the LPEG would mean Broxtowe planning for around 7380 dwellings over the Plan period, as opposed to the minimum requirement of 6250 dwellings or the current approach which indicates a potential delivery of 6747 dwellings. This additional flexibility would be some 600 or so more than the Council are currently planning for (7380 – 6747 =600). Such flexibility is the minimum that is required for the delivery of appropriate levels of housing in Broxtowe is to be secured.
- 2.10 There is a range of sites and locations where additional, sustainable development can take place. For example land at Nether Green, east of Mansfield Road, Eastwood (SHLAA ref 203) has been identified as a suitable location for growth by the Council, but the Council has concluded that the site is not needed at the present time. The land at Nether Green is well related to the urban area. It is well contained by the line of the now disused railway, which could also provide a new permanent and defensible Green Belt boundary. The site has the potential to deliver around 200 new homes together with new open space, children's play areas and areas for biodiversity enhancement. The site location together with an illustrative masterplan are shown at Appendix One.
- 2.11 The need for flexibility or the identification of 'reserve sites' is not unusual but is particularly pertinent to Broxtowe because of its historical under performance, the number of sites carried forward from the 2004 Local Plan and the uncertainty regarding the key strategic sites
- 2.12 In terms of strategic sites this uncertainty includes:
 - a. Land at Boots, which although the site has permission continues to be complex with significant delivery uncertainties.
 - b. Severn Trent land which is a former sewage treatment works with associated complexities of decontamination and remediation. Housing delivery on the site is therefore highly uncertain.
 - c. Chetwynd Barracks: A current and active Ministry of Defence site. Whilst the MOD have indicated that the site may become available for redevelopment, no firm committed dates are set out and the timing of any closure is subject to change. There remains a potential for a significant delay to the closure of the site or a cancellation. Delivery is highly uncertain therefore.
 - d. Toton: Whilst planning permission exists on part of this site, that permission conflicts with the vision for the site as set out in Policy 3.2. The supporting text to this Policy is confusing and ill-conceived. It is based largely on the East Midlands HS2 Growth

Strategy Document published in September 2017. It includes the statement in relation to the vision for the Toton that

'It will also require higher densities than those currently subject of an extant Outline Planning Consent for the site and this will need careful consideration by Broxtowe Borough Council as the Local Planning Authority.' (Page 20).

Whilst this implies the potential for greater housing numbers in the long term it brings onto question the deliverability of the extant consent and housing delivery in the short to medium term.

- 2.13 In terms of other allocations or 'committed' sites:
 - a. Land at Beeston Maltings Policy 3.6, has been allocated since 2004. It remains a difficult and complex site and delivery is highly uncertain.
 - b. Land in Awsworth includes land allocated since 2004 and although there is extant permission, delivery is not certain.
 - c. Two sites in Eastwood were allocated in the 2004 Local Plan and delivery remains uncertain notwithstanding extant planning permission.
 - d. Land at Walker Street, Eastwood Policy 6.1. This forms part of a school and recreation facility. Aside from its individual merits as an allocation, the site has been allocated (although a different part of the overall school site) since 2004 with no development progressing. Given the status of the site and wider uncertainty regarding school places and the quality and quantity of sports and recreation space, the delivery of the site is highly uncertain.
 - e. Land south of Kimberley including Kimberley Depot Policy 7.1. The site is currently a refuse depot with refuse tip. It is unclear if new facilities have been found to facilitate relocation. Notwithstanding, the site will contain areas of contamination which could preclude or limit development. Delivery on the site is therefore uncertain.
 - f. Land South of Eastwood Road, Kimberley Policy 7.2. This site has been allocated since 2004. Development of the site remains complex and delivery highly uncertain.
 - g. Builders Yard, Eastwood Road, Kimberley Policy 7.3. This site has been allocated since 2004. Development on the site remains uncertain.
- 2.14 The uncertainty in Broxtowe stems principally from the sheer number of complex sites where the level of certainty regarding delivery is extremely low. In these circumstances there is not a sufficiently reasonable prospect that the minimum housing numbers will be achieved and the Plan is therefore unsound. The circumstances in Broxtowe are the very circumstances that have led the Local Plan Experts Group to recommend the introduction of appropriate lapse rates and a 20% reserve site allowance. To adopt the Plan in its current form would perpetuate the current and historic role the planning system has played in creating a crisis in housing through the lack of delivery of new homes.
- 2.15 The Plan needs to be modified to address the problems set out above. This should include:
 - A critical review of the reliance on particular sites to deliver new homes;
 - A significant increase in the number of new homes planned for (to at least 7380 over the Plan period) through the allocation of additional land;
 - The inclusion of a five year land supply calculation and demonstration that, on adoption, the Plan will provide a suitable land supply (and the allocation of additional land to address 5 year land supply issues if necessary);

- The allocation of land at Mansfield Road, Eastwood, for around 200 dwellings together with the removal of the land from the Green Belt (as shown at Appendix One);
- The allocation and removal of additional land from the Green Belt at Toton, see Appendix Two. Together with a complete re-appraisal of the approach to the development of land at Toton as set out below and shown in the vision documents at Appendices 3, 4 and 5.

3.0 Land in the vicinity of the HS2 Station at Toton – Policy 3.2

- 3.1 The Council's approach to the planning of the Toton area in response to the unique opportunity presented by HS2, the tram and the strategic highway connections, is confused and fundamentally flawed.
- 3.2 It is currently unclear from the Policy how it is envisaged that development within the Plan period (the provision of 500 houses) fits with and will not prejudice the delivery of the wider aspirations for the site set out as *'key development requirements beyond the Plan period'*. Furthermore it is unclear whether the supporting text relates to the plan period requirement or beyond plan period or both.
- 3.3 Crucially the Plan ignores the Peveril Homes Housing scheme which was recently granted consent by the Council on the majority of land west of Toton lane. It is inconceivable how the delivery of this permitted scheme is compatible with the Policy aspirations for the site set out in the Plan. It is clear that the Policy aspirations as set out in the supporting text are linked with the vision for the site set out in the East Midlands HS2 Growth Strategy (September 2017). This strategy envisages an 'innovation village' on the site, but this is located on land where there is already planning permission for a 500 unit suburban residential scheme.
- 3.4 Oxalis Planning on behalf of Bloor Homes have consistently advocated a more comprehensive and forward thinking approach to the land at Toton, including strongly opposing the consenting of the Peveril Scheme which would clearly prejudice the delivery of a more comprehensive and innovative response to the opportunity presented by HS2. These concerns were ignored and it is now clear that the approved Peveril scheme is incompatible with the vision for the site now being set out. A fundamental re-think of the Policy is required. A different response will be required depending on whether the Peveril scheme is implemented, but changes will be required to make the Plan sound in any event.
 - If the Peveril scheme is not implemented, for example in order for the vision set out by the East Midlands HS2 Growth Strategy to be progressed; the Plan will need to be amended because additional land will be needed so that new homes can be delivered in the short term. The aspirations set out in the Growth Strategy in relation to the innovation village will necessarily take many years to work up given that the mix and scale is unlikely to be commercially appropriate or viable prior to the delivery of HS2. Land to the east of Toton Lane will be needed, to help to deliver new homes quickly. This land, as set out in the Oxalis vision documents can deliver homes on a more conventional basis and allow for land adjacent to the HS2 hub, west of Toton Lane, to be retained for future development more directly associated with HS2.

Or

• If the Peveril scheme is implemented, a new masterplan approach and revised vision for land at Toton would be required to take account of the committed scheme. The

committed scheme is fundamentally at odds with the Growth Strategy and it would prejudice its delivery. The strategy for the site would need to change. Additional land to the east of Toton Lane, would need to be introduced to help deliver the overarching aspirations for the site as set out in the East Midlands HS2 Growth Strategy.

- 3.5 Unless these compatibility issues can be resolved the Plan will be unsound.
- 3.6 Oxalis planning on behalf of Bloor Homes have consistently advocated a more ambitious approach to the Planning of the area around HS2, including, importantly, the inclusion within a comprehensive scheme of land to the east of Toton Lane. The constrained approach to the allocation both limits the appropriate planning of the area and ignores the context provided by existing built form, landscape and other features on the ground. The tram line is not an appropriate Green Belt or development boundary. An allocation which reflects the opportunities for development on land east of Toton Lane and north of the tram line should be made as shown by the Plan at Appendix Two.
- 3.7 Oxalis Planning on behalf of Bloor Homes have over past 5 or so years, prepared a number of masterplan documents illustrating ways in which land at Toton could be developed. These include a 'Broxtowe Gateway vision' Document produced in April 2013 (Appendix Three); a 'Broxtowe Gateway to the East Midlands' vision document produced in March 2014 (Appendix Four) and a 'Toton Strategic Location for Growth' document produced in December 2015 (see Appendix Five). These three documents are appended to this submission for ease of reference and to provide details of the approach advocated by Oxalis on behalf of Bloor Homes. These documents should be read in conjunction with these representations. The fundamental principle of the vision advocated consistently by Oxalis Planning are:
 - a. To produce a masterplan for the site which is focussed on the need to deliver an appropriate commercial response to the opportunities presented by HS2. The economic opportunities should be maximised and a specific response to HS2 planed;
 - b. Whilst the precise nature of the commercial development can only be determined by future market demand, the planning of the site should not, in any way, constrain the potential;
 - c. This would mean delivering housing to meet the plan period requirement on land to the east of Toton lane and reserving land to the west of Toton Lane for development directly associated with HS2.
- 3.8 The Oxalis documents include a highway solution that has been largely mirrored in the East Midlands HS2 Growth Strategy (Page 30). Fundamental to this highway strategy is a new junction onto the A52 to the north east of Bardills Island and a partial 'bypass' of the Bardills Junction. Such an approach is however incompatible with Policy 3.2 as currently set out. Policy 3.2 retains as Green Belt, land north and east of Bardills garden centre, land which would be essential for this new infrastructure. Furthermore if this new infrastructure were to be put in place the context of land to the east and west of it would change greatly and become even more appropriate for development.
- 3.9 Policy 3.2 is therefore fundamentally flawed because the area of land to be removed from the Green Belt should include land east of Toton Lane and north of the Tram line. The inclusion of this area would facilitate appropriate infrastructure works and enable a more comprehensive approach to the masterplanning of the area.

- 3.10 The Plan has not, in relation to the opportunity presented by HS2, been positively prepared or justified having regard to the evidence base and considering reasonable alternatives.
- 3.11 There are other aspects of the supporting text to Policy 3.2 which are flawed and inconsistent with national policy. The vision sets out ambitions for relocation of existing facilities and the delivery of extensive new community and leisure facilities. However these aspirations have not been discussed with underlying landowners and its remains wholly unclear how these components can be delivered in terms of viability and land assembly or how they would be funded.

4.0 Approach to self-build and custom-build housing – Policy 15

- 4.1 Bloor Homes object to bullet point 8 of Policy 15 which requires 5% of large sites to be delivered as self / custom build Homes. The delivery of self / custom build Homes as part of a large site creates complex delivery, design, Health and Safety and site management issues. On some sites it will also create uncertainty regarding delivery and viability. It is unclear how this requirement would be manged and delivered on the ground alongside the delivery of dwellings constructed by Bloor Homes.
- 4.2 Government Policy supports the provision of self and custom build homes. A key emphasis is on the benefit of this form of housing delivery in boosting the supply of new homes. The blunt requirement set out in Policy 15 will in no way help to boost supply, indeed for the reasons set out it may well delay or restrict supply.
- 4.3 It is considered that a more appropriate response to the Government's requirement would be to identify specific small sites which are capable of delivery as self / custom build homes and to encourage the promotion of small scale windfall site for such purposes. This could then act to help boost the delivery of new homes.

5.0 Policy 17: Place – Making, Design and Amenity

5.1 Some of the criteria within this design policy are misplaced and should be removed. Criteria 1b and 1c are both spatial policies concerned with the location of development as opposed to its form. These criteria should be deleted.

Broxtowe Part 2 Local Plan

Agent

| Please provide your client's name | | ne | Bloor Homes Ltd | |
|--|--------|--------|-----------------|--------|
| Your Details | | | | |
| Title | Mr Mrs | Miss | Ms | Other: |
| Name | | | | |
| Organisation (fresponding on behalf of the organisation) | Oxalis | Planni | ing L | td |
| Address | | | | |
| | | | | |
| Postcode | | | - | |
| Fostable | | | | |
| Tel. Number | | | Ĩ. | |
| E-mail address | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|--|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocation Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 19: Pollution, Hazardous Substances and Ground Conditions Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets | | Policy 2 Policy 3 Policy 4 Policy 5 Policy 6 Policy 7 |
| Policies Map | Policy 32: Developer Contributions | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites and approach to Toton allocat | ion. | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | No |
|--|---------------------------------------|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | | |
|--|---|--|--|
| It is not justified | V | | |
| It is not effective | V | | |
| It is not positively prepared | V | | |
| It is not consistent with national policy | v | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

See attached Statement

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Please use a separate sheet of paper if required. Please use one form per representation.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | | | |
|--|-------|--|--|--|
| Yes, I wish to participate at the public examination | v | | | |
| No, I do not wish to participate at the public examination | | | | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be | | | |
| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | | | | |
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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 public examination.

Please use a separate sheet of paper if required. Please use one form per representation.

wg

3 November 2017

SWC/TC/HG0913

Broxtowe Borough Council Foster Avenue Beeston Nottingham NG9 1AB

Dear Sir/Madam

PART 2 LOCAL PLAN: PUBLICATION CONSULTATION, SEPTEMBER 2017

WYG is instructed by Peveril Homes and UKPP (Toton) Limited in relation to land and planning matters on the area allocated for development at Toton.

Introduction

The site was identified as a Strategic Location for Growth in the Greater Nottingham Aligned Core Strategy (adopted September 2014), and now benefits, in part, from an outline planning consent (reference 12/00585/OUT) approved on 01 July 2016 for the following form of development:

"Outline planning application with points of access to be determined for a mixed-use development incorporating a maximum of 500 dwellings, 380 sqm convenience store, two 95 sqm retail outlets, education floor space (maximum 2,300 sqm), day nursery (maximum 450 sqm), pub/restaurant, an 80 bed residential care facility, open space, plot for medical surgery (0.04 hectares), plot for community use (0.08 hectares), highways, drainage, removal of electricity pylons and overhead cables, erection of terminal pylon, demolition of 316 To**ton Lane and associated infrastructure."**

A reserved matters application has subsequently been made for phase 1 of the site, in relation to the construction of 282 dwellings, including highway and drainage infrastructure and public open space (reference 17/00499/REM).

Policy 2 of the Core Strategy establishes the parameters for development of the whole site, and the extant outline consent and subsequent phase 1 reserved matters submission demonstrates a clear commitment for the scheme to be brought forward. Whilst Peveril/UKPP acknowledge that the Part 2 Local Plan policies should take forward the Core Strategy policy and comment on the Part 2 policies below, in legal terms the reserved matters submission must be compliant with the outline planning permission and conditions attached.



creative minds safe hands



Local Plan Part 2

Policy 3.2 of the Publication Local Plan Part 2 relates to the strategic location for growth as identified by Policy 2 of the Aligned Core Strategy. However, as currently drafted, the policy does not fully reflect the requirements of the Aligned Core Strategy, and neither does it take account of the principles established by the extant outline planning permission.

The Core Strategy requires the strategic location for growth to deliver a minimum of 500 homes, alongside 18,000sqm of employment floor space, 16ha of green infrastructure and the safeguarding of land for both tram and vehicular access routes (from the A52) to the HS2 station site. With particular regard to the green infrastructure proposed, it is important to emphasise that the need identified for a **'buffer zone' on the southern side of the allocated site and a corridor running west to east should not** be regarded as a buffer zone (Policy 28) for amenity purposes. It should be regarded as a green corridor for public access to be available. Therefore, the extent of this corridor as shown on the **Council's indicative Master Plan** needs to be reconsidered. The corridor will be a functional green space that primarily provides an attractive but well observed, by natural surveillance, corridor from Toton Lane (and potentially Chetwynd barracks to the south east) to the HS2 Station Hub. That can be achieved in a lit corridor 10 metres wide.

The extant outline consent relates to the delivery of up to 500 houses, but on only part of the wider strategic location for growth. In contrast, Policy 3.2 of the Local Plan Part 2 refers only to the delivery of 500 homes within the plan period on the strategic location for growth as a whole, without mention of any additional housing required from the site either within or beyond the plan period. This is repeated in paragraph 3b.10 of the supporting text which provides the following aspiration for the site:

"500 housing units provided as part of a high quality mixed use development with a **minimum net density of 40 dwelling per hectare.**"

The wording of Policy 3.2 is considered to be overly restrictive, as it will not realise the Core Strategy's objective of 500 homes being the <u>minimum</u> amount required at the strategic location for growth, nor provide the flexibility required for the long-term development of this important site. Ensuring the ability for further housing to be brought forward on land beyond that subject to the extant outline consent will maximise the benefits of development in this highly sustainable location, and reduce the extent to which further Green Belt release is required in other, less desirable locations. This is discussed further in relation to housing delivery matters below.

Policy 3.2 also seeks to introduce a minimum net density for 40 dwellings per hectare (dph) for the site. This is at odds with all other proposed housing sites set out in the Local Plan Part 2, none of which have a prescribed density set out in their respective policies. Rather, Policy 15: Housing Size, Mix and Choice requires all developments to provide "*an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the Borough are met*". It is considered that this is the correct approach to be taken at Toton, and no site-specific density policy should be applied.

Such an approach would also ensure consistency with the extant outline consent for part of the site, which seeks to deliver housing at a net density of approximately 31dph. This principle was established by the indicative masterplan and the Design and Access Statement which accompanied the application, with an informative applied to the decision notice specifically to ensure that the design concept and principles from the Design and Access Statement are adhered to in any subsequent reserved matters



submission. Thus, more weight should be given to the density approved as part of the outline consent of 31 dph, and the policy requirement for a minimum net density of 40 dph should be removed.

Housing Delivery

As illustrated by the housing trajectory in Table 4 of the Local Plan Part 2 consultation document, housing delivery rates in the first 6 years of the plan period have provided only 50% of the housing requirement for Broxtowe Borough, representing a significant level of slippage against the delivery rates anticipated by the Core Strategy. In contrast, the revised trajectory included in the Local Plan Part 2 publication consultation document forecasts annual completions rising to over 1,000 units by the year 2020/21, against an average delivery rate of only 137 per annum in the plan period to date. This provides a clear rationale for the Local Plan Part 2 adopting as flexible an approach as possible to ensuring that deliverable housing sites are brought forward for development.

The sources of supply shown in Table 4 of the consultation document aggregate the sites together in broad locations, split between SHLAA sites and allocations, but without a detailed breakdown provided of the delivery rates anticipated from individual sites. There is no inclusion of the specific housing delivery rates anticipated at Toton and this should be corrected.

In more general terms – and reflecting the concerns expressed by the HBF – the housing trajectory that is included in Table 4 of the Part 2 Plan claims that the Council can achieve a land supply of 6,747 dwellings against an overall requirement to 2028 of 6,150 dwellings. This provides very little room for non-delivery of allocated and committed sites within the plan period, and does not take full account of the level of lapse rates which are typically seen for housing sites. **This means in Peveril/UKPP's view** that the Part 2 Plan does not allocated enough land for housing and should promote the quick release of allocations and existing commitments.

Even if delivery were to come forward as anticipated by the Council, it would still only provide the local planning authority with a supply of approximately 5.02 years for the period 2017-2022 (as reported to the Jobs and Economy Committee on 26 January 2017). This is a very marginal position with a surplus of only 11 dwellings/0.3%, which does not allow for any element of slippage or flexibility in the delivery of housing for the remainder of the plan period.

In light of the local authority's recent track record for delivery, and allowance for the level of delay and non-delivery typically seen for housing sites, it is clear that the approach currently proposed in the Local **Plan Part 2 does not provide a sufficiently robust position to ensure that the Borough's housing needs** can be met within the current plan period, or that a 5-year supply can be demonstrated upon adoption. Additional land must be identified for housing, and increasing the flexibility of the allocation at Toton will ensure that more housing can be delivered in this highly sustainable and deliverable location without a need for additional Green Belt release.

Masterplan and Proposed Uses

In addition to maintaining the established principle that 500 homes should be the minimum to be delivered from the wider site, the Local Plan Part 2 policy should ensure sufficient flexibility for a variety of uses to be brought forward across the strategic location for growth at Toton. As set out in **representations submitted on behalf of Peveril Securities Ltd to the Council's consultation** *Toton Consultation on Strategic Location for Growth in the Vicinity of the Proposed HS2 Station* (letter from



Signet Planning dated 23 November 2015), this should include the potential for the delivery of additional housing on land east of Toton Lane, alongside a wide variety of other uses across the site.

The range of uses should be extended to provide greater flexibility. Furthermore, the uses should be expressed with reference to the Use Classes Order.

If the Council restricts uses East of Toton Lane to Leisure/Education hub uses only, then it will not maximise the sustainable credentials of this site. The potential uses need to include:

- 1. A1, A2, A3, A4 and A5
- 2. B1 a) and b)
- 3. C1
- 4. C2
- 5. C3
- 6. D1
- 7. D2

This will enable this area to respond positively to the future needs of the locality with a minimum of 500 houses in the Strategic Location for Growth and 800 houses at Chetwynd Barracks.

The Council should also reassess the need for a wide green "corridor" along the southern boundary of the land East of Toton Lane; such a corridor is excessive in terms of its function, it fails to efficiently and effectively use non green belt land in a highly sustainable location and could make a comprehensive development unviable. The point of access is fixed by virtue of the consented development to the west of Toton Lane and the Master Plan, as proposed by the Council, would leave no development value to the south of its route.

Given the likely difficulties in meeting the housing requirement both for the plan period to 2028 and also the ongoing five-year land requirement, the maximum allocation should be made in the Toton area for more land for housing. In addition, there appears to be no justification as to why the Japanese Water Gardens adjacent to Bardills is not excluded from the Green Belt. The case for its exclusion in **accordance with paragraph 89 of the NPPF in Peveril'**s view clearly exists. With particular regard to the site boundary illustrated on Map 30, the red line should be extended on the northern boundary to encompass the land currently occupied by the Japanese Water Gardens. This area is contiguous with the adjacent land to the south and east, but is bound to the north by an existing belt of tall, mature trees. This existing physical feature together with the strong hedge line provide a more logical new Green Belt boundary, as required by paragraph 85 of the Framework, and will enable the comprehensive redevelopment of land which it is unnecessary to keep permanently open.

The Council should therefore re-think the approach to the development of the remainder of the Toton area with an emphasis more on housing provision (including land to the east of Toton Lane) and not including land in the Green Belt that does not fulfil the Green Belt purposes. In reconsidering the disposition of land uses with the emphasis on housing, it will be recalled that the OPUN design review of the masterplan was supportive of new housing being located close to the southern access into the Peveril/UKPP land. Thus Peveril/UKPP object to the approach being taken to the Toton site in the context of the overall Core Strategy objectives.

Given the timescales involved in the delivery of HS2 and the associated station at Toton, it is impossible at this early stage to know how the area will function in the longer term. Maximising flexibility is



therefore essential in ensuring the success of the strategic location for growth, whilst also ensuring that shorter-term needs can also be met.

I trust these representations are of assistance, and will be taken into account. If you have any queries or require any additional information then please do not hesitate to contact me.

Yours faithfully for WYG Planning

Director





www.gladman.co.uk

Broxtowe Borough Council

By email to: policy@broxtowe.gov.uk

Dear Sir or Madam,

Re: Broxtowe Local Plan Part 2

Gladman Developments Ltd. (hereafter referred to as "Gladman") has considerable experience in the development industry across a number of sectors including residential and employment land. This letter provides the response of Gladman to the current consultation held by Broxtowe Borough Council (BBC) on the Local Plan Part 2 (LPP2).

The LPP2 will help to deliver housing required in Broxtowe over the plan period. To ensure this is achieved, the Plan should distribute housing to a range of sites that will distribute housing to a range of sites that will **support the Plan's strate**gy, provide sustainable locations for development and ensure housing is delivered. To address situations where housing does not come forward as expected, the LPP2 should ensure that it allows for flexibility in order to ensure a five year supply of deliverable housing sites can be maintained over the course of the plan period.

Local Plan Part 1

The Local Plan Part 1 (LPP1) specifies the overall spatial strategy for growth and allocates strategic sites. As well as the spatial strategy it sets the housing requirement for the borough. Whereas the emerging LPP2 is intended to deal with non-strategic allocations and more detailed development management policies.

Local Plan Part 2

Site Allocations

In allocating sites the Council should be mindful that to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. Whilst some SUEs may have multiple outlets, in general increasing the number of sales outlets available means increasing the number of housing sites. So for any given time period, all else been equal, overall sales and build out rates are faster from 20 sites of 50 units than 10 sites of 100 units or 1 site of 1,000 units. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range

of demand. In summary a wider variety of sites in the widest possible range of locations ensures all types of house builder have access to suitable land which in turn increases housing delivery.

Five year housing land supply

The Council must ensure that it is able to demonstrate a rolling five year housing land supply over the plan **period in order to be compliant with the Framework and meet fully the needs of the Borough's communities** and support the economic prospects of the wider area. It is important that the Council uses realistic delivery rates in its housing land supply. On average, annual delivery rates should be in the region of around 30 dwellings per annum per developer acting on site.

Gladman are of the view that the housing land supply calculation for Broxtowe Borough should include a 20% buffer to take into account the previous persistent under-delivery of housing within the borough. The Council should also plan to ensure that any shortfall is made good within the first 5 years of the plan in line with the PPG¹. Based on the Council's latest 5 year housing land supply assessment (5YHLS) the Council is only able to demonstrate 3.6 years. However, the approach advocated by the Council is inappropriate, the buffer should be applied to the annual requirement after the undersupply since the start of the plan period has been added. As such, this would further reduce the Council's housing land supply position.

In light of the above it is evident that additional housing land is required to ensure that upon adoption of the Plan the Council is able to demonstrate a robust 5YHLS position.

Policies

Policy 15: Housing Size, Mix and Choice

The above policy seeks to impose the optional technical standards for new homes as set out in the 2015 Written Ministerial Statement. The Council should ensure that it is able to demonstrate robust evidence on viability and whether this is actually achievable across the entire plan period and its consideration on viability of the Plan as a whole in terms of delivering the above policy and what effects it may have on other elements of the policy 15 i.e. the provision of affordable housing.

Further, it is noted that the above policy also seeks to secure at least 5% of housing above 20 dwellings to be in the form of serviced plots for self-build development. In this regard, whilst the government is committed to increasing home ownership through a variety of means such as the provision of starter homes, it is important that the Council is able to demonstrate robust evidence of need which is notably lacking from the Council's SHMA.

Notwithstanding the above, Gladman take this opportunity to point out that the provision of starter homes should nonetheless be considered equivalent to the provision of affordable housing and not in addition to. This is quite clearly the Government's intention and is intended to be reflected through amendments to the definition of affordable housing contained in the Framework.

Policy 17: Place-making, Design and Amenity

Whilst noting the importance of design, Gladman do not consider that it is appropriate to place a mandatory **requirement on all sites of 10 or more dwellings to be required to score 9 or more 'greens' in the Building for** Life 12 or equivalent. The reason for this is that some developments may not be able to meet certain criteria simply due to their location or site characteristics. As such, this policy could have the negative consequence of stifling future development opportunities.

Policy 22: Minerals

¹ PPG Reference ID: 3-035-20140306

The above policy appears to be overly onerous and seeks to prevent development from sterilizing mineral resources to meet longer term need. Paragraph 143 of the Framework states that in preparing local plans, local planning authorities should set out policies to encourage the prior extraction of minerals, where practicable and feasible, if it necessary for non-mineral development to take place. Gladman acknowledge the importance of mineral assets, but is of the view that the local policy framework that relates to this must clearly set out that this will be suitably balance against competing development needs rather than a blanket approach that would seek to prevent the delivery of sustainable growth opportunities.

Policy 23: Proposals affecting designated and non-designated heritage assets

This policy relates to all heritage assets according to their significance. This policy should go further so that it recognises that there are two separate balancing exercises which need to be undertaken for designated and non-designated heritage assets. Paragraph 132 – 134 of the Framework relate specifically to designated heritage assets and highlight that the more important the asset the greater the weight that should be attached. Paragraph 135 of the Framework relates specifically to non-designated heritage assets and the policy test that should be applied in these instances is that a balanced judgment should be reached having regard to the scale of any harm and the significance of the heritage asset.

Policy 27: Local Green Space

Paragraph 77 of the Framework sets out the following in terms of when it is appropriate or not to designated land as Local Green Space (LGS). It states that:

"The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- Where the green space is in <u>reasonably close</u> proximity to the community it serves;
- Where the green area is <u>demonstrably special</u> to a local community and <u>holds a particular local</u> <u>significance</u>, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
- Where the green area concerned is a local in character and is not an extensive tract of land." (emphasis added)

The PPG provides further guidance on the designation of LGS and states:

"There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space Designation should only be used where the green area concerned is not an extensive tract of land. <u>Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name." (emphasis added)</u>

In light of the above, Gladman question the justification of introducing the LGS as defined on map 61 which appears to be an extensive tract of land and therefore does not meet the tests required by the Framework.

Conclusions

Gladman have highlighted a number of concerns through these representations. This includes the lack of nonstrategic allocations and the inconsistent approach with regards to several policies with the requirements of the Framework. Gladman believe that further allocations are required to ensure the borough's housing needs are met in full and that an appropriate trigger mechanism is required to ensure that remedial action will be taken should monitoring indicate that the Plan is not enabling the level of development that is required to meet the needs of the area. Gladman also take this opportunity to request that we are afforded the opportunity to participate at the public hearing sessions at the Examination in Public to discuss the issues raised.

Yours faithfully,



Broxtowe Borough Council

Part 2 Local Plan (Publication Version) Written Representations

On behalf of Philip Turton

November 2017



Quality Control

| Project No. | P&DG/13.039 | | | | |
|----------------|---|-------------|-------------|---------------|--|
| Title | Part 2 Local Plan (Publication Version) | | | | |
| Location | Broxtowe Borough Council | | | | |
| File reference | 13.039/Representations | | | | |
| Issue | Date | Prepared By | Reviewed By | Authorised by | |
| 1 | 2 nd November 2017 | AG | BW | BW | |



Contents

| 1 | Introduction and Executive Summary | 1 |
|---|--------------------------------------|---|
| 2 | Policy 2: Site Allocations | 2 |
| 3 | Policy 7: Kimberley Site Allocations | 3 |
| 4 | Conclusion | 6 |



1 Introduction and Executive Summary

- 1.1 This statement of written representations is made on behalf of our client Philip Turton in response to Broxtowe Borough Council's consultation on the proposed Part 2 Local Plan (Publication Version).
- 1.2 We welcome the opportunity to respond to this stage of consultation on the Local Plan and recognise the critical importance of establishing an appropriate, legally compliant and sound policy framework for Broxtowe at this point of Local Plan process. As such our comments are structured around relevant policy areas and focus on relative soundness and legal compliance of the emerging Local Plan document.
- 1.3 These representations have direct regard to land south of 121 Kimberley Road, Nuthall which is identified as site number 218 in the most recent 2015/16 SHLAA document where the site is considered both developable and deliverable.
- 1.4 We make these representations in the context of seeking to work with the Council both now and in the future to ensure that an effective and deliverable plan for Broxtowe is achieved.
- 1.5 In summary, we find a large number of the proposed modifications sound and warrant our support. However, we hold concerns around the proposed housing supply trajectory, particularly in relation to the Kimberley (including Nuthall) area. In its current form the housing supply will likely raise questions of soundness during the emerging Local Plan public examination. Therefore, we consider further resolution is needed to diversify and enhance the range of specifically deliverable, allocated sites in order to enhance the housing land supply across Broxtowe and in Kimberley.



2 Policy 2: Site Allocations

- 2.1 In principle Policy 2: Site Allocations is considered **sound** as it directly supports the provision of new homes against the identified need for 6,150 new dwellings in Broxtowe over the life of the Local Plan. The allocation of sites is absolutely critical in the adoption of a plan-led approach in line with paragraph 196 of the National Planning Policy Framework ('NPPF'). This is particularly whereby the designation of land for development through Local Plans provides significantly enhanced land owner and developer confidence in bringing forward sites for development.
- 2.2 As such the Part 2 Local Plan should be seen as a critical tool in supporting market confidence in housing delivery and, in turn, boosting the number of sustainable new homes delivered.



3 Policy 7: Kimberley Site Allocations

- 3.1 Kimberley (including Nuthall) is designated as a key settlement and therefore identified as suitable for growth in the 2014 Aligned Core Strategy. Therefore, Kimberley is allocated a distributed target to deliver 600 dwellings as a part of Broxtowe's spatial hierarchy. The prompt delivery of these 600 dwellings will be critical in addressing the overall need for housing in Broxtowe.
- 3.2 The need for all forms of new housing across the country is well documented and is supported in the 2012 National Planning Policy Framework ('NPPF'). It indicates that providing the housing supply to meet the needs of current and future generations is a key aspect of sustainable development and the plan making process.
- 3.3 In light of this housing need, the identified supply of housing in Kimberley is considered **unsound** on the basis that it is not justified on current evidence and fails to be effective in the positive delivery of new homes. In particular the proposed housing trajectory for Kimberley represents an over reliance on SHLAA sites which, although reflecting an indicative trajectory of housing supply, do not offer the same level of specificity and deliverability as site allocations. We refer also in this instance to Table 4: Housing Trajectory on p.75 of the Part 2 Local Plan.
- 3.4 The Part 2 Local Plan is required to act as the delivery tool for Broxtowe's adopted spatial growth strategy and as such site allocations form an essential part of this. However, only three housing sites are allocated in the Kimberley area delivering a total of 167 dwellings. This reflects a modest 27% contribution to the 600 dwellings required in Kimberley. Notwithstanding wider site allocations across Broxtowe a robust housing supply is still required for the Kimberley area. This is to allow identified local housing need to be properly addressed and in the interests of delivering fully the adopted spatial strategy.
- 3.5 Further site allocations through the Part 2 Local Plan will provide significantly enhanced land owner and developer confidence in bringing sites to market and subsequently developed. This in turn will enhance the provision of new dwellings and boost the supply of much needed housing. Site allocations also reduce the level of more speculative development proposals and work in the interests of pursuing a robust, plan-led approach to the housing delivery. In the absence of this approach site delivery is liable



of becoming more *ad hoc* in nature, which then presents the risks of ongoing shortfalls in the delivery of new dwellings.

- 3.6 The current deficit in housing land and delivery shortfall across Broxtowe only makes this context more pressing. This is highlighted in the most recent SHLAA document which states that the Council can only evidence 3.6 years' worth of housing land supply for the period April 2017 and March 2022. In addition, and to be factored into the five-year housing land supply position, is the current delivery shortfall of 956 dwellings. In order to enhance housing delivery and boost the supply of both housing and associated land we consider it critical for the Council to pro-actively make further allocations. Also, the housing land supply needs to be refined in order to reflect a wider range of achievable, sustainable and deliverable sites. As such, providing more market flexibility and choice.
- 3.7 We note in paragraph 7.2 that '*it is considered that there are exceptional circumstances* [in Kimberley] *required to amended the boundary of the Green Belt to allow residential development.*' Whilst this conclusion is considered acceptable in principle in the interest of enhancing housing delivery we also draw attention to sites such as our client's. The site to the south of 121 Kimberley Road, Nuthall is within the existing urban area and is identified as suitable, deliverable and available within the life of the Part 2 Local Plan. As such it is a sequentially beneficial and sustainable site. This is particularly important in the context of high local land restraint where 65% of Broxtowe is designated as Green Belt land.
- 3.8 Although we support the identification of the land in the SHLAA as a part of the housing trajectory for Kimberley, we also consider that the additional allocation of this site would contribute to a more robust housing supply. As such enhancing the reasoned justification and effectiveness of the emerging Part 2 Local Plan, which will be critical in assuring soundness at examination.
- 3.9 Our client is willing landowner, and there is active developer interest in bring the site forward. There are no significant physical or policy constraints to its development. The site measures 0.9 hectares and is considered suitable for up to 30 dwellings, as such it would be similar in scale to the Policy 7.3 'Eastwood Road Builders Yard' allocation for 22 dwellings.



- 3.10 The site comprises vacant and underutilized land. As such its development is wholly consistent with the regeneration and urban concentration aims of the adopted policy framework and allocation would subsequently reduce pressure on speculative Green Belt or greenfield development in the Kimberley area.
- 3.11 The site is outlined in Figure One below:





4 Conclusion

- 4.1 As outlined within this statement we consider that there are areas of the emerging Part2 Local Plan that contain a number of sound proposals that warrant our support.
- 4.2 However, we reserve concerns over the proposed housing trajectory position for the Kimberley area and the need to meet the locally designated housing target in light of its status as a key settlement in the Borough. This statement has outlined why the current housing trajectory for Kimberley, in its current form, is unsound. Given the degree of non-compliance with the tests of soundness contained in the NPPF we consider that the Part 2 Local Plan should be modified to address the matters raised prior to adoption. This should include an enhancement to the range and choice of sustainable site allocations included as a part of the housing trajectory.



Planning and Design Group (UK) Limited

Broxtowe Part 2 Local Plan



Agent

| Please provide your client's name | | Crampin, Barden and Scott | | |
|--|-----------|---------------------------|--|--|
| Your Details | | | | |
| Title | - | | | |
| Name | | | | |
| Organisation (if responding on behalf of the organisation) | SSA Planr | ning Limited | | |
| Address | - | | | |
| Postcode | | | | |
| Tel. Number | | | | |
| E-mail address | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit:

www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|--|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocation Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 19: Pollution, Hazardous Substances and Ground Conditions Policy 20: Air Quality Policy 21: Unstable land Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | 154 | |
| Policies Map | South (Bramcote) | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Extent of designation – see plan | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | No |
|---|---------------------------------------|-----|----|
| 2.1 | Legally compliant | V | |
| 2.2 | Compliant with the duty to co-operate | V | |
| 2.3 | Sound | | V |

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | |
|--|-----|
| It is not justified | · · |
| It is not effective | v |
| It is not positively prepared | V |
| It is not consistent with national policy | V |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

Justified: Replacement of LP policy E13 'Prominent Areas for Special Protection' with a Local Green Space designation is inappropriate in the case of Burnt Hill, as it is too large at 30 hectares (and nearly 50 hectares with the contiguous Windmill Hill). To function as Local Green Space and the landscape protection functions of E13 could reasonably be achieved with other policy.

Positively prepared: LVIA (enclosed) has demonstrated that the land is developable without landscape impact and would enable safe public access and protection of the woodland and the wider green belt. This would meet housing and green infrastructure objectives in ACS Policies 2 and 16 and NPPF paragraph 81. The draft Plan meets neither and would prevent this.

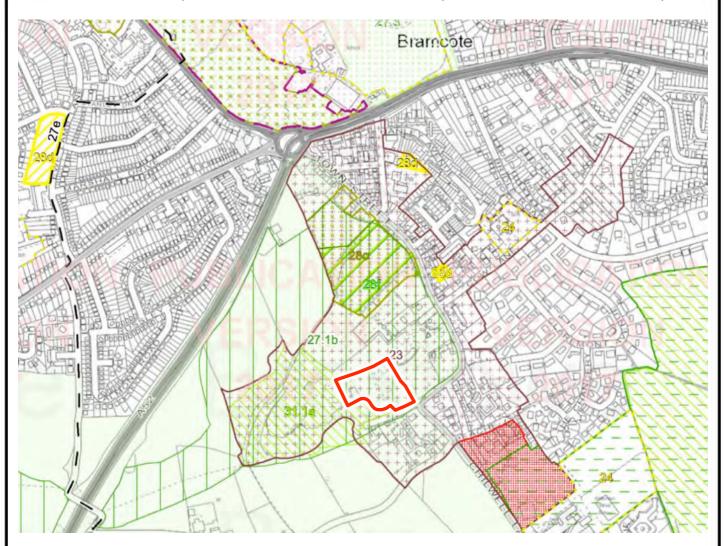
Effective: A detailed design and access, to which the local planning authority made no objection on previous submission, exists for limited development of the site, which is therefore deliverable. Designation as Informal Open Space under draft Policy 28 (1c) may be more appropriate as it would allow the green infrastructure benefits of development to be realised without harm.

Consistent: NPPF paragraph 77 states that the Local Green Space designation will not be appropriate for most green areas or open space and should only be used where the green area concerned is not an extensive tract of land. As the designation is 30 hectares in area, it is not local in character and the subject part that is local could be designated Informal Open Space.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

Amend the Policies Map to remove land outlined red on the plan below from Local Green Space.



Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | |
|--|-------|--|
| Yes, I wish to participate at the public examination | V | |
| No, I do not wish to participate at the public examination | | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be | |

Because it may be necessary to discuss the merits and consequences of, and alternatives to designation in more detail and to discuss the impact of residential development of the site, in particular by reference to the submitted Landscape and Visual Impact Assessment (LVIA).

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 public examination.

Guidance Note:

Please complete a separate form for each representation you wish to make.

'Legally Compliant':

If your response relates to <u>the way in which the plan has been prepared</u>, then this is likely to relate to whether it or not it is 'Legally Compliant'. To be 'Legally Compliant', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to the way in which we have worked with other authorities then this is likely to relate to the 'Duty to Co-operate'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the <u>content</u> of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is 'justified', 'effective', has been 'positively prepared', and is 'consistent with national policy'. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- 'Justified': This means that the Local Plan is based upon a robust and credible evidence base. If
 you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic
 alternatives, then your comments may relate to whether or not it is 'justified'.
- 'Effective': This means that the Local Plan will deliver what it sets out to. If you think that what we
 are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not
 our Local Plan is 'effective'.
- 'Positively Prepared': This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 'Consistent with National Policy': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the Planning Policy Team on 0115 917 3452 or by emailing policy@broxtowe.gov.uk.

Broxtowe Part 2 Local Plan



Agent

| Please provide your | Please provide your client's name – D.W & J.W.E Wild | | | | | |
|--|--|----------------------|--|--|--|--|
| Your Details | | | | | | |
| Title | | | | | | |
| Name | | | | | | |
| Organisation (if responding on behalf of the organisation) | Asp | Aspbury Planning Ltd | | | | |
| Address | | | | | | |
| Postcode | | | | | | |
| Tel. Number | | | | | | |
| E-mail address | | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| Please tick here | If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|--|
| Please help us save money and the environment by providing an e-mail address that correspondence | Please tick here 🗸 |
| i leade help as bave money and the environment by providing an e mail address that conceptione | Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: | can be sent to: |

For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

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| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

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|---|---------------------------------------|--|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|--|--|
| It is not justified | | |
| It is not effective | | |
| It is not positively prepared | | |
| It is not consistent with national policy | | |

Your comments -

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

As stated in the overarching representation to paragraph 7.1 and 7.2 of the Part 2 Local Plan, we have no objection in principle to this local plan allocation and acknowledge the locational benefits of this site.

Our concerns relate to the alleged capacity of the site and its likely deliverability within the Plan Period In terms of capacity, Policy site 7.2 -extends to 1.1 hectares gross and has been allocated a development capacity of 40 dwellings at a density of 36 dwellings per hectare. The site is not regular in shape as Map 28 indicates. There is a substantial extant property – No 59 on the frontage which may or may not be economically feasible to demolish, a substantially tapering site to the east which will inhibit efficient layout planning and a belt of mature trees all along the southern site boundary which may again impact on the ability to plot at an efficient density due to root protection issues. In this context 40 dwellings appears to be too high a number of dwellings to reflect the site shape, contours and immediate constraints.

In terms of delivery, the site has not come forward for development as an allocated site in 13 years and the Council's 2015-2016 SHLAA suggested that the site will not come forward until the last 5 years of the plan period 2023-28. The local plan Table 4 Trajectory has now brought the delivery forward to 2020-2021 and within the 5 years supply period. There are however significant question marks against this site and in our opinion, delivery of the quantum and timing of development remains uncertain and the Council must bring additional sites forward within or adjoin the settlement to address the situation of under-delivery within Kimberley.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

The Part 2 Local Plan needs to be revised to make additional allocations to address under-provision, double counting of sites and the prospect of delayed delivery, under delivery or even non-delivery from the three proposed site allocations in Kimberley currently identified in Policy 7 of the Part 2 Local Plan.

Our clients landholding off Alma Hill– SHLAA reference113 - is available developable and deliverable, has a capacity of 72 dwellings and should be included as a further allocation as a pre-examination modification to the Local Plan.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to partic public examination? | ipate at the |
|--|--------------|
| Yes, I wish to participate at the public examination | \checkmark |
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you consider th necessary | nis to be |
| necessary | |
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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 public examination.

Guidance Note:

Please complete a **separate form** for **each representation** you wish to make.

'Legally Compliant':

If your response relates to <u>the way in which the plan has been prepared</u>, then this is likely to relate to whether it or not it is 'Legally Compliant'. To be 'Legally Compliant', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to **the way in which we have worked with other authorities** then this is likely to relate to the '**Duty to Co-operate**'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the <u>content</u> of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is '**justified'**, '**effective'**, has been '**positively prepared'**, and is '**consistent with national policy'**. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- **'Justified':** This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- **'Effective':** This means that the Local Plan will deliver what it sets out to. If you think that what we are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not our Local Plan is 'effective'.
- **'Positively Prepared':** This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 'Consistent with National Policy': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing <u>policy@broxtowe.gov.uk</u>.

Broxtowe Part 2 Local Plan



Agent

| Discourse internet | - I ² | | | | | |
|--|------------------|-----|------|----|---------|--|
| Please provide your client's name | | | ie | MR | R EVANS | |
| Your Details | | | | | | |
| Title | Mr | Mrs | Miss | Ms | Other: | |
| Name | | | | | | |
| Organisation (if responding on behalf of the organisation) | IBA PLANNING LTD | | | | | |
| Address | | | | | | |
| Postcode | | | | | | |
| Tel. Number | | | | | | |
| E-mail address | | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. | | | | | | | |
|---|---|--|--|--|--|--|--|
| Please tick here | x | | | | | | |
| Please help us save me | oney and the environment by providing an e-mail address that correspondence | | | | | | |
| can be sent to: | | | | | | | |

For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocation Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | 65 - 73 65 - 73 65 - 73 | |
| Policies Map Sustainability | | | |
| Appraisal Other (e.g. omission, evidence | | | |
| document etc.) | | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | | | |
|---|---------------------------------------|---|---|--|--|
| 2.1 | Legally compliant | х | | | |
| 2.2 | Compliant with the duty to co-operate | Х | | | |
| 2.3 | Sound | | х | | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

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|--|---|--|--|--|
| It is not justified | х | | | |
| It is not effective | Х | | | |
| It is not positively prepared | х | | | |
| It is not consistent with national policy | х | | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

PLEASE SEE ATTACHED LETTER

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

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|--|-------|--|--|--|--|
| Yes, I wish to participate at the public examination | х | | | | |
| No, I do not wish to participate at the public examination | | | | | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be | | | | |

THIS IS NECESSARY IN ORDER THAT THE NATURE OF THE OUTSTANDING OBJECTIONS AND CONCERNS CAN BE SCRUTINISED MORE FULLY AND ORALLY AT THE PUBLIC EXAMINATION.

HAVING RECENTLY ATTENDED, AND PARTICIPATED IN, THE ASHFIELD PUBLIC EXAMINATION, ATTENDANCE PROVED ABSOLUTELY NECESSARY TO ENSURE THAT THE INSPECTOR FULLY UNDERSTOOD THE NATURE OF OUR CLIENTS' CONCERNS AND ALLOWED THE UNRESOLVED ISSUES TO BE FURTHER DEBATED BETWEEN THE INSPECTOR, THE COUNCIL AND OBJECTORS.

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 public examination.

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iba planning

Planning Policy Officer Broxtowe Borough Council Council Offices Foster Avenue Beeston Nottingham NG9 1AB

EvansLDF/11

8 January 2016

Dear

Strategic Housing Land Availability Assessment Update 2015/16

Land north of 38 Alma Hill, Kimberley

Site reference H116

Further to the Council's recent consultation in respect of the above, I write to confirm that my client, <u>Mr Evans</u> (freehold owner of the land), remains a willing participant in the Council's ongoing work towards an adopted Development Plan.

In terms of additional information over and above that contained within the SHLAA 2013/14, there is nothing particularly to add further at this stage.

However, your consultation asks for an accurate and up to date appraisal on any obstacles to delivery on our site and how these are anticipated to be resolved.

The SHLAA 2013/14 identified <u>no</u> significant constraints/obstacles to delivery and concluded that the site **could be suitable for housing** if Green Belt policy changes.

The same SHLAA made reference to the fact that the Inspector who assessed the adjacent site (113) through the Broxtowe Local Plan Review in 2003 recommended that consideration should be given to allocating this site in conjunction with the adjoining land.

The Inspector judged that the site would appear to have few development constraints and should be capable of being brought forward at **short notice** for development.

The Inspector also concluded that the site's intrusion into the Green Belt and countryside would be <u>very limited</u> in scale and extent.

The SHLAA 2013/14 confirms the general suitability of the site for housing pending its release from the Green Belt following review of existing boundaries which is of course currently ongoing.

Given that the 2003 Local Plan Inspector has already effectively sanctioned the removal of this land from the Green Belt to facilitate its development in the short term, there is no reason to suggest that any other conclusion ought to be reached as part of the current Green Belt Review.

My client recognises that his land will most logically be delivered alongside Site 113 and has no concerns in this regard. He remains able and prepared to make the site available for development at the <u>first available opportunity</u>.

In the above connection, the site should be regarded as **eminently suitable** and <u>immediately</u> <u>available</u> for housing.

The Council can therefore rely with some certainty that the site can be delivered in years 0-5.

The site comprise approximately 1.2 hectares and is considered capable of delivering around 45 dwellings which will, in conjunction with the adjoining site (113), make a valuable contribution to meeting the future needs of Kimberley already identified in the adopted Core Strategy.

The owner (and adjoining landowner) have been willing to invest in a planning application for some time in order to bring the site forward for development at the earliest opportunity. The only reason such an application has not yet been made is owing to the current Green Belt designation and prevailing Ministerial guidance in connection with the same.

I trust the above is of assistance and adequately conveys the suitability and availability of the site (and the absence of any significant constraints that could otherwise prove an obstacle to delivery) as part of the SHLAA 2015/16 update.

Yours sincerely MA(HONS) I P MR I PI Director



January 2016



Planning Policy Team Broxtowe Borough Council Foster Avenue Beeston Nottingham NG9 1AB

EvansLDF/10

23 March 2015

Dear Sirs

Preferred Approach to Site Allocations [Green Belt Review]

Consultation February 2015

Further to the Council's current invitation for comments on the above consultation document, please find below **formal representations** on behalf of our clients, <u>Mr and Mrs R S Evans</u>, freehold owners of

Context

As you are aware we have previously made representations on behalf of our client in respect of this land¹ which extends to some 1.13ha and adjoins the northern limit of the settlement boundary of Kimberley.

You will recall that the site has previously been promoted through the Council's 2012/13 SHLAA process and afforded **site reference H116 Land north of Kimberley**. As part of this process, the land was identified in the *'Kimberley'* document comprising the Site Allocations Issues and Options November 2013 as an allocation option deemed *'Could be Suitable if Green Belt Policy Changes'*.

Furthermore, during the preparation of the current Broxtowe Local Plan, the Planning Inspector, in recommending that the immediately adjoining Site H113 - Land north of Alma Hill) was removed from the Green Belt and allocated for residential development, stated that, *"Consideration should be given to allocating the adjoining land (1.5ha) to the Northwest* [i.e. Site H116]*"*.

¹ See Appendix IBA1

The Adopted Core Strategy confirms **Kimberley as a 'Key Settlement'** and identifies the requirement for **up to 600 new homes** to be distributed towards Kimberley during the Plan period.

In terms of answering the specific questions within the current consultation, this letter covers those matters where appropriate and the representation form is attached as required.

Formal Representations

In general, the Council's approach to the zones and their assessments **cannot be supported** as:

- their extent has not been adequately defined or justified;
- the scoring system is highly subjective, overly simplistic and clearly open to skew in favour of one zone over another;
- the conclusions are skewed by the assessment of areas that are far too broad, particularly when considering impact on encroachment, sprawl and coalescence; and
- the fact two sites (H116 and H113) that were recommended by the previous Local Plan Inspector to be removed from the Green Belt and developed for housing have not at least been identified for further consideration at this early stage is testament in itself at to the frailties of the current selection/review process.

1. Questions on Zones

1a. Which zone does your comment relate to?

Zone 16.

1b. Do you agree with the appraisal of the zone?

No.

Please provide any comments to expand on your answers above.

The conclusions of Zone 16 cannot be supported as:

- the extent of the zone has not been adequately explained or justified e.g. based on landscape character area, topography, physical boundaries, ownership etc;
- the extent of the zone is not clearly defined the red area does not abut the white area (which presumably is the built-up area). In the absence of existing settlement boundaries being shown on the same plan, it is not at all clear how the edges of the zone relates to the existing built-up area this is extremely important when being asked to consider the impact

of the zone on sprawl, encroachment and coalescence (the absence of defined settlement boundaries on the same plan makes it extremely difficult to consider the impact of each zone on merging Kimberley with nearby settlement boundaries);

- the assessments fail to analyse the component parts of the zone (e.g. SWOT analysis), instead providing an overall conclusion on the whole (i.e. on an *all or nothing* basis) which is totally at odds with that of the 2004 Inspector who recommended that sites H116 and H113 be removed from the Green Belt and developed for housing;
- had the assessment analysed the component parts of the zone, it should have identified that there were parcels of land closest to the existing built-up area that comprised a logical extension/rounding-off and which would have minimal impact on the openness of the Green Belt and the five purposes of including land within the Green Belt; and
- instead, sites that have been previously recommended for removal from the Green Belt and allocated for development (sites H116 and H113) do not, by virtue of being *lumped* into a very broad 'zone' for assessment purposes (and consequently *dumped* owing to a general conclusion as part of an overall assessment), will not even figure in the next consultation stage which is the first opportunity many will have to express views on individual housing sites. This seems fundamentally wrong and belies the requirement for Plans to be positively prepared and effective.

For these reasons, the Council's approach and conclusions on Zone 16 are <u>not</u> considered to be sound.

2. Broxtowe Borough Council Proposed Boundary Change

2a. Which potential Green Belt boundary change does your comment relate to?

Kimberley.

2b. Do you agree with the boundary change?

No.

Please provide any comments to expand on your answer(s) above.

The choice of Zone 20 would appear to have been largely influenced by the A610 being considered to provide the long term defensible Green Belt boundary and, partly, by the recommendations of the Kimberley Advisory Committee which considered site H215 as one of several possible sites for development going forward.

However, somewhat ironically, the primary justification for choosing this zone (the A610) is also clearly a factor which will necessarily constrain the efficient development of this site – i.e. from noise, air quality and access standpoints.

In addition to the above constraints, the existence of "hilly" topography (visual prominence) and woodland (physical and ecological constraints) and the proximity of the Conservation Area (heritage constraints) will all serve to reduce the developable area of the zone.

Moreover, whilst site H215 falls within this zone, we are told on page 55 of the consultation document that this site in isolation does not contain defensible Green Belt boundaries!

The conclusions of the assessment for Zone 20 cannot be supported as:

- the extent of this zone has seemingly been purposefully and unfairly determined to favour one site over others (i.e. other sites have not been afforded the same level of qualification when arriving at the conclusions on each of the five purposes e.g.:
 - in terms of sprawl, the site receives only 2 stars despite reference to the site being "hilly" – and therefore prominent!;
 - in terms of coalescence, the site receives only 2 stars owing to the existence of the A610 yet the perception of bringing one settlement closer to another will be most apparent to those significant users of the A610. Moreover, the zones map for Kimberley does not define the existing settlement boundary for Kimberley or Awsworth it is therefore almost impossible for consultees to consider how the development of zone 20 might impact on the merging between Kimberley and Awsworth; and
 - in terms of preserving the setting and special character of historic settlements, the site again receives only 2 stars despite the proximity of the Conservation Area to the north east. Reference is made to the "*small impact*" on the Conservation Area; however, without a Heritage Impact Assessment having first been carried out the significance on the historic setting etc cannot possibly be known and/or [low]-scored.

Concluding Remarks

The above concerns identify a **significant failing** in the Council's current approach which is considered to be overly-simplistic and lacks transparency and robustness.

Other Councils' Local Plans have fallen on similar shortcomings.

In order to ensure the Council's Plan, when independently scrutinised at the Examination in Public, is found to be 'sound', the Council will need to be able to demonstrate that it has been positively prepared, it is effective and that it complies with National Planning Policy.

As presently drafted, the Plan is <u>not</u> considered to be sound.

The exclusion of sites previously identified for removal from the Green Belt and developed for housing at this early stage of the process in itself identifies significant flaws in the assessment process.

To remedy the above, the Council will need to analyse each zone far more comprehensively and/or revisit smaller sites abutting the existing built-up area as part of an alternative approach.

The Council's reliance on Zone 20 as the only land identified to be removed from the Green Belt is not supported as the approach fails to consider more suitable sites that would, individually or collectively have much less of an impact of the openness on the Green Belt and the purposes of including land within it – e.g. sites H116 and H113.

Paragraph 83 of the NPPF confirms that, once established, Green Belt boundaries should only be altered in '*exceptional circumstances*', though the preparation or review of the Local Plan.

Since not all of Zone 20 is developable (or required to be developed!), the balance of the land is also being proposed to be taken out of the Green Belt despite clearly fulfilling most if not all of the purposes of including land within it.

In this connection, the release of some 14.41 hectares of land from the Green Belt to provide 4.97 hectares of housing cannot possibly constitute the '*exceptional circumstances*' required by paragraph 83 of the NPPF, particularly when there are alternative, smaller sites available that are clearly capable of delivering the actual amount of housing required at a lesser cost to the Green Belt (having regard to its objectives and purposes) and the environment in general.

Moreover, the fixing of conclusions on the necessary Green Belt boundary change for Kimberley in advance of a more detailed consideration of the ability of sites within the built-up area to deliver the number of houses anticipated in the 2013/14 SHLAA (i.e. the next consultation stage) is also not supported.

By fixing now, there is a real danger the Council's current approach to the Green Belt review will result in a Plan lacking the necessary flexibility should some sites fail to come forward as anticipated.

In circumstances where the built-up area is already tightly constrained by the Green Belt, the Plan must build in such flexibility by:

- dealing with the allocation of Green Belt sites (not zones) alongside all others sites as part
 of the next consultation stage since difficulties with some sites might result in the need
 for others to be allocated; and
- identifying 'safeguarded land' should additional housing land be required to be brought forward, whilst ensuring Green Belt boundaries, once reviewed, remain permanent (beyond the Plan period).

In failing to include the above provisions, the Plan (and the Council's approach) is not considered to be sound.

3. Do you have any other suggested boundary change?

Yes.

Please provide any comments.

Site H116 (Land north of 38 Alma Hill) is both suitable and available and could be delivered as part of a comprehensive development in conjunction with the adjacent site H113 (Land north of Alma Hill, Kimberley).

Site H116 equally benefits from the same physical advantages as site H113 and also lacks any identified constraints.

Moreover, during the previous 2004 Local Plan Review the Inspector similarly recommended that site H116 (in conjunction with H113) should be removed from the Green Belt and allocated for housing.

Overall, he concluded:

"Due to its topography and to a lesser extent its vegetation this is <u>a secluded site</u> and **development on it would not be visible** at any distance from the open countryside to the north or west ... and ... <u>Being so well contained within the landform</u> **development on the site would not constitute sprawl**."

The Inspector also confirmed that the site is of **very limited value to the purposes of the Green Belt** and concluded that, *"In these circumstances, the site should be allocated for housing development under [the then] Policy H2 at a density of 35 dph".*

Given that the five purposes of including land in the Green Belt remain *unchanged* since the 2004 Inspector's report, there is absolutely no reason why the Inspector's conclusion that these two sites are of <u>very limited value to the purposes of the Green Belt</u> should not be just as pertinent today.

The allocation of the two adjoining sites would therefore represent a logical *'rounding-off'* of the settlement which would be suitably contained by existing development on three sides and the robust ridgeline and well established hedgerow to the north.

The suggested boundary change is illustrated in **Figure 1** below.



Fig. 1: Image to illustrate the suggested alternative boundary change to facilitate the logical development of site H116 as a comprehensive housing allocation with the adjoining site H113.

Whilst the two sites are being promoted separately, the intentions of both landowners in making their sites available for development at the earliest opportunity are closely aligned and fully compatible.

The above **proposed boundary change** is considered *preferable* to that identified in the consultation document since it comprises a <u>more effective use of Green Belt</u> land and responds to the amount of housing land actually required, rather than resulting in the removal of a much larger swathe of land, the majority of which, by the consultation document's own conclusions, still fulfils the purposes of including land in the Green Belt.

I trust the above comments are helpful to the Council's consideration of the most appropriate approach to the future distribution of development within and around Kimberley and will be fully taken into account as and when this is progressed further.

I look forward to your acknowledgement of receipt in due course and trust that I will continue to be consulted on future stages of the Broxtowe Borough Council Local Plan (Part 2).

I would be obliged if these matters could be given thorough consideration in your continuing preparation of the Allocations and Development Management Policies DPD and confirm that I wish to continue to be kept appraised of progress and to reserve my right to have the opportunity to advocate the relevant representations through the Examination procedure if necessary.

Yours sincerely



MA(Hons)TP MRT Director



March 2015

Broxtowe Site Allocations Issues and Options



Personal Details*

Agent Details * If an agent is appointed, please complete only the title and name boxes below, but complete the full contact details of the agent

| Title | Mr Mrs | Miss | Ms | Other: | MR | & | MRS | | | |
|----------------------------------|--------|------|----|--------|----|---|-----|--|--|--|
| First Name | R | | | | | | | | | |
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| Job Title (where relevant) | | | | | - | | | | | |
| Organisation (where relevant) | | | | | | | | | | |
| Address | c/o | AGEN | т | | | | | | | |
| Postcode | | | | | | - | - | | | |
| Tel. Number | | | | | | - | | | | |
| E-mail address | | | - | | | - | | | | |

| Please return completed forms to: Planning Policy, Chief Executives Department, Foster Avenue, Beeston, Nottingham NG9 1AB Fax: 0115 917 3377 | For more information: Tel: 0115 917 7777 ext 3482, 3452, 3468 E-mail: planningpolicy@broxtowe.gov.uk |
|--|--|
| Alternatively an online version of this is available, at www.broxtowe.gov.uk/allocationsites | |

Comments should be returned by 5.00pm Friday 10th January 2014

If you require any assistance in making a representation/filling in this form please contact the Planning Policy Team who will do all they can to offer assistance.

This form is available in large print and other formats on request, you can also submit online via our website, www.broxtowe.gov.uk/allocationsites

Which settlement area(s) do your comments relate to?

| Awsworth | Brinsley | Eastwood | Kimberley |
|--|-------------|----------|---|
| Main Built up Area | Other Rural | | |
| a start of the sta | | | F) will be used in the plan process and |

may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

1. Housing

Please note that this is your opportunity to guide where the development in your area goes, this is not an opportunity to change the housing distribution allocated to your area.

Issue 1a: Potential housing sites identified within the Council's Strategic Housing Land Availability Assessment (SHLAA) are set out in the schedule and maps in the locally specific documents. Size thresholds need to be considered: we think it is appropriate only to consider new housing allocations (not identified in the Core Strategy) for between 10 and 500 dwellings.

Issue 1b: Provision needs to be made for specialist accommodation, including for groups with special needs and elderly people. It may be appropriate to make specific provision on appropriate sites, including those in Issue 1a above, or perhaps, for example, to allocate a specific site for a "retirement village".

Issue 1c: The government requires that pitch targets for gypsies and travellers and plot targets for travelling showpeople are identified in local plans. Suitable sites need to be found for accommodation for gypsies, travellers and travelling showpeople.

Issue 1d: The delivery of affordable homes needs to be maximised in order to meet the 30% ambition in the Core Strategy. Certain sites, and certain parts of the borough, may be more suitable than others for this purpose.

Issue 1e: In the Core Strategy the Council has identified strategic locations for growth at land adjacent to the proposed HS2 rail station at Toton and at the Boots /Severn Trent site in Beeston. The mix of uses on the Toton site is to be established as part of this allocations process, and the precise site boundaries of both sites are also to be confirmed.

Question 1a: Which of the sites are more appropriate to develop for housing?

PLEASE SEE ATTACHED LETTER

Question 1b: Which sites, if any, can specialist accommodation (e.g. for the elderly) be provided on?

Question 1c: Which sites, if any, can gypsies, travellers and travelling showpeople accommodation be provided on?

Question 1d: Which sites are capable (in economic terms) of meeting the 30% affordable housing provision?

Question 1e: Is it appropriate only to consider new housing allocations for 10 or more dwellings?

Yes

If you wish to expand on your answers please attach a separate sheet and make it clear what question your response relates to.

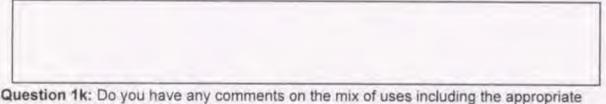
No

| Question 1f: Are | there other issues that sh | ould be considered regard | ling housing? |
|---|---|--|----------------|
| | Yes | No | |
| If yes, please prov | vide details of the issues. | | |
| Boots/Severn Tre Question 1g: Wh | | boundaries for the Boots/ | Severn Trent |
| location? | | | |
| | | | |
| | | | |
| Question th: Do | vou have any comments (| n where the proposed ho | |
| land, open space | and infrastructure includin | on where the proposed ho g local services and acces | |
| land, open space | and infrastructure includin | | |
| land, open space be situated on this | and infrastructure includin location. | g local services and acces | |
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| land, open space be situated on this If yes, please prov | and infrastructure includin location. Yes vide details. | g local services and acces | s provision s |
| land, open space be situated on this If yes, please prov | And infrastructure including location. Yes vide details. | g local services and acces | s provision st |
| land, open space be situated on this If yes, please prov Question 1i: Do y designed to best e | and infrastructure includin location. Yes vide details. | g local services and acces | s provision st |
| land, open space be situated on this If yes, please prov | and infrastructure includin location. Yes vide details. | g local services and acces | s provision st |

If you wish to expand on your answers please attach a separate sheet and make it clear what question your response relates to.

Toton

Question 1j: What are the appropriate site boundaries for the Toton strategic location for growth?



Question 1k: Do you have any comments on the mix of uses including the appropriate amount and location of any proposed housing, employment land, open space and infrastructure including a potential tram extension, local services and access provision.

| | Yes | No | |
|--------------------|------------------------|----------------------------------|-------|
| yes, please provi | de details. | | |
| | | | |
| | | | |
| | | nents on how development here ca | an be |
| esigned to best er | nhance the local area. | | |
| | Yes | No | |
| | | | |

2. Approach to the Green Belt

Issue 2a: Green belt boundaries need to be reviewed to fully meet the development needs of Broxtowe as specified in the Core Strategy to 2028 (and possibly beyond this date, as indicated in the NPPF). Please see in particular the maps in the locally specific documents and the details of housing land availability in the borough in the locally specific documents when commenting, although you may also wish to consider the need for other non-residential allocations. Issue 2b: Green Belt boundaries may also need to be reviewed to address existing small anomalies (e.g. where the Green Belt boundary does not follow an existing physical feature or bisects an existing residential curtilage). Anomalies exist for many reasons including as a result of advances in mapping technology (e.g. converting low resolution maps onto high resolution maps) or where physical Green Belt boundary features no longer exist. Corrections of small anomalies are not intended to allow development of the land, affect only small areas and do not have strategic implications.

Question 2a: Where should Green Belt boundaries be amended to meet the development needs of Broxtowe as specified in the Core Strategy to 2028?

PLEASE SEE ATTACHED LETTER

If you wish to expand on your answers please attach a separate sheet and make it clear what question your response relates to.

Question 2b: Should Green Belt boundaries be amended to meet the development needs of Broxtowe beyond 2028 (i.e. safeguarded land)?

| PLEASE SEE | ATTACHED LETTER | | |
|----------------------|---------------------------|------------------------------|----------------|
| | ld Green Belt boundarie | es be amended to address e | xisting small |
| anomalies? | Yes | No | |
| f yes where? | | | |
| | | | |
| Question 2d: Are the | here other issues that sh | nould be considered regardin | ng the Green B |
| | Yes | No | |
| | Tes | | |

3. Economic Issues/Job Creation

Issue 3a: The NPPF advises that planning policies should be flexible enough to accommodate business needs not anticipated in the plan.

Issue 3b: The existing employment sites shown in the maps in the locally specific documents represent a potential supply of sites for employment use. Some, however, are not considered to be suitable for modern employment requirements and could be redeveloped for other purposes.

Question 3a: Should additional allocations for employment sites be made?

es

| | | L | ł | ٧ | j |
|--|--|---|---|---|---|
| | | Ľ | | 1 | ſ |

No

If yes, where should the additional employment allocations be?

ian baseley associates

chartered town planners

Mr S Saunders Planning Policy Manager Broxtowe Borough Council Foster Avenue Beeston Nottingham NG9 1AB

10 January 2014

NB/EvansLDF/7

Dear Mr Saunders

Local Plan Consultation Site Allocations Issues and Options November 2013 Consultation Document

Further to the Council's current invitation for comments on the above consultation document, please find below **formal representations** on behalf of our clients, <u>Mr and</u> <u>Mrs R Evans</u>, freehold owners of

Context

As you are aware we have previously made representations on behalf of our client in respect of this land¹ which extends to some 1.13ha and adjoins the northern limit of the settlement boundary of Kimberley.

You will recall that the site has previously been promoted through the Council's 2012/13 SHLAA process and afforded **site reference H116 Land north of 38 Alma Hill**, **Kimberley.** As part of this process, the land has been identified² as an allocation option deemed '*Could be Suitable if Green Belt Policy Changes*'.

Furthermore, during the preparation of the current Broxtowe Local, the Planning Inspector, in recommending that the immediately adjoining Site H113 - Land north of Alma Hill) was removed from the Green Belt and allocated for residential development, stated that, "Consideration should be given to allocating the adjoining land (1.5ha) to the Northwest [i.e. Site H116]".

The Aligned Core Strategy (ACS) identifies Kimberley as a 'Key Settlement' and therefore a strategic and sustainable location for growth. Accordingly, the ACS



¹ See Appendix IBA1

² In the 'Kimberley' document comprising the Site Allocations Issues and Options November 2013

identifies the requirement for **up to 600 new homes** to be distributed towards Kimberley during the Plan period [i.e. up to 2028].

The Council is consulting on the *proposed* Development Sites and on additional areas that are required for longer term needs (beyond the Plan Period - i.e. after 2028), known as 'Safeguarded Land'.

Our formal representations are made in relation to topics 1 and 2 covering 'new housing' and 'the approach to the Green Belt' respectively. Our clients broadly agree with key issues 1a to 1e and 2a and 2b contained within the consultation document.

In terms of answering the specific questions, this letter covers those matters where appropriate and the representation form is attached as required.

Formal Representations

Land North of Alma Hill, Kimberley (Site Ref. H116) – <u>SUPPORT</u> its formal allocation for residential development

The site's identification as one of a number of potential choices for new housing allocations is welcomed. Its subsequent formal allocation as a housing site is **strongly supported**. In terms of the site's performance from a physical perspective, the site is:

- surrounded on two sides by existing residential development and is directly adjacent to a further potential housing site (H113) to the south east,
- defined and contained to the north by a strong defensible feature in the form of a localised ridge separating it from the open countryside and Green Belt beyond,
- bound on all sides by dense hedgerows/trees,
- potentially accessible via the adjacent Site H113,
- free of any environmental constraints or designations preventing its development.

The development of Site H116 would, in combination with Site 113, evidently represent a logical 'rounding-off' of the northern edge of the established settlement boundary of Kimberley. The characteristics highlighted above would naturally define the site more logically as an extension to the settlement of Kimberley as opposed to its present Green Belt designation.

This matter is strengthened by the National Planning Policy Framework which states, inter alia, that, "When defining boundaries [Green Belt], local planning authorities should: define boundaries clearly, using physical features that are readily recognisable and likely to be permanent".³

In the above context, the ridgeline to the north of the site in conjunction with the mature hedgerows surrounding the site form easily recognisable and long term

³ Paragraph 85 of the NPPF

defensible boundaries. The existing residential properties and outbuildings which bound the site contain the land and readily attach it in visual *and* physical terms to the settlement framework boundary.

It is prudent here to highlight the five purposes of Green Belt designation,⁴ namely:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- · to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The designation of the subject site as Green Belt evidently does not serve *any* of the above purposes in a meaningful manner and therefore **its release from Green Belt and allocation as housing land is wholly logical and justified.** Moreover, Paragraph 85 of the NPPF, inter alia, advises that, "When defining [Green Belt] boundaries, local planning authorities should not include land which it is **unnecessary to keep permanently open**;" (our emphasis)

The site's development for residential purposes will evidently have a **minimal impact on the wider countryside** primarily due to its specific location nestled between existing development and naturally enclosed by physical features. In addition, the quality of the land for arable purposes is not recognised as one of the most fertile and thus has accordingly been identified as a **Grade 3a Agricultural Land Classification**.

Turning to considerations of access, the site could be readily served via the development of the adjacent land (Site 113) as a comprehensive development, obtaining direct access from Soarbank Close and/or Branklene Close.

With regards to wider transportation matters, the site and its immediate vicinity is readily **served by good transport infrastructure**, namely the A610 linking the site to junction 26 of the M1. In addition, the site is well served by local bus routes which are within 5 minutes walk of the site.

In examining the benefits of this site as a potential housing land allocation, it is evident that Sites 116 and 113 together represent two of the **most logical of all of the sites identified** in the **Kimberley Site Allocations document**. This is primarily due to their close association with the existing settlement framework boundary and therefore their natural extension to it. The other Green Belt sites identified appear much less rational (the adjoining H113 site aside) as potential housing sites than H116.*

Since Kimberley is presently tightly constrained by the Green Belt, and given the <u>limited</u> opportunities within the built-up area to achieve the objectively assessed housing requirement, it is accepted by the Council that land adjoining the existing development

⁴ As per Paragraph 80 of the NPPF

boundary will necessarily need to be released from the Green Belt to ensure compliance with the ACS.

In the above context, the Council has appraised the Green Belt Sites that 'Could be Suitable if Green Belt Policy Changes'. Of the 11 sites identified just 6 have been assessed as meeting all three criteria,⁵ which includes site H116 and the directly adjacent H113 Land north of Alma Hill.

Site H116 (as well as the adjoining H113) is considered to be <u>entirely suitable</u> for development with minimal impact on the integrity of the Green Belt and the five overriding purposes that Green Belt serves.

Four of the other Green Belt sites under review are considered to be significantly less suitable for release, in summary, due to the following reasons:

- Site Ref. H473 The site contains a range of Listed Buildings and is within the Conservation Area providing a significant constraint to its development. The site also abuts the M1 motorway leading to significant issues of noise. Vehicular access is and has been an issue in the past and there is a potential contamination issue. Moreover, part of the site is within a 200 metre buffer of the preferred route for HS2.
- Site Ref. H131 The site forms part of a Site of Importance for Nature Conservation and there are notable level changes within and around the site.
- Site Ref. H411 The site extends beyond the immediate development limit to the south west of Kimberley which would lead to a noticeable sprawling effect. In addition, the site contains a significant level of vegetation, particularly to the north west, which would need to be removed to make way for its development (or retained with a reduced site capacity).
- Site Ref. H215 The site forms part of a Site of Importance for Nature Conservation and its development would be visually significant when viewed from the A610. The site also contains a significant level of vegetation which would need to be removed to make way for its comprehensive development (or retained with a reduced site capacity).

Owing to the constraints identified above, for the avoidance of doubt a <u>strong</u> <u>objection</u> is made to the inclusion of **sites H473**, **H131**, **H411** and **H215** as formal allocations.

In assessing the directly adjacent site (H113 Land north of Alma Hill)[®] during the previous Broxtowe Local Plan Review (2004), the Planning Inspector⁶ stated that, "Consideration should also be given to excluding the adjoining land to the northwest [i.e. the site subject to these representations – H116] which has a similar character and which is also

⁵ 1. Settlement recommended in 'Tribal', 2. Directions for growth recommended in 'Tribal' and 3.

Defensible physical boundary

⁶ in his report dated 11 June 2003

contained by development, the topography and a continuation of the hedge along the north east boundary".⁷

The Inspector noted the need for a suitable access to Site H116 as the only issue to resolve which he identified could be obtained via the adjacent site and subsequently concluded that, "Development on the <u>combined sites</u> would round-off the existing pattern of development at this point in terms of urban form, topography and landscape. It would appear as a natural extension of the town and would in no way look intrusive or incongruous".⁸

The relevant extract of the Inspector's Report is attached at Appendix IBA2 for completeness.

Despite the Inspector's clear conclusions regarding the appropriateness of the subject site and the adjoining land as housing allocations, the Council did not consider at the time that there was an overriding need to release sites such as this from the Green Belt. Clearly however the situation has changed since this time and the Council is evidently now reliant upon releasing land from the Green Belt in order to meet the development needs of Broxtowe Borough, as identified in the ACS.

With **question 1a** in mind, the Council should therefore take heed of the Inspector's previous assessment of the site and its clear merits as a development opportunity and amend the Green Belt boundary and **allocate Site H116 in conjunction with Site H113** for housing purposes to be delivered as a comprehensive development.

The allocation of the two adjoining sites would represent a **logical 'rounding-off'** of the settlement which would be suitably contained by existing development on three sides and the robust ridgeline and well established hedgerow to the north. Its comprehensive allocation is illustrated in **Figure 1** below.



Fig. 1 Image to illustrate the logical development of the subject site as a comprehensive scheme with the adjoining site

Paragraph 16

⁸ Paragraph 16

Whilst the two sites are being promoted separately, the intentions of both landowners in making their sites available for development at the earliest opportunity are closely aligned and fully compatible.

In turning to **question 2b** the possibility of amending Green Belt boundaries to meet the development needs of Broxtowe <u>beyond 2028</u> (i.e. safeguarded land) is <u>supported</u>. Once reviewed, Green Belt boundaries should be permanent and be expected to exist beyond the Plan period. The NPPF is quite clear in this regard⁹.

The identification and allocation of safeguarded land will afford the Council and its new Local Plan in-built **flexibility** should any of those sites allocated for development not come forward for whatever reason as originally envisaged. This is particularly important where settlements identified for sustainable growth, such as Kimberley, are presently already tightly constrained by the Green Belt.

In selecting possible 'safeguarded land', the issues of development delivery and impact on the purposes that the Green Belt serves should be key matters of consideration.

Whereas sites H116 and H113 are considered readily and easily deliverable and developable owing to their size and them being free of any identified constraints to development (indeed there was strong developer interest in H113 at the time of the previous Local Plan Review), larger sites, such as H215, would inherently have delivery and viability issues.

Moreover, the development of the larger sites would have a much more significant and obvious visual impact on the Green Belt. In such circumstances the Council should consider the identification of these larger sites as 'safeguarded land' in order to build in flexibility to the Local Plan beyond 2028 to facilitate development in the event that it is shown to be needed by monitoring housing land supply and completions.

In summary, in response to the second part of question 2b, the identification of the larger sites, such as H215, as safeguarded land is encouraged to firstly enable the smaller, easily developable and less impacting sites to assist in contributing towards Broxtowe's growth requirements.

Concluding Remarks

In all of these circumstances, the removal of the site [H116] from the Green Belt and its allocation as a housing site is wholly appropriate and should be given full support to secure its formal inclusion.

For the avoidance of doubt the allocation of H116 for housing purposes is <u>strongly</u> <u>supported</u> for the reasons advanced above to facilitate an extremely logical extension/'rounding-off' of this part of the development boundary (in conjunction with Site H113).

⁹ Paragraph 83 of the NPPF

I trust the above comments are helpful to the Council's consideration of the most appropriate approach to the future distribution of development within the Borough and will be fully taken into account as and when the Document is progressed further.

I look forward to your acknowledgement of receipt in due course and trust that I will continue to be consulted on future stages of the Broxtowe Borough Council Local Plan.

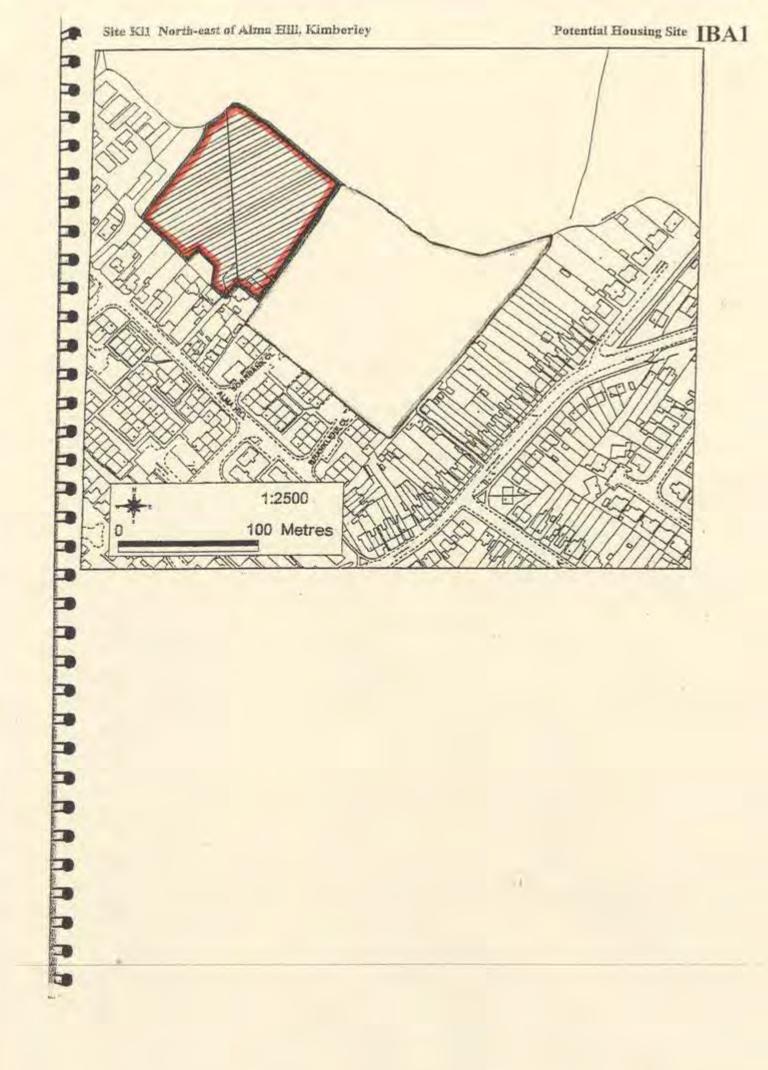
I would be obliged if these matters could be given thorough consideration in your continuing preparation of the Local Plan Site Allocations Issues and Options Document and confirm that I wish to continue to be kept appraised of progress and to reserve my right to have the opportunity to advocate the relevant representations through the Examination procedure if necessary.

Valleri IVIA(MOID) Partner

c.c Mr and Mrs R Evans

ian baseley associates

January 2014



IBA2

Chapter 10 - Proposed potential housing and/or employment development sites

measures are available to contain workshop noise. The presence of an adjoining depot did not prevent the Council from allocating site H1b and I see no reason why it should here. The design of development, including landscaping could contain the unattractive views of the depot.

Synthesis

- 23. The objection site and the two fields are of very little value to the Green Belt, to the MLA, to agriculture and to nature conservation. On the other hand they occupy a highly sustainable location in terms of accessibility to PT and to services and facilities. They represent a significant under used opportunity. It makes little sense to develop the objection site alone in isolation. The two fields should be developed comprehensively and case law rules that Inspectors may have regard to the implications of their conclusions on land adjoining objection sites. With the possibility of another access I see no reason why these sites should not achieve an average site density of 40 dph, with perhaps lower density on the upper parts and higher on the lower parts. As a greenfield site they should be included in Phase 2 of Policy HX which should provide time to resolve the access issues.
- 24. The objection site and the adjoining fields should be excluded from the MLA and from the Green Belt. Consideration should also be given to excluding from the Green Belt the remainder of the Council Depot and the small triangular field to the west, drawing the Green Belt boundary along the A610 and the western side of the disused railway cutting, in order to achieve a clear logical boundary that reflects that immediately to the west.

Recommendation

25. I recommend that the objection site Kic, the remainder of the field and the adjoining field be excluded from the Green Belt and the MLA and allocated for housing at a minimum average density of 40 dph in Phase 2 of Policy HX. Consideration should also be given to excluding the remainder of the Council Depot and the small triangular field to the west from the Green Belt, drawing the Green Belt boundary along the A610 and the western side of the disused railway cutting.

KI(1) NORTH EAST OF ALMA HILL, KIMBERLEY

Background

- On receipt of the objector's statement of evidence, the Council wrote to the agents on 13th November 2001 arguing that no duly made objection had been made in respect of allocation H2I as a whole and that it was not acceptable to propose an alternative site within the context of objections to R220. They referred to the regulations that only objections to changes could be made at the RDDP stage.
- 2. The objector responded in a letter of the 27th November 2001 that they were not informed of the deposit of the FDDP despite their involvement in the CDP. Following the closing date for objections, the objector became aware of the FDDP and were advised by Council officers to object to sites at the RDDP stage and

Chapter 10 - Proposed potential housing and/or employment development sites

thereby introduce the objection site, which was considered at the previous CDP stage.

- 3. The Council replied on the 29 November 2001. They enclosed a letter dated 21st August 2000 from the Council to the objectors which stated that as the representations were not made within the deposit period the objector would not be entitled to appear at the inquiry. They pointed out that in the duly made objection to the RDDP they were not advised that a new site at Alma Hill was sought.
- I dealt with the Council's letter of the same date at the opening of the inquiry 4. session previously scheduled for this objection on the 29 November 2001. referred to the Pre-Inquiry Meeting in July when I specifically drew the Council's attention to a number of objections that had been made to the RDDP, which appeared to me to relate to the FDDP. I drew the Council's attention to government advice in PPG12, which suggested that the Council should have rejected objections such as these as not duly made. I advised that if the Council pursued this approach, they should advise the objectors accordingly and well before the start of the inquiry so as to allow them time to mount any challenge and avoid jeopardising the inquiry timetable. However, I stressed that it was for the Council and them alone to decide which objections were duly made, although clearly they should act consistently. My responsibility was to deal with the objections that the Council had accepted and put before me. At the PIM, the Council acknowledged the issue but advised that they wished me to deal with all the objections that they had accepted and which were to be included in CD 30.
- 5. This objection is included on page 140 of CD30. At the inquiry, I referred to my advice at the PIM and to the Council's response and assurances. I knew of no provisions that allowed me to reject objections that had been accepted by the Council as duly made. The Council confirmed that they were unaware of any. I drew attention to the dangers of the Council acting inconsistently in respect of some objections but not others and at such a late stage in the programme. It was not for me to reject objections that had been accepted by the Council upon seeing the detailed evidence. I would, as the Council had requested, deal with those objections put before me whatever their nature; nothing more and nothing less. The Council gave assurances that they would not re-visit the issue.
- 6. The objector in seeking the deletion of H2I in its revised form, had, by way of substitution, suggested some re-assessment of those sites around Eastwood/Kimberley/Nuthall that had been rejected at the CDP stage. In the light of this, it was clearly open to the objector to put forward all of these sites. I could find no criticism that they then confined it to one of the sites rejected at the CDP stage.
- 7. The Council's letter of the 21st August 2000 was misleading. It would have been more accurate to inform the objector that a none duly made objection would not be put to the Inspector holding the inquiry. However, it is for the Inspector not the Council to decide whether to hear at inquiry those objections that had been accepted. In view of these factors, I ruled that I would hear the objector at the scheduled inquiry session.

- 8. It is clear from the RDDP and the Council's Proposed Pre Inquiry Changes that some greenfield and even some Green Belt sites are likely to be needed to meet SP requirements for housing and for employment land due to the shortage of sites within the urban areas of Broxtowe. Indeed, the Pre Inquiry Changes put forward still include major allocations of housing and employment land in the Green Belt; H2I, EM2 and EM3f at Watnall/Nuthall. For reasons set out in Chapters 4 and 5, 1 recommend that these allocations be deleted from the RDDP. I have to identify other more suitable sites for housing and employment development.
- 9. Where there is an outstanding need to take Green Belt sites to meet SP housing and employment requirements this provides the exceptional circumstances necessary to justify altering approved Green Belt boundaries. However, as the Council accepted on site H2X at Giltbrook, sustainable sites outside the Green Belt are to be preferred and that it is difficult to demonstrate exceptional circumstances whilst such sites exist. In considering proposed allocations in the Green Belt, 1 have regard to the extent to which they fulfil Green Belt purposes set out in PPG2 para 1.5 as well as other criteria, particularly sustainability factors.

Inspector's Conclusions

Location and Site Search Sequence

- 10. This greenfield site of about 1.9 ha lies on the edge of the built up area of the town of Kimberley. It falls within category c) of the search sequence in Policy 1 of RPG8. It is about 550 m from frequent bus services along Nottingham Road, which is the spine of the Nottingham to Eastwood PT Corridor identified in SP Policy 1/ 2 as a preferred location for major development. This may be somewhat beyond the NCC's optimum walking distance of 400 m to frequent PT routes but the IHT advise that whilst this is a desirable walking distance to bus stops, 500 m is acceptable and standards need to be applied with discretion (CD127). The site is about as close as former allocation H2d to a less important bus route and is closer to the PT Corridor than site H2I at Watnall/Nuthall. LP Policy H6 clearly anticipates some housing allocations beyond 400 m walking distance of frequent bus services.
- 11. Furthermore, CD127 suggests desirable and acceptable walking distances of 500 m and 1000 m for commuting/school. There is also an hourly bus service along Hardy Street about 200 m away. The site is within 200 m of the nearest PS and within just over 800 m of the SS and about 700 m from the edge of Kimberley Town Centre. There is a PH within about 100 m and a local shop a little further away. It may not be the most accessible of locations, but it is not remote either and is reasonably sustainable; more so than former allocation H2d and other potential housing sites.

Agriculture

12. Like most of site H2I the land is B&MV, its ALC being grade 3a. It is SP Policy 3/13 and government policy to prefer the development of lower grade land such as on H2d and H2j wherever possible. However, this site would only be a small and very limited loss to agriculture.

Green Belt

- 13. The site is bounded to the southeast and to the southwest by the rear of dwellings on the northern edge of Kimberley. It is contained to the northwest partly by development. The land slopes down to the south from the hedge, which forms the north-eastern boundary. There is also a well established hedge along the southeastern and north-western boundaries, which helps to soften the urban edge, but the south-western boundary, marked by a fence, presents a raw urban edge.
- 14. Due to its topography and to a lessor extent its vegetation this is a secluded site and development on it would not be visible at any distance from the open countryside to the north or west. It would only be seen from the edge of the town immediately to the east and south and from the adjoining PF to the north, which already has views off the adjoining town. The next nearest settlement is Watnall over 600 m away to the north east out of sight beyond the ridge. Newthorpe/Giltbrook lies over 800 m away on the other side of the valley. Development of the site would not lead to any increase in the degree or perception of coalescence of settlements. Being so well contained within the landform development on the site would not constitute sprawl. However, as the objector accepted the adjoining field to the northwest has a similar landform and is largely contained on its northwestern boundary by existing development. Development of site Ki(1) would make it difficult to resist the development of this adjoining land at some future Plan review when similar arguments could be advanced.
- 15. The objection site and the adjoining site's development would involve encroachment into the countryside, contrary to the 3rd Green Belt purpose in PPG2. However, this would be on a small scale and its impact would be limited by the "topography of the land. Its impact upon the open character of the Green Belt north of Kimberley would be minor both in absolute and relative terms. The 5th Green Belt purpose is largely served by the phasing Policy that I recommend that includes most greenfield sites in Phase 2 and thus assists urban renewal by encouraging recycling of derelict and other urban land.
- 16. The site is of very limited value to the purposes of the Green Belt. Although not subject to an objection, consideration should also be given to excluding the adjoining land to the northwest which has a similar character and which is also contained by development, the topography and a continuation of the hedge along the north east boundary. Case law establishes that Inspectors may make consequential recommendations relating to land outside an objection site. It is preferable to resolve this issue now than to revisit it at a future review when it would detract from the public concept of the permanence of Green Belt boundaries. The adjoining site could also be dependent upon the objection site for vehicular access. Development on the combined sites would round-off the existing pattern of development at this point in terms of urban form, topography and landscape. It would appear as a natural extension of the town and would in no way look intrusive or incongruous.

Access

 Development on the objection site could take ready access from either or both of the adjoining Closes to the south. Access to the adjoining land to the north west Chapter 10 - Proposed potential housing and/or employment development sites

would probably need to be via site Ki(1), whose development should provide for this. Development of the site would provide the opportunity to soften the existing hard edge to the town.

Synthesis

- 18. This is a small site of little value to the purposes of the Green Belt. It lies on the edge of a urban area in the Nottingham to Eastwood PT Corridor favoured for major development in SP Policy 1/2, although its size falls below the SP threshold for major development the SP does not preclude smaller scale development in PT corridors. The site is highly accessible to schools and reasonably so to other local services including PT routes. Its development would involve the loss of a small but acceptable amount of B&MV agricultural land. However, it would as a greenfield site only be brought forward for development in Phase 2 of Policy HX if it is shown to be needed by monitoring housing land supply and completions. This site's major advantage is that it would appear to have few development constraints and should be capable of being brought forward at short notice for development, which may be important given possible constraints on some other sites. It's intrusion into the Green Belt and countryside would be very limited in scale and extent and indeed hardly noticeable, unlike site H2j and to a lessor extent H2d. At a density of 35 dph it could provide about 66 dwellings. If the adjoining site of about 1.5 ha is allocated, the total development could bring forward about 119 dwellings.
- 19. In these circumstances, the site should be allocated for housing development under Policy H2 at a density of 35 dph and included in Phase 2 of Policy HX. Consideration should be given to allocating the adjoining land (1.5ha) to the Northwest.

Recommendation

20. I recommend that the RDDP be modified by the allocation of site Ki(1) (1.9 ha) for housing development under Policy H2 at a density of 35 dph and inclusion in Phase 2 of Policy HX. Consideration should be given to allocating the adjoining land (1.5ha) to the northwest with the same density and phasing.

KI2 SOUTH OF A610/EAST OF AWSWORTH LANE, KIMBERLEY

Background

1. It is clear from the RDDP and the Council's Proposed Pre Inquiry Changes that some greenfield and even some Green Belt sites are likely to be needed to meet SP requirements for housing and for employment land due to the shortage of sites within the urban areas of Broxtowe. Indeed, the Pre Inquiry Changes put forward still include major allocations of housing and employment land in the Green Belt; H2I, EM2 and EM3f at Watnall/Nuthall. For reasons set out in Chapters 4 and 5, 1 recommend that these allocations be deleted from the RDDP. I have to identify other more suitable sites for housing and employment development by way of replacement, although I find in Chapter 5 no need to replace allocation EM2 at this stage in view of the development and availability of sufficient sites for BPs and

Broxtowe Local Plan Review: Inspector's Report



Planning Policy Team Broxtowe Borough Council Foster Avenue Beeston Nottingham NG9 1AB

EvansLDF/12

3 November 2017

Dear Sirs

Broxtowe Local Plan Part 2 Publication Version

Further to the Council's current invitation for comments on the above consultation document, please find below **formal representations** on behalf of our clients, <u>Mr and Mrs R S Evans</u>, freehold owners of Land north of at Kimberley.

Context

As you are aware we have previously made representations on behalf of our client in respect of this land¹ which extends to some 1.13ha and adjoins the northern limit of the settlement boundary of Kimberley.

Our objections focussed on the failure of the then draft Plan to include site reference 116 Land north of 38 Alma Hill, Kimberley as a housing allocation and highlighted concerns regarding the Council's approach to the Green Belt Review where sites (and their own in particular) had been assessed and discounted on the basis of illogical (and inappropriately extensive) evaluation zones.

The Publication Version of the Local Plan Part 2 does nothing to address these objections – and consequently **such concerns** clearly <u>remain unresolved</u>.

You will recall that the site has previously been promoted through the Council's 2012/13 SHLAA process and afforded **site reference H116 Land north of 38 Alma Hill, Kimberley.** As part of this process, the land was identified in the '*Kimberley'* document comprising the Site Allocations Issues and Options November 2013 as an allocation option deemed '<u>Could be Suitable if Green</u> <u>Belt Policy Changes'</u>.

¹ Attached to form Appendix IBA1

Furthermore, during the preparation of the current Broxtowe Local Plan, the Planning Inspector, in recommending that the immediately adjoining Site H113 - Land north of Alma Hill) was removed from the Green Belt and allocated for residential development, stated that, *"Consideration should be given to allocating the adjoining land (1.5ha) to the Northwest* [i.e. Site H116]".

Formal Representations

The Council's approach to the distribution of development (as far as it relates to Kimberley) as set out in the Broxtowe Local Plan Part 2 Publication Version is <u>not supported</u>.

The draft as presently worded is <u>not</u> considered to be *sound* on the basis that it:

- has not been positively prepared;
- is neither justified nor effective; and
- does not comply with national planning policy.

The Adopted Core Strategy confirms **Kimberley as a 'Key Settlement'** and identifies the requirement for **up to 600 new homes** to be distributed towards Kimberley during the Plan period.

However, the Publication Version only allocates sufficient land for approximately 167 dwellings across the following three sites:

- land south of Kimberley including Kimberley Depot (105 homes);
- land south of Eastwood Road, Kimberley (40 homes);
- Builders Yard, Eastwood Road, Kimberley (20 homes).

Two of the allocations were allocations in the previous 2004 Local Plan and quite clearly have not been brought forward for development in the intervening period. This in itself raises legitimate questions over confidence regarding their deliverability over the next Plan period – perhaps indicating that there are problems with either site e.g. physical or technical constraints or ownership issues?

In order for the Plan to be *sound*, the Council and the Inspector must be confident that *all* of those sites allocated for development *will* be developed <u>during the Plan period</u>.

The single (*new*) allocation comprises land south of Kimberley, including Kimberley Depot².

² Policy 7.1.

Part of this site currently comprises part of the Babbington/Swingate/Verge Wood Mature Landscape Area as acknowledged in the Sustainability Appraisal and summarised in paragraph 7.6 of the Local Plan Part 2 Publication Version.

Indeed, the impact on the landscape is identified as a **negative effect** in the Sustainability Appraisal – albeit this is somewhat conveniently summarised in the aforementioned paragraph 7.6 as "*only one <u>very minor</u> negative effect*".

Despite the above, there appears to be no specific justification why this site in its entirety was chosen to be the sole (*new*) allocated site over others that have previously been identified as being potentially suitable subject to (Green Belt) policy change.

Whilst four sites were assessed in the *Landscape and Visual Analysis of Potential Development Sites (January 2017),* others were not – and again there would appear to be no explanation as to why this was the case.

In the above connection, my clients' site at Land north of 38 Alma Hill, Kimberley³ (and the adjoining site at Land north of Alma Hill, Kimberley⁴) had been previously recommended (by the 2004 Local Plan Inspector) to be removed from the Green Belt and allocated for housing as part of the 2004 Plan – a recommendation which the Council subsequently ignored.

Neither site comprises part of a Mature Landscape Area and both sit below the ridgeline – together comprising an **extremely logical extension/rounding-off of the Main Urban Area**.

Both sites have no ecological interest – in contrast to the proposed (*new*) allocated site which, in part, comprises part of a wider Local Wildlife Site (which might in itself serve to constrain housing numbers on this site?)

The Council's 2015/2016 SHLAA identified both sites as being suitable for housing if (Green Belt) policy changes.

Despite all of the above, neither sites 116 or 113 were included as part of the aforementioned *Landscape and Visual Analysis of Potential Development Sites* earlier this year and this is considered to be a **significant flaw** in the site selection process – both in terms of being <u>robust</u> and being <u>transparent</u>.

The rationale for under-allocating so significantly is that the Council is evidently relying on some 333 dwellings (identified in the 2015/2016 SHLAA as being deliverable and developable) being delivered during the remaining Plan period.

³ Site reference 116

⁴ Site reference 113

It is however noted the proposed allocations at land south of Eastwood Road, Kimberley and the Builders Yard, Eastwood Road, Kimberley (comprising 40 dwellings and 22 dwellings respectively) have also been included as part of the 333 houses in the 2015/2016 SHLAA that the Council are relying on to make up overall numbers. Consequently, the Council has **double-counted** the contribution of these two sites and therefore the SHLAA contribution of 333 dwellings will, in any event, need to be reduced by 62 dwellings to result in a maximum total contribution of 271 – resulting in a further housing deficit when measured against the Core Strategy requirements for Kimberley.

Even adding *all* of these dwellings to the three sites proposed for allocation, the Council is still some **162 houses short** of the Core Strategy requirement for Kimberley.

Of course, it would be extremely naïve to realistically assume that all of those sites identified in the 2015/2016 SHLAA would come forward to deliver the 333 (271) houses envisaged in the Publication Version of the Broxtowe Local Plan Part 2 – meaning that the housing deficit from the Core Strategy requirement for Kimberley is likely to be even more!

The above concerns are further corroborated by the 2015/2016 SHLAA which confirms that only 24 dwellings have either been implemented or are under construction during the first five years of the Plan period (2013-2018).

The allocation of both Sites 116 and 113 would (as is confirmed by the 2015/2016 SHLAA) be capable of delivering some 117 homes – i.e. bringing the housing total closer to the Core Strategy requirement, and allowing for some flexibility in case some of those SHLAA sites identified by the Council do not, for whatever reason, come forward as originally envisaged.

The failure to allocate sufficient land and the Council's over-reliance on SHLAA sites to come forward to make up the majority of the delivery of the remaining Core Strategy housing requirement is not considered to be justified or effective – meaning that the Publication Version cannot be considered to have been positively prepared.

Nor is it considered to be compliant with national planning policy.

In circumstances where Kimberley has been identified as a key (sustainable) settlement within the Borough, the fact that it is already tightly constrained by the current Green Belt boundary is a significant consideration.

National Green Belt policy advises that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

Paragraph 83 of the Framework confirms that, at that time, Authorities should consider the Green Belt boundaries having regard to their intended permanence in the long-term, so that they should be capable of **enduring** <u>beyond the Plan period</u>.

Paragraph 85 advises that, when defining boundaries, local planning authorities should, amongst others:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their Plans areas of "safeguarded land" between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the Plan period;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the Development Plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

The Council's approach to date has been to under-allocate in a bid to limit the release of land from the Green Belt.

However, such an approach is entirely **inconsistent** with <u>national Green Belt policy</u>.

The under-allocation (and over-reliance on SHLAA sites which the Council has no control over the delivery of) results in an inconsistency with the Local Plan Strategy for meeting identified (Core Strategy) requirements for sustainable development in Kimberley.

More particularly, the above approach fails to integrate any sense of flexibility into the Plan as far as Kimberley is concerned should any of the allocated, or SHLAA sites, fail to come forward as envisaged by the Local Plan Part 2 Publication Version.

In the above connection, it is important to acknowledge that two of the three sites proposed for allocation (and many of the SHLAA sites that the Council relies on) were promoted and allocated in the 2004 Plan and have, for whatever reason, failed to come forward in the past 13 years or so.

Indeed, even the latest 2015/2016 SHLAA confirms the Council does not anticipate these sites being brought forward until <u>at least 2023 onwards</u> – hardly a glowing endorsement as to their expected/anticipated delivery within the remaining Plan period!

National Green Belt policy is very clear that Green Belt boundaries should only be altered in *exceptional circumstances* and through the preparation or review of the Local Plan – and that at that time, local authorities should consider the Green Belt boundaries having regard to their intended permanence in the long-term, so that they should be capable of enduring beyond the Plan period.

As Kimberley is entirely surrounded by the Green Belt, any additional land required to meet a deficit in the housing requirement at any stage during the Plan period, or beyond, will necessarily entail the release of additional land from the Green Belt to satisfy such need.

However, there is presently no provision (nor therefore flexibility) for this in the *current* draft Plan.

In addition, it is quite clear that the Green Belt boundary has been altered to simply meet the housing requirements of the current Core Strategy Plan period.

The Publication Version of the Local Plan Part 2 therefore evidently fails to ensure that the new Green Belt boundaries are capable of enduring beyond the Plan period, since the current draft relies on all available sites within the existing urban area coming forward for development <u>and</u> the development of all three sites proposed for allocation – i.e. if *all* of those sites identified to come forward through the Plan period are delivered as intended, it is most unlikely that there will be any suitable and available sites within the built-up area left to be developed to meet any future housing requirements beyond the Plan period.

In the above connection, the direct consequence of the Council's current approach is that the Green Belt boundary as proposed to be altered will quite clearly not be capable of enduring beyond the Plan period.

Indeed, it would appear inevitable that the Green Belt boundary will need to be altered again at the end of the Plan period to meet longer-term development needs. It would seem inconceivable that such a sustainable (key) settlement such as Kimberley would not be considered suitable to accommodate *any* new housing in the Plan period beyond the current one.

As a consequence of all of the above, the Council's current approach quite clearly conflicts with national Green Belt policy in connection with the same.

Allied to the above, it does not appear that the Council has considered the identification of **safeguarded land** between the urban area and the Green Belt in order to meet longer-term development needs stretching well beyond the Plan period, or considered (as part of the Green Belt Review) whether to not include land in the Green Belt which it is unnecessary to keep permanently open⁵.

For all these reasons, the Council's Publication Version of the Local Plan Part 2 cannot be supported and **is not considered to be** *sound*.

⁵ Paragraph 85 of the Framework

To <u>remedy the above objection(s)</u>, the Council should ensure that sufficient land is allocated to deliver the Core Strategy housing requirement for Kimberley over the remainder of the Plan period.

As part of the above, the Council's approach should incorporate sufficient flexibility to allow for either those sites proposed for allocation, or those SHLAA sites the Council is relying on, not coming forward as originally envisaged.

Such flexibility should come in the form of additional allocations and the identification (or at the very least consideration of the identification) of safeguarded land – all to ensure that, once altered, the Green Belt boundary will be permanent and capable of enduring beyond the current Plan period.

In the above connection, **the Council should allocate Sites 116 and 113** in combination <u>to</u> <u>provide circa 117 homes</u> on land north of Alma Hill, Kimberley to make up some of the current (Core Strategy) housing deficit and introduce a level of inherent flexibility into the Plan.

The additional allocation of Sites 116 and 113 in combination would be entirely consistent with national Green Belt policy (paragraph 85 of the Framework in particular) as follows:

- the allocation of a further 117 homes would align much more closely to the Core Strategy housing requirement for Kimberley over the remainder of the Plan period – thereby ensuring consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- the recommendations of the 2004 Local Plan Inspector to release the land from the Green Belt and allocate for housing corroborates the view that the land should <u>not</u> be included within the Green Belt and it is unnecessary to keep this land permanently open;
- sites 116 and 113 in combination comprise an extremely logical extension/rounding-off of the urban area and would allow the Green Belt boundary to follow clearly defined, physical features that are readily recognisable and likely to be permanent; and
- whether in isolation, or in combination with other land identified as safeguarded land, the additional allocation of sites will introduce a level of flexibility to ensure that the new Green Belt boundary is capable of being permanent and enduring beyond the Plan period.

I trust the above is of assistance to the Council and the Inspector presiding over the forthcoming Review Examination and look forward to being notified of any subsequent consultation stage and/or the arrangements for the Examination in Public. Should you require any further information in the interim, please do not hesitate to contact me.



Director



November 2017

Broxtowe Part 2 Local Plan



Agent

| | Please provide your client's name | Davidsons Developments Limited |
|---|-----------------------------------|--------------------------------|
| Y | ′our Details | |

our Details

| Title | | | | |
|--|---------------|--|--|--|
| Name | | | | |
| Organisation (if responding on behalf of the organisation) | Pegasus Group | | | |
| Address | | | | |
| Postcode | | | | |
| Tel. Number | | | | |
| E-mail address | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. | | | |
|--|--|--|--|
| Please tick here x | | | |
| Please help us save money and the environment by providing an e-mail address that correspondence | | | |
| can be sent to: | | | |

For more information including an **online response** form please visit: www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|--|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocations Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | | |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | |
|---|---------------------------------------|---|---|
| 2.1 | Legally compliant | х | |
| 2.2 | Compliant with the duty to co-operate | х | |
| 2.3 | Sound | | Х |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | |
|--|---|
| It is not justified | х |
| It is not effective | х |
| It is not positively prepared | х |
| It is not consistent with national policy | х |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

Please see the following attached documents: -

- 1) Representations to Broxtowe Local Plan on behalf of Davidsons Developments Limited by Pegasus Group (with Appendices)
- 2) Analysis of Landscape and Visual Constraints and Opportunities on behalf of Davidsons Developments by Pegasus Environment (with Figures)

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

Amend Policy 7 to include the following: -

Policy 7.4 Land off New Farm Lane, Nuthall: approximately 85 homes.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | |
|--|---|--|
| Yes, I wish to participate at the public examination | X | |
| No, I do not wish to participate at the public examination | | |
| If you wish to participate at the public examination, please outline why you consider this to be necessary | | |

Davidsons Developments Limited have interests in land at New Farm Lane, Nuthall. It is therefore important that they have the opportunity to participate at the public examination.

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 public examination.

Guidance Note:

Please complete a separate form for each representation you wish to make.

'Legally Compliant':

If your response relates to <u>the way in which the plan has been prepared</u>, then this is likely to relate to whether it or not it is 'Legally Compliant'. To be 'Legally Compliant', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to **the way in which we have worked with other authorities** then this is likely to relate to the '**Duty to Co-operate**'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the <u>content</u> of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is '**justified'**, '**effective'**, has been '**positively prepared'**, and is '**consistent with national policy'**. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- **'Justified':** This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- 'Effective': This means that the Local Plan will deliver what it sets out to. If you think that what we
 are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not
 our Local Plan is 'effective'.
- **'Positively Prepared':** This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 'Consistent with National Policy': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing **policy@broxtowe.gov.uk**. NOVEMBER 2017 | MG | P17-2056



REPRESENTATIONS TO BROXTOWE LOCAL PLAN, PART 2, 2017-2028 PUBLICATION VERSION, SEPTEMBER 2017

PROPOSED RESIDENTIAL ALLOCATION LAND AT NEW FARM LANE, NUTHALL, NOTTINGHAMSHIRE

ON BEHALF OF DAVI DSONS DEVELOPMENTS LIMITED

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) PLANNING AND COMPULSORY PURCHASE ACT 2004

Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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CONTENTS:

Page No:

| 1. | INTRODUCTION AND SUMMARY | 1 |
|----|--------------------------|----|
| 2. | PLANNING POLICY CONTEXT | 2 |
| 3. | HOUSING LAND SUPPLY | 5 |
| 4. | ASSESSMENT OF SOUNDNESS | 6 |
| 5. | SITE DESCRIPTION | 8 |
| 6. | SITE ASSESSMENT | 10 |
| 7. | CONCLUSION | 14 |

APPENDICES:

APPENDIX 1: SITE LOCATION PLAN APPENDIX 2: SITE CONCEPT PLAN APPENDIX 3: SITE CONTEXT PLAN



1. INTRODUCTION AND SUMMARY

- 1.1 We have been instructed to make the following representations in respect of the Broxtowe Local Plan Part 2, Publication Version, September 2017, which is currently being consulted upon, prior to being submitted for Examination in due course. These representations have been prepared having regard to the documents contained within the supporting Evidence Library and have assessed the compliance of the Publication Version Part 2 Local Plan against paragraph 182 of the National Planning Policy Framework (March 2012) (NPPF). Paragraph 182 states that for a plan to be "sound" it should be:
 - Positively prepared;
 - Justified;
 - Effective;
 - Consistent with National Policy.
- 1.2 These representations seek to promote our client's landholding, comprising land at New Farm Lane, Nuthall, (as on the Site Location Plan at Appendix 1) for residential development. This document sets out a brief rationale as to why this Site represents suitable and deliverable land, which should be allocated for a medium scale residential development, thereby assisting in meet the housing needs of Broxtowe Borough, within a sustainable and accessible location.
- 1.3 In order to fully meet the current and future housing needs for the Nuthall / Kimberley Area, (and the wider Borough of Broxtowe), and to provide for a portfolio of sites, we believe that the Site identified on the attached Plan should be removed from the Green Belt and allocated for residential purposes in addition to the Sites already identified for residential allocation.



2. PLANNING POLICY CONTEXT

- 2.1 The Greater Nottingham, Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy, Part 1 Local Plan was adopted in September 2014. This strategic plan sets a minimum requirement of 30,550 new homes to be delivered between 2011 and 2028, based upon the following hierarchical approach:
 - a) The main built up area of Nottingham;
 - b) Adjacent to the Sub-Regional Centre of Hucknall; and
 - c) Key Settlements identified for growth:
 - Awsworth, Brinsley, Eastwood (including parts of Giltbrook and Newthorpe) and Kimberley (including parts of Nuthall and Watnall), in Broxtowe;
 - ii) Bestwood Village, Calverton and Ravenshead, in Gedling.
 - d) In other settlements (not shown on the Key Diagram) development will be for local needs only.
- 2.2 Of the total minimum requirement of 30,550 no. dwellings, at least 6,150 of these are to be located in Broxtowe Borough, of which 3,800 no. dwellings are to be delivered within or adjoining the main built-up area of Nottingham. Within the Key Settlements identified above within tier (c) of the hierarchy, it is anticipated that up to 600 no. new dwellings will be provided within or adjoining Kimberley (including parts of Nuthall and Watnall).
- 2.3 The Publication Version Part 2 of the Broxtowe Local Plan now seeks to provide specific site allocations to meet the housing requirement set out within the Core Strategy, Part 1 Local Plan as set out above. The previously published Issues and Options Paper, which was consulted upon in November 2013, identified several sites around Nuthall that 'could be suitable if Green Belt policy changes', including our client's landholding at New Farm Lane.



SHLAA 2015/2016

- 2.4 The latest SHLAA, produced by Broxtowe Borough Council and dated 2015/2016 identifies that against the requirement of 6,150 dwellings for the period 2011 to 2028, there is a total capacity on urban sites of only 5,631, thereby requiring further sites to be identified outside the urban area. In the Kimberley Area, against the requirement of 600 no. dwellings, there remains a residual requirement of 186 no. dwellings to be found outside the urban area.
- 2.5 Within the SHLAA, there are a number of sites which have been identified as being suitable if policy changes, including the proposed Site at New Farm Lane, Nuthall. Part 2 of the Local Plan will allocate selected sites from those which have been listed as suitable if policy changes, to ensure that the requisite quantum of residential development is accommodated adjoining the Kimberley / Nuthall area.

PUBLICATION DRAFT PART 2 LOCAL PLAN: SITE ALLOCATIONS

- 2.6 The second part of the plan will include specific site allocations to meet the housing need as set out in the Core Strategy and will detail policies against which planning applications will be assessed. The Publication Draft is now being consulted upon until 3rd November 2017, after which the consultation responses will be taken into account, before the Draft Plan is submitted for formal Examination and subsequently adopted by the Borough Council.
- 2.7 Policy 7 of the Publication Draft Part 2 Local Plan identifies 3 sites adjoining the Kimberley/Nuthall Area, which are proposed to be allocated for housing. The sites proposed for residential allocation are as follows:
 - Policy 7.1 Land South of Kimberley, including Kimberley Depot (105 homes);
 - Policy 7.2 Land South of Eastwood Road, Kimberley (40 homes); and
 - Policy 7.3 Eastwood Road Builders Yard, Kimberley (22 homes).
- 2.8 The Sites identified under Policies 7.2 and 7.3 have previously been proposed as residential allocations, whilst the Site identified under Policy 7.1 is a newly proposed Site, which encompasses land within Zone 20 of the aforementioned Green Belt Review process, and therefore within the most favoured location for release from the Green Belt.



- 2.9 The total capacity of the 3 sites currently identified and proposed for allocation for residential development is 167 no. dwellings (i.e. 105 + 40 + 22). This falls short of the housing requirement for the Kimberley / Nuthall area of 186 no. dwellings and therefore the full housing needs of this area have not yet been accounted for or accommodated through the Publication Draft Part 2 Local Plan.
- 2.10 At the Jobs and Economic Committee meeting of 26th January 2017, the Council considered extending the allocation of Kimberley Depot (by an extra 100 dwellings to 205 dwellings) but resolved that this would take the available urban supply for Kimberley over the 600 homes figure as specified as a maximum in the Aligned Core Strategy. The reason given was that the housing market in Kimberley is not as strong as elsewhere in the south of Broxtowe and such an increase would put at risk the significant efforts that have been put into delivering Kimberley Brewery for housing redevelopment. The Report notes that in simple terms, the easier to develop sites are likely to come forward first at a time when the Kimberley Brewery site is now available for development with all predetermination planning conditions successfully addressed.
- 2.11 It was therefore resolved that Kimberley would be left 81 dwellings short of the 'up to 600 dwelling' figure and that there are sound planning arguments to have additional housing in and around the main built up area of Nottingham.
- 2.12 It is our submission that the Part 2 Plan fails to provide sufficient flexibility in its proposed housing allocations and that the Plan should include sites to provide the 600 dwellings for the Kimberley/Nuthall areas as identified in the Core Strategy.



3. HOUSING LAND SUPPLY

- 3.1 A recent appeal decision, Ref: APP/J3015/W/16/3162096, dated the 2nd March 2017 confirms that the Council is currently unable to demonstrate a 5-year supply of housing land. According to the Council's appeal statement, the reported position on the 27th January 2017 was that the LPA could demonstrate a 3.6-year supply of housing land, which is a decline compared to the earlier position on the 1st April 2016, at which time a 4.4-year supply could be demonstrated. In order to ensure and maintain a flexible rolling five-year housing land supply position, that is able to adapt to changes in circumstances and the requirements of the market, it is clear that additional land must be allocated to accommodate the requisite housing needs of the Borough.
- 3.2 The Council's Housing Trajectory at Table 4 shows a housing land supply of 6,747 dwellings against a housing requirement of 6,150 dwellings. Since the proposed housing requirement is a minimum figure, it should not be treated as a maximum ceiling to restrict overall housing land supply and prevent sustainable development from coming forward. The Council's contingency of 597 dwellings (9.7%) is below the recommendations of DCLG of a 10-20% non-implementation gap, therefore it is unlikely to provide sufficient flexibility for unseen circumstances.
- 3.3 **The Council's 5**-year housing land supply calculation using Sedgefield and 20% buffer is only 3.6 years which will be even lower when the buffer is applied to the shortfall as well as the requirement. The Local Plan Part 2 cannot be sound if the Council cannot demonstrate a 5-year housing land supply on adoption of the Plan. In addition, the 5-year housing land supply should be maintainable throughout the plan period.



4. ASSESSMENT OF SOUNDNESS

- 4.1 With the above in mind, we currently do not believe that the Broxtowe Borough Publication Version Local Plan Part 2 can be considered sound, on the basis that the proposed residential allocations for the Kimberley / Nuthall area fail each of the tests of soundness, as set out within Paragraph 82 of the NPPF.
- 4.2 In order to become sound, we submit that additional land should be allocated for residential development within or adjoining Kimberley / Nuthall, to provide flexibility.
- 4.3 The Council's concerns over the delivery of the Kimberley Brewery site are noted. However, the NPPF does not promote a sequential approach for brownfield sites to be developed first over greenfield sites. Allocating a range and type of sites is the only way to address delay and uncertainty over delivery.
- 4.4 **The Council's Housing Trajectory at Table 4 shows a housing land supply of 6,747** dwellings against a housing requirement of 6,150 dwellings. Since the proposed housing requirement is a minimum figure it should not be treated as a maximum ceiling to restrict overall housing land supply and prevent sustainable development from coming forward.
- 4.5 There is a clear indication from the Department of Communities and Local Government ("DCLG Planning Update by Ruth Stanier Director of Planning HBF Planning Conference September 2015 as referred to in the HBF Response to the Consultation dated 3rd November 2017) on appropriate non-implementation gap and lapse rates. The DCLG presentation illustrates 10-20% non-implementation gap together with 15-20% lapse rate. The presentation also suggested "the need to plan for permissions on more units than the housing start/completions ambition." It is acknowledged that the presentation shows generic percentages across England but it provides an indication of the level of flexibility within the overall housing land supply that the Council's should be providing. The Council's contingency of 597 dwellings (9.7%) is below the recommendations of DCLG and therefore it is unlikely to provide sufficient flexibility for unforeseen circumstances.
- 4.6 The Council should be identifying additional suitable sites within or adjoining Kimberley / Nuthall, to provide sufficient flexibility and protect against delay an uncertainty of delivery on large brownfield sites, otherwise it will be failing to



provide a Local Plan which is positively prepared, effective or consistent with national policy – most particularly Paragraph 14 of the NPPF and the overarching need to boost significantly the supply of housing.

- 4.7 With this in mind, it is our belief that our client's landholding at New Farm Lane, Nuthall offers the potential for development, thereby allowing for flexibility and providing adaptability should changes in circumstances occur. The site lies immediately adjoining the main built up area of Nuthall and offers an opportunity to provide for additional residential development to ensure flexibility and will help to ensure choice and competition in the market for land (as per the NPPF).
- 4.8 Given the requirements of the NPPF, which specifically requires Local Planning Authorities, when plan-making to "positively seek opportunities to meet the development needs of their area" and to ensure that Local Plans "should meet objectively assessed needs" (Paragraph 14) we consider that the Council is failing in its statutory duty, if insufficient land is allocated, thereby failing to provide for flexibility and choice.



5. SITE DESCRIPTION

- 5.1 The Site comprises approximately 2.95 hectares of agricultural grassland, which lies immediately to the north of and adjoining the main built-up area of Nuthall, Nottinghamshire. The Site is under-utilised for agricultural purposes and is being actively promoted by the landowner for residential purposes, for a potential development of up to 85 no. dwellings.
- 5.2 The landholding is incredibly well-related to the existing built framework of Nuthall, and is bound to the south by existing residential development on Holden Crescent and Ayscough Avenue, whilst to the west, the Site is also bound by residential properties on Spencer Drive. To the east, the Site is bound and defined by New Farm Lane itself, whilst to the north, the Site abuts the Great Northern Path / Broxtowe County Trail (a well-defined and broad public footpath / bridleway). In these respects, the Site is physically and visually contained and sits comfortably within a context of existing built development, whilst not extending into open countryside to the north. It is also important to note that the proposed extension to the Nottingham tram line would run directly to the north of the site along the line of the former railway, providing an even stronger defensible boundary.
- 5.3 Immediately to the south of the Site, lies the main urban area of Nuthall and Kimberley, which itself lies just to the west of the Main Built Up Area of Nottingham (as shown on Map 1 within the Publication Version Part 2 Local Plan). Nuthall and Kimberley (along with Watnall) are conjoined settlements, offering a full range of employment, education, leisure, recreational and retail facilities and services, all of which are accessible from the proposed Site by public transport or on foot / by bicycle.
- 5.4 In particular, it should be noted that there are bus stops located along Main Road, Nuthall, (just 150 metres to the south of the Site), which serve bus routes 528 and 532, operated by NottsBus Connect (Nottinghamshire County Council). These services provide regular daily access to a number of local towns and villages, including Selston, Eastwood, Underwood, Kimberley, Bulwell and Bestwood, as well as to Ikea and to Phoenix Park, at which a Park and Ride and Tram Interchange is located, providing ready access to Nottingham City Centre.



5.5 Within walking or cycling distance of the Site, are a range of local employment options, as well as all day-to-day facilities and services, including Larkfields Infant **and Junior Schools, McColl's Convenience Store, a fish and chip shop, Three** Ponds Public House, Laziza Restaurant, places of worship, public open space and a Village / Parish Hall. Also within close proximity to the Site, and accessible by Public Transport, are the secondary school and sixth form at Kimberley (The **Kimberley School), a leisure centre, cricket club, library and Sainsbury's** supermarket.



6. SITE ASSESSMENT

6.1 Based upon the above Site Description, we would like to set out the suitability and deliverability of our client's landholding for a medium scale residential development, as follows:

<u>Green Belt</u>

- 6.2 **Our client's landholding at New Farm** Lane is currently located within the Nottingham Derby Green Belt, which is given a high level of protection through National Planning Policy. It is acknowledged however, that in order to meet the ongoing housing needs of Broxtowe during the Local Plan period 2017 2028, land within the Green Belt will need to be released and allocated for residential development. It is recognised that in order to deliver the level of development envisaged, Green Belt boundaries will need to be reviewed. In doing so, and in considering the importance attached to Green Belt land, it is absolutely imperative that the revision of Green Belt boundaries around Nuthall and Kimberley is well considered and based upon a clear approach.
- 6.3 The purposes of including land within the Green Belt are set out within Paragraph80 of the NPPF. Here it is stated that there are five purposes of including landwithin the Green Belt, including:
 - To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment.
- 6.4 In applying these considerations to the Site off New Farm Lane, it is submitted that this landholding does not perform an important role in separating the built form of Nuthall from the outer edge of the Main Built Up Area of Nottingham to the east, which lies on the far side of the M1 motorway. The residential development of the proposed Site would not therefore lead to these neighbouring settlements merging into each other. Indeed, as previously stated above in Paragraph 5, the Site is well defined and contained within the existing built framework of Nuthall and does not extend beyond this framework into the open countryside beyond. In this respect therefore, the development of this Site would not result in any reduction in the gap between Nuthall and the Main Built Up Area of Nottingham these areas would not therefore be at risk of coalescence and



the development of this well-defined Site with strong defensible boundaries would not allow the unrestricted sprawl of Nuthall.

- 6.5 In addition, Paragraph 85 of the NPPF stresses that, in reviewing Green Belt boundaries, Local Planning Authorities should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent." The Site identified comprises a single arable field, which is strongly enclosed and defined by permanent and recognisable physical boundaries, including New Farm Lane to the east, existing residential development to the south and west and the Great Northern Path / Broxtowe County Trail to the north. These elements provide strong, recognisable and permanent features, which would provide long term physical and visual barriers or enclosure to the proposed development of this Site.
- 6.6 The residential development of this Site would not encroach into the open countryside and would form a logical 'rounding off' of the existing built form to Nuthall. During an earlier Local Plan Review in 2003, the Inspector considered that the Site was contained with the well-defined boundaries of the settlement, which would relate well to the existing urban form and would not constitute urban sprawl. The Inspector also considered that the development of this Site would have a lesser impact on the open Green Belt gap than the development of land further to the east (site 103).
- 6.7 The Issues & Options document 2013 contained assessments of the Green Belt boundaries within the Borough scoring them against the purposes of including land within the Green Belt and recommending areas for removal to meet the development requirements of the Core Strategy. The Green Belt Review was jointly prepared by Ashfield, Broxtowe, Gedling and Nottingham City Councils.
- 6.8 In the Green Belt Consultation Document 2015 our client's Site is within Zone 17 (East of Main Road). The review states that there is only one main boundary, a defensible boundary to the East (the disused railway and M1). Development in this zone would result in a moderate reduction between Watnall and Bulwell / Hucknall. The zone, as a whole, scores poorly in terms of assisting to safeguard the countryside from encroachment. However, as previously stated, our client's discrete parcel of land does not encroach beyond the built-up framework, is well defined with defensible boundaries, and does not extend the built form of Nuthall into the open countryside. Furthermore it does not contain any heritage assets.



- 6.9 The Green Belt Assessment scores the zone 2nd best out of the 7 parcels around the settlement, behind parcel 20 which relates to the land to the south of Kimberley around Church Hill and High Street (around sites H131 and H215 in the 2013 issues and options).
- 6.10 The accompanying Analysis of Landscape and Visual Constraints and Opportunities by Pegasus Environment includes a Green Belt Appraisal which assesses the site under the principles and criteria used in the **Council's** Green Belt Review. Given the revised scoring the site achieves it is logical that this site is considered for release.
- 6.11 With the foregoing in mind, it is our submission that the allocation of our client's Site at New Farm Lane would not conflict with any of the reasons for including land within the Green Belt, and would meet the requirements of Paragraph 85 of the NPPF. The proposed allocation of this land would not therefore lead to the possible unrestricted sprawl of Nuthall over the coming years, and therefore its removal from the Green Belt and allocation for residential development complies with National Planning Policy in respect of the protection of the Green Belt and countryside.
- 6.12 Pegasus Environment have undertaken an Analysis of Landscape and Visual Constraints and Opportunities which includes a Green Belt Appraisal and this is submitted as a supporting document to these Representations.

<u>Access/Highways</u>

6.13 Access to the Site could be readily achieved via the demolition of 29 Holden Crescent. Owing to the scale of the development envisaged on this Site, it is considered that highway capacity will not be a significant consideration or concern. It is considered that this Site could accommodate up to 85 no. dwellings, which, owing to the lack of technical constraints or any complexities in land ownership, could be achievable and deliverable during the first part of the plan period.

Access to facilities and services

6.14 As set out above, the Site has ready access to a range of facilities and services, including employment and education opportunities, without reliance upon the private car. The Site is considered to be sustainably located and offers an



opportunity to deliver sustainable development, which contributes towards the three strands of sustainability – economic, environmental and social – as set out within Paragraphs 7 and 8 of the NPPF.

Technical Considerations

- 6.15 The landowner is content to provide the requisite range of technical assessments to support the future development of this Site, including Landscape and Visual Assessment, Ecological Appraisal, Highway Statement and Drainage / Flood Risk Assessments. A Landscape and Visual Constraints and Opportunities report has been prepared and is submitted as a supporting document. The findings of the report have informed the Concept Plan (Appendix 2) for the site.
- 6.16 The Concept Plan shows how the site could deliver up to 85 new dwellings, together with landscaping, new areas of public open space and drainage areas. The Site Context Plan (Appendix 3) shows how the site sits within the wider context and shows that development of the site would represent a natural 'rounding off' of the settlement edge.



7. CONCLUSION

- 7.1 **Kimberley (including Nuthall and Watnall) is classified as a 'Key Settlement'** within the Adopted Aligned Core Strategy and as such is identified as a sustainable settlement which can accommodate future growth. The allocation of 600 no. dwellings for this location has already been established through the Core Strategy and we would therefore encourage the allocation of sufficient land to deliver this full requirement during the plan period.
- 7.2 **Our client's landholding at New Farm Lane** offers the potential to deliver a medium scale residential scheme on land which is immediately adjoining the main built up area of Nuthall and is readily accessible to the range of facilities and services within this settlement, as well as to the public transport network. The Site is suitable, achievable and deliverable in the short term, with no technical constraints or potential delays to bringing this development forward.
- 7.3 The Site has been carefully assessed against the reasons for including land within the Green Belt, as set out within the NPPF, and it is submitted that the proposed residential allocation of this Site will not result in the unrestricted sprawl of the area or the encroachment of development into the countryside. The discrete parcel of land proposed for allocation has well-defined and permanent physical and visual boundaries and sits within the existing built framework of Nuthall.
- 7.4 In order to ensure that the Broxtowe Publication Draft Part 2 Local Plan is considered sound at Examination, we believe that additional land must be allocated adjoining Kimberley / Nuthall to accommodate the objectively assessed housing needs of this area. For this reason, and based upon the credentials of **my client's landholding set out above, we urge the Cou**ncil to allocate the Site at New Farm Lane, Nuthall, for residential development.

APPENDIX 1 - SITE LOCATION PLAN



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Land at New Farm Lane, Nuthall, Nottinghamshire - Site Location Plan I Drawn by: JF/LJE | Approved by: PS | Date: 02/11/17 | Scale: 1:1250 @ A3 | DRG: P17-2056_002 Rev: A Sheet No: 01 | Client: Davidsons Developments |





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Land at New Farm Lane, Nuthall, Nottinghamshire - Site Location Plan - Aerial I Drawn by: JF/LJE I Approved by: PS I Date: 02/11/17 I Scale: 1:1250 @ A3 I DRG: P17-2056_002 Rev: A Sheet No: 021 Client: Davidsons Developments I

Key



Site Boundary 2.95Ha



Desi 🍠

APPENDIX 2 - SITE CONCEPT PLAN



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Land at New Farm Lane, Nuthall, Nottinghamshire - Concept Plan | Drawn by: JF | Approved by: PS | Date: 02/11/17 | Scale: 1:1250 @ A3 | DRG: P17-2056_001 Sheet No: 01 Rev: B | Client: Davidsons Developments |



APPENDIX 3 - SITE CONTEXT PLAN



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Land at New Farm Lane, Nuthall, Nottinghamshire - Concept Plan - Context Pegasus



LAND OFF NEW FARM LANE, NUTHALL, NOTTI NGHAMSHI RE

ANALYSIS OF LANDSCAPE AND VISUAL CONSTRAINTS AND OPPORTUNITIES

ON BEHALF OF DAVIDSONS DEVELOPMENTS LIMITED

Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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CONTENTS

| 1. | INTRODUCTION | 3 |
|----|--|----|
| 2. | APPROACH | 4 |
| 3. | LANDSCAPE AND VISUAL BASELINE | 6 |
| 4. | LANDSCAPE AND VISUAL ANALYSIS | 13 |
| 5. | PRELIMINARY DEVELOPMENT AND LANDSCAPE STRATEGY | 16 |
| 6. | GREEN BELT APPRAISAL | 19 |
| 7. | SUMMARY AND CONCLUSIONS | 27 |

FIGURES

| Figure 1 | Topography |
|----------|--|
| Figure 2 | Landscape Character |
| Figure 3 | Viewpoint Locations and PROW |
| Figure 4 | Viewpoint Photographs |
| Figure 5 | Preliminary Development and Landscape Strategy |



1. INTRODUCTION

Terms of reference

- 1.1. Pegasus Environment, part of the Pegasus Group, has been instructed by Davidsons Developments Limited to undertake a preliminary appraisal of landscape and visual matters in relation to land off New Farm Lane, Nuthall, Nottinghamshire, in support of representations (Regulation 18) being made to Broxtowe Borough Council.
- 1.2. This landscape and visual (L&V) analysis has been undertaken to determine the various landscape and visual constraints and opportunities regarding the wider site area and its context, how these might serve to influence the potential for development in respect of a strategic masterplan, and to influence an inherent landscape strategy as part of that masterplan. The L&V analysis also considers matters related to Green Belt in respect of the influence of landscape and visual aspects on informing appropriate boundaries to potential Green Belt release.
- 1.3. Additional information and a more detailed description on the physical components, landscape character and visual amenity of the site and study area are set out in later sections of this L&V analysis.

Site overview

- 1.4. The site area is located on the northern edge of Nuthall, approximately 5.7km to the north-east of the centre of Ilkeston. The site comprises a broadly rectangular area of grazing land, that is strongly contained to the south and west by the existing settlement edge, to the north by the route of a disused railway (with associated green infrastructure) and to the east by New Farm Land and additional pastoral fields beyond.
- 1.5. The wider landscape context to the site includes the settlement area of Nuthall, extending to the south and west. Agricultural land extends to the north and east with the M1 motorway corridor cutting through this part of the landscape providing some physical separation to the settlement edge of greater Nottingham (to the east). The area is characterised by a transition from the settlement edge that is well defined by the green infrastructure associated with the disused railway, to the more open arable landscape and mosaic of woodland belts/blocks.

Additional information and a more detailed description on the physical components, landscape character and visual amenity of the site and study area are set out in later sections of this L&V analysis.



2. APPROACH

Overview

- 2.1. The approach and methodology used for this L&V analysis has been developed using best practice guidance, as set out in the following documents:
 - Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment, 3rd Edition;
 - Natural England (2014) An Approach to Landscape Character Assessment; and
 - Landscape Institute Advice Note 1/11 Photography and Photomontages Guidance.
- 2.2. Reference has also been made to additional sources of data and information; these are referred to in the relevant sections of the baseline information. Supporting drawings have also been produced as part of this L&V analysis and are included as Figures 1 to 5.

Level of assessment

- 2.3. Principles and good practice for undertaking landscape and visual impact assessment are set out in the Landscape Institute (LI) and the Institute of Environmental Management (IEMA) Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013)¹.
- 2.4. The third edition of the Guidelines for Visual Impact Assessment (GLVIA3) was published in April 2013. This guidance acknowledges that landscape and visual impact assessment (LVIA) can be carried out either as a standalone assessment or as part of a broader EIA. The GLVIA3 note that the overall principles and core steps in the process are the same but that there are specific procedures in EIA with which an LVIA must comply.
- 2.5. This report has been prepared as a preliminary analysis of landscape and visual constraints and opportunities. The report addresses matters of individual landscape resources, landscape character areas/types and representative viewpoints. The L&V analysis draws on professional judgement in relation to sensitivity of receptors (both landscape and visual), the nature of impacts and consequential likely effects. This process informs judgements on a landscape mitigation strategy which will avoid, reduce or remedy adverse impacts.
- 2.6. Landscape features and elements provide the physical environment for flora and fauna and the associated importance of biodiversity assets. This L&V analysis does not consider

¹ Landscape Institute and Institute of Environmental Management and Assessment, Guidelines for Landscape and Visual Impact Assessment 3rd Edition (April, 2013)



the value, susceptibility or importance on ecology and biodiversity, nor does it consider impacts from an ecological stance.

2.7. Heritage assets such as Scheduled Monuments, Listed Buildings and Conservation Areas all contribute to the contemporary landscape character, context and setting of an area. These aspects have been given consideration in the L&V analysis in terms of physical landscape resources (for example trees and hedgerows) and landscape character. However, this L&V analysis does not address the historic significance, importance or potential impacts on heritage assets and designations; these assets are assessed in the context of landscape and visual matters only.

Collating baseline information

- 2.8. To capture a comprehensive description of the baseline position for landscape and visual receptors, information has been collated using a process of desk study and field survey work.
- 2.9. The desk study includes reference to published landscape character studies and other published policy documents relevant to landscape and visual matters.
- 2.10. Field survey work was completed during October 2017. A series of representative photographs were taken with a digital camera with a 50mm lens (equivalent focal length) at approximately 1.8 metres in height. These are presented as a series of representative viewpoints and have been used to inform both the landscape and, separately, visual assessment (included as Figure 4, Viewpoint Photographs 1 to 10).

Consideration of effects

2.11. Having established the relevant baseline position, the appraisal process then considers landscape receptors and visual receptors, specifically in response to the nature of the proposed development, it identifies the nature of potential impacts and consequently, how these can inform an iterative approach to design and mitigation.



3. LANDSCAPE AND VISUAL BASELINE

3.1. The following section describes the individual components of the physical landscape that are present in the study area. These have been described to establish an understanding of the specific landscape baseline, including individual elements and more distinctive features which together contribute to landscape character.

Landscape related designations

- 3.2. The site and study area is not subject to specific statutory or non-statutory landscape related planning designations.
- 3.3. However, in and around the site there are a several other environmental designations which have some relevance to landscape and visual matters. These include:
 - Tree Preservation Order (TPO) including four trees located on the grounds of adjacent properties, close to the southern boundary of the site;
 - Conservation Areas the closest of which is the Nuthall CA, located to the south but separated by the urban area along Watnall Road;
 - Listed Buildings Spencer House, Grade II located to the south-west of the site, off Spencer Close;
 - Ancient woodland including New Farm Wood and Seller's Wood, both to the east of the M1 and physically separated from the site; and
 - Green Belt encompassing Nuthall and extending east across the M1 up to the settlement edge of the greater Nottingham conurbation.
- 3.4. These matters are considered in the analysis of constraints and opportunities.

Physical landscape resources

- 3.5. The landform of the site is broadly level across the area but rises steadily from c. +90m AOD at the eastern edge and New Farm Lane to c. +100m AOD at the western edge and adjacent to Spencer Drive. In the context of the wider landscape, this forms part of a consistent slope that falls generally from west to east, from the higher hills that define the edge of the Giltbrook valley down, across the M1 corridor, to the settlement edge of Greater Nottingham.
- 3.6. The land use of the site is pastoral, and currently used for grazing cattle. This use is also apparent across the field pattern to the east of New Farm Lane. In the wider landscape arable land uses dominate the area, extending across the wider landscape to the north

and east. The settlement edge is largely characterised by residential areas but there are also pockets of industrial and commercial uses, including the large bakery complex, compound of the fuel supplies and the smaller scale light industrial uses off Main Road; these influence the transition between the settlement edge and the adjacent countryside.

- 3.7. Vegetation on the site is limited to the pastoral grassland. The eastern boundary is formed of a continuous and well-maintained hedgerow; the southern and western boundaries influenced by adjacent residential dwellings and the northern boundary formed by the belt of tree and scrub planting along the disused railway. In the wider landscape vegetation cover includes several medium to large scale areas of woodland, including woodland blocks and copses but also some substantial linear belts (including the alignment of the motorway and disused railway). These contribute to enclosure in some parts of the landscape but on the more elevated slopes, where arable land is predominant, the field patterns tend to be open with little hedgerow cover or enclosure.
- 3.8. The settlement pattern on this part of the urban edge is defined by the pockets of residential and industrial areas that are located to the east of Main Road (Watnall and Nuthall). The site forms a small pocket of land which, as with adjacent residential areas, is contained by the alignment and associated green infrastructure of the disused railway. As such the settlement edge is relatively well defined and the site sits within this. There are some variations which influence this at a small scale, including Redfield House (and associated farm buildings) the properties at the cattery and the 'amenity' character associated with the cemetery grounds. Together these do not necessarily extend the urban edge beyond the alignment of the disused railway, but they do have a negative influence on the condition and quality of this part of the landscape. In the wider landscape, away from the settlement edge, development is relatively sparse and the settlement pattern is characterised by incidental and more isolated properties and farmsteads.
- 3.9. There is no public access to the site. Immediately north of the site a disused railway line has been adapted for public access and is defined as a section of public bridleway. This connects to a wider network of public footpaths in the wider landscape, largely via the public footpath which leads to the north and crosses the M1. Further north the recreational route of the Robin Hood Way passes through the area; this section connecting Watnall and the southern edge of Hucknall.



Landscape character

- 3.10. Reference has been made to published guidance on landscape character for the area. The site is located in the following landscape character types/areas (refer to Figure 2, Landscape Character):
 - National Level National Character Area (NCA) 30, Southern Magnesian Limestone (Natural England, July 2013); and
 - County Level Greater Nottinghamshire Landscape Character Assessment (Nottinghamshire County Council, June 2009).

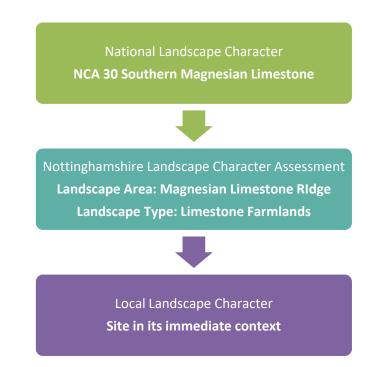


Plate 1: Summary of landscape character hierarchy

3.11. The following sections set out a summary of the characteristics relevant to the site and study area.



National landscape character

NCA 30 Southern Magnesian Limestone

- 3.12. At a national level, the site is located in National Character Area: (NCA) 30 Southern Magnesian Limestone². Where relevant to the site and its landscape context, the key characteristics of NCA 30 are summarised as follows:
 - Underlying limestone creates an elevated ridge with smoothly rolling landform; river valleys cut through the ridge, in places following dramatic gorges. There are also some dry valleys;
 - Fertile, intensively farmed arable land, with large fields bounded by clipped hawthorn hedges, creating a generally large-scale, open landscape;
 - Semi-natural habitats, strongly associated with underlying limestone geology, include lowland calcareous grassland and limestone scrub on the freedraining upland and gorges with wetland habitats associated with localised springs and watercourses, but all tend to be small and fragmented;
 - Long views over lowlands to the east and west, and most prominent in the south;
 - Woodlands combining with open arable land to create a wooded farmland landscape in places, where traditionally coppiced woodlands support dormouse populations; and
 - Influenced by the transport corridor of the A1 [and M1] which is apparent in an otherwise undisturbed rural countryside.
- 3.13. These characteristics are considered in the analysis of landscape and visual constraints.

County landscape character

Greater Nottinghamshire Landscape Character Assessment (Nottinghamshire County Council, June 2009)

- 3.14. At a County level the site is located in a landscape character area (LCA) defined as the 'Magnesian Limestone Ridge'. The guidance describes the LCA as:
- 3.15. "...the southern most part of a narrow limestone ridge that extends from Nottingham along the western edge of the County to Oldcotes, then northwards through Yorkshire to a point beyond Ripon, where the ridge disappears under a thick mantle of glacial drift. Although never more than a few miles in width, this region forms a distinct belt of rising

² Natural England, National Character Area 30: Southern Magnesian Limestone (NE464) (2013)



ground along the eastern fringe of the Yorkshire and Nottinghamshire/Derbyshire Coalfields...Within Nottinghamshire, some of these settlements have coalesced to form heavily urbanised landscapes, especially in the vicinity of Sutton-in-Ashfield and around the western outskirts of Nottingham. Elsewhere, particularly to the north of Mansfield, the settlements are more self-contained and sit within a mainly rural setting."

- 3.16. Within this broad landscape area, the site is located in a more specific landscape 'policy zone' defined as 'ML16, the Nuthall Lowland, Wooded Farmland'. The key characteristics of the policy zone, relevant to the site and its local landscape context, are described as:
 - Low-lying, gently undulating landform;
 - There are small ponds scattered through the area and a lake to the south of Nuthall, but other than this there are few hydrological features;
 - The area has an urban fringe character as it is influenced by the M1 and the urban fringes of Nottingham, Nuthall, Watnall and Hucknall, however, pockets of land with an uninterrupted rural character also exist;
 - Land use is agricultural, predominantly arable farming;
 - Field sizes are generally large and the fields have an irregular pattern;
 - The historic field pattern has been modernised and lost throughout most of the area;
 - Hedgerows are mostly in good condition and well managed, although in places severe management has lead to fragmentation;
 - There are few hedgerow trees which, in combination with large fields, gives the farmland an open character
 - Medium sized blocks of woodland are common through the area and there are blocks of ancient woodland, such as Sellers Wood...;
 - Dense, scrubby vegetation and tree planting marks the line of the M1 and although it is audible, the passing traffic is not often visible;
 - Large, isolated farms with large outbuildings are dotted through the area
 - Industrial development on the urban edges have an urbanising influence on the rural character, although views are often filtered by woodland and tree planting;
 - Views are open over the large arable fields but are restricted by the woodland blocks and planting along the M1; and
 - There are some longer distance views to the wooded slopes of the rising land to the north.
- 3.17. The guidance concludes that, for the overall policy zone, the condition and strength of character are both moderate. The relevant guidelines for the policy zone include:

- Conserve and enhance the woodland through management of maturing trees and new planting where appropriate;
- Conserve the valuable quality of the mature and ancient woodland for its landscape value;
- Enhance the condition of the hedgerows through less intensive management and replacement planting where they are fragmenting;
- Enhance the hedgerow and woodland planting surrounding the urban edges to strengthen the rural character; and
- Enhance the planting around industrial areas and business parks on the urban edges to filter view to these urban elements.
- 3.18. The benefit of the more local level assessment of the LCA over the broader NCA guidance (from Natural England) is that it undertakes the assessment of landscape character at a more detailed level. Therefore, the finer grain of analysis accounts for the context of the wider landscape and places the site in a more specifically defined area of character.
- 3.19. Matters identified in the landscape character assessment which can influence the design are considered in the landscape strategy for the site, as described later in this L&V analysis.

Visual baseline

- 3.20. This section provides a description of the nature and extent of the existing views from, towards and between the site and the surrounding area. It also includes reference to specific locations that will potentially be subject to potential impacts arising from proposed development of the site.
- 3.21. Establishing the specific nature of these views provides an understanding of the context and setting of representative viewpoints and the nature of views in terms of distance, angle of view, and seasonal constraints associated with specific visual receptors. The identification of key sensitive receptors and links to the representative viewpoint are carried forward to the appraisal process (refer to Figure 4, Viewpoint Photographs 1 to 10).

Overview

3.22. The visual envelope is the area of landscape from which a site or a proposed development will potentially be visible. It accounts for general judgements on the theoretical visibility of a site or proposed development and sets a broad context for the study area within which to address landscape and visual impacts.



- 3.23. The extent of a visual envelope will be influenced by the physical landscape components of an area, such as hedgerows, woodlands or buildings and can also be influenced by distance from a site.
- 3.24. The broad visual envelope for the site is defined as follows:
 - To the north, limited by the tree and woodland vegetation associated with the alignment of the disused railway. There are some partial/filtered views through this to the upper extent of existing built form however this is limited to the public footpath network immediately north of the site;
 - To the east, to New Farm Lane and the adjacent fields to the east, otherwise layers of existing green infrastructure and the nature of landform combine to screen views from further afield; and
 - To the south and west, restricted by the existing residential built form with receptors being limited to those properties which overlook the site currently.
- 3.25. Overall, views of the site and likely views of the proposed development are limited to the site itself and the immediate context of the site. The more sensitive locations in terms of potential visibility (and not nature of receptor) include the public footpaths to the north of the site, but only to the extent if the landscape immediately north of the settlement edge and west of the M1, as other routes are not generally exposed to views to the south. Potential visibility can be addressed through appropriate mitigation.



4. LANDSCAPE AND VISUAL ANALYSIS

Development proposals

- 4.1. As part of the Broxtowe Borough Council Part 2 Local Plan, the site is being promoted for residential development. This L&V analysis assumes an approach whereby residential development typically incorporates the residential layout, infrastructure and public open space.
- 4.2. However, this L&V analysis presents an opportunity for a 'landscape led' approach in order that the emerging residential proposals address the character and appearance of the landscape, and matters of views/visual amenity from the outset.
- 4.3. Considering landscape and visual constraints and opportunities at this early stage of the planning process will ensure that a residential masterplan for the site comes forward that integrates mitigation (including green infrastructure and open space) with the local landscape context and avoid or minimise potential impacts on landscape and visual receptors.
- 4.4. On this basis, the proposals considered as part of this L&V appraisal include the delivery of a sustainable, residential-led masterplan that is located directly adjacent to the existing settlement edge.
- 4.5. To inform judgements on the capacity of any given landscape to accommodate specific types of development (without an undue degree of landscape and visual impact) it is necessary to understand the nature and characteristics of the type of development proposed.
- 4.6. This section of the L&V analysis considers the specific type of development proposed (i.e. residential led development) and the nature of the impacts that are likely to occur; thereafter it draws the landscape and visual baseline information together and summarises the key constraints and opportunities in the existing landscape.

Likely causes of impact

4.7. Temporary impacts during construction will occur due to site clearance and accommodation works (including limited vegetation clearance where required), construction activity, construction compounds, earthworks and early phase infrastructure.

4.8. Permanent impacts relate to the built form of residential development, incorporating highways infrastructure, and likely to extend over a series of phases in the longer term. Other, positive impacts, will relate to mitigation integrated into the proposed development (i.e. green infrastructure and strategic landscaping), including retained trees, hedgerows, open space provision, SUDs and attenuation areas and new planting.

Constraints and opportunities

4.9. In the context of the likely impacts the following key constraints and opportunities have been identified during the landscape and visual analysis (including reference to field work and to landscape character guidance).

Constraints

- 4.10. Constraints for the site are:
 - The existing vegetation on and around the site, including the TPO tree on the southern boundary, eastern boundary hedgerow and vegetation immediately adjacent to the site;
 - New Farm Lane which retains a semi-rural character by virtue of the hedgerows that line the route;
 - Views along New Farm Lane to the north, where there is a perception of the change from the urban fringe, out to the adjacent countryside areas; and
 - Views into the site from existing properties located immediately adjacent to the site.

Opportunities

- 4.11. Opportunities for the site include:
 - The lack of any overriding designations specific to landscape on site and in the surrounding landscape context;
 - The scale of the site which is sufficiently large enough to accommodate a range of green infrastructure and open spaces and provide flexibility in the layout to retain and enhance existing landscape components, where appropriate;
 - Aside from locations immediately adjacent to the site, the relative containment and screening of the wider site area by existing mature vegetation and existing residential development which limits views from the wider landscape and increases the capacity of the site to accommodate built form;

- Potential improvements to accessibility through connections to the local network of PROW;
- The existing settlement pattern and the ability to proceed with a development area that is consistent with the existing settlement edge and which would not unduly intrude into the wider countryside to the north;
- The existing framework of green infrastructure which can be retained and enhanced to reinforce and enhance existing vegetation – in turn this has the potential to secure a robust and enduring boundary to the Green Belt.

Summary

- 4.12. Based on the analysis of landscape and visual constraints and opportunities, it is considered that there are two important issues in respect of strategic development potential for the site: firstly, the need to identify the extent of an appropriate 'development envelope' that can accommodate built form and infrastructure; and secondly, the need to establish a robust and enduring green infrastructure framework to balance with that.
- 4.13. Both elements can develop in response to the local landscape context which will in turn help to avoid or reduce impacts. These two aspects have largely defined the preliminary development and landscape strategy, as set out in the following section.



5. PRELIMINARY DEVELOPMENT AND LANDSCAPE STRATEGY

Overview

- 5.1. The preliminary development and landscape strategy for the site has considered landscape components, landscape character and visual amenity from the outset. This has drawn on the baseline analysis of the L&V analysis and the early identification of constraints and opportunities identified for the site and study area.
- 5.2. This puts the 'landscape-led' approach at the heart of the masterplanning and design process by:
 - Considering the relationship between this edge of Nuthall and the adjacent countryside;
 - Ensuring that landscape is the integrating framework for new development; and
 - Applying an overarching green infrastructure strategy at the outset.

Primary aims and principles

- 5.3. Adopting this approach ensures that the preliminary development and landscape strategy incorporates mitigation as an inherent component of the proposals, intending to avoid or reduce the adverse effects of a development proposal from the outset, including potential impacts on the Green Belt.
- 5.4. The principles for mitigation measures aim to:
 - Conserve and enhance the surrounding landscape character;
 - Retain and make best use of existing landscape elements and features;
 - Optimise protection and screening for visual amenity receptors; and
 - Avoid loss or damage to retained landscape elements and features (consequently also conserving and enhancing ecological fabric).
- 5.5. Together these place a particular emphasis on green infrastructure across the site (including strategic landscape planting and open spaces) and the role that landscape characteristics and green infrastructure have in determining an appropriate boundary to the Green Belt.
- 5.6. The aims and principles can be taken forward through an iterative approach to inform an evolving design process at an increasing level of detail through the planning process.



Preliminary landscape and visual strategy

5.7. The components of the preliminary development and landscape strategy incorporated into the emerging proposals are summarised in the following table.

| Strategy component | Key points |
|---|---|
| Development envelope | In relation to existing vegetation, the spatial extent of the development envelope is generally restricted across the site to maintain appropriate stand offs and avoid/minimise impacts; |
| | Potentially restrict the spatial extent in the southern part of the site to facilitate a landscape buffer between the existing and proposed areas of residential development; |
| | • A restricted northern extent to ensure that built form does appear unduly prominent in views from the north and that sufficient space is retained for green infrastructure and open space that will create a robust green edge to the site that respects and complements the existing profile of the settlement edge where seen in views from the north; |
| | A restricted eastern extent to retain some openness to the corridor of New Farm Lane and maintain visual connections between the urban fringe and wider landscape; |
| | • Shaping internal parcels of the development envelope to maintain green corridors through the site – this will break down the massing when viewed from the north and present a broken/wooded settlement context, as per the current context; and |
| | • Potential to implement a 'density strategy' across the site to ensure that areas of greater density are concentrated toward the centre and centre/south of the site. |
| Existing vegetation strategy | Retain and enhance existing vegetation across the site wherever possible, particularly existing vegetation along the eastern edge to maintain the character of New Farm Lane; |
| | Enhancement proposals to include appropriate management (such as hedge laying) and new planting as appropriate to reinforce boundaries, improve species diversity, ensure succession; and |
| | • In response to any required losses, proposed replacement and additional planting to ensure a net gain in respective vegetation type (e.g. hedgerow and/or woodland copses). |
| Green infrastructure and open space | Provision of new recreational access in the form of green links and public open spaces, particularly with connectivity along the proposed linear open space and connecting in to the surrounding network of streets and PROW; |
| | • A particular focus on green infrastructure creation on the northern part of the site so as to deliver a robust physical green edge to the settlement that supports an enduring boundary to the Green Belt; and |
| | • A strategy for landscape planting that will complement and enhance the existing green infrastructure network, including substantial hedgerows and tree groupings to provide green infrastructure connectivity. |

| Table 1: | Summary | of landscape | and visual | mitigation |
|----------|---------|--------------|------------|------------|
| | | | | |



| Strategy component | Key points |
|------------------------------|---|
| Environmental considerations | Approaches to existing vegetation and proposed green infrastructure/open space include potential compatibility with ecological and biodiversity objectives through retaining and enhancing habitats as appropriate. |
| Green Belt considerations | Use of existing and proposed landscape elements and features to define a robust and enduring boundary to the Green Belt |

5.8. It is considered that, with an appropriate approach to mitigation and the implementation of a robust landscape and green infrastructure strategy, a residential masterplan on the New Farm Lane site will be well contained both physically and visually and will show clear defensible boundaries. Consequently, the degree of impact on the landscape character of the wider landscape context, and on visual receptors will be highly localised and is considered to be acceptable in landscape and visual terms.



6. GREEN BELT APPRAI SAL

Overview of Green Belt matters

- 6.1. The site is currently located within the area designated as Green Belt. In relation to Green Belt the NPPF states that:
- 6.2. "...The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."
- 6.3. The NPPF also highlights the five purposes that Green Belt serves:
 - To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.4. Green Belt is not a landscape designation and it does not consider landscape character or other matters such as intrinsic value of landscape character or components. However, the impact on 'openness' of the Green Belt is closely related to landscape and visual considerations, as are the matters of incursion into the countryside (sprawl) and physical and visual coalescence (merging).
- 6.5. This L&V analysis includes reference to local landscape character and visual amenity and identifies constraints and opportunities for the site which are then considered throughout the design process and contribute to good design.
- 6.6. This illustrates how the process of L&V analysis can respond to the requirements of the NPPF through an iterative process of design and masterplanning.

Green Belt Policy for Broxtowe Borough

6.7. The development plan for Broxtowe Borough includes the adopted Local Plan Core Strategy (Part 1)³. The Core Strategy addresses Green Belt at Policy 3, which states that:

³ Broxtowe Borough, Gedling Borough, Nottingham City, Aligned Core Strategies Part 1 Local Plan (adopted September 2014)



6.8. *"3. In reviewing Green Belt boundaries, consideration will be given to:*

a) the statutory purposes of the Green Belt, in particular the need to maintain the openness and prevent coalescence between Nottingham, Derby and the other surrounding settlements;

b) establishing a permanent boundary which allows for development in line with the settlement hierarchy and / or to meet local needs;

c) the appropriateness of defining safeguarded land to allow for longer term development needs; and

d) retaining or creating defensible boundaries."

6.9. The connection between Green Belt and landscape and visual matters is highlighted by the reference to establish 'permanent boundaries' as this aspect will often be related to the physical components of the landscape.

Strategic Analysis

- 6.10. The evidence base to the Core Strategy includes 'The Greater Nottingham and Ashfield Green Belt Assessment Framework'⁴. This document sets out how the relevant authorities have found that there is insufficient land available within the exiting built-up area to meet the objectively assessed need for housing. The Councils have therefore been duty bound to look beyond existing settlement boundaries to accommodate future housing needs. This will inevitably lead to development of green field sites and sets the context for potential release of land from the Green Belt.
- 6.11. In terms of the site, the evidence base has considered the area in early stages of the Strategic Housing Land Availability Assessments (SHLAA). The 2011/12 SHLAA for the Borough identifies the site within parcel/site 105 (which incorporates the site and land to the east of New Farm Lane also). The SHLAA site assessment for 105 includes reference to 'the defensible physical boundary'. The subsequent SHLAA (2012.13) also notes that 'the site could be suitable if policy changes'. There are no comments on landscape and visual constraints, adverse or otherwise.
- 6.12. Another document in the evidence base is the 'Preferred Approach to Site Allocations (Green Belt Review)'⁵. This defines a strategic area for assessment, identified as 'Zone 17

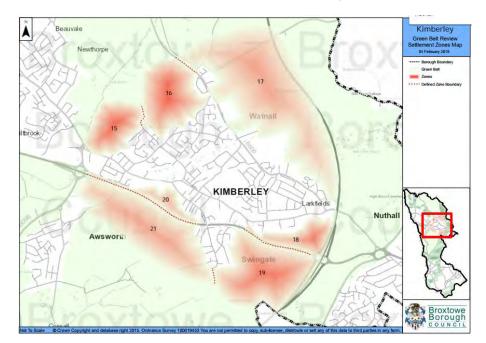
⁴ Greater Nottingham and Ashfield Green Belt Assessment Framework (February 2015)

⁵ Preferred Approach to Site Allocations (Green Belt Review) Consultation (February 2015)



– east Kimberley, east of Main Road'. Broadly, the zone extends from the settlement edge, up to the corridor of the M1 motorway and across to the edge of Watnall/Nuthall (Plate 1). The site forms only a small part of this wider zone, located to its southern tip and adjacent to the urban edge.

Plate 1: Extract from the Green Belt Review showing Zone 17, north of the site



6.13. The Green Belt Review scores the wider zone as a '11' of a potential maximum of 20 in overall Green Belt terms (noting that 'higher scoring sites are generally the most important in Green Belt terms') (Plate 2).

Plate 2: Extract from the Green Belt Review showing the scores for Zone 17

| Area | Parish | Scores for F | Scores for Purpose/ Impact | | | |
|--|-------------------------|---|---|---|---|----|
| | | Check the unrestricted sprawl of settlements | Prevent neighbouring settlements from merging into one another | Assist in safeguarding the countryside from encroachment | Preserve the setting and special character of historic settlements | |
| Zone 15: North of Gilt Hill | Greasley & Kimberley | 3 | 4 | 4 | 1 | 12 |
| Zone 16: North of High Spania | Creasley & Kimberley | 3 | 3 | 5 | 1 | 12 |
| Zone 17: East of Main Road | Greasley & Nuthall | 3 | 3 | 4 | 1 | 11 |
| Zone 18: Vicinity of Temple Lake | Nuthall | 2 | 4 | 3 | 4 | 13 |
| Zone 19: East of Park Avenue / Knowle Lane | Nuthall & Kimberley | 4 | 4 | 5 | 2 | 15 |
| Zone 20: South of Church Hill & High Street | Kimberley | 2 | 2 | 3 | 2 | 9 |
| Zone 21: West of Swingate | Kimberley | 4 | 5 | 4 | 1 | 14 |

6.14. This indicates that the wider Zone does not perform a strong or important role in Green Belt terms given its mid-range score.

- 6.15. Further information for the evidence base on Green Belt matters is presented in the report by AECOM, the Landscape and Visual Analysis of Potential Development Sites⁶. This report undertakes a scoring and ranking exercise, utilising a system of 'green for go, amber for caution and red for stop'. The site is included within parcel/site LS32, which again includes the land to the east of New Farm Lane.
- 6.16. This study finds that site LS32 has an 'amber' rating for landscape value, with all other considerations (landscape value, susceptibility and sensitivity) stated as 'green'.
- 6.17. The study concludes that site LS32 is potentially developable based on its landscape sensitivity/capacity and goes on to rank it as second in Nuthall and seventh overall in the Borough.
- 6.18. On balance, the strategic studies that form part of the evidence base for the Borough identify that the current contribution of the site (and that of the local landscape context) to the purposes of Green Belt is limited.
- 6.19. This is considered further in the following sections which looks at the site in its local landscape context, rather than the more strategic assessment of Zone 17 (as set out in the Green Belt Review). For consistency, the following analysis draws on the principles and criteria used in the Green Belt Review (Plate 3).

⁶ Landscape and Visual Analysis of Potential Development Sites, AECOM on behalf of Broxtowe Borough Council (January 2017)



| NPPF Purpose of the Green Belt | Assessment Criteria |
|--|--|
| To check the unrestricted sprawl of large built-up areas ¹ | The extent to which the site/location is contained by existing built-up areas, and therefore the extent to which development would 'round off' these areas. |
| | The extent to which the site/location is contained by physical features which can act as defensible boundaries, e.g. motorways, roads, railways, watercourses, tree belts, woodlands and field boundaries. |
| | The extent to which the site/location appears to be visually connected with existing built-up areas, taking into account topographical features. |
| To prevent neighbouring towns ¹ merging into one another | The extent to which development would reduce the size of the gap between settlements. |
| | The extent to which development would result in the perception of reducing the gap between settlements. |
| To assist in safeguarding the countryside from encroachment | The extent to which the site/location contains inappropriate development. |
| | The extent to which the character of the site/location is 'urban fringe' as opposed to 'open countryside'. |
| To preserve the setting and special character of historic towns ¹ | The degree of harm that may be caused to the setting or special character of the settlement, taking into account designated and non-designated heritage assets such as Conservation Areas, Listed Buildings, Historic Parks and Gardens, Scheduled Monuments or important heritage features. |
| To assist in urban regeneration, by encouraging the recycling of derelict and other urban land | It is considered that all land in the Green Belt assists in urban regeneration to the same extent and therefore no criteria are proposed to distinguish between the values of various sites/locations. |

| Plate 3 [,] | Green | Belt | review | considerations |
|----------------------|-------|------|--------|----------------|
| riate J. | Oreen | Den | | considerations |

To check the unrestricted sprawl of large built-up areas;

- 6.20. In terms of 'sprawl' the site is surrounded to the west and south by existing residential development and to the north by a strong belt of existing green infrastructure. On it's eastern edge, the site is defined by hedgerow vegetation and also the alignment of New Farm Lane which forms a physical boundary.
- 6.21. In the form considered in this L&V appraisal, proposed development on the site will not be prominent in the local landscape, and where views of proposed built form are available these will be consistent with the existing appearance of the settlement edge which is characterised by tree and woodland belts with occasional and partial views through to a varied building line. Furthermore, the extent of sensitive visual receptors is limited to part of a single public footpath as it approaches the settlement edge.
- 6.22. As such the site is considered to be physically and visually contained and proposed development will be consistent with the character and appearance of the settlement edge.

6.23. With reference to the previous scoring of Zone 17 in the Green Belt Review, the site is smaller in scale and more enclosed that the wider agricultural land that forms much of the zone. The site has 'two or more boundaries adjoining the settlement, rounds off the existing settlement pattern and is well contained by strong physical features which can act as defensible boundaries. On this basis, it is likely that the site would score a '1' in relation to 'unrestricted sprawl' rather than a '3' as per the wider area of Zone 17. This would reduce its overall score further, reducing from 11 to 9.

To prevent neighbouring towns merging into one another;

- 6.24. Proposed development on the site will not result in the physical or perceived merging of settlement. The site forms a localised infill of the settlement edge, contained by existing residential built form on two sides and by a clearly defined belt of green infrastructure along its main boundary with the adjacent countryside. Consequently, there will be no perception of a reduction in gap between this edge of Nuthall and the closest settlement edge which is at Hucknall (over 2km to the north) or the urban edge of Nottingham (over 1km to the east); both of which are located to the east of the M1 corridor.
- 6.25. As per the consideration of 'sprawl' the Green Belt Review considers coalescence/merging on the basis of the wider Zone, the site forming a far smaller and discreet parcel. On the basis of the strong containment by the existing green infrastructure along the disused railway (augmented by proposed open space and landscaping on the site) the site would not reduce the size of the gap between settlements to the north (i.e. between Nuthall/Watnall and Bulwell/Hucknall). As such, it is considered that the Green Belt Review score for this element would reduce from '3' to '1'. Combined with the reduction in the score for 'sprawl' the overall score would reduce from '11' to '7'.
- 6.26. This revised scoring is also likely to have implications for the scoring and associated ranking as set out in the AECOM report, potentially increasing the ranking of the site in this context.

To assist in safeguarding the countryside from encroachment;

6.27. The site has the capacity to accommodate development that will not be unduly prominent in the local or wider landscape, this will limit perceptions of encroachment. This is due to the nature of the existing green infrastructure on the northern boundary of the site which comprises a mature belt of trees and woodland.



To preserve the setting and special character of historic towns

6.28. With reference to 'preserving the setting and special character of historic towns', there is no inter-visibility between the proposed development and Nuthall Conservation Area and therefore, in landscape and visual terms, there will be no associated impact.

Green Belt strategy

- 6.29. In accordance with the NPPF, Green Belt boundaries should be defined clearly, using physical features that are readily recognised and likely to be permanent.
- 6.30. This L&V analysis, and the process of its preparation, have informed the emerging proposals and illustrative masterplan for the site, a key consideration being the nature and appropriateness of the interface between the potential development and the adjacent countryside.
- 6.31. This is reflected through the analysis of constraints and opportunities and subsequent development of the preliminary development and landscape strategy (refer to Table 1).
- 6.32. The preliminary development and landscape strategy for the site illustrates how landscape and visual matters have informed the emerging proposals, placing landscape and visual considerations at the outset of the masterplanning and design process.
- 6.33. Such an approach includes incorporated mitigation that inherently addresses the interface between the settlement edge and the wider countryside and how this can influence prospective amendments to the Green Belt boundary.
- 6.34. The indicative Green Belt edge, in connection with the emerging proposals, includes proposals for retention and enhancement of the existing Green Infrastructure on the edge of the site (refer to Figure 5, Preliminary Development and Landscape Strategy):
- 6.35. Consequently, the use of existing landscape components to guide the landscape strategy and subsequent augmentation of these components can define an appropriate, robust and enduring boundary to the Green Belt.

Summary

6.36. The potential conflict of the proposals with aspects of Green Belt policy will be limited to the site itself, a matter which will be common to the majority of sites put forward for release. In the wider landscape context, the proposed development will not conflict with the purpose or function of the Green Belt. This is due to the settlement edge location of



site, the characteristic of the proposed development, and very limited landscape and visual impact.

6.37. However, to maintain the contribution of the site to Green Belt purpose, the proposals include a substantial area of open space and green infrastructure to supplement and enhance the existing green infrastructure along the disused railway line which, together, will define an appropriate, robust and enduring boundary to the Green Belt.



7. SUMMARY AND CONCLUSIONS

Overview

- 7.1. This report has been prepared to consider constraints and opportunities in respect of landscape and visual matters.
- 7.2. The L&V analysis identifies the key constraints and opportunities present on the site and surrounding landscape with the analysis, in the context of the specific nature of the type of development being considered, informing the inherent proposals for landscape mitigation.
- 7.3. The development consequently incorporates a landscape mitigation strategy which will avoid, reduce or remedy adverse impacts.
- 7.4. These over-arching principles set the framework for the areas which are proposed for development. Each of these can be subject to a greater level of detail regarding masterplanning to identify additional detailed considerations through the planning process.
- 7.5. Given the scale of development required, any location for growth in the Borough is likely to result in some harm in relation to landscape and visual matters and also likely to require release of Green Belt land.
- 7.6. However, this analysis shows that the site can accommodate a sensitively designed residential scheme with only limited landscape and visual effects at a localised level and that such impacts can successfully be avoided or reduced through effective mitigation.
- 7.7. Effects on landscape character will occur at a site level and its immediate landscape context and have little influence on the wider character of the wider landscape context to Nuthall; the existing character of the settlement edge can be maintained and the proposals would not be unduly prominent in the wider landscape.
- 7.8. The nature of visual effects is such that the greatest degree of effect will be from locations directly adjacent to the site; from the wider countryside, the effects will be much reduced due to the limited visibility, existing context of the settlement edge and mitigation inherent in the proposed development which, over time, will help to integrate the proposed development into the landscape.
- 7.9. The preliminary development and landscape strategy aims to maintain and enhance the existing green infrastructure network and provide a series of proposals for existing and

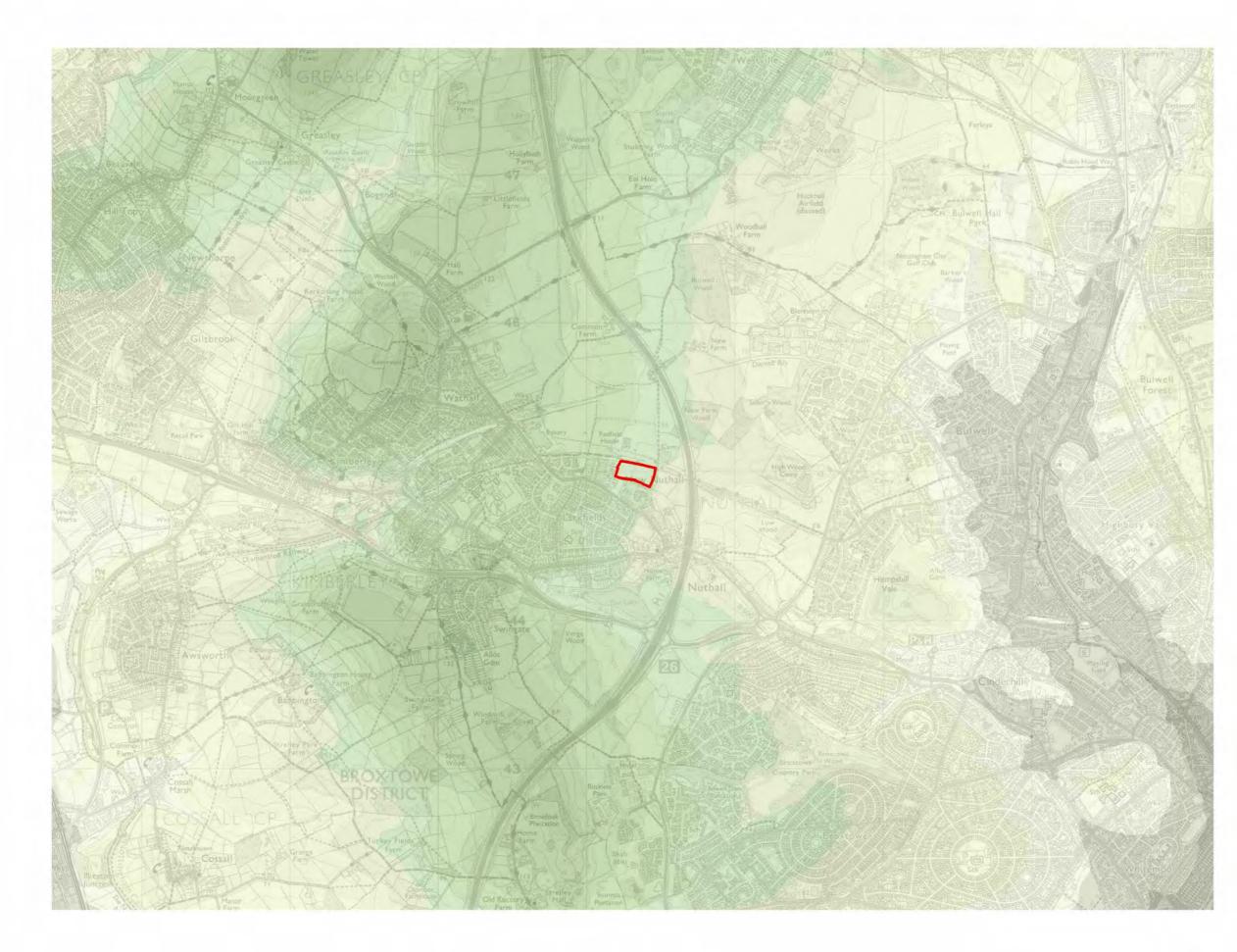


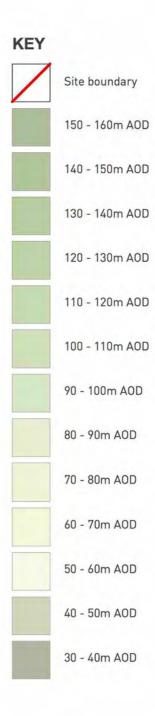
green infrastructure and open space that respond to local landscape characteristics such as landform, field boundaries, tree belts etc; all physical and enduring features in the landscape.

7.10. Consequently, the use of existing landscape components to guide the landscape strategy and subsequent augmentation of these components can set an appropriate, robust and enduring boundary to the Green Belt.



FIGURES





Land off Holden Crescent, Nuthall, Nottinghamshire DAVIDSONS DEVELOPMENTS LTD

Fig. 1: Topography

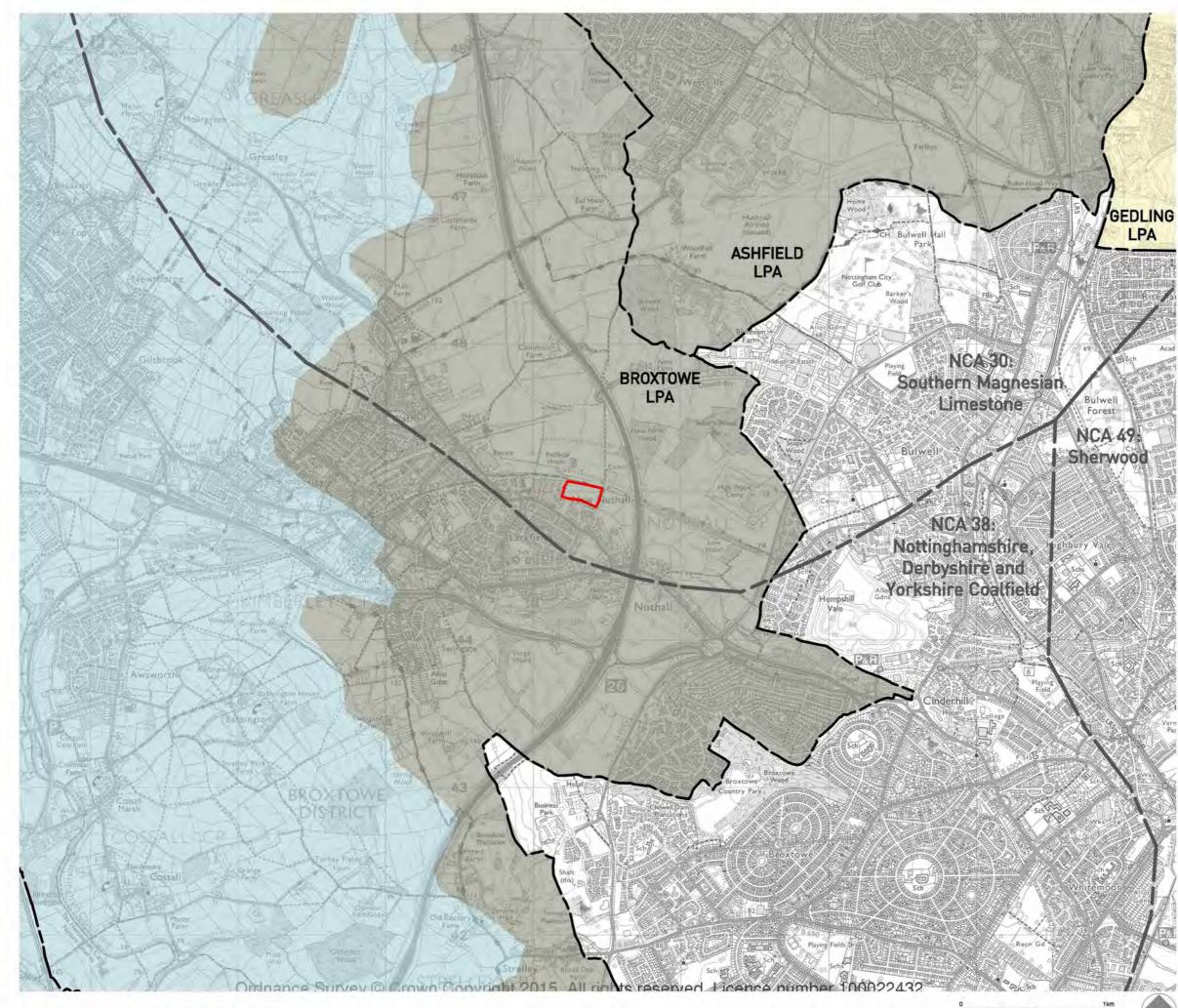
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Drawing no. : P17-2056_01 : 20/10/2017 : 1 : 25000 @ A3









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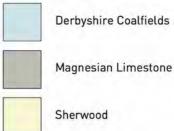


Site boundary

LPA boundary

NCA boundary

Nottinghamshire County Council Landscape Character Assessment: Landscape Areas



Land off Holden Crescent, Nuthall, Nottinghamshire DAVIDSONS DEVELOPMENTS LTD

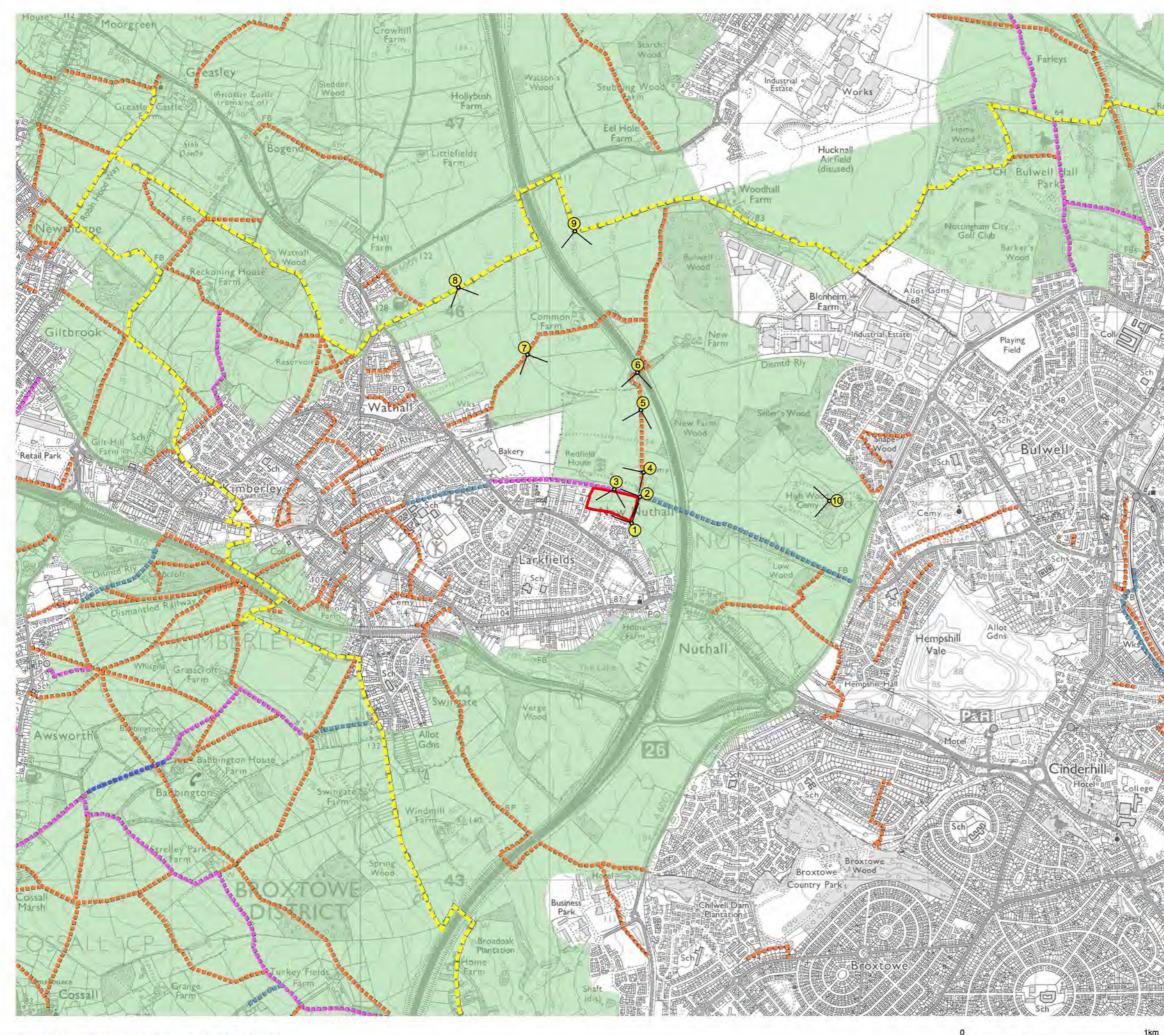
Fig. 2: Landscape Character

Date Drawn by Checked by : JWA Scale

N

Drawing no. : P17-2056_02 : 20/10/2017 : JT : 1 : 25000 @ A3





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6

N

Play







Viewpoint locations



Public footpath



Public bridleway



Other routes with public access



Recreational route

Green Belt

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Fig. 3: Viewpoint Locations and Public Rights of Way

Drawing no. : P17-2056_03 Date : 20/10/2017 Drawn by : JT Checked by : JWA Scale : 1 : 20000 @ A3



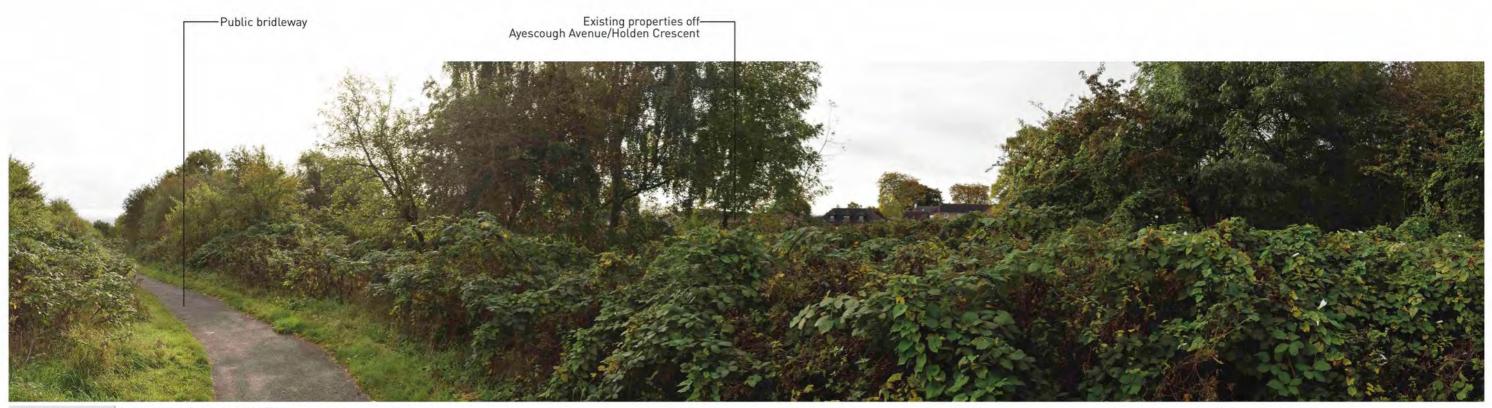


| Viewpoint 1 | View looking north-west from New Farm Road. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51424 44881 |
| Approx elevation | +90m AOD |
| Distance to site | On site boundary |



| Viewpoint 2 | View looking south-west from the public footpath adjacent to the cemetery. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51473 45023 |
| Approx elevation | +90m AOD |
| Distance to site | On site boundary |

Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs



| /iewpoint 3 | View looking south-west from New Farm Road. | |
|------------------|--|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) | |
| Date | 10th October 2017 | |
| Approx grid ref | SK 51347 45063 | |
| Approx elevation | +93m AOD | |
| Distance to site | On site boundary | |



| Viewpoint 4 | View looking south from the public bridleway that runs along the disused railway. |
|------------------|---|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51483 45157 |
| Approx elevation | +91m A0D |
| Distance to site | c. 130m |

Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs



| Viewpoint 5 | View looking south from the public footpath at a relatively elevated vantage point at the M1 crossing. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51483 45507 |
| Approx elevation | +96m AOD |
| Distance to site | c. 450m |



| Viewpoint 6 | View looking south from the public footpath , close to the M1 corridor. |
|------------------|---|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51480 45686 |
| Approx elevation | +96m AOD |
| Distance to site | c. 640m |

Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs



| Viewpoint 7 | View looking south-east from the public footpath between Common Farm and the settlement edge. |
|------------------|---|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 50879 45771 |
| Approx elevation | +109m AOD |
| Distance to site | c. 790m |



| Viewpoint 8 | View looking south from the Robin Hood Way recreational route, east of the M1. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 50531 46145 |
| Approx elevation | +116m AOD |
| Distance to site | c. 1.3km |

Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs





| Viewpoint 9 | View looking south-east from the Robin Hood Way recreational route, east of Watnall. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51137 46417 |
| Approx elevation | +105m A0D |
| Distance to site | c. 1.4km |

Comms mast-



| Viewpoint 10 | View looking west from High Wood Cemetery. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 52469 44992 |
| Approx elevation | +81m AOD |
| Distance to site | c. 1km |

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Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs

Drawing Ref: P17-2056_04 Client: DAVIDSONS DEVELOPMENTS LTD Date : 01/11/2017 Pegasus Drawn by : JT Environment Checked by : JWA





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Site boundary

Potential development envelope

Green infrastructure and open space



Potential planting

Potential pedestrian connections



Views from 'gateway' to rural context retained



Poor quality pedestrian 'junction'



Linear open space and robust edge to green belt

New Farm Lane has rural context;

avoid hedgerow losses





4

Possible landscape edge along southern boundary; width as appropriate

Landscaped frontage to Spencer Drive

Land off Holden Crescent, Nuthall, Nottinghamshire DAVIDSONS DEVELOPMENTS LTD

Fig. 5: Preliminary Development and Landscape Strategy

 Drawing no.
 : P17-2056_05

 Date
 : 20/10/2017

 Drawn by
 : JT

 Checked by
 : JWA

 Scale
 : 1 : 1250 @ A3





Broxtowe Part 2 Local Plan



Agent

Please provide your client's name TAYLOR & BURROWS PROPERTY

Your Details

| Title | |
|--|-------------------------------|
| Name | |
| Organisation (if responding on behalf of the organisation) | Phoenix Planning (UK) Limited |
| Address | |
| | |
| | |
| Postcode | |
| Tel. Number | |
| E-mail address | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

If you would like to be contacted by the Planning Policy Team regarding future consultations.

Please tick here $\sqrt{}$

Please help us save money and the environment by providing an e-mail address that correspondence can be sent to: As above

For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocations Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non-designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 31: Biodiversity Assets Policy 32: Developer Contributions | | |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | The Evidence base, in particular the deliverability o upon the proposed Housing trajectory as set out in | | ntially based |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | Νο |
|---|---------------------------------------|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | Х |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | х | |
| It is not effective | x | |
| It is not positively prepared | х | |
| It is not consistent with national policy | x | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

Table 4 provides a housing trajectory which is supposed to illustrate the intended delivery of housing sites across the Plan period.

Para 47 of the NPPF, which seeks to boost significantly the supply of housing, requires local planning authorities to:..

"for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target".

Unfortunately, the table clearly indicates that it is little more than a mathematical exercise aimed at suggesting the above requirements will be met to some degree. However:

- 1. In their own submission, the Council accept that it won't be until 2020/21 that they will actually 'pay back' the undersupply to that date.
- 2. Having averaged only 138 pa over the last 5 years, they suggest that the next 5 will average 708pa, an improvement of around 520%.
- 3. They suggest that within 4 years the level of building will have reached 1,009pa, which would appear wildly optimistic to say the least.
- 4. The stepped rises of the housing, from a proposed 398 next year, through 447,711,1009, and 975, allows the Council to claim that they will have a 5 year housing supply, but such a change in build rates lacks any credibility.

Concern over the individual deliverability of sites will be addressed elsewhere. However, regardless of that, there is no basis to believe that such a steep rise in development rates, could be achieved. The Council is not focussed on a significant amount of high rise development (which is itself would raise questions of deliverability), but generally is looking at housing developments of up to 40dwph. In such circumstances to suggest such a phenomenal change in circumstances is beyond belief.

Therefore, it is considered that the Plan is not sound as it fails to meet the following tests in an acceptable manner.

1. Positively Prepared: To meet the test the plan must be able to show it is based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, in a manner consistent with achieving sustainable development. The sites selected, and the many previously permitted, do not show a positive approach to achieve the immense step change that the Trajectory in Table 4 is suggesting will occur.

2. Justified: There is no justification given for how such a step change as suggested will actually be achieved. The Council is not indicating a significant change in policy or approach which would turn around the current under delivery to the significant levels forecast.

3. Effective: The fact that the Trajectory that they have manufactured to suggest that the Plan will be effective is so clearly unbelievable undermines the potential for the Plan to be effective.

4. Consistent with national policy: As outlined above, it is not considered that the Plan does meet the NPPF guidance in relation to this issue.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

The Plan should be withdrawn and a realistic trajectory produced based on providing the sort of Greenfield sites in attractive areas that the market is seeking. The trajectory is unfortunately simply a very clear indication that the Council cannot radically change its housing deliver without radically considering the marketability and developability of its sites.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | |
|--|--------------|--|
| Yes, I wish to participate at the public examination | \checkmark | |
| No, I do not wish to participate at the public examination | | |

If you wish to participate at the public examination, please outline why you consider this to be necessary

This is a crucial issue that goes to the very heart of the Plan and its soundness. It is a matter that needs to be fully discussed and understood by all interested parties.

I would further suggest that it needs to be evaluated as part of a pre-hearing session, before proceeding with a full examination.

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 public examination.

Guidance Note:

Please complete a **separate form** for **each representation** you wish to make.

'Legally Compliant':

If your response relates to <u>the way in which the plan has been prepared</u>, then this is likely to relate to whether it or not it is 'Legally Compliant'. To be 'Legally Compliant', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to <u>the way in which we have worked with other authorities</u> then this is likely to relate to the '**Duty to Co-operate**'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the <u>content</u> of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is 'justified', 'effective', has been 'positively prepared', and is 'consistent with national policy'. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- **'Justified':** This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- **'Effective':** This means that the Local Plan will deliver what it sets out to. If you think that what we are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not our Local Plan is 'effective'.
- **'Positively Prepared':** This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 'Consistent with National Policy': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing <u>policy@broxtowe.gov.uk</u>.



Broxtowe District Council Council Offices Foster Avenue Beeston Nottingham NG9 1AB

SENT BY E-MAIL AND POST

3rd November 2017

Dear Sir / Madam

BROXTOWE LOCAL PLAN PART 2 PRE SUBMISSION CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following representations and in due course attend the Broxtowe Local Plan Part 2 Examination Hearing Sessions.

The scope of the Broxtowe Local Plan Part 2

The Broxtowe Local Plan Part 2 sets out detailed planning policies that will work with the strategic policies set out in the adopted Aligned Core Strategy (ACS) including specific polices for development management and the allocation of non-strategic development sites.

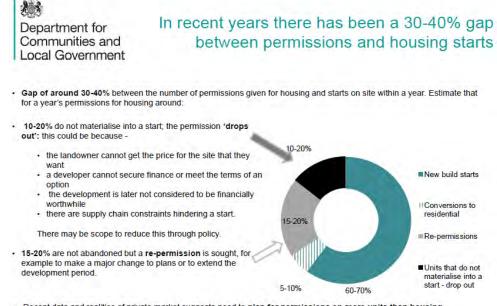
Site Allocation Policies

Overall Housing Land Supply (HLS)

The ACS sets out the overall spatial strategy for the District and this vision is rolled forward in the Local Plan Part 2. The purpose of the Local Plan is to allocate sufficient non-strategic sites to meet the housing requirement of at least 6,150 dwellings for the District to 2028. Accordingly under **Policies 3 – 7** and **11** fifteen non-strategic housing sites are allocated for circa 2,636 dwellings which comprise :-

- Policy 3 : main built up area site allocations for circa 1,779 dwellings on 8 sites (Policies 3.1 – 3.8);
- Policy 4 : Awsworth site allocation for land west of Awsworth for 250 dwellings (Policy 4.1);
- **Policy 5** : Brinsley site allocation for land east of Brinsley for 110 dwellings (**Policy 5.1**);
- Policy 6 : Eastwood site allocation for 200 dwellings & 30 extra care units (Policy 6.1);
- Policy 7 : Kimberley site allocations for 167 dwellings on 3 sites (Policies 7.1 – 7.3);
- **Policy 11** : The Square Beeston Square for 100 dwellings.

A **housing trajectory** is included in Table 4 in which the Council is showing a HLS of 6,747 dwellings against a housing requirement of 6,150 dwellings. Since the adopted housing requirement is a minimum figure it should not be treated as a maximum ceiling to restrict overall HLS and prevent sustainable development from coming forward. The Council is referred to the DCLG presentation slide from the HBF Planning Conference September 2015 (see below). This slide illustrates 10 - 20% non-implementation gap together with 15 - 20% lapse rate. The slide also suggests "the need to plan for permissions on more units than the housing start / completions ambition". It is acknowledged that this presentation slide shows generic percentages across England but it provides an indication of the level of flexibility within the overall HLS that the Council should be providing. The Council's contingency of 597 dwellings (9.7%) is below the recommendations of DCLG therefore it is unlikely to provide sufficient flexibility for unforeseen circumstances.



 Recent data and realities of private market suggests need to plan for permissions on more units than housing start/completion ambition.

Extract from slide presentation "DCLG Planning Update" by Ruth Stanier Director of Planning - HBF Planning Conference Sept 2015

5 Year Housing Land Supply (YHLS)

The 5 YHLS is a snap shot in time which can change very quickly. The following analysis addresses matters of principle rather than detailed site

specific analysis. The HBF's preferences for the calculation of a 5 YHLS are a Sedgefield approach to shortfalls as set out in the NPPG (ID 3-035) with a 20% buffer applied to both the annualised housing requirement and any shortfall. The Council's latest 5 YHLS calculation is set out in the SHLAA Report 2015/16. The Council has provided calculations using both a Sedgefield / Liverpool approach to shortfalls and 5% / 20% buffers. The Council is proposing Sedgefield and 20% buffer as the most appropriate. The HBF agrees with this proposal. However the Council is not applying the buffer to the shortfall. The HBF disagrees with this approach. The Council is referred to the following :-

- the Warwick Local Plan Examination Inspector's letter dated 1st June 2015 (paragraph 41);
- the letter dated 10th August 2015 from the Inspector examining the Amber Valley Local Plan;
- the West Dorset Weymouth & Portland Joint Local Plan Inspector's Final Report dated 14th August 2015 (paragraphs 85 & 86);
- Herefordshire Local Plan Inspector's Final Report dated September 2015 (para 48);
- Gloucester, Cheltenham & Tewkesbury Joint Core Strategy Inspector's Interim Report dated 31st May 2016;
- Forest of Dean Site Allocations Plan Inspector's Interim Report dated 24 June 2016;
- West Somerset Local Plan Inspector's Final Report dated 14 September 2016.

The Council's 5 YHLS calculation using Sedgefield and 20% buffer is only 3.6 years which will be even lower when the buffer is applied to the shortfall as well as the requirement. The Local Plan Part 2 cannot be sound if the Council cannot demonstrate 5 YHLS on adoption of the Plan. Furthermore the 5 YHLS should be maintainable throughout the plan period. As a consequence of not having a demonstrable 5 YHLS policies for the supply of housing in the adopted ACS will also be deemed out of date.

The HBF do not comment on the merits or otherwise of individual sites therefore our representations are submitted without prejudice to any comments made by other parties on the deliverability of specific sites included in the overall HLS, 5 YHLS and housing trajectories. Both the Council's overall HLS and 5 YHLS assumes that all of the allocations in the Plan will be found sound. However, the soundness of individual allocations will be discussed throughout the course of the Examination. If any are found to be unsound these will need to be deleted from the deliverable / developable supply accordingly. It is also essential that the Council's assumptions on lead-in times, lapse rates and delivery rates for sites are realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council using historical empirical data and local knowledge.

The small site windfall allowance of 195 dwellings in the 5 YHLS is considered too high. If the windfall allowance is applied throughout 5 year period there is

a risk of double counting in the early years. It is only reasonable to include a windfall allowance in the later years of the 5 YHLS.

It is also noted that the Council has applied an 8% non-implementation allowance in the 5 YHLS but it is unclear if a similar allowance has been applied to the overall HLS.

It is obvious that further site allocations are required to provide a greater overall HLS contingency and a 5 YHLS on adoption of the Plan. Therefore to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range of demand. This approach is also advocated in the Housing White Paper because a good mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector.

The Council should also consider the allocation of developable reserve sites together with an appropriate release mechanism as recommended by the Local Plan Expert Group (LPEG). The LPEG Report proposed that "the NPPF makes clear that local plans should be required not only to demonstrate a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement, as far as is consistent with the policies set out in the NPPF" (para 11.4 of the LPEG Report).

If further information on HLS becomes available the HBF may wish to submit further comments in written Hearing Statements and during oral discussions at the Examination Hearing Sessions.

Development Management Policies

Policy 15 : House size, mix and choice

If the Local Plan is to be compliant with the NPPF development should not be subject to such a scale of obligations and policy burdens that viability is threatened (paras 173 & 174). The residual land value model is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on viability. Therefore it is important that the Council understands and tests the influence of all inputs on the residual land value as this determines whether or not land is released for development. The Harman Report highlighted that "what ultimately matters for housing delivery is whether the value received by land owners is sufficient to persuade him or her to sell their land for development".

Bullet Points (1), (2) & (3) propose differential affordable housing provision on allocated and unallocated sites subject to viability. These are :-

- On allocated sites of 10+ dwellings in Awsworth, Bramcote, Brinsley, Stapleford & Toton and any site in the Green Belt 30% or more affordable housing provision ;
- On Kimerley allocated site 20% or more affordable housing provision ;
- On unallocated C2 & C3 sites in sub-markets of Beeston 30% or more, Eastwood 10% or more, Kimberley 20% or more & Stapleford 10% or more affordable housing provision.

The Council should be mindful that the cumulative burden of policy requirements are not set so high that the majority of sites are only deliverable if these sites are routinely rather than occasionally negotiated on the grounds of viability. The Nottingham Core Viability Update Study (September 2013) is now somewhat out of date. As set out in the NPPG (ID 12-014) "when approaching submission if key studies are already reliant on data that is a few years old they should be updated to reflect the most recent information available". The adopted ACS proposed 30% on sites of 15+ dwellings. The Council has provided no new evidence to support the proposals set out in **Policy 15**. There is no up to date evidence justifying the differentials or site thresholds. It is not evidenced that lower site thresholds or C2 sites are viable. The policy is also worded such that these percentage provisions are minimums which should be deleted.

In **Bullet Point (6)** the word "size" should be deleted from the policy title and bullet point so there is no conjecture that the Council is seeking to adopt the Nationally Described Space Standard (NDSS).

Bullet Point (7) proposes that on sites of 10+ dwellings at least 10% of dwellings are Building Regulation M4(2) compliant. The Written Ministerial Statement dated 25th March 2015 stated that "the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG". If the Council wishes to adopt the higher optional standards for accessible & adaptable homes the Council should only do so by applying the criteria set out in the NPPG (ID 56-005 to 56-011). All new homes are built to Building Regulation Part M standards so it is incumbent on the Council to provide a local assessment evidencing the specific case for Broxtowe which justifies the inclusion of the optional higher standard of M4(2) for accessible / adaptable homes in its Local Plan policy. If it had been the Government's intention that evidence of an ageing population justified adoption of M4(2) then the logical solution would have been to incorporate the standard as mandatory via the Building Regulations which the Government has not done. M4(2) should only be introduced on a "need to have" rather than "nice to have" basis.

Bullet Point (8) proposes that on sites of 20+ dwellings the Council will seek at least 5% self / custom build. The HBF supports self and / or custom build in principle for its potential additional contribution to overall housing supply where this is based on a positive policy approach to increase the total amount

page 5

of new housing development and to meet an identified and quantified selfbuild housing need. Such positive policy responses include supporting development on small windfall sites as well as allocating more small sites. It is not evident that the Council has assessed such housing needs in its SHMA work as set out in the NPPG (ID 2a-021) whereby the Council should collate from reliable local information the local demand for people wishing to build their own homes. It is not known the number of people who have registered on the Council's Self Build Register. So there is no publically available evidence to justify the Council's proposed policy approach of seeking selfbuild plots on all housing sites of more than 20 dwellings. Furthermore the Council has not undertaken any viability assessment of this policy proposal. The NPPG confirms that "different types of residential development such as those wanting to build their own homes ... are funded and delivered in different ways. This should be reflected in viability assessments" (ID 10-009). The Council's proposal is a restrictive policy which provides no additionality to land supply but merely changes house construction from one to another type of builder. It is suggested that the Council gives further consideration to the practical workings of **Bullet Point (8)** including the implications on responsibilities under health & safety legislation, working hours, length of build programmes, etc. The Council should also refer to the East Devon Inspector's Final Report dated January 2016 which expresses reservations about the implementation difficulties associated with this sort of policy. In para 46 the Inspector states "However, I don't see how the planning system can make developers sell land to potential rivals (and at a reasonable price)". If self build / custom build plots are not developed the Council has proposed no mechanism by which these dwellings may be developed thereby effectively removing these dwellings from its HLS which is unjustifiable in the current circumstances where the Council cannot demonstrate a 5 YHLS on adoption of the Local Plan Part 2.

Policy 17 : Place-making, design & amenity

Bullet Points (2) & (3) require developments of 10+ dwellings to be assessed under Building for Life 12 and to achieve a score of 9 or more greens. The HBF is supportive of the use of Building for Life 12 as best practice guidance to assist Local Planning Authorities, local communities and developers assess new housing schemes but it should not be included as a Local Plan policy requirement which obliges developers to use this tool. The use of Building for Life 12 should remain voluntary. The reference to Building for Life 12 should be removed from **Policy 17** to the supporting text. The requirement for 9 or more greens is also a misinterpretation of the use of Building for Life 12.

Policy 20 : Air quality

Bullet Point (2) is a vaguely expressed aspiration. It is doubtful if this aspect of the policy can be effectively implemented.

Policy 26 : Travel Plans

Policy 26 and its supporting text are contradictory. The policy requires submission of Travel Plans for all housing sites of 10+ dwellings but the

justification (para 26.1) states the requirement is applicable to only nonallocated sites. Even if the policy is amended to apply explicitly to nonallocated sites Travel Plans should only be required if there is an identified impact to warrant such a requirement.

Policy 27 : Local Green Space

The HBF would question if the proposed Local Green Space designation under **Bullet Point (3)** is appropriate. The area identified on the accompanying map is extensive. This designation could be construed as a redesignation as Green Belt by another name via the back door.

Policy 32 : Developer Contributions

As stated in the NPPF the use of planning obligations should only be considered if it could make unacceptable development acceptable (para 203). Furthermore planning obligations should only be sought which meet all of the tests set out in the NPPF (para 204). It should be clear that any improvements to existing facilities is related to the proposed development and it is not rectifying an existing deficiency.

If any of the above mentioned **Policies** are modified then the HBF may make further comments in Hearing Statements and orally at the Examination Hearing Sessions.

Conclusion

The purpose of the Broxtowe Local Plan Part 2 is :-

- the allocation of non-strategic sites to meet the housing requirement set out in the adopted ACS ;
- the provision and maintenance of a 5 YHLS ;
- the setting out of detailed development management policies.

The Plan is unsound (not positively prepared, unjustified, ineffective and inconsistent with national policy) because the Plan fails to :-

- provide sufficient flexibility in the overall HLS ;
- demonstrate a 5 YHLS on adoption ;
- set appropriate policy requirements in **Policies 15, 17, 20, 26, 27 & 32**.

It is hoped that these representations are helpful in informing the next stage of the Broxtowe Local Plan Part 2. If you require any further assistance or information please contact the undersigned.

Yours faithfully







www.gladman.co.uk

Broxtowe Borough Council

By email to: policy@broxtowe.gov.uk

Dear Sir or Madam,

Re: Broxtowe Local Plan Part 2

Gladman Developments Ltd. (hereafter referred to as "Gladman") has considerable experience in the development industry across a number of sectors including residential and employment land. This letter provides the response of Gladman to the current consultation held by Broxtowe Borough Council (BBC) on the Local Plan Part 2 (LPP2).

The LPP2 will help to deliver housing required in Broxtowe over the plan period. To ensure this is achieved, the Plan should distribute housing to a range of sites that will distribute housing to a range of sites that will **support the Plan's strate**gy, provide sustainable locations for development and ensure housing is delivered. To address situations where housing does not come forward as expected, the LPP2 should ensure that it allows for flexibility in order to ensure a five year supply of deliverable housing sites can be maintained over the course of the plan period.

Local Plan Part 1

The Local Plan Part 1 (LPP1) specifies the overall spatial strategy for growth and allocates strategic sites. As well as the spatial strategy it sets the housing requirement for the borough. Whereas the emerging LPP2 is intended to deal with non-strategic allocations and more detailed development management policies.

Local Plan Part 2

Site Allocations

In allocating sites the Council should be mindful that to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. Whilst some SUEs may have multiple outlets, in general increasing the number of sales outlets available means increasing the number of housing sites. So for any given time period, all else been equal, overall sales and build out rates are faster from 20 sites of 50 units than 10 sites of 100 units or 1 site of 1,000 units. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range

of demand. In summary a wider variety of sites in the widest possible range of locations ensures all types of house builder have access to suitable land which in turn increases housing delivery.

Five year housing land supply

The Council must ensure that it is able to demonstrate a rolling five year housing land supply over the plan **period in order to be compliant with the Framework and meet fully the needs of the Borough's communities** and support the economic prospects of the wider area. It is important that the Council uses realistic delivery rates in its housing land supply. On average, annual delivery rates should be in the region of around 30 dwellings per annum per developer acting on site.

Gladman are of the view that the housing land supply calculation for Broxtowe Borough should include a 20% buffer to take into account the previous persistent under-delivery of housing within the borough. The Council should also plan to ensure that any shortfall is made good within the first 5 years of the plan in line with the PPG¹. Based on the Council's latest 5 year housing land supply assessment (5YHLS) the Council is only able to demonstrate 3.6 years. However, the approach advocated by the Council is inappropriate, the buffer should be applied to the annual requirement after the undersupply since the start of the plan period has been added. As such, this would further reduce the Council's housing land supply position.

In light of the above it is evident that additional housing land is required to ensure that upon adoption of the Plan the Council is able to demonstrate a robust 5YHLS position.

Policies

Policy 15: Housing Size, Mix and Choice

The above policy seeks to impose the optional technical standards for new homes as set out in the 2015 Written Ministerial Statement. The Council should ensure that it is able to demonstrate robust evidence on viability and whether this is actually achievable across the entire plan period and its consideration on viability of the Plan as a whole in terms of delivering the above policy and what effects it may have on other elements of the policy 15 i.e. the provision of affordable housing.

Further, it is noted that the above policy also seeks to secure at least 5% of housing above 20 dwellings to be in the form of serviced plots for self-build development. In this regard, whilst the government is committed to increasing home ownership through a variety of means such as the provision of starter homes, it is important that the Council is able to demonstrate robust evidence of need which is notably lacking from the Council's SHMA.

Notwithstanding the above, Gladman take this opportunity to point out that the provision of starter homes should nonetheless be considered equivalent to the provision of affordable housing and not in addition to. This is quite clearly the Government's intention and is intended to be reflected through amendments to the definition of affordable housing contained in the Framework.

Policy 17: Place-making, Design and Amenity

Whilst noting the importance of design, Gladman do not consider that it is appropriate to place a mandatory **requirement on all sites of 10 or more dwellings to be required to score 9 or more 'greens' in the Building for** Life 12 or equivalent. The reason for this is that some developments may not be able to meet certain criteria simply due to their location or site characteristics. As such, this policy could have the negative consequence of stifling future development opportunities.

Policy 22: Minerals

¹ PPG Reference ID: 3-035-20140306

The above policy appears to be overly onerous and seeks to prevent development from sterilizing mineral resources to meet longer term need. Paragraph 143 of the Framework states that in preparing local plans, local planning authorities should set out policies to encourage the prior extraction of minerals, where practicable and feasible, if it necessary for non-mineral development to take place. Gladman acknowledge the importance of mineral assets, but is of the view that the local policy framework that relates to this must clearly set out that this will be suitably balance against competing development needs rather than a blanket approach that would seek to prevent the delivery of sustainable growth opportunities.

Policy 23: Proposals affecting designated and non-designated heritage assets

This policy relates to all heritage assets according to their significance. This policy should go further so that it recognises that there are two separate balancing exercises which need to be undertaken for designated and non-designated heritage assets. Paragraph 132 – 134 of the Framework relate specifically to designated heritage assets and highlight that the more important the asset the greater the weight that should be attached. Paragraph 135 of the Framework relates specifically to non-designated heritage assets and the policy test that should be applied in these instances is that a balanced judgment should be reached having regard to the scale of any harm and the significance of the heritage asset.

Policy 27: Local Green Space

Paragraph 77 of the Framework sets out the following in terms of when it is appropriate or not to designated land as Local Green Space (LGS). It states that:

"The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- Where the green space is in <u>reasonably close</u> proximity to the community it serves;
- Where the green area is <u>demonstrably special</u> to a local community and <u>holds a particular local</u> <u>significance</u>, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
- Where the green area concerned is a local in character and is not an extensive tract of land." (emphasis added)

The PPG provides further guidance on the designation of LGS and states:

"There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space Designation should only be used where the green area concerned is not an extensive tract of land. <u>Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name." (emphasis added)</u>

In light of the above, Gladman question the justification of introducing the LGS as defined on map 61 which appears to be an extensive tract of land and therefore does not meet the tests required by the Framework.

Conclusions

Gladman have highlighted a number of concerns through these representations. This includes the lack of nonstrategic allocations and the inconsistent approach with regards to several policies with the requirements of the Framework. Gladman believe that further allocations are required to ensure the borough's housing needs are met in full and that an appropriate trigger mechanism is required to ensure that remedial action will be taken should monitoring indicate that the Plan is not enabling the level of development that is required to meet the needs of the area. Gladman also take this opportunity to request that we are afforded the opportunity to participate at the public hearing sessions at the Examination in Public to discuss the issues raised.

Yours faithfully,

wg

3 November 2017

SWC/TC/HG0913

Broxtowe Borough Council Foster Avenue Beeston Nottingham NG9 1AB

Dear Sir/Madam

PART 2 LOCAL PLAN: PUBLICATION CONSULTATION, SEPTEMBER 2017

WYG is instructed by Peveril Homes and UKPP (Toton) Limited in relation to land and planning matters on the area allocated for development at Toton.

Introduction

The site was identified as a Strategic Location for Growth in the Greater Nottingham Aligned Core Strategy (adopted September 2014), and now benefits, in part, from an outline planning consent (reference 12/00585/OUT) approved on 01 July 2016 for the following form of development:

"Outline planning application with points of access to be determined for a mixed-use development incorporating a maximum of 500 dwellings, 380 sqm convenience store, two 95 sqm retail outlets, education floor space (maximum 2,300 sqm), day nursery (maximum 450 sqm), pub/restaurant, an 80 bed residential care facility, open space, plot for medical surgery (0.04 hectares), plot for community use (0.08 hectares), highways, drainage, removal of electricity pylons and overhead cables, erection of terminal pylon, demolition of 316 To**ton Lane and associated infrastructure."**

A reserved matters application has subsequently been made for phase 1 of the site, in relation to the construction of 282 dwellings, including highway and drainage infrastructure and public open space (reference 17/00499/REM).

Policy 2 of the Core Strategy establishes the parameters for development of the whole site, and the extant outline consent and subsequent phase 1 reserved matters submission demonstrates a clear commitment for the scheme to be brought forward. Whilst Peveril/UKPP acknowledge that the Part 2 Local Plan policies should take forward the Core Strategy policy and comment on the Part 2 policies below, in legal terms the reserved matters submission must be compliant with the outline planning permission and conditions attached.



creative minds safe hands



Local Plan Part 2

Policy 3.2 of the Publication Local Plan Part 2 relates to the strategic location for growth as identified by Policy 2 of the Aligned Core Strategy. However, as currently drafted, the policy does not fully reflect the requirements of the Aligned Core Strategy, and neither does it take account of the principles established by the extant outline planning permission.

The Core Strategy requires the strategic location for growth to deliver a minimum of 500 homes, alongside 18,000sqm of employment floor space, 16ha of green infrastructure and the safeguarding of land for both tram and vehicular access routes (from the A52) to the HS2 station site. With particular regard to the green infrastructure proposed, it is important to emphasise that the need identified for a **'buffer zone' on the southern side of the allocated site and a corridor running west to east should not** be regarded as a buffer zone (Policy 28) for amenity purposes. It should be regarded as a green corridor for public access to be available. Therefore, the extent of this corridor as shown on the **Council's indicative Master Plan** needs to be reconsidered. The corridor will be a functional green space that primarily provides an attractive but well observed, by natural surveillance, corridor from Toton Lane (and potentially Chetwynd barracks to the south east) to the HS2 Station Hub. That can be achieved in a lit corridor 10 metres wide.

The extant outline consent relates to the delivery of up to 500 houses, but on only part of the wider strategic location for growth. In contrast, Policy 3.2 of the Local Plan Part 2 refers only to the delivery of 500 homes within the plan period on the strategic location for growth as a whole, without mention of any additional housing required from the site either within or beyond the plan period. This is repeated in paragraph 3b.10 of the supporting text which provides the following aspiration for the site:

"500 housing units provided as part of a high quality mixed use development with a **minimum net density of 40 dwelling per hectare.**"

The wording of Policy 3.2 is considered to be overly restrictive, as it will not realise the Core Strategy's objective of 500 homes being the <u>minimum</u> amount required at the strategic location for growth, nor provide the flexibility required for the long-term development of this important site. Ensuring the ability for further housing to be brought forward on land beyond that subject to the extant outline consent will maximise the benefits of development in this highly sustainable location, and reduce the extent to which further Green Belt release is required in other, less desirable locations. This is discussed further in relation to housing delivery matters below.

Policy 3.2 also seeks to introduce a minimum net density for 40 dwellings per hectare (dph) for the site. This is at odds with all other proposed housing sites set out in the Local Plan Part 2, none of which have a prescribed density set out in their respective policies. Rather, Policy 15: Housing Size, Mix and Choice requires all developments to provide "*an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the Borough are met*". It is considered that this is the correct approach to be taken at Toton, and no site-specific density policy should be applied.

Such an approach would also ensure consistency with the extant outline consent for part of the site, which seeks to deliver housing at a net density of approximately 31dph. This principle was established by the indicative masterplan and the Design and Access Statement which accompanied the application, with an informative applied to the decision notice specifically to ensure that the design concept and principles from the Design and Access Statement are adhered to in any subsequent reserved matters



submission. Thus, more weight should be given to the density approved as part of the outline consent of 31 dph, and the policy requirement for a minimum net density of 40 dph should be removed.

Housing Delivery

As illustrated by the housing trajectory in Table 4 of the Local Plan Part 2 consultation document, housing delivery rates in the first 6 years of the plan period have provided only 50% of the housing requirement for Broxtowe Borough, representing a significant level of slippage against the delivery rates anticipated by the Core Strategy. In contrast, the revised trajectory included in the Local Plan Part 2 publication consultation document forecasts annual completions rising to over 1,000 units by the year 2020/21, against an average delivery rate of only 137 per annum in the plan period to date. This provides a clear rationale for the Local Plan Part 2 adopting as flexible an approach as possible to ensuring that deliverable housing sites are brought forward for development.

The sources of supply shown in Table 4 of the consultation document aggregate the sites together in broad locations, split between SHLAA sites and allocations, but without a detailed breakdown provided of the delivery rates anticipated from individual sites. There is no inclusion of the specific housing delivery rates anticipated at Toton and this should be corrected.

In more general terms – and reflecting the concerns expressed by the HBF – the housing trajectory that is included in Table 4 of the Part 2 Plan claims that the Council can achieve a land supply of 6,747 dwellings against an overall requirement to 2028 of 6,150 dwellings. This provides very little room for non-delivery of allocated and committed sites within the plan period, and does not take full account of the level of lapse rates which are typically seen for housing sites. **This means in Peveril/UKPP's view** that the Part 2 Plan does not allocated enough land for housing and should promote the quick release of allocations and existing commitments.

Even if delivery were to come forward as anticipated by the Council, it would still only provide the local planning authority with a supply of approximately 5.02 years for the period 2017-2022 (as reported to the Jobs and Economy Committee on 26 January 2017). This is a very marginal position with a surplus of only 11 dwellings/0.3%, which does not allow for any element of slippage or flexibility in the delivery of housing for the remainder of the plan period.

In light of the local authority's recent track record for delivery, and allowance for the level of delay and non-delivery typically seen for housing sites, it is clear that the approach currently proposed in the Local **Plan Part 2 does not provide a sufficiently robust position to ensure that the Borough's housing needs** can be met within the current plan period, or that a 5-year supply can be demonstrated upon adoption. Additional land must be identified for housing, and increasing the flexibility of the allocation at Toton will ensure that more housing can be delivered in this highly sustainable and deliverable location without a need for additional Green Belt release.

Masterplan and Proposed Uses

In addition to maintaining the established principle that 500 homes should be the minimum to be delivered from the wider site, the Local Plan Part 2 policy should ensure sufficient flexibility for a variety of uses to be brought forward across the strategic location for growth at Toton. As set out in **representations submitted on behalf of Peveril Securities Ltd to the Council's consultation** *Toton Consultation on Strategic Location for Growth in the Vicinity of the Proposed HS2 Station* (letter from



Signet Planning dated 23 November 2015), this should include the potential for the delivery of additional housing on land east of Toton Lane, alongside a wide variety of other uses across the site.

The range of uses should be extended to provide greater flexibility. Furthermore, the uses should be expressed with reference to the Use Classes Order.

If the Council restricts uses East of Toton Lane to Leisure/Education hub uses only, then it will not maximise the sustainable credentials of this site. The potential uses need to include:

- 1. A1, A2, A3, A4 and A5
- 2. B1 a) and b)
- 3. C1
- 4. C2
- 5. C3
- 6. D1
- 7. D2

This will enable this area to respond positively to the future needs of the locality with a minimum of 500 houses in the Strategic Location for Growth and 800 houses at Chetwynd Barracks.

The Council should also reassess the need for a wide green "corridor" along the southern boundary of the land East of Toton Lane; such a corridor is excessive in terms of its function, it fails to efficiently and effectively use non green belt land in a highly sustainable location and could make a comprehensive development unviable. The point of access is fixed by virtue of the consented development to the west of Toton Lane and the Master Plan, as proposed by the Council, would leave no development value to the south of its route.

Given the likely difficulties in meeting the housing requirement both for the plan period to 2028 and also the ongoing five-year land requirement, the maximum allocation should be made in the Toton area for more land for housing. In addition, there appears to be no justification as to why the Japanese Water Gardens adjacent to Bardills is not excluded from the Green Belt. The case for its exclusion in **accordance with paragraph 89 of the NPPF in Peveril'**s view clearly exists. With particular regard to the site boundary illustrated on Map 30, the red line should be extended on the northern boundary to encompass the land currently occupied by the Japanese Water Gardens. This area is contiguous with the adjacent land to the south and east, but is bound to the north by an existing belt of tall, mature trees. This existing physical feature together with the strong hedge line provide a more logical new Green Belt boundary, as required by paragraph 85 of the Framework, and will enable the comprehensive redevelopment of land which it is unnecessary to keep permanently open.

The Council should therefore re-think the approach to the development of the remainder of the Toton area with an emphasis more on housing provision (including land to the east of Toton Lane) and not including land in the Green Belt that does not fulfil the Green Belt purposes. In reconsidering the disposition of land uses with the emphasis on housing, it will be recalled that the OPUN design review of the masterplan was supportive of new housing being located close to the southern access into the Peveril/UKPP land. Thus Peveril/UKPP object to the approach being taken to the Toton site in the context of the overall Core Strategy objectives.

Given the timescales involved in the delivery of HS2 and the associated station at Toton, it is impossible at this early stage to know how the area will function in the longer term. Maximising flexibility is



therefore essential in ensuring the success of the strategic location for growth, whilst also ensuring that shorter-term needs can also be met.

I trust these representations are of assistance, and will be taken into account. If you have any queries or require any additional information then please do not hesitate to contact me.

Yours faithfully for WYG Planning

Director



Broxtowe Borough Council

Part 2 Local Plan (Publication Version) Written Representations

On behalf of Philip Turton

November 2017



Quality Control

| Project No. | P&DG/13.039 | | | | | |
|----------------|----------------------------------|---|-------------|---------------|--|--|
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Contents

| 1 | Introduction and Executive Summary | 1 |
|---|--------------------------------------|---|
| 2 | Policy 2: Site Allocations | 2 |
| 3 | Policy 7: Kimberley Site Allocations | 3 |
| 4 | Conclusion | 6 |



1 Introduction and Executive Summary

- 1.1 This statement of written representations is made on behalf of our client Philip Turton in response to Broxtowe Borough Council's consultation on the proposed Part 2 Local Plan (Publication Version).
- 1.2 We welcome the opportunity to respond to this stage of consultation on the Local Plan and recognise the critical importance of establishing an appropriate, legally compliant and sound policy framework for Broxtowe at this point of Local Plan process. As such our comments are structured around relevant policy areas and focus on relative soundness and legal compliance of the emerging Local Plan document.
- 1.3 These representations have direct regard to land south of 121 Kimberley Road, Nuthall which is identified as site number 218 in the most recent 2015/16 SHLAA document where the site is considered both developable and deliverable.
- 1.4 We make these representations in the context of seeking to work with the Council both now and in the future to ensure that an effective and deliverable plan for Broxtowe is achieved.
- 1.5 In summary, we find a large number of the proposed modifications sound and warrant our support. However, we hold concerns around the proposed housing supply trajectory, particularly in relation to the Kimberley (including Nuthall) area. In its current form the housing supply will likely raise questions of soundness during the emerging Local Plan public examination. Therefore, we consider further resolution is needed to diversify and enhance the range of specifically deliverable, allocated sites in order to enhance the housing land supply across Broxtowe and in Kimberley.



2 Policy 2: Site Allocations

- 2.1 In principle Policy 2: Site Allocations is considered **sound** as it directly supports the provision of new homes against the identified need for 6,150 new dwellings in Broxtowe over the life of the Local Plan. The allocation of sites is absolutely critical in the adoption of a plan-led approach in line with paragraph 196 of the National Planning Policy Framework ('NPPF'). This is particularly whereby the designation of land for development through Local Plans provides significantly enhanced land owner and developer confidence in bringing forward sites for development.
- 2.2 As such the Part 2 Local Plan should be seen as a critical tool in supporting market confidence in housing delivery and, in turn, boosting the number of sustainable new homes delivered.



3 Policy 7: Kimberley Site Allocations

- 3.1 Kimberley (including Nuthall) is designated as a key settlement and therefore identified as suitable for growth in the 2014 Aligned Core Strategy. Therefore, Kimberley is allocated a distributed target to deliver 600 dwellings as a part of Broxtowe's spatial hierarchy. The prompt delivery of these 600 dwellings will be critical in addressing the overall need for housing in Broxtowe.
- 3.2 The need for all forms of new housing across the country is well documented and is supported in the 2012 National Planning Policy Framework ('NPPF'). It indicates that providing the housing supply to meet the needs of current and future generations is a key aspect of sustainable development and the plan making process.
- 3.3 In light of this housing need, the identified supply of housing in Kimberley is considered **unsound** on the basis that it is not justified on current evidence and fails to be effective in the positive delivery of new homes. In particular the proposed housing trajectory for Kimberley represents an over reliance on SHLAA sites which, although reflecting an indicative trajectory of housing supply, do not offer the same level of specificity and deliverability as site allocations. We refer also in this instance to Table 4: Housing Trajectory on p.75 of the Part 2 Local Plan.
- 3.4 The Part 2 Local Plan is required to act as the delivery tool for Broxtowe's adopted spatial growth strategy and as such site allocations form an essential part of this. However, only three housing sites are allocated in the Kimberley area delivering a total of 167 dwellings. This reflects a modest 27% contribution to the 600 dwellings required in Kimberley. Notwithstanding wider site allocations across Broxtowe a robust housing supply is still required for the Kimberley area. This is to allow identified local housing need to be properly addressed and in the interests of delivering fully the adopted spatial strategy.
- 3.5 Further site allocations through the Part 2 Local Plan will provide significantly enhanced land owner and developer confidence in bringing sites to market and subsequently developed. This in turn will enhance the provision of new dwellings and boost the supply of much needed housing. Site allocations also reduce the level of more speculative development proposals and work in the interests of pursuing a robust, plan-led approach to the housing delivery. In the absence of this approach site delivery is liable



of becoming more *ad hoc* in nature, which then presents the risks of ongoing shortfalls in the delivery of new dwellings.

- 3.6 The current deficit in housing land and delivery shortfall across Broxtowe only makes this context more pressing. This is highlighted in the most recent SHLAA document which states that the Council can only evidence 3.6 years' worth of housing land supply for the period April 2017 and March 2022. In addition, and to be factored into the five-year housing land supply position, is the current delivery shortfall of 956 dwellings. In order to enhance housing delivery and boost the supply of both housing and associated land we consider it critical for the Council to pro-actively make further allocations. Also, the housing land supply needs to be refined in order to reflect a wider range of achievable, sustainable and deliverable sites. As such, providing more market flexibility and choice.
- 3.7 We note in paragraph 7.2 that '*it is considered that there are exceptional circumstances* [in Kimberley] *required to amended the boundary of the Green Belt to allow residential development.*' Whilst this conclusion is considered acceptable in principle in the interest of enhancing housing delivery we also draw attention to sites such as our client's. The site to the south of 121 Kimberley Road, Nuthall is within the existing urban area and is identified as suitable, deliverable and available within the life of the Part 2 Local Plan. As such it is a sequentially beneficial and sustainable site. This is particularly important in the context of high local land restraint where 65% of Broxtowe is designated as Green Belt land.
- 3.8 Although we support the identification of the land in the SHLAA as a part of the housing trajectory for Kimberley, we also consider that the additional allocation of this site would contribute to a more robust housing supply. As such enhancing the reasoned justification and effectiveness of the emerging Part 2 Local Plan, which will be critical in assuring soundness at examination.
- 3.9 Our client is willing landowner, and there is active developer interest in bring the site forward. There are no significant physical or policy constraints to its development. The site measures 0.9 hectares and is considered suitable for up to 30 dwellings, as such it would be similar in scale to the Policy 7.3 'Eastwood Road Builders Yard' allocation for 22 dwellings.



- 3.10 The site comprises vacant and underutilized land. As such its development is wholly consistent with the regeneration and urban concentration aims of the adopted policy framework and allocation would subsequently reduce pressure on speculative Green Belt or greenfield development in the Kimberley area.
- 3.11 The site is outlined in Figure One below:





4 Conclusion

- 4.1 As outlined within this statement we consider that there are areas of the emerging Part2 Local Plan that contain a number of sound proposals that warrant our support.
- 4.2 However, we reserve concerns over the proposed housing trajectory position for the Kimberley area and the need to meet the locally designated housing target in light of its status as a key settlement in the Borough. This statement has outlined why the current housing trajectory for Kimberley, in its current form, is unsound. Given the degree of non-compliance with the tests of soundness contained in the NPPF we consider that the Part 2 Local Plan should be modified to address the matters raised prior to adoption. This should include an enhancement to the range and choice of sustainable site allocations included as a part of the housing trajectory.



Planning and Design Group (UK) Limited



BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION

Representations by OXALIS PLANNING on behalf of W.WESTERMAN LTD

- 1.1 These representations have been prepared on behalf of W. Westerman Ltd who have a number of land interests in Broxtowe. W. Westerman Ltd have serious concerns about the soundness of the Plan, particularly in relation to the approach to housing delivery. These concerns are set out below.
- 1.2 The NPPF requires Local Planning Authorities to plan positively to ensure the delivery of the area's 'minimum' housing requirements and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the NPPF.
- 1.3 It is unclear from Policy 2 of the proposed Plan how the Government's requirements regarding housing delivery will be met. It can be seen from the Housing Trajectory at Table 4 of the Plan that Broxtowe has a significant housing supply shortfall and a persistent history of under delivery. Within this context it is essential that the Council are able to provide certainty regarding the delivery of housing. For the reasons set out below it is considered that the Plan fails to do this and is therefore unsound.
- 1.4 The need for flexibility or the identification of 'reserve sites' is not unusual but is particularly pertinent to Broxtowe because of its historical under performance, the number of sites carried forward from the 2004 Local Plan and the uncertainty regarding the key strategic sites. It is W.Westerman's view that a number of the sites proposed to be allocated by the Council will fail to be delivered and others are likely to be delayed such that the numbers assumed to be delivered will not be met. Individually a number of sites should not be counted towards delivery targets given their uncertainty. However the collective impact of so many complex and uncertain sites must also be addressed through the allocation of additional land.
- 1.5 In terms of strategic sites this uncertainty includes:
 - a. Land at Boots, which although the site has permission continues to be complex with significant delivery uncertainties.
 - b. Severn Trent land which is a former sewage treatment works with associated complexities of decontamination and remediation. Housing delivery on the site is therefore highly uncertain.
 - c. Chetwynd Barracks: A current and active Ministry of Defence site. Whilst the MOD have indicated that the site may become available for redevelopment, no firm committed dates are set out and the timing of any closure is subject to change. There remains a potential for a significant delay to the closure of the site or a cancellation. Delivery is highly uncertain therefore.
 - d. Toton: Whilst planning permission exists on part of this site, that permission conflicts with the vision for the site as set out in Policy 3.2. The supporting text to this Policy is confusing and ill-conceived. It is based largely on the East Midlands HS2 Growth Strategy Document published in September 2017. It includes the statement in relation to the vision for the Toton that

'It will also require higher densities than those currently subject of an extant Outline Planning Consent for the site and this will need careful consideration by Broxtowe Borough Council as the Local Planning Authority.' (Page 20).

Whilst this implies the potential for greater housing numbers in the long term it brings onto question the deliverability of the extant consent and housing delivery in the short to medium term.

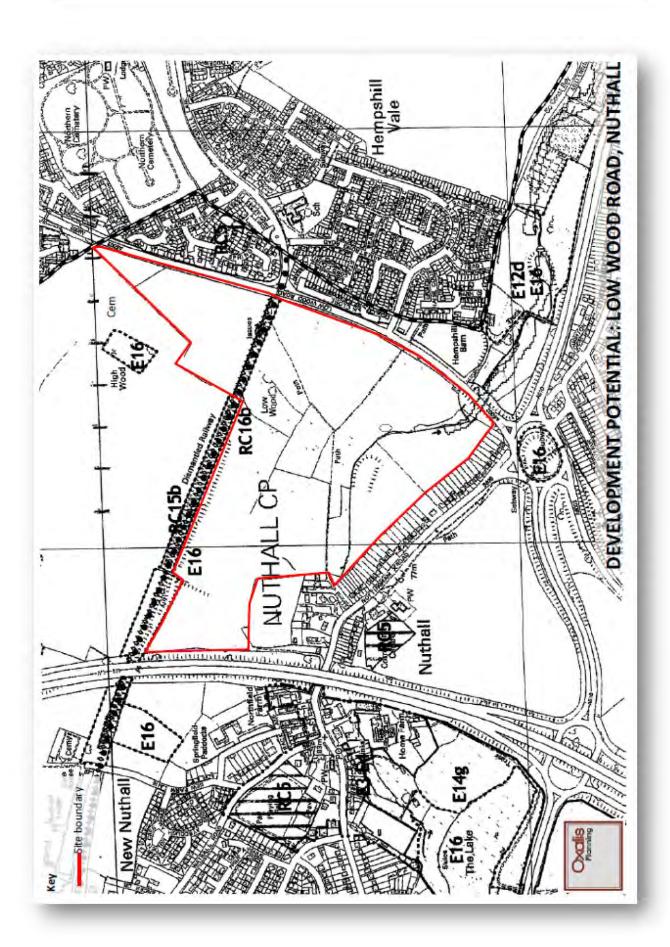
- 1.6 In terms of other allocations or 'committed' sites:
 - a. Land at Beeston Maltings Policy 3.6, has been allocated since 2004. It remains a difficult and complex site and delivery is highly uncertain.
 - b. Land in Awsworth includes land allocated since 2004 and although there is extant permission, delivery is not certain.
 - c. Two sites in Eastwood were allocated in the 2004 Local Plan and delivery remains uncertain notwithstanding extant planning permission.
 - d. Land at Walker Street, Eastwood Policy 6.1. This forms part of a school and recreation facility. Aside from its individual merits as an allocation, the site has been allocated (although a different part of the overall school site) since 2004 with no development progressing. Given the status of the site and wider uncertainty regarding school places and the quality and quantity of sports and recreation space, the delivery of the site is highly uncertain.
 - e. Land south of Kimberley including Kimberley Depot Policy 7.1. The site is currently a refuse depot with refuse tip. It is unclear if new facilities have been found to facilitate relocation. Notwithstanding, the site will contain areas of contamination which could preclude or limit development. Delivery on the site is therefore uncertain.
 - f. Land South of Eastwood Road, Kimberley Policy 7.2. This site has been allocated since 2004. Development of the site remains complex and delivery highly uncertain.
 - g. Builders Yard, Eastwood Road, Kimberley Policy 7.3. This site has been allocated since 2004. Development on the site remains uncertain.
- 1.7 The uncertainty in Broxtowe stems principally from the sheer number of complex sites where the level of certainty regarding delivery is extremely low. In these circumstances there is not a sufficiently reasonable prospect that the minimum housing numbers will be achieved and the Plan is therefore unsound. The circumstances in Broxtowe are the very circumstances that have led the Local Plan Experts Group to recommend the introduction of appropriate lapse rates and a 20% reserve site allowance. To adopt the Plan in its current form would perpetuate the current and historic role the planning system has played in creating a crisis in housing through the lack of delivery of new homes.
- 1.8 The Government recognises that more needs to be done to ensure that the right numbers of houses are built. It's White Paper Fixing Our Broken Housing Market (February 2017) is aimed at just that. The White Paper draws on and makes reference to the work undertaken by the Local Plan Experts Group (LPEG). As well as proposing a new approach to calculating housing needs, the LPEG made recommendations as to how Local Plans should be approached not only to demonstrate a five year land supply but to ensure plans deliver over the whole plan period.
- 1.9 In their Report to Government (March 2016) the LPEG state that:

'there needs to be a clearer and more effective mechanism for maintaining a five year land supply, at the same time as ensuring plans consider delivery over the whole plan period and incorporate sufficient flexibility to respond to rapid change' (Paragraph 11.3).

And they recommend that plans:

focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement' (Paragraph 11.4).

- 1.10 Because of its existing delivery problems, the scale of its shortfall and the uncertainties regarding delivery in the future, it is important that this 'sufficient Flexibility' is adopted by Broxtowe in its Local Plan Part 2. The Local Plan must be flexible enough to guarantee the delivery of the minimum number of new homes in the Plan period.
- 1.11 In simple terms this means planning for more houses so that there is sufficient flexibility now, to take account of inevitable delays to delivery on some sites and lapsed permission or non-implementation on others.
- 1.12 Furthermore in terms of a 5 year land supply the Plan does not set out how an appropriate land supply should be calculated and how this will then be met by the Plan. It is essential that the Plan, or supporting evidence, contains appropriate information to confirm that the Plan provides a 5 year land supply calculation from adoption of the Plan. The Plan will be unsound unless it can be demonstrated, based on appropriate assumptions, that it will bring about a 5 year land supply position.
- 1.13 There are a range of sites and locations where additional, sustainable development can take place. Land at Low Wood Road, Nuthall (identified on the Plan attached) is well related to the Urban area and extremely well related to the transport network, including the Tram. There is potential for the Tram to be extended into the site and for new and improved park and ride facilities to be provided, helping to address existing congestion and capacity issues. As a minimum it is considered that the site should be removed from the Green Belt so that it is available for development in the longer term or if delivery on other identified sites stall.



Broxtowe Part 2 Local Plan

Agent

| Please provide your client's name | | ne | W.WESTERMAN | |
|--|--------|--------|-------------|--------|
| Your Details | | | | |
| Title | Mr Mrs | Miss | Ms | Other: |
| Name | | | | |
| Organisation (fresponding on behalf of the organisation) | Oxalis | Planni | ing L | td |
| Address | | | | |
| | - | | | |
| Postcode | | | | |
| Tel. Number | | | Ĩ | |
| E-mail address | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here v |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|--|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocations Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 19: Pollution, Hazardous Substances and Ground Conditions Policy 20: Air Quality Policy 21: Unstable land Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | | Policy 2 Policy 3 Policy 4 Policy 5 Policy 6 Policy 7 |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | No |
|--|---------------------------------------|--|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | | |
|--|---|--|--|
| It is not justified | V | | |
| It is not effective | v | | |
| It is not positively prepared | v | | |
| It is not consistent with national policy | v | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

See attached Statement

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Please use a separate sheet of paper if required. Please use one form per representation.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to particip public examination? | ate at the |
|--|------------|
| Yes, I wish to participate at the public examination | v |
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be |
| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | |
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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 public examination.

Please use a separate sheet of paper if required. Please use one form per representation.



BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION

Representations by OXALIS PLANNING on behalf of BLOOR HOMES

Contents

Representations:

| 1.0 Introductio | n |
|-----------------|---|
|-----------------|---|

- 2.0 Housing Delivery
- 3.0 Land in the vicinity of the HS2 Station at Toton Policy 3.2
- 4.0 Approach to self-build and custom-build housing Policy 15
- 5.0 Policy 17: Place Making, Design and Amenity

Appendices:

| Appendix One : | Site Location Plan and Illustrative Masterplan relating to land at Nether Green, east of Mansfield Road, Eastwood |
|-----------------|---|
| Appendix Two: | Proposed Site allocation Boundary for Land at Toton |
| Appendix Three: | 'Broxtowe Gateway' vision document produced by Oxalis Planning April 2017 |
| Appendix Four: | 'Broxtowe: Gateway to the East Midlands' vision document produced by Oxalis Planning March 2014 |
| Appendix Five: | 'Toton – Strategic Location for Growth' produced by Oxalis Planning in December 2015 |

1.0 Introduction

1.1 These representations have been prepared on behalf of Bloor Homes who have a number of land interests in Broxtowe. Bloor Homes have serious concerns about the soundness of the Plan, particularly in relation to the approach to housing and the allocation at Toton. Details of their concerns are set out in the statement below, with reference to particular policies and paragraph numbers where relevant. The statement also sets out the modifications to the Plan that are considered necessary to make it sound.

2.0 Housing Delivery

- 2.1 The NPPF requires Local Planning Authorities to plan positively to ensure the delivery of the area's 'minimum' housing requirements and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the NPPF.
- 2.2 It is unclear from Policy 2 of the proposed Plan how the Government's requirements regarding housing delivery will be met. It can be seen from the Housing Trajectory at Table 4 of the Plan that Broxtowe has a significant housing supply shortfall and a persistent history of under delivery. Within this context it is essential that the Council are able to provide certainty regarding the delivery of housing. For the reasons set out below it is considered that the Plan fails to do this and is therefore unsound.
- 2.3 In terms of a 5 year land supply the Plan does not set out how an appropriate land supply should be calculated and how this will then be met by the Plan. It is essential that the Plan, or supporting evidence, contains appropriate information to confirm that the Plan provides a 5 year land supply calculation from adoption of the Plan. The Plan will be unsound unless it can be demonstrated, based on appropriate assumptions that it will bring about a 5 year land supply position.
- 2.4 The Trajectory at Table 4 indicates that the Borough will have sufficient sites to deliver the housing requirement. Indeed it suggests a buffer exists. However Bloor Homes has significant concerns about the assumptions used to inform these figures and the cumulative effect of the uncertainty regarding the delivery of a large number of sites. Within this context Bloor Homes do not consider that the approach is sound, both because of the unrealistic assumptions on individual sites but, most importantly because of the lack of certainty regarding delivery overall.
- 2.5 The Government recognises that more needs to be done to ensure that the right numbers of houses are built. It's White Paper Fixing Our Broken Housing Market (February 2017) is aimed at just that. The White Paper draws on and makes reference to the work undertaken by the Local Plan Experts Group (LPEG). As well as proposing a new approach to calculating housing needs, the LPEG made recommendations as to how Local Plans should be approached not only to demonstrate a five year land supply but to ensure plans deliver over the whole plan period.
- 2.6 In their Report to Government (March 2016) the LPEG state that:

'there needs to be a clearer and more effective mechanism for maintaining a five year land supply, at the same time as ensuring plans consider delivery over the whole plan period and incorporate sufficient flexibility to respond to rapid change' (Paragraph 11.3).

And they recommend that plans:

'focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement' (Paragraph 11.4).

- 2.7 Because of its existing delivery problems, the scale of its shortfall and the uncertainties regarding delivery in the future, it is important that this 'sufficient Flexibility' is adopted by Broxtowe in its Local Plan Part 2. The Local Plan must be flexible enough to guarantee the delivery of the minimum number of new homes in the Plan period.
- 2.8 In simple terms this means planning for more houses so that there is sufficient flexibility now, to take account of inevitable delays to delivery on some sites and lapsed permission or non-implementation on others.
- 2.9 A 20% flexibility allowance or 20% reserve sites as suggested by the LPEG would mean Broxtowe planning for around 7380 dwellings over the Plan period, as opposed to the minimum requirement of 6250 dwellings or the current approach which indicates a potential delivery of 6747 dwellings. This additional flexibility would be some 600 or so more than the Council are currently planning for (7380 – 6747 =600). Such flexibility is the minimum that is required for the delivery of appropriate levels of housing in Broxtowe is to be secured.
- 2.10 There is a range of sites and locations where additional, sustainable development can take place. For example land at Nether Green, east of Mansfield Road, Eastwood (SHLAA ref 203) has been identified as a suitable location for growth by the Council, but the Council has concluded that the site is not needed at the present time. The land at Nether Green is well related to the urban area. It is well contained by the line of the now disused railway, which could also provide a new permanent and defensible Green Belt boundary. The site has the potential to deliver around 200 new homes together with new open space, children's play areas and areas for biodiversity enhancement. The site location together with an illustrative masterplan are shown at Appendix One.
- 2.11 The need for flexibility or the identification of 'reserve sites' is not unusual but is particularly pertinent to Broxtowe because of its historical under performance, the number of sites carried forward from the 2004 Local Plan and the uncertainty regarding the key strategic sites
- 2.12 In terms of strategic sites this uncertainty includes:
 - a. Land at Boots, which although the site has permission continues to be complex with significant delivery uncertainties.
 - b. Severn Trent land which is a former sewage treatment works with associated complexities of decontamination and remediation. Housing delivery on the site is therefore highly uncertain.
 - c. Chetwynd Barracks: A current and active Ministry of Defence site. Whilst the MOD have indicated that the site may become available for redevelopment, no firm committed dates are set out and the timing of any closure is subject to change. There remains a potential for a significant delay to the closure of the site or a cancellation. Delivery is highly uncertain therefore.
 - d. Toton: Whilst planning permission exists on part of this site, that permission conflicts with the vision for the site as set out in Policy 3.2. The supporting text to this Policy is confusing and ill-conceived. It is based largely on the East Midlands HS2 Growth

Strategy Document published in September 2017. It includes the statement in relation to the vision for the Toton that

'It will also require higher densities than those currently subject of an extant Outline Planning Consent for the site and this will need careful consideration by Broxtowe Borough Council as the Local Planning Authority.' (Page 20).

Whilst this implies the potential for greater housing numbers in the long term it brings onto question the deliverability of the extant consent and housing delivery in the short to medium term.

- 2.13 In terms of other allocations or 'committed' sites:
 - a. Land at Beeston Maltings Policy 3.6, has been allocated since 2004. It remains a difficult and complex site and delivery is highly uncertain.
 - b. Land in Awsworth includes land allocated since 2004 and although there is extant permission, delivery is not certain.
 - c. Two sites in Eastwood were allocated in the 2004 Local Plan and delivery remains uncertain notwithstanding extant planning permission.
 - d. Land at Walker Street, Eastwood Policy 6.1. This forms part of a school and recreation facility. Aside from its individual merits as an allocation, the site has been allocated (although a different part of the overall school site) since 2004 with no development progressing. Given the status of the site and wider uncertainty regarding school places and the quality and quantity of sports and recreation space, the delivery of the site is highly uncertain.
 - e. Land south of Kimberley including Kimberley Depot Policy 7.1. The site is currently a refuse depot with refuse tip. It is unclear if new facilities have been found to facilitate relocation. Notwithstanding, the site will contain areas of contamination which could preclude or limit development. Delivery on the site is therefore uncertain.
 - f. Land South of Eastwood Road, Kimberley Policy 7.2. This site has been allocated since 2004. Development of the site remains complex and delivery highly uncertain.
 - g. Builders Yard, Eastwood Road, Kimberley Policy 7.3. This site has been allocated since 2004. Development on the site remains uncertain.
- 2.14 The uncertainty in Broxtowe stems principally from the sheer number of complex sites where the level of certainty regarding delivery is extremely low. In these circumstances there is not a sufficiently reasonable prospect that the minimum housing numbers will be achieved and the Plan is therefore unsound. The circumstances in Broxtowe are the very circumstances that have led the Local Plan Experts Group to recommend the introduction of appropriate lapse rates and a 20% reserve site allowance. To adopt the Plan in its current form would perpetuate the current and historic role the planning system has played in creating a crisis in housing through the lack of delivery of new homes.
- 2.15 The Plan needs to be modified to address the problems set out above. This should include:
 - A critical review of the reliance on particular sites to deliver new homes;
 - A significant increase in the number of new homes planned for (to at least 7380 over the Plan period) through the allocation of additional land;
 - The inclusion of a five year land supply calculation and demonstration that, on adoption, the Plan will provide a suitable land supply (and the allocation of additional land to address 5 year land supply issues if necessary);

- The allocation of land at Mansfield Road, Eastwood, for around 200 dwellings together with the removal of the land from the Green Belt (as shown at Appendix One);
- The allocation and removal of additional land from the Green Belt at Toton, see Appendix Two. Together with a complete re-appraisal of the approach to the development of land at Toton as set out below and shown in the vision documents at Appendices 3, 4 and 5.

3.0 Land in the vicinity of the HS2 Station at Toton – Policy 3.2

- 3.1 The Council's approach to the planning of the Toton area in response to the unique opportunity presented by HS2, the tram and the strategic highway connections, is confused and fundamentally flawed.
- 3.2 It is currently unclear from the Policy how it is envisaged that development within the Plan period (the provision of 500 houses) fits with and will not prejudice the delivery of the wider aspirations for the site set out as *'key development requirements beyond the Plan period'*. Furthermore it is unclear whether the supporting text relates to the plan period requirement or beyond plan period or both.
- 3.3 Crucially the Plan ignores the Peveril Homes Housing scheme which was recently granted consent by the Council on the majority of land west of Toton lane. It is inconceivable how the delivery of this permitted scheme is compatible with the Policy aspirations for the site set out in the Plan. It is clear that the Policy aspirations as set out in the supporting text are linked with the vision for the site set out in the East Midlands HS2 Growth Strategy (September 2017). This strategy envisages an 'innovation village' on the site, but this is located on land where there is already planning permission for a 500 unit suburban residential scheme.
- 3.4 Oxalis Planning on behalf of Bloor Homes have consistently advocated a more comprehensive and forward thinking approach to the land at Toton, including strongly opposing the consenting of the Peveril Scheme which would clearly prejudice the delivery of a more comprehensive and innovative response to the opportunity presented by HS2. These concerns were ignored and it is now clear that the approved Peveril scheme is incompatible with the vision for the site now being set out. A fundamental re-think of the Policy is required. A different response will be required depending on whether the Peveril scheme is implemented, but changes will be required to make the Plan sound in any event.
 - If the Peveril scheme is not implemented, for example in order for the vision set out by the East Midlands HS2 Growth Strategy to be progressed; the Plan will need to be amended because additional land will be needed so that new homes can be delivered in the short term. The aspirations set out in the Growth Strategy in relation to the innovation village will necessarily take many years to work up given that the mix and scale is unlikely to be commercially appropriate or viable prior to the delivery of HS2. Land to the east of Toton Lane will be needed, to help to deliver new homes quickly. This land, as set out in the Oxalis vision documents can deliver homes on a more conventional basis and allow for land adjacent to the HS2 hub, west of Toton Lane, to be retained for future development more directly associated with HS2.

Or

• If the Peveril scheme is implemented, a new masterplan approach and revised vision for land at Toton would be required to take account of the committed scheme. The

committed scheme is fundamentally at odds with the Growth Strategy and it would prejudice its delivery. The strategy for the site would need to change. Additional land to the east of Toton Lane, would need to be introduced to help deliver the overarching aspirations for the site as set out in the East Midlands HS2 Growth Strategy.

- 3.5 Unless these compatibility issues can be resolved the Plan will be unsound.
- 3.6 Oxalis planning on behalf of Bloor Homes have consistently advocated a more ambitious approach to the Planning of the area around HS2, including, importantly, the inclusion within a comprehensive scheme of land to the east of Toton Lane. The constrained approach to the allocation both limits the appropriate planning of the area and ignores the context provided by existing built form, landscape and other features on the ground. The tram line is not an appropriate Green Belt or development boundary. An allocation which reflects the opportunities for development on land east of Toton Lane and north of the tram line should be made as shown by the Plan at Appendix Two.
- 3.7 Oxalis Planning on behalf of Bloor Homes have over past 5 or so years, prepared a number of masterplan documents illustrating ways in which land at Toton could be developed. These include a 'Broxtowe Gateway vision' Document produced in April 2013 (Appendix Three); a 'Broxtowe Gateway to the East Midlands' vision document produced in March 2014 (Appendix Four) and a 'Toton Strategic Location for Growth' document produced in December 2015 (see Appendix Five). These three documents are appended to this submission for ease of reference and to provide details of the approach advocated by Oxalis on behalf of Bloor Homes. These documents should be read in conjunction with these representations. The fundamental principle of the vision advocated consistently by Oxalis Planning are:
 - a. To produce a masterplan for the site which is focussed on the need to deliver an appropriate commercial response to the opportunities presented by HS2. The economic opportunities should be maximised and a specific response to HS2 planed;
 - b. Whilst the precise nature of the commercial development can only be determined by future market demand, the planning of the site should not, in any way, constrain the potential;
 - c. This would mean delivering housing to meet the plan period requirement on land to the east of Toton lane and reserving land to the west of Toton Lane for development directly associated with HS2.
- 3.8 The Oxalis documents include a highway solution that has been largely mirrored in the East Midlands HS2 Growth Strategy (Page 30). Fundamental to this highway strategy is a new junction onto the A52 to the north east of Bardills Island and a partial 'bypass' of the Bardills Junction. Such an approach is however incompatible with Policy 3.2 as currently set out. Policy 3.2 retains as Green Belt, land north and east of Bardills garden centre, land which would be essential for this new infrastructure. Furthermore if this new infrastructure were to be put in place the context of land to the east and west of it would change greatly and become even more appropriate for development.
- 3.9 Policy 3.2 is therefore fundamentally flawed because the area of land to be removed from the Green Belt should include land east of Toton Lane and north of the Tram line. The inclusion of this area would facilitate appropriate infrastructure works and enable a more comprehensive approach to the masterplanning of the area.

- 3.10 The Plan has not, in relation to the opportunity presented by HS2, been positively prepared or justified having regard to the evidence base and considering reasonable alternatives.
- 3.11 There are other aspects of the supporting text to Policy 3.2 which are flawed and inconsistent with national policy. The vision sets out ambitions for relocation of existing facilities and the delivery of extensive new community and leisure facilities. However these aspirations have not been discussed with underlying landowners and its remains wholly unclear how these components can be delivered in terms of viability and land assembly or how they would be funded.

4.0 Approach to self-build and custom-build housing – Policy 15

- 4.1 Bloor Homes object to bullet point 8 of Policy 15 which requires 5% of large sites to be delivered as self / custom build Homes. The delivery of self / custom build Homes as part of a large site creates complex delivery, design, Health and Safety and site management issues. On some sites it will also create uncertainty regarding delivery and viability. It is unclear how this requirement would be manged and delivered on the ground alongside the delivery of dwellings constructed by Bloor Homes.
- 4.2 Government Policy supports the provision of self and custom build homes. A key emphasis is on the benefit of this form of housing delivery in boosting the supply of new homes. The blunt requirement set out in Policy 15 will in no way help to boost supply, indeed for the reasons set out it may well delay or restrict supply.
- 4.3 It is considered that a more appropriate response to the Government's requirement would be to identify specific small sites which are capable of delivery as self / custom build homes and to encourage the promotion of small scale windfall site for such purposes. This could then act to help boost the delivery of new homes.

5.0 Policy 17: Place – Making, Design and Amenity

5.1 Some of the criteria within this design policy are misplaced and should be removed. Criteria 1b and 1c are both spatial policies concerned with the location of development as opposed to its form. These criteria should be deleted.

Broxtowe Part 2 Local Plan

Agent

| Please provide your client's name | | ne | Bloor Homes Ltd | | |
|--|--------|--------|-----------------|--------|--|
| Your Details | | | | | |
| Title | Mr Mrs | Miss | Ms | Other: | |
| Name | | | | | |
| Organisation (fresponding on behalf of the organisation) | Oxalis | Planni | ing L | td | |
| Address | | | | | |
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| Fostudue | | | | | |
| Tel. Number | | | Ĩ. | | |
| E-mail address | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

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Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|--|
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| Policies Map | Policy 32: Developer Contributions | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites and approach to Toton allocat | ion. | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | No |
|--|---------------------------------------|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | V | |
| It is not effective | v | |
| It is not positively prepared | v | |
| It is not consistent with national policy | v | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

See attached Statement

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Please use a separate sheet of paper if required. Please use one form per representation.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to particip public examination? | ate at the |
|--|------------|
| Yes, I wish to participate at the public examination | v |
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be |
| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | |
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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 public examination.

Please use a separate sheet of paper if required. Please use one form per representation.



Broxtowe Borough Council

Part 2 Local Plan (Publication Version) Written Representations

On behalf of J McCann & Co (Nottingham) Ltd

November 2017



Quality Control

| Project No. | P&DG/13.039 | | | | |
|----------------|---|-------------|-------------|---------------|--|
| Title | Part 2 Local Plan (Publication Version) | | | | |
| Location | Broxtowe Borough Council | | | | |
| File reference | 13.052/Representations | | | | |
| Issue | Date | Prepared By | Reviewed By | Authorised by | |
| 1 | 2 nd November 2017 | AG | BW | BW | |



Contents

| 1 | Introduction and Executive Summary | 1 |
|---|--|-------|
| 2 | Policy 2: Site Allocations | 2 |
| 3 | Policy 3.4: Main Built up Area Site Allocations, Stapl | eford |
| | (west of Coventry Lane) | 3 |
| 4 | Policy 15: Housing Size, Mix and Choice | 5 |
| 5 | Policy 17: Place-making, Design and Amenity | 7 |
| 6 | Policy 32: Developer Contributions | 8 |
| 7 | Conclusion | 9 |
| | | |



1 Introduction and Executive Summary

- 1.1 This statement of written representations is prepared by Planning and Design Group (UK) Ltd and made on behalf of our client J McCann & Co (Nottingham) Limited in response to Broxtowe Borough Council's consultation on the emerging Part 2 Local Plan (Publication Version).
- 1.2 We welcome the opportunity to respond to this stage of consultation on the Local Plan and recognise the critical importance of establishing an appropriate, legally compliant and sound policy framework for Broxtowe at this point of Local Plan process. As such our comments are structured around relevant policy areas and focus on the soundness and legal compliance of the emerging Local Plan document.
- 1.3 These representations have direct regard to land proposed for allocation to the west of Coventry Lane for up to 240 dwellings through Policy 3.4 Stapleford (west of Coventry Lane) of the emerging Part 2 Local Plan.
- 1.4 We make these representations in the context of seeking to work with the Council both now and in the future to ensure that an effective and deliverable plan for Broxtowe is achieved.
- 1.5 In summary, we find a large number of the proposed modifications sound and warrant our support. Notwithstanding some concern about the wider trajectory of housing land supply, we fully support and welcome the allocation of land to west of Coventry Lane as a sustainable housing site. This allocation will provide enhanced land owner and developer assurance moving forward to deliver the site and in turn boost the housing supply in Stapleford and Broxtowe. This is in the interest of producing a sound and effective Local Plan which delivers on the Spatial Strategy of the adopted 2014 Aligned Core Strategy.
- 1.6 We do hold concern over certain areas of policy wording which relate particularly to the delivery and implementation of housing development. However, we consider that these concerns can be addressed by amends and additions to assure their justification and overall soundness.



2 Policy 2: Site Allocations

- 2.1 In principle Policy 2: Site Allocations is considered **sound** as it directly supports the provision of new homes against the identified need for 6,150 new dwellings in Broxtowe over the life of the Local Plan. The allocation of sites is absolutely critical in the adoption of a plan-led approach in line with paragraph 196 of the National Planning Policy Framework ('NPPF'). This is particularly whereby the designation of land for development through Local Plans provides significantly enhanced land owner and developer confidence in bringing forward sites for development.
- 2.2 As such the Part 2 Local Plan should be seen as a critical tool in supporting market confidence in housing delivery and, in turn, boosting the number of sustainable new homes delivered.



3 Policy 3.4: Main Built up Area Site Allocations, Stapleford (west of Coventry Lane)

- 3.1 The defined Main Built-up Area (MBA), which includes Stapleford and adjoins Nottingham, is designated as a very sustainable location for housing growth in the spatial hierarchy of the Aligned Core Strategy. Therefore, the MBA as a whole is allocated a distributed target to deliver 3,800 dwellings as a part of Broxtowe's overall identified housing need. The prompt delivery of these dwellings will be critical in addressing the overall need for housing in Broxtowe.
- 3.2 The need for all forms of new housing across the country is well documented and is supported in the 2012 National Planning Policy Framework ('NPPF'). It indicates that providing the housing supply to meet the needs of current and future generations is a key aspect of sustainable development and the plan making process.
- 3.3 In light of this housing need across Broxtowe and the MBA the allocation of land to the west of Coventry Land through Policy 3.4 is considered **sound** as the site will effectively and positively contribute to the delivery of new homes.
- 3.4 We welcome the allocation and identification of the site as a sustainable allocation for the delivery of up to 240 dwellings. The site is positively identified for its ability to provide enhanced Green Infrastructure corridors, improve pedestrian and traffic flows alongside providing a tranquillity buffer between Stapleford Hill and the crematorium.
- 3.5 Policy 3.4 also states that 'this allocation has significant housing and health objective benefits with only a very minor green objective disbenefit'. Furthermore, the Site Selection Document Main Report (2017) in support of the emerging Part 2 Local Plan identifies that the site as 'one of the most sustainable sites to be allocated when compared to reasonable alternatives' and notes the sites excellent performance in in the Sustainability Assessment exercise.
- 3.6 We also note that the proposed trajectory of housing supply for the MBA represents, positively, a high proportion of site allocations. This includes land to the west of Coventry Lane. As such less reliance is placed on SHLAA sites which, although reflecting an indicative trajectory of housing supply, do not offer the same level of specificity and



deliverability as site allocations. We refer also in this instance to Table 4: Housing Trajectory on p.75 of the Part 2 Local Plan.

- 3.7 The Part 2 Local Plan is required to act as the delivery tool for Broxtowe's adopted spatial growth strategy and as such site allocations form an essential part of this. In all 14 housing sites are allocated in the MBA area delivering a total of 2,729 dwellings. This reflects an effective and significant 72% contribution to the 3,800 dwellings required across the MBA.
- 3.8 Site allocations act to reduce the level of more speculative development proposals and work in the interests of pursuing a robust, plan-led approach to the housing delivery. In the absence of this approach site delivery is liable of becoming more *ad hoc* in nature, which then presents the risks of ongoing shortfalls in the delivery of new dwellings.
- 3.9 The current deficit in housing land and delivery shortfall across Broxtowe makes this context and need for housing more pressing. This is highlighted in the most recent SHLAA document which states that the Council can only evidence 3.6 years' worth of housing land supply for the period April 2017 and March 2022. In addition, and to be factored into the five-year housing land supply position, is the current delivery shortfall of 956 dwellings, prompting the addition of a 20% buffer. The allocation of land to the west of Coventry Lane will therefore directly support the delivery of housing against this shortfall in turn make a significant contribution to the delivery of a sound Part 2 Local Plan.



4 Policy 15: Housing Size, Mix and Choice

4.1 Paragraph 8 of Policy 15 is considered **unsound** as it is unjustified in the current regulatory and evidence context. Specifically, the paragraph states that:

'For developments of more than 20 dwellings, at least 5% of provision should be in the form of serviced plots for self-build or custom-build, and/or custom-build homes by other delivery routes.'

- 4.2 Whilst the associated Self-build and Custom Housebuilding 2016 regulations have brought about requirements on Local Authorities to maintain an active register of interested parties there is no necessity to mandate a certain proportion of self or custom-build plots at a site level. Instead the register should act as a general indicator of demand for subsequent appropriate action or negotiation with relevant interested parties, supported by appropriate Local Plan policy leads.
- 4.3 In relation to this guidance states that:

'Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources... when preparing their Strategic Housing Market Assessment to <u>understand and consider</u> <u>future need for this type of housing in their area</u>.' (paragraph: 011 reference ID: 57-011-20160401)

4.4 Currently the Council display little clarity of understanding behind the 'at least' 5% self and custom-build policy stipulation on sites of over 20 dwellings. For example, neither the latest SHLAA or AMR documents display analysis or conclusions drawn from a publicly available register. This is as per related guidance:

> 'Relevant authorities are encouraged to publish, in their Authority Monitoring Report, headline data on the demand for self-build and custom housebuilding revealed by their register and other sources. This can support development opportunities for self-build and custom housebuilding by increasing awareness among landowners, builders and developers of the level and nature of demand for self-build and custom housebuilding in the local area.' (paragraph: 012 reference ID: 57-012-201707208)



4.5 Given the current lack of evidenced justification and the emphasis on the need to support, not mandate, self and custom-build housing where appropriate the current policy wording should be amended to assure soundness. The change is suggested below:

'For developments of more than 20 dwellings, a provision for serviced self-build or custom-build, and/or custom-build homes by other delivery routes will be supported where evidence indicates local demand to the site.'



5 Policy 17: Place-making, Design and Amenity

5.1 Paragraph 3 of Policy 17 is considered **unsound** on the basis that all Building for Life (BfL) material has been withdrawn for planning guidance purposes and therefore stipulated reference to BfL is not a justified. The relevant paragraph states that:

'In the case of major development on sites released from the Green Belt as part of this Local Plan, or the Aligned Core Strategy, or for any site within the Green Belt comprising 10 or more dwellings the development will be required to score 9 or more 'greens' in the Building for Life 12 or equivalent.'

5.2 Given the wholly unjustified nature of this paragraph we suggest its entire deletion to assure that Policy 17 is sound. Reference to wider design principles in the policy will still assure a high-quality development across Broxtowe.



6 Policy 32: Developer Contributions

- 6.1 The current nature of Policy 32 is considered **unsound** on the basis it will not be effective in its current form. Whist the principle of developer financial contributions is entirely sound in delivering the social and environmental infrastructure required by the Local Plan, this should be based on all relevant viability information. We consider that this includes developer viability appraisals which offer a detailed insight into site and development specific viability. Therefore, providing an open position of planning contribution negotiations where appropriate.
- 6.2 Related guidance (paragraph: 004 reference ID: 10-004-20140306) outlines that the grounding principles for understanding viability should include judgements made on all available evidence and a collaborative approach is also promoted, explicitly involving developers and landowners. This is in the interests of understanding development scheme deliverability and viability in an appropriately transparent context.
- 6.3 Guidance also states that whilst viability appraisals at a site level may not always be appropriate an understanding of site specific related viability is important. Outlining that:

'Where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.' (paragraph: 016 reference ID: 10-016-20140306).

6.4 Therefore, in the interests of promoting a greater understanding of viability and creating a more effective policy we suggest adding reference to the submission of viability appraisals. With wording in an additional paragraph to the effect of:

> 'Financial contributions will be sought and established through a process of negotiation including, where appropriate, reference to a submitted viability appraisal.'



7 Conclusion

- 7.1 As outlined within this statement we consider that there are areas of the emerging Part 2 Local Plan that contain a number of sound proposals that warrant our support. Particularly in relation to current site allocations in the interests of delivering the defined Spatial Strategy and the specific allocation of land to the west of Coventry Lane through Policy 3.4.
- 7.2 However, we have highlighted where some elements of proposed planning policy are considered unsound and should be amended accordingly through the examination process. This is particularly in relation to policy areas linked the delivery and implementation of housing development. As such their amendment will be important in assuring the rapid adoption of the Part 2 Local Plan and subsequently boosting the supply of much needed housing in Broxtowe.



Planning and Design Group (UK) Limited

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www.panddg.co.uk

BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION Representations by FEATHERSTONES on behalf of RICHARD TAYLOR

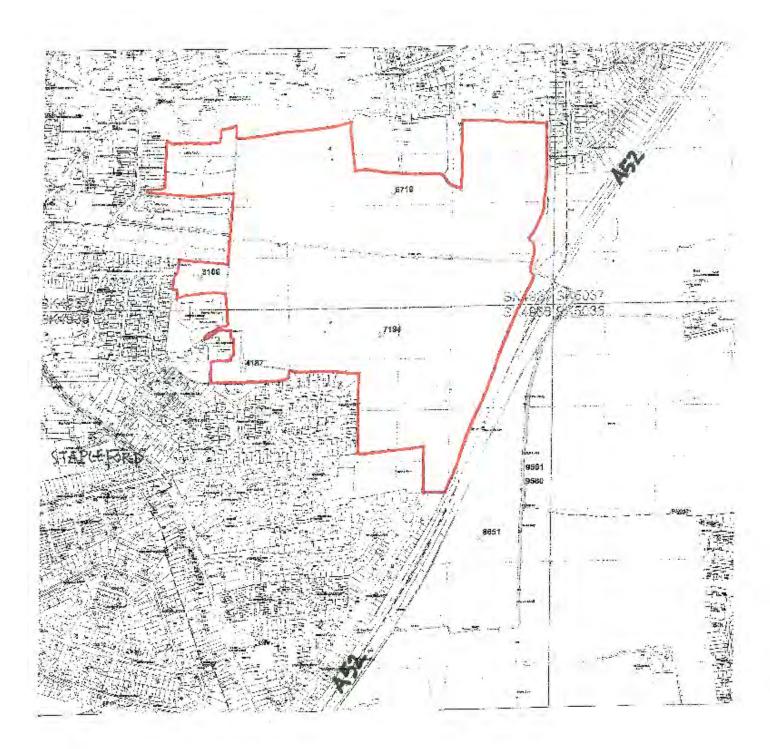
- 1. This submission is made on behalf of Richard Taylor, who is the owner of land identified on the attached plan 1. Part of that land (plan 2) we contend, is suitable for housing development.
- 2. As presented the Broxtowe Plan is unsound because it fails to demonstrate how delivery of allocated sites will be guaranteed; it fails to incorporate sufficient flexibility to respond to any failure of delivery and it fails to provide a mechanism for the release of developable 'reserve sites' equivalent to 20% of the total housing requirement (as recommended by the Local Plans Expert Group in its Report to Government of March 2016).
- 3. Additional housing sites, therefore, need to be identified in order to meet the NPPF's requirement to ensure the delivery of the minimum housing provision and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the Framework.
- 4. Policy 2 of the Plan fails the challenge of housing supply. Table 4 confirms a significant housing supply short fall and a persistent history of under delivery.
- 5. There is demonstrably no certainty of future housing delivery.
- The Plan relies on housing sites which have been allocated in previous Plans for up to (and beyond) 15 years. There are clearly strong reasons why these sites have not come forward. Sites include:
 - Beeston Maltings
 - Land at Awsworth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

Each of these sites were allocated in the 2004 Plan.

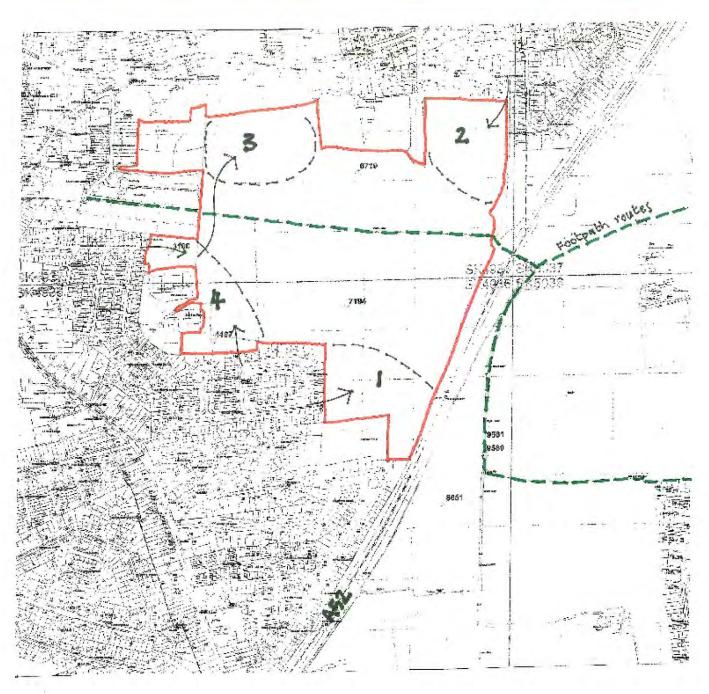
In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

- 7. Uncertainty of housing delivery also exists at strategic sites:
 - Boots
 - Severn Trent Sewage Treatment Works (contamination)
 - Chetwynd Barracks (no commitment to land release)
 - Toton/HS2 Hub (confused aspirations)
- 8. In order to help to minimise the (likely) continued non-delivery of sites for housing, additional land should be identified (for housing) in the plan; specifically, land at Stapleford, as identified on plan 2. Four parcels of land here could be developed for housing without adversely impacting on land important to the visual significance of Windmill Hill (part of the Bramcote Ridge). Similarly, the role of that Ridge as a public footpath would not be threatened, long distance views would be maintained, landscaping would be enhanced and properly managed.
- 9. In turn, the four parcels could accommodate:
 - Sisley Avenue 80 dwellings
 - Baulk Lane 75 dwellings

- North West Hill Top 80 dwellings
- Hill Top Farm 30 dwellings
- 10. Consequently, it is estimated that (about) 265 new dwellings could be delivered on the site. This would be in a manner which would acknowledge, respect and enhance the context and the wider environment.
- 11. The land is in one ownership. There are no technical, access or commercial impediments to immediate delivery and the allocation would help the Plan to achieve soundness.



PLAN I OWNERSHIP



PLAN 2 OPPORTUNITY

SISLEY AVENUE
 BAULK LANE
 NORTH WEST HILL TOP
 HILL TOP FARM

LOCATION

Featherstones





Agent

| Please provide your client's name | | ne | Richard Taylor | | |
|--|---------------|------|----------------|--------|--|
| Your Details | | | | | |
| Title | Mr Mrs | Miss | Ms | Other: | |
| Name | | | l I | | |
| Organisation (fresponding on behalf of the organisation) | Featherstones | | | | |
| Address | | | | | |
| Postcode | | | | | |
| Tel. Number | | | | | |
| E-mail address | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
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| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | No |
|--|---------------------------------------|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | V | |
| It is not effective | v | |
| It is not positively prepared | v | |
| It is not consistent with national policy | v | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

See attached Statement

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Please use a separate sheet of paper if required. Please use one form per representation.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to particip public examination? | ate at the |
|--|------------|
| Yes, I wish to participate at the public examination | V |
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| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | |
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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 public examination.

Please use a separate sheet of paper if required. Please use one form per representation.

Featherstones

PLANNING • DESIGN • DEVELOPMENT

BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION Representations by FEATHERSTONES

on behalf of Mrs D Viitanen

October 2017

- 1. These representations have been prepared on behalf of Mrs D Viitanen who has land interest in the site at Gilt Hill Farm, Kimberley (see attached Plan). Mrs Viitanen has serious concerns about the soundness of the Plan, particularly in relation to the approach to housing delivery. These concerns are set out below.
- 2. As presented the Broxtowe Plan is unsound because it fails to demonstrate how delivery of allocated sites will be guaranteed; it fails to incorporate sufficient flexibility to respond to any failure of delivery and it fails to provide a mechanism for the release of developable 'reserve sites' equivalent to 20% of the total housing requirement (as recommended by the Local Plans Expert Group in its Report to Government of March 2016).
- 3. Additional housing sites, therefore, need to be identified in order to meet the NPPF's requirement to ensure the delivery of the minimum housing provision and also to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the Framework.
- 4. Policy 2 of the Plan fails the challenge of housing supply. Table 4 confirms a significant housing supply short fall and a persistent history of under delivery.
- 5. There is demonstrably no certainty of future housing delivery.
- 6. The Plan relies on housing sites which have been allocated in previous Plans for up to (and beyond) 15 years. There are clearly strong reasons why these sites have not come forward. Sites include:
 - Beeston Maltings
 - Land at Awsworth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

Each of these sites were allocated in the 2004 Plan.

In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

- 7. Uncertainty of housing delivery also exists at strategic sites:
 - Boots
 - Severn Trent Sewage Treatment Works (contamination)
 - Chetwynd Barracks (no commitment to land release)
 - Toton/HS2 Hub (confused aspirations)
 - 8. There are a range of sites and locations where additional, sustainable development can take place. Land at Gilt Hill Farm, Gilt Hill, Kimberley (identified on the Plan attached) is well related to the Kimberley Urban area, including local shops, employment and schools. It sits on

the edge of the settlement where there is no gap to distinguish it visually, physically or functionally from the urban area.

9. Releasing the site from the Green Belt and allocating it for housing development will provide the opportunity to improve the visual appearance of the site by replacing buildings in a poor condition with attractive and sustainable new buildings. It would remove a use that is nonconforming with adjacent residential and education land uses and provides an opportunity to introduce high quality landscaping and biodiversity features to ensure that the openness of the Green Belt is safeguarded. Crucially, the site is deliverable within the next five years so will help to off-set slow delivery on other sites, address immediate land supply issues and provide the certainty of delivery necessary to make the Plan sound.

Site Location Plan



Broxtowe Part 2 Local Plan

Agent

| Please provide your client's name | | ne | Mrs D Viitanen | | |
|--|---------------|------|----------------|--------|--|
| Your Details | | | | | |
| Title | Mr Mrs | Miss | Ms | Other: | |
| Name | | | İ | | |
| Organisation (fresponding on behalf of the organisation) | Featherstones | | | | |
| Address | | | | | |
| Postcode | | | | | |
| Tel. Number | | | | | |
| E-mail address | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

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| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | No |
|--|---------------------------------------|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | V | |
| It is not effective | v | |
| It is not positively prepared | V | |
| It is not consistent with national policy | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

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Please use a separate sheet of paper if required. Please use one form per representation.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | | |
|--|-------|--|--|
| Yes, I wish to participate at the public examination | V | | |
| No, I do not wish to participate at the public examination | | | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be | | |
| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | | | |
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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 public examination.

Please use a separate sheet of paper if required. Please use one form per representation.

Featherstones

PLANNING • DESIGN • DEVELOPMENT

BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION Representations by FEATHERSTONES

on behalf of Mrs M Barnes

October 2017

- 1. These representations have been prepared on behalf of Mrs M Barnes who has land interest in the site at Land off Back Lane, Nuthall (see attached Plan). Mrs Barnes has serious concerns about the soundness of the Plan, particularly in relation to the approach to housing delivery. These concerns are set out below.
- 2. As presented the Broxtowe Plan is unsound because it fails to demonstrate how delivery of allocated sites will be guaranteed; it fails to incorporate sufficient flexibility to respond to any failure of delivery and it fails to provide a mechanism for the release of developable 'reserve sites' equivalent to 20% of the total housing requirement (as recommended by the Local Plans Expert Group in its Report to Government of March 2016).
- 3. Additional housing sites, therefore, need to be identified in order to meet the NPPF's requirement to ensure the delivery of the minimum housing provision and also to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the Framework.
- 4. Policy 2 of the Plan fails the challenge of housing supply. Table 4 confirms a significant housing supply short fall and a persistent history of under delivery.
- 5. There is demonstrably no certainty of future housing delivery.
- The Plan relies on housing sites which have been allocated in previous Plans for up to (and beyond) 15 years. There are clearly strong reasons why these sites have not come forward. Sites include:
 - Beeston Maltings
 - Land at Awsworth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

Each of these sites were allocated in the 2004 Plan.

In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

- 7. Uncertainty of housing delivery also exists at strategic sites:
 - Boots
 - Severn Trent Sewage Treatment Works (contamination)
 - Chetwynd Barracks (no commitment to land release)
 - Toton/HS2 Hub (confused aspirations)
- 8. There are a range of sites and locations where additional, sustainable development can take place. Land off Back Lane, Nuthall (identified on the Site Plan attached) is currently used for equestrian purposes with stables, livery and associated activity together with residential property. The site is within the defined Green Belt, however this designation no longer

satisfies the purpose or function of Green Belt land as defined within Paragraph 80 of the NPPF.

- 9. The removal of the Back Lane site from the Green Belt would facilitate the redevelopment of the site for up to 40 new dwellings as well as delivering improved screening and buffering from the M1 motorway to the wider benefit of existing residents.
- 10. Housing development on this site would assist in providing additional flexibility regarding the delivery of new housing in the Borough, helping to off-set slow delivery rates on other sites. The site is in single ownership where the intention is to progress towards a planning application as soon as possible and to bring the site to the housing market at the earliest opportunity.



Site Location Plan – Land off Back Lane, Nuthall

Broxtowe Part 2 Local Plan

Agent

| Please provide your client's name | | ne | Mrs Marjorie Barnes | |
|--|---------------|------|---------------------|----------|
| Your Details | | | | |
| Title | Mr Mrs | Miss | Ms | 5 Other: |
| Name | | | İ. | |
| Organisation (fresponding on behalf of the organisation) | Featherstones | | | |
| Address | | | | |
| Postcode | | | | |
| Tel. Number | | | | |
| E-mail address | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. | |
|--|-----|
| Please tick here 🗸 | 1 |
| Please help us save money and the environment by providing an e-mail address that correspondence | 100 |
| can be sent to: | C |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|--|-------------|---|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocation Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 19: Pollution, Hazardous Substances and Ground Conditions Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | | Policy 2 Policy 3 Policy 4 Policy 5 Policy 6 Policy 7 |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

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|--|---|--|--|
| It is not justified | V | | |
| It is not effective | v | | |
| It is not positively prepared | | | |
| It is not consistent with national policy | | | |

Your comments

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Proposed soft landscaping adjacent southern boundary to protect amenity of existing dwellings



Land North of Mill Road Beauvale Eastwood - Indicative Master Plan



dwg.no. 14-245-01 August 2016 scale 1-1000 @ A2

Land north of Mill Lane, Beauvale, Eastwood, Nottinghamshire

Landscape and Visual Appraisal

Iain Reid Landscape Planning Ltd www.iainreidplanning.co.uk

March 2016

CONTENTS

| Section 1.0 | Title Introduction | Page 1 |
|--|--|-----------|
| 2.0 | The Proposed Development | 2 |
| 3.0 | Landscape Analysis | 10 |
| 4.0 | Landscape Concept and Strategy | 13 |
| 5.0 | Overall Conclusions | 14 |
| PLANS Plan No 1 Plan No 2 Plan No 3 | Assessment Site Location Landscape Analysis Landscape Concept | |
| APPENDICES Appendix 1 Appendix 2 | Extract from Eastwood Issues and Options Extract from Greater Nottingham Landscape Character Assessment | |
| FIGURES Figures 1-2 | | |

1.0 Introduction

- 1.1 Iain Reid Landscape Planning Limited was commissioned in March 2016 by Grace Machin Planning & Property to prepare a Landscape and Visual Appraisal of the potential for development of land north of 4 Mill Lane, Beauvale, Eastwood, Nottinghamshire. The land described below as the assessment site is located (centre of site) at NGR SK478471. It extends to ca 4.4 hectares (10.8 acres) and is shown on **Plan No 1 Site Location.**
- 1.2 The preparation of this appraisal has involved a desk based assessment of relevant planning policies and also published landscape character assessment work. In addition, the assessment site and the surrounding area has been visited on two separate occasions in March 2016 and viewpoints towards and of the assessment site identified. The appraisal has been prepared by lain Reid Dip MRTPI Dip LD CMLI. He has over 40 years experience in planning and landscape work in both the private and public sectors, much of it in the East Midlands.
- 1.3 This appraisal is structured as follows:
 - a) Section 2 considers the assessment site context in terms of landscape planning policy and landscape character. General planning policies are considered by others.
 - b) Section 3 sets out a landscape analysis of the assessment site.
 - c) Section 4 describes a landscape concept and strategy.
 - d) Section 5 set out an overall conclusion.

2.0 Landscape Context - Planning Policy and Landscape Character

2.1 Planning Policy

2.1.1 The Development Plan comprises the Aligned Core Strategy (ACS), prepared jointly by Broxtowe Borough Council, Gedling Borough Council and Nottingham City Council (covering the period up until 2028 and adopted 2014), and 'saved' policies from the adopted Broxtowe Local Plan (BLP) (covering the period 1991-2011 and adopted in 2004).

Aligned Core Strategy

2.1.2 Part of the spatial vision in the ACS (at para 2.3.10), indicates as follows:

'The area's unique built and natural environment has been improved through the sensitive and high quality design of new development, the historic environment, both urban and rural is valued and protected and where necessary has been enhanced. The principle of the Green Belt remains and it continues to shape new development, especially with regard to its key purpose of preventing coalescence of Nottingham and Derby and their associated towns. Major new Green Infrastructure has enhanced the multifunctional open space provision and network of green corridors linking the built up areas to open countryside and has helped to address the impacts of that growth whilst also providing opportunities for healthy lifestyles. It has also contributed to a step change increase in the region's biodiversity whilst allowing it to cope with climate change. Landscape character is now a key influence on new development.' (Emphasis added)

Spatial Objectives are set out at para 2.4.1, including at (vi):

'Protecting and enhancing the area's individual and historic character and local distinctiveness: to preserve and enhance the distinctive natural and built heritage, by protecting and enhancing the historic environment, by promoting high quality locally distinct design, and by valuing the countryside for its productive qualities and ensuring its landscape character is maintained and enhanced. Strategic historic assets will be protected including Wollaton Park, Nottingham Castle and Newstead Abbey.' (Emboldening as given).

2.1.3 Specific to Broxtowe the ACS states at para 2.7.8, in relation to *Built and Natural Environment Issues* that form part of the *Broxtowe Spatial Portrait / Local Distinctiveness* as follows: 'Historically and culturally there are strong links to the world famous writer DH Lawrence with a heritage centre and museum in Eastwood (his birthplace) with much of his writing influenced by the coal mining heritage and landscape in the north of the Borough which he referred to as 'the country of my heart'. The majority of Broxtowe is within the former Nottinghamshire coalfield, which influences the setting for a number of mature landscape areas concentrated in the central and northern parts of the Borough and with easy access to the Derbyshire countryside and the Erewash valley.'

2.1.4 ACS Policy 10 *Design and Enhancing Local Identity* sets out 5 criteria. Criterion 1 provides that:

'All new development should be designed to:

- a) make a positive contribution to the public realm and sense of place;
- b) create an attractive, safe, inclusive and healthy environment;
- c) reinforce valued local characteristics;
- be adaptable to meet changing needs of occupiers and the effects of climate change; and
- e) reflect the need to reduce the dominance of motor vehicles.'

Criterion 2 requires that: Development will be assessed against a range of considerations, including (inter alia):

(i) the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views' Criterion 4 provides that:

'Development must have regard to the local context including valued landscape/ townscape characteristics, and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings'.

Criterion 5 provides that

'Outside of settlements, new development should protect, conserve or where appropriate, enhance landscape character. Proposals will be assessed with reference to the Greater Nottingham Landscape Character Assessment.'

2.1.5 In the supporting text to ACS Policy 10 para 3.10.3 states:

'Local evidence will be used to inform and guide decisions, including urban characterisation and landscape characterisation studies where appropriate, and

further design guidance may be included in part 2 Local Plans. This more detailed guidance will assist in the implementation of this policy, especially for large or sensitive sites, and address particular design issues, or provide more detail, such as defining important views.'

and para 3.10.10 indicates that:

'Development should protect, conserve or, where appropriate, enhance landscape character, in line with the relevant Landscape Character Assessments. Particular regard will be had to the objective of protecting open countryside and historic landscapes, locating or siting development sensitively within the landscape, the likely impact of the scale of the development, the appropriateness of materials and detailed design, and the objective of preserving or enhancing biodiversity value.'

2.1.6 ACS Policy 16 *Green Infrastructure, Parks and Open Space* sets out 4 criteria. Criterion 2 requires that (inter alia):

'(e) Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment. Criteria for the assessment of proposals and any areas of locally valued landscape requiring additional protection will be included in part 2 Local Plans.'

Criterion 3 provides that new or enhanced Green Infrastructure corridors and assets should be as inclusive as possible, multifunctional and look to make provision for more than one of a list of facets, including: (f) *'enhancement of landscape character.'*

2.1.7 The supporting text to ACS Policy 16 indicates as follows at para 3.16.5

'Where appropriate, land surrounding the built up areas will be targeted to provide a significant resource for communities and provide a context for the landscape setting of the urban area. Ensuring that Green Infrastructure is protected, enhanced or provided in this area will address the issues of access to the countryside and ensure that Green Infrastructure is factored into the development of Sustainable Urban Extensions from the start.'

and at para 3.16.8:

'Landscapes and features within them form an important part of the Green Infrastructure network and Landscape Character Assessments have informed the preparation of the Aligned Core Strategies by providing details on how the different landscape types can be protected, conserved or enhanced. Criteria to assess the impact of development proposals on the landscape will be included in part 2 Local Plans prepared by the Councils.'

2.1.6 Para 1.1.15 of the ACS identifies the evidence base for the ACS, including, as considered further below, the *Greater Nottingham Landscape Character Assessment*.

Broxtowe Local Plan

2.1.7 Para 3.54 of the BLP identifies a number of objectives in relation to environment matters. Two objectives are relevant: 'Maintain the principle of Green Belt protection for the countryside, and reaffirm the criteria for assessing the acceptability of development proposals in the Green Belt and:

'Identify and safeguard landscape and ecological areas of recognised significance.'

- 2.1.8 The assessment lies within the Green Belt as defined in the BLP Proposals Maps and is subject to BLP policy E8 *Development in the Green Belt*. Green Belt is not *per se* a landscape policy.
- 2.1.9 BLP Policy E13 *Prominent Areas for Special Protection* identifies a number of locations within the Borough to be subject to that protection. The assessment site does not form part of, or adjoin any area subject to Policy E13.
- 2.1.10 BLP Policy E14 *Mature Landscape Areas* identifies a number of locations within the Borough to be subject to that protection. The assessment site does not form part of, or adjoin any area subject to Policy E14.

Emerging Site Specific Allocations Local Plan

- 2.1.11 In November 2013, as part of the preparatory work for the Site Specific Allocations Local Plan (SSA) Broxtowe BC published a number of settlement specific assessments, including the *Eastwood Site Allocations and Options* document. Part of the document considered individual sites for potential development. Sites were assessed against a range of considerations, including landscape / environmental factors. The assessment site was considered as Site 204 and it was noted that the site was:
 - In agricultural use
 - Adjacent to a named settlement
 - A 100% Greenfield Site
 - Not in a Mature Landscape Area

- Subject only to minor topographical constraints
- Not overly prominent
- Not within a designated Conservation Area and had no impact upon a designated Conservation Area'

2.1.12 The 'Final Reasoned Conclusion' in respect of Site 204 notes as follows:

Could be suitable if Green Belt policy changes, subject to the details of any proposal. Issues to be considered would include access and the impact on the countryside and the possible encroachment into Green Belt. North of Eastwood identified as a potential direction for growth.'

'Local Plan Review 2003 Inspector considered that developing this site would encroach into the countryside and would constitute urban sprawl. However the not play any significant part in maintaining the separation of neighbouring towns. The Inspector also considered that the site is a little beyond a convenient walking distance to public transport and facilities and is likely to encourage the use of private transport.'

The full extract from the Issues and Options document in relation to Site 2014 is at **Appendix 1.**

2.2 Landscape Character

- 2.2.1 At a national level, the assessment site lies with the *Nottinghamshire, Derbyshire and Yorkshire Coalfield* (NCA 38) and at a regional level (in the East Midlands Regional Landscape Character Assessment) within Landscape Type 9A: *Settled Coalfield Farmlands.* Each level provides broad guidance on key characteristics, pressures for change and guidance on how change might be managed. The areas described at both national and regional level are extensive and thus of limited direct relevance to the assessment site. More specific guidance is found in the *Greater Nottingham Landscape Character Assessment*, (GNLCA) prepared by TEP consultants in 2009.
- 2.2.2 The GNLCA divided the study area into broad landscape types and more detailed landscape character areas. The assessment sites lies with the *Nottinghamshire Coalfields* landscape type and within NC03 *Selston and Eastwood urban fringe farmland* landscape character area.

- 2.2.3 Key characteristics of the *Nottinghamshire Coalfields* landscape type include:
 - Undulating landform owing to differential weathering of hard sandstones and less resistant shales although a more subdued profile is present to the south due to an absence of large areas of sandstones;
 - The landscape has experienced constant change since the industrial revolution with frequent relics of the mining industry such as pit heaps and sprawling urban settlements a reminder of this;
 - Many land uses with a mosaic of farmland, settlements, industrial artefacts, modern commercial areas, derelict land and areas of newly restored land;
 - Remnants of an agricultural past although the landscape is dominated by urban and industrial activity;
 - Frequent large mining settlements with red brick terraces a common feature;
 - Prominent sometimes sprawling urban fringes exert a strong influence over the area;
 - Frequent urban fringe uses particularly close to settlements such as horse paddocks, allotments, playing fields and other leisure uses;
 - Areas of restored land characterised by establishing woodland, grassland and, where restored to farmland, a regular pattern of fields bounded by hedgerows.
- 2.2.4 The GNLCA sets out Guidelines and Recommendations for the *Nottinghamshire Coalfields* landscape type, including the following:
 - 'Conserve and enhance the overall unity and distinctive small-scale character of the landscape;
 - Conserve the landscape pattern formed by small lanes and hedgerows;
 - Conserve the pastoral character and promote measures for enhancing grassland diversity;
 - Identify opportunities for small scale woodland and tree planting;
 - Promote measures for retaining and enhancing the distinctive local character of the mining villages.'
- 2.2.5 Characteristics of the Selston and Eastwood urban fringe farmland landscape character area include:
 - 'The area has a strongly undulating landform
 - An artificial rise in the landform created by the restoration of a former mining spoil heap is prominent in the west of the area
 - There are many settlements in the area, giving the DPZ (Draft Policy Zone -

same as a landscape character area) an urban fringe character

- Land use is agricultural, including a mix of pastoral and arable farming
- Field sizes are medium to large and geometrically shaped
- The field pattern is predominantly a modern, modified pattern although there is some evidence of the former smaller, narrow, linear field pattern to the north of Bagthorpe and adjacent to the settlement edges
- Hedgerows commonly border the fields and are generally well maintained, although some are fragmented or have been lost through field size expansion
- There are no large blocks of woodland in this area, although there are views to larger plantation woodlands in adjoining DPZs
- Mature linear woodland follows the streams
- Small clumps of woodland and frequent hedgerow trees combine to give the area a partially wooded appearance
- New woodland planting is a feature on restored mineral workings which will increase the woodland cover in the area as they mature
- Settlements are a frequent feature of this DPZ and include Eastwood, Brinsley, Underwood, Jacksdale and Selston, although views to the urban fringes are often filtered by hedgerows and undulations in the landform
- Settlements have strong associations with the mining past of the area are characteristically include rows of red brick terraced housing
- Modern settlement expansion and ribbon development along the roads has contributed to a strong urban influence on the area
- Views are medium distance over the patchwork of agricultural land and settlement fringes
- There are longer views towards the west as the landform falls towards the River Erewash valley'
- 2.2.6 In commenting on the *Landscape Condition* of the *Selston and Eastwood urban fringe farmland* landscape character area, it is noted that:

'This DPZ is a densely settled landscape with prominent remnants of its industrial heritage associated mining. It is characterised by sprawling settlements, although a significant proportion of the land continues to be used for agricultural production. The area is associated with outcropping coal measures which give an undulating landform, drained by numerous small rivers and streams. Many areas of farmland are surrounded on two sides by built development but the urban edge is often filtered by dense hedgerows or the undulating landform.'

and.

'Woodland is infrequent in this DPZ. There are small broadleaved woodlands scattered through the landscape and woodland and dense riparian vegetation follows the line of the streams. In combination with hedgerow trees, these features combine to give a partially wooded character.'

In relation to Condition it is concluded that

'The landscape condition is **Moderate.** There is some evidence of hedgerow fragmentation and the use of wire fencing instead of hedgerows. The restoration of the coal mining landscapes has improved the condition of the landscape and this will improve further as the planting matures.'

2.2.7 In relation to *Landscape Strength* the study notes that:

The undulating topography gives some long views over the patchwork of agricultural fields and settlements. There are views over the area from the east, as the land rises beyond the Erewash valley. From within the area there are views to the large plantation woodland to the west of the DPZ and to the surrounding settlements, often on ridgelines, such as Selston, Underwood, Bagthorpe and Westwood.

The strength of character is **Moderate.** The agricultural land has few distinctive features and the sprawled settlement pattern does not contribute to the sense of place. However, the landscape history is still evident in the mining influences and relics contribute to the sense of place.

The interaction of *Landscape Condition and Strength* is expressed through a matrix used for all the character areas in the GNLCA. The overall landscape strategy for the *Selston and Eastwood urban fringe farmland* landscape character area is to *Enhance.* The study explains that in relation to strategy '*enhance*' means to:

'Improve existing features which may not be currently well-managed or where existing features are of good quality but could be of greater benefit if improved, potentially including improvements to landscape management practices or the introduction or removal of elements or features in order to strengthen character and/or improve perceived condition.'

2.2.8 The study sets out a series of '*Landscape Actions*' for the *Selston and Eastwood urban fringe farmland* landscape character area. Relevant to the assessment site are the following:

Landscape features

- Conserve and enhance the pattern of hedged fields
- Enhance the hedgerow pattern by replacement planting where hedges are becoming fragmented
- Enhance the woodland cover through the area by identifying opportunities for small-scale woodland planting, especially on settlement fringes
- Conserve the dense, species rich hedgerows which border the pastoral fields and enhance the single species thorn hedgerows on the restored land
- Conserve areas of woodland along streams and enhance these features with planting where appropriate.'

Built form

- 'Conserve and enhance the distinctive local character of the mining villages such as the uniform rows of red brick terraces
- Enhance the urban edges through identifying opportunities for hedgerow or tree planting to filter views to the urban fringe
- Restrict further urban edge expansion and promote measures to achieve a better integration of settlements into the wider landscape through planting of small groups of hedgerow trees and careful placement of built development to reduce its prominence in the landscape.'

Extracts from the GNLCA are at **Appendix 2**.

3.0 Landscape Analysis

- 3.1 A landscape analysis of the assessment site in its context is set out on Plan No 2
 Landscape Analysis.
- 3.2 The following factors are considered relevant:

Land Use

The site comprises a single field used as pasture.

Adjoining Land Use

Land to the west is used predominantly for arable use but there are also areas of pasture on higher ground closer to Moorgreen. Land to the north east and south and south east is largely in residential use, with Beauvale County Primary School and the now vacant Dovecote PH located on Beauvale. The assessment site is defined by existing built development to the north east, west and south; the latter elevated on a ridge carrying the B6010.

Topography

The site lies on the north facing side of the Beauvale Brook valley (although the lower slopes have been developed and there is no real sense of a valley form). Levels fall from ca 114m AOD adjacent to the Dovecote PH, and from ca 103m AOD on Mill Road to ca 90m AOD, in the northern corner of the site, adjacent to the rear of properties on Bosworth Drive.

Vegetation:

The site has a relatively poor vegetation structure; although there is an area of scrub woodland at the western end, the eastern and internal field boundaries are gappy with few hedgerow trees.

Water Features

There are no streams or ponds within the assessment site, although there is standing water in the lower lying north western parts of the site

Built Elements:

There are no built elements within the assessment site

Public Rights of Way:

Public Right of Way (PRoW) Greasley FP 1 runs across the site from south to north from Beauvale Road to join PRoW Eastwood FP36/ Greasley FP67 which in turn runs north east from Mill Road along the north west side of the site. PRoW Greasley FP3 runs north east then south east from FP36/ FP67 adjacent to Colliers Wood then on rising ground towards the B6010 at Moorgreen, ca 265-280m east/ north east of the assessment site.

- 3.3 Views towards and from the assessment site are at Figures 1 and 2. The locations of the photograph viewpoints are shown on Plan No 2. Local views are restricted. Although there are wide elevated views from PRoW Greasley FP 1 as FP1 drops in level from south to north those views are increasingly constrained by built development to the north and north east and focus more on the unprepossessing urban edge north of FP36/ FP67. From FP36/ FP67, views into the site are limited from the Mill Road access by boundary fencing and scrub woodland in the south west site corner; beyond that there are views through the gappy field boundaries adjacent to the PRoW over the site to the north east towards Colliers Wood and rising ground towards Moorgreen. From PRoW FP36/ FP67 north of the site there are return views over the site towards Eastwood; in these views the assessment site lies below the skyline with existing scrub planting on and off site and development forming a visual backdrop.
- 3.4 There are middle distance views towards the assessment site available from PRoW Greasley FP3 north east of the assessment. In the available views, the assessment site lies below the skyline formed by the existing built up area to the west, with existing scrub planting on and off site and development to the west forming a visual backdrop. As FP3 rises to the east there are more expansive views over and beyond Eastwood, including to the restored former colliery tip north of Eastwood Hall.
- 3.5 The former Dovecote PH is a visible feature on the skyline from north of the assessment site (and indeed beyond). There are conversely expansive views to the north (towards higher ground at Beauvale Abbey) from adjacent to the former PH and from PRoW Greasley FP1. In the return views from New Road leading to Beauvale Abbey, the assessment site cannot be readily discerned, set within the developed form of Eastwood.

4.0 Landscape Concept and Strategy

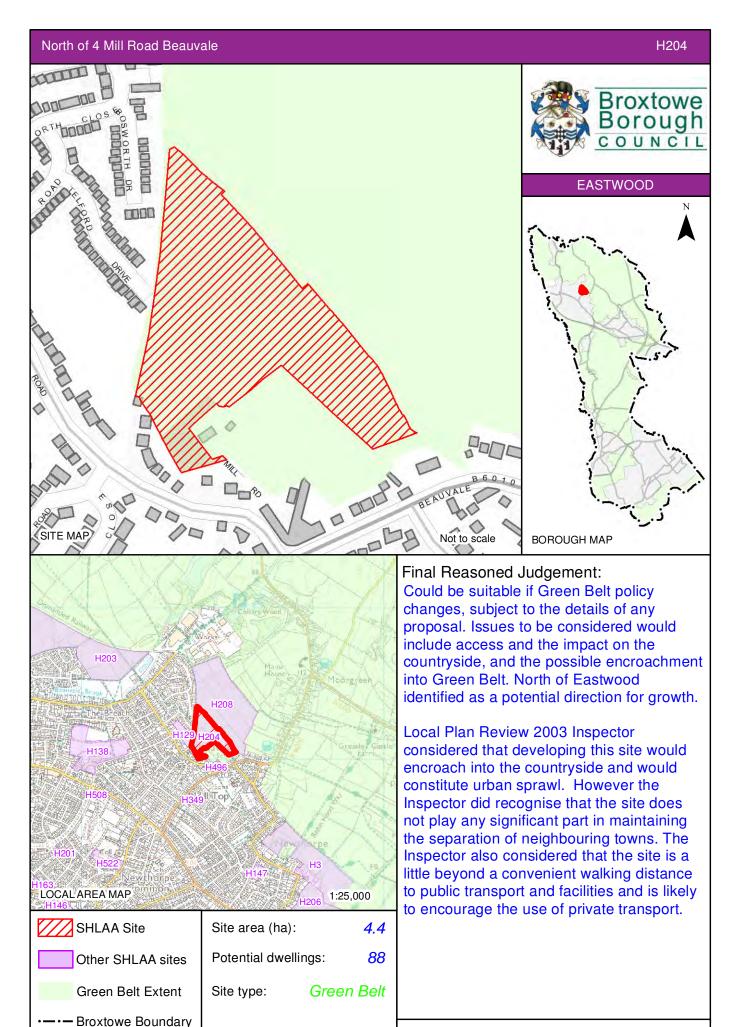
- 4.1 A Landscape Concept for the potential development of the assessment site is shown on **Plan No 3 Landscape Concept.** The concept derives from the landscape analysis, and also from the guidance set out in respect of the *Selston and Eastwood urban fringe farmland* in the GNLCA.
- 4.2 The principal elements of the concept are as follow:
 - Retain existing hedgerow/ scrub planting alongside PRoW FP36/ FP67, save for the creation of new access into the assessment site (as described in *Access Feasibility Study* by *BSP Consulting*).
 - Retain in part scrub vegetation in the south west site corner adjacent to PRoW FP36/ FP67.
 - Retain existing hedgerow vegetation around the eastern and southern edges of the assessment site.
 - Strengthen significantly the north east assessment site edge through new native woodland planting typically 15/20m deep, and also incorporating some small areas of woodland to provide articulation to the (new) settlement edge.
 - Develop the northern and more lower lying part of the assessment site for residential use (with access taken off the head of Telford Drive)
 - Retain the higher southern (and steeper) part of the site in open land use and use as public open space
 - Retain PRoW Greasley FP 1 through the site, but enhance its immediate route through open space as part of the residential development.
 - Provide for surface water attenuation/ swales in the north western part of the site adjacent to FP36/FP67 and incorporate these features into areas of linear open space.
- 4.3 The overall Landscape Strategy thus envisages a redefinition and strengthening of the landscape structure of the assessment site and through that, and development, an enhancement to the character and appearance (and hence function) of the urban edge. Development of the assessment site would contribute to the enhancement of the local Green Infrastructure network.

5.0 Conclusions

- 5.1 The assessment site is an unexceptional area of urban fringe farmland on the north eastern edge of Eastwood. It contains no exceptional or unique landscape features. It is not (and never has been) subject to any landscape or landscape related local plan designation. The assessment site is in a poor landscape condition. Development of the assessment site would fulfil a number of the Landscape Actions for the area set out in the *Greater Nottingham Landscape Character Assessment*, specifically in respect of the retention and enhancement of hedgerows, the development of small areas of woodland, and articulation and enhancement of the urban edge.
 - 5.2 Development of the assessment site would not give rise any significant landscape or visual effects, but, subject to the incorporation of the landscape strategy outlined above, would in practice contribute to local landscape and visual enhancement

Appendices

Appendix 1



Could be suitable if policy changes

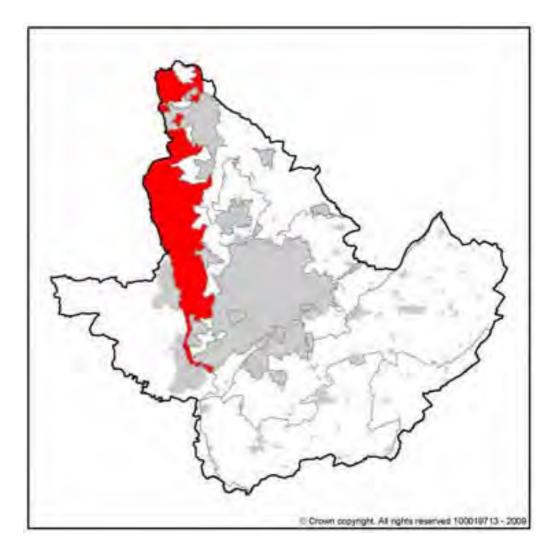
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Published Site Constraints

| Site Reference: 204 | North of 4 Mill Road Beauvale | | |
|--|---|--|--|
| Site Area 4.37 | Easting: 447796 Northing: 347042 | | |
| Planning Policy Status | Non-allocated and No Planning Permission | | |
| Existing Use | Agricultural | | |
| Location | Adjacent named settlement as listed | | |
| Previously developed in whole or part | 100% Greenfield Site | | |
| Material Planning Policy Considerations except Land Use | | | |
| Landscape Quality and Character | Not in a Mature Landscape Area | | |
| Agricultural Land | Grade 4 | | |
| Topographical Constraints | Minor topographical constraints | | |
| Ridgelines and Site Prominence | Not overly prominent | | |
| Highways Infrastucture Constraints | Unknown | | |
| Utilites Water | Not likely to be an issue | | |
| Utilities Gas and Electricity | Not likely to be an issue | | |
| EIA | N/A | | |
| Bad Neighbours | Setting with no adverse effects | | |
| Flood Risk | EA Maps suggest area at no risk from flooding | | |
| Natural Environmental Constraints | No environmental constraints or designations | | |
| Built Environmental Constraints | No Built Environment Constraints | | |
| Contaminated Land Issues | No Known Constraints | | |
| Conservation Area Status | Site is not within a designated Conservation Area and has no impact upon a designated Conservation Area | | |
| Ownership Constraints | Unknown | | |
| Operational or Tenancy Issues | Unknown | | |
| Info from Housing Market | Weak | | |
| Public Transport Accessibility | Within 10 minutes walk of a bus stop | | |
| Proximity to Tram Stops | No tram stops within 20 minute walk | | |
| Facilities within the Localilty | District/Town Centre within 10-15 minute walk | | |
| Pedestrian and Cycling accessibility to site | Moderate number of basic pedestrian / cycle routes linking site to centres of residence | | |
| Green Infrastructure Public Benefit | Public benefit through existing GI facility within 10-15 minute walk | | |

Appendix 2



DPZ within this Regional Character Area: -

- NC01 Erewash River Corridor
- NC02 Babbington Rolling Farmland
- NC03 Selston and Eastwood Urban Fringe Farmland
- NC04 Moorgreen Rolling Woodland
- NC05 Kirkby Coalfield Farmlands/Kirkby Vales
- NC06 Fulwood Restored Works
- NC07 Stanley and Silverhill
- NC08 River Meden Valley

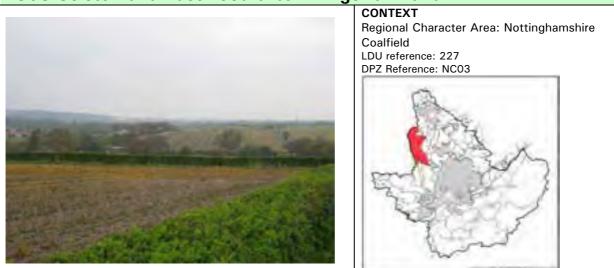
Key Characteristics

- Heavily industrialised region associated with a broad belt of exposed, coal bearing rocks along the eastern fringe of the Pennines;
- Undulating landform owing to differential weathering of hard sandstones and less resistant shales although a more subdued profile is present to the south due to an absence of large areas of sandstones;
- Highest point is at Huthwaite where land is just above 200mAOD. The land falls to the north, west and through the limestone escarpment to the east;
- Soils are stagnogleys and vary from clayey to loamy texture and are frequently waterlogged;
- Many minor streams draining into the Erewash have created dissected and undulating land with many small hills and ridges and in places steep sided valleys;
- Erewash is a prominent watercourse within a broad valley and has a strongly meandering course;
- The landscape has experienced constant change since the industrial revolution with frequent relics of the mining industry such as pit heaps and sprawling urban settlements a reminder of this;
- Many land uses with a mosaic of farmland, settlements, industrial artefacts, modern commercial areas, derelict land and areas of newly restored land;
- Remnants of an agricultural past although the landscape is dominated by urban and industrial activity;
- Frequent large mining settlements with red brick terraces a common feature;
- Prominent sometimes sprawling urban fringes exert a strong influence over the area;
- Frequent urban fringe uses particularly close to settlements such as horse paddocks, allotments, playing fields and other leisure uses;
- Commercial and industrial development is frequent along main roads interconnecting areas;
- Pockets of more rural character characterised by small vernacular settlements and semi-regular pattern of small to medium fields;
- Some smaller rural villages remain at Cossall, Bagthorpe, Awsworth, Brinsley, Jackdale and Stanley;
- Network of narrow winding lanes bordered by intact hedgerows around smaller rural settlements;
- Tradition of small pastoral farms particularly on wetter soils although arable is present in places;
- Pockets of permanent pasture and wet grassland and marsh along watercourses; and
- Areas of restored land characterised by establishing woodland, grassland and, where restored to farmland, a regular pattern of fields bounded by hedgerows.

Guidelines and Recommendations

- Conserve and enhance the overall unity and distinctive small-scale character of the landscape;
- Conserve the landscape pattern formed by small lanes and hedgerows;
- Conserve the pastoral character and promote measures for enhancing grassland diversity;
- Identify opportunities for small scale woodland and tree planting;
- Promote measures for retaining and enhancing the distinctive local character of the mining villages;
- Restore and enhance the visual continuity of the river corridor through small scale riparian planting;
- Restore the character of the alluvial grasslands along river corridors;
- Enhance the diversity of the river corridor through riverside tree planting; and
- Consider opportunities for creating wet valley woodlands where appropriate.

NC03 Selston and Eastwood urban fringe farmland



CHARACTERISTIC FEATURES

- The area has a strongly undulating landform
- An artificial rise in the landform created by the restoration of a former mining spoil heap is prominent in the west of the area
- The coal measures underlying the area have had a significant impact on the land use in the past, which is still
 visible in the restored landscapes and coal mining relics
- · Small streams transect the area and have created shallow valleys where they have eroded softer rocks
- There are many settlements in the area, giving the DPZ an urban fringe character
- Land use is agricultural, including a mix of pastoral and arable farming
- Field sizes are medium to large and geometrically shaped
- The field pattern is predominantly a modern, modified pattern although there is some evidence of the former smaller, narrow, linear field pattern to the north of Bagthorpe and adjacent to the settlement edges
- Hedgerows commonly border the fields and are generally well maintained, although some are fragmented or have been lost through field size expansion
- There are no large blocks of woodland in this area, although there are views to larger plantation woodlands in adjoining DPZs
- Mature linear woodland follows the streams
- Small clumps of woodland and frequent hedgerow trees combine to give the area a partially wooded appearance
- New woodland planting is a feature on restored mineral workings which will increase the woodland cover in the area as they mature
- There are frequent infrastructure routes: A, B and smaller roads criss-cross the area and overhead lines are visible on the skyline
- Settlements are a frequent feature of this DPZ and include Eastwood, Brinsley, Underwood, Jacksdale and Selston, although views to the urban fringes are often filtered by hedgerows and undulations in the landform
- Settlements have strong associations with the mining past of the area are characteristically include rows of red brick terraced housing
- Modern settlement expansion and ribbon development along the roads has contributed to a strong urban influence on the area
- · Red brick properties with a modern style are common on the settlement edges
- There are some large, red brick farm houses scattered through the landscape
- Eastwood Hall, Brinsley Hall, Wansley Hall and Selston Hall are all features of the landscape although Eastwood
- Views are medium distance over the patchwork of agricultural land and settlement fringes
- There are longer views towards the west as the landform falls towards the River Erewash valley
- The mining heritage associated with this area is clear in the landscape, and includes the Brinsley Headstocks and Durban House Heritage Centre, which was formally the offices of the mine owners
- The DPZ has a strong connection to DH Lawrence and the mining landscape formed a key component in his literary works; there are heritage trails based on his life and works through the area



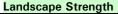
LANDSCAPE ANALYSIS

Condition This DPZ is a densely settled landscape with prominent remnants of its industrial heritage associated mining. It is characterised by sprawling settlements, although a significant proportion of the land continues to be used for agricultural production. The area is associated with outcropping coal measures which give an undulating landform, drained by numerous small rivers and streams. Many areas of farmland are surrounded on two sides by built development but the urban edge is often filtered by dense hedgerows or the undulating landform.

The heavy, poor draining soils have tended to constrain agricultural improvement and consequently pastoral farming is characteristic of the area. Fields are semi-regular and often enclosed by thick, species rich hedgerows, although the restored land commonly has a more regular field pattern and single species hedgerows, or wire fencing. The original field pattern and rural settlement pattern has largely been altered by mining related development.

Woodland is infrequent in this DPZ. There are small broadleaved woodlands scattered through the landscape and woodland and dense riparian vegetation follows the line of the streams. In combination with hedgerow trees, these features combine to give a partially wooded character.

The landscape condition is **MODERATE**. There is some evidence of hedgerow fragmentation and the use of wire fencing instead of hedgerows. The restoration of the coal mining landscapes has improved the condition of the landscape and this will improve further as the planting matures.



The undulating topography gives some long views over the patchwork of agricultural fields and settlements. There are views over the area from the east, as the land rises beyond the Erewash valley. From within the area there are views to the large plantation woodland to the west of the DPZ and to the surrounding settlements, often on ridgelines, such as Selston, Underwood, Bagthorpe and Westwood.

The strength of character is **MODERATE**. The agricultural land has few distinctive features and the sprawled settlement pattern does not contribute to the sense of place. However, the landscape history is still evident in the mining influences and relics contribute to the sense of place.

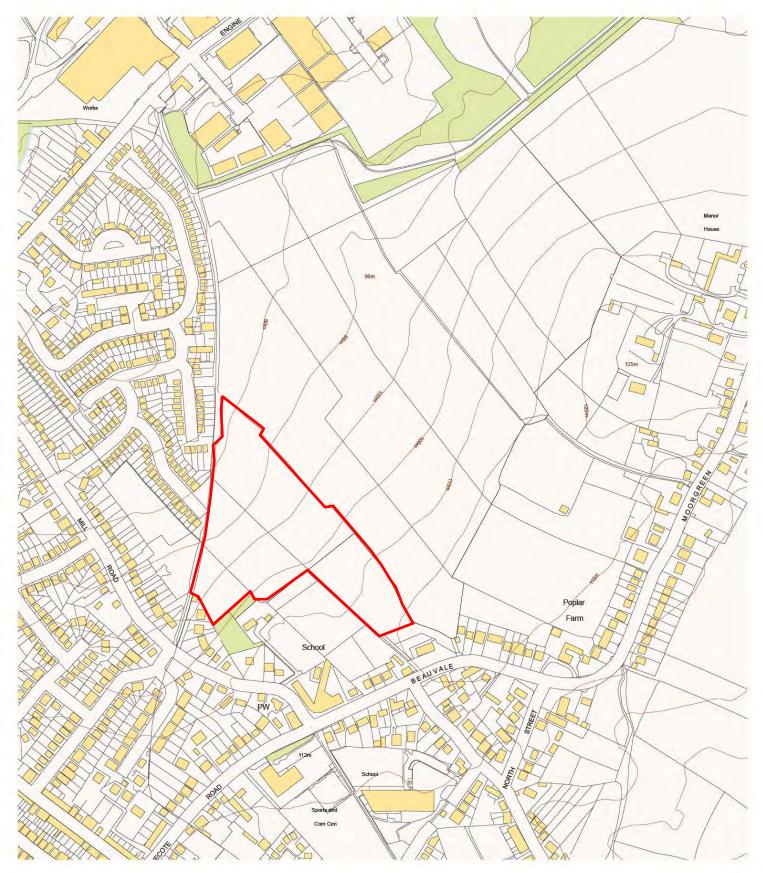


to the sense of place.

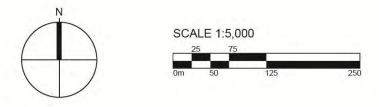
- Landscape features
- Conserve and enhance the pattern of hedged fields
- Enhance the hedgerow pattern by replacement planting where hedges are becoming fragmented
- Enhance the woodland cover through the area by identifying opportunities for small-scale woodland planting, especially on settlement fringes
- Enhance the restored coal mining landscapes to ensure they become successfully integrated into the wider landscape through management of the plantation woodland
- Conserve the dense, species rich hedgerows which border the pastoral fields and enhance the single species thorn hedgerows on the restored land
- · Conserve areas of woodland along streams and enhance these features with planting where appropriate
- Conserve and enhance the remaining pastoral landscapes through non-intensive management to ensure they retain their present character
 Built form
- Conserve and enhance the distinctive local character of the mining villages such as the uniform rows of red brick terraces
- Enhance the urban edges through identifying opportunities for hedgerow or tree planting to filter views to the urban fringe
- Restrict further urban edge expansion and promote measures to achieve a better integration of settlements into the wider landscape through planting of small groups of hedgerow trees and careful placement of built development to reduce its prominence in the landscape
- Other development/ structures in the landscape
- Conserve the mining heritage in the landscape, such as the Brinsley Headstocks and Durban House which contribute to the literary associations to D.H. Lawrence



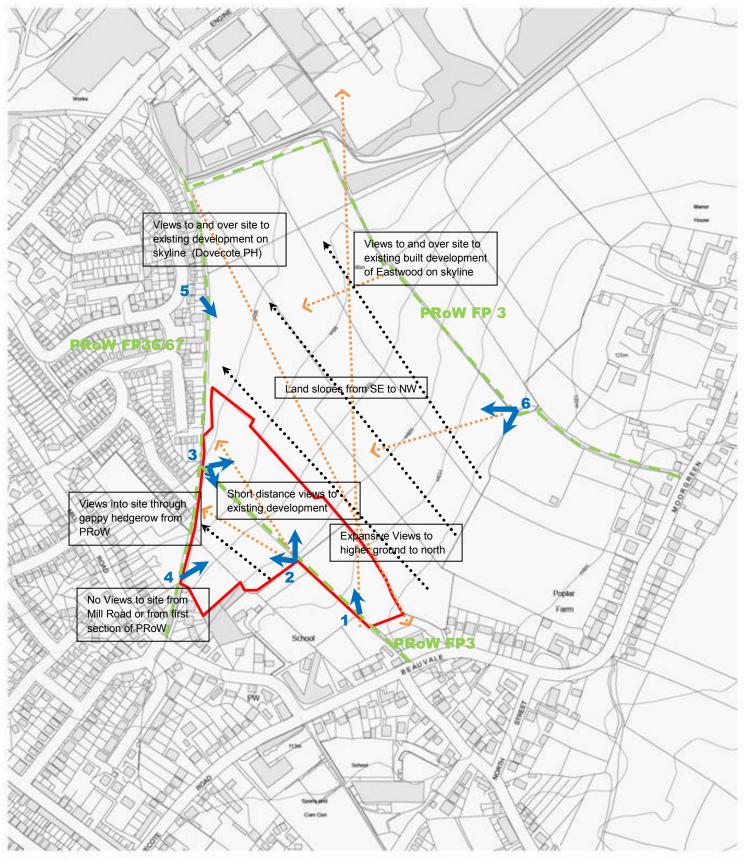




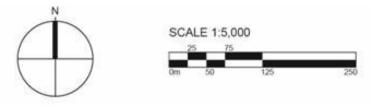
Land north of Mill Lane, Beauvale, Eastwood, Nottinghamshire Plan 1: Assessment Site Location



Plans

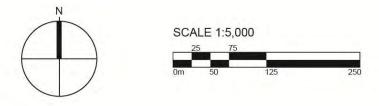


Land north of Mill Lane, Beauvale, Eastwood, Nottinghamshire Plan 2: Landscape Analysis





Land north of Mill Lane, Beauvale, Eastwood, Nottinghamshire Plan 3: Landscape Concept



Figures







Land north of Mill Lane, Beauvale, Eastwood, Nottinghamshire : Photographs – Figure 1









Land north of Mill Lane, Beauvale, Eastwood, Nottinghamshire : Photographs – Figure 2

REPRESENTATIONS TO BROXTOWE LOCAL PLAN, PART 2, 2017-2028 – PUBLICATION VERSION, SEPTEMBER 2017

On behalf of the Pickering Family

PROPOSED RESIDENTIAL ALLOCATION – LAND TO THE NORTH OF 4 MILL LANE, EASTWOOD

OCTOBER 2017

Prepared By George Machin MTCP MRTPI



INTRODUCTION AND SUMMARY

- 1. We have been instructed to make the following representations in respect of the Broxtowe Local Plan Part 2, Publication Version, September 2017, which is currently being consulted upon, prior to being submitted for Examination in due course. These representations have been prepared having regard to the documents contained within the supporting Evidence Library and have assessed the compliance of the Publication Version Part 2 Local Plan against paragraph 182 of the National Planning Policy Framework (March 2012)(NPPF). Paragraph 182 states that for a plan to be "sound" it should be:
 - * Positively prepared
 - * Justified
 - * Effective
 - * Consistent with national policy
- 2. These representations should be considered alongside previous Representations submitted with respect of this Site. Again, our detailed evidence seeks to promote my client's landholding, comprising land to the north of 4 Mill Lane, Beauvale, Eastwood (as identified on the enclosed Plan) for residential development. This document sets out a brief rationale as to why this Site represents suitable and deliverable land, which should be allocated for a medium scale residential development, thereby assisting to meet the housing needs of Broxtowe Borough, within a sustainable and accessible location.
- 3. In order to fully meet the current and future housing needs for the Eastwood Area, (and the wider Borough of Broxtowe), we believe that the Site identified on the attached Plan should be removed from the Green Belt and allocated for residential purposes in addition to the Sites already identified for residential allocation, in order to ensure the full delivery of housing requirements for this area.

SITE DESCRIPTION

- 4. The Site comprises approximately 4.73 hectares of agricultural grassland, which is located to the north-east of Eastwood. It is sandwiched between existing built development to the west, south and east, which is predominantly residential in nature. To the north, the Site abuts further agricultural land in arable use. The landholding is physically and visually contained on three sides and is not overly prominent when entering Eastwood from a northerly direction on the B6010.
- 5. There are no insurmountable constraints to the development of this Site: It is not within or adjoining a Conservation Area and does not impact upon any other known heritage asset; it is not within an area at risk of flooding; it does not impact upon any national or local environmentally designated area and it is not subject to any contamination.

6. A Landscape Study with Plans and Transport Feasibility Study, including preliminary access design and details of an emergency access to Mill Lane have been commissioned in respect of this Site, in order to properly assess its potential to accommodate a residential development. These documents are provided in support of this report and assist in demonstrating how a sensitively designed and landscaped residential scheme of up to 150 no. dwellings could be provided across this Site, which would respect its edge of settlement location and which could be safely accessed and egressed without detriment to the existing highway network and its users.

SITE ASSESSMENT

7. Based upon the above Site Description, we would like to set out the suitability and deliverability of my client's landholding for a medium scale residential development, as follows:

Green Belt

- 8. My client's landholding to the North of 4 Mill Lane, Beauvale, Eastwood is currently located within the Nottingham Derby Green Belt, which is given a high level of protection through National Planning Policy. It is acknowledged however, that in order to meet the ongoing housing needs of Broxtowe during the Local Plan period 2017 2028, land within the Green Belt will need to be released and allocated for residential development. It is recognised that in order to deliver the level of development envisaged, Green Belt boundaries will need to be reviewed. In doing so, and in considering the importance attached to Green Belt land, it is absolutely imperative that the revision of Green Belt boundaries around Eastwood is well considered and based upon a clear approach.
- 9. The purposes of including land within the Green Belt are set out within Paragraph 80 of the NPPF. Here it is stated that there are five purposes of including land within the Green Belt, including:
 - To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment.
- 10. In applying these considerations to the Site to the North of 4 Mill Lane, Beauvale, Eastwood (see enclosed Plan), it is submitted that this landholding does not perform an important role in separating the built form of Eastwood from the outer edge of the Main Built Up Area of Nottingham. The residential development of the proposed Site would not therefore lead to these neighbouring settlements merging into each other. Indeed, as previously stated above in Paragraph 4, the Site is well defined and contained within the existing built framework of Eastwood and does not extend beyond this framework into the open countryside beyond. In this respect therefore, the development of this Site would not result in any reduction in the gap between Eastwood and the Main Built Up Area of Nottingham these areas would not therefore be at risk of coalescence and the development of this well-defined Site with strong defensible boundaries would not allow the unrestricted sprawl of Eastwood.

- 11. In addition, Paragraph 85 of the NPPF stresses that, in reviewing Green Belt boundaries, Local Planning Authorities should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent." The Site identified comprises arable fields, which are strongly enclosed and defined by permanent and recognisable physical boundaries, including existing residential development to the west, south and east. These elements provide strong, recognizable and permanent features, which would provide long term physical and visual barriers or enclosure to the proposed development of this Site.
- 12. In the Green Belt Consultation Document 2015 my client's Site is within Zone 12, which is located to the north-east of Eastwood. The Assessment against the Criteria listed within the document gives the Site a total score of 9, which places it as one of the two lowest scoring Sites in Eastwood and therefore the most appropriate for consideration for release from the Green Belt and allocation for an alternative use.
- 13. The commentary to the assessment highlights that land to the North and North East of Eastwood were previously considered as potential directions for growth in the Tribal report. The review finds that the Site to the north of Eastwood (Zone 10) contains a defensible boundary in the disused railway line and is better related to the existing settlement, as it amounts to a smaller incursion into the countryside. For this reason, this Site is identified as the favoured option, with it now being proposed for removal from the Green Belt.
- 14. It should be stressed however, that this Site within Zone 10 does have a higher score than Zone 12 in respect of 'Preventing neighbouring settlements from merging into one another' and 'Preserving the setting and special character of historic settlements' and therefore in these areas, the Zone 10 Site is actually more valuable with regard its contribution to the Green Belt than our client's landholding within Zone 12.

In particular, there is a concern that the development of the Zone 10 Site, particularly within its western part, will reduce the open gap between Eastwood and the neighbouring settlement of Brinsley and would reduce the amount of open space visible when travelling along Mansfield Road.

- 15. In order to minimise this perception of coalescence between the settlements of Eastwood and Brinsley, it seems appropriate to consider the far western part of the Zone 10 Site as being suitable for strategic landscaping and protected open space only, thereby limiting the potential for these settlements to 'merge together'. This may well limit the number of dwellings which could be accommodated within this Site
- 16. With this in mind, we would again highlight the suitability of part of Zone 12 for removal from the Green Belt and its allocation for residential purposes, in order to provide the quantum of housing land required to deliver the numbers envisaged through the Adopted Aligned Core Strategy. The Indicative Master Plan attached illustrates the fact that the Site being promoted herein does not encompass the entirety of the Zone 12 Site, but rather a portion of it, which sits within a triangle of land contained by existing residential development to the west, Mill Lane to the South and the B6010 to the east. This landholding is extremely well related to the existing settlement and essentially

'rounds off' the built framework of Eastwood, without unduly encroaching into open countryside. Indeed, in considering my client's landholding only (as a part of Zone 12), we submit that it would score just two stars in respect of the assessment criteria relating to unrestricted sprawl of settlements and just one star in respect of safeguarding the countryside from encroachment – thereby giving it a total score of just 5 and making it highly suitable for release from the Green Belt.

- 17. Based upon the above assessment of my client's Site, along with the potential restrictions on the Site within Zone 10 to deliver its full area for housing, we submit that both Sites should be considered for release from the Green Belt and allocated for residential development, in order to ensure the delivery of housing numbers within Eastwood, in accordance with the requirements of the Aligned Core Strategy.
- 18. With the foregoing in mind, it is our submission that the allocation of my client's Site to the North of 4 Mill Lane, Beauvale, Eastwood would not conflict with any of the reasons for including land within the Green Belt, and would meet the requirements of Paragraph 85 of the NPPF. The proposed allocation of this land would not therefore lead to the possible unrestricted sprawl of Eastwood over the coming years, and therefore its removal from the Green Belt and allocation for residential development complies with National Planning Policy in respect of the protection of the Green Belt and countryside.
- 19. Notwithstanding the above, in the context of Paragraph 85 of the NPPF which stresses that, in reviewing Green Belt boundaries, Local Planning Authorities should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent," we would invite the Council and Inspector to consider whether removal of <u>only</u> land within my client's ownership that is located south of the Public Right of Way (PROW) would be more acceptable in this instance.

This smaller scheme would have the PROW forming a natural defensible boundary. Such boundaries are clearly referenced in national planning policy and would allow the Council to resist any further encroachment into the GB by development in this area.

Access / Highways

20. A separate Transport Feasibility Study has been prepared and is enclosed, however, it concludes with:

'During discussions held with NCC their initial view on the site and the potential access is that due to the existing road widths provided along Telford Drive the road would provide a suitable means of access for more than 150 dwellings, therefore an additional 150 dwellings could be accessed via the road. Primary access to the site would therefore be gained through the extension of Telford Drive into the proposed development site.'

Access to facilities and services

21. The Site has ready access to a range of facilities and services, including employment and education opportunities, without reliance upon the private car. With this in mind,

the Site is considered to be sustainably located and offers an opportunity to deliver sustainable development, which contributes towards the three strands of sustainability – economic, environmental and social – as set out within Paragraphs 7 and 8 of the NPPF.

Technical considerations

22. In addition to the technical reports which are already enclosed, the landowner is content to provide the requisite range of further technical assessments to support the future development of this Site, including Ecological Appraisal, Drainage / Flood Risk Assessments, etc.

PLANNING POLICY CONTEXT

- 23. The Greater Nottingham, Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy, Part 1 Local Plan was adopted in September 2014. This strategic plan sets a minimum requirement of 30,550 new homes to be delivered between 2011 and 2028, based upon the following hierarchical approach:
 - a) The main built up area of Nottingham;
 - b) Adjacent to the Sub Regional Centre of Hucknall; and
 - c) Key Settlements identified for growth:

i) Awsworth, Brinsley, Eastwood (including parts of Giltbrook and Newthorpe) and Kimberley (including parts of Nuthall and Watnall), in Broxtowe;

ii) Bestwood Village, Calverton and Ravenshead, in Gedling.

d) In other settlements (not shown on the Key Diagram) development will be for local needs only.

- 24. Of the total minimum requirement of 30,550 no. dwellings, at least 6,150 of these are to be located in Broxtowe Borough, of which 3,800 no. dwellings are to be delivered within or adjoining the main built-up area of Nottingham, whilst the remaining housing requirement will be provided within or adjoining the Key Settlements. This includes the provision of up to 1,250 homes at Eastwood.
- 25. The Publication Version Part 2 of the Broxtowe Local Plan now seeks to provide specific site allocations to meet the housing requirement set out within the Core Strategy, Part 1 Local Plan as set out above.

SHLAA 2015/2016

26. The latest SHLAA, produced by Broxtowe Borough Council and dated 2015/2016 identifies that against the requirement of 6,150 dwellings for the period 2011 to 2028, there is a total capacity on urban sites of only 5,631, thereby requiring further sites to

be identified outside the urban area. In the Eastwood Area, against the minimum requirement of 1250 no. dwellings, there remains a residual requirement of 490 no. dwellings to be found outside the urban area and therefore, amendments will need to be made to the existing Green Belt boundaries to accommodate this requisite level of growth.

27. Within the SHLAA, there are a number of sites which have been identified as being suitable if policy changes, including the proposed Site North of 4 Mill Road, Beauvale. Part 2 of the Local Plan will allocate selected sites from those which have been listed as suitable if policy changes, to ensure that the requisite quantum of residential development is accommodated adjoining the Eastwood area.

Publication Draft Part 2 Local Plan: Site Allocations

- 28. The second part of the plan will include specific site allocations to meet the housing need as set out in the Core Strategy and will detail policies against which planning applications will be assessed. The Publication Draft is now being consulted upon until 3rd November 2017, after which the consultation responses will be taken into account, before the Draft Plan is submitted for formal Examination and subsequently adopted by the Borough Council.
- 29. Policy 6 of the Publication Draft Part 2 Local Plan identifies <u>only 1 site</u> in Eastwood, which is proposed to be allocated for housing. The site proposed for residential allocation is;
 - Policy 6.1 Walker Street, Eastwood: 200 homes and 30 extra care units
- 30. The site is located centrally within Eastwood within the urban area. The site is within the ownership of Nottinghamshire County Council and is predominantly brownfield. The site contains the existing Lynncroft Primary School which is proposed for relocation within the existing site to the north.
- 31. The total capacity of the site currently identified and proposed for allocation for residential development is just 200 no. dwellings and 30 extra care units. This clearly falls drastically short of the minimum housing requirement for the Eastwood area of 1250 no. dwellings and therefore the full housing needs of this area have not yet been accounted for or accommodated through the Publication Draft Part 2 Local Plan.

HOUSING LAND SUPPLY

32. A recent appeal decision, Ref: APP/J3015/W/16/3162096, dated the 2nd March 2017 confirms that the Council is currently unable to demonstrate a 5-year supply of housing land. According to the Council's appeal statement, the reported position on the 27th January 2017 was that the LPA could demonstrate a 3.6-year supply of housing land, which is a decline compared to the earlier position on the 1st April 2016, at which time a 4.4 year supply could be demonstrated. In order to ensure and maintain a flexible rolling five year housing land supply position, that is able to adapt to changes in circumstances and the requirements of the market, it is clear that additional land must be allocated to accommodate the requisite housing needs of the Borough.

ASSESSMENT OF SOUNDNESS

- 33. With the above in mind, we currently do not believe that the Broxtowe Borough Publication Version Local Plan Part 2 can be considered sound, on the basis that the single proposed residential allocation for the Eastwood area fail each of the tests of soundness, as set out within Paragraph 82 of the NPPF.
- 34. In order to become sound, we submit that additional land should be allocated for residential development within or adjoining Eastwood, which is achievable, suitable and deliverable in the short term, thereby meeting the objectively assessed housing needs of this settlement.
- 35. Specifically, unless the Council identifies suitable sites within or adjoining Eastwood, sufficient to accommodate the full quantum of housing need for this settlement, then it will be failing to provide a Local Plan which is positively prepared, effective or consistent with national policy most particularly Paragraph 14 of the NPPF and the overarching need to boost significantly the supply of housing.
- 36. With this in mind, it is our belief that our client's landholding to the North of 4 Mill Lane, Beauvale, Eastwood offers the potential to deliver this shortfall in housing numbers throughout the plan period, whilst also providing some 'headroom' over the minimum requirement, thereby allowing for flexibility and providing adaptability should changes in circumstances occur. With the above analysis in mind, it is clear that my client's landholding to the North of 4 Mill Lane, Beauvale, Eastwood, which lies immediately adjoining the main built up area of Eastwood, offers an opportunity to deliver medium scale residential development in the short term, to meet an immediate and identified shortfall in delivery.
- 37. Given the requirements of the NPPF, which specifically requires Local Planning Authorities, when plan-making to "positively seek opportunities to meet the development needs of their area" and to ensure that Local Plans "should meet objectively assessed needs" (Paragraph 14) we consider that the Council is failing in its statutory duty, if insufficient land is allocated, thereby failing to meet the identified needs of Eastwood.

CONCLUSION

- 38. Eastwood (including parts of Giltbrook and Newthorpe) is classified as a 'Key Settlement' within the Adopted Aligned Core Strategy and as such is identified as a sustainable settlement which can accommodate future growth. The minimum allocation of 1250 no. dwellings for this location has already been established through the Core Strategy and we would therefore encourage the allocation of sufficient land to deliver this full requirement during the plan period.
- 39. My client's landholding to the North of 4 Mill Lane, Beauvale, Eastwood offers the potential to deliver a medium scale residential scheme on land which is immediately adjoining the main built up area of Eastwood and is readily accessible to the range of facilities and services within this settlement, as well as to the public transport network.

The Site is suitable, achievable and deliverable in the short term, with no technical constraints or potential delays to bringing this development forward.

- 40. The Site has been carefully assessed against the reasons for including land within the Green Belt, as set out within the NPPF and it is submitted that the proposed residential allocation of this Site will not result in the unrestricted sprawl of the area or the encroachment of development into the countryside. The discrete parcel of land proposed for allocation (please see enclosed Indicative Master Plan) has well-defined and permanent physical and visual boundaries and sits within the existing built framework of Eastwood.
- 41. In order to ensure that the Broxtowe Publication Draft Part 2 Local Plan is considered sound at Examination, we believe that sufficient land must be allocated adjoining Eastwood to accommodate the objectively assessed housing needs of this area. For this reason, and based upon the credentials of my client's landholding set out above, we urge the Council to allocate <u>some</u> or <u>all</u> of the Site to the North of 4 Mill Lane, Beauvale, Eastwood, for residential development.
- 42. Notwithstanding the above and as already set out at Paragraph 19 above, in the context of Paragraph 85 of the NPPF which stresses that, in reviewing Green Belt boundaries, Local Planning Authorities should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent," we would invite the Council and Inspector to consider whether removal of <u>only</u> land within my client's ownership that is located south of the Public Right of Way (PROW) would be more acceptable in this instance.

This smaller scheme would have the PROW forming a natural defensible boundary. Such boundaries are clearly referenced in national planning policy and would allow the Council to resist any further encroachment into the GB by development in this area.

This area of land, located south of the PROW, would achieve approximately 50 - 70 new dwellings.

Broxtowe Part 2 Local Plan



Agent

| Please provide your client's name | | THE PICK | ERING FAMILY |
|--|-------|----------|---------------------|
| Your Details | | | |
| Title | | | |
| Name | | | |
| Organisation (if responding on behalf of the organisation) | GRACE | MACHIN | PLANNING + PROPERTY |
| Address | | | |
| Postcode | | | |
| Tel. Number | | | |
| E-mail address | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
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| Please tick here |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an **online response** form please visit:

www.broxtowe.gov.uk/part2localplan

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Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|--|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood RiskPolicy 2: Site AllocationsPolicy 3: Main Built up Area Site AllocationsPolicy 4: Awsworth Site AllocationPolicy 5: Brinsley Site AllocationPolicy 6: Eastwood Site AllocationsPolicy 7: Kimberley Site AllocationsPolicy 8: Development in the Green BeltPolicy 9: Retention of good quality existingemployment sitesPolicy 10: Town Centre and District Centre UsesPolicy 11: The Square, BeestonPolicy 12: Edge-of-Centre A1 Retail in EastwoodPolicy 13: Proposals for main town centre uses inedge-of-centre and out-of-centre locationsPolicy 14: Centre of Neighbourhood Importance(Chilwell Road / High Road)Policy 15: Housing size, mix and choicePolicy 16: Gypsies and TravellersPolicy 17: Place-making, design and amenityPolicy 20: Air QualityPolicy 21: Unstable landPolicy 22: MineralsPolicy 23: Proposals affecting designated and non-designated heritage assetsPolicy 24: The health impacts of developmentPolicy 25: Culture, Tourism and SportPolicy 26: Travel PlansPolicy 27: Local Green SpacePolicy 28: Green Infrastructure AssetsPolicy 29: Cemetery ExtensionsPolicy 29: Cemetery ExtensionsPolicy 30: LandscapePolicy 31: Biodiversity AssetsPolicy 32: Developer Contributions | P. 60 - 6 3 | |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

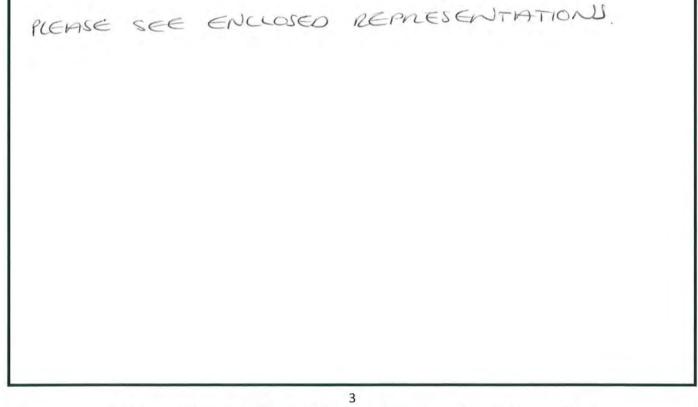
| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | | |
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| 2.1 | Legally compliant | 1 | | |
| 2.2 | Compliant with the duty to co-operate | V | | |
| 2.3 | Sound | | \bigvee | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, i | s this because: |
|---|-----------------|
| It is not justified | YES |
| It is not effective | YES |
| It is not positively prepared | YES |
| It is not consistent with national policy | TES |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.



Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary. LAND NORTH OF 4 MILL LANE, BEAUALE, EASTWOOD SHOULD BE REMOVED FROM GREENBELT AND ALLOCATED FOR HOUSING DEVELOPMENT Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your represe public examina | If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | | | |
|--|--|---------------------------|-----------------------------------|-----------|--|
| Yes, I wish to pa | Yes, I wish to participate at the public examination | | | | |
| No, I do not wish to participate at the public examination | | | | | |
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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 public examination.





www.gladman.co.uk

Broxtowe Borough Council

By email to: policy@broxtowe.gov.uk

Dear Sir or Madam,

Re: Broxtowe Local Plan Part 2

Gladman Developments Ltd. (hereafter referred to as "Gladman") has considerable experience in the development industry across a number of sectors including residential and employment land. This letter provides the response of Gladman to the current consultation held by Broxtowe Borough Council (BBC) on the Local Plan Part 2 (LPP2).

The LPP2 will help to deliver housing required in Broxtowe over the plan period. To ensure this is achieved, the Plan should distribute housing to a range of sites that will distribute housing to a range of sites that will **support the Plan's strate**gy, provide sustainable locations for development and ensure housing is delivered. To address situations where housing does not come forward as expected, the LPP2 should ensure that it allows for flexibility in order to ensure a five year supply of deliverable housing sites can be maintained over the course of the plan period.

Local Plan Part 1

The Local Plan Part 1 (LPP1) specifies the overall spatial strategy for growth and allocates strategic sites. As well as the spatial strategy it sets the housing requirement for the borough. Whereas the emerging LPP2 is intended to deal with non-strategic allocations and more detailed development management policies.

Local Plan Part 2

Site Allocations

In allocating sites the Council should be mindful that to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. Whilst some SUEs may have multiple outlets, in general increasing the number of sales outlets available means increasing the number of housing sites. So for any given time period, all else been equal, overall sales and build out rates are faster from 20 sites of 50 units than 10 sites of 100 units or 1 site of 1,000 units. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range

of demand. In summary a wider variety of sites in the widest possible range of locations ensures all types of house builder have access to suitable land which in turn increases housing delivery.

Five year housing land supply

The Council must ensure that it is able to demonstrate a rolling five year housing land supply over the plan **period in order to be compliant with the Framework and meet fully the needs of the Borough's communities** and support the economic prospects of the wider area. It is important that the Council uses realistic delivery rates in its housing land supply. On average, annual delivery rates should be in the region of around 30 dwellings per annum per developer acting on site.

Gladman are of the view that the housing land supply calculation for Broxtowe Borough should include a 20% buffer to take into account the previous persistent under-delivery of housing within the borough. The Council should also plan to ensure that any shortfall is made good within the first 5 years of the plan in line with the PPG¹. Based on the Council's latest 5 year housing land supply assessment (5YHLS) the Council is only able to demonstrate 3.6 years. However, the approach advocated by the Council is inappropriate, the buffer should be applied to the annual requirement after the undersupply since the start of the plan period has been added. As such, this would further reduce the Council's housing land supply position.

In light of the above it is evident that additional housing land is required to ensure that upon adoption of the Plan the Council is able to demonstrate a robust 5YHLS position.

Policies

Policy 15: Housing Size, Mix and Choice

The above policy seeks to impose the optional technical standards for new homes as set out in the 2015 Written Ministerial Statement. The Council should ensure that it is able to demonstrate robust evidence on viability and whether this is actually achievable across the entire plan period and its consideration on viability of the Plan as a whole in terms of delivering the above policy and what effects it may have on other elements of the policy 15 i.e. the provision of affordable housing.

Further, it is noted that the above policy also seeks to secure at least 5% of housing above 20 dwellings to be in the form of serviced plots for self-build development. In this regard, whilst the government is committed to increasing home ownership through a variety of means such as the provision of starter homes, it is important that the Council is able to demonstrate robust evidence of need which is notably lacking from the Council's SHMA.

Notwithstanding the above, Gladman take this opportunity to point out that the provision of starter homes should nonetheless be considered equivalent to the provision of affordable housing and not in addition to. This is quite clearly the Government's intention and is intended to be reflected through amendments to the definition of affordable housing contained in the Framework.

Policy 17: Place-making, Design and Amenity

Whilst noting the importance of design, Gladman do not consider that it is appropriate to place a mandatory **requirement on all sites of 10 or more dwellings to be required to score 9 or more 'greens' in the Building for** Life 12 or equivalent. The reason for this is that some developments may not be able to meet certain criteria simply due to their location or site characteristics. As such, this policy could have the negative consequence of stifling future development opportunities.

Policy 22: Minerals

¹ PPG Reference ID: 3-035-20140306

The above policy appears to be overly onerous and seeks to prevent development from sterilizing mineral resources to meet longer term need. Paragraph 143 of the Framework states that in preparing local plans, local planning authorities should set out policies to encourage the prior extraction of minerals, where practicable and feasible, if it necessary for non-mineral development to take place. Gladman acknowledge the importance of mineral assets, but is of the view that the local policy framework that relates to this must clearly set out that this will be suitably balance against competing development needs rather than a blanket approach that would seek to prevent the delivery of sustainable growth opportunities.

Policy 23: Proposals affecting designated and non-designated heritage assets

This policy relates to all heritage assets according to their significance. This policy should go further so that it recognises that there are two separate balancing exercises which need to be undertaken for designated and non-designated heritage assets. Paragraph 132 – 134 of the Framework relate specifically to designated heritage assets and highlight that the more important the asset the greater the weight that should be attached. Paragraph 135 of the Framework relates specifically to non-designated heritage assets and the policy test that should be applied in these instances is that a balanced judgment should be reached having regard to the scale of any harm and the significance of the heritage asset.

Policy 27: Local Green Space

Paragraph 77 of the Framework sets out the following in terms of when it is appropriate or not to designated land as Local Green Space (LGS). It states that:

"The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- Where the green space is in <u>reasonably close</u> proximity to the community it serves;
- Where the green area is <u>demonstrably special</u> to a local community and <u>holds a particular local</u> <u>significance</u>, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
- Where the green area concerned is a local in character and is not an extensive tract of land." (emphasis added)

The PPG provides further guidance on the designation of LGS and states:

"There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 77 of the National Planning Policy Framework is clear that Local Green Space Designation should only be used where the green area concerned is not an extensive tract of land. <u>Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name." (emphasis added)</u>

In light of the above, Gladman question the justification of introducing the LGS as defined on map 61 which appears to be an extensive tract of land and therefore does not meet the tests required by the Framework.

Conclusions

Gladman have highlighted a number of concerns through these representations. This includes the lack of nonstrategic allocations and the inconsistent approach with regards to several policies with the requirements of the Framework. Gladman believe that further allocations are required to ensure the borough's housing needs are met in full and that an appropriate trigger mechanism is required to ensure that remedial action will be taken should monitoring indicate that the Plan is not enabling the level of development that is required to meet the needs of the area. Gladman also take this opportunity to request that we are afforded the opportunity to participate at the public hearing sessions at the Examination in Public to discuss the issues raised.

Yours faithfully,

Broxtowe Part 2 Local Plan



Agent

| Please provide your | client | 's nar | ne – D. | W & . | J.W.E Wild |
|--|--------|--------|---------|--------|------------|
| Your Details | | | | | |
| Title | | | | | |
| Name | | | | | |
| Organisation (if responding on behalf of the organisation) | Asp | bury | Plannin | ig Lto | d |
| Address | | | | | |
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| E-mail address | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations | - |
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| Please tick here 🗸 | |
| Please help us save money and the environment by providing an e-mail address that corres | pondence |
| can be sent to: | |

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| Document | Policy number | Page number | Policy text/ Paragraph number |
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| Policies Map | | <u>.</u> | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | Νο |
|---|---------------------------------------|-----|----|
| 2.1 | 2.1 Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 Sound | | | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|--|--|
| It is not justified | | |
| It is not effective | | |
| It is not positively prepared | | |
| It is not consistent with national policy | | |

Your comments -

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

As stated in the overarching representation to paragraph 7.1 and 7.2 of the Part 2 Local Plan, we have no objection in principle to this local plan allocation and acknowledge the locational benefits of this site.

Our concerns relate to the alleged capacity of the site and its likely deliverability within the Plan Period In terms of capacity, Policy site 7.2 -extends to 1.1 hectares gross and has been allocated a development capacity of 40 dwellings at a density of 36 dwellings per hectare. The site is not regular in shape as Map 28 indicates. There is a substantial extant property – No 59 on the frontage which may or may not be economically feasible to demolish, a substantially tapering site to the east which will inhibit efficient layout planning and a belt of mature trees all along the southern site boundary which may again impact on the ability to plot at an efficient density due to root protection issues. In this context 40 dwellings appears to be too high a number of dwellings to reflect the site shape, contours and immediate constraints.

In terms of delivery, the site has not come forward for development as an allocated site in 13 years and the Council's 2015-2016 SHLAA suggested that the site will not come forward until the last 5 years of the plan period 2023-28. The local plan Table 4 Trajectory has now brought the delivery forward to 2020-2021 and within the 5 years supply period. There are however significant question marks against this site and in our opinion, delivery of the quantum and timing of development remains uncertain and the Council must bring additional sites forward within or adjoin the settlement to address the situation of under-delivery within Kimberley.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

The Part 2 Local Plan needs to be revised to make additional allocations to address under-provision, double counting of sites and the prospect of delayed delivery, under delivery or even non-delivery from the three proposed site allocations in Kimberley currently identified in Policy 7 of the Part 2 Local Plan.

Our clients landholding off Alma Hill– SHLAA reference113 - is available developable and deliverable, has a capacity of 72 dwellings and should be included as a further allocation as a pre-examination modification to the Local Plan.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| Yes, I wish to participate at the public examination | \checkmark |
|---|--------------|
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you consider this to b necessary | e |
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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 public examination.

Guidance Note:

Please complete a **separate form** for **each representation** you wish to make.

'Legally Compliant':

If your response relates to <u>the way in which the plan has been prepared</u>, then this is likely to relate to whether it or not it is 'Legally Compliant'. To be 'Legally Compliant', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to **the way in which we have worked with other authorities** then this is likely to relate to the '**Duty to Co-operate**'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the <u>content</u> of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is '**justified'**, '**effective'**, has been '**positively prepared'**, and is '**consistent with national policy'**. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- **'Justified':** This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- **'Effective':** This means that the Local Plan will deliver what it sets out to. If you think that what we are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not our Local Plan is 'effective'.
- **'Positively Prepared':** This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 'Consistent with National Policy': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing <u>policy@broxtowe.gov.uk</u>.

Broxtowe Part 2 Local Plan



Agent

Please provide your client's name TAYLOR & BURROWS PROPERTY

Your Details

| Title | | |
|--|-------------------------------|--|
| Name | | |
| Organisation (if responding on behalf of the organisation) | Phoenix Planning (UK) Limited | |
| Address | | |
| Postcode | | |
| Tel. Number | | |
| E-mail address | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

If you would like to be contacted by the Planning Policy Team regarding future consultations.

Please tick here $\sqrt{}$

Please help us save money and the environment by providing an e-mail address that correspondence can be sent to: As above

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Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocations Policy 7: Kimberley Site Allocations Policy 9: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non-designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | | |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | SHLAA | | |

Question 2: What is the issue with the Local Plan?

Please use a separate sheet of paper if required. Please use one form per representation.

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | Νο |
|---|---------------------------------------|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | х |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | x | |
| It is not effective | х | |
| It is not positively prepared | | |
| It is not consistent with national policy | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

The SHLAA should have been updated prior to the publication of the local plan as many of the assumptions made are inaccurate or not up to date. The tables for the deliverable and developable sites for each of the settlement areas provides a 0-5 year period from 2013-2018. The 5 year land supply within the report however appears to represent the 5 year period from 2017-2022. This is confusing.

The SHLAA identifies that the Council do not presently have a 5 year land supply when calculating the supply on either the Liverpool or Sedgefield Method. However, it is considered a number of the site included within the 5 year land supply may not come forward within the 0-5 year period and therefore should be removed from the 5 year land supply calculation.

For example it is considered that the following sites should be removed:

| SITE | NO. OF DWELLINGS | REASON FOR REMOVAL |
|--------------------------------|---------------------|--|
| Walker Street | 30 dwellings | The site does not have an implementable consent and therefore should be removed from the 0-5 year supply. |
| Beamlight, New Manleys Road | 150 dwellings | Although an outline application was approved in 2015, no reserved matters application has been submitted to date and this approval is to expire in May 2018. It is understood that there are significant contamination issues with this site which are yet to be resolved and may impact upon deliverability. In light of the outstanding uncertainty, it is considered that this should not be included within the 0-5 year housing supply period. |

| | | | Even if included, it is unlikely that development could commence for at least another year, so the contribution should be reduced accordingly. |
|---|--------|-----|--|
| ٦ | Totals | 180 | |

If the above sites were removed from the 5-year land supply the following would consist of the Councils 5 year land supply:

Liverpool Approach ((2333/2931)x5) = **3.9 years**

Sedgefield Approach ((2333/3452)x5) = **3.3 years**

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

The SHLAA is one of the most important parts of the evidence base. It should provide the foundation to the site allocations and the land supply position as a whole. It should be what justifies that the Plan can be delivered and will be effective in providing for developable land over the Plan period.

As this and other objections will show, there is considerable concern that the SHLAA reflects the situation as the Council would like to see it viewed in terms of site delivery, rather than as it will be. Therefore, the Plan fails the tests of soundness as:

1. Positively Prepared: To meet the test the plan must be able to show it is based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, in a manner consistent with achieving sustainable development. The sites selected, and the many previously permitted, do not show a positive approach to achieve the delivery claimed within the next 5years let alone the immense step change that the Trajectory in Table 4 is suggesting will occur. The Council appear to be relying on sites that have failed in the past which indicates that the Plan is not Positively prepared.

2. Justified: The sites highlighted within the SHLAA are not fully evaluated and the belief that they will deliver in the manner suggested is not justified.

3. Effective: The fact that the issues raised above, that sites will not deliver as forecast, means that the Plan will fail to be effective and deliver the growth required.

4. Consistent with national policy: NPPF para 159 requires Councils to prepare a Strategic Housing Land Availability Assessment to establish **realistic assumptions** about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. It is not considered that the SHLAA relied on meets these requirements for the reasons set out.

The Council should provide and update the Strategic Housing Land Availability Assessment and amend the 5 year land supply to ensure realistic assumptions about the deliverability of sites within the Plan period and especially within the 0-5 year period.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

If your representation is seeking a modification, do you consider it necessary to participate at the public examination?

 $\sqrt{}$

Yes, I wish to participate at the public examination

No, I do not wish to participate at the public examination

If you wish to participate at the public examination, please outline why you consider this to be necessary

The SHLAA is the main building block for the whole of the residential part of the Plan. This is a matter that needs to be fully discussed and understood by all interested parties as it impacts upon the basic soundness of the plan.

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 public examination.

Broxtowe Part 2 Local Plan



Agent

E-mail address

| Please provide your client's name | Davidsons Developments Limited |
|-----------------------------------|--------------------------------|
| Your Details | |

| Title | | |
|--|---------------|--|
| Name | | |
| Organisation (if responding on behalf of the organisation) | Pegasus Group | |
| Address | | |
| Postcode | | |
| Tel. Number | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. | | |
|--|--|--|
| Please tick here x | | |
| Please help us save money and the environment by providing an e-mail address that correspondence | | |
| can be sent to: | | |

For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

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| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | Νο |
|---|---------------------------------------|-----|----|
| 2.1 | Legally compliant | х | |
| 2.2 | Compliant with the duty to co-operate | х | |
| 2.3 | Sound | | Х |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | |
|--|---|
| It is not justified | х |
| It is not effective | х |
| It is not positively prepared | х |
| It is not consistent with national policy | х |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

Please see the following attached documents: -

- 1) Representations to Broxtowe Local Plan on behalf of Davidsons Developments Limited by Pegasus Group (with Appendices)
- 2) Analysis of Landscape and Visual Constraints and Opportunities on behalf of Davidsons Developments by Pegasus Environment (with Figures)

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

Amend Policy 7 to include the following: -

Policy 7.4 Land off New Farm Lane, Nuthall: approximately 85 homes.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | |
|--|---|
| Yes, I wish to participate at the public examination | Х |
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you consider this to be necessary | |

Davidsons Developments Limited have interests in land at New Farm Lane, Nuthall. It is therefore important that they have the opportunity to participate at the public examination.

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 public examination.

Guidance Note:

Please complete a separate form for each representation you wish to make.

'Legally Compliant':

If your response relates to <u>the way in which the plan has been prepared</u>, then this is likely to relate to whether it or not it is 'Legally Compliant'. To be 'Legally Compliant', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to **the way in which we have worked with other authorities** then this is likely to relate to the '**Duty to Co-operate**'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the <u>content</u> of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is '**justified'**, '**effective'**, has been '**positively prepared'**, and is '**consistent with national policy'**. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- **'Justified':** This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- 'Effective': This means that the Local Plan will deliver what it sets out to. If you think that what we
 are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not
 our Local Plan is 'effective'.
- **'Positively Prepared':** This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 'Consistent with National Policy': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing **policy@broxtowe.gov.uk**. NOVEMBER 2017 | MG | P17-2056



REPRESENTATIONS TO BROXTOWE LOCAL PLAN, PART 2, 2017-2028 PUBLICATION VERSION, SEPTEMBER 2017

PROPOSED RESIDENTIAL ALLOCATION LAND AT NEW FARM LANE, NUTHALL, NOTTINGHAMSHIRE

ON BEHALF OF DAVI DSONS DEVELOPMENTS LIMITED

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) PLANNING AND COMPULSORY PURCHASE ACT 2004

Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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CONTENTS:

Page No:

| 1. | INTRODUCTION AND SUMMARY | 1 |
|----|--------------------------|----|
| 2. | PLANNING POLICY CONTEXT | 2 |
| 3. | HOUSING LAND SUPPLY | 5 |
| 4. | ASSESSMENT OF SOUNDNESS | 6 |
| 5. | SITE DESCRIPTION | 8 |
| 6. | SITE ASSESSMENT | 10 |
| 7. | CONCLUSION | 14 |

APPENDICES:

APPENDIX 1: SITE LOCATION PLAN APPENDIX 2: SITE CONCEPT PLAN APPENDIX 3: SITE CONTEXT PLAN



1. INTRODUCTION AND SUMMARY

- 1.1 We have been instructed to make the following representations in respect of the Broxtowe Local Plan Part 2, Publication Version, September 2017, which is currently being consulted upon, prior to being submitted for Examination in due course. These representations have been prepared having regard to the documents contained within the supporting Evidence Library and have assessed the compliance of the Publication Version Part 2 Local Plan against paragraph 182 of the National Planning Policy Framework (March 2012) (NPPF). Paragraph 182 states that for a plan to be "sound" it should be:
 - Positively prepared;
 - Justified;
 - Effective;
 - Consistent with National Policy.
- 1.2 These representations seek to promote our client's landholding, comprising land at New Farm Lane, Nuthall, (as on the Site Location Plan at Appendix 1) for residential development. This document sets out a brief rationale as to why this Site represents suitable and deliverable land, which should be allocated for a medium scale residential development, thereby assisting in meet the housing needs of Broxtowe Borough, within a sustainable and accessible location.
- 1.3 In order to fully meet the current and future housing needs for the Nuthall / Kimberley Area, (and the wider Borough of Broxtowe), and to provide for a portfolio of sites, we believe that the Site identified on the attached Plan should be removed from the Green Belt and allocated for residential purposes in addition to the Sites already identified for residential allocation.



2. PLANNING POLICY CONTEXT

- 2.1 The Greater Nottingham, Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy, Part 1 Local Plan was adopted in September 2014. This strategic plan sets a minimum requirement of 30,550 new homes to be delivered between 2011 and 2028, based upon the following hierarchical approach:
 - a) The main built up area of Nottingham;
 - b) Adjacent to the Sub-Regional Centre of Hucknall; and
 - c) Key Settlements identified for growth:
 - Awsworth, Brinsley, Eastwood (including parts of Giltbrook and Newthorpe) and Kimberley (including parts of Nuthall and Watnall), in Broxtowe;
 - ii) Bestwood Village, Calverton and Ravenshead, in Gedling.
 - d) In other settlements (not shown on the Key Diagram) development will be for local needs only.
- 2.2 Of the total minimum requirement of 30,550 no. dwellings, at least 6,150 of these are to be located in Broxtowe Borough, of which 3,800 no. dwellings are to be delivered within or adjoining the main built-up area of Nottingham. Within the Key Settlements identified above within tier (c) of the hierarchy, it is anticipated that up to 600 no. new dwellings will be provided within or adjoining Kimberley (including parts of Nuthall and Watnall).
- 2.3 The Publication Version Part 2 of the Broxtowe Local Plan now seeks to provide specific site allocations to meet the housing requirement set out within the Core Strategy, Part 1 Local Plan as set out above. The previously published Issues and Options Paper, which was consulted upon in November 2013, identified several sites around Nuthall that 'could be suitable if Green Belt policy changes', including our client's landholding at New Farm Lane.



SHLAA 2015/2016

- 2.4 The latest SHLAA, produced by Broxtowe Borough Council and dated 2015/2016 identifies that against the requirement of 6,150 dwellings for the period 2011 to 2028, there is a total capacity on urban sites of only 5,631, thereby requiring further sites to be identified outside the urban area. In the Kimberley Area, against the requirement of 600 no. dwellings, there remains a residual requirement of 186 no. dwellings to be found outside the urban area.
- 2.5 Within the SHLAA, there are a number of sites which have been identified as being suitable if policy changes, including the proposed Site at New Farm Lane, Nuthall. Part 2 of the Local Plan will allocate selected sites from those which have been listed as suitable if policy changes, to ensure that the requisite quantum of residential development is accommodated adjoining the Kimberley / Nuthall area.

PUBLICATION DRAFT PART 2 LOCAL PLAN: SITE ALLOCATIONS

- 2.6 The second part of the plan will include specific site allocations to meet the housing need as set out in the Core Strategy and will detail policies against which planning applications will be assessed. The Publication Draft is now being consulted upon until 3rd November 2017, after which the consultation responses will be taken into account, before the Draft Plan is submitted for formal Examination and subsequently adopted by the Borough Council.
- 2.7 Policy 7 of the Publication Draft Part 2 Local Plan identifies 3 sites adjoining the Kimberley/Nuthall Area, which are proposed to be allocated for housing. The sites proposed for residential allocation are as follows:
 - Policy 7.1 Land South of Kimberley, including Kimberley Depot (105 homes);
 - Policy 7.2 Land South of Eastwood Road, Kimberley (40 homes); and
 - Policy 7.3 Eastwood Road Builders Yard, Kimberley (22 homes).
- 2.8 The Sites identified under Policies 7.2 and 7.3 have previously been proposed as residential allocations, whilst the Site identified under Policy 7.1 is a newly proposed Site, which encompasses land within Zone 20 of the aforementioned Green Belt Review process, and therefore within the most favoured location for release from the Green Belt.



- 2.9 The total capacity of the 3 sites currently identified and proposed for allocation for residential development is 167 no. dwellings (i.e. 105 + 40 + 22). This falls short of the housing requirement for the Kimberley / Nuthall area of 186 no. dwellings and therefore the full housing needs of this area have not yet been accounted for or accommodated through the Publication Draft Part 2 Local Plan.
- 2.10 At the Jobs and Economic Committee meeting of 26th January 2017, the Council considered extending the allocation of Kimberley Depot (by an extra 100 dwellings to 205 dwellings) but resolved that this would take the available urban supply for Kimberley over the 600 homes figure as specified as a maximum in the Aligned Core Strategy. The reason given was that the housing market in Kimberley is not as strong as elsewhere in the south of Broxtowe and such an increase would put at risk the significant efforts that have been put into delivering Kimberley Brewery for housing redevelopment. The Report notes that in simple terms, the easier to develop sites are likely to come forward first at a time when the Kimberley Brewery site is now available for development with all predetermination planning conditions successfully addressed.
- 2.11 It was therefore resolved that Kimberley would be left 81 dwellings short of the 'up to 600 dwelling' figure and that there are sound planning arguments to have additional housing in and around the main built up area of Nottingham.
- 2.12 It is our submission that the Part 2 Plan fails to provide sufficient flexibility in its proposed housing allocations and that the Plan should include sites to provide the 600 dwellings for the Kimberley/Nuthall areas as identified in the Core Strategy.



3. HOUSING LAND SUPPLY

- 3.1 A recent appeal decision, Ref: APP/J3015/W/16/3162096, dated the 2nd March 2017 confirms that the Council is currently unable to demonstrate a 5-year supply of housing land. According to the Council's appeal statement, the reported position on the 27th January 2017 was that the LPA could demonstrate a 3.6-year supply of housing land, which is a decline compared to the earlier position on the 1st April 2016, at which time a 4.4-year supply could be demonstrated. In order to ensure and maintain a flexible rolling five-year housing land supply position, that is able to adapt to changes in circumstances and the requirements of the market, it is clear that additional land must be allocated to accommodate the requisite housing needs of the Borough.
- 3.2 The Council's Housing Trajectory at Table 4 shows a housing land supply of 6,747 dwellings against a housing requirement of 6,150 dwellings. Since the proposed housing requirement is a minimum figure, it should not be treated as a maximum ceiling to restrict overall housing land supply and prevent sustainable development from coming forward. The Council's contingency of 597 dwellings (9.7%) is below the recommendations of DCLG of a 10-20% non-implementation gap, therefore it is unlikely to provide sufficient flexibility for unseen circumstances.
- 3.3 **The Council's 5**-year housing land supply calculation using Sedgefield and 20% buffer is only 3.6 years which will be even lower when the buffer is applied to the shortfall as well as the requirement. The Local Plan Part 2 cannot be sound if the Council cannot demonstrate a 5-year housing land supply on adoption of the Plan. In addition, the 5-year housing land supply should be maintainable throughout the plan period.



4. ASSESSMENT OF SOUNDNESS

- 4.1 With the above in mind, we currently do not believe that the Broxtowe Borough Publication Version Local Plan Part 2 can be considered sound, on the basis that the proposed residential allocations for the Kimberley / Nuthall area fail each of the tests of soundness, as set out within Paragraph 82 of the NPPF.
- 4.2 In order to become sound, we submit that additional land should be allocated for residential development within or adjoining Kimberley / Nuthall, to provide flexibility.
- 4.3 The Council's concerns over the delivery of the Kimberley Brewery site are noted. However, the NPPF does not promote a sequential approach for brownfield sites to be developed first over greenfield sites. Allocating a range and type of sites is the only way to address delay and uncertainty over delivery.
- 4.4 **The Council's Housing Trajectory at Table 4 shows a housing land supply of 6,747** dwellings against a housing requirement of 6,150 dwellings. Since the proposed housing requirement is a minimum figure it should not be treated as a maximum ceiling to restrict overall housing land supply and prevent sustainable development from coming forward.
- 4.5 There is a clear indication from the Department of Communities and Local Government ("DCLG Planning Update by Ruth Stanier Director of Planning HBF Planning Conference September 2015 as referred to in the HBF Response to the Consultation dated 3rd November 2017) on appropriate non-implementation gap and lapse rates. The DCLG presentation illustrates 10-20% non-implementation gap together with 15-20% lapse rate. The presentation also suggested "the need to plan for permissions on more units than the housing start/completions ambition." It is acknowledged that the presentation shows generic percentages across England but it provides an indication of the level of flexibility within the overall housing land supply that the Council's should be providing. The Council's contingency of 597 dwellings (9.7%) is below the recommendations of DCLG and therefore it is unlikely to provide sufficient flexibility for unforeseen circumstances.
- 4.6 The Council should be identifying additional suitable sites within or adjoining Kimberley / Nuthall, to provide sufficient flexibility and protect against delay an uncertainty of delivery on large brownfield sites, otherwise it will be failing to



provide a Local Plan which is positively prepared, effective or consistent with national policy – most particularly Paragraph 14 of the NPPF and the overarching need to boost significantly the supply of housing.

- 4.7 With this in mind, it is our belief that our client's landholding at New Farm Lane, Nuthall offers the potential for development, thereby allowing for flexibility and providing adaptability should changes in circumstances occur. The site lies immediately adjoining the main built up area of Nuthall and offers an opportunity to provide for additional residential development to ensure flexibility and will help to ensure choice and competition in the market for land (as per the NPPF).
- 4.8 Given the requirements of the NPPF, which specifically requires Local Planning Authorities, when plan-making to "positively seek opportunities to meet the development needs of their area" and to ensure that Local Plans "should meet objectively assessed needs" (Paragraph 14) we consider that the Council is failing in its statutory duty, if insufficient land is allocated, thereby failing to provide for flexibility and choice.



5. SITE DESCRIPTION

- 5.1 The Site comprises approximately 2.95 hectares of agricultural grassland, which lies immediately to the north of and adjoining the main built-up area of Nuthall, Nottinghamshire. The Site is under-utilised for agricultural purposes and is being actively promoted by the landowner for residential purposes, for a potential development of up to 85 no. dwellings.
- 5.2 The landholding is incredibly well-related to the existing built framework of Nuthall, and is bound to the south by existing residential development on Holden Crescent and Ayscough Avenue, whilst to the west, the Site is also bound by residential properties on Spencer Drive. To the east, the Site is bound and defined by New Farm Lane itself, whilst to the north, the Site abuts the Great Northern Path / Broxtowe County Trail (a well-defined and broad public footpath / bridleway). In these respects, the Site is physically and visually contained and sits comfortably within a context of existing built development, whilst not extending into open countryside to the north. It is also important to note that the proposed extension to the Nottingham tram line would run directly to the north of the site along the line of the former railway, providing an even stronger defensible boundary.
- 5.3 Immediately to the south of the Site, lies the main urban area of Nuthall and Kimberley, which itself lies just to the west of the Main Built Up Area of Nottingham (as shown on Map 1 within the Publication Version Part 2 Local Plan). Nuthall and Kimberley (along with Watnall) are conjoined settlements, offering a full range of employment, education, leisure, recreational and retail facilities and services, all of which are accessible from the proposed Site by public transport or on foot / by bicycle.
- 5.4 In particular, it should be noted that there are bus stops located along Main Road, Nuthall, (just 150 metres to the south of the Site), which serve bus routes 528 and 532, operated by NottsBus Connect (Nottinghamshire County Council). These services provide regular daily access to a number of local towns and villages, including Selston, Eastwood, Underwood, Kimberley, Bulwell and Bestwood, as well as to Ikea and to Phoenix Park, at which a Park and Ride and Tram Interchange is located, providing ready access to Nottingham City Centre.



5.5 Within walking or cycling distance of the Site, are a range of local employment options, as well as all day-to-day facilities and services, including Larkfields Infant **and Junior Schools, McColl's Convenience Store, a fish and chip shop, Three** Ponds Public House, Laziza Restaurant, places of worship, public open space and a Village / Parish Hall. Also within close proximity to the Site, and accessible by Public Transport, are the secondary school and sixth form at Kimberley (The **Kimberley School), a leisure centre, cricket club, library and Sainsbury's** supermarket.



6. SITE ASSESSMENT

6.1 Based upon the above Site Description, we would like to set out the suitability and deliverability of our client's landholding for a medium scale residential development, as follows:

<u>Green Belt</u>

- 6.2 **Our client's landholding at New Farm** Lane is currently located within the Nottingham Derby Green Belt, which is given a high level of protection through National Planning Policy. It is acknowledged however, that in order to meet the ongoing housing needs of Broxtowe during the Local Plan period 2017 2028, land within the Green Belt will need to be released and allocated for residential development. It is recognised that in order to deliver the level of development envisaged, Green Belt boundaries will need to be reviewed. In doing so, and in considering the importance attached to Green Belt land, it is absolutely imperative that the revision of Green Belt boundaries around Nuthall and Kimberley is well considered and based upon a clear approach.
- 6.3 The purposes of including land within the Green Belt are set out within Paragraph80 of the NPPF. Here it is stated that there are five purposes of including landwithin the Green Belt, including:
 - To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment.
- 6.4 In applying these considerations to the Site off New Farm Lane, it is submitted that this landholding does not perform an important role in separating the built form of Nuthall from the outer edge of the Main Built Up Area of Nottingham to the east, which lies on the far side of the M1 motorway. The residential development of the proposed Site would not therefore lead to these neighbouring settlements merging into each other. Indeed, as previously stated above in Paragraph 5, the Site is well defined and contained within the existing built framework of Nuthall and does not extend beyond this framework into the open countryside beyond. In this respect therefore, the development of this Site would not result in any reduction in the gap between Nuthall and the Main Built Up Area of Nottingham these areas would not therefore be at risk of coalescence and



the development of this well-defined Site with strong defensible boundaries would not allow the unrestricted sprawl of Nuthall.

- 6.5 In addition, Paragraph 85 of the NPPF stresses that, in reviewing Green Belt boundaries, Local Planning Authorities should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent." The Site identified comprises a single arable field, which is strongly enclosed and defined by permanent and recognisable physical boundaries, including New Farm Lane to the east, existing residential development to the south and west and the Great Northern Path / Broxtowe County Trail to the north. These elements provide strong, recognisable and permanent features, which would provide long term physical and visual barriers or enclosure to the proposed development of this Site.
- 6.6 The residential development of this Site would not encroach into the open countryside and would form a logical 'rounding off' of the existing built form to Nuthall. During an earlier Local Plan Review in 2003, the Inspector considered that the Site was contained with the well-defined boundaries of the settlement, which would relate well to the existing urban form and would not constitute urban sprawl. The Inspector also considered that the development of this Site would have a lesser impact on the open Green Belt gap than the development of land further to the east (site 103).
- 6.7 The Issues & Options document 2013 contained assessments of the Green Belt boundaries within the Borough scoring them against the purposes of including land within the Green Belt and recommending areas for removal to meet the development requirements of the Core Strategy. The Green Belt Review was jointly prepared by Ashfield, Broxtowe, Gedling and Nottingham City Councils.
- 6.8 In the Green Belt Consultation Document 2015 our client's Site is within Zone 17 (East of Main Road). The review states that there is only one main boundary, a defensible boundary to the East (the disused railway and M1). Development in this zone would result in a moderate reduction between Watnall and Bulwell / Hucknall. The zone, as a whole, scores poorly in terms of assisting to safeguard the countryside from encroachment. However, as previously stated, our client's discrete parcel of land does not encroach beyond the built-up framework, is well defined with defensible boundaries, and does not extend the built form of Nuthall into the open countryside. Furthermore it does not contain any heritage assets.



- 6.9 The Green Belt Assessment scores the zone 2nd best out of the 7 parcels around the settlement, behind parcel 20 which relates to the land to the south of Kimberley around Church Hill and High Street (around sites H131 and H215 in the 2013 issues and options).
- 6.10 The accompanying Analysis of Landscape and Visual Constraints and Opportunities by Pegasus Environment includes a Green Belt Appraisal which assesses the site under the principles and criteria used in the **Council's** Green Belt Review. Given the revised scoring the site achieves it is logical that this site is considered for release.
- 6.11 With the foregoing in mind, it is our submission that the allocation of our client's Site at New Farm Lane would not conflict with any of the reasons for including land within the Green Belt, and would meet the requirements of Paragraph 85 of the NPPF. The proposed allocation of this land would not therefore lead to the possible unrestricted sprawl of Nuthall over the coming years, and therefore its removal from the Green Belt and allocation for residential development complies with National Planning Policy in respect of the protection of the Green Belt and countryside.
- 6.12 Pegasus Environment have undertaken an Analysis of Landscape and Visual Constraints and Opportunities which includes a Green Belt Appraisal and this is submitted as a supporting document to these Representations.

<u>Access/Highways</u>

6.13 Access to the Site could be readily achieved via the demolition of 29 Holden Crescent. Owing to the scale of the development envisaged on this Site, it is considered that highway capacity will not be a significant consideration or concern. It is considered that this Site could accommodate up to 85 no. dwellings, which, owing to the lack of technical constraints or any complexities in land ownership, could be achievable and deliverable during the first part of the plan period.

Access to facilities and services

6.14 As set out above, the Site has ready access to a range of facilities and services, including employment and education opportunities, without reliance upon the private car. The Site is considered to be sustainably located and offers an



opportunity to deliver sustainable development, which contributes towards the three strands of sustainability – economic, environmental and social – as set out within Paragraphs 7 and 8 of the NPPF.

Technical Considerations

- 6.15 The landowner is content to provide the requisite range of technical assessments to support the future development of this Site, including Landscape and Visual Assessment, Ecological Appraisal, Highway Statement and Drainage / Flood Risk Assessments. A Landscape and Visual Constraints and Opportunities report has been prepared and is submitted as a supporting document. The findings of the report have informed the Concept Plan (Appendix 2) for the site.
- 6.16 The Concept Plan shows how the site could deliver up to 85 new dwellings, together with landscaping, new areas of public open space and drainage areas. The Site Context Plan (Appendix 3) shows how the site sits within the wider context and shows that development of the site would represent a natural 'rounding off' of the settlement edge.



7. CONCLUSION

- 7.1 **Kimberley (including Nuthall and Watnall) is classified as a 'Key Settlement'** within the Adopted Aligned Core Strategy and as such is identified as a sustainable settlement which can accommodate future growth. The allocation of 600 no. dwellings for this location has already been established through the Core Strategy and we would therefore encourage the allocation of sufficient land to deliver this full requirement during the plan period.
- 7.2 **Our client's landholding at New Farm Lane** offers the potential to deliver a medium scale residential scheme on land which is immediately adjoining the main built up area of Nuthall and is readily accessible to the range of facilities and services within this settlement, as well as to the public transport network. The Site is suitable, achievable and deliverable in the short term, with no technical constraints or potential delays to bringing this development forward.
- 7.3 The Site has been carefully assessed against the reasons for including land within the Green Belt, as set out within the NPPF, and it is submitted that the proposed residential allocation of this Site will not result in the unrestricted sprawl of the area or the encroachment of development into the countryside. The discrete parcel of land proposed for allocation has well-defined and permanent physical and visual boundaries and sits within the existing built framework of Nuthall.
- 7.4 In order to ensure that the Broxtowe Publication Draft Part 2 Local Plan is considered sound at Examination, we believe that additional land must be allocated adjoining Kimberley / Nuthall to accommodate the objectively assessed housing needs of this area. For this reason, and based upon the credentials of **my client's landholding set out above, we urge the Cou**ncil to allocate the Site at New Farm Lane, Nuthall, for residential development.

APPENDIX 1 - SITE LOCATION PLAN



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Land at New Farm Lane, Nuthall, Nottinghamshire - Site Location Plan





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Land at New Farm Lane, Nuthall, Nottinghamshire - Site Location Plan - Aerial

Key



Site Boundary 2.95Ha





APPENDIX 2 - SITE CONCEPT PLAN



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Land at New Farm Lane, Nuthall, Nottinghamshire - Concept Plan | Drawn by: JF | Approved by: PS | Date: 02/11/17 | Scale: 1:1250 @ A3 | DRG: P17-2056_001 Sheet No: 01 Rev: B | Client: Davidsons Developments |



APPENDIX 3 - SITE CONTEXT PLAN



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Land at New Farm Lane, Nuthall, Nottinghamshire - Concept Plan - Context Pegasus



LAND OFF NEW FARM LANE, NUTHALL, NOTTI NGHAMSHI RE

ANALYSIS OF LANDSCAPE AND VISUAL CONSTRAINTS AND OPPORTUNITIES

ON BEHALF OF DAVIDSONS DEVELOPMENTS LIMITED

Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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CONTENTS

| 1. | INTRODUCTION | 3 |
|----|--|----|
| 2. | APPROACH | 4 |
| 3. | LANDSCAPE AND VISUAL BASELINE | 6 |
| 4. | LANDSCAPE AND VISUAL ANALYSIS | 13 |
| 5. | PRELIMINARY DEVELOPMENT AND LANDSCAPE STRATEGY | 16 |
| 6. | GREEN BELT APPRAISAL | 19 |
| 7. | SUMMARY AND CONCLUSIONS | 27 |

FIGURES

| Figure 1 | Topography |
|----------|--|
| Figure 2 | Landscape Character |
| Figure 3 | Viewpoint Locations and PROW |
| Figure 4 | Viewpoint Photographs |
| Figure 5 | Preliminary Development and Landscape Strategy |



1. INTRODUCTION

Terms of reference

- 1.1. Pegasus Environment, part of the Pegasus Group, has been instructed by Davidsons Developments Limited to undertake a preliminary appraisal of landscape and visual matters in relation to land off New Farm Lane, Nuthall, Nottinghamshire, in support of representations (Regulation 18) being made to Broxtowe Borough Council.
- 1.2. This landscape and visual (L&V) analysis has been undertaken to determine the various landscape and visual constraints and opportunities regarding the wider site area and its context, how these might serve to influence the potential for development in respect of a strategic masterplan, and to influence an inherent landscape strategy as part of that masterplan. The L&V analysis also considers matters related to Green Belt in respect of the influence of landscape and visual aspects on informing appropriate boundaries to potential Green Belt release.
- 1.3. Additional information and a more detailed description on the physical components, landscape character and visual amenity of the site and study area are set out in later sections of this L&V analysis.

Site overview

- 1.4. The site area is located on the northern edge of Nuthall, approximately 5.7km to the north-east of the centre of Ilkeston. The site comprises a broadly rectangular area of grazing land, that is strongly contained to the south and west by the existing settlement edge, to the north by the route of a disused railway (with associated green infrastructure) and to the east by New Farm Land and additional pastoral fields beyond.
- 1.5. The wider landscape context to the site includes the settlement area of Nuthall, extending to the south and west. Agricultural land extends to the north and east with the M1 motorway corridor cutting through this part of the landscape providing some physical separation to the settlement edge of greater Nottingham (to the east). The area is characterised by a transition from the settlement edge that is well defined by the green infrastructure associated with the disused railway, to the more open arable landscape and mosaic of woodland belts/blocks.

Additional information and a more detailed description on the physical components, landscape character and visual amenity of the site and study area are set out in later sections of this L&V analysis.



2. APPROACH

Overview

- 2.1. The approach and methodology used for this L&V analysis has been developed using best practice guidance, as set out in the following documents:
 - Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment, 3rd Edition;
 - Natural England (2014) An Approach to Landscape Character Assessment; and
 - Landscape Institute Advice Note 1/11 Photography and Photomontages Guidance.
- 2.2. Reference has also been made to additional sources of data and information; these are referred to in the relevant sections of the baseline information. Supporting drawings have also been produced as part of this L&V analysis and are included as Figures 1 to 5.

Level of assessment

- 2.3. Principles and good practice for undertaking landscape and visual impact assessment are set out in the Landscape Institute (LI) and the Institute of Environmental Management (IEMA) Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013)¹.
- 2.4. The third edition of the Guidelines for Visual Impact Assessment (GLVIA3) was published in April 2013. This guidance acknowledges that landscape and visual impact assessment (LVIA) can be carried out either as a standalone assessment or as part of a broader EIA. The GLVIA3 note that the overall principles and core steps in the process are the same but that there are specific procedures in EIA with which an LVIA must comply.
- 2.5. This report has been prepared as a preliminary analysis of landscape and visual constraints and opportunities. The report addresses matters of individual landscape resources, landscape character areas/types and representative viewpoints. The L&V analysis draws on professional judgement in relation to sensitivity of receptors (both landscape and visual), the nature of impacts and consequential likely effects. This process informs judgements on a landscape mitigation strategy which will avoid, reduce or remedy adverse impacts.
- 2.6. Landscape features and elements provide the physical environment for flora and fauna and the associated importance of biodiversity assets. This L&V analysis does not consider

¹ Landscape Institute and Institute of Environmental Management and Assessment, Guidelines for Landscape and Visual Impact Assessment 3rd Edition (April, 2013)



the value, susceptibility or importance on ecology and biodiversity, nor does it consider impacts from an ecological stance.

2.7. Heritage assets such as Scheduled Monuments, Listed Buildings and Conservation Areas all contribute to the contemporary landscape character, context and setting of an area. These aspects have been given consideration in the L&V analysis in terms of physical landscape resources (for example trees and hedgerows) and landscape character. However, this L&V analysis does not address the historic significance, importance or potential impacts on heritage assets and designations; these assets are assessed in the context of landscape and visual matters only.

Collating baseline information

- 2.8. To capture a comprehensive description of the baseline position for landscape and visual receptors, information has been collated using a process of desk study and field survey work.
- 2.9. The desk study includes reference to published landscape character studies and other published policy documents relevant to landscape and visual matters.
- 2.10. Field survey work was completed during October 2017. A series of representative photographs were taken with a digital camera with a 50mm lens (equivalent focal length) at approximately 1.8 metres in height. These are presented as a series of representative viewpoints and have been used to inform both the landscape and, separately, visual assessment (included as Figure 4, Viewpoint Photographs 1 to 10).

Consideration of effects

2.11. Having established the relevant baseline position, the appraisal process then considers landscape receptors and visual receptors, specifically in response to the nature of the proposed development, it identifies the nature of potential impacts and consequently, how these can inform an iterative approach to design and mitigation.



3. LANDSCAPE AND VISUAL BASELINE

3.1. The following section describes the individual components of the physical landscape that are present in the study area. These have been described to establish an understanding of the specific landscape baseline, including individual elements and more distinctive features which together contribute to landscape character.

Landscape related designations

- 3.2. The site and study area is not subject to specific statutory or non-statutory landscape related planning designations.
- 3.3. However, in and around the site there are a several other environmental designations which have some relevance to landscape and visual matters. These include:
 - Tree Preservation Order (TPO) including four trees located on the grounds of adjacent properties, close to the southern boundary of the site;
 - Conservation Areas the closest of which is the Nuthall CA, located to the south but separated by the urban area along Watnall Road;
 - Listed Buildings Spencer House, Grade II located to the south-west of the site, off Spencer Close;
 - Ancient woodland including New Farm Wood and Seller's Wood, both to the east of the M1 and physically separated from the site; and
 - Green Belt encompassing Nuthall and extending east across the M1 up to the settlement edge of the greater Nottingham conurbation.
- 3.4. These matters are considered in the analysis of constraints and opportunities.

Physical landscape resources

- 3.5. The landform of the site is broadly level across the area but rises steadily from c. +90m AOD at the eastern edge and New Farm Lane to c. +100m AOD at the western edge and adjacent to Spencer Drive. In the context of the wider landscape, this forms part of a consistent slope that falls generally from west to east, from the higher hills that define the edge of the Giltbrook valley down, across the M1 corridor, to the settlement edge of Greater Nottingham.
- 3.6. The land use of the site is pastoral, and currently used for grazing cattle. This use is also apparent across the field pattern to the east of New Farm Lane. In the wider landscape arable land uses dominate the area, extending across the wider landscape to the north

and east. The settlement edge is largely characterised by residential areas but there are also pockets of industrial and commercial uses, including the large bakery complex, compound of the fuel supplies and the smaller scale light industrial uses off Main Road; these influence the transition between the settlement edge and the adjacent countryside.

- 3.7. Vegetation on the site is limited to the pastoral grassland. The eastern boundary is formed of a continuous and well-maintained hedgerow; the southern and western boundaries influenced by adjacent residential dwellings and the northern boundary formed by the belt of tree and scrub planting along the disused railway. In the wider landscape vegetation cover includes several medium to large scale areas of woodland, including woodland blocks and copses but also some substantial linear belts (including the alignment of the motorway and disused railway). These contribute to enclosure in some parts of the landscape but on the more elevated slopes, where arable land is predominant, the field patterns tend to be open with little hedgerow cover or enclosure.
- 3.8. The settlement pattern on this part of the urban edge is defined by the pockets of residential and industrial areas that are located to the east of Main Road (Watnall and Nuthall). The site forms a small pocket of land which, as with adjacent residential areas, is contained by the alignment and associated green infrastructure of the disused railway. As such the settlement edge is relatively well defined and the site sits within this. There are some variations which influence this at a small scale, including Redfield House (and associated farm buildings) the properties at the cattery and the 'amenity' character associated with the cemetery grounds. Together these do not necessarily extend the urban edge beyond the alignment of the disused railway, but they do have a negative influence on the condition and quality of this part of the landscape. In the wider landscape, away from the settlement edge, development is relatively sparse and the settlement pattern is characterised by incidental and more isolated properties and farmsteads.
- 3.9. There is no public access to the site. Immediately north of the site a disused railway line has been adapted for public access and is defined as a section of public bridleway. This connects to a wider network of public footpaths in the wider landscape, largely via the public footpath which leads to the north and crosses the M1. Further north the recreational route of the Robin Hood Way passes through the area; this section connecting Watnall and the southern edge of Hucknall.



Landscape character

- 3.10. Reference has been made to published guidance on landscape character for the area. The site is located in the following landscape character types/areas (refer to Figure 2, Landscape Character):
 - National Level National Character Area (NCA) 30, Southern Magnesian Limestone (Natural England, July 2013); and
 - County Level Greater Nottinghamshire Landscape Character Assessment (Nottinghamshire County Council, June 2009).

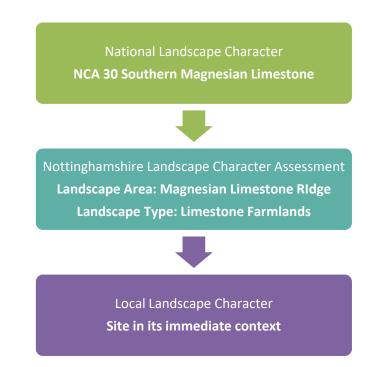


Plate 1: Summary of landscape character hierarchy

3.11. The following sections set out a summary of the characteristics relevant to the site and study area.



National landscape character

NCA 30 Southern Magnesian Limestone

- 3.12. At a national level, the site is located in National Character Area: (NCA) 30 Southern Magnesian Limestone². Where relevant to the site and its landscape context, the key characteristics of NCA 30 are summarised as follows:
 - Underlying limestone creates an elevated ridge with smoothly rolling landform; river valleys cut through the ridge, in places following dramatic gorges. There are also some dry valleys;
 - Fertile, intensively farmed arable land, with large fields bounded by clipped hawthorn hedges, creating a generally large-scale, open landscape;
 - Semi-natural habitats, strongly associated with underlying limestone geology, include lowland calcareous grassland and limestone scrub on the freedraining upland and gorges with wetland habitats associated with localised springs and watercourses, but all tend to be small and fragmented;
 - Long views over lowlands to the east and west, and most prominent in the south;
 - Woodlands combining with open arable land to create a wooded farmland landscape in places, where traditionally coppiced woodlands support dormouse populations; and
 - Influenced by the transport corridor of the A1 [and M1] which is apparent in an otherwise undisturbed rural countryside.
- 3.13. These characteristics are considered in the analysis of landscape and visual constraints.

County landscape character

Greater Nottinghamshire Landscape Character Assessment (Nottinghamshire County Council, June 2009)

- 3.14. At a County level the site is located in a landscape character area (LCA) defined as the 'Magnesian Limestone Ridge'. The guidance describes the LCA as:
- 3.15. "...the southern most part of a narrow limestone ridge that extends from Nottingham along the western edge of the County to Oldcotes, then northwards through Yorkshire to a point beyond Ripon, where the ridge disappears under a thick mantle of glacial drift. Although never more than a few miles in width, this region forms a distinct belt of rising

² Natural England, National Character Area 30: Southern Magnesian Limestone (NE464) (2013)



ground along the eastern fringe of the Yorkshire and Nottinghamshire/Derbyshire Coalfields...Within Nottinghamshire, some of these settlements have coalesced to form heavily urbanised landscapes, especially in the vicinity of Sutton-in-Ashfield and around the western outskirts of Nottingham. Elsewhere, particularly to the north of Mansfield, the settlements are more self-contained and sit within a mainly rural setting."

- 3.16. Within this broad landscape area, the site is located in a more specific landscape 'policy zone' defined as 'ML16, the Nuthall Lowland, Wooded Farmland'. The key characteristics of the policy zone, relevant to the site and its local landscape context, are described as:
 - Low-lying, gently undulating landform;
 - There are small ponds scattered through the area and a lake to the south of Nuthall, but other than this there are few hydrological features;
 - The area has an urban fringe character as it is influenced by the M1 and the urban fringes of Nottingham, Nuthall, Watnall and Hucknall, however, pockets of land with an uninterrupted rural character also exist;
 - Land use is agricultural, predominantly arable farming;
 - Field sizes are generally large and the fields have an irregular pattern;
 - The historic field pattern has been modernised and lost throughout most of the area;
 - Hedgerows are mostly in good condition and well managed, although in places severe management has lead to fragmentation;
 - There are few hedgerow trees which, in combination with large fields, gives the farmland an open character
 - Medium sized blocks of woodland are common through the area and there are blocks of ancient woodland, such as Sellers Wood...;
 - Dense, scrubby vegetation and tree planting marks the line of the M1 and although it is audible, the passing traffic is not often visible;
 - Large, isolated farms with large outbuildings are dotted through the area
 - Industrial development on the urban edges have an urbanising influence on the rural character, although views are often filtered by woodland and tree planting;
 - Views are open over the large arable fields but are restricted by the woodland blocks and planting along the M1; and
 - There are some longer distance views to the wooded slopes of the rising land to the north.
- 3.17. The guidance concludes that, for the overall policy zone, the condition and strength of character are both moderate. The relevant guidelines for the policy zone include:

- Conserve and enhance the woodland through management of maturing trees and new planting where appropriate;
- Conserve the valuable quality of the mature and ancient woodland for its landscape value;
- Enhance the condition of the hedgerows through less intensive management and replacement planting where they are fragmenting;
- Enhance the hedgerow and woodland planting surrounding the urban edges to strengthen the rural character; and
- Enhance the planting around industrial areas and business parks on the urban edges to filter view to these urban elements.
- 3.18. The benefit of the more local level assessment of the LCA over the broader NCA guidance (from Natural England) is that it undertakes the assessment of landscape character at a more detailed level. Therefore, the finer grain of analysis accounts for the context of the wider landscape and places the site in a more specifically defined area of character.
- 3.19. Matters identified in the landscape character assessment which can influence the design are considered in the landscape strategy for the site, as described later in this L&V analysis.

Visual baseline

- 3.20. This section provides a description of the nature and extent of the existing views from, towards and between the site and the surrounding area. It also includes reference to specific locations that will potentially be subject to potential impacts arising from proposed development of the site.
- 3.21. Establishing the specific nature of these views provides an understanding of the context and setting of representative viewpoints and the nature of views in terms of distance, angle of view, and seasonal constraints associated with specific visual receptors. The identification of key sensitive receptors and links to the representative viewpoint are carried forward to the appraisal process (refer to Figure 4, Viewpoint Photographs 1 to 10).

Overview

3.22. The visual envelope is the area of landscape from which a site or a proposed development will potentially be visible. It accounts for general judgements on the theoretical visibility of a site or proposed development and sets a broad context for the study area within which to address landscape and visual impacts.



- 3.23. The extent of a visual envelope will be influenced by the physical landscape components of an area, such as hedgerows, woodlands or buildings and can also be influenced by distance from a site.
- 3.24. The broad visual envelope for the site is defined as follows:
 - To the north, limited by the tree and woodland vegetation associated with the alignment of the disused railway. There are some partial/filtered views through this to the upper extent of existing built form however this is limited to the public footpath network immediately north of the site;
 - To the east, to New Farm Lane and the adjacent fields to the east, otherwise layers of existing green infrastructure and the nature of landform combine to screen views from further afield; and
 - To the south and west, restricted by the existing residential built form with receptors being limited to those properties which overlook the site currently.
- 3.25. Overall, views of the site and likely views of the proposed development are limited to the site itself and the immediate context of the site. The more sensitive locations in terms of potential visibility (and not nature of receptor) include the public footpaths to the north of the site, but only to the extent if the landscape immediately north of the settlement edge and west of the M1, as other routes are not generally exposed to views to the south. Potential visibility can be addressed through appropriate mitigation.



4. LANDSCAPE AND VISUAL ANALYSIS

Development proposals

- 4.1. As part of the Broxtowe Borough Council Part 2 Local Plan, the site is being promoted for residential development. This L&V analysis assumes an approach whereby residential development typically incorporates the residential layout, infrastructure and public open space.
- 4.2. However, this L&V analysis presents an opportunity for a 'landscape led' approach in order that the emerging residential proposals address the character and appearance of the landscape, and matters of views/visual amenity from the outset.
- 4.3. Considering landscape and visual constraints and opportunities at this early stage of the planning process will ensure that a residential masterplan for the site comes forward that integrates mitigation (including green infrastructure and open space) with the local landscape context and avoid or minimise potential impacts on landscape and visual receptors.
- 4.4. On this basis, the proposals considered as part of this L&V appraisal include the delivery of a sustainable, residential-led masterplan that is located directly adjacent to the existing settlement edge.
- 4.5. To inform judgements on the capacity of any given landscape to accommodate specific types of development (without an undue degree of landscape and visual impact) it is necessary to understand the nature and characteristics of the type of development proposed.
- 4.6. This section of the L&V analysis considers the specific type of development proposed (i.e. residential led development) and the nature of the impacts that are likely to occur; thereafter it draws the landscape and visual baseline information together and summarises the key constraints and opportunities in the existing landscape.

Likely causes of impact

4.7. Temporary impacts during construction will occur due to site clearance and accommodation works (including limited vegetation clearance where required), construction activity, construction compounds, earthworks and early phase infrastructure.

4.8. Permanent impacts relate to the built form of residential development, incorporating highways infrastructure, and likely to extend over a series of phases in the longer term. Other, positive impacts, will relate to mitigation integrated into the proposed development (i.e. green infrastructure and strategic landscaping), including retained trees, hedgerows, open space provision, SUDs and attenuation areas and new planting.

Constraints and opportunities

4.9. In the context of the likely impacts the following key constraints and opportunities have been identified during the landscape and visual analysis (including reference to field work and to landscape character guidance).

Constraints

- 4.10. Constraints for the site are:
 - The existing vegetation on and around the site, including the TPO tree on the southern boundary, eastern boundary hedgerow and vegetation immediately adjacent to the site;
 - New Farm Lane which retains a semi-rural character by virtue of the hedgerows that line the route;
 - Views along New Farm Lane to the north, where there is a perception of the change from the urban fringe, out to the adjacent countryside areas; and
 - Views into the site from existing properties located immediately adjacent to the site.

Opportunities

- 4.11. Opportunities for the site include:
 - The lack of any overriding designations specific to landscape on site and in the surrounding landscape context;
 - The scale of the site which is sufficiently large enough to accommodate a range of green infrastructure and open spaces and provide flexibility in the layout to retain and enhance existing landscape components, where appropriate;
 - Aside from locations immediately adjacent to the site, the relative containment and screening of the wider site area by existing mature vegetation and existing residential development which limits views from the wider landscape and increases the capacity of the site to accommodate built form;

- Potential improvements to accessibility through connections to the local network of PROW;
- The existing settlement pattern and the ability to proceed with a development area that is consistent with the existing settlement edge and which would not unduly intrude into the wider countryside to the north;
- The existing framework of green infrastructure which can be retained and enhanced to reinforce and enhance existing vegetation – in turn this has the potential to secure a robust and enduring boundary to the Green Belt.

Summary

- 4.12. Based on the analysis of landscape and visual constraints and opportunities, it is considered that there are two important issues in respect of strategic development potential for the site: firstly, the need to identify the extent of an appropriate 'development envelope' that can accommodate built form and infrastructure; and secondly, the need to establish a robust and enduring green infrastructure framework to balance with that.
- 4.13. Both elements can develop in response to the local landscape context which will in turn help to avoid or reduce impacts. These two aspects have largely defined the preliminary development and landscape strategy, as set out in the following section.



5. PRELIMINARY DEVELOPMENT AND LANDSCAPE STRATEGY

Overview

- 5.1. The preliminary development and landscape strategy for the site has considered landscape components, landscape character and visual amenity from the outset. This has drawn on the baseline analysis of the L&V analysis and the early identification of constraints and opportunities identified for the site and study area.
- 5.2. This puts the 'landscape-led' approach at the heart of the masterplanning and design process by:
 - Considering the relationship between this edge of Nuthall and the adjacent countryside;
 - Ensuring that landscape is the integrating framework for new development; and
 - Applying an overarching green infrastructure strategy at the outset.

Primary aims and principles

- 5.3. Adopting this approach ensures that the preliminary development and landscape strategy incorporates mitigation as an inherent component of the proposals, intending to avoid or reduce the adverse effects of a development proposal from the outset, including potential impacts on the Green Belt.
- 5.4. The principles for mitigation measures aim to:
 - Conserve and enhance the surrounding landscape character;
 - Retain and make best use of existing landscape elements and features;
 - Optimise protection and screening for visual amenity receptors; and
 - Avoid loss or damage to retained landscape elements and features (consequently also conserving and enhancing ecological fabric).
- 5.5. Together these place a particular emphasis on green infrastructure across the site (including strategic landscape planting and open spaces) and the role that landscape characteristics and green infrastructure have in determining an appropriate boundary to the Green Belt.
- 5.6. The aims and principles can be taken forward through an iterative approach to inform an evolving design process at an increasing level of detail through the planning process.



Preliminary landscape and visual strategy

5.7. The components of the preliminary development and landscape strategy incorporated into the emerging proposals are summarised in the following table.

| Strategy component | Key points |
|---|---|
| Development envelope | In relation to existing vegetation, the spatial extent of the development envelope is generally restricted across the site to maintain appropriate stand offs and avoid/minimise impacts; |
| | Potentially restrict the spatial extent in the southern part of the site to facilitate a landscape buffer between the existing and proposed areas of residential development; |
| | • A restricted northern extent to ensure that built form does appear unduly prominent in views from the north and that sufficient space is retained for green infrastructure and open space that will create a robust green edge to the site that respects and complements the existing profile of the settlement edge where seen in views from the north; |
| | A restricted eastern extent to retain some openness to the corridor of New Farm Lane and maintain visual connections between the urban fringe and wider landscape; |
| | • Shaping internal parcels of the development envelope to maintain green corridors through the site – this will break down the massing when viewed from the north and present a broken/wooded settlement context, as per the current context; and |
| | • Potential to implement a 'density strategy' across the site to ensure that areas of greater density are concentrated toward the centre and centre/south of the site. |
| Existing vegetation strategy | Retain and enhance existing vegetation across the site wherever possible, particularly existing vegetation along the eastern edge to maintain the character of New Farm Lane; |
| | Enhancement proposals to include appropriate management (such as hedge laying) and new planting as appropriate to reinforce boundaries, improve species diversity, ensure succession; and |
| | In response to any required losses, proposed replacement and additional planting to ensure a net gain in respective vegetation type (e.g. hedgerow and/or woodland copses). |
| Green infrastructure and open space | Provision of new recreational access in the form of green links and public open spaces, particularly with connectivity along the proposed linear open space and connecting in to the surrounding network of streets and PROW; |
| | • A particular focus on green infrastructure creation on the northern part of the site so as to deliver a robust physical green edge to the settlement that supports an enduring boundary to the Green Belt; and |
| | • A strategy for landscape planting that will complement and enhance the existing green infrastructure network, including substantial hedgerows and tree groupings to provide green infrastructure connectivity. |

| Table 1. | Summary | of landscape | and visual | mitidation |
|----------|---------|--------------|------------|------------|
| lable I. | Summary | or lanuscape | anu visuai | miliyation |



| Strategy component | Key points |
|------------------------------|---|
| Environmental considerations | Approaches to existing vegetation and proposed green infrastructure/open space include potential compatibility with ecological and biodiversity objectives through retaining and enhancing habitats as appropriate. |
| Green Belt considerations | Use of existing and proposed landscape elements and features to define a robust and enduring boundary to the Green Belt |

5.8. It is considered that, with an appropriate approach to mitigation and the implementation of a robust landscape and green infrastructure strategy, a residential masterplan on the New Farm Lane site will be well contained both physically and visually and will show clear defensible boundaries. Consequently, the degree of impact on the landscape character of the wider landscape context, and on visual receptors will be highly localised and is considered to be acceptable in landscape and visual terms.



6. GREEN BELT APPRAI SAL

Overview of Green Belt matters

- 6.1. The site is currently located within the area designated as Green Belt. In relation to Green Belt the NPPF states that:
- 6.2. "...The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."
- 6.3. The NPPF also highlights the five purposes that Green Belt serves:
 - To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.4. Green Belt is not a landscape designation and it does not consider landscape character or other matters such as intrinsic value of landscape character or components. However, the impact on 'openness' of the Green Belt is closely related to landscape and visual considerations, as are the matters of incursion into the countryside (sprawl) and physical and visual coalescence (merging).
- 6.5. This L&V analysis includes reference to local landscape character and visual amenity and identifies constraints and opportunities for the site which are then considered throughout the design process and contribute to good design.
- 6.6. This illustrates how the process of L&V analysis can respond to the requirements of the NPPF through an iterative process of design and masterplanning.

Green Belt Policy for Broxtowe Borough

6.7. The development plan for Broxtowe Borough includes the adopted Local Plan Core Strategy (Part 1)³. The Core Strategy addresses Green Belt at Policy 3, which states that:

³ Broxtowe Borough, Gedling Borough, Nottingham City, Aligned Core Strategies Part 1 Local Plan (adopted September 2014)



6.8. *"3. In reviewing Green Belt boundaries, consideration will be given to:*

a) the statutory purposes of the Green Belt, in particular the need to maintain the openness and prevent coalescence between Nottingham, Derby and the other surrounding settlements;

b) establishing a permanent boundary which allows for development in line with the settlement hierarchy and / or to meet local needs;

c) the appropriateness of defining safeguarded land to allow for longer term development needs; and

d) retaining or creating defensible boundaries."

6.9. The connection between Green Belt and landscape and visual matters is highlighted by the reference to establish 'permanent boundaries' as this aspect will often be related to the physical components of the landscape.

Strategic Analysis

- 6.10. The evidence base to the Core Strategy includes 'The Greater Nottingham and Ashfield Green Belt Assessment Framework'⁴. This document sets out how the relevant authorities have found that there is insufficient land available within the exiting built-up area to meet the objectively assessed need for housing. The Councils have therefore been duty bound to look beyond existing settlement boundaries to accommodate future housing needs. This will inevitably lead to development of green field sites and sets the context for potential release of land from the Green Belt.
- 6.11. In terms of the site, the evidence base has considered the area in early stages of the Strategic Housing Land Availability Assessments (SHLAA). The 2011/12 SHLAA for the Borough identifies the site within parcel/site 105 (which incorporates the site and land to the east of New Farm Lane also). The SHLAA site assessment for 105 includes reference to 'the defensible physical boundary'. The subsequent SHLAA (2012.13) also notes that 'the site could be suitable if policy changes'. There are no comments on landscape and visual constraints, adverse or otherwise.
- 6.12. Another document in the evidence base is the 'Preferred Approach to Site Allocations (Green Belt Review)'⁵. This defines a strategic area for assessment, identified as 'Zone 17

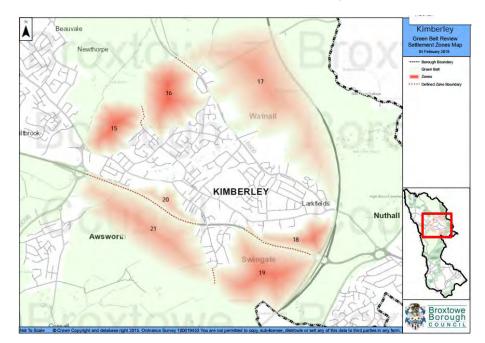
⁴ Greater Nottingham and Ashfield Green Belt Assessment Framework (February 2015)

⁵ Preferred Approach to Site Allocations (Green Belt Review) Consultation (February 2015)



– east Kimberley, east of Main Road'. Broadly, the zone extends from the settlement edge, up to the corridor of the M1 motorway and across to the edge of Watnall/Nuthall (Plate 1). The site forms only a small part of this wider zone, located to its southern tip and adjacent to the urban edge.

Plate 1: Extract from the Green Belt Review showing Zone 17, north of the site



6.13. The Green Belt Review scores the wider zone as a '11' of a potential maximum of 20 in overall Green Belt terms (noting that 'higher scoring sites are generally the most important in Green Belt terms') (Plate 2).

Plate 2: Extract from the Green Belt Review showing the scores for Zone 17

| Area | Parish | Scores for Purpose/ Impact | | | | Total |
|--|-------------------------|---|---|---|---|-------|
| | | Check the unrestricted sprawl of settlements | Prevent neighbouring settlements from merging into one another | Assist in safeguarding the countryside from encroachment | Preserve the setting and special character of historic settlements | |
| Zone 15: North of Gilt Hill | Greasley & Kimberley | 3 | 4 | 4 | 1 | 12 |
| Zone 16: North of High Spania | Greasley & Kimberley | 3 | 3 | 5 | 1 | 12 |
| Zone 17: East of Main Road | Greasley & Nuthall | 3 | 3 | 4 | 1 | 11 |
| Zone 18: Vicinity of Temple Lake | Nuthall | 2 | 4 | 3 | 4 | 13 |
| Zone 19: East of Park Avenue / Knowle Lane | Nuthall & Kimberley | 4 | 4 | 5 | 2 | 15 |
| Zone 20: South of Church Hill & High Street | Kimberley | 2 | 2 | 3 | 2 | 9 |
| Zone 21: West of Swingate | Kimberley | 4 | 5 | 4 | 1 | 14 |

6.14. This indicates that the wider Zone does not perform a strong or important role in Green Belt terms given its mid-range score.

- 6.15. Further information for the evidence base on Green Belt matters is presented in the report by AECOM, the Landscape and Visual Analysis of Potential Development Sites⁶. This report undertakes a scoring and ranking exercise, utilising a system of 'green for go, amber for caution and red for stop'. The site is included within parcel/site LS32, which again includes the land to the east of New Farm Lane.
- 6.16. This study finds that site LS32 has an 'amber' rating for landscape value, with all other considerations (landscape value, susceptibility and sensitivity) stated as 'green'.
- 6.17. The study concludes that site LS32 is potentially developable based on its landscape sensitivity/capacity and goes on to rank it as second in Nuthall and seventh overall in the Borough.
- 6.18. On balance, the strategic studies that form part of the evidence base for the Borough identify that the current contribution of the site (and that of the local landscape context) to the purposes of Green Belt is limited.
- 6.19. This is considered further in the following sections which looks at the site in its local landscape context, rather than the more strategic assessment of Zone 17 (as set out in the Green Belt Review). For consistency, the following analysis draws on the principles and criteria used in the Green Belt Review (Plate 3).

⁶ Landscape and Visual Analysis of Potential Development Sites, AECOM on behalf of Broxtowe Borough Council (January 2017)



| NPPF Purpose of the Green Belt | Assessment Criteria |
|--|---|
| To check the unrestricted sprawl of large built-up areas ¹ | The extent to which the site/location is contained by existing built-up areas, and therefore the extent to which development would 'round off' these areas. The extent to which the site/location is contained by physical features which can act as defensible boundaries, e.g. motorways, roads, railways, watercourses, tree belts, woodlands and field boundaries. |
| | The extent to which the site/location appears to be visually connected with existing built-up areas, taking into account topographical features. |
| To prevent neighbouring towns ¹ merging into one another | The extent to which development would reduce the size of the gap between settlements. The extent to which development would result in the perception of reducing the gap between settlements. |
| To assist in safeguarding the countryside from encroachment | The extent to which the site/location contains inappropriate development. The extent to which the character of the site/location is 'urban fringe' as opposed to 'open countryside'. |
| To preserve the setting and special character of historic towns ¹ | The degree of harm that may be caused to the setting or special character of the settlement, taking into account designated and non-designated heritage assets such as Conservation Areas, Listed Buildings, Historic Parks and Gardens, Scheduled Monuments or important heritage features. |
| To assist in urban regeneration, by encouraging the recycling of derelict and other urban land | It is considered that all land in the Green Belt assists in urban regeneration to the same extent and therefore no criteria are proposed to distinguish between the values of various sites/locations. |

| Plate 3. | Green | Relt | review | considerations |
|----------|--------|------|--------|----------------|
| FIALE J. | GLEELI | Den | | considerations |

To check the unrestricted sprawl of large built-up areas;

- 6.20. In terms of 'sprawl' the site is surrounded to the west and south by existing residential development and to the north by a strong belt of existing green infrastructure. On it's eastern edge, the site is defined by hedgerow vegetation and also the alignment of New Farm Lane which forms a physical boundary.
- 6.21. In the form considered in this L&V appraisal, proposed development on the site will not be prominent in the local landscape, and where views of proposed built form are available these will be consistent with the existing appearance of the settlement edge which is characterised by tree and woodland belts with occasional and partial views through to a varied building line. Furthermore, the extent of sensitive visual receptors is limited to part of a single public footpath as it approaches the settlement edge.
- 6.22. As such the site is considered to be physically and visually contained and proposed development will be consistent with the character and appearance of the settlement edge.

6.23. With reference to the previous scoring of Zone 17 in the Green Belt Review, the site is smaller in scale and more enclosed that the wider agricultural land that forms much of the zone. The site has 'two or more boundaries adjoining the settlement, rounds off the existing settlement pattern and is well contained by strong physical features which can act as defensible boundaries. On this basis, it is likely that the site would score a '1' in relation to 'unrestricted sprawl' rather than a '3' as per the wider area of Zone 17. This would reduce its overall score further, reducing from 11 to 9.

To prevent neighbouring towns merging into one another;

- 6.24. Proposed development on the site will not result in the physical or perceived merging of settlement. The site forms a localised infill of the settlement edge, contained by existing residential built form on two sides and by a clearly defined belt of green infrastructure along its main boundary with the adjacent countryside. Consequently, there will be no perception of a reduction in gap between this edge of Nuthall and the closest settlement edge which is at Hucknall (over 2km to the north) or the urban edge of Nottingham (over 1km to the east); both of which are located to the east of the M1 corridor.
- 6.25. As per the consideration of 'sprawl' the Green Belt Review considers coalescence/merging on the basis of the wider Zone, the site forming a far smaller and discreet parcel. On the basis of the strong containment by the existing green infrastructure along the disused railway (augmented by proposed open space and landscaping on the site) the site would not reduce the size of the gap between settlements to the north (i.e. between Nuthall/Watnall and Bulwell/Hucknall). As such, it is considered that the Green Belt Review score for this element would reduce from '3' to '1'. Combined with the reduction in the score for 'sprawl' the overall score would reduce from '11' to '7'.
- 6.26. This revised scoring is also likely to have implications for the scoring and associated ranking as set out in the AECOM report, potentially increasing the ranking of the site in this context.

To assist in safeguarding the countryside from encroachment;

6.27. The site has the capacity to accommodate development that will not be unduly prominent in the local or wider landscape, this will limit perceptions of encroachment. This is due to the nature of the existing green infrastructure on the northern boundary of the site which comprises a mature belt of trees and woodland.



To preserve the setting and special character of historic towns

6.28. With reference to 'preserving the setting and special character of historic towns', there is no inter-visibility between the proposed development and Nuthall Conservation Area and therefore, in landscape and visual terms, there will be no associated impact.

Green Belt strategy

- 6.29. In accordance with the NPPF, Green Belt boundaries should be defined clearly, using physical features that are readily recognised and likely to be permanent.
- 6.30. This L&V analysis, and the process of its preparation, have informed the emerging proposals and illustrative masterplan for the site, a key consideration being the nature and appropriateness of the interface between the potential development and the adjacent countryside.
- 6.31. This is reflected through the analysis of constraints and opportunities and subsequent development of the preliminary development and landscape strategy (refer to Table 1).
- 6.32. The preliminary development and landscape strategy for the site illustrates how landscape and visual matters have informed the emerging proposals, placing landscape and visual considerations at the outset of the masterplanning and design process.
- 6.33. Such an approach includes incorporated mitigation that inherently addresses the interface between the settlement edge and the wider countryside and how this can influence prospective amendments to the Green Belt boundary.
- 6.34. The indicative Green Belt edge, in connection with the emerging proposals, includes proposals for retention and enhancement of the existing Green Infrastructure on the edge of the site (refer to Figure 5, Preliminary Development and Landscape Strategy):
- 6.35. Consequently, the use of existing landscape components to guide the landscape strategy and subsequent augmentation of these components can define an appropriate, robust and enduring boundary to the Green Belt.

Summary

6.36. The potential conflict of the proposals with aspects of Green Belt policy will be limited to the site itself, a matter which will be common to the majority of sites put forward for release. In the wider landscape context, the proposed development will not conflict with the purpose or function of the Green Belt. This is due to the settlement edge location of



site, the characteristic of the proposed development, and very limited landscape and visual impact.

6.37. However, to maintain the contribution of the site to Green Belt purpose, the proposals include a substantial area of open space and green infrastructure to supplement and enhance the existing green infrastructure along the disused railway line which, together, will define an appropriate, robust and enduring boundary to the Green Belt.



7. SUMMARY AND CONCLUSIONS

Overview

- 7.1. This report has been prepared to consider constraints and opportunities in respect of landscape and visual matters.
- 7.2. The L&V analysis identifies the key constraints and opportunities present on the site and surrounding landscape with the analysis, in the context of the specific nature of the type of development being considered, informing the inherent proposals for landscape mitigation.
- 7.3. The development consequently incorporates a landscape mitigation strategy which will avoid, reduce or remedy adverse impacts.
- 7.4. These over-arching principles set the framework for the areas which are proposed for development. Each of these can be subject to a greater level of detail regarding masterplanning to identify additional detailed considerations through the planning process.
- 7.5. Given the scale of development required, any location for growth in the Borough is likely to result in some harm in relation to landscape and visual matters and also likely to require release of Green Belt land.
- 7.6. However, this analysis shows that the site can accommodate a sensitively designed residential scheme with only limited landscape and visual effects at a localised level and that such impacts can successfully be avoided or reduced through effective mitigation.
- 7.7. Effects on landscape character will occur at a site level and its immediate landscape context and have little influence on the wider character of the wider landscape context to Nuthall; the existing character of the settlement edge can be maintained and the proposals would not be unduly prominent in the wider landscape.
- 7.8. The nature of visual effects is such that the greatest degree of effect will be from locations directly adjacent to the site; from the wider countryside, the effects will be much reduced due to the limited visibility, existing context of the settlement edge and mitigation inherent in the proposed development which, over time, will help to integrate the proposed development into the landscape.
- 7.9. The preliminary development and landscape strategy aims to maintain and enhance the existing green infrastructure network and provide a series of proposals for existing and

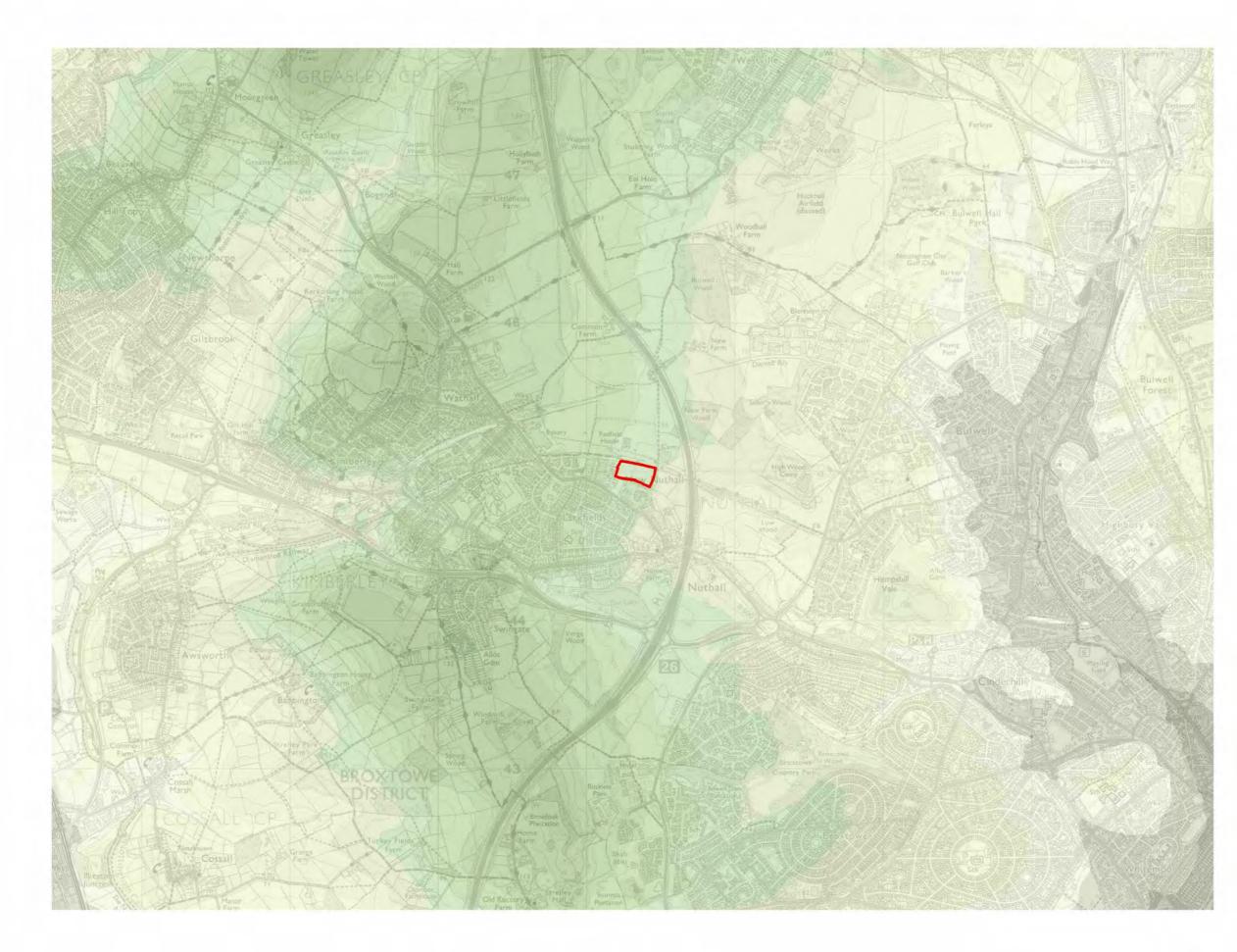


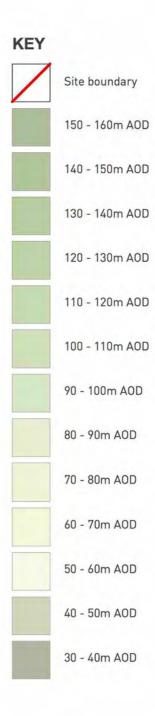
green infrastructure and open space that respond to local landscape characteristics such as landform, field boundaries, tree belts etc; all physical and enduring features in the landscape.

7.10. Consequently, the use of existing landscape components to guide the landscape strategy and subsequent augmentation of these components can set an appropriate, robust and enduring boundary to the Green Belt.



FIGURES





Land off Holden Crescent, Nuthall, Nottinghamshire DAVIDSONS DEVELOPMENTS LTD

Fig. 1: Topography

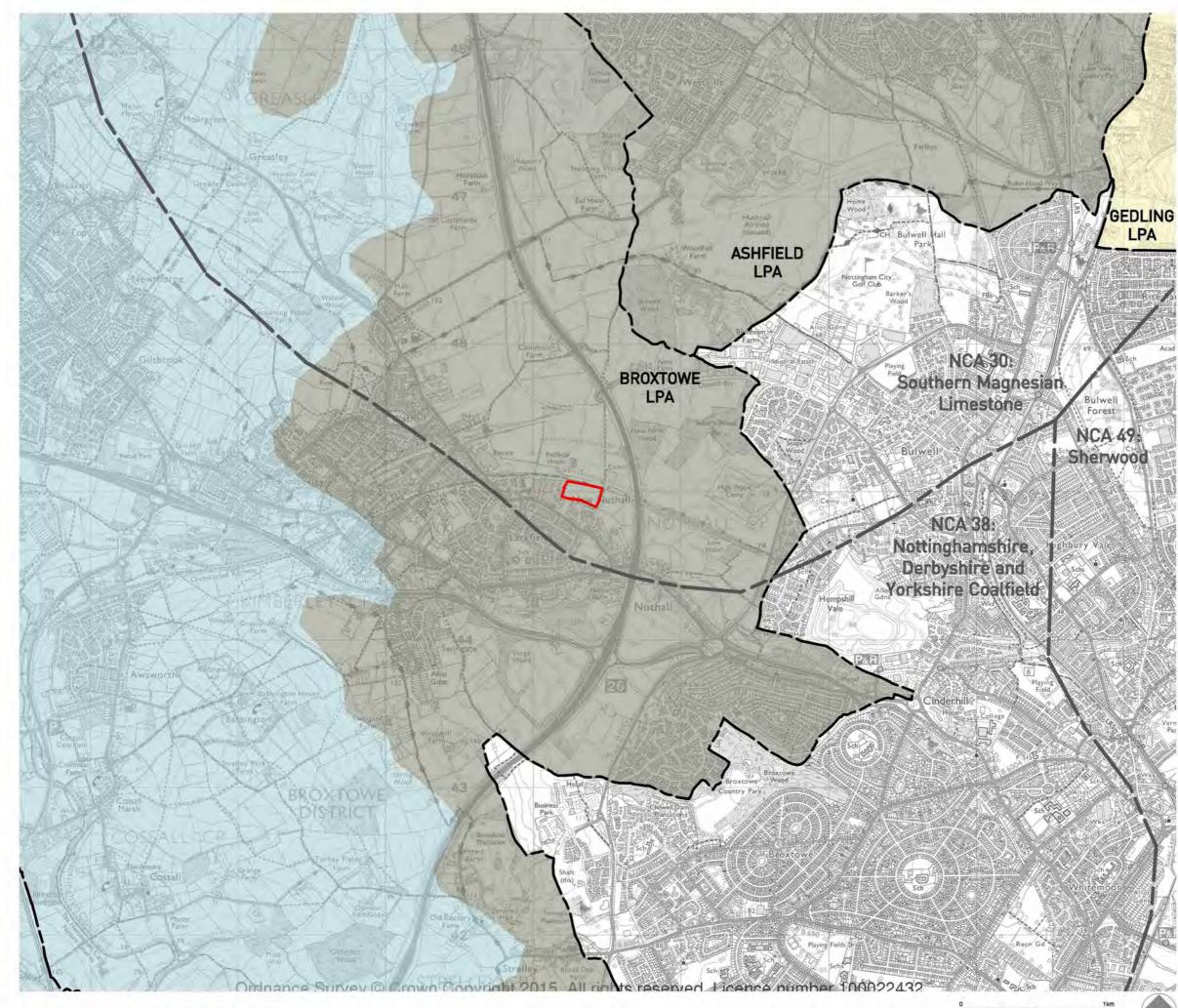
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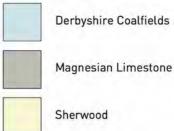


Site boundary

LPA boundary

NCA boundary

Nottinghamshire County Council Landscape Character Assessment: Landscape Areas



Land off Holden Crescent, Nuthall, Nottinghamshire DAVIDSONS DEVELOPMENTS LTD

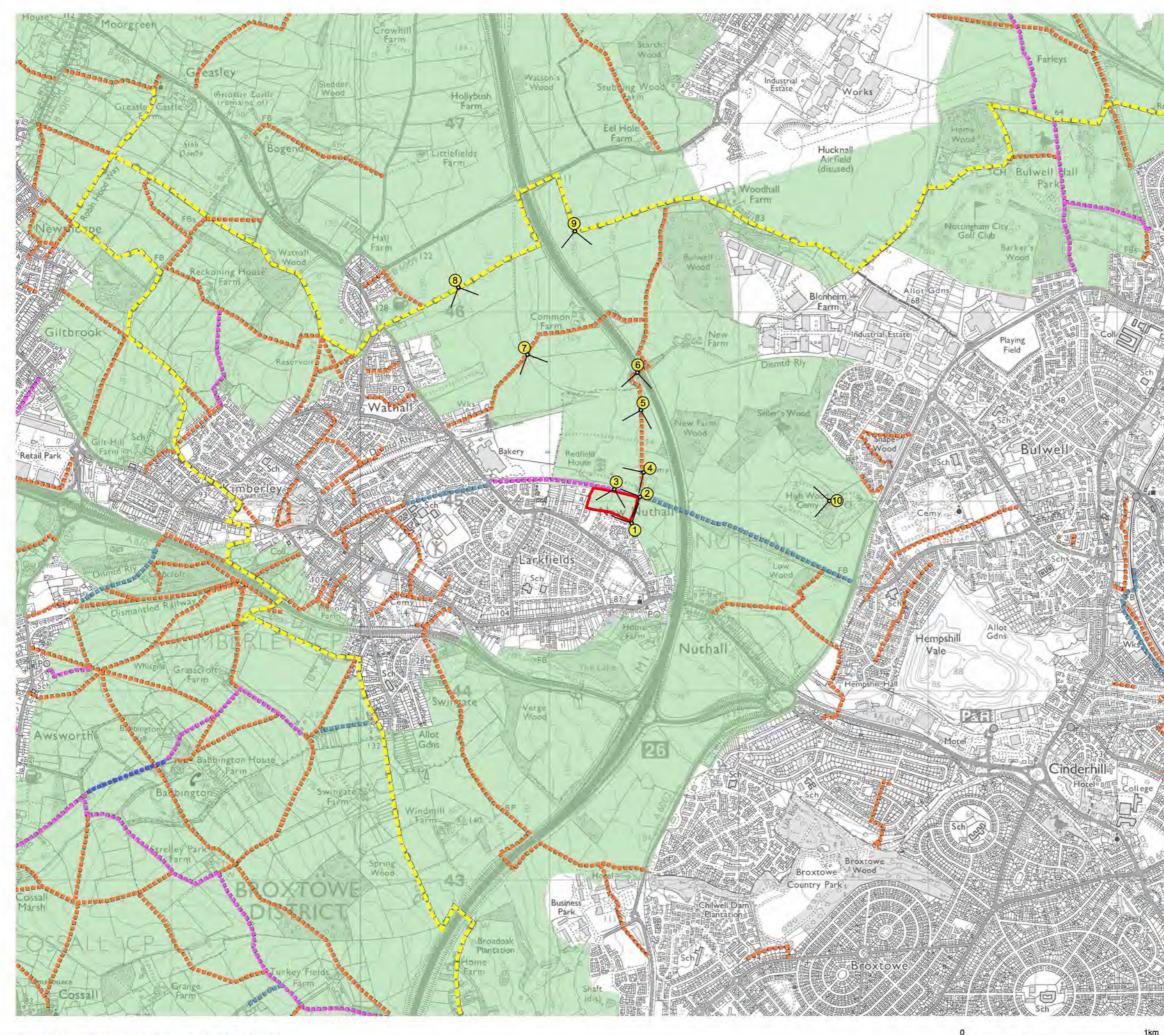
Fig. 2: Landscape Character

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Play







Viewpoint locations



Public footpath



Public bridleway



Other routes with public access



Recreational route

Green Belt

Land off Holden Crescent, Nuthall, Nottinghamshire DAVIDSONS DEVELOPMENTS LTD

Fig. 3: Viewpoint Locations and Public Rights of Way

Drawing no. : P17-2056_03 Date : 20/10/2017 Drawn by : JT Checked by : JWA Scale : 1 : 20000 @ A3



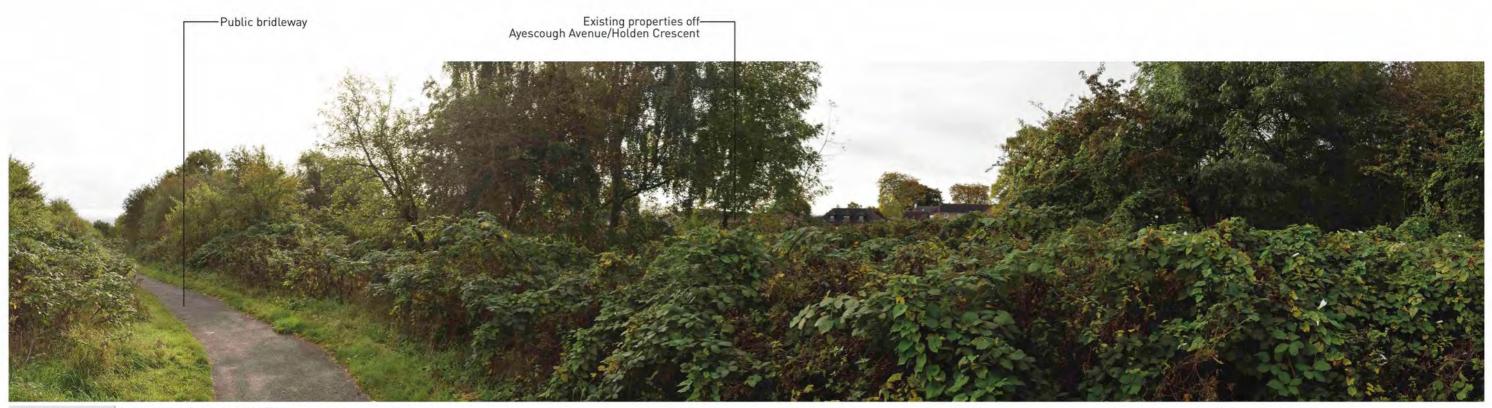


| Viewpoint 1 | View looking north-west from New Farm Road. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51424 44881 |
| Approx elevation | +90m AOD |
| Distance to site | On site boundary |



| Viewpoint 2 | View looking south-west from the public footpath adjacent to the cemetery. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51473 45023 |
| Approx elevation | +90m AOD |
| Distance to site | On site boundary |

Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs



| /iewpoint 3 | View looking south-west from New Farm Road. | |
|------------------|--|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) | |
| Date | 10th October 2017 | |
| Approx grid ref | SK 51347 45063 | |
| Approx elevation | +93m AOD | |
| Distance to site | On site boundary | |



| Viewpoint 4 | View looking south from the public bridleway that runs along the disused railway. |
|------------------|---|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51483 45157 |
| Approx elevation | +91m A0D |
| Distance to site | c. 130m |

Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs



| Viewpoint 5 | View looking south from the public footpath at a relatively elevated vantage point at the M1 crossing. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51483 45507 |
| Approx elevation | +96m AOD |
| Distance to site | c. 450m |



| Viewpoint 6 | View looking south from the public footpath , close to the M1 corridor. |
|------------------|---|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51480 45686 |
| Approx elevation | +96m AOD |
| Distance to site | c. 640m |

Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs



| Viewpoint 7 | View looking south-east from the public footpath between Common Farm and the settlement edge. |
|------------------|---|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 50879 45771 |
| Approx elevation | +109m AOD |
| Distance to site | c. 790m |



| Viewpoint 8 | View looking south from the Robin Hood Way recreational route, east of the M1. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 50531 46145 |
| Approx elevation | +116m AOD |
| Distance to site | c. 1.3km |

Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs





| Viewpoint 9 | View looking south-east from the Robin Hood Way recreational route, east of Watnall. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51137 46417 |
| Approx elevation | +105m A0D |
| Distance to site | c. 1.4km |

Comms mast-



| Viewpoint 10 | View looking west from High Wood Cemetery. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 52469 44992 |
| Approx elevation | +81m A0D |
| Distance to site | c. 1km |

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Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs

Drawing Ref: P17-2056_04 Client: DAVIDSONS DEVELOPMENTS LTD Date : 01/11/2017 Pegasus Drawn by : JT Environment Checked by : JWA





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Site boundary

Potential development envelope

Green infrastructure and open space



Potential planting

Potential pedestrian connections



Views from 'gateway' to rural context retained



Poor quality pedestrian 'junction'



Linear open space and robust edge to green belt

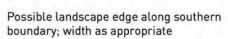
New Farm Lane has rural context;

avoid hedgerow losses



3

4



Landscaped frontage to Spencer Drive

Land off Holden Crescent, Nuthall, Nottinghamshire DAVIDSONS DEVELOPMENTS LTD

Fig. 5: Preliminary Development and Landscape Strategy

Drawing no. : P17-2056_05 Date : 20/10/2017 Drawn by : JT Checked by : JWA Scale : 1 : 1250 @ A3

Pegasus





BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION Representations by FEATHERSTONES on behalf of RICHARD TAYLOR

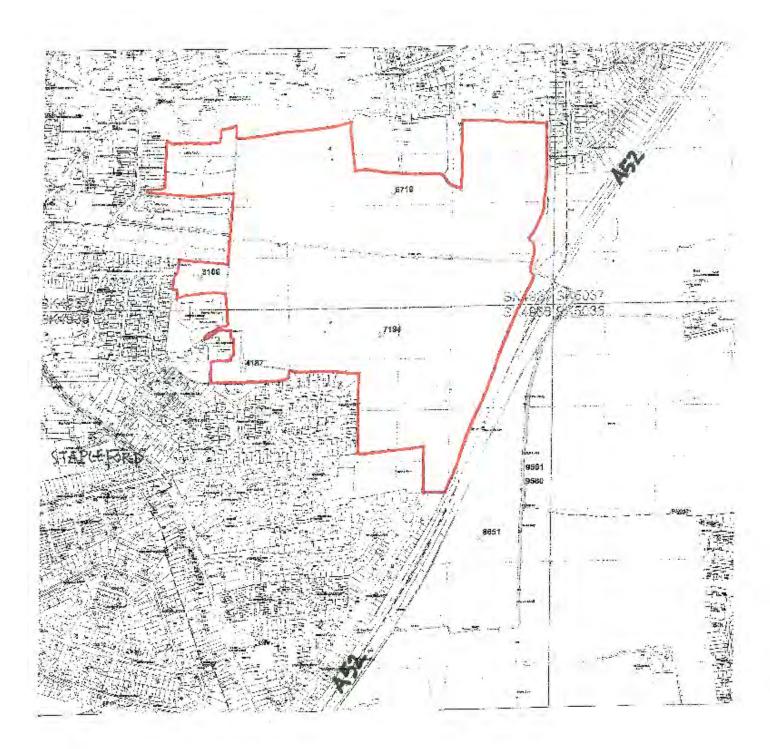
- 1. This submission is made on behalf of Richard Taylor, who is the owner of land identified on the attached plan 1. Part of that land (plan 2) we contend, is suitable for housing development.
- 2. As presented the Broxtowe Plan is unsound because it fails to demonstrate how delivery of allocated sites will be guaranteed; it fails to incorporate sufficient flexibility to respond to any failure of delivery and it fails to provide a mechanism for the release of developable 'reserve sites' equivalent to 20% of the total housing requirement (as recommended by the Local Plans Expert Group in its Report to Government of March 2016).
- 3. Additional housing sites, therefore, need to be identified in order to meet the NPPF's requirement to ensure the delivery of the minimum housing provision and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the Framework.
- 4. Policy 2 of the Plan fails the challenge of housing supply. Table 4 confirms a significant housing supply short fall and a persistent history of under delivery.
- 5. There is demonstrably no certainty of future housing delivery.
- The Plan relies on housing sites which have been allocated in previous Plans for up to (and beyond) 15 years. There are clearly strong reasons why these sites have not come forward. Sites include:
 - Beeston Maltings
 - Land at Awsworth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

Each of these sites were allocated in the 2004 Plan.

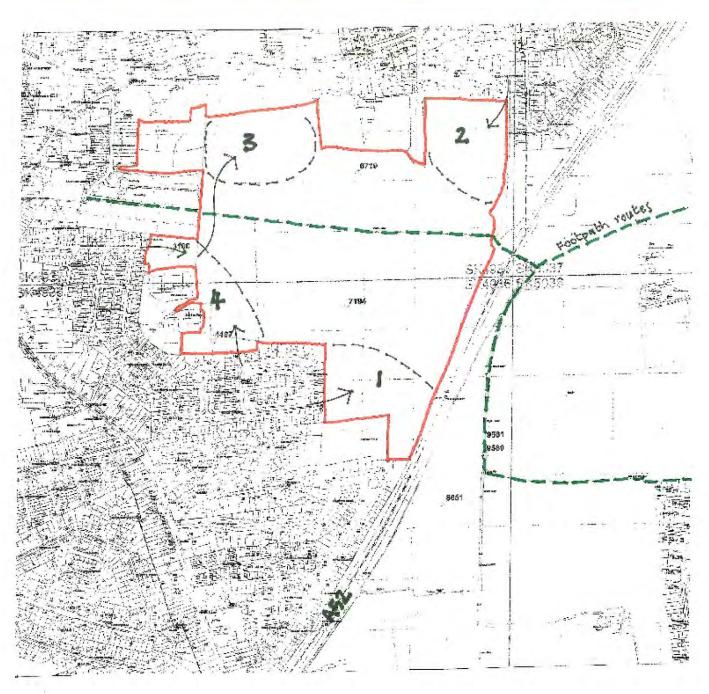
In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

- 7. Uncertainty of housing delivery also exists at strategic sites:
 - Boots
 - Severn Trent Sewage Treatment Works (contamination)
 - Chetwynd Barracks (no commitment to land release)
 - Toton/HS2 Hub (confused aspirations)
- 8. In order to help to minimise the (likely) continued non-delivery of sites for housing, additional land should be identified (for housing) in the plan; specifically, land at Stapleford, as identified on plan 2. Four parcels of land here could be developed for housing without adversely impacting on land important to the visual significance of Windmill Hill (part of the Bramcote Ridge). Similarly, the role of that Ridge as a public footpath would not be threatened, long distance views would be maintained, landscaping would be enhanced and properly managed.
- 9. In turn, the four parcels could accommodate:
 - Sisley Avenue 80 dwellings
 - Baulk Lane 75 dwellings

- North West Hill Top 80 dwellings
- Hill Top Farm 30 dwellings
- 10. Consequently, it is estimated that (about) 265 new dwellings could be delivered on the site. This would be in a manner which would acknowledge, respect and enhance the context and the wider environment.
- 11. The land is in one ownership. There are no technical, access or commercial impediments to immediate delivery and the allocation would help the Plan to achieve soundness.



PLAN I OWNERSHIP



PLAN 2 OPPORTUNITY

SISLEY AVENUE
 BAULK LANE
 NORTH WEST HILL TOP
 HILL TOP FARM





Agent

| Please provide your client's name | | ne | Richa | ard Taylor | | |
|--|---------------|------|-------|------------|--|--|
| Your Details | /our Details | | | | | |
| Title | Mr Mrs | Miss | Ms | Other: | | |
| Name | | | l I | | | |
| Organisation (fresponding on behalf of the organisation) | Featherstones | | | | | |
| Address | | | | | | |
| Postcode | | | | | | |
| Tel. Number | | | | | | |
| E-mail address | | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

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| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | No |
|--|---------------------------------------|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | V | |
| It is not effective | v | |
| It is not positively prepared | v | |
| It is not consistent with national policy | v | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

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|--|------------|
| Yes, I wish to participate at the public examination | V |
| No, I do not wish to participate at the public examination | |
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| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | |
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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 public examination.

Featherstones

PLANNING • DESIGN • DEVELOPMENT

BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION Representations by FEATHERSTONES

on behalf of Mrs D Viitanen

October 2017

- 1. These representations have been prepared on behalf of Mrs D Viitanen who has land interest in the site at Gilt Hill Farm, Kimberley (see attached Plan). Mrs Viitanen has serious concerns about the soundness of the Plan, particularly in relation to the approach to housing delivery. These concerns are set out below.
- 2. As presented the Broxtowe Plan is unsound because it fails to demonstrate how delivery of allocated sites will be guaranteed; it fails to incorporate sufficient flexibility to respond to any failure of delivery and it fails to provide a mechanism for the release of developable 'reserve sites' equivalent to 20% of the total housing requirement (as recommended by the Local Plans Expert Group in its Report to Government of March 2016).
- 3. Additional housing sites, therefore, need to be identified in order to meet the NPPF's requirement to ensure the delivery of the minimum housing provision and also to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the Framework.
- 4. Policy 2 of the Plan fails the challenge of housing supply. Table 4 confirms a significant housing supply short fall and a persistent history of under delivery.
- 5. There is demonstrably no certainty of future housing delivery.
- 6. The Plan relies on housing sites which have been allocated in previous Plans for up to (and beyond) 15 years. There are clearly strong reasons why these sites have not come forward. Sites include:
 - Beeston Maltings
 - Land at Awsworth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

Each of these sites were allocated in the 2004 Plan.

In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

- 7. Uncertainty of housing delivery also exists at strategic sites:
 - Boots
 - Severn Trent Sewage Treatment Works (contamination)
 - Chetwynd Barracks (no commitment to land release)
 - Toton/HS2 Hub (confused aspirations)
 - 8. There are a range of sites and locations where additional, sustainable development can take place. Land at Gilt Hill Farm, Gilt Hill, Kimberley (identified on the Plan attached) is well related to the Kimberley Urban area, including local shops, employment and schools. It sits on

the edge of the settlement where there is no gap to distinguish it visually, physically or functionally from the urban area.

9. Releasing the site from the Green Belt and allocating it for housing development will provide the opportunity to improve the visual appearance of the site by replacing buildings in a poor condition with attractive and sustainable new buildings. It would remove a use that is nonconforming with adjacent residential and education land uses and provides an opportunity to introduce high quality landscaping and biodiversity features to ensure that the openness of the Green Belt is safeguarded. Crucially, the site is deliverable within the next five years so will help to off-set slow delivery on other sites, address immediate land supply issues and provide the certainty of delivery necessary to make the Plan sound.

Site Location Plan



Broxtowe Part 2 Local Plan

Agent

| Please provide your client's name | | ne | Mrs I | D Viitanen | |
|--|---------------|------|-------|------------|--|
| Your Details | | | | | |
| Title | Mr Mrs | Miss | Ms | Other: | |
| Name | | | İ | | |
| Organisation (fresponding on behalf of the organisation) | Featherstones | | | | |
| Address | | | | | |
| Postcode | | | | | |
| Tel. Number | | | | | |
| E-mail address | | | | | |

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| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
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| Please tick here 🗸 |
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| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | No |
|--|---------------------------------------|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | V | |
| It is not effective | v | |
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Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

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Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

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Featherstones

PLANNING • DESIGN • DEVELOPMENT

BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION Representations by FEATHERSTONES

on behalf of Mrs M Barnes

October 2017

- 1. These representations have been prepared on behalf of Mrs M Barnes who has land interest in the site at Land off Back Lane, Nuthall (see attached Plan). Mrs Barnes has serious concerns about the soundness of the Plan, particularly in relation to the approach to housing delivery. These concerns are set out below.
- 2. As presented the Broxtowe Plan is unsound because it fails to demonstrate how delivery of allocated sites will be guaranteed; it fails to incorporate sufficient flexibility to respond to any failure of delivery and it fails to provide a mechanism for the release of developable 'reserve sites' equivalent to 20% of the total housing requirement (as recommended by the Local Plans Expert Group in its Report to Government of March 2016).
- 3. Additional housing sites, therefore, need to be identified in order to meet the NPPF's requirement to ensure the delivery of the minimum housing provision and also to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the Framework.
- 4. Policy 2 of the Plan fails the challenge of housing supply. Table 4 confirms a significant housing supply short fall and a persistent history of under delivery.
- 5. There is demonstrably no certainty of future housing delivery.
- 6. The Plan relies on housing sites which have been allocated in previous Plans for up to (and beyond) 15 years. There are clearly strong reasons why these sites have not come forward. Sites include:
 - Beeston Maltings
 - Land at Awsworth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

Each of these sites were allocated in the 2004 Plan.

In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

- 7. Uncertainty of housing delivery also exists at strategic sites:
 - Boots
 - Severn Trent Sewage Treatment Works (contamination)
 - Chetwynd Barracks (no commitment to land release)
 - Toton/HS2 Hub (confused aspirations)
- 8. There are a range of sites and locations where additional, sustainable development can take place. Land off Back Lane, Nuthall (identified on the Site Plan attached) is currently used for equestrian purposes with stables, livery and associated activity together with residential property. The site is within the defined Green Belt, however this designation no longer

satisfies the purpose or function of Green Belt land as defined within Paragraph 80 of the NPPF.

- 9. The removal of the Back Lane site from the Green Belt would facilitate the redevelopment of the site for up to 40 new dwellings as well as delivering improved screening and buffering from the M1 motorway to the wider benefit of existing residents.
- 10. Housing development on this site would assist in providing additional flexibility regarding the delivery of new housing in the Borough, helping to off-set slow delivery rates on other sites. The site is in single ownership where the intention is to progress towards a planning application as soon as possible and to bring the site to the housing market at the earliest opportunity.



Site Location Plan – Land off Back Lane, Nuthall

Broxtowe Part 2 Local Plan

Agent

| Please provide your client's name | | ne | Mrs I | Marjorie Barnes | |
|--|---------------|------|-------|-----------------|--|
| Your Details | | | | | |
| Title | Mr Mrs | Miss | Ms | other: | |
| Name | | | İ | | |
| Organisation (fresponding on behalf of the organisation) | Featherstones | | | | |
| Address | | | | | |
| Postcode | | | | | |
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| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| | Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | No |
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| 2.1 | Legally compliant | | |
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Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

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BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION

Representations by OXALIS PLANNING on behalf of W.WESTERMAN LTD

- 1.1 These representations have been prepared on behalf of W. Westerman Ltd who have a number of land interests in Broxtowe. W. Westerman Ltd have serious concerns about the soundness of the Plan, particularly in relation to the approach to housing delivery. These concerns are set out below.
- 1.2 The NPPF requires Local Planning Authorities to plan positively to ensure the delivery of the area's 'minimum' housing requirements and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the NPPF.
- 1.3 It is unclear from Policy 2 of the proposed Plan how the Government's requirements regarding housing delivery will be met. It can be seen from the Housing Trajectory at Table 4 of the Plan that Broxtowe has a significant housing supply shortfall and a persistent history of under delivery. Within this context it is essential that the Council are able to provide certainty regarding the delivery of housing. For the reasons set out below it is considered that the Plan fails to do this and is therefore unsound.
- 1.4 The need for flexibility or the identification of 'reserve sites' is not unusual but is particularly pertinent to Broxtowe because of its historical under performance, the number of sites carried forward from the 2004 Local Plan and the uncertainty regarding the key strategic sites. It is W.Westerman's view that a number of the sites proposed to be allocated by the Council will fail to be delivered and others are likely to be delayed such that the numbers assumed to be delivered will not be met. Individually a number of sites should not be counted towards delivery targets given their uncertainty. However the collective impact of so many complex and uncertain sites must also be addressed through the allocation of additional land.
- 1.5 In terms of strategic sites this uncertainty includes:
 - a. Land at Boots, which although the site has permission continues to be complex with significant delivery uncertainties.
 - b. Severn Trent land which is a former sewage treatment works with associated complexities of decontamination and remediation. Housing delivery on the site is therefore highly uncertain.
 - c. Chetwynd Barracks: A current and active Ministry of Defence site. Whilst the MOD have indicated that the site may become available for redevelopment, no firm committed dates are set out and the timing of any closure is subject to change. There remains a potential for a significant delay to the closure of the site or a cancellation. Delivery is highly uncertain therefore.
 - d. Toton: Whilst planning permission exists on part of this site, that permission conflicts with the vision for the site as set out in Policy 3.2. The supporting text to this Policy is confusing and ill-conceived. It is based largely on the East Midlands HS2 Growth Strategy Document published in September 2017. It includes the statement in relation to the vision for the Toton that

'It will also require higher densities than those currently subject of an extant Outline Planning Consent for the site and this will need careful consideration by Broxtowe Borough Council as the Local Planning Authority.' (Page 20).

Whilst this implies the potential for greater housing numbers in the long term it brings onto question the deliverability of the extant consent and housing delivery in the short to medium term.

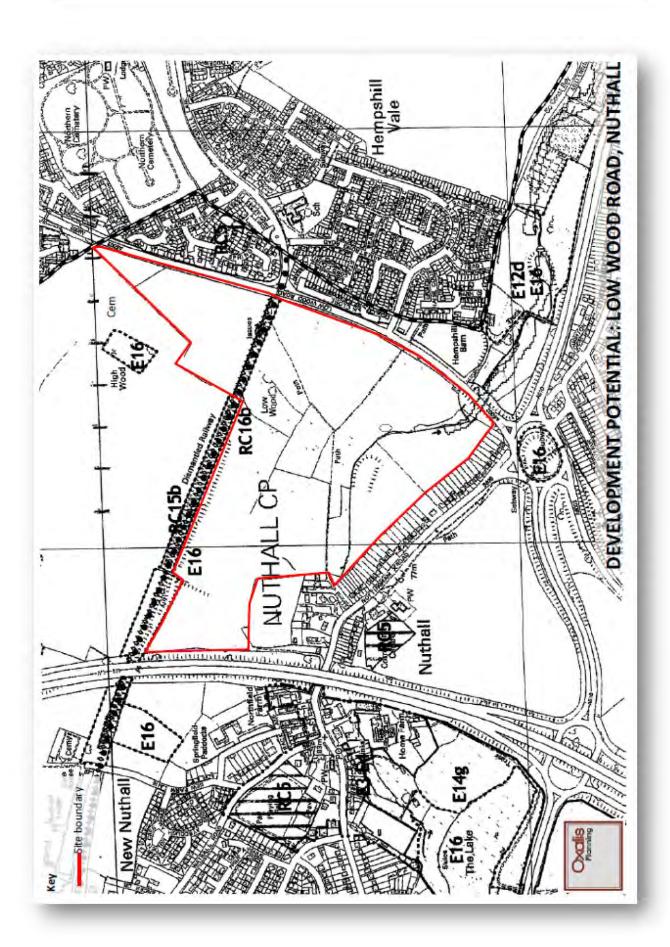
- 1.6 In terms of other allocations or 'committed' sites:
 - a. Land at Beeston Maltings Policy 3.6, has been allocated since 2004. It remains a difficult and complex site and delivery is highly uncertain.
 - b. Land in Awsworth includes land allocated since 2004 and although there is extant permission, delivery is not certain.
 - c. Two sites in Eastwood were allocated in the 2004 Local Plan and delivery remains uncertain notwithstanding extant planning permission.
 - d. Land at Walker Street, Eastwood Policy 6.1. This forms part of a school and recreation facility. Aside from its individual merits as an allocation, the site has been allocated (although a different part of the overall school site) since 2004 with no development progressing. Given the status of the site and wider uncertainty regarding school places and the quality and quantity of sports and recreation space, the delivery of the site is highly uncertain.
 - e. Land south of Kimberley including Kimberley Depot Policy 7.1. The site is currently a refuse depot with refuse tip. It is unclear if new facilities have been found to facilitate relocation. Notwithstanding, the site will contain areas of contamination which could preclude or limit development. Delivery on the site is therefore uncertain.
 - f. Land South of Eastwood Road, Kimberley Policy 7.2. This site has been allocated since 2004. Development of the site remains complex and delivery highly uncertain.
 - g. Builders Yard, Eastwood Road, Kimberley Policy 7.3. This site has been allocated since 2004. Development on the site remains uncertain.
- 1.7 The uncertainty in Broxtowe stems principally from the sheer number of complex sites where the level of certainty regarding delivery is extremely low. In these circumstances there is not a sufficiently reasonable prospect that the minimum housing numbers will be achieved and the Plan is therefore unsound. The circumstances in Broxtowe are the very circumstances that have led the Local Plan Experts Group to recommend the introduction of appropriate lapse rates and a 20% reserve site allowance. To adopt the Plan in its current form would perpetuate the current and historic role the planning system has played in creating a crisis in housing through the lack of delivery of new homes.
- 1.8 The Government recognises that more needs to be done to ensure that the right numbers of houses are built. It's White Paper Fixing Our Broken Housing Market (February 2017) is aimed at just that. The White Paper draws on and makes reference to the work undertaken by the Local Plan Experts Group (LPEG). As well as proposing a new approach to calculating housing needs, the LPEG made recommendations as to how Local Plans should be approached not only to demonstrate a five year land supply but to ensure plans deliver over the whole plan period.
- 1.9 In their Report to Government (March 2016) the LPEG state that:

'there needs to be a clearer and more effective mechanism for maintaining a five year land supply, at the same time as ensuring plans consider delivery over the whole plan period and incorporate sufficient flexibility to respond to rapid change' (Paragraph 11.3).

And they recommend that plans:

focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement' (Paragraph 11.4).

- 1.10 Because of its existing delivery problems, the scale of its shortfall and the uncertainties regarding delivery in the future, it is important that this 'sufficient Flexibility' is adopted by Broxtowe in its Local Plan Part 2. The Local Plan must be flexible enough to guarantee the delivery of the minimum number of new homes in the Plan period.
- 1.11 In simple terms this means planning for more houses so that there is sufficient flexibility now, to take account of inevitable delays to delivery on some sites and lapsed permission or non-implementation on others.
- 1.12 Furthermore in terms of a 5 year land supply the Plan does not set out how an appropriate land supply should be calculated and how this will then be met by the Plan. It is essential that the Plan, or supporting evidence, contains appropriate information to confirm that the Plan provides a 5 year land supply calculation from adoption of the Plan. The Plan will be unsound unless it can be demonstrated, based on appropriate assumptions, that it will bring about a 5 year land supply position.
- 1.13 There are a range of sites and locations where additional, sustainable development can take place. Land at Low Wood Road, Nuthall (identified on the Plan attached) is well related to the Urban area and extremely well related to the transport network, including the Tram. There is potential for the Tram to be extended into the site and for new and improved park and ride facilities to be provided, helping to address existing congestion and capacity issues. As a minimum it is considered that the site should be removed from the Green Belt so that it is available for development in the longer term or if delivery on other identified sites stall.



Broxtowe Part 2 Local Plan

Agent

| Please provide your client's name | | ne | w.w | /ESTERMAN |
|--|---------------------|------|-----|-----------|
| Your Details | | | | |
| Title | Mr Mrs | Miss | Ms | Other: |
| Name | | | | |
| Organisation (fresponding on behalf of the organisation) | Oxalis Planning Ltd | | | |
| Address | | | | |
| | - | | | |
| Postcode | | | | |
| Tel. Number | | | Ĩ | |
| E-mail address | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
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| Please tick here v |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

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Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|--|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocations Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 19: Pollution, Hazardous Substances and Ground Conditions Policy 20: Air Quality Policy 21: Unstable land Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | | Policy 2 Policy 3 Policy 4 Policy 5 Policy 6 Policy 7 |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | No |
|--|---------------------------------------|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | V | |
| It is not effective | v | |
| It is not positively prepared | v | |
| It is not consistent with national policy | v | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

See attached Statement

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | | | |
|--|-------|--|--|--|
| Yes, I wish to participate at the public examination | V | | | |
| No, I do not wish to participate at the public examination | | | | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be | | | |
| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | | | | |
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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 public examination.



BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION

Representations by OXALIS PLANNING on behalf of BLOOR HOMES

Contents

Representations:

| 1.0 Introductio | n |
|-----------------|---|
|-----------------|---|

- 2.0 Housing Delivery
- 3.0 Land in the vicinity of the HS2 Station at Toton Policy 3.2
- 4.0 Approach to self-build and custom-build housing Policy 15
- 5.0 Policy 17: Place Making, Design and Amenity

Appendices:

| Appendix One : | Site Location Plan and Illustrative Masterplan relating to land at Nether Green, east of Mansfield Road, Eastwood |
|-----------------|---|
| Appendix Two: | Proposed Site allocation Boundary for Land at Toton |
| Appendix Three: | 'Broxtowe Gateway' vision document produced by Oxalis Planning April 2017 |
| Appendix Four: | 'Broxtowe: Gateway to the East Midlands' vision document produced by Oxalis Planning March 2014 |
| Appendix Five: | 'Toton – Strategic Location for Growth' produced by Oxalis Planning in December 2015 |

1.0 Introduction

1.1 These representations have been prepared on behalf of Bloor Homes who have a number of land interests in Broxtowe. Bloor Homes have serious concerns about the soundness of the Plan, particularly in relation to the approach to housing and the allocation at Toton. Details of their concerns are set out in the statement below, with reference to particular policies and paragraph numbers where relevant. The statement also sets out the modifications to the Plan that are considered necessary to make it sound.

2.0 Housing Delivery

- 2.1 The NPPF requires Local Planning Authorities to plan positively to ensure the delivery of the area's 'minimum' housing requirements and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the NPPF.
- 2.2 It is unclear from Policy 2 of the proposed Plan how the Government's requirements regarding housing delivery will be met. It can be seen from the Housing Trajectory at Table 4 of the Plan that Broxtowe has a significant housing supply shortfall and a persistent history of under delivery. Within this context it is essential that the Council are able to provide certainty regarding the delivery of housing. For the reasons set out below it is considered that the Plan fails to do this and is therefore unsound.
- 2.3 In terms of a 5 year land supply the Plan does not set out how an appropriate land supply should be calculated and how this will then be met by the Plan. It is essential that the Plan, or supporting evidence, contains appropriate information to confirm that the Plan provides a 5 year land supply calculation from adoption of the Plan. The Plan will be unsound unless it can be demonstrated, based on appropriate assumptions that it will bring about a 5 year land supply position.
- 2.4 The Trajectory at Table 4 indicates that the Borough will have sufficient sites to deliver the housing requirement. Indeed it suggests a buffer exists. However Bloor Homes has significant concerns about the assumptions used to inform these figures and the cumulative effect of the uncertainty regarding the delivery of a large number of sites. Within this context Bloor Homes do not consider that the approach is sound, both because of the unrealistic assumptions on individual sites but, most importantly because of the lack of certainty regarding delivery overall.
- 2.5 The Government recognises that more needs to be done to ensure that the right numbers of houses are built. It's White Paper Fixing Our Broken Housing Market (February 2017) is aimed at just that. The White Paper draws on and makes reference to the work undertaken by the Local Plan Experts Group (LPEG). As well as proposing a new approach to calculating housing needs, the LPEG made recommendations as to how Local Plans should be approached not only to demonstrate a five year land supply but to ensure plans deliver over the whole plan period.
- 2.6 In their Report to Government (March 2016) the LPEG state that:

'there needs to be a clearer and more effective mechanism for maintaining a five year land supply, at the same time as ensuring plans consider delivery over the whole plan period and incorporate sufficient flexibility to respond to rapid change' (Paragraph 11.3).

And they recommend that plans:

'focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement' (Paragraph 11.4).

- 2.7 Because of its existing delivery problems, the scale of its shortfall and the uncertainties regarding delivery in the future, it is important that this 'sufficient Flexibility' is adopted by Broxtowe in its Local Plan Part 2. The Local Plan must be flexible enough to guarantee the delivery of the minimum number of new homes in the Plan period.
- 2.8 In simple terms this means planning for more houses so that there is sufficient flexibility now, to take account of inevitable delays to delivery on some sites and lapsed permission or non-implementation on others.
- 2.9 A 20% flexibility allowance or 20% reserve sites as suggested by the LPEG would mean Broxtowe planning for around 7380 dwellings over the Plan period, as opposed to the minimum requirement of 6250 dwellings or the current approach which indicates a potential delivery of 6747 dwellings. This additional flexibility would be some 600 or so more than the Council are currently planning for (7380 – 6747 =600). Such flexibility is the minimum that is required for the delivery of appropriate levels of housing in Broxtowe is to be secured.
- 2.10 There is a range of sites and locations where additional, sustainable development can take place. For example land at Nether Green, east of Mansfield Road, Eastwood (SHLAA ref 203) has been identified as a suitable location for growth by the Council, but the Council has concluded that the site is not needed at the present time. The land at Nether Green is well related to the urban area. It is well contained by the line of the now disused railway, which could also provide a new permanent and defensible Green Belt boundary. The site has the potential to deliver around 200 new homes together with new open space, children's play areas and areas for biodiversity enhancement. The site location together with an illustrative masterplan are shown at Appendix One.
- 2.11 The need for flexibility or the identification of 'reserve sites' is not unusual but is particularly pertinent to Broxtowe because of its historical under performance, the number of sites carried forward from the 2004 Local Plan and the uncertainty regarding the key strategic sites
- 2.12 In terms of strategic sites this uncertainty includes:
 - a. Land at Boots, which although the site has permission continues to be complex with significant delivery uncertainties.
 - b. Severn Trent land which is a former sewage treatment works with associated complexities of decontamination and remediation. Housing delivery on the site is therefore highly uncertain.
 - c. Chetwynd Barracks: A current and active Ministry of Defence site. Whilst the MOD have indicated that the site may become available for redevelopment, no firm committed dates are set out and the timing of any closure is subject to change. There remains a potential for a significant delay to the closure of the site or a cancellation. Delivery is highly uncertain therefore.
 - d. Toton: Whilst planning permission exists on part of this site, that permission conflicts with the vision for the site as set out in Policy 3.2. The supporting text to this Policy is confusing and ill-conceived. It is based largely on the East Midlands HS2 Growth

Strategy Document published in September 2017. It includes the statement in relation to the vision for the Toton that

'It will also require higher densities than those currently subject of an extant Outline Planning Consent for the site and this will need careful consideration by Broxtowe Borough Council as the Local Planning Authority.' (Page 20).

Whilst this implies the potential for greater housing numbers in the long term it brings onto question the deliverability of the extant consent and housing delivery in the short to medium term.

- 2.13 In terms of other allocations or 'committed' sites:
 - a. Land at Beeston Maltings Policy 3.6, has been allocated since 2004. It remains a difficult and complex site and delivery is highly uncertain.
 - b. Land in Awsworth includes land allocated since 2004 and although there is extant permission, delivery is not certain.
 - c. Two sites in Eastwood were allocated in the 2004 Local Plan and delivery remains uncertain notwithstanding extant planning permission.
 - d. Land at Walker Street, Eastwood Policy 6.1. This forms part of a school and recreation facility. Aside from its individual merits as an allocation, the site has been allocated (although a different part of the overall school site) since 2004 with no development progressing. Given the status of the site and wider uncertainty regarding school places and the quality and quantity of sports and recreation space, the delivery of the site is highly uncertain.
 - e. Land south of Kimberley including Kimberley Depot Policy 7.1. The site is currently a refuse depot with refuse tip. It is unclear if new facilities have been found to facilitate relocation. Notwithstanding, the site will contain areas of contamination which could preclude or limit development. Delivery on the site is therefore uncertain.
 - f. Land South of Eastwood Road, Kimberley Policy 7.2. This site has been allocated since 2004. Development of the site remains complex and delivery highly uncertain.
 - g. Builders Yard, Eastwood Road, Kimberley Policy 7.3. This site has been allocated since 2004. Development on the site remains uncertain.
- 2.14 The uncertainty in Broxtowe stems principally from the sheer number of complex sites where the level of certainty regarding delivery is extremely low. In these circumstances there is not a sufficiently reasonable prospect that the minimum housing numbers will be achieved and the Plan is therefore unsound. The circumstances in Broxtowe are the very circumstances that have led the Local Plan Experts Group to recommend the introduction of appropriate lapse rates and a 20% reserve site allowance. To adopt the Plan in its current form would perpetuate the current and historic role the planning system has played in creating a crisis in housing through the lack of delivery of new homes.
- 2.15 The Plan needs to be modified to address the problems set out above. This should include:
 - A critical review of the reliance on particular sites to deliver new homes;
 - A significant increase in the number of new homes planned for (to at least 7380 over the Plan period) through the allocation of additional land;
 - The inclusion of a five year land supply calculation and demonstration that, on adoption, the Plan will provide a suitable land supply (and the allocation of additional land to address 5 year land supply issues if necessary);

- The allocation of land at Mansfield Road, Eastwood, for around 200 dwellings together with the removal of the land from the Green Belt (as shown at Appendix One);
- The allocation and removal of additional land from the Green Belt at Toton, see Appendix Two. Together with a complete re-appraisal of the approach to the development of land at Toton as set out below and shown in the vision documents at Appendices 3, 4 and 5.

3.0 Land in the vicinity of the HS2 Station at Toton – Policy 3.2

- 3.1 The Council's approach to the planning of the Toton area in response to the unique opportunity presented by HS2, the tram and the strategic highway connections, is confused and fundamentally flawed.
- 3.2 It is currently unclear from the Policy how it is envisaged that development within the Plan period (the provision of 500 houses) fits with and will not prejudice the delivery of the wider aspirations for the site set out as *'key development requirements beyond the Plan period'*. Furthermore it is unclear whether the supporting text relates to the plan period requirement or beyond plan period or both.
- 3.3 Crucially the Plan ignores the Peveril Homes Housing scheme which was recently granted consent by the Council on the majority of land west of Toton lane. It is inconceivable how the delivery of this permitted scheme is compatible with the Policy aspirations for the site set out in the Plan. It is clear that the Policy aspirations as set out in the supporting text are linked with the vision for the site set out in the East Midlands HS2 Growth Strategy (September 2017). This strategy envisages an 'innovation village' on the site, but this is located on land where there is already planning permission for a 500 unit suburban residential scheme.
- 3.4 Oxalis Planning on behalf of Bloor Homes have consistently advocated a more comprehensive and forward thinking approach to the land at Toton, including strongly opposing the consenting of the Peveril Scheme which would clearly prejudice the delivery of a more comprehensive and innovative response to the opportunity presented by HS2. These concerns were ignored and it is now clear that the approved Peveril scheme is incompatible with the vision for the site now being set out. A fundamental re-think of the Policy is required. A different response will be required depending on whether the Peveril scheme is implemented, but changes will be required to make the Plan sound in any event.
 - If the Peveril scheme is not implemented, for example in order for the vision set out by the East Midlands HS2 Growth Strategy to be progressed; the Plan will need to be amended because additional land will be needed so that new homes can be delivered in the short term. The aspirations set out in the Growth Strategy in relation to the innovation village will necessarily take many years to work up given that the mix and scale is unlikely to be commercially appropriate or viable prior to the delivery of HS2. Land to the east of Toton Lane will be needed, to help to deliver new homes quickly. This land, as set out in the Oxalis vision documents can deliver homes on a more conventional basis and allow for land adjacent to the HS2 hub, west of Toton Lane, to be retained for future development more directly associated with HS2.

Or

• If the Peveril scheme is implemented, a new masterplan approach and revised vision for land at Toton would be required to take account of the committed scheme. The

committed scheme is fundamentally at odds with the Growth Strategy and it would prejudice its delivery. The strategy for the site would need to change. Additional land to the east of Toton Lane, would need to be introduced to help deliver the overarching aspirations for the site as set out in the East Midlands HS2 Growth Strategy.

- 3.5 Unless these compatibility issues can be resolved the Plan will be unsound.
- 3.6 Oxalis planning on behalf of Bloor Homes have consistently advocated a more ambitious approach to the Planning of the area around HS2, including, importantly, the inclusion within a comprehensive scheme of land to the east of Toton Lane. The constrained approach to the allocation both limits the appropriate planning of the area and ignores the context provided by existing built form, landscape and other features on the ground. The tram line is not an appropriate Green Belt or development boundary. An allocation which reflects the opportunities for development on land east of Toton Lane and north of the tram line should be made as shown by the Plan at Appendix Two.
- 3.7 Oxalis Planning on behalf of Bloor Homes have over past 5 or so years, prepared a number of masterplan documents illustrating ways in which land at Toton could be developed. These include a 'Broxtowe Gateway vision' Document produced in April 2013 (Appendix Three); a 'Broxtowe Gateway to the East Midlands' vision document produced in March 2014 (Appendix Four) and a 'Toton Strategic Location for Growth' document produced in December 2015 (see Appendix Five). These three documents are appended to this submission for ease of reference and to provide details of the approach advocated by Oxalis on behalf of Bloor Homes. These documents should be read in conjunction with these representations. The fundamental principle of the vision advocated consistently by Oxalis Planning are:
 - a. To produce a masterplan for the site which is focussed on the need to deliver an appropriate commercial response to the opportunities presented by HS2. The economic opportunities should be maximised and a specific response to HS2 planed;
 - b. Whilst the precise nature of the commercial development can only be determined by future market demand, the planning of the site should not, in any way, constrain the potential;
 - c. This would mean delivering housing to meet the plan period requirement on land to the east of Toton lane and reserving land to the west of Toton Lane for development directly associated with HS2.
- 3.8 The Oxalis documents include a highway solution that has been largely mirrored in the East Midlands HS2 Growth Strategy (Page 30). Fundamental to this highway strategy is a new junction onto the A52 to the north east of Bardills Island and a partial 'bypass' of the Bardills Junction. Such an approach is however incompatible with Policy 3.2 as currently set out. Policy 3.2 retains as Green Belt, land north and east of Bardills garden centre, land which would be essential for this new infrastructure. Furthermore if this new infrastructure were to be put in place the context of land to the east and west of it would change greatly and become even more appropriate for development.
- 3.9 Policy 3.2 is therefore fundamentally flawed because the area of land to be removed from the Green Belt should include land east of Toton Lane and north of the Tram line. The inclusion of this area would facilitate appropriate infrastructure works and enable a more comprehensive approach to the masterplanning of the area.

- 3.10 The Plan has not, in relation to the opportunity presented by HS2, been positively prepared or justified having regard to the evidence base and considering reasonable alternatives.
- 3.11 There are other aspects of the supporting text to Policy 3.2 which are flawed and inconsistent with national policy. The vision sets out ambitions for relocation of existing facilities and the delivery of extensive new community and leisure facilities. However these aspirations have not been discussed with underlying landowners and its remains wholly unclear how these components can be delivered in terms of viability and land assembly or how they would be funded.

4.0 Approach to self-build and custom-build housing – Policy 15

- 4.1 Bloor Homes object to bullet point 8 of Policy 15 which requires 5% of large sites to be delivered as self / custom build Homes. The delivery of self / custom build Homes as part of a large site creates complex delivery, design, Health and Safety and site management issues. On some sites it will also create uncertainty regarding delivery and viability. It is unclear how this requirement would be manged and delivered on the ground alongside the delivery of dwellings constructed by Bloor Homes.
- 4.2 Government Policy supports the provision of self and custom build homes. A key emphasis is on the benefit of this form of housing delivery in boosting the supply of new homes. The blunt requirement set out in Policy 15 will in no way help to boost supply, indeed for the reasons set out it may well delay or restrict supply.
- 4.3 It is considered that a more appropriate response to the Government's requirement would be to identify specific small sites which are capable of delivery as self / custom build homes and to encourage the promotion of small scale windfall site for such purposes. This could then act to help boost the delivery of new homes.

5.0 Policy 17: Place – Making, Design and Amenity

5.1 Some of the criteria within this design policy are misplaced and should be removed. Criteria 1b and 1c are both spatial policies concerned with the location of development as opposed to its form. These criteria should be deleted.

Broxtowe Part 2 Local Plan

Agent

| Please provide your client's name | | ne | Bloor Homes Ltd | | | |
|--|--------|--------|-----------------|--------|--|--|
| Your Details | | | | | | |
| Title | Mr Mrs | Miss | Ms | Other: | | |
| Name | | | | | | |
| Organisation (fresponding on behalf of the organisation) | Oxalis | Planni | ing L | td | | |
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| E-mail address | | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
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| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

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| Document | Policy number | Page number | Policy text/ Paragraph number |
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| Policies Map | Policy 32: Developer Contributions | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites and approach to Toton allocat | ion. | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | No |
|--|---------------------------------------|--|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | | | |
|--|---|--|--|--|
| It is not justified | V | | | |
| It is not effective | v | | | |
| It is not positively prepared | v | | | |
| It is not consistent with national policy | v | | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

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| If your representation is seeking a modification, do you consider it necessary to particip public examination? | ate at the |
|--|------------|
| Yes, I wish to participate at the public examination | v |
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be |
| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | |
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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 public examination.

Please use a separate sheet of paper if required. Please use one form per representation.

Broxtowe Part 2 Local Plan



Agent

| Please provide your | client | 's nar | ne – D. | W & . | J.W.E Wild | |
|--|--------|----------------------|---------|-------|------------|--|
| Your Details | | | | | | |
| Title | | | | | | |
| Name | | | | | | |
| Organisation (if responding on behalf of the organisation) | Asp | Aspbury Planning Ltd | | | | |
| Address | | | | | | |
| Postcode | | | | | | |
| Tel. Number | | | | | | |
| E-mail address | | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations | - |
|--|----------|
| Please tick here 🗸 | |
| Please help us save money and the environment by providing an e-mail address that corres | pondence |
| can be sent to: | |

For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|--|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocations Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 31: Biodiversity Assets Policy 31: Biodiversity Assets Policy 32: Developer Contributions | | Policy 7.2 |
| Policies Map | | <u>.</u> | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | Νο |
|---|---------------------------------------|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|--|--|
| It is not justified | | |
| It is not effective | | |
| It is not positively prepared | | |
| It is not consistent with national policy | | |

Your comments -

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

As stated in the overarching representation to paragraph 7.1 and 7.2 of the Part 2 Local Plan, we have no objection in principle to this local plan allocation and acknowledge the locational benefits of this site.

Our concerns relate to the alleged capacity of the site and its likely deliverability within the Plan Period In terms of capacity, Policy site 7.2 -extends to 1.1 hectares gross and has been allocated a development capacity of 40 dwellings at a density of 36 dwellings per hectare. The site is not regular in shape as Map 28 indicates. There is a substantial extant property – No 59 on the frontage which may or may not be economically feasible to demolish, a substantially tapering site to the east which will inhibit efficient layout planning and a belt of mature trees all along the southern site boundary which may again impact on the ability to plot at an efficient density due to root protection issues. In this context 40 dwellings appears to be too high a number of dwellings to reflect the site shape, contours and immediate constraints.

In terms of delivery, the site has not come forward for development as an allocated site in 13 years and the Council's 2015-2016 SHLAA suggested that the site will not come forward until the last 5 years of the plan period 2023-28. The local plan Table 4 Trajectory has now brought the delivery forward to 2020-2021 and within the 5 years supply period. There are however significant question marks against this site and in our opinion, delivery of the quantum and timing of development remains uncertain and the Council must bring additional sites forward within or adjoin the settlement to address the situation of under-delivery within Kimberley.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

The Part 2 Local Plan needs to be revised to make additional allocations to address under-provision, double counting of sites and the prospect of delayed delivery, under delivery or even non-delivery from the three proposed site allocations in Kimberley currently identified in Policy 7 of the Part 2 Local Plan.

Our clients landholding off Alma Hill– SHLAA reference113 - is available developable and deliverable, has a capacity of 72 dwellings and should be included as a further allocation as a pre-examination modification to the Local Plan.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| Yes, I wish to participate at the public examination | \checkmark |
|---|--------------|
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you consider this to b necessary | e |
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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 public examination.

Guidance Note:

Please complete a **separate form** for **each representation** you wish to make.

'Legally Compliant':

If your response relates to <u>the way in which the plan has been prepared</u>, then this is likely to relate to whether it or not it is 'Legally Compliant'. To be 'Legally Compliant', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to **the way in which we have worked with other authorities** then this is likely to relate to the '**Duty to Co-operate**'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the <u>content</u> of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is '**justified'**, '**effective'**, has been '**positively prepared'**, and is '**consistent with national policy'**. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- **'Justified':** This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- **'Effective':** This means that the Local Plan will deliver what it sets out to. If you think that what we are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not our Local Plan is 'effective'.
- **'Positively Prepared':** This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 'Consistent with National Policy': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing <u>policy@broxtowe.gov.uk</u>.

Broxtowe Borough Council Planning & Community Development

It means

201/

Broxtowe Part 2 Local Plan

Agent

Please provide your client's name

Your Details

| Title | Mr | Mos | Mise | Ma | Othef: |
|--|----|-----|----------------|----------------|--------|
| Name | 17 | MAN | is | R | MOULT |
| Organisation (If responding on behalf of the organisation) | | | Contract track | STATE OF STATE | |
| Address | | | | | |
| Postcode | T | | | | |
| Tel. Number | T | | | | |
| E-mail address | T | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regard | ing future consultations. |
|--|---------------------------|
| Please tick here | |
| Please help us save money and the environment by providing | s that correspondence |
| can be sent to: | |

For more information including an online response form please visit:

www.broxtowe.gov.uk/part2localplan

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| Policies Map | | MAP 27 | L |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | SEE ATTACHED S A APPENDICIES | SATEMEN | Л |

Please use a separate sheet of paper if required. Please use one form per representation.

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | |
|--|---------------------------------------|---|---|
| 2.1 | Legally compliant | | 4 |
| 2.2 | Compliant with the duty to co-operate | V | |
| 2.3 | Sound | | ~ |

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | | | | |
|--|-----|--|--|--|--|
| It is not justified | Yes | | | | |
| It is not effective | NO | | | | |
| It is not positively prepared | YES | | | | |
| It is not consistent with national policy | YES | | | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

PIERCE SEC ATTACHED STATEMENT AND APPENDICES

3

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant to sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

TO MOVE THE GREEN BELT BOUNDRY TO ME Full EXTENT OF A610 IKEN BOUND ABOUT to M1 (SEE ADDITIONAL STATMENTS AND APPENDICES

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

If your representation is seeking a modification, do you consider it necessary to participate at the public examination?

Yes, I wish to participate at the public examination

No, I do not wish to participate at the public examination

If you wish to participate at the public examination, please outline why you consider this to be necessary

WITH REAARDS THE LAND OF 2 HIGH STREET AND ACHEIGIO KINGGRIEY IT SEEMS THAT THE PROFESO GREEN LINE SCEMS NOT IN TUNE WITH RECOMENDATIONS OF THE BODY BOUGHT IN TO GIVE GUIDANCE CONCORNING GREEN BELT R. MARILING. IT SEEMS MOST STAANGE THAT HAS BEEN A UTURN IN OFFERING TO MOVE GREEN BETT TO AN ILOGICAL LING UF & DISUSED CALWAY LINE, WHICH IS LITTLE MORE TRUTH THE BROW OF A MIN, HOIDING FEW CHARACTERISTICS OF A REDUNDENT RAILWAY AS ONVER TO THEROBUST DEFENSIBLE BOUNDARY OF AGIO, A BOUDRY GRIGINALY AGREED IS SUSTAINABLY IN VIEW OF THESE OBSCURE PROPRIED ALLTERATIONS I WISH TO MAKE AN OPEN DEBATE TO UNDERSTAND WHY A LOGICAL SITE WAS DROPPL AND WHATHER AN OUTSIDE OR CTHEZUNSE MOTIVATOR IHIUTWLE AAVE LAUSTO THIS OUTLONG!

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 public examination.

ALTERATION OF GREEN BELT BOUNDARY TO ALLOW RESIDENTIAL DEVELOPMENT ON ASHFIELD, HIGH STREET AND 2 HIGH STREET, KIMBERLEY, NG16 2LS

The land at the rear of Ashfield, High Street and 2 High Street Kimberley (Land immediately east of site 7.1 MAP27) was included in part 1 of Broxtowe's Core Strategy (Ref 411), as being a site that could be suitable if green belt policy changed, and therefore considered for future development. The formal assessment (App. 1a, 1b) concluded that moving the green belt boundary as the site's location passed all three of the criteria identified:

- Releasing a highly suitable medium scale site
- Meeting the direction of growth recommended
- PRODUCING A DEFENSIBLE PHYSICAL BOUNDARY!

Furthermore, in the recent "Landscape and Visual Analysis of Potential Development Sites" Broxtowe BC Jan. 2017 site LS 28 (which our land is within) was the top site in Kimberley for the least landscape and visual impact and 8th In the Borough.

Currently the site is predominantly in green belt (more than 70%) within the green belt boundary taking an artificial route through both properties that follows no topological or man made feature. The proposed amendment to the green belt moved the boundary 200 metres south to the northern side of A610 Kimberley bypass, a more logical and obvious boundary as per Tribal's recommendations.

The Broxtowe Borough Council Core Strategy was formally adopted at a meeting of Full Council on 17th September 2014 supported by the Broxtowe planning dept. and subject to examination by an independent planning inspector who stated the aligned core strategy was sound and could be adopted by Broxtowe Borough Council (App. 2a, 2b).

In 2017 Broxtowe Borough Council have changed the line of the green belt boundary approved in the Core Strategy above to ensure our site is excluded. The altered line follows the path of an disused railway cutting which is an undefendable boundary and, which historically never even had a footpath as it was previously a railway cutting , and as previously said is little more than the brow of a hill and is therefore open to abuse. This case is proven as to the east of Church Hill a continuation of that same stretch of railway has been built on, which really puts the term 'defendable boundary' in doubt which results in the southern line of the green belt boundary having no logic other than to exclude our site from possible development. (see App 3.)

Interestingly our site vanished without trace and this decision was never communicated to us and it is only recently that we have discovered on the Broxtowe website the Opun design review panel for Kimberley paper (dated 10.10.16). However, I think it should be known that a site below the proposed green belt line (see App.3B) which is equally south of Church Hill and High Street and in that situation the A610 has been used as a physical barrier and seems open ended as it has this redundant footpath as its other boundary. The document sets out the rationale for the present site 7.1 and states that the land east of the former railway line (which includes our plots) was considered less favourable as any development would be tucked behind existing houses and streets. We refute this assertion as there is considerable frontage at both Ashfield and 2 High St. to insert new access roads (See Appendix 5) and many would consider the fact that the present street view of High St. would remain predominantly the same which is a benefit and certainly a low impact, something that the site further down Church Hill (where Green Belt constraints have been removed) cannot deliver..

The site overall (App.4) is an obvious candidate for removal from the green belt, on the basis that it serves few of the purposes or opportunities associated with the green belt under the National Planning Policy Framework (NPPF) Previous Broxtowe council appraisals have identified the land as grade 4 agricultural with no identified constraints for development and the land surrounding the Council Depot sites, enjoys good highways and facilities (also enjoyed and served by Kimberley town centre equally less than 5 mins walk away.

Also re the proposed removal of Kettlebrook Lodge Scout Hut, this will cause further delay to the planning process as there is a 2000 signature petition that this should not happen as the facilities at present used by various groups are considered to be extremely useful and its removal would deprive the inhabitants of Kimberley of an important facility. It would be interesting also to see the reaction of Kimberley Caravan company to the proposals.(App 3B)

The A610 is a very clear potential 'defensible boundary', which is a key consideration when reviewing green belt boundaries under Broxtowe's green belt assessment framework. It may be our land has now been retracted from consideration in the interests of political expediency, but it does seem unusual that a new and artificial boundary should be created when the guidance is clear about the need for robust and permanent edges to green belt (National Planning Policy Framework – Para 83 "Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period."

Our view is that the new proposed boundary would be evidently vulnerable to future changes (housing needs will continue to grow) and that the overall current housing need for Kimberley is not sufficient reason to avoid fixing a more permanent and robust green belt boundary as the A610. We ask that the decision to change the removal of the site from green belt be reappraised purely on the basis of clear defensible boundaries and releasing a suitable, deliverable (builders have already stated an interest) and sustainable site for the future of Kimberley's development. App. 5 shows an architect designed plan of a possible development (App.5)

Enclosed also:

| Appendix 1 | Broxtowe BC Green Belt Change Tribal Appraisal |
|-------------|---|
| Appendix 2 | Notice of adoption of Core Strategy |
| Appendix 3a | OS Map of site |
| Appendix 3B | Preferred approach to site allocation. Green Belt review consultation Feb. 2015 |
| Appendix 4 | Site 411 Site Boundary Map |
| Appendix 5 | Architect Designed Possible Development Plan |

APPENDIX 1A

K6.1.4 The table also shows the Tribal Appraisal of Green Belt Sites that 'Could be Suitable if Green Belt Policy Changes' with Broxtowe Borough Council commentary on the extent of a defensible physical boundary taken from the Broxtowe Housing Land Availability Report published in March 2013. The Green Belt sites were ranked against each other in terms of meeting certain criteria as shown in the colour-code below.

| KA | 100 |
|----|-----|
| Ve | γ. |

| Assessed as meeting all three criteria | Green |
|--|-------|
| Assessed as meeting two criteria | Ambu |
| Assessed as meeting zero or one criteria | Red |

| | | | | The | ee Criteria | | |
|----------------|---|---------------------------------|------------------------------|---|--|--|-----------------|
| SHLAA Site Ref | Site Name | Ward | Potential Dwelling Number | Settlement Recommended in Tribal | Direction for Growth Recommended in Tribal | Defensible Physical Boundary assessed by Broxtowe Borough Council | |
| | Allocation Optic | ons deemed ' | Could be \$ | Suitable if Green Belt Policy | Changes | | |
| 103 | Land east of New Farm Lane Nuthali | Nuthall West And Greasley | 12 | Yes – High suitability, medium scale | Partiy | No unless including adjacent land to the North | e |
| 473 | Home Farm Nottingham Road Nuthall | Nuthali West And Greasley | 14 | Yes – High sultability, medium scale | Yes | Yes in part – M1 to the East. Otherwise no unless very significant areas of land are also included | Ga |
| 131 | Church Hill Kimberley | Cossail And Kimberley | 26 | Yes – High suitability, medium scale | Yes | Yes – Dismantled railway for site in isolation and A610 for enlarged site | Gr |
| 116 | Land north of 38 Alma Hill Kimberley | Cossall And Kimberley | 45 | Yes – High suitability, medium scale | Yes | Yes – Ridgeline to North | Gr |
| 234 | Land At New Farm Lane Nuthali | Nuthall West And Greasley | 50 | Yes – High suitability, medium scale | Partly | Yes Disimantled railway to North | A |
| 13 | Land north of Alma Hill Kimberley | Cossall And Kimberley | 72 | Yes – High suitability, medium scale | Yes | Yes - Ridgeline to north | An Gri An |
| 05 | Land west of New Farm Lane Nuthall | Nuthall West And Greasley | 80 | Yes – High suitability, medium scale | Partly | Yes - Dismantled railway to west | Ar |

Table 2: Sites that would require a policy change

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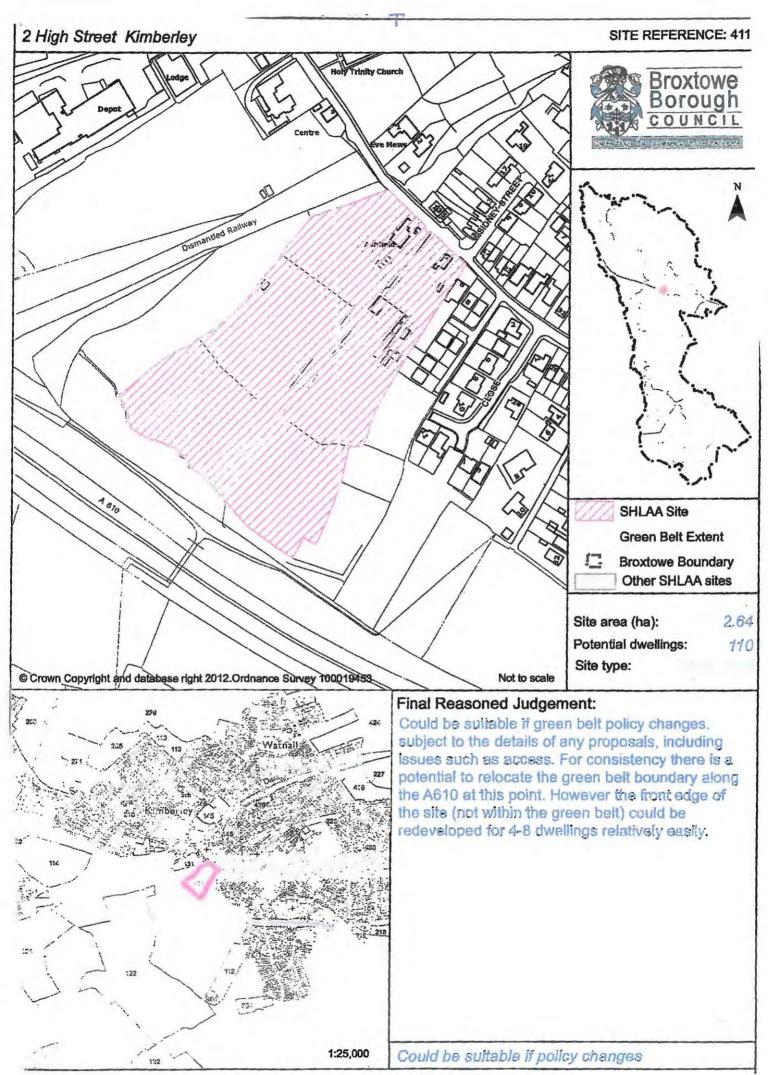
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| | 1 | | | Th | ree Criteria | | |
|----------------|--|---|------------------------------|---|--|--|---|
| SHLAA Site Ref | Site Name | Ward | Potential Dwelling Number | Settlement Recommended in Tribai | Direction for Growth Recommended in Tribal | Defensible Physical Boundary assessed by Broxtowe Borough Council | - |
| 411 | 2 High Street Kimberley | Cossall And Kimberley | 100 | Yes – High suitability, medium scale | Yes | Yes - A610 | 0 |
| 285 | Land North Alma Hill / West Of Millfield Road Kimberley | Cossall And Kimberley | 116 | Yes High suitability, médium scale | No | No | R |
| 271 | Gilt Hill Form Gilt Hill | Greasley (Giltbroek And Newthorpe) | , 200 | Yes — High suitability, medium scale | No | No | R |
| 215 | Land Adjacent To Kimberley Depot Eastwood Road Kimberley | Cossall And Kimberley | 280 | Yes – High suitability, medium scale | Yes | Yes - A610 | G |
| | | 1-1 | 985 | | de terra | di constanti di co | |
| | Site De | emed Unsuita | ble (Non | Deliverable or Developable |) | | 1 |
| 229 | North of Gilt Hill Kimberley | Cossall And Kimberley | • | - | - | - | |
| 112 | Land south of Spring Hill Kimberley | Cossall And Kimberley | • | - | - | • |] |
| 118 | Land to west of M1 Nuthall | Nuthall West And Greasley | - | • | - | - | |
| 188 | Land At Watnali | Nuthall West And Greasley | - | - | - | - | |
| 227 | East of Main Road Watnall | Nuthall West And Greasley | • | - | - | • | |
| 364 | South of Babbington Lane Kimberley | Cossall And Kimberley | • • | - | - | • | |
| 416 | Watnali Bakery, Main Road, Watnali British Bakeries (Northern) Ltd | Nuthall West And Greasley | • | • | - | - | |
| 430 | Land Off Laurel Crescent Nuthall | Nuthall West And Greasley | - | • | - | • | |
| 424 | South-West Of Motorway, North-East Of Main Road Watnall | Nuthall West And Greasley | | • | - | • | |
| 494 | Long Close Babbington Lane Kimberley | Cossali And Kimberley | - | • | - | - | |

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HPPENDIX 2.H

Ask for: S Saunders Ext: 3482 Emeil: pabc@broxtowe.gov.uk Our Ref: Your Ref: Date: 18 September 2014



Mr John R Gudgeon Ashfield High Street Kimberley Nottinghamshire NG16 2LS

Dear Mr Gudgeon,

NOTICE OF ADOPTION OF THE BROXTOWE CORE STRATEGY

The Broxtowe Borough Council Core Strategy was formally adopted at a meeting of Full Council on 17th September 2014, the adopted Core Strategy forms Part 1 of the Local Plan.

Prior to its adoption the Core Strategy and its extensive supporting evidence base was subject to examination by an independent planning inspector.

There is no need to respond to this letter, however, if your contact details have changed or you do not wish to be notified on future Local Plan matters please inform us and we will amend our mailing list.

What we will do next:

The next stage in the process is to develop Part 2 of the Local Plan: Site Allocations and Development Management Policies with the aim to consult further on this in the latter part of 2014.

Adoption Statement:

Please see the reverse of this letter for the formal adoption statement, the process to challenge the adoption of the Core Strategy and the details of where relevant documents can be vieweds. Alternately visit our website www.broxtowe.gov.uk/corestrategy

Yours faithfully

S Dance Head of Planning and Building Control





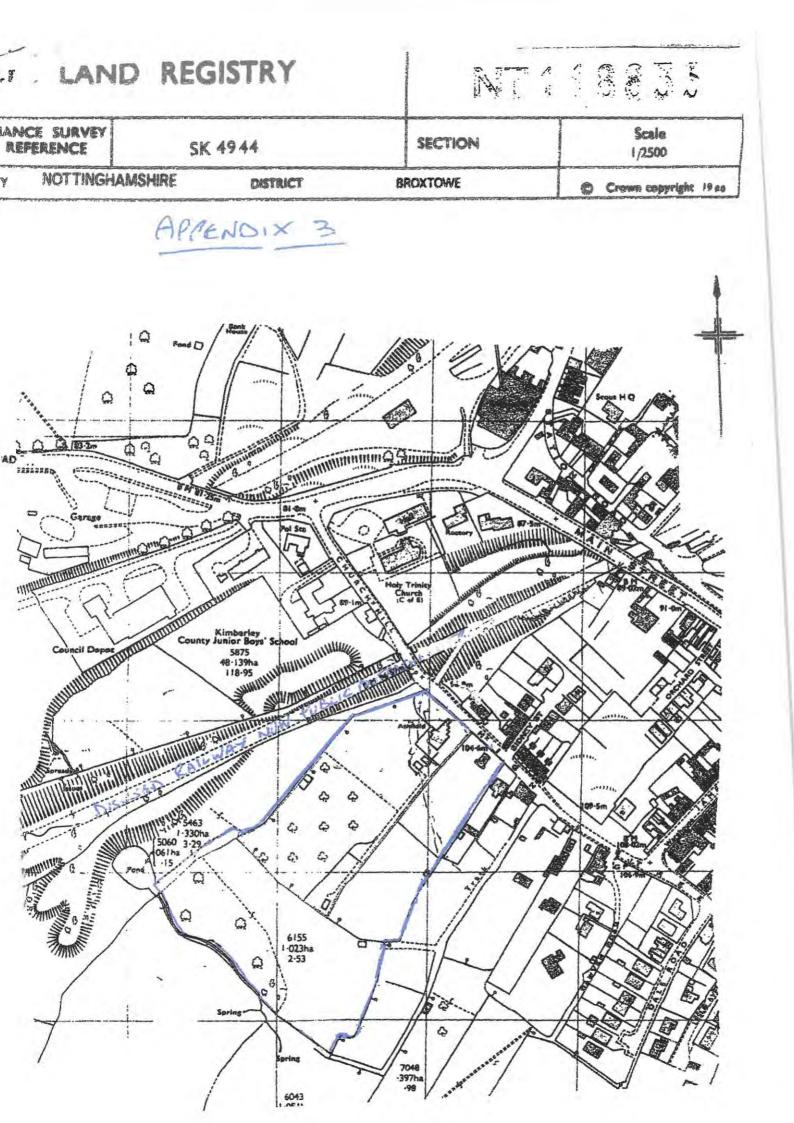
Chief Executive - Ruth Hyde OBE Plensing & Building Control - Hind of Service - & J Danie **Chief Executive's Department** Council Offices, Foster Averue, Beeston, Notlingham NG9 1AB 1: 0115 917 7777 typetalk: 18001 0118 917 7777 f; 0115 917 3377 e: pabolghroutowa.gov.uk w: www.broutowe.gov.uk

Published Site Constraints

| Site | 411 | 2 High Street Kimb | perley | | | |
|---------------------|---|--|---|--|--|--|
| Site Area | 2.64 | Easting: 449735 | Northing: 344673 | | | |
| Planning Po | olicy Status | Non-allocated and No Planning | g Permission | | | |
| Existing Us | 0 | Farmhouses, Farm buildings a | ind land to the rear | | | |
| Location | | Adjacent named settlement as | listed | | | |
| Previously of | developed in whole or part | Site predominantly Greenfield | (more than 70%) | | | |
| except Lan | nning Policy Considerations d Use Quality and Character | Significant policy constraint which may be removed in the long term | | | | |
| Agricultural | | Farmland - nothing of any sign Grade 4 | incant ment | | | |
| | cal Constraints | Minor topographical constraints | e | | | |
| | | witted repeatablicationation | • | | | |
| Ridgelines a | and Site Prominence | Visible site from the A610 | | | | |
| Highways In | frastucture Constraints | Existing highway network has capacity - though access into the site would have to be improved | | | | |
| Utilites Wate | 81 | Not likely to be an issue | | | | |
| Utilities Gas | and Electricity | Not likely to be an issue | | | | |
| EIA | | NA | | | | |
| Bad Neighb | ours | Setting with no adverse effects | | | | |
| Flood Risk | | EA Maps suggest area at no m | sk from flooding | | | |
| Natural Envi | ironmental Constraints | Impact upon the setting of any supplemented by comment | natural environmental constraints | | | |
| Built Enviro | nmental Constraints | No Built Environment Constrain | nts | | | |
| Contaminat | ed Land Issues | No Known Constraints | | | | |
| Conservatio | m Area Status | Site is not within a designated designated Conservation Area | Conservation Area and has no impact upon a | | | |
| Ownership (| Constraints | No ownership problems; all ow | ners supporting development | | | |
| Operational | or Tenancy Issues | Site is Owner-Occupied | | | | |
| Info from Ho | ousing Market | Moderate | | | | |
| Public Trans | sport Accessibility | Within 5 minute walk of a bus stop | | | | |
| Proximity to | Tram Stops | No tram stops within 20 minute walk | | | | |
| Facilities wi | thin the Localilty | District/Town Centre within 5 m | ninute walk | | | |
| Pedestrian a | and Cycling accessibility | Excellent variety and number o areas in the vicinity, are safe to maintained | f routes linking the site to all residential use, direct and are well designed / | | | |
| | structure Public Benefit | | GI facility within a 5 minute walk | | | |

APPENDIX 33

| Zone 20: South o | of Church Hill & High | Street |
|--|--|---|
| Purpose / Impact | Score / Assessment | Photos |
| Check the unrestricted sprawl of settlements | * Site has two or more defensible boundary and A610 acts as strong physical barrier feature but there may be topographical constraints as the site is hilly. | |
| | | View looking west from Church Hill showing Kimberley to the north. |
| Prevent neighbouring settlements from merging into one another | ** Development would result in a small to moderate reduction in gap between settlements (reduction in gap would be constrained by the A610). | With the set of the s |
| Assist in safeguarding the countryside from encroachment | *** Some inappropriate development. Mostly woodland however Kimberley depot is within part of the site. | View from Charlen Hill looking west towards Gillorook retail park. |





Broxtowe Part 2 Local Plan



Agent

| Please provide your client's name | | | | Mr James Moult | | | | | |
|--|------------------|--|--|----------------|--|--|--|--|--|
| Your Details | | | | | | | | | |
| Title | | | | | | | | | |
| Name | | | | | | | | | |
| Organisation (if responding on behalf of the organisation) | Beech Architects | | | | | | | | |
| Address | | | | | | | | | |
| Postcode | | | | | | | | | |
| Tel. Number | | | | | | | | | |
| E-mail address | | | | | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. | | | | | | | |
|--|--|--|--|--|--|--|--|
| Please tick here Y | | | | | | | |
| Please help us save money and the environment by providing an e-mail address that correspondence | | | | | | | |
| can be sent to: | | | | | | | |

For more information including an **online response** form please visit:

www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number | | | |
|---|---|-------------|-------------------------------------|--|--|--|
| Part 2 Local Plan | Policy 1: Flood RiskPolicy 2: Site AllocationsPolicy 3: Main Built up Area Site AllocationsPolicy 4: Awsworth Site AllocationPolicy 5: Brinsley Site AllocationPolicy 6: Eastwood Site AllocationPolicy 7: Kimberley Site AllocationsPolicy 8: Development in the Green BeltPolicy 9: Retention of good quality existingemployment sitesPolicy 10: Town Centre and District Centre UsesPolicy 11: The Square, BeestonPolicy 12: Edge-of-Centre A1 Retail in EastwoodPolicy 13: Proposals for main town centre uses inedge-of-centre and out-of-centre locationsPolicy 15: Housing size, mix and choicePolicy 16: Gypsies and TravellersPolicy 17: Place-making, design and amenityPolicy 18: Shopfronts, signage and security measuresPolicy 20: Air QualityPolicy 21: Unstable landPolicy 22: MineralsPolicy 23: Proposals affecting designated and non-designated heritage assetsPolicy 24: The health impacts of developmentPolicy 25: Culture, Tourism and SportPolicy 26: Travel PlansPolicy 27: Local Green SpacePolicy 28: Green Infrastructure AssetsPolicy 30: LandscapePolicy 31: Biodiversity AssetsPolicy 32: Developer Contributions | Page 65 | 7.2 | | | |
| Policies Map | Map 26 | | | | | |
| Sustainability Appraisal | | | | | | |
| Other (e.g. omission, evidence document etc.) | Planning Inspectorate Local Plan Stage 1 Report, Tribal Consultants Site Assessment Review, SHLAA, NPPF | | | | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | Νο |
|---|---------------------------------------|--|----|
| 2.1 | Legally compliant | | x |
| 2.2 | Compliant with the duty to co-operate | | х |
| 2.3 | Sound | | х |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | | |
|--|--|--|--|
| It is not justified | | | |
| It is not effective | | | |
| It is not positively prepared | | | |
| It is not consistent with national policy | | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

There are a number of areas where the Kimberley site allocations and policies are non compliant with national policy whilst at the same time having failed to recognise previous independent council commissioned reports.

An example would be where the council appointed tribal consultants to provide an independent assessment of sites based on the initial SHLAA. This identified sites in Kimberley as being particularly suitable and sustainable for development and these sites have not been included whereas sites identified as less suitable for development by independent experts have been included.

The planning inspector in her Local Plan Part 1 review identified and supported a review of green belt boundaries in and around Kimberley in order to bring the green belt boundary to a position that complied with the NPPF.

NPPF policy 85. When defining boundaries, local planning authorities should:

• ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;

not include land which it is unnecessary to keep permanently open;

• where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;

• make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;

• satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and

• define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

At present the green belt boundary is arbitrary as it is largely located across open space, not permanent by landscape feature and not readily identifiable.

Previous inspectors and reports have recommended the green belt boundary be moved to the A610 along the Southern edge of Kimberley.

The allocations for Kimberley fall far short of the 600 units identified earlier in the process. By correctly positioning the green belt boundary the council will:

- ensure compliance with the NPPF and a legally sound local plan
- provide additional housing sites to achieve the allocation figure
- provide development sites compliant with independent experts council commissioned reports

- provide additional housing sites within walking distance of a sustainable settlement, school, shops and employment adjacent a key public transport corridor.

I believe that the site allocation process for Broxtowe as a whole is fundamentally flawed as the site allocations are contradictory to independent experts council commissioned reports as well as failing to follow guidance on identifying sustainable locations for development. Site allocations have largely ignored previous evidence collated during the lengthy local plan review process over many years.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

The allocations should be compliant and in accordance with previous assessments both by council and council appointed expert consultants.

The green belt boundary to the South of Kimberley should be moved to the A610 as previously independently recommended.

The changes would allow for further allocations within Kimberley to bring the figure nearer the 600 units recommended. The A610 as green belt boundary would make it NPPF compliant being both permanent and identifiable within the landscape.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to partici public examination? | pate at the |
|--|-------------|
| Yes, I wish to participate at the public examination | Yes |
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you consider thi necessary | is to be |
| To highlight the non compliance with independent previous reports on site allocations and non compliance with the NPPF To evidence the earlier independent reports that the council has failed to follow To highlight the recommended green belt boundary line | |
| The current plan is not consistent with national policy and has not been positively repaired by following previous expert reports. It is thus currently not sound. | |
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indicated that they wish to participate at the public examination.

Guidance Note:

Please complete a separate form for each representation you wish to make.

'Legally Compliant':

If your response relates to <u>the way in which the plan has been prepared</u>, then this is likely to relate to whether it or not it is 'Legally Compliant'. To be 'Legally Compliant', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to **the way in which we have worked with other authorities** then this is likely to relate to the '**Duty to Co-operate**'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the <u>content</u> of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is 'justified', 'effective', has been 'positively prepared', and is 'consistent with national policy'. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- **'Justified':** This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- **'Effective':** This means that the Local Plan will deliver what it sets out to. If you think that what we are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not our Local Plan is 'effective'.
- **'Positively Prepared':** This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 'Consistent with National Policy': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing <u>policy@broxtowe.gov.uk</u>.

Bramcote Neighbourhood Forum

Response to Broxtowe Borough Council Part 2 Plan

on

Submitted by: Paul Nathanail of behalf of the Bramcote Neighbourhood Forum

| | | | GALLY 1PLIANT | wit | omplia h Duty oopera | y to | Sou | nd | | | | | |
|---|----------------------|-----|------------------|-----|----------------------------|------|-----|----|----------------------------------|---|---|----------------------------------|---|
| POLICY | PAGE / PARA. TEXT | Yes | No | Ye | s I | No | Yes | No | | COMMENTS | MODIFICATIONS SOUGHT | PUBLIC EXAMINATION ATTENDANCE | WHY |
| Policy 1 Flood Risk | | x | | × | | | x | | | | | No | |
| Policy 2 Site Allocations | 2.7 | | x | | | | | × | It is not justified | The statement that sites with commitments "of 10 or more dwellings these have been shown on the overview plans" is untrue and misleading - the land of the former Bramcote Hills Golf course was granted outline planning permission for 100 dwellings earlier in 2017 but is NOT shown on the overview plans | The consequences of commitments of more than 10 dwellings on housing land allocation should be consdiered in the evidence base | Yes | Part 2 is misleading in the way it represents the land committed for housing in Bramcote and therefore fails to provide sound support for land allocation adjacent to the former Bramcote Hills Golf Course |
| Policy 2 Site Allocations | 2.8 | | x | × | | | | x | It is not justified | The statement that the "the Council has maximised to the greatest possible extent the supply of sites in existing urban areas" is not true as, for example, it has failed to use the air space above the bus tram interchange in Beeston Town Square for residential and also failed to require residential development when granting planning permission for the redevelopment of Phase 1 of BeestonTown Square. | | Yes | The Council should demonstrate why areas within the built up part of the Main built Up area are unsuitable for housing whereas an urban extension is |
| Policy 2 Site Allocations | 2.8 | | x | × | | | | x | It is not justified | The statement that "When sites currently in the Green Belt are selected, exceptional circumstances are demonstrated" is untrue for the land in Brancote - no exceptional circumstances exist for allowing 300 homes to be developed on the green belt - the financial straits of a private company can hardly be considered a matter for planning | The permanence and openness of the green belt has been compromised by the proposals in Part 2 and no exceptional circumstances for the scale and extent of changes to the green belt have been provided. | Yes | The sacrifice of the green belt has not been justified |
| Policy 2 Site Allocations | "2.10 | | x | x | | | | x | It is not justified | The statement "the urban and main built up area sites are assessed as being the most sustainable" has not been followed through by keeping land allocation within the main built up area and instead requiring release of the green belt | | Yes | Part 2 is misleading as the text and Map 1 are not consistent and the extent of the Main Built Up area is grossly and wrongly over exagerrated |
| Policy 3 Main Built up Area Site Allocations | Map 2 | | x | x | | | | x | It is not justified | The map mislabels open countryside adjacent to the M1 and stretching east to Bramcote as Main built Up area | The Map should be amended to reflect the built up area and ensure land allocation is retained within that built up area without urban extension and loss of green belt | Yes | Part 2 is misleading and the consequences of this mismatch between text, map and reality on the ground are enormous |
| Policy 3 Main Built up Area Site Allocations | 3.2 | | x | x | | | | x | It is not justified | The statement that "It is considered that there are exceptional circumstances required to amend the boundary of the Green Belt to allow residential development." Is untrue for the land in Bramcote - no exceptional circumstances exist for allowing 300 homes to be developed on the green belt - the financial straits of a private company can hardly be considered a matter for planning | | Yes | The sacrifice of the green belt has not been justified |
| Policy 3 Main Built up Area Site Allocations | Мар 4 | | x | x | | | | x | It is not justified | Map 4 omits the committed land on the former Bramcote Hills Golf course and thereby paints a very misleading picture of land allocation in Bramcote. Map 4, however, does illustrate the extent of open countryside east of the M1. | | Yes | Part 2 is misleading and the consequences of this mismatch between text, map and reality on the ground are enormous |
| Policy 3 Main Built up Area Site Allocations | 3.1 | x | | x | | | | x | It is not positively prepared | The requirements fail to state the net housing density to be achieved | A minimum net housing density of 40 per hectare should be added and the effects of this on the total number of houses that can be delivered should be reflected in the list of requirements | No | |
| Policy 3 Main Built up Area Site Allocations | 3.1 | x | | x | | | | x | It is not positively prepared | The requirement for a small retail / service centre fails to recognise the nearby facilities and would jeopardise the viability of both existing and new businesses | Remove the requirement for a small retail/ service centre | No | |
| Policy 3 Main Built up Area Site Allocations | 3.1 | x | | x | | | | × | It is not justified | The extent of the public space to the south of the memorial is not shown and there is a potential use of land eminently suitable for housing to be lost in this way | The extent of the public space should be made clear and the reasons for not allocating that land for housing should be reported. There are plenty of green and open spaces within the Barracks. | Yes | It is essential that land allocation is optimised to prevent loss of green belt elsewhere and for the council to comply with National policy on the need to protect the green belt |
| Policy 3 Main Built up Area Site Allocations | 3.3 3.7 | | x | × | | | | x | It is not justified | The pen picture is inaccurate and fails to point out that part of the land is a county level protected area - the last remant of Bramcote Moor. | | Yes | The true nature of the land ought to be understood before making decisions to take it out of the green belt and allocate it for housing |
| Policy 3 Main Built up Area Site Allocations | 3.3 3.8 | x | | × | | | | x | It is not justified | The figure of 300 houses is not justified and is at odds with both the objectively assessed housing need for Bramcote (ca 180 houses over the plan period) and the various statements by the leasors of this land of 350 or 450-500 homes. | | Yes | It is essential that the use of this land is such as to deliver the maximum benefit for the local community and the county council who own the freehold |

Bramcote Neighbourhood Forum

Response to Broxtowe Borough Council Part 2 Plan

) on

Submitted by: Paul Nathanail of behalf of the Bramcote Neighbourhood Forum

| behalf of the Bramcote N | leighbou | rhood | Forum | | | | | | | | | |
|---|----------|------------|-------|---|---|---|---|--|--|--|-----|--|
| Policy 3 Main Built up Area Site Allocations | | 3.8 | x | | x | | x | It is not effective | The requirements do not encourage lifts from west of the site to terminate on the land and for pedestrian access to the school. | Provision of a dropping off area and school walking buses should be within the area proposed for housing | Yes | It is essential that the residents of Moor Lane, Thorseby and Arundel Drive do not unnecessarily suffer increased traffic - with associated poor air quality and danger of road traffic acident by parents being unable to drop off their children within walking distance of the schools |
| Policy 3 Main Built up Area Site Allocations | | 3.8 | x | | x | | x | It is not effective | The removal of any vegetation from the Moor Lane cutting should be done in such a way that the present stability of the cutting is not compromised now and into the future. | | | |
| Policy 3 Main Built up Area Site Allocations | | 3.8 | x | | x | | x | It is not effective | The caveat "if required" disreagrds the oft and strongly stated desire of local residents for the leisure centre to remain in Bramcote | "If required" should be removed | Yes | Bramcote is being asked to pay a heavy price for no tangible benefit and to face the loss of the leisure centre as well as its green belt alongside increased traffic congestion and air pollution is not compatible with sustainable development |
| Policy 3 Main Built up Area Site Allocations | | 3.9 | | x | x | | x | It is not consistent with national policy | The loss of green belt is not recognised in the summary of the sustainability appraisal. The loss of green belt and the loss of the last remnant of Bramcote Moo cannot be trivialised as a very minor disbenefit. | The sustainability appraisal should be revised to accurately reflect the scale of disbenefit loss of green belt and Bramcote Moor would have | Yes | The impact of this flawed assessment of the green disbenefits has knock on consequences to other parts of Part 2. |
| Policy 3 Main Built up Area Site Allocations | | Map 8 | | x | x | | x | It is not consistent with national policy | The map fails to show the status of the Bramcote Moor land and also suggests a housing density of only 19 houses per hectare. | A greater density accompanied by a requirement to pay for a replacement leisure centre should be included. | Yes | The benefits to the local community of a higher housing density generating more funds to pay for a replacement leisure centre should be at the centre of land use decisions in this locality and would better reflect local residents views as well as represent a more sustainable form of development in the area. |
| Table 4 | | Table 4 | x | | x | | x | It is not effective | The table shows that Bramcote will house over 440 of the 2729 houses in the entire main built up area of Broxtow. It is ridiculous that such a small area should be taking more than 16% of the housing need while the council allows land to be developed at low densities or not at all elsewhere. | | Yes | The negative social, economic and environmental impact of the unfair burden of new housing in Bramcote is a combined effect of a series of failings by the council in formulating its plan. |
| | 82 | 3b.9 | | x | x | | x | It is not justified | The reference to a leisure hub should not be seen as a replacement for the leisure hub at Bramcote. | The text should be amended to make it clear that any leisure hub at the western extremity of the borough ought to be in addition to the one at Bramcote. | No | |
| Policy 8 Development in the Green Belt | 8.5 | | | x | x | | x | It is not effective | We welcome the reporting of "strong support for the protection of the Green Belt" and lament the fact the council has ignored this and considerably reduced the green belt in Bramcote. | | Yes | The council has consistently ignored local views expressed formally and at workshops and through the ballot box and is not delivering tangible benefits to the local community in Brancote while at the same time asking it to bear an enormous and unfair share of the burden of new housing allocation. |
| | 8.3 | | | x | × | | x | It is not justified | The Preferred Approach to Site Allocations erroneously assumed that all green bell sites served the same or no purpose in encouraging urban regeneration and this has skewed the council's assessment of the need to take land out of the green belt. | | Yes | The flawed assessment of the five functions of the green belt has skewed the allocation of land in the green belt for housing contrary to the strong protection due to the green belt from the NPPF and the manifesto promises at the 2015 & 2017 general elections - both post dating the ACS |
| Policy 11 The Square, Beeston | 11.2 | | x | | x | × | | | We strongly support the mixed development in the Square, Beeston. | We would encourage the proposed cinema to be of flexible use by including moveable partitions and a stage. | No | |
| Policy 19 Pollution, Hazardous Substances and Ground Conditions | 2 | | | × | x | x | | | The required site investigation should be carried out by a competent person as required by the NPPF | The text should be amended to reflect the need for a competent person to carry out the site investigation | No | |
| Policy 20 Air Quality | 119 | | x | | x | × | | | We welcome the three measures to protect air quality. | | No | |
| Policy 24 The health impacts of development | 146 | | x | | x | x | | | We welcome the requirement for a health impact assessment | | No | |
| Policy 26 Travel Plans | 153 | | x | | x | x | | | We welcome the requirement for travel plans to be submitted | | No | |
| Policy 27 Local Green Space | 154 | | x | | x | x | | | We support the designations as Local Green Space in Bramcote and ask the Counci to consider the additional areas being designated as Local Green Space in the Bramcote Neighbourhood Plan | We are disappointed that none of the former Bramcote Hills Golf course is to be designated as local green space | No | |
| Policy 27 Local Green Space | 27.2 | | | x | x | | x | | The statement that the "The land at Bramcote and Stapleford (item 3 in the policy) comprises a former area of Green Belt between Moor Farm Inn Lane, Moor Lane, Derby Road, likeston Road and Coventry Lane" is untrue. Such land would only be taken out of the green belt by the adoption of this part 2. | The text should be amended to accurately reflect the present and new | No | |
| Policy 28 Green Infrastructure Assets | 157 | | x | | x | x | | | We welcome the policies on green infrastructure. | | | |
| Policy 28 Green Infrastructure Assets | Map 62 | | x | | x | | x | It is not justified | The map erroneously shows (2.11) a continuous corridor through the former Bramcote Hills Golf - part of which is committed having been granted planning permission earlier in the year | | Yes | This map is one several misleading maps which seek to underrepresent the enormous damage to the local environment Part 2 will have on Bramcote |
| Policy 30 Landscape | 165 | | x | | x | x | | | We note that this policy would be contradicted by housing development in land currently within the green belt and ask the council makes provision for suitable compensation to be provided in such cases | | | |
| Appendix 4 | 187 | | x | | x | | x | It is not justified | The Moor Lane cutting is omitted from the list. | The Moor Lane cutting should be added to the list | Yes | The considerable scientific and cultural significance of this cutting and its educational value should be recognised and included in Part 2. |
| | l | | | | | | | | <u> </u> | l | | L |

Broxtowe Part 2 Local Plan



Agent

| Please provide your | Please provide your client's name – D.W & J.W.E Wild | | | | | | | | | |
|--|--|------|---------|--------|---|--|--|--|--|--|
| Your Details | | | | | | | | | | |
| Title | | | | | | | | | | |
| Name | | | | | | | | | | |
| Organisation (if responding on behalf of the organisation) | Asp | bury | Plannin | ig Lto | d | | | | | |
| Address | | | | | | | | | | |
| Postcode | | | | | | | | | | |
| Tel. Number | | | | | | | | | | |
| E-mail address | | | | | | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations | - |
|--|----------|
| Please tick here 🗸 | |
| Please help us save money and the environment by providing an e-mail address that corres | pondence |
| can be sent to: | |

For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|--|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocations Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 31: Biodiversity Assets Policy 31: Biodiversity Assets Policy 32: Developer Contributions | | Policy 7.2 |
| Policies Map | | <u>.</u> | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | | | | | |
|---|---------------------------------------|--|--|--|--|--|--|
| 2.1 | Legally compliant | | | | | | |
| 2.2 | Compliant with the duty to co-operate | | | | | | |
| 2.3 | Sound | | | | | | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | | | | | | |
|--|--|--|--|--|--|--|--|
| It is not justified | | | | | | | |
| It is not effective | | | | | | | |
| It is not positively prepared | | | | | | | |
| It is not consistent with national policy | | | | | | | |

Your comments -

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

As stated in the overarching representation to paragraph 7.1 and 7.2 of the Part 2 Local Plan, we have no objection in principle to this local plan allocation and acknowledge the locational benefits of this site.

Our concerns relate to the alleged capacity of the site and its likely deliverability within the Plan Period In terms of capacity, Policy site 7.2 -extends to 1.1 hectares gross and has been allocated a development capacity of 40 dwellings at a density of 36 dwellings per hectare. The site is not regular in shape as Map 28 indicates. There is a substantial extant property – No 59 on the frontage which may or may not be economically feasible to demolish, a substantially tapering site to the east which will inhibit efficient layout planning and a belt of mature trees all along the southern site boundary which may again impact on the ability to plot at an efficient density due to root protection issues. In this context 40 dwellings appears to be too high a number of dwellings to reflect the site shape, contours and immediate constraints.

In terms of delivery, the site has not come forward for development as an allocated site in 13 years and the Council's 2015-2016 SHLAA suggested that the site will not come forward until the last 5 years of the plan period 2023-28. The local plan Table 4 Trajectory has now brought the delivery forward to 2020-2021 and within the 5 years supply period. There are however significant question marks against this site and in our opinion, delivery of the quantum and timing of development remains uncertain and the Council must bring additional sites forward within or adjoin the settlement to address the situation of under-delivery within Kimberley.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

The Part 2 Local Plan needs to be revised to make additional allocations to address under-provision, double counting of sites and the prospect of delayed delivery, under delivery or even non-delivery from the three proposed site allocations in Kimberley currently identified in Policy 7 of the Part 2 Local Plan.

Our clients landholding off Alma Hill– SHLAA reference113 - is available developable and deliverable, has a capacity of 72 dwellings and should be included as a further allocation as a pre-examination modification to the Local Plan.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| Yes, I wish to participate at the public examination | \checkmark |
|---|--------------|
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you consider this to b necessary | e |
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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 public examination.

Guidance Note:

Please complete a **separate form** for **each representation** you wish to make.

'Legally Compliant':

If your response relates to <u>the way in which the plan has been prepared</u>, then this is likely to relate to whether it or not it is 'Legally Compliant'. To be 'Legally Compliant', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to **the way in which we have worked with other authorities** then this is likely to relate to the '**Duty to Co-operate**'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the <u>content</u> of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is '**justified'**, '**effective'**, has been '**positively prepared'**, and is '**consistent with national policy'**. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- **'Justified':** This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- **'Effective':** This means that the Local Plan will deliver what it sets out to. If you think that what we are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not our Local Plan is 'effective'.
- **'Positively Prepared':** This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 'Consistent with National Policy': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing <u>policy@broxtowe.gov.uk</u>.

Broxtowe Part 2 Local Plan



Agent

| Please provide your | client | ťs nam | ne | MR R EVANS | | | |
|--|----------|--------|------|------------|--------|--|--|
| Your Details | | | | | | | |
| Title | Mr | Mrs | Miss | Ms | Other: | | |
| Name | | | | | | | |
| Organisation (if responding on behalf of the organisation) | IBA PLAN | | | NG L | LTD | | |
| Address | | | | | | | |
| Postcode | | | | | | | |
| Tel. Number | | | | | | | |
| E-mail address | | | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. | | | | | | | | | |
|---|--------|-------------------|---|--|--|--|--|--|--|
| Please tick here | х | | | | | | | | |
| Please help us save mo | oney a | and the environme | nt by providing an e-mail address that correspondence | | | | | | |
| can be sent to: | | | | | | | | | |
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For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocation Policy 6: Eastwood Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 19: Pollution, Hazardous Substances and Ground Conditions Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | 65 - 73 | |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

| | Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | | |
|-----|---|---|---|--|--|
| 2.1 | Legally compliant | х | | | |
| 2.2 | Compliant with the duty to co-operate | Х | | | |
| 2.3 | Sound | | х | | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | | | |
|--|---|--|--|--|
| It is not justified | х | | | |
| It is not effective | Х | | | |
| It is not positively prepared | х | | | |
| It is not consistent with national policy | х | | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

PLEASE SEE ATTACHED LETTER

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

PLEASE SEE ATTACHED LETTER

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Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | | | | | |
|--|-------|--|--|--|--|--|
| Yes, I wish to participate at the public examination | х | | | | | |
| No, I do not wish to participate at the public examination | | | | | | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be | | | | | |

THIS IS NECESSARY IN ORDER THAT THE NATURE OF THE OUTSTANDING OBJECTIONS AND CONCERNS CAN BE SCRUTINISED MORE FULLY AND ORALLY AT THE PUBLIC EXAMINATION.

HAVING RECENTLY ATTENDED, AND PARTICIPATED IN, THE ASHFIELD PUBLIC EXAMINATION, ATTENDANCE PROVED ABSOLUTELY NECESSARY TO ENSURE THAT THE INSPECTOR FULLY UNDERSTOOD THE NATURE OF OUR CLIENTS' CONCERNS AND ALLOWED THE UNRESOLVED ISSUES TO BE FURTHER DEBATED BETWEEN THE INSPECTOR, THE COUNCIL AND OBJECTORS.

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 public examination.

Guidance Note:

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iba planning

Planning Policy Officer Broxtowe Borough Council Council Offices Foster Avenue Beeston Nottingham NG9 1AB

EvansLDF/11

8 January 2016

Dear

Strategic Housing Land Availability Assessment Update 2015/16

Land north of 38 Alma Hill, Kimberley

Site reference H116

Further to the Council's recent consultation in respect of the above, I write to confirm that my client, <u>Mr Evans</u> (freehold owner of the land), remains a willing participant in the Council's ongoing work towards an adopted Development Plan.

In terms of additional information over and above that contained within the SHLAA 2013/14, there is nothing particularly to add further at this stage.

However, your consultation asks for an accurate and up to date appraisal on any obstacles to delivery on our site and how these are anticipated to be resolved.

The SHLAA 2013/14 identified <u>no</u> significant constraints/obstacles to delivery and concluded that the site **could be suitable for housing** if Green Belt policy changes.

The same SHLAA made reference to the fact that the Inspector who assessed the adjacent site (113) through the Broxtowe Local Plan Review in 2003 recommended that consideration should be given to allocating this site in conjunction with the adjoining land.

The Inspector judged that the site would appear to have few development constraints and should be capable of being brought forward at **short notice** for development.

The Inspector also concluded that the site's intrusion into the Green Belt and countryside would be <u>very limited</u> in scale and extent.

The SHLAA 2013/14 confirms the general suitability of the site for housing pending its release from the Green Belt following review of existing boundaries which is of course currently ongoing.

Given that the 2003 Local Plan Inspector has already effectively sanctioned the removal of this land from the Green Belt to facilitate its development in the short term, there is no reason to suggest that any other conclusion ought to be reached as part of the current Green Belt Review.

My client recognises that his land will most logically be delivered alongside Site 113 and has no concerns in this regard. He remains able and prepared to make the site available for development at the <u>first available opportunity</u>.

In the above connection, the site should be regarded as **eminently suitable** and <u>immediately</u> <u>available</u> for housing.

The Council can therefore rely with some certainty that the site can be delivered in years 0-5.

The site comprise approximately 1.2 hectares and is considered capable of delivering around 45 dwellings which will, in conjunction with the adjoining site (113), make a valuable contribution to meeting the future needs of Kimberley already identified in the adopted Core Strategy.

The owner (and adjoining landowner) have been willing to invest in a planning application for some time in order to bring the site forward for development at the earliest opportunity. The only reason such an application has not yet been made is owing to the current Green Belt designation and prevailing Ministerial guidance in connection with the same.

I trust the above is of assistance and adequately conveys the suitability and availability of the site (and the absence of any significant constraints that could otherwise prove an obstacle to delivery) as part of the SHLAA 2015/16 update.

Yours sincerely MA(HONS) I P MR I PI Director





Planning Policy Team Broxtowe Borough Council Foster Avenue Beeston Nottingham NG9 1AB

EvansLDF/10

23 March 2015

Dear Sirs

Preferred Approach to Site Allocations [Green Belt Review]

Consultation February 2015

Further to the Council's current invitation for comments on the above consultation document, please find below **formal representations** on behalf of our clients, <u>Mr and Mrs R S Evans</u>, freehold owners of

Context

As you are aware we have previously made representations on behalf of our client in respect of this land¹ which extends to some 1.13ha and adjoins the northern limit of the settlement boundary of Kimberley.

You will recall that the site has previously been promoted through the Council's 2012/13 SHLAA process and afforded **site reference H116 Land north of Kimberley**. As part of this process, the land was identified in the *'Kimberley'* document comprising the Site Allocations Issues and Options November 2013 as an allocation option deemed *'Could be Suitable if Green Belt Policy Changes'*.

Furthermore, during the preparation of the current Broxtowe Local Plan, the Planning Inspector, in recommending that the immediately adjoining Site H113 - Land north of Alma Hill) was removed from the Green Belt and allocated for residential development, stated that, *"Consideration should be given to allocating the adjoining land (1.5ha) to the Northwest* [i.e. Site H116]*"*.

¹ See Appendix IBA1

The Adopted Core Strategy confirms **Kimberley as a 'Key Settlement'** and identifies the requirement for **up to 600 new homes** to be distributed towards Kimberley during the Plan period.

In terms of answering the specific questions within the current consultation, this letter covers those matters where appropriate and the representation form is attached as required.

Formal Representations

In general, the Council's approach to the zones and their assessments cannot be supported as:

- their extent has not been adequately defined or justified;
- the scoring system is highly subjective, overly simplistic and clearly open to skew in favour of one zone over another;
- the conclusions are skewed by the assessment of areas that are far too broad, particularly when considering impact on encroachment, sprawl and coalescence; and
- the fact two sites (H116 and H113) that were recommended by the previous Local Plan Inspector to be removed from the Green Belt and developed for housing have not at least been identified for further consideration at this early stage is testament in itself at to the frailties of the current selection/review process.

1. Questions on Zones

1a. Which zone does your comment relate to?

Zone 16.

1b. Do you agree with the appraisal of the zone?

No.

Please provide any comments to expand on your answers above.

The conclusions of Zone 16 cannot be supported as:

- the extent of the zone has not been adequately explained or justified e.g. based on landscape character area, topography, physical boundaries, ownership etc;
- the extent of the zone is not clearly defined the red area does not abut the white area (which presumably is the built-up area). In the absence of existing settlement boundaries being shown on the same plan, it is not at all clear how the edges of the zone relates to the existing built-up area this is extremely important when being asked to consider the impact

of the zone on sprawl, encroachment and coalescence (the absence of defined settlement boundaries on the same plan makes it extremely difficult to consider the impact of each zone on merging Kimberley with nearby settlement boundaries);

- the assessments fail to analyse the component parts of the zone (e.g. SWOT analysis), instead providing an overall conclusion on the whole (i.e. on an *all or nothing* basis) which is totally at odds with that of the 2004 Inspector who recommended that sites H116 and H113 be removed from the Green Belt and developed for housing;
- had the assessment analysed the component parts of the zone, it should have identified that there were parcels of land closest to the existing built-up area that comprised a logical extension/rounding-off and which would have minimal impact on the openness of the Green Belt and the five purposes of including land within the Green Belt; and
- instead, sites that have been previously recommended for removal from the Green Belt and allocated for development (sites H116 and H113) do not, by virtue of being *lumped* into a very broad 'zone' for assessment purposes (and consequently *dumped* owing to a general conclusion as part of an overall assessment), will not even figure in the next consultation stage which is the first opportunity many will have to express views on individual housing sites. This seems fundamentally wrong and belies the requirement for Plans to be positively prepared and effective.

For these reasons, the Council's approach and conclusions on Zone 16 are <u>not</u> considered to be sound.

2. Broxtowe Borough Council Proposed Boundary Change

2a. Which potential Green Belt boundary change does your comment relate to?

Kimberley.

2b. Do you agree with the boundary change?

No.

Please provide any comments to expand on your answer(s) above.

The choice of Zone 20 would appear to have been largely influenced by the A610 being considered to provide the long term defensible Green Belt boundary and, partly, by the recommendations of the Kimberley Advisory Committee which considered site H215 as one of several possible sites for development going forward.

However, somewhat ironically, the primary justification for choosing this zone (the A610) is also clearly a factor which will necessarily constrain the efficient development of this site – i.e. from noise, air quality and access standpoints.

In addition to the above constraints, the existence of "hilly" topography (visual prominence) and woodland (physical and ecological constraints) and the proximity of the Conservation Area (heritage constraints) will all serve to reduce the developable area of the zone.

Moreover, whilst site H215 falls within this zone, we are told on page 55 of the consultation document that this site in isolation does not contain defensible Green Belt boundaries!

The conclusions of the assessment for Zone 20 cannot be supported as:

- the extent of this zone has seemingly been purposefully and unfairly determined to favour one site over others (i.e. other sites have not been afforded the same level of qualification when arriving at the conclusions on each of the five purposes e.g.:
 - in terms of sprawl, the site receives only 2 stars despite reference to the site being "hilly" – and therefore prominent!;
 - in terms of coalescence, the site receives only 2 stars owing to the existence of the A610 yet the perception of bringing one settlement closer to another will be most apparent to those significant users of the A610. Moreover, the zones map for Kimberley does not define the existing settlement boundary for Kimberley or Awsworth it is therefore almost impossible for consultees to consider how the development of zone 20 might impact on the merging between Kimberley and Awsworth; and
 - in terms of preserving the setting and special character of historic settlements, the site again receives only 2 stars despite the proximity of the Conservation Area to the north east. Reference is made to the "*small impact*" on the Conservation Area; however, without a Heritage Impact Assessment having first been carried out the significance on the historic setting etc cannot possibly be known and/or [low]-scored.

Concluding Remarks

The above concerns identify a **significant failing** in the Council's current approach which is considered to be overly-simplistic and lacks transparency and robustness.

Other Councils' Local Plans have fallen on similar shortcomings.

In order to ensure the Council's Plan, when independently scrutinised at the Examination in Public, is found to be 'sound', the Council will need to be able to demonstrate that it has been positively prepared, it is effective and that it complies with National Planning Policy.

As presently drafted, the Plan is <u>not</u> considered to be sound.

The exclusion of sites previously identified for removal from the Green Belt and developed for housing at this early stage of the process in itself identifies significant flaws in the assessment process.

To remedy the above, the Council will need to analyse each zone far more comprehensively and/or revisit smaller sites abutting the existing built-up area as part of an alternative approach.

The Council's reliance on Zone 20 as the only land identified to be removed from the Green Belt is not supported as the approach fails to consider more suitable sites that would, individually or collectively have much less of an impact of the openness on the Green Belt and the purposes of including land within it – e.g. sites H116 and H113.

Paragraph 83 of the NPPF confirms that, once established, Green Belt boundaries should only be altered in '*exceptional circumstances*', though the preparation or review of the Local Plan.

Since not all of Zone 20 is developable (or required to be developed!), the balance of the land is also being proposed to be taken out of the Green Belt despite clearly fulfilling most if not all of the purposes of including land within it.

In this connection, the release of some 14.41 hectares of land from the Green Belt to provide 4.97 hectares of housing cannot possibly constitute the '*exceptional circumstances*' required by paragraph 83 of the NPPF, particularly when there are alternative, smaller sites available that are clearly capable of delivering the actual amount of housing required at a lesser cost to the Green Belt (having regard to its objectives and purposes) and the environment in general.

Moreover, the fixing of conclusions on the necessary Green Belt boundary change for Kimberley in advance of a more detailed consideration of the ability of sites within the built-up area to deliver the number of houses anticipated in the 2013/14 SHLAA (i.e. the next consultation stage) is also not supported.

By fixing now, there is a real danger the Council's current approach to the Green Belt review will result in a Plan lacking the necessary flexibility should some sites fail to come forward as anticipated.

In circumstances where the built-up area is already tightly constrained by the Green Belt, the Plan must build in such flexibility by:

- dealing with the allocation of Green Belt sites (not zones) alongside all others sites as part
 of the next consultation stage since difficulties with some sites might result in the need
 for others to be allocated; and
- identifying 'safeguarded land' should additional housing land be required to be brought forward, whilst ensuring Green Belt boundaries, once reviewed, remain permanent (beyond the Plan period).

In failing to include the above provisions, the Plan (and the Council's approach) is not considered to be sound.

3. Do you have any other suggested boundary change?

Yes.

Please provide any comments.

Site H116 (Land north of 38 Alma Hill) is both suitable and available and could be delivered as part of a comprehensive development in conjunction with the adjacent site H113 (Land north of Alma Hill, Kimberley).

Site H116 equally benefits from the same physical advantages as site H113 and also lacks any identified constraints.

Moreover, during the previous 2004 Local Plan Review the Inspector similarly recommended that site H116 (in conjunction with H113) should be removed from the Green Belt and allocated for housing.

Overall, he concluded:

"Due to its topography and to a lesser extent its vegetation this is <u>a secluded site</u> and **development on it would not be visible** at any distance from the open countryside to the north or west ... and ... <u>Being so well contained within the landform</u> **development on the site would not constitute sprawl**."

The Inspector also confirmed that the site is of **very limited value to the purposes of the Green Belt** and concluded that, *"In these circumstances, the site should be allocated for housing development under [the then] Policy H2 at a density of 35 dph".*

Given that the five purposes of including land in the Green Belt remain *unchanged* since the 2004 Inspector's report, there is absolutely no reason why the Inspector's conclusion that these two sites are of <u>very limited value to the purposes of the Green Belt</u> should not be just as pertinent today.

The allocation of the two adjoining sites would therefore represent a logical *'rounding-off'* of the settlement which would be suitably contained by existing development on three sides and the robust ridgeline and well established hedgerow to the north.

The suggested boundary change is illustrated in **Figure 1** below.



Fig. 1: Image to illustrate the suggested alternative boundary change to facilitate the logical development of site H116 as a comprehensive housing allocation with the adjoining site H113.

Whilst the two sites are being promoted separately, the intentions of both landowners in making their sites available for development at the earliest opportunity are closely aligned and fully compatible.

The above **proposed boundary change** is considered *preferable* to that identified in the consultation document since it comprises a <u>more effective use of Green Belt</u> land and responds to the amount of housing land actually required, rather than resulting in the removal of a much larger swathe of land, the majority of which, by the consultation document's own conclusions, still fulfils the purposes of including land in the Green Belt.

I trust the above comments are helpful to the Council's consideration of the most appropriate approach to the future distribution of development within and around Kimberley and will be fully taken into account as and when this is progressed further.

I look forward to your acknowledgement of receipt in due course and trust that I will continue to be consulted on future stages of the Broxtowe Borough Council Local Plan (Part 2).

I would be obliged if these matters could be given thorough consideration in your continuing preparation of the Allocations and Development Management Policies DPD and confirm that I wish to continue to be kept appraised of progress and to reserve my right to have the opportunity to advocate the relevant representations through the Examination procedure if necessary.

Yours sincerely



MA(Hons)TP MRT Director



March 2015

Broxtowe Site Allocations Issues and Options



Personal Details*

Agent Details * If an agent is appointed, please complete only the title and name boxes below, but complete the full contact details of the agent

| Title | Mr Mrs | Miss | Ms | Other: | MR | & | MRS | | | |
|----------------------------------|--------|------|----|--------|----|---|-----|--|--|--|
| First Name | R | | | | | | | | | |
| Last Name | EVAL | IS. | | | | | | | | |
| Job Title (where relevant) | | | | | - | | | | | |
| Organisation (where relevant) | | | | | | | | | | |
| Address | c/o | AGEN | т | | | | | | | |
| Postcode | | | | | | - | - | | | |
| Tel. Number | | | | | | - | | | | |
| E-mail address | | | - | | | - | | | | |

| Please return completed forms to: Planning Policy, Chief Executives Department, Foster Avenue, Beeston, Nottingham NG9 1AB Fax: 0115 917 3377 | For more information: Tel: 0115 917 7777 ext 3482, 3452, 3468 E-mail: planningpolicy@broxtowe.gov.uk |
|--|--|
| Alternatively an online version of this is available, at www.broxtowe.gov.uk/allocationsites | |

Comments should be returned by 5.00pm Friday 10th January 2014

If you require any assistance in making a representation/filling in this form please contact the Planning Policy Team who will do all they can to offer assistance.

This form is available in large print and other formats on request, you can also submit online via our website, www.broxtowe.gov.uk/allocationsites

Which settlement area(s) do your comments relate to?

| Awsworth | Brinsley | Eastwood | Kimberley |
|--|-------------|----------|---|
| Main Built up Area | Other Rural | | |
| a start of the sta | | | F) will be used in the plan process and |

may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

1. Housing

Please note that this is your opportunity to guide where the development in your area goes, this is not an opportunity to change the housing distribution allocated to your area.

Issue 1a: Potential housing sites identified within the Council's Strategic Housing Land Availability Assessment (SHLAA) are set out in the schedule and maps in the locally specific documents. Size thresholds need to be considered: we think it is appropriate only to consider new housing allocations (not identified in the Core Strategy) for between 10 and 500 dwellings.

Issue 1b: Provision needs to be made for specialist accommodation, including for groups with special needs and elderly people. It may be appropriate to make specific provision on appropriate sites, including those in Issue 1a above, or perhaps, for example, to allocate a specific site for a "retirement village".

Issue 1c: The government requires that pitch targets for gypsies and travellers and plot targets for travelling showpeople are identified in local plans. Suitable sites need to be found for accommodation for gypsies, travellers and travelling showpeople.

Issue 1d: The delivery of affordable homes needs to be maximised in order to meet the 30% ambition in the Core Strategy. Certain sites, and certain parts of the borough, may be more suitable than others for this purpose.

Issue 1e: In the Core Strategy the Council has identified strategic locations for growth at land adjacent to the proposed HS2 rail station at Toton and at the Boots /Severn Trent site in Beeston. The mix of uses on the Toton site is to be established as part of this allocations process, and the precise site boundaries of both sites are also to be confirmed.

Question 1a: Which of the sites are more appropriate to develop for housing?

PLEASE SEE ATTACHED LETTER

Question 1b: Which sites, if any, can specialist accommodation (e.g. for the elderly) be provided on?

Question 1c: Which sites, if any, can gypsies, travellers and travelling showpeople accommodation be provided on?

Question 1d: Which sites are capable (in economic terms) of meeting the 30% affordable housing provision?

Question 1e: Is it appropriate only to consider new housing allocations for 10 or more dwellings?

Yes

If you wish to expand on your answers please attach a separate sheet and make it clear what question your response relates to.

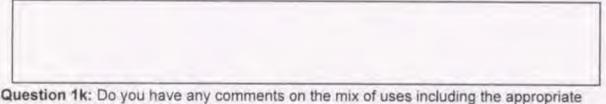
No

| Question 1f: Are | there other issues that sh | ould be considered regard | ling housing? |
|---|---|--|----------------|
| | Yes | No | |
| If yes, please prov | vide details of the issues. | | |
| Boots/Severn Tre Question 1g: Wh | | boundaries for the Boots/ | Severn Trent |
| location? | | | |
| | | | |
| | | | |
| Question th: Do | vou have any comments (| n where the proposed ho | |
| land, open space | and infrastructure includin | on where the proposed ho g local services and acces | |
| land, open space | and infrastructure includin | | |
| land, open space be situated on this | and infrastructure includin location. | g local services and acces | |
| land, open space be situated on this | and infrastructure includin location. | g local services and acces | |
| land, open space be situated on this If yes, please prov | And infrastructure including location. Yes vide details. | g local services and acces | s provision st |
| land, open space be situated on this If yes, please prov | And infrastructure including location. Yes vide details. | g local services and acces | s provision st |
| land, open space be situated on this If yes, please prov Question 1i: Do y designed to best e | and infrastructure includin location. Yes vide details. | g local services and acces | s provision st |
| land, open space be situated on this If yes, please prov | and infrastructure includin location. Yes vide details. | g local services and acces | s provision st |

If you wish to expand on your answers please attach a separate sheet and make it clear what question your response relates to.

Toton

Question 1j: What are the appropriate site boundaries for the Toton strategic location for growth?



Question 1k: Do you have any comments on the mix of uses including the appropriate amount and location of any proposed housing, employment land, open space and infrastructure including a potential tram extension, local services and access provision.

| | Yes | No | |
|--------------------|------------------------|-------------------------------|--------|
| yes, please provi | de details. | | _ |
| | | | |
| | | | |
| | | nents on how development here | can be |
| esigned to best er | nhance the local area. | | |
| | Yes | No | |
| | | | |

2. Approach to the Green Belt

Issue 2a: Green belt boundaries need to be reviewed to fully meet the development needs of Broxtowe as specified in the Core Strategy to 2028 (and possibly beyond this date, as indicated in the NPPF). Please see in particular the maps in the locally specific documents and the details of housing land availability in the borough in the locally specific documents when commenting, although you may also wish to consider the need for other non-residential allocations. Issue 2b: Green Belt boundaries may also need to be reviewed to address existing small anomalies (e.g. where the Green Belt boundary does not follow an existing physical feature or bisects an existing residential curtilage). Anomalies exist for many reasons including as a result of advances in mapping technology (e.g. converting low resolution maps onto high resolution maps) or where physical Green Belt boundary features no longer exist. Corrections of small anomalies are not intended to allow development of the land, affect only small areas and do not have strategic implications.

Question 2a: Where should Green Belt boundaries be amended to meet the development needs of Broxtowe as specified in the Core Strategy to 2028?

PLEASE SEE ATTACHED LETTER

If you wish to expand on your answers please attach a separate sheet and make it clear what question your response relates to.

Question 2b: Should Green Belt boundaries be amended to meet the development needs of Broxtowe beyond 2028 (i.e. safeguarded land)?

| PLEASE SEE | ATTACHED LETTER | | |
|----------------------|---------------------------|------------------------------|----------------|
| | ıld Green Belt boundarie | es be amended to address e | kisting small |
| anomalies? | Yes | No | |
| f yes where? | | | |
| | | | |
| Question 2d: Are the | here other issues that sh | nould be considered regardir | ng the Green B |
| | Yes | No | |
| | lites | | |

3. Economic Issues/Job Creation

Issue 3a: The NPPF advises that planning policies should be flexible enough to accommodate business needs not anticipated in the plan.

Issue 3b: The existing employment sites shown in the maps in the locally specific documents represent a potential supply of sites for employment use. Some, however, are not considered to be suitable for modern employment requirements and could be redeveloped for other purposes.

Question 3a: Should additional allocations for employment sites be made?

es

| | | L | ł | ٧ | j |
|--|--|---|---|---|---|
| | | Ľ | | 1 | ſ |

No

If yes, where should the additional employment allocations be?

ian baseley associates

chartered town planners

Mr S Saunders Planning Policy Manager Broxtowe Borough Council Foster Avenue Beeston Nottingham NG9 1AB

10 January 2014

NB/EvansLDF/7

Dear Mr Saunders

Local Plan Consultation Site Allocations Issues and Options November 2013 Consultation Document

Further to the Council's current invitation for comments on the above consultation document, please find below **formal representations** on behalf of our clients, <u>Mr and</u> <u>Mrs R Evans</u>, freehold owners of

Context

As you are aware we have previously made representations on behalf of our client in respect of this land¹ which extends to some 1.13ha and adjoins the northern limit of the settlement boundary of Kimberley.

You will recall that the site has previously been promoted through the Council's 2012/13 SHLAA process and afforded **site reference H116 Land north of 38 Alma Hill, Kimberley.** As part of this process, the land has been identified² as an allocation option deemed '*Could be Suitable if Green Belt Policy Changes*'.

Furthermore, during the preparation of the current Broxtowe Local, the Planning Inspector, in recommending that the immediately adjoining Site H113 - Land north of Alma Hill) was removed from the Green Belt and allocated for residential development, stated that, "Consideration should be given to allocating the adjoining land (1.5ha) to the Northwest [i.e. Site H116]".

The Aligned Core Strategy (ACS) identifies Kimberley as a 'Key Settlement' and therefore a strategic and sustainable location for growth. Accordingly, the ACS



¹ See Appendix IBA1

² In the 'Kimberley' document comprising the Site Allocations Issues and Options November 2013

identifies the requirement for **up to 600 new homes** to be distributed towards Kimberley during the Plan period [i.e. up to 2028].

The Council is consulting on the *proposed* Development Sites and on additional areas that are required for longer term needs (beyond the Plan Period - i.e. after 2028), known as 'Safeguarded Land'.

Our formal representations are made in relation to topics 1 and 2 covering 'new housing' and 'the approach to the Green Belt' respectively. Our clients broadly agree with key issues 1a to 1e and 2a and 2b contained within the consultation document.

In terms of answering the specific questions, this letter covers those matters where appropriate and the representation form is attached as required.

Formal Representations

Land North of Alma Hill, Kimberley (Site Ref. H116) – <u>SUPPORT</u> its formal allocation for residential development

The site's identification as one of a number of potential choices for new housing allocations is welcomed. Its subsequent formal allocation as a housing site is **strongly supported**. In terms of the site's performance from a physical perspective, the site is:

- surrounded on two sides by existing residential development and is directly adjacent to a further potential housing site (H113) to the south east,
- defined and contained to the north by a strong defensible feature in the form of a localised ridge separating it from the open countryside and Green Belt beyond,
- bound on all sides by dense hedgerows/trees,
- potentially accessible via the adjacent Site H113,
- free of any environmental constraints or designations preventing its development.

The development of Site H116 would, in combination with Site 113, evidently represent a logical 'rounding-off' of the northern edge of the established settlement boundary of Kimberley. The characteristics highlighted above would naturally define the site more logically as an extension to the settlement of Kimberley as opposed to its present Green Belt designation.

This matter is strengthened by the National Planning Policy Framework which states, inter alia, that, "When defining boundaries [Green Belt], local planning authorities should: define boundaries clearly, using physical features that are readily recognisable and likely to be permanent".³

In the above context, the ridgeline to the north of the site in conjunction with the mature hedgerows surrounding the site form easily recognisable and long term

³ Paragraph 85 of the NPPF

defensible boundaries. The existing residential properties and outbuildings which bound the site contain the land and readily attach it in visual *and* physical terms to the settlement framework boundary.

It is prudent here to highlight the five purposes of Green Belt designation,⁴ namely:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- · to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The designation of the subject site as Green Belt evidently does not serve *any* of the above purposes in a meaningful manner and therefore **its release from Green Belt and allocation as housing land is wholly logical and justified.** Moreover, Paragraph 85 of the NPPF, inter alia, advises that, "When defining [Green Belt] boundaries, local planning authorities should not include land which it is **unnecessary to keep permanently open**;" (our emphasis)

The site's development for residential purposes will evidently have a **minimal impact on the wider countryside** primarily due to its specific location nestled between existing development and naturally enclosed by physical features. In addition, the quality of the land for arable purposes is not recognised as one of the most fertile and thus has accordingly been identified as a **Grade 3a Agricultural Land Classification**.

Turning to considerations of access, the site could be readily served via the development of the adjacent land (Site 113) as a comprehensive development, obtaining direct access from Soarbank Close and/or Branklene Close.

With regards to wider transportation matters, the site and its immediate vicinity is readily **served by good transport infrastructure**, namely the A610 linking the site to junction 26 of the M1. In addition, the site is well served by local bus routes which are within 5 minutes walk of the site.

In examining the benefits of this site as a potential housing land allocation, it is evident that Sites 116 and 113 together represent two of the **most logical of all of the sites identified** in the **Kimberley Site Allocations document**. This is primarily due to their close association with the existing settlement framework boundary and therefore their natural extension to it. The other Green Belt sites identified appear much less rational (the adjoining H113 site aside) as potential housing sites than H116.*

Since Kimberley is presently tightly constrained by the Green Belt, and given the <u>limited</u> opportunities within the built-up area to achieve the objectively assessed housing requirement, it is accepted by the Council that land adjoining the existing development

⁴ As per Paragraph 80 of the NPPF

boundary will necessarily need to be released from the Green Belt to ensure compliance with the ACS.

In the above context, the Council has appraised the Green Belt Sites that 'Could be Suitable if Green Belt Policy Changes'. Of the 11 sites identified just 6 have been assessed as meeting all three criteria,⁵ which includes site H116 and the directly adjacent H113 Land north of Alma Hill.

Site H116 (as well as the adjoining H113) is considered to be <u>entirely suitable</u> for development with minimal impact on the integrity of the Green Belt and the five overriding purposes that Green Belt serves.

Four of the other Green Belt sites under review are considered to be significantly less suitable for release, in summary, due to the following reasons:

- Site Ref. H473 The site contains a range of Listed Buildings and is within the Conservation Area providing a significant constraint to its development. The site also abuts the M1 motorway leading to significant issues of noise. Vehicular access is and has been an issue in the past and there is a potential contamination issue. Moreover, part of the site is within a 200 metre buffer of the preferred route for HS2.
- Site Ref. H131 The site forms part of a Site of Importance for Nature Conservation and there are notable level changes within and around the site.
- Site Ref. H411 The site extends beyond the immediate development limit to the south west of Kimberley which would lead to a noticeable sprawling effect. In addition, the site contains a significant level of vegetation, particularly to the north west, which would need to be removed to make way for its development (or retained with a reduced site capacity).
- Site Ref. H215 The site forms part of a Site of Importance for Nature Conservation and its development would be visually significant when viewed from the A610. The site also contains a significant level of vegetation which would need to be removed to make way for its comprehensive development (or retained with a reduced site capacity).

Owing to the constraints identified above, for the avoidance of doubt a <u>strong</u> <u>objection</u> is made to the inclusion of **sites H473**, **H131**, **H411** and **H215** as formal allocations.

In assessing the directly adjacent site (H113 Land north of Alma Hill)[®] during the previous Broxtowe Local Plan Review (2004), the Planning Inspector⁶ stated that, "Consideration should also be given to excluding the adjoining land to the northwest [i.e. the site subject to these representations – H116] which has a similar character and which is also

⁵ 1. Settlement recommended in 'Tribal', 2. Directions for growth recommended in 'Tribal' and 3.

Defensible physical boundary

⁶ in his report dated 11 June 2003

contained by development, the topography and a continuation of the hedge along the north east boundary".⁷

The Inspector noted the need for a suitable access to Site H116 as the only issue to resolve which he identified could be obtained via the adjacent site and subsequently concluded that, "Development on the <u>combined sites</u> would round-off the existing pattern of development at this point in terms of urban form, topography and landscape. It would appear as a natural extension of the town and would in no way look intrusive or incongruous".⁸

The relevant extract of the Inspector's Report is attached at Appendix IBA2 for completeness.

Despite the Inspector's clear conclusions regarding the appropriateness of the subject site and the adjoining land as housing allocations, the Council did not consider at the time that there was an overriding need to release sites such as this from the Green Belt. Clearly however the situation has changed since this time and the Council is evidently now reliant upon releasing land from the Green Belt in order to meet the development needs of Broxtowe Borough, as identified in the ACS.

With **question 1a** in mind, the Council should therefore take heed of the Inspector's previous assessment of the site and its clear merits as a development opportunity and amend the Green Belt boundary and **allocate Site H116 in conjunction with Site H113** for housing purposes to be delivered as a comprehensive development.

The allocation of the two adjoining sites would represent a **logical 'rounding-off'** of the settlement which would be suitably contained by existing development on three sides and the robust ridgeline and well established hedgerow to the north. Its comprehensive allocation is illustrated in **Figure 1** below.



Fig. 1 Image to illustrate the logical development of the subject site as a comprehensive scheme with the adjoining site

Paragraph 16

⁸ Paragraph 16

Whilst the two sites are being promoted separately, the intentions of both landowners in making their sites available for development at the earliest opportunity are closely aligned and fully compatible.

In turning to **question 2b** the possibility of amending Green Belt boundaries to meet the development needs of Broxtowe <u>beyond 2028</u> (i.e. safeguarded land) is <u>supported</u>. Once reviewed, Green Belt boundaries should be permanent and be expected to exist beyond the Plan period. The NPPF is quite clear in this regard⁹.

The identification and allocation of safeguarded land will afford the Council and its new Local Plan in-built **flexibility** should any of those sites allocated for development not come forward for whatever reason as originally envisaged. This is particularly important where settlements identified for sustainable growth, such as Kimberley, are presently already tightly constrained by the Green Belt.

In selecting possible 'safeguarded land', the issues of development delivery and impact on the purposes that the Green Belt serves should be key matters of consideration.

Whereas sites H116 and H113 are considered readily and easily deliverable and developable owing to their size and them being free of any identified constraints to development (indeed there was strong developer interest in H113 at the time of the previous Local Plan Review), larger sites, such as H215, would inherently have delivery and viability issues.

Moreover, the development of the larger sites would have a much more significant and obvious visual impact on the Green Belt. In such circumstances the Council should consider the identification of these larger sites as 'safeguarded land' in order to build in flexibility to the Local Plan beyond 2028 to facilitate development in the event that it is shown to be needed by monitoring housing land supply and completions.

In summary, in response to the second part of question 2b, the identification of the larger sites, such as H215, as safeguarded land is encouraged to firstly enable the smaller, easily developable and less impacting sites to assist in contributing towards Broxtowe's growth requirements.

Concluding Remarks

In all of these circumstances, the removal of the site [H116] from the Green Belt and its allocation as a housing site is wholly appropriate and should be given full support to secure its formal inclusion.

For the avoidance of doubt the allocation of H116 for housing purposes is <u>strongly</u> <u>supported</u> for the reasons advanced above to facilitate an extremely logical extension/'rounding-off' of this part of the development boundary (in conjunction with Site H113).

⁹ Paragraph 83 of the NPPF

I trust the above comments are helpful to the Council's consideration of the most appropriate approach to the future distribution of development within the Borough and will be fully taken into account as and when the Document is progressed further.

I look forward to your acknowledgement of receipt in due course and trust that I will continue to be consulted on future stages of the Broxtowe Borough Council Local Plan.

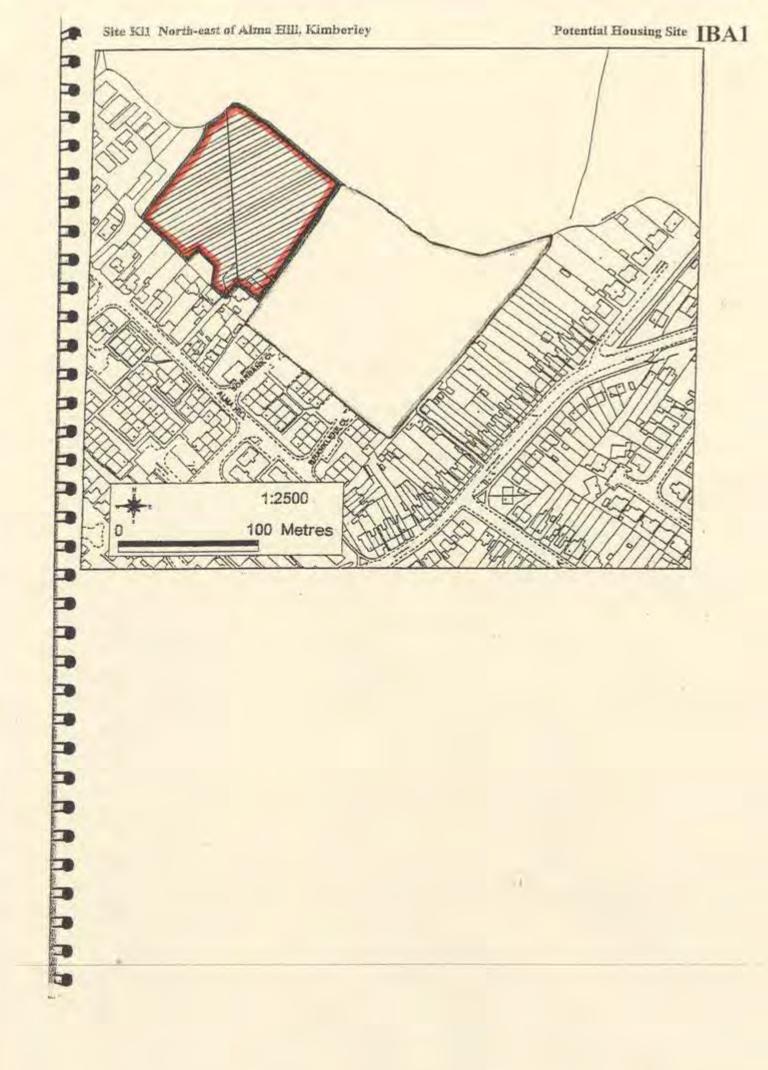
I would be obliged if these matters could be given thorough consideration in your continuing preparation of the Local Plan Site Allocations Issues and Options Document and confirm that I wish to continue to be kept appraised of progress and to reserve my right to have the opportunity to advocate the relevant representations through the Examination procedure if necessary.

Valleri IVIA(MOID) Partner

c.c Mr and Mrs R Evans

ian baseley associates

January 2014



IBA2

Chapter 10 - Proposed potential housing and/or employment development sites

measures are available to contain workshop noise. The presence of an adjoining depot did not prevent the Council from allocating site H1b and I see no reason why it should here. The design of development, including landscaping could contain the unattractive views of the depot.

Synthesis

- 23. The objection site and the two fields are of very little value to the Green Belt, to the MLA, to agriculture and to nature conservation. On the other hand they occupy a highly sustainable location in terms of accessibility to PT and to services and facilities. They represent a significant under used opportunity. It makes little sense to develop the objection site alone in isolation. The two fields should be developed comprehensively and case law rules that Inspectors may have regard to the implications of their conclusions on land adjoining objection sites. With the possibility of another access I see no reason why these sites should not achieve an average site density of 40 dph, with perhaps lower density on the upper parts and higher on the lower parts. As a greenfield site they should be included in Phase 2 of Policy HX which should provide time to resolve the access issues.
- 24. The objection site and the adjoining fields should be excluded from the MLA and from the Green Belt. Consideration should also be given to excluding from the Green Belt the remainder of the Council Depot and the small triangular field to the west, drawing the Green Belt boundary along the A610 and the western side of the disused railway cutting, in order to achieve a clear logical boundary that reflects that immediately to the west.

Recommendation

25. I recommend that the objection site Kic, the remainder of the field and the adjoining field be excluded from the Green Belt and the MLA and allocated for housing at a minimum average density of 40 dph in Phase 2 of Policy HX. Consideration should also be given to excluding the remainder of the Council Depot and the small triangular field to the west from the Green Belt, drawing the Green Belt boundary along the A610 and the western side of the disused railway cutting.

KI(1) NORTH EAST OF ALMA HILL, KIMBERLEY

Background

- On receipt of the objector's statement of evidence, the Council wrote to the agents on 13th November 2001 arguing that no duly made objection had been made in respect of allocation H2I as a whole and that it was not acceptable to propose an alternative site within the context of objections to R220. They referred to the regulations that only objections to changes could be made at the RDDP stage.
- 2. The objector responded in a letter of the 27th November 2001 that they were not informed of the deposit of the FDDP despite their involvement in the CDP. Following the closing date for objections, the objector became aware of the FDDP and were advised by Council officers to object to sites at the RDDP stage and

Chapter 10 - Proposed potential housing and/or employment development sites

thereby introduce the objection site, which was considered at the previous CDP stage.

- 3. The Council replied on the 29 November 2001. They enclosed a letter dated 21st August 2000 from the Council to the objectors which stated that as the representations were not made within the deposit period the objector would not be entitled to appear at the inquiry. They pointed out that in the duly made objection to the RDDP they were not advised that a new site at Alma Hill was sought.
- I dealt with the Council's letter of the same date at the opening of the inquiry 4. session previously scheduled for this objection on the 29 November 2001. referred to the Pre-Inquiry Meeting in July when I specifically drew the Council's attention to a number of objections that had been made to the RDDP, which appeared to me to relate to the FDDP. I drew the Council's attention to government advice in PPG12, which suggested that the Council should have rejected objections such as these as not duly made. I advised that if the Council pursued this approach, they should advise the objectors accordingly and well before the start of the inquiry so as to allow them time to mount any challenge and avoid jeopardising the inquiry timetable. However, I stressed that it was for the Council and them alone to decide which objections were duly made, although clearly they should act consistently. My responsibility was to deal with the objections that the Council had accepted and put before me. At the PIM, the Council acknowledged the issue but advised that they wished me to deal with all the objections that they had accepted and which were to be included in CD 30.
- 5. This objection is included on page 140 of CD30. At the inquiry, I referred to my advice at the PIM and to the Council's response and assurances. I knew of no provisions that allowed me to reject objections that had been accepted by the Council as duly made. The Council confirmed that they were unaware of any. I drew attention to the dangers of the Council acting inconsistently in respect of some objections but not others and at such a late stage in the programme. It was not for me to reject objections that had been accepted by the Council upon seeing the detailed evidence. I would, as the Council had requested, deal with those objections put before me whatever their nature; nothing more and nothing less. The Council gave assurances that they would not re-visit the issue.
- 6. The objector in seeking the deletion of H2I in its revised form, had, by way of substitution, suggested some re-assessment of those sites around Eastwood/Kimberley/Nuthall that had been rejected at the CDP stage. In the light of this, it was clearly open to the objector to put forward all of these sites. I could find no criticism that they then confined it to one of the sites rejected at the CDP stage.
- 7. The Council's letter of the 21st August 2000 was misleading. It would have been more accurate to inform the objector that a none duly made objection would not be put to the Inspector holding the inquiry. However, it is for the Inspector not the Council to decide whether to hear at inquiry those objections that had been accepted. In view of these factors, I ruled that I would hear the objector at the scheduled inquiry session.

- 8. It is clear from the RDDP and the Council's Proposed Pre Inquiry Changes that some greenfield and even some Green Belt sites are likely to be needed to meet SP requirements for housing and for employment land due to the shortage of sites within the urban areas of Broxtowe. Indeed, the Pre Inquiry Changes put forward still include major allocations of housing and employment land in the Green Belt; H2I, EM2 and EM3f at Watnall/Nuthall. For reasons set out in Chapters 4 and 5, 1 recommend that these allocations be deleted from the RDDP. I have to identify other more suitable sites for housing and employment development.
- 9. Where there is an outstanding need to take Green Belt sites to meet SP housing and employment requirements this provides the exceptional circumstances necessary to justify altering approved Green Belt boundaries. However, as the Council accepted on site H2X at Giltbrook, sustainable sites outside the Green Belt are to be preferred and that it is difficult to demonstrate exceptional circumstances whilst such sites exist. In considering proposed allocations in the Green Belt, 1 have regard to the extent to which they fulfil Green Belt purposes set out in PPG2 para 1.5 as well as other criteria, particularly sustainability factors.

Inspector's Conclusions

Location and Site Search Sequence

- 10. This greenfield site of about 1.9 ha lies on the edge of the built up area of the town of Kimberley. It falls within category c) of the search sequence in Policy 1 of RPG8. It is about 550 m from frequent bus services along Nottingham Road, which is the spine of the Nottingham to Eastwood PT Corridor identified in SP Policy 1/ 2 as a preferred location for major development. This may be somewhat beyond the NCC's optimum walking distance of 400 m to frequent PT routes but the IHT advise that whilst this is a desirable walking distance to bus stops, 500 m is acceptable and standards need to be applied with discretion (CD127). The site is about as close as former allocation H2d to a less important bus route and is closer to the PT Corridor than site H2I at Watnall/Nuthall. LP Policy H6 clearly anticipates some housing allocations beyond 400 m walking distance of frequent bus services.
- 11. Furthermore, CD127 suggests desirable and acceptable walking distances of 500 m and 1000 m for commuting/school. There is also an hourly bus service along Hardy Street about 200 m away. The site is within 200 m of the nearest PS and within just over 800 m of the SS and about 700 m from the edge of Kimberley Town Centre. There is a PH within about 100 m and a local shop a little further away. It may not be the most accessible of locations, but it is not remote either and is reasonably sustainable; more so than former allocation H2d and other potential housing sites.

Agriculture

12. Like most of site H2I the land is B&MV, its ALC being grade 3a. It is SP Policy 3/13 and government policy to prefer the development of lower grade land such as on H2d and H2j wherever possible. However, this site would only be a small and very limited loss to agriculture.

Green Belt

- 13. The site is bounded to the southeast and to the southwest by the rear of dwellings on the northern edge of Kimberley. It is contained to the northwest partly by development. The land slopes down to the south from the hedge, which forms the north-eastern boundary. There is also a well established hedge along the southeastern and north-western boundaries, which helps to soften the urban edge, but the south-western boundary, marked by a fence, presents a raw urban edge.
- 14. Due to its topography and to a lessor extent its vegetation this is a secluded site and development on it would not be visible at any distance from the open countryside to the north or west. It would only be seen from the edge of the town immediately to the east and south and from the adjoining PF to the north, which already has views off the adjoining town. The next nearest settlement is Watnall over 600 m away to the north east out of sight beyond the ridge. Newthorpe/Giltbrook lies over 800 m away on the other side of the valley. Development of the site would not lead to any increase in the degree or perception of coalescence of settlements. Being so well contained within the landform development on the site would not constitute sprawl. However, as the objector accepted the adjoining field to the northwest has a similar landform and is largely contained on its northwestern boundary by existing development. Development of site Ki(1) would make it difficult to resist the development of this adjoining land at some future Plan review when similar arguments could be advanced.
- 15. The objection site and the adjoining site's development would involve encroachment into the countryside, contrary to the 3rd Green Belt purpose in PPG2. However, this would be on a small scale and its impact would be limited by the "topography of the land. Its impact upon the open character of the Green Belt north of Kimberley would be minor both in absolute and relative terms. The 5th Green Belt purpose is largely served by the phasing Policy that I recommend that includes most greenfield sites in Phase 2 and thus assists urban renewal by encouraging recycling of derelict and other urban land.
- 16. The site is of very limited value to the purposes of the Green Belt. Although not subject to an objection, consideration should also be given to excluding the adjoining land to the northwest which has a similar character and which is also contained by development, the topography and a continuation of the hedge along the north east boundary. Case law establishes that Inspectors may make consequential recommendations relating to land outside an objection site. It is preferable to resolve this issue now than to revisit it at a future review when it would detract from the public concept of the permanence of Green Belt boundaries. The adjoining site could also be dependent upon the objection site for vehicular access. Development on the combined sites would round-off the existing pattern of development at this point in terms of urban form, topography and landscape. It would appear as a natural extension of the town and would in no way look intrusive or incongruous.

Access

 Development on the objection site could take ready access from either or both of the adjoining Closes to the south. Access to the adjoining land to the north west Chapter 10 - Proposed potential housing and/or employment development sites

would probably need to be via site Ki(1), whose development should provide for this. Development of the site would provide the opportunity to soften the existing hard edge to the town.

Synthesis

- 18. This is a small site of little value to the purposes of the Green Belt. It lies on the edge of a urban area in the Nottingham to Eastwood PT Corridor favoured for major development in SP Policy 1/2, although its size falls below the SP threshold for major development the SP does not preclude smaller scale development in PT corridors. The site is highly accessible to schools and reasonably so to other local services including PT routes. Its development would involve the loss of a small but acceptable amount of B&MV agricultural land. However, it would as a greenfield site only be brought forward for development in Phase 2 of Policy HX if it is shown to be needed by monitoring housing land supply and completions. This site's major advantage is that it would appear to have few development constraints and should be capable of being brought forward at short notice for development, which may be important given possible constraints on some other sites. It's intrusion into the Green Belt and countryside would be very limited in scale and extent and indeed hardly noticeable, unlike site H2j and to a lessor extent H2d. At a density of 35 dph it could provide about 66 dwellings. If the adjoining site of about 1.5 ha is allocated, the total development could bring forward about 119 dwellings.
- 19. In these circumstances, the site should be allocated for housing development under Policy H2 at a density of 35 dph and included in Phase 2 of Policy HX. Consideration should be given to allocating the adjoining land (1.5ha) to the Northwest.

Recommendation

20. I recommend that the RDDP be modified by the allocation of site Ki(1) (1.9 ha) for housing development under Policy H2 at a density of 35 dph and inclusion in Phase 2 of Policy HX. Consideration should be given to allocating the adjoining land (1.5ha) to the northwest with the same density and phasing.

KI2 SOUTH OF A610/EAST OF AWSWORTH LANE, KIMBERLEY

Background

1. It is clear from the RDDP and the Council's Proposed Pre Inquiry Changes that some greenfield and even some Green Belt sites are likely to be needed to meet SP requirements for housing and for employment land due to the shortage of sites within the urban areas of Broxtowe. Indeed, the Pre Inquiry Changes put forward still include major allocations of housing and employment land in the Green Belt; H2I, EM2 and EM3f at Watnall/Nuthall. For reasons set out in Chapters 4 and 5, 1 recommend that these allocations be deleted from the RDDP. I have to identify other more suitable sites for housing and employment development by way of replacement, although I find in Chapter 5 no need to replace allocation EM2 at this stage in view of the development and availability of sufficient sites for BPs and

Broxtowe Local Plan Review: Inspector's Report



Planning Policy Team Broxtowe Borough Council Foster Avenue Beeston Nottingham NG9 1AB

EvansLDF/12

3 November 2017

Dear Sirs

Broxtowe Local Plan Part 2 Publication Version

Further to the Council's current invitation for comments on the above consultation document, please find below **formal representations** on behalf of our clients, <u>Mr and Mrs R S Evans</u>, freehold owners of **Land north of at Kimberley.**

Context

As you are aware we have previously made representations on behalf of our client in respect of this land¹ which extends to some 1.13ha and adjoins the northern limit of the settlement boundary of Kimberley.

Our objections focussed on the failure of the then draft Plan to include site reference 116 Land north of 38 Alma Hill, Kimberley as a housing allocation and highlighted concerns regarding the Council's approach to the Green Belt Review where sites (and their own in particular) had been assessed and discounted on the basis of illogical (and inappropriately extensive) evaluation zones.

The Publication Version of the Local Plan Part 2 does nothing to address these objections – and consequently **such concerns** clearly <u>remain unresolved</u>.

You will recall that the site has previously been promoted through the Council's 2012/13 SHLAA process and afforded **site reference H116 Land north of 38 Alma Hill, Kimberley.** As part of this process, the land was identified in the '*Kimberley'* document comprising the Site Allocations Issues and Options November 2013 as an allocation option deemed '<u>Could be Suitable if Green</u> <u>Belt Policy Changes'</u>.

¹ Attached to form Appendix IBA1

Furthermore, during the preparation of the current Broxtowe Local Plan, the Planning Inspector, in recommending that the immediately adjoining Site H113 - Land north of Alma Hill) was removed from the Green Belt and allocated for residential development, stated that, *"Consideration should be given to allocating the adjoining land (1.5ha) to the Northwest* [i.e. Site H116]".

Formal Representations

The Council's approach to the distribution of development (as far as it relates to Kimberley) as set out in the Broxtowe Local Plan Part 2 Publication Version is <u>not supported</u>.

The draft as presently worded is <u>not</u> considered to be *sound* on the basis that it:

- has not been positively prepared;
- is neither justified nor effective; and
- does not comply with national planning policy.

The Adopted Core Strategy confirms **Kimberley as a 'Key Settlement'** and identifies the requirement for **up to 600 new homes** to be distributed towards Kimberley during the Plan period.

However, the Publication Version only allocates sufficient land for approximately 167 dwellings across the following three sites:

- land south of Kimberley including Kimberley Depot (105 homes);
- land south of Eastwood Road, Kimberley (40 homes);
- Builders Yard, Eastwood Road, Kimberley (20 homes).

Two of the allocations were allocations in the previous 2004 Local Plan and quite clearly have not been brought forward for development in the intervening period. This in itself raises legitimate questions over confidence regarding their deliverability over the next Plan period – perhaps indicating that there are problems with either site e.g. physical or technical constraints or ownership issues?

In order for the Plan to be *sound*, the Council and the Inspector must be confident that *all* of those sites allocated for development *will* be developed <u>during the Plan period</u>.

The single (*new*) allocation comprises land south of Kimberley, including Kimberley Depot².

² Policy 7.1.

Part of this site currently comprises part of the Babbington/Swingate/Verge Wood Mature Landscape Area as acknowledged in the Sustainability Appraisal and summarised in paragraph 7.6 of the Local Plan Part 2 Publication Version.

Indeed, the impact on the landscape is identified as a **negative effect** in the Sustainability Appraisal – albeit this is somewhat conveniently summarised in the aforementioned paragraph 7.6 as "only one <u>very minor</u> negative effect".

Despite the above, there appears to be no specific justification why this site in its entirety was chosen to be the sole (*new*) allocated site over others that have previously been identified as being potentially suitable subject to (Green Belt) policy change.

Whilst four sites were assessed in the *Landscape and Visual Analysis of Potential Development Sites (January 2017),* others were not – and again there would appear to be no explanation as to why this was the case.

In the above connection, my clients' site at Land north of 38 Alma Hill, Kimberley³ (and the adjoining site at Land north of Alma Hill, Kimberley⁴) had been previously recommended (by the 2004 Local Plan Inspector) to be removed from the Green Belt and allocated for housing as part of the 2004 Plan – a recommendation which the Council subsequently ignored.

Neither site comprises part of a Mature Landscape Area and both sit below the ridgeline – together comprising an **extremely logical extension/rounding-off of the Main Urban Area**.

Both sites have no ecological interest – in contrast to the proposed (*new*) allocated site which, in part, comprises part of a wider Local Wildlife Site (which might in itself serve to constrain housing numbers on this site?)

The Council's 2015/2016 SHLAA identified both sites as being suitable for housing if (Green Belt) policy changes.

Despite all of the above, neither sites 116 or 113 were included as part of the aforementioned *Landscape and Visual Analysis of Potential Development Sites* earlier this year and this is considered to be a **significant flaw** in the site selection process – both in terms of being <u>robust</u> and being <u>transparent</u>.

The rationale for under-allocating so significantly is that the Council is evidently relying on some 333 dwellings (identified in the 2015/2016 SHLAA as being deliverable and developable) being delivered during the remaining Plan period.

³ Site reference 116

⁴ Site reference 113

It is however noted the proposed allocations at land south of Eastwood Road, Kimberley and the Builders Yard, Eastwood Road, Kimberley (comprising 40 dwellings and 22 dwellings respectively) have also been included as part of the 333 houses in the 2015/2016 SHLAA that the Council are relying on to make up overall numbers. Consequently, the Council has **double-counted** the contribution of these two sites and therefore <u>the SHLAA contribution of 333</u> dwellings will, in any event, need to be reduced by 62 dwellings to result in a maximum total contribution of 271 – resulting in a further housing deficit when measured against the Core Strategy requirements for Kimberley.

Even adding *all* of these dwellings to the three sites proposed for allocation, the Council is still some **162 houses short** of the Core Strategy requirement for Kimberley.

Of course, it would be extremely naïve to realistically assume that all of those sites identified in the 2015/2016 SHLAA would come forward to deliver the 333 (271) houses envisaged in the Publication Version of the Broxtowe Local Plan Part 2 – meaning that the housing deficit from the Core Strategy requirement for Kimberley is likely to be even more!

The above concerns are further corroborated by the 2015/2016 SHLAA which confirms that only 24 dwellings have either been implemented or are under construction during the first five years of the Plan period (2013-2018).

The allocation of both Sites 116 and 113 would (as is confirmed by the 2015/2016 SHLAA) be capable of delivering some 117 homes – i.e. bringing the housing total closer to the Core Strategy requirement, and allowing for some flexibility in case some of those SHLAA sites identified by the Council do not, for whatever reason, come forward as originally envisaged.

The failure to allocate sufficient land and the Council's over-reliance on SHLAA sites to come forward to make up the majority of the delivery of the remaining Core Strategy housing requirement is not considered to be justified or effective – meaning that the Publication Version cannot be considered to have been positively prepared.

Nor is it considered to be compliant with national planning policy.

In circumstances where Kimberley has been identified as a key (sustainable) settlement within the Borough, the fact that it is already tightly constrained by the current Green Belt boundary is a significant consideration.

National Green Belt policy advises that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

Paragraph 83 of the Framework confirms that, at that time, Authorities should consider the Green Belt boundaries having regard to their intended permanence in the long-term, so that they should be capable of **enduring** <u>beyond the Plan period</u>.

Paragraph 85 advises that, when defining boundaries, local planning authorities should, amongst others:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their Plans areas of "safeguarded land" between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the Plan period;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the Development Plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

The Council's approach to date has been to under-allocate in a bid to limit the release of land from the Green Belt.

However, such an approach is entirely **inconsistent** with <u>national Green Belt policy</u>.

The under-allocation (and over-reliance on SHLAA sites which the Council has no control over the delivery of) results in an inconsistency with the Local Plan Strategy for meeting identified (Core Strategy) requirements for sustainable development in Kimberley.

More particularly, the above approach fails to integrate any sense of flexibility into the Plan as far as Kimberley is concerned should any of the allocated, or SHLAA sites, fail to come forward as envisaged by the Local Plan Part 2 Publication Version.

In the above connection, it is important to acknowledge that two of the three sites proposed for allocation (and many of the SHLAA sites that the Council relies on) were promoted and allocated in the 2004 Plan and have, for whatever reason, failed to come forward in the past 13 years or so.

Indeed, even the latest 2015/2016 SHLAA confirms the Council does not anticipate these sites being brought forward until <u>at least 2023 onwards</u> – hardly a glowing endorsement as to their expected/anticipated delivery within the remaining Plan period!

National Green Belt policy is very clear that Green Belt boundaries should only be altered in *exceptional circumstances* and through the preparation or review of the Local Plan – and that at that time, local authorities should consider the Green Belt boundaries having regard to their intended permanence in the long-term, so that they should be capable of enduring beyond the Plan period.

As Kimberley is entirely surrounded by the Green Belt, any additional land required to meet a deficit in the housing requirement at any stage during the Plan period, or beyond, will necessarily entail the release of additional land from the Green Belt to satisfy such need.

However, there is presently no provision (nor therefore flexibility) for this in the *current* draft Plan.

In addition, it is quite clear that the Green Belt boundary has been altered to simply meet the housing requirements of the current Core Strategy Plan period.

The Publication Version of the Local Plan Part 2 therefore evidently fails to ensure that the new Green Belt boundaries are capable of enduring beyond the Plan period, since the current draft relies on all available sites within the existing urban area coming forward for development <u>and</u> the development of all three sites proposed for allocation – i.e. if *all* of those sites identified to come forward through the Plan period are delivered as intended, it is most unlikely that there will be any suitable and available sites within the built-up area left to be developed to meet any future housing requirements beyond the Plan period.

In the above connection, the direct consequence of the Council's current approach is that the Green Belt boundary as proposed to be altered will quite clearly not be capable of enduring beyond the Plan period.

Indeed, it would appear inevitable that the Green Belt boundary will need to be altered again at the end of the Plan period to meet longer-term development needs. It would seem inconceivable that such a sustainable (key) settlement such as Kimberley would not be considered suitable to accommodate *any* new housing in the Plan period beyond the current one.

As a consequence of all of the above, the Council's current approach quite clearly conflicts with national Green Belt policy in connection with the same.

Allied to the above, it does not appear that the Council has considered the identification of **safeguarded land** between the urban area and the Green Belt in order to meet longer-term development needs stretching well beyond the Plan period, or considered (as part of the Green Belt Review) whether to not include land in the Green Belt which it is unnecessary to keep permanently open⁵.

For all these reasons, the Council's Publication Version of the Local Plan Part 2 cannot be supported and **is not considered to be** *sound*.

⁵ Paragraph 85 of the Framework

To <u>remedy the above objection(s)</u>, the Council should ensure that sufficient land is allocated to deliver the Core Strategy housing requirement for Kimberley over the remainder of the Plan period.

As part of the above, the Council's approach should incorporate sufficient flexibility to allow for either those sites proposed for allocation, or those SHLAA sites the Council is relying on, not coming forward as originally envisaged.

Such flexibility should come in the form of additional allocations and the identification (or at the very least consideration of the identification) of safeguarded land – all to ensure that, once altered, the Green Belt boundary will be permanent and capable of enduring beyond the current Plan period.

In the above connection, **the Council should allocate Sites 116 and 113** in combination <u>to</u> <u>provide circa 117 homes</u> on land north of Alma Hill, Kimberley to make up some of the current (Core Strategy) housing deficit and introduce a level of inherent flexibility into the Plan.

The additional allocation of Sites 116 and 113 in combination would be entirely consistent with national Green Belt policy (paragraph 85 of the Framework in particular) as follows:

- the allocation of a further 117 homes would align much more closely to the Core Strategy housing requirement for Kimberley over the remainder of the Plan period – thereby ensuring consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- the recommendations of the 2004 Local Plan Inspector to release the land from the Green Belt and allocate for housing corroborates the view that the land should <u>not</u> be included within the Green Belt and it is unnecessary to keep this land permanently open;
- sites 116 and 113 in combination comprise an extremely logical extension/rounding-off of the urban area and would allow the Green Belt boundary to follow clearly defined, physical features that are readily recognisable and likely to be permanent; and
- whether in isolation, or in combination with other land identified as safeguarded land, the additional allocation of sites will introduce a level of flexibility to ensure that the new Green Belt boundary is capable of being permanent and enduring beyond the Plan period.

I trust the above is of assistance to the Council and the Inspector presiding over the forthcoming Review Examination and look forward to being notified of any subsequent consultation stage and/or the arrangements for the Examination in Public. Should you require any further information in the interim, please do not hesitate to contact me.



Director

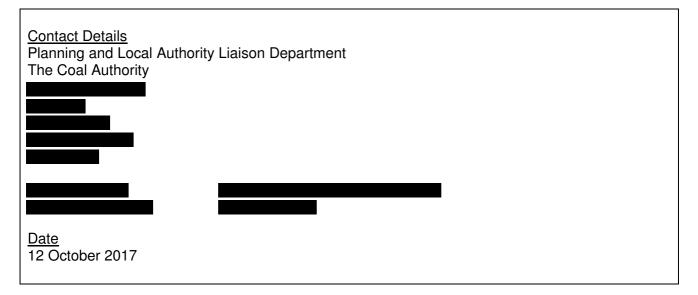


November 2017



Broxtowe Part 2 Local Plan - Publication Version

Consultation Deadline – 3 November 2017



Background on the Coal Authority

The Coal Authority is a Non-Departmental Public Body sponsored by the Department for Business, Energy & Industrial Strategy. The Coal Authority was established by Parliament in 1994 to: undertake specific statutory responsibilities associated with the licensing of coal mining operations in Britain; handle subsidence claims which are not the responsibility of licensed coalmine operators; deal with property and historic liability issues; and provide information on coal mining.

The main areas of planning interest to the Coal Authority in terms of policy making relate to:

- the safeguarding of coal in accordance with the advice contained in The National Planning Policy Framework and Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Minerals Planning Policy Wales and MTAN2 in Wales;
- the establishment of a suitable policy framework for energy minerals including hydrocarbons in accordance with the advice contained in The National Planning Policy Framework and Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Minerals Planning Policy Wales and MTAN2 in Wales; and
- ensuring that future development is undertaken safely and reduces the future liability on the tax payer for subsidence and other mining related hazards claims arising from the legacy of coal mining in accordance with the advice in The National Planning Policy Framework and Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales and MTAN2 in Wales.

Coal Issues in Broxtowe

Surface Coal Resources and Prior Extraction

As you will be aware, the Broxtowe Council area contains coal resources which are capable of extraction by surface mining operations. These resources cover an area amounting to approximately 48.88% of the Broxtowe area.

The Coal Authority is keen to ensure that coal resources are not unnecessarily sterilised by new development. Where this may be the case, The Coal Authority would be seeking prior extraction of the coal. Prior extraction of coal also has the benefit of removing any potential land instability problems in the process.

Coal Mining Legacy

As you will be aware, the Broxtowe Borough Council area has been subjected to coal mining which will have left a legacy. Whilst most past mining is generally benign in nature, potential public safety and stability problems can be triggered and uncovered by development activities.

Problems can include collapses of mine entries and shallow coal mine workings, emissions of mine gases, incidents of spontaneous combustion, and the discharge of water from abandoned coal mines. These surface hazards can be found in any coal mining area, particularly where coal exists near to the surface, including existing residential areas.

The Coal Authority has records of over 171,000 coal mine entries across the coalfields, although there are thought to be many more unrecorded. Shallow coal which is present near the surface can give rise to stability, gas and potential spontaneous combustion problems. Even in areas where coal mining was deep, in some geological conditions cracks or fissures can appear at the surface. It is estimated that as many as 2 million of the 7.7 million properties across the coalfields may lie in areas with the potential to be affected by these problems. In our view, the planning processes in coalfield areas need to take account of coal mining legacy issues.

Within the Broxtowe Borough Council area there are approximately 1566 recorded mine entries and around 9 coal mining related hazards have been reported to The Coal Authority. Mine entries may be located in built up areas, often under buildings where the owners and occupiers have no knowledge of their presence unless they have received a mining report during the property transaction. Mine entries can also be present in open space and areas of green infrastructure, potentially just under the surface of grassed areas. Mine entries and mining legacy matters should be considered by Planning Authorities to ensure that site allocations and other policies and programmes will not lead to future public safety hazards.

Although mining legacy occurs as a result of mineral workings, it is important that new development recognises the problems and how they can be positively addressed. However, it is important to note that land instability and mining legacy is not a complete constraint on new development; rather it can be argued that because mining legacy matters have been addressed the new development is safe, stable and sustainable.

As The Coal Authority owns the coal and coal mine entries on behalf of the state, if a development is to intersect the ground then specific written permission of The Coal Authority may be required.

Specific Comments on the Broxtowe Part 2 Local Plan - Publication Version

The comments and/or changes which The Coal Authority would like to make or see in relation to the above document are:

Representation No.1

Policy 21: Unstable Land

Test of Soundness

| Positively Prepared | Justified | Effective | Consistency to NPPF | Legal & Procedural Requirements Inc. Duty to Cooperate |
|------------------------|-----------|-----------|------------------------|--|
| Yes | Yes | Yes | Yes | Yes |

Support – The Coal Authority supports the inclusion of Policy 21 which identifies that within the defined Development High Risk Area planning application, for non-householder development, will need to demonstrate that the site is or can be made safe and stable.

Representation No.2

Paragraph 21.1 – Justification

Support – The Coal Authority supports justification for Policy 21 and the recognition that there is extensive coal mining legacy in Broxtowe.

Representation No.3

Policy 22: Minerals

Test of Soundness

| Positively Prepared | Justified | Effective | Consistency to NPPF | Legal & Procedural Requirements Inc. Duty to Cooperate |
|------------------------|-----------|-----------|------------------------|--|
| Yes | Yes | Yes | Yes | Yes |

Support – The Coal Authority supports this policy which states that development will not be permitted which needlessly sterilises mineral resources.

Representation No.4

Paragraph 22.1 – Justification

Support – The Coal Authority supports this justification which identifies that Nottinghamshire County Council as the Mineral Planning Authority sets out the mineral safeguarding and consultation areas based on resources identified by the BGS. It is also noted that this document notes that the mineral safeguarding and mineral consultation areas are the same. We are also pleased to see that shallow coalfield deposits are identified as one of the principal minerals in Broxtowe.

Representation 5

All Allocations

Unfortunately, even after several attempts I have been unable to download and review the Site Section Background Document which it is assumed sets out consideration of the site assessment criteria. However, on the basis of our previous comments to the Issues and Options consultation, dated 19 March 2015, it is assumed that all site allocations have been considered against relevant Development Risk and Surface Coal Resource plans, which we provide to the LPA in downloadable format. On this basis we would expect all relevant constraints and considerations in respect of coal mining legacy and surface coal resource issues to have been identified at the initial

stage when the sites were being considered for allocation in order to ensure that potential risks have been identified.

Conclusion

The Coal Authority welcomes the opportunity to make these comments. The Coal Authority also wishes to continue to be consulted both informally if required and formally on future stages.

Regards

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI Planning Liaison Manager

Details

| Agent | | |
|--|--|--|
| Please provide your client's name | | |
| Your Details | | |
| Title | | |
| Name | | |
| Organisation (If responding on behalf of an organisation) | Sport England | |
| Address | | |
| | | |
| Telephone Number | | |
| Email Address | | |
| Would you like to be contacted regarding future planning policy consultations? | Yes | |
| If you wish to comment on more than one issue you will | need to submit a form for each representation. | |

Policy relates to

| Please specify what your comment relates to | | | | | |
|---|-------------|----------------------------------|--------------|-----------|---|
| Policy number | Page number | Policy text/ Paragraph number | Policies Map | Appraisal | Other (e.g. omission, evidence document etc.) |

Question 1: What does your comment relate to? Please specify exactly

Question 2

| Question 2: What is the issue with the Local Plan? | | |
|---|-----|--|
| Do you consider this paragraph or policy of the Local Plan to be: | | |
| 2.1 Legally compliant | Yes | |
| 2.2 Compliant with the duty to co-operate | Yes | |
| 2.3 Sound | No | |

Question 3

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|-----|--|
| It is not justified | Yes | |
| It is not effective | No | |
| It is not positively prepared | No | |
| It is not consistent with national policy | Yes | |

Additional details

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details.

Consistency with National Policy

Thank you for consulting Sport England on Part 2 of the Local Plan. The Local Plan as proposed is consistent with National Policy due to having a robust and up to date evidence base in regard to its Playing Pitch Strategy and Built Facility Strategy. Please note that it is important to keep these strategies up to date so they can remain robust. However, this is questionable as this evidence base does not appear to be considered and implemented in line with NPPF paragraph 74.

Justification of the Plan - Policy Specific Considerations

In relation to the locations identified in policies 3.1-3.3, 3.5 & 6.1 for potential major growth, when decisions are made about these locations when they were brought forwards and their potential dwelling capacity. As the plan stands it is currently lacking justification or relevant consideration to whether any of the sites contain existing sports facilities such as playing fields which justify protection under policies 25, 27 and 28 of the plan and paragraph 74 of the NPPF.

Policy 3.1 – Site Allocation of Chetwynd Barracks – There is no mention of playing fields on site within the description. This site Contains 3 x full size football pitches, tennis courts, cricket wickets, bowls provision and a sports hall. The site is highlighted within the Playing Pitch Strategy as a football site. This site currently provides training capacity for Toton Tigers and the Playing Pitch Strategy highlights the need to convert the tennis courts to an Artificial Grass Pitch.

Policy 3.2 – Site Allocation of Toton Lane – The allocation includes a school site and playing pitches within the area. The development is marked for additional land for community facilities including education (the relocation of George Spencer Academy which is Mentioned in the playing pitch strategy as a football and cricket site) and the provision of a Leisure Centre. The proposals also include an allocation for 500homes.

Policy 3.3 - Site Allocation of Bramcote (East of Coventry Lane) – This site is referred to as being greenfield and as a former playing field associated with the adjacent school. The policy states that the site is currently unused. However, the most recent aerial view is from 2013 and shows marked pitches and is listed within the 2016 Playing Pitch Strategy. The site contains 7 x football pitches 3x mini football pitches and 3 cricket wickets. Playing Pitch Strategy states that site is needed and suggests proposals for cricket nets, Artificial Grass Pitch and a sports barn. Playing Pitch Strategy confirms that should the site be lost then equivalent or better provision is required as mitigation. The Site Allocation of Bramcote School and Leisure Centre is also included within this policy for redevelopment. The site includes 3 schools and borders existing playing fields the site contains a small sided Artificial Grass Pitch which is currently used by football, multiple courts and a sports hall which is also used by a local football club. Therefore, it will need to be insured that any development does not prejudice the use of these facilities.

Policy 3.5 - Site Allocation of Severn Trent – This site borders playing pitches therefore any development needs to ensure that there are no negative impacts to these pitches. The Playing Pitch Strategy also refers to the Nottingham casuals site which is stated as being overplayed and needing investment of £340,000 for changing room improvements and floodlighting.

Policy 6.1 – Walker street Eastwood – There is no mention of playing fields on site within the description. However, Google image from 2016 shows a cricket wicket and Google history shows site with 3 football pitches and a rounders pitch. This site does not appear to be covered by the Playing Pitch Strategy where there is a shown deficiency and no justification for pitches to be lost. The pitches should be protected from development.

Map 3 - this map includes the site allocation of Trent Vale sports club within the mixeduse commitments however the plan gives no further information on this allocation. Details of the allocation should be provided to ensure the facilities are retained as playing fields and upgraded to sufficient standards as detailed within the Playing Pitch Strategy.

Where these sites contain pitches and the evidence base highlights a deficiency in provision there is a conflict within the policies. Therefore, the extent of development in these locations should account for the need to maintain such facilities and site policies

| should require the facilities to be protected or replaced. The loss of the playing fields without an agreed compensatory project being implemented would not accord with Sport England's playing fields policy or paragraph 74 of the NPPF. Policies 17 & 24 - Sport England supports the idea of health impact to be a design consideration for new communities and would encourage the inclusion of a design policy which encourages developments to be designed to promote active lifestyles through sport and physical activity (through use of Sport England's and Public Health England's established Active Design guidance (http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/) Policy 25 – Sport England seeks to ensure that a planned approach to the provision of facilities and opportunities for sport and recreation is taken by planning authorities. We are pleased that it is the council's intention to ensure policies provide adequate sport and recreation facilities apart of new developments. However, the level of provision should be determined locally and should be informed by the Playing Pitch Strategy an Green Infrastructure Strategy. Policy 27 - Sport England is encouraged that the emerging local plan looks to include policies to protect existing sport/leisure facilities where there is a need to do so to met existing/future community needs. However, it is then paragraph 74 of the NPPF - polici that support the principle of enhancing existing sport/leisure facilities to meet community needs. However, it is that are required to meet identified needs e.g. |
|---|
| consideration for new communities and would encourage the inclusion of a design policy which encourages developments to be designed to promote active lifestyles through sport and physical activity (through use of Sport England's and Public Health England's established Active Design guidance (http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/) Policy 25 – Sport England seeks to ensure that a planned approach to the provision o facilities and opportunities for sport and recreation is taken by planning authorities. We are pleased that it is the council's intention to ensure policies provide adequate sport and recreation facilities as part of new developments. However, the level of provision should be determined locally and should be informed by the Playing Pitch Strategy an Green Infrastructure Strategy. Policy 27 - Sport England is encouraged that the emerging local plan looks to include policies to protect existing sport/leisure facilities where there is a need to do so to mere existing/future community needs which accord with paragraph 74 of the NPPF - polici that support the principle of enhancing existing sports/leisure facilities to meet community needs. However, it is though that the plan should also include policies and to provide new sports/leisure facilities that are required to meet identified needs e.g. |
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| policies to protect existing sport/leisure facilities where there is a need to do so to mee existing/future community needs which accord with paragraph 74 of the NPPF - policie that support the principle of enhancing existing sports/leisure facilities to meet community needs. However, it is thought that the plan should also include policies and to provide new sports/leisure facilities that are required to meet identified needs e.g. |
| site allocations for new playing fields, requirements in major housing and mixed-use developments for sport/leisure provision, sports hubs allocations etc |
| Policy 28 – Sport England welcomes the inclusion of policies which ensure adequate provision for new development (especially residential) to provide for the additional sport/leisure facility needs that they generate through CIL and/or planning obligations. |
| If you would like any further information or advice please contact me. |

Question 4

| Question 4: Modifications sought | | |
|--|--|--|
| Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan legally compliant or sound. | | |

Question 5

| Question 5: Public Examination Attendance | | |
|--|----|--|
| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | No | |
| If you wish to participate at the public examination, please outline why you consider this to be necessary | | |



Broxtowe District Council Council Offices Foster Avenue Beeston Nottingham NG9 1AB

SENT BY E-MAIL AND POST

3rd November 2017

Dear Sir / Madam

BROXTOWE LOCAL PLAN PART 2 PRE SUBMISSION CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following representations and in due course attend the Broxtowe Local Plan Part 2 Examination Hearing Sessions.

The scope of the Broxtowe Local Plan Part 2

The Broxtowe Local Plan Part 2 sets out detailed planning policies that will work with the strategic policies set out in the adopted Aligned Core Strategy (ACS) including specific polices for development management and the allocation of non-strategic development sites.

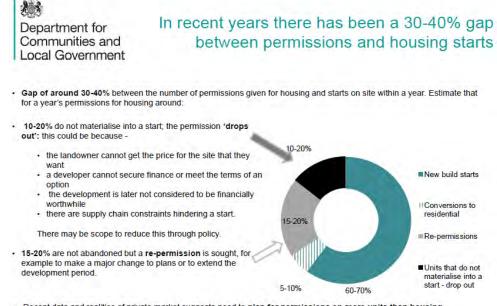
Site Allocation Policies

Overall Housing Land Supply (HLS)

The ACS sets out the overall spatial strategy for the District and this vision is rolled forward in the Local Plan Part 2. The purpose of the Local Plan is to allocate sufficient non-strategic sites to meet the housing requirement of at least 6,150 dwellings for the District to 2028. Accordingly under **Policies 3 – 7** and **11** fifteen non-strategic housing sites are allocated for circa 2,636 dwellings which comprise :-

- Policy 3 : main built up area site allocations for circa 1,779 dwellings on 8 sites (Policies 3.1 – 3.8);
- Policy 4 : Awsworth site allocation for land west of Awsworth for 250 dwellings (Policy 4.1);
- **Policy 5** : Brinsley site allocation for land east of Brinsley for 110 dwellings (**Policy 5.1**);
- Policy 6 : Eastwood site allocation for 200 dwellings & 30 extra care units (Policy 6.1);
- Policy 7 : Kimberley site allocations for 167 dwellings on 3 sites (Policies 7.1 – 7.3);
- **Policy 11** : The Square Beeston Square for 100 dwellings.

A **housing trajectory** is included in Table 4 in which the Council is showing a HLS of 6,747 dwellings against a housing requirement of 6,150 dwellings. Since the adopted housing requirement is a minimum figure it should not be treated as a maximum ceiling to restrict overall HLS and prevent sustainable development from coming forward. The Council is referred to the DCLG presentation slide from the HBF Planning Conference September 2015 (see below). This slide illustrates 10 - 20% non-implementation gap together with 15 - 20% lapse rate. The slide also suggests "the need to plan for permissions on more units than the housing start / completions ambition". It is acknowledged that this presentation slide shows generic percentages across England but it provides an indication of the level of flexibility within the overall HLS that the Council should be providing. The Council's contingency of 597 dwellings (9.7%) is below the recommendations of DCLG therefore it is unlikely to provide sufficient flexibility for unforeseen circumstances.



 Recent data and realities of private market suggests need to plan for permissions on more units than housing start/completion ambition.

Extract from slide presentation "DCLG Planning Update" by Ruth Stanier Director of Planning - HBF Planning Conference Sept 2015

5 Year Housing Land Supply (YHLS)

The 5 YHLS is a snap shot in time which can change very quickly. The following analysis addresses matters of principle rather than detailed site

specific analysis. The HBF's preferences for the calculation of a 5 YHLS are a Sedgefield approach to shortfalls as set out in the NPPG (ID 3-035) with a 20% buffer applied to both the annualised housing requirement and any shortfall. The Council's latest 5 YHLS calculation is set out in the SHLAA Report 2015/16. The Council has provided calculations using both a Sedgefield / Liverpool approach to shortfalls and 5% / 20% buffers. The Council is proposing Sedgefield and 20% buffer as the most appropriate. The HBF agrees with this proposal. However the Council is not applying the buffer to the shortfall. The HBF disagrees with this approach. The Council is referred to the following :-

- the Warwick Local Plan Examination Inspector's letter dated 1st June 2015 (paragraph 41);
- the letter dated 10th August 2015 from the Inspector examining the Amber Valley Local Plan;
- the West Dorset Weymouth & Portland Joint Local Plan Inspector's Final Report dated 14th August 2015 (paragraphs 85 & 86);
- Herefordshire Local Plan Inspector's Final Report dated September 2015 (para 48);
- Gloucester, Cheltenham & Tewkesbury Joint Core Strategy Inspector's Interim Report dated 31st May 2016;
- Forest of Dean Site Allocations Plan Inspector's Interim Report dated 24 June 2016;
- West Somerset Local Plan Inspector's Final Report dated 14 September 2016.

The Council's 5 YHLS calculation using Sedgefield and 20% buffer is only 3.6 years which will be even lower when the buffer is applied to the shortfall as well as the requirement. The Local Plan Part 2 cannot be sound if the Council cannot demonstrate 5 YHLS on adoption of the Plan. Furthermore the 5 YHLS should be maintainable throughout the plan period. As a consequence of not having a demonstrable 5 YHLS policies for the supply of housing in the adopted ACS will also be deemed out of date.

The HBF do not comment on the merits or otherwise of individual sites therefore our representations are submitted without prejudice to any comments made by other parties on the deliverability of specific sites included in the overall HLS, 5 YHLS and housing trajectories. Both the Council's overall HLS and 5 YHLS assumes that all of the allocations in the Plan will be found sound. However, the soundness of individual allocations will be discussed throughout the course of the Examination. If any are found to be unsound these will need to be deleted from the deliverable / developable supply accordingly. It is also essential that the Council's assumptions on lead-in times, lapse rates and delivery rates for sites are realistic. These assumptions should be supported by parties responsible for delivery of housing and sense checked by the Council using historical empirical data and local knowledge.

The small site windfall allowance of 195 dwellings in the 5 YHLS is considered too high. If the windfall allowance is applied throughout 5 year period there is

page 3

a risk of double counting in the early years. It is only reasonable to include a windfall allowance in the later years of the 5 YHLS.

It is also noted that the Council has applied an 8% non-implementation allowance in the 5 YHLS but it is unclear if a similar allowance has been applied to the overall HLS.

It is obvious that further site allocations are required to provide a greater overall HLS contingency and a 5 YHLS on adoption of the Plan. Therefore to maximize housing supply the widest possible range of sites, by size and market location are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. The maximum delivery is achieved not just because there are more sales outlets but because the widest possible range of products and locations are available to meet the widest possible range of demand. This approach is also advocated in the Housing White Paper because a good mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector.

The Council should also consider the allocation of developable reserve sites together with an appropriate release mechanism as recommended by the Local Plan Expert Group (LPEG). The LPEG Report proposed that "the NPPF makes clear that local plans should be required not only to demonstrate a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement, as far as is consistent with the policies set out in the NPPF" (para 11.4 of the LPEG Report).

If further information on HLS becomes available the HBF may wish to submit further comments in written Hearing Statements and during oral discussions at the Examination Hearing Sessions.

Development Management Policies

Policy 15 : House size, mix and choice

If the Local Plan is to be compliant with the NPPF development should not be subject to such a scale of obligations and policy burdens that viability is threatened (paras 173 & 174). The residual land value model is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on viability. Therefore it is important that the Council understands and tests the influence of all inputs on the residual land value as this determines whether or not land is released for development. The Harman Report highlighted that "what ultimately matters for housing delivery is whether the value received by land owners is sufficient to persuade him or her to sell their land for development".

Bullet Points (1), (2) & (3) propose differential affordable housing provision on allocated and unallocated sites subject to viability. These are :-

- On allocated sites of 10+ dwellings in Awsworth, Bramcote, Brinsley, Stapleford & Toton and any site in the Green Belt 30% or more affordable housing provision ;
- On Kimerley allocated site 20% or more affordable housing provision ;
- On unallocated C2 & C3 sites in sub-markets of Beeston 30% or more, Eastwood 10% or more, Kimberley 20% or more & Stapleford 10% or more affordable housing provision.

The Council should be mindful that the cumulative burden of policy requirements are not set so high that the majority of sites are only deliverable if these sites are routinely rather than occasionally negotiated on the grounds of viability. The Nottingham Core Viability Update Study (September 2013) is now somewhat out of date. As set out in the NPPG (ID 12-014) "when approaching submission if key studies are already reliant on data that is a few years old they should be updated to reflect the most recent information available". The adopted ACS proposed 30% on sites of 15+ dwellings. The Council has provided no new evidence to support the proposals set out in **Policy 15**. There is no up to date evidence justifying the differentials or site thresholds. It is not evidenced that lower site thresholds or C2 sites are viable. The policy is also worded such that these percentage provisions are minimums which should be deleted.

In **Bullet Point (6)** the word "size" should be deleted from the policy title and bullet point so there is no conjecture that the Council is seeking to adopt the Nationally Described Space Standard (NDSS).

Bullet Point (7) proposes that on sites of 10+ dwellings at least 10% of dwellings are Building Regulation M4(2) compliant. The Written Ministerial Statement dated 25th March 2015 stated that "the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG". If the Council wishes to adopt the higher optional standards for accessible & adaptable homes the Council should only do so by applying the criteria set out in the NPPG (ID 56-005 to 56-011). All new homes are built to Building Regulation Part M standards so it is incumbent on the Council to provide a local assessment evidencing the specific case for Broxtowe which justifies the inclusion of the optional higher standard of M4(2) for accessible / adaptable homes in its Local Plan policy. If it had been the Government's intention that evidence of an ageing population justified adoption of M4(2) then the logical solution would have been to incorporate the standard as mandatory via the Building Regulations which the Government has not done. M4(2) should only be introduced on a "need to have" rather than "nice to have" basis.

Bullet Point (8) proposes that on sites of 20+ dwellings the Council will seek at least 5% self / custom build. The HBF supports self and / or custom build in principle for its potential additional contribution to overall housing supply where this is based on a positive policy approach to increase the total amount

page 5

of new housing development and to meet an identified and quantified selfbuild housing need. Such positive policy responses include supporting development on small windfall sites as well as allocating more small sites. It is not evident that the Council has assessed such housing needs in its SHMA work as set out in the NPPG (ID 2a-021) whereby the Council should collate from reliable local information the local demand for people wishing to build their own homes. It is not known the number of people who have registered on the Council's Self Build Register. So there is no publically available evidence to justify the Council's proposed policy approach of seeking selfbuild plots on all housing sites of more than 20 dwellings. Furthermore the Council has not undertaken any viability assessment of this policy proposal. The NPPG confirms that "different types of residential development such as those wanting to build their own homes ... are funded and delivered in different ways. This should be reflected in viability assessments" (ID 10-009). The Council's proposal is a restrictive policy which provides no additionality to land supply but merely changes house construction from one to another type of builder. It is suggested that the Council gives further consideration to the practical workings of **Bullet Point (8)** including the implications on responsibilities under health & safety legislation, working hours, length of build programmes, etc. The Council should also refer to the East Devon Inspector's Final Report dated January 2016 which expresses reservations about the implementation difficulties associated with this sort of policy. In para 46 the Inspector states "However, I don't see how the planning system can make developers sell land to potential rivals (and at a reasonable price)". If self build / custom build plots are not developed the Council has proposed no mechanism by which these dwellings may be developed thereby effectively removing these dwellings from its HLS which is unjustifiable in the current circumstances where the Council cannot demonstrate a 5 YHLS on adoption of the Local Plan Part 2.

Policy 17 : Place-making, design & amenity

Bullet Points (2) & (3) require developments of 10+ dwellings to be assessed under Building for Life 12 and to achieve a score of 9 or more greens. The HBF is supportive of the use of Building for Life 12 as best practice guidance to assist Local Planning Authorities, local communities and developers assess new housing schemes but it should not be included as a Local Plan policy requirement which obliges developers to use this tool. The use of Building for Life 12 should remain voluntary. The reference to Building for Life 12 should be removed from **Policy 17** to the supporting text. The requirement for 9 or more greens is also a misinterpretation of the use of Building for Life 12.

Policy 20 : Air quality

Bullet Point (2) is a vaguely expressed aspiration. It is doubtful if this aspect of the policy can be effectively implemented.

Policy 26 : Travel Plans

Policy 26 and its supporting text are contradictory. The policy requires submission of Travel Plans for all housing sites of 10+ dwellings but the

justification (para 26.1) states the requirement is applicable to only nonallocated sites. Even if the policy is amended to apply explicitly to nonallocated sites Travel Plans should only be required if there is an identified impact to warrant such a requirement.

Policy 27 : Local Green Space

The HBF would question if the proposed Local Green Space designation under **Bullet Point (3)** is appropriate. The area identified on the accompanying map is extensive. This designation could be construed as a redesignation as Green Belt by another name via the back door.

Policy 32 : Developer Contributions

As stated in the NPPF the use of planning obligations should only be considered if it could make unacceptable development acceptable (para 203). Furthermore planning obligations should only be sought which meet all of the tests set out in the NPPF (para 204). It should be clear that any improvements to existing facilities is related to the proposed development and it is not rectifying an existing deficiency.

If any of the above mentioned **Policies** are modified then the HBF may make further comments in Hearing Statements and orally at the Examination Hearing Sessions.

Conclusion

The purpose of the Broxtowe Local Plan Part 2 is :-

- the allocation of non-strategic sites to meet the housing requirement set out in the adopted ACS ;
- the provision and maintenance of a 5 YHLS ;
- the setting out of detailed development management policies.

The Plan is unsound (not positively prepared, unjustified, ineffective and inconsistent with national policy) because the Plan fails to :-

- provide sufficient flexibility in the overall HLS ;
- demonstrate a 5 YHLS on adoption ;
- set appropriate policy requirements in **Policies 15, 17, 20, 26, 27 & 32**.

It is hoped that these representations are helpful in informing the next stage of the Broxtowe Local Plan Part 2. If you require any further assistance or information please contact the undersigned.

Yours faithfully







3rd November 2017

Broxtowe Labour Group response to the Local Plan Part 2

Dear Steffan

I am writing in my capacity as Deputy Leader of the Labour Group in order to respond to the Local Plan Part 2 on behalf of the Labour Group of Councillors on Broxtowe Borough Council.

The Labour Group recognise the time, commitment and level of consultation that has gone into developing the current draft of the local plan, and we commend the officers involved on their efforts in relation to this important work.

The Local Plan Part 2 sets out the vision for Broxtowe for the next ten years, and during that time Broxtowe is likely to face significant changes, with demographic change, population growth and a fundamental shift in infrastructure with for example the advent of HS2. Broxtowe's residents are also likely to change the ways in which we live our lives, with the advent of new technologies and green energy. We believe that our Council must take a progressive and forward thinking approach to meeting those changes and challenges head on.

Broxtowe's Local Plan Part 2 must not only to be environmentally responsible, but also be environmentally progressive. Our commitment in Broxtowe is for 6150 homes by 2028 and when taken collectively, those homes have the ability to make a significant impact on the environment. We would therefore like to see additional commitments built into the plan in respect of new developments that ensure environmentally friendly housing development, which proactively encourages energy efficiency through the use of technologies such as solar panels, and ground source or air source heat pumps.

Over the next ten years, we have the opportunity to bring about significant change in Broxtowe in terms of becoming a proactively green borough. We believe that there are a number of adjustments to the local plan that may provide for this, including the introduction of electric charging points across the borough, a commitment to introduce a significant shift in the uptake of cycling by increasing the cycle paths available in the borough, and the allocation of land specifically for the creation of green energy - such as solar or wind energy. In addition, we recognise that fracking has the potential to impact on significant swathes of Broxtowe over the next ten years. Whilst we note the key role that the County Council has to play in relation to fracking decisions, we believe that Broxtowe Borough should assert a commitment to a frack free Broxtowe in respect of the minerals policy in the Local Plan.



Green transport is also going to offer significant change in Broxtow® over the next ten years as we move towards preparing for the arrival of HS2 in Toton. We welcome HS2 and the opportunities that it will bring for jobs creation and local growth. A significant infrastructure project the size of HS2 offers an opportunity to put Broxtowe on the map, building an economic hub around the Toton Sidings station and the surrounding area. We are therefore strongly in favour of the provision for economic development and transport provision, including a StapleFord Gateway that promotes business growth in the corridor between Toton Sidings and Stapleford. Further, outside of the immediate HS2 area, we are strongly supportive of the development of a freight terminal at Bennerley Washings in order to support jobs and growth in the North of the Borough as well as the South.

In addition to provision of green transport in respect of HS2, we have a clear commitment to the introduction of environmentally sound methods of transport in Broxtowe and the introduction of additional capacity to transport infrastructure in order to cope with population growth and changing demographics. We therefore advocate for a corridor of land reflecting the proposed tram route in Kimberley to be earmarked for the introduction of a new tram route in the North of the borough, joining Eastwood, Kimberley, Nuthall and Nottingham. We would also be supportive of additional bus infrastructure that joins the North and the South of the borough.

We believe that there should be put into place a green infrastructure corridor that extends from the HS2 site to Bramcote Woods, with a view towards creating a single extended green infrastructure corridor between the North and the South of the Borough. Such a corridor would be particularly valuable for nature preservation in terms of uninhibited movement of species. It would also provide a protected area for residents to enjoy and explore, thereby supporting our commitments to healthy lifestyles and green space preservation. Our green infrastructure sites should be enforceable in planning terms in order to secure their maximum impact.

In housing terms, we support a housing strategy which matches the demographic growth of Broxtowe and meets already existing shortfall in addition to those commitments required for future provision. The commitments to housing mix must be backed up by evidence drawn from housing waiting lists and population growth demographics. Faced with an aging population who are experiencing increasingly complex conditions, we would like to see strengthened commitments to the provision of dementia friendly housing and also supported living. In addition, we believe that there is a role for an increased development of Council owned social housing and we would like to see a specific commitment in the housing mix policy to this. In terms of site allocations, whilst we broadly welcome the site allocations set out in the plan, we have some concerns that the density of development in the South of the borough will lead to significant pressures on both community and transport infrastructure and we believe this needs examining in some detail. In particular, we are concerned that there will be significant transport pressure placed on the A6005 that runs through Toton, Attenborough, Chilwell and Beeston and that capacity here will need to be considered. Likewise, we have some similar concerns surrounding the transport infrastructure capacity to support the proposed development in Awsworth in the North of the borough, and the access routes to the Chetwynd development in Chilwell in the South.

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We strongly believe that housing should not be developed in isolation and we recognise a clear need for the provision of a wide variety of community infrastructure to support the proposed housing site allocations. This is particularly the case in the proposed developments in both Beeston Rylands, and the Chetwynd Barracks site in Chilwell, where planned developments are of a significant enough size to change the shape, dynamic and operation of the communities there. In these cases, we believe that there is a real need for the type of infrastructure that supports a community of significant size, such as shops, doctor's surgeries, green space, and places for the community to meet. In line with these principles, we also request that the 'Horse Field' in Beeston Rylands to the back of Cornwall Avenue not be included in the plan, tand that Kettlebrook Lodge in Kimberley continues to be excluded from the plan in rany revisions that may arise following this consultation. In addition, we would also stipulate that where community facilities do need to be moved in order to make way for proposed development, they are provided with a guaranteed site allocation and an enhanced facility to compensate the community for any loss.

We also believe that green spaces and green infrastructure have a clear role to play in any site allocation and therefore in particular reference to the site close to Bramcote Crematorium, consideration must be given to the preservation of a green corridor that runs between the North and the South of the borough. In addition, we recommend that provision be made for a network of footpaths running across the <u>Che</u>twynd Barracks development.

Strategic development sites in the borough also offer the opportunity to bring about jobs and growth, and we welcome the commitment in the Local Plan Part 2 to develop Beeston town centre through the Phase 2 site. As part of this, we believe that there must be the clear provision of cultural and community space, including a clear expanse of public realm inclusive of a water feature similar in style to Nottingham market square. We believe that this space should extend between the current site and the church, including provision for the demolition of the current Argos block. Whilst we recognise that this development should be mixed use, we also believe that the formula for attracting homes in this critical development should not be based on a short term gain of capital receipts. Instead, the strategy for redeveloping Beeston square should maximise economic rental revenue for the <u>Council</u> in future years.

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In order to support jobs and growth in Broxtowe we believe there is a role for regeneration of all four of our town centres across the borough. We are supportive of the developments in Beeston town centre but we believe there is a role for growth in our towns also in Stapleford, Eastwood and Kimberley. We are therefore concerned at the assertion in the current version of the Local Plan Part 2 that our town centre boundaries will be constricted in order to potentially make way for new housing development at the edges of those town centres: we would advocate to keep the boundaries in their current state.

Our belief, as referenced in earlier in this response, is that housing should not be developed in isolation but in partnership with the community infrastructure already in existence, and reducing our town centre boundaries seems to go against this principle. Likewise, we believe that the current Broxtowe college site should not be sacrificed for more housing. Instead, it should be retained as a site for high quality education and training provision, or for employment provision if this is not possible. Likewise, we are aware of current plans to explore options for Beeston town hall: we believe that this community heritage asset offers more opportunity than the provision of housing, and has the potential to be used in creative ways to provide direct support for the members of community, looking towards examples of good practice such as Derby City Council's health and housing hub.

Ultimately, we believe that our Local Plan should offer the opportunity to become a forward thinking, progressive borough that is not only a centre for jobs and growth but also harnesses the opportunities of the future in terms of technological change, green energy and green transport. We believe that the policies in the Local Plan Part 2 and the respective allocation sites in Broxtowe should reflect this ambition, and should also reflect a core desire to develop not just housing, but also the communities that will live, work and thrive in those developments.

Yours sincerely,

Dawn Elliott Deputy Leader of the Labour Group On behalf of the Broxtowe Labour Group Planning Policy Broxtowe Borough Council Council Offices Foster Ave Beeston Notts NG9 1AB

3rd November 2017

Dear Sir/ Madam

Comments on Publication Version Part 2 Broxtowe Local Plan

Thank you for the opportunity to comment on the Broxtowe Local Plan Part 2 (publication version).

Whilst recognising the need for housing provision and economic investment in Broxtowe, we have significant concerns about whether the scale of growth proposed during the plan period is necessary or sustainable.

We do not currently have resources to submit each comment on a separate form but to help with your collation of responses our comments are broadly set out by policy number, as requested on the response form (question 1). Where appropriate, we have also indicated if we query the 'soundness' of the plan, as per question 2 and 3. After putting forward our comments we have submitted suggested modifications, as per question 4 of the response form.

Our comments on individual policies are set out below:

Policy 3 Main built up area site allocations

For the reasons provided at 3.1 and 3.2 we generally support the Spatial Strategy approach. We do, however, have substantive concerns about the scale of some of the allocations. We do understand that allocation sites would not necessarily be built up in their entirety and land within the allocation boundary would potentially be set aside for Green Infrastructure (GI) provision and related requirements. However, we think that seeing sites with large red-line boundaries might be potentially confusing and of concern to many of the other consultees - certain local community groups and individuals have contacted us about their concerns about potential loss of greenfield and wildlife sites.

Policy: 3.1 Chetwynd Barracks: 500 homes (within the plan period)

If this site is to be allocated, we very much support the 'key development requirement' to "*Retain and enhance Green Infrastructure corridors around the eastern and northern areas of the site*".

Some parts of the site have developed significant habitat value. These include Hobgoblin Wood and the adjacent Chilwell Ordnance Depot Local Wildlife Site (LWS) which is located outside the redline boundary. Both areas should be protected during construction phase and be retained within GI with their management secured and paid for in perpetuity by the developer. Focusing new built development on the previously developed parts of the site whilst converting and reusing existing buildings, roads and infrastructure wherever possible would allow for a more sustainable form of development to be achieved.



Nottinghamshire Wildlife Trust



President Sir Andrew Buchanan Bt.

Registered Charity No. 224168R A company limited by guarantee. Registered in England No. 748865.

Modification sought

Include a clear statement confirming that Hobgoblin Wood, other woodland area, mature trees and grasslands will be retained and their long-term management will be secured in perpetuity.

Policy: 3.2 Toton (Strategic Location for Growth): 500 Homes

Toton sidings is at the very centre of the Erewash Valley Living Landscape area, where many partners including Broxtowe Borough Council are investing in extending and improving habitats and GI to achieve Broxtowe Borough Council's Biodiversity and GI targets.

We therefore **object** to this site as a strategic location for growth. Not only would it lead to the loss of a substantial area of Green Belt, resulting in the merging of Chilwell and Stapleford, it would cause a well-defined wildlife corridor between the Erewash Valley and Wollaton Park (via Bramcote Village and Beeston Fields golf course) to be lost. This corridor is identified as primary corridor 1.2 and secondary corridors 2.12 and 2.23 in the Broxtowe Green Infrastructure Strategy and the land between the two secondary corridors will also, in effect, function as a single wide corridor.

We cannot see how transport issues can be addressed in a location already suffering from severe congestion and where other large-scale developments are planned for the current plan period, i.e. 500 homes in connection with the Chetwynd Barracks redevelopment.

We need to point out that part of this land, especially the northern and eastern part of the sidings, are within floodplain and are at high risk of flooding. Therefore, there should be a presumption against development of these parts of the site. Also, if substantive measures are not put in place (e.g. flood storage), development of such a large parcel of land could increase risk of both fluvial and surface water flooding in adjacent areas, especially within Toton and parts of Long Eaton.

Whilst we don't support the principle of development on Green Belt and the scale of the proposed development, we welcome inclusion of open space: "*Minimum of 16ha Open Space, to incorporate Green Infrastructure of sufficient width and quality to provide attractive and usable links between Hobgoblin Wood in the east and Toton Fields Local Wildlife Site in the west and the Erewash Canal, which will blend with a high quality built environment.*"

However, we would expect to see the quantity of 'informal' open space (wildlife habitat) specified in the policy wording. In the absence of this, we are concerned that:

a). the 16ha minimum could be taken up with 'formal' open spaces, such as sports pitches, play areas etc,

b). the open spaces would be sited in areas subject to high levels of disturbance, such as along paths, road verges etc, which will never develop high wildlife value,

c). areas of open spaces will be too narrow to usefully function as wildlife habitat (our comments on policy 27 and our recommendation for 50 metre wide buffer are relevant to this).

We are also concerned about the loss of such a large extent of brownfield land in the sidings, which has regenerated to woodland. New open space wildlife sites cannot be recreated easily and will take many years to develop a level of wildlife value equivalent to what will be lost from the sidings, if achievable at all.

Modification sought

Removal of the allocation. If Broxtowe Borough Council is minded to allocate then all LWS habitat should be removed from the allocation, as it might never be possible to recreate habitats of the same value. Clarification that the 16ha minimum will comprise a significant amount of informal open space (wildlife habitat), including a 50m wide habitat corridor.

Policy: 3.3 Bramcote (East of Coventry Lane): 300 Homes

If the entire site is to be developed, this allocation would result in the loss of a LWS – Bramcote Moor Grassland, which we would strongly **object** to.

LWSs are defined areas identified and selected locally for their substantive nature conservation value. Their selection takes into account the most important, distinctive and threatened species and habitats within the county. They therefore comprise many of our best remaining flower-rich meadows, ancient woodlands, ponds, swamps, fens and mires and provide a home to many of our native plant and animal species, including many rare, declining or protected species. These sites can be of SSSI quality or can be even more important than SSSIs for wildlife. We therefore consider protection of this network of sites to be of the upmost importance.

Should the LWS be lost, we would consider the policy unsound as it is not consistent with local (Policy 17 of ACS) and national policy (NPPF para 118).

Modification sought

Inclusion of a sentence stating that the LWS will not be developed or removal of LWS from the allocation boundary. If the LWS would be retained, it would also need to be adequately buffered and work would be required to make the site more robust, as it will be subject to greater footfall post any development. Future management of the LWS should also be secured.

Policy: 3.4 Stapleford (West of Coventry Lane): 240 Homes

The 'key development requirements' include "provide enhanced Green Infrastructure corridors linking urban areas of Nottingham to the east with Bramcote and Stapleford Hills, Bramcote Park, Boundary Brook, Pit Lane Wildlife Site, Nottingham Canal and Erewash Valley Trail".

Whilst we **object** to this allocation because we consider it is encroaching significantly into the surrounding countryside and that local needs have been met by the adjacent Fields Farm site, achievement of a strong corridor is very important. We also agree with the last point of the 'key development requirements', that the cemetery and Stapleford Hills should be adequately buffered, forming a strong and robust habitat corridor linking to Bramcote Moor Grassland LWS.

Modification sought

Removal of allocation. Clarification as to the extent of the corridor, so the site isn't over developed. The adjacent Field Farm Development is mentioned in the location description but we think this policy needs to offer some guidance in terms of how GI linkages will be provided between the two sites.



Nottinghamshire Wildlife Trust



President Sir Andrew Buchanan Bt.

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Policy: 3.5 Severn Trent (Lilac Grove): 150 Homes

The 'key development requirements' states that the 150 homes will be located towards the north of the site, which appears to be on the former Severn Trent works, and that access will only be from the north (Lilac Grove).

We are hopeful this means the land at the end of Cornwall Avenue will remain undeveloped. It also talks about 'soft landscaping' along the canal and the importance of "Green Infrastructure" corridors. The field at the end of Cornwall Avenue is an important buffer to the Beeston Canal, which itself is a Local Wildlife Site and this should form part of the "Green Infrastructure" and remain undeveloped and long-term management of GI needs to be secured.

Modification sought

Clarification of the extent of GI, confirmation that fields along the Beeston Canal will not be developed and that long-term management of GI will be secured.

Policy: 3.6 Beeston Maltings: 56 Homes

Transport corridors can provide essential wildlife habitat. For instance our sister Wildlife Trust in Yorkshire is promoting a project to maximise their value, which is supported by the Humberhead Levels Nature Improvement Area. Given the apparent lack of buffer on the south of the railway line, we would strongly recommend some form of green link be provided along the southern development boundary.

Modification sought

Provision of green infrastructure link along the railway line under the 'key development requirements'.

Policy: 3.7 Beeston Cement Depot: 21 Homes

Transport corridors can provide essential wildlife habitat. For instance our sister Wildlife Trust in Yorkshire is promoting a project to maximise their value. We would strongly recommend some form of green link be provided along the southern development boundary.

Modification sought

Provision of green infrastructure link along the railway line under the 'key development requirements'.

Policy 4 Awsworth Site Allocation

A substantial population of common toad (Local Biodiversity Action Plan Priority species and NERC Act species of principal importance in England) was known to be present in the vicinity of the allocated site. We are aware that toad tunnels, which we understand have not been maintained, were installed underneath the Awsworth Bypass, to allow toads to migrate between breeding habitat (Nottingham Canal) and fields on the opposite side of the new bypass. Potentially, the fields subject to this allocation still provide terrestrial habitat for common toad, should they still occur. We would recommend surveys for common toad and other wildlife, possible reinstatement of toad tunnels (if required). Due to it's greenfield nature and strong hedgerow network, we think the land could provide habitat for many other species.

Common Toad is considered a biodiversity asset under policy 31, as they are a species of concern in the Notts Biodiversity Action Plan.

Should this species be subject to further adverse impacts, we would consider the policy unsound as it is not consistent with local (Policy 17 of ACS) and national policy (NPPF para 118).

Modification sought

We would wish to see removal of this allocation. If the allocation is to remain, provision of substantial green infrastructure, incorporation of existing hedges and retention of some meadows (quantity defined) and protection of common toads, should they still occur.

Policy 5 Brinsley Site Allocation

We would have preferred to have seen the alternative site included (option 2) rather this one (option 1) for the reasons provided in our response to the Brinsley Alternative Site Consultation February 2017:

"Option 1 is located immediately adjacent to Brinsley Headstocks Local Nature Reserve and associated Local Wildlife Sites, Brinsley Brook Grassland LWS (5/2302) and Brinsley Headstocks LWS (5/3405), which are identified for their botanical interest. The wildlife value of Brinsley Headstocks, which has been well recorded, may be harmed by any substantial increases in recreational use, which would be inevitable if Option 1 is taken forward.

The LNR and adjacent land is considered locally by members of the Friends Group and others who carry out regular birdwatching locally, as being more valuable for birds. This is certainly likely because the LNR itself supports more structural diversity in its habitats, with areas of woodland, plantation, hedges alongside meadows and the Brinsley Brook These features are largely lacking from land within Option 2, which is predominantly arable. The LNR currently has good, strong habitat connectivity along the brook and to Saints Coppice to the north, which could be adversely affected by built development if Option 1 is taken forward.

Option 1 contains areas of permanent grassland whereas the majority of land within option 2 is mainly arable, which contains no known botanical interest is less valuable in wildlife terms, apart from hedges which we would like to see sensitively retained within any development".

Local residents have reported that the fields in the vicinity of the Brinsley allocation included in the current consultation support a number of wintering farmland bird species. We are also concerned about possible hydrological impacts on the Brinsley Brook. As this allocation is within the catchment for the watercourse there is the potential for adverse impacts on the ecology of the brook due to increased runoff rates, contamination (directly or indirectly, via any new drains) etc.

<u>Modification sought</u> Replace this site allocation with 'option 2'.

Policy 6 Eastwood Site Allocation

Walker Street Eastwood is an important Green Space in the centre of Eastwood. Whilst we welcome retention of 'Canyons' as open space, we would wish to see Green Infrastructure/ habitat corridors enhanced throughout the site.

Modification sought

Include a commitment to provide GI links across the wider site.



Nottinghamshire Wildlife Trust



President Sir Andrew Buchanan Bt.

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Policy 7.1 Land south of Kimberley Depot

We find proposals to develop the exiting built up part of the site acceptable but are concerned about the impact on wildlife arising from loss of surrounding farmland and plantation woodland. Kimberley Disused Railway, on the southern boundary, is a LWS and important wildlife corridors, which should be adequately buffered from any development.

Modification sought

If this allocation is to remain, we would like to see a statement about extent of developable area, ideally limiting it to the existing built up part of the site. It is important that the allocation is sensitive to, and secures future positive management of the LWS.

Policy 7.2 Land south of Eastwood Road Kimberley

We consider this is an important area of remnant fields on the edge of urban area which, when considered with the adjacent woodland, is an important wildlife corridor. We would be concerned about inclusion of the site as an allocation.

Modification sought Site to be excluded.

Policy 17 Place-making, Design and Amenity

We **support** the inclusion of 1(n - p):

"n). Incorporates ecologically sensitive design, with a high standard of planting and features for biodiversity; and

o). Uses native species of trees, shrubs and wild-flower seeds in landscaping proposals; and

p). Integrates bat and/or bird boxes into the fabric of new buildings".

Modification sought

Under n) adding reference to following:

- green walls,
- brown and green roofs,
- ecologically designed / focused suds schemes,
- features to assist permeability for wildlife through the built environment (e.g. gaps under fences for hedgehogs).

Under p) adding a reference to insect houses.

The policy should raise future responsibilities and funding mechanisms for management of habitats / informal open spaces. The developer should cover the costs for management of habitats in perpetuity, so that it does not fall to Broxtowe Borough Council to pay for this.

Policy 19 Pollution, Hazardous Substances and Ground Conditions

Sub section 1b). "Lighting schemes unless they are designed to use the minimum amount of lighting necessary to achieve their purposes and to minimise any adverse effects beyond the site, including effects on the amenity of local residents, the darkness of the local area and nature conservation (especially bats and invertebrates)".

We **support** inclusion of point in relation to darkness and nature conservation.

Policy 27 Local Green Space

We strongly **support** this policy and welcome inclusion of the sites listed. Protection of the sites around Bramcote Hills Park and wood, Stapleford Wood and the Bramcote Schools (section 3 relating to land east and west of Coventry Lane) is welcome, as these are very important wildlife sites with historic / cultural interest.

In terms of policy wording, we are concerned about inclusion of '*exceptional circumstances*' clause, as this will undermine the policy protection.

Paragraph 28.2 states, "The greatest opportunities for enhancing the corridors will come through development, and the Council intends to work with developers to create and maintain new spaces and to improve connectivity. The details of these opportunities for enhancement will depend on the characteristics of the corridors concerned".

Development certainly creates opportunities for enhancing corridors but we would question whether it creates the 'greatest opportunities'. Many of the corridors are in the rural landscape, not through areas allocated for potential development and significant opportunities exist through working with existing landowners and farmers, in relation to improving existing Rights of Way or strengthening important landscape features and wildlife habitats, such as hedgerows, woodlands and field margins.

Green infrastructure corridors need to be of a reasonable, specified width to be viable; otherwise they will fail to function in ecological terms. Without specified widths there is the danger the corridors will be narrow as developers will naturally seek to maximise the size of the new built development. We have carried out some research on what is considered viable widths of green corridors. In summary:

- "Corridors should be preserved, enhanced and provided, [.....], as they permit certain species to thrive where they otherwise would not. Corridors should be as wide and continuous as possible" (Dawson, 1994).
- 50m buffers [are] recommended for developments in the Local Plans of both Wakefield & Darlington Councils to protect local wildlife sites and / or river corridors.
- A 50m width allows corridors to function as a 'multi-purpose network', as defined in NECR 180, so that it includes attributes that are valuable to people, i.e. biodiversity alongside amenity, footpaths, cycleways, sustainable drainage, microclimate improvement, heritage [etc.]
- Quadrat Scotland 2002 (Appendix 1). For connectedness, to be defined as 'high' (on scale high, medium, low), the corridor needs to be at least 50m wide for more than 50% of the corridor

References

- Dawson, D. 1994. Are Habitat Corridors Conduits for Animals and Plants in a Fragmented Landscape? A Review of the Scientific Evidence. English Nature Research Reports
- Wakefield Consultation on spatial strategy: Wakefield Council Spatial Policy Areas
- Darlington consultation on draft housing allocations: Darlington Council Housing Allocations report
- Natural England Commissioned Report NECR180 (2015). Econets, landscape & people: Integrating people's values and cultural ecosystem services.



Nottinghamshire Wildlife Trust



President Sir Andrew Buchanan Bt.

Registered Charity No. 224168R A company limited by guarantee. Registered in England No. 748865. Quadrat Scotland (2002) The network of wildlife corridors and stepping stones of importance to the biodiversity of East Dunbartonshire. Scottish Natural Heritage Commissioned Report

Modification sought

Removal of "*except in very special circumstances*" from the final sentence of the policy wording.

State that development provides opportunities for enhancing corridors, but remove (development) 'provides *the greatest'*.

State that corridors must be at least 50 metres wide to be considered beneficial and viable for wildlife.

Policy 28 Green Infrastructure Assets

We strongly **support** this policy and welcome that "*Development proposals* which are likely to lead to increased use of any of the Green Infrastructure Assets listed below, as shown on the Policies Map, will be required to take reasonable opportunities to enhance the Green Infrastructure Asset(s)".

Policy 29: Cemetery extensions

We **support** this policy and welcome that the potential biodiversity value of new proposed cemeteries has been recognised in the supporting text.

Policy 31: Biodiversity Assets

In terms of defining biodiversity assets, 1b "*Priority habitats and priority species* (as identified in the Nottinghamshire Local Biodiversity Action Plan and section 4.5 of the Green Infrastructure Strategy)", whilst we welcome inclusion of the reference to Nottinghamshire LBAP, we consider that the definition of biodiversity assets is missing the following:

1. Any reference to UK priority species and habitats (formerly called UK BAP priority species and habitats). Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006 identifies these and they may be found both within or outside designated sites. Priority species correspond to those identified under Section 41 of the NERC Act as species of principal importance for the conservation of biodiversity in England and have to be considered under planning policy.

2. Any reference to protected species. This is different from priority species list (although some priority species may also be protected).

Due to lack of reference to S41 species and habitat NERC Act and Biodiversity Duty, Legally protected species we consider the policy is not sound as it is not consistent with local (Policy 17 of ACS) and national policy (Biodiversity paras).

Modification sought

Inclusion of a reference to NERC Act (species and habitats of principal importance) and legally protected species.

We also consider there is a requirement for a Biodiversity SPD to help protect Broxtowe's important nature sites, habitat and species and would like to see a commitment to produce one made in the LPP2 main document. A Biodiversity SPD would also help the council to secure its aspirations set out in the Green Infrastructure Strategy and Nature Conservation Strategy.

Policy 32: Developer Contributions

We welcome that financial contributions may be sought for biodiversity for applications of 10 or more houses and therefore **support** the policy in this respect.

In terms of question 5 on the response form (participation at public inquiry), if we have resources available at the time of the hearings, we would be happy to attend public examination sessions. In any case, we are happy to be contacted by the Planning Policy Team regarding future consultations and would welcome email correspondence in connection with this and future consultations.

Please do not hesitate to contact me should you have any further queries.

Yours sincerely

Nottinghamshire Wildlife Trust



Nottinghamshire Wildlife Trust



President Sir Andrew Buchanan Bt.

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Bramcote Neighbourhood Forum

Response to Broxtowe Borough Council Part 2 Plan

on

Submitted by: Paul Nathanail of behalf of the Bramcote Neighbourhood Forum

| | | | GALLY 1PLIANT | wit | omplia h Duty oopera | y to | Sou | nd | | | | | |
|---|----------------------|-----|------------------|-----|----------------------------|------|-----|----|----------------------------------|---|---|----------------------------------|---|
| POLICY | PAGE / PARA. TEXT | Yes | No | Ye | s I | No | Yes | No | | COMMENTS | MODIFICATIONS SOUGHT | PUBLIC EXAMINATION ATTENDANCE | WHY |
| Policy 1 Flood Risk | | x | | × | | | x | | | | | No | |
| Policy 2 Site Allocations | 2.7 | | x | | | | | × | It is not justified | The statement that sites with commitments "of 10 or more dwellings these have been shown on the overview plans" is untrue and misleading - the land of the former Bramcote Hills Golf course was granted outline planning permission for 100 dwellings earlier in 2017 but is NOT shown on the overview plans | The consequences of commitments of more than 10 dwellings on housing land allocation should be consdiered in the evidence base | Yes | Part 2 is misleading in the way it represents the land committed for housing in Bramcote and therefore fails to provide sound support for land allocation adjacent to the former Bramcote Hills Golf Course |
| Policy 2 Site Allocations | 2.8 | | x | × | | | | x | It is not justified | The statement that the "the Council has maximised to the greatest possible extent the supply of sites in existing urban areas" is not true as, for example, it has failed to use the air space above the bus tram interchange in Beeston Town Square for residential and also failed to require residential development when granting planning permission for the redevelopment of Phase 1 of BeestonTown Square. | | Yes | The Council should demonstrate why areas within the built up part of the Main built Up area are unsuitable for housing whereas an urban extension is |
| Policy 2 Site Allocations | 2.8 | | x | × | | | | x | It is not justified | The statement that "When sites currently in the Green Belt are selected, exceptional circumstances are demonstrated" is untrue for the land in Brancote - no exceptional circumstances exist for allowing 300 homes to be developed on the green belt - the financial straits of a private company can hardly be considered a matter for planning | The permanence and openness of the green belt has been compromised by the proposals in Part 2 and no exceptional circumstances for the scale and extent of changes to the green belt have been provided. | Yes | The sacrifice of the green belt has not been justified |
| Policy 2 Site Allocations | "2.10 | | x | x | | | | x | It is not justified | The statement "the urban and main built up area sites are assessed as being the most sustainable" has not been followed through by keeping land allocation within the main built up area and instead requiring release of the green belt | | Yes | Part 2 is misleading as the text and Map 1 are not consistent and the extent of the Main Built Up area is grossly and wrongly over exagerrated |
| Policy 3 Main Built up Area Site Allocations | Map 2 | | x | x | | | | x | It is not justified | The map mislabels open countryside adjacent to the M1 and stretching east to Bramcote as Main built Up area | The Map should be amended to reflect the built up area and ensure land allocation is retained within that built up area without urban extension and loss of green belt | Yes | Part 2 is misleading and the consequences of this mismatch between text, map and reality on the ground are enormous |
| Policy 3 Main Built up Area Site Allocations | 3.2 | | x | x | | | | x | It is not justified | The statement that "It is considered that there are exceptional circumstances required to amend the boundary of the Green Belt to allow residential development." Is untrue for the land in Bramcote - no exceptional circumstances exist for allowing 300 homes to be developed on the green belt - the financial straits of a private company can hardly be considered a matter for planning | | Yes | The sacrifice of the green belt has not been justified |
| Policy 3 Main Built up Area Site Allocations | Мар 4 | | x | x | | | | x | It is not justified | Map 4 omits the committed land on the former Bramcote Hills Golf course and thereby paints a very misleading picture of land allocation in Bramcote. Map 4, however, does illustrate the extent of open countryside east of the M1. | | Yes | Part 2 is misleading and the consequences of this mismatch between text, map and reality on the ground are enormous |
| Policy 3 Main Built up Area Site Allocations | 3.1 | x | | x | | | | x | It is not positively prepared | The requirements fail to state the net housing density to be achieved | A minimum net housing density of 40 per hectare should be added and the effects of this on the total number of houses that can be delivered should be reflected in the list of requirements | No | |
| Policy 3 Main Built up Area Site Allocations | 3.1 | x | | x | | | | x | It is not positively prepared | The requirement for a small retail / service centre fails to recognise the nearby facilities and would jeopardise the viability of both existing and new businesses | Remove the requirement for a small retail/ service centre | No | |
| Policy 3 Main Built up Area Site Allocations | 3.1 | x | | x | | | | × | It is not justified | The extent of the public space to the south of the memorial is not shown and there is a potential use of land eminently suitable for housing to be lost in this way | The extent of the public space should be made clear and the reasons for not allocating that land for housing should be reported. There are plenty of green and open spaces within the Barracks. | Yes | It is essential that land allocation is optimised to prevent loss of green belt elsewhere and for the council to comply with National policy on the need to protect the green belt |
| Policy 3 Main Built up Area Site Allocations | 3.3 3.7 | | x | × | | | | x | It is not justified | The pen picture is inaccurate and fails to point out that part of the land is a county level protected area - the last remant of Bramcote Moor. | | Yes | The true nature of the land ought to be understood before making decisions to take it out of the green belt and allocate it for housing |
| Policy 3 Main Built up Area Site Allocations | 3.3 3.8 | x | | × | | | | x | It is not justified | The figure of 300 houses is not justified and is at odds with both the objectively assessed housing need for Bramcote (ca 180 houses over the plan period) and the various statements by the leasors of this land of 350 or 450-500 homes. | | Yes | It is essential that the use of this land is such as to deliver the maximum benefit for the local community and the county council who own the freehold |

Bramcote Neighbourhood Forum

Response to Broxtowe Borough Council Part 2 Plan

) on

Submitted by: Paul Nathanail of behalf of the Bramcote Neighbourhood Forum

| behalf of the Bramcote N | leighbou | rhood | Forum | 1 | | | | | | | | |
|---|----------|------------|-------|---|---|---|---|--|--|--|-----|--|
| Policy 3 Main Built up Area Site Allocations | | 3.8 | x | | x | | x | It is not effective | The requirements do not encourage lifts from west of the site to terminate on the land and for pedestrian access to the school. | Provision of a dropping off area and school walking buses should be within the area proposed for housing | Yes | It is essential that the residents of Moor Lane, Thorseby and Arundel Drive do not unnecessarily suffer increased traffic - with associated poor air quality and danger of road traffic acident by parents being unable to drop off their children within walking distance of the schools |
| Policy 3 Main Built up Area Site Allocations | | 3.8 | x | | x | | x | It is not effective | The removal of any vegetation from the Moor Lane cutting should be done in such a way that the present stability of the cutting is not compromised now and into the future. | | | |
| Policy 3 Main Built up Area Site Allocations | | 3.8 | x | | x | | x | It is not effective | The caveat "if required" disreagrds the oft and strongly stated desire of local residents for the leisure centre to remain in Bramcote | "If required" should be removed | Yes | Bramcote is being asked to pay a heavy price for no tangible benefit and to face the loss of the leisure centre as well as its green belt alongside increased traffic congestion and air pollution is not compatible with sustainable development |
| Policy 3 Main Built up Area Site Allocations | | 3.9 | | x | x | | x | It is not consistent with national policy | The loss of green belt is not recognised in the summary of the sustainability appraisal. The loss of green belt and the loss of the last remnant of Bramcote Moo cannot be trivialised as a very minor disbenefit. | The sustainability appraisal should be revised to accurately reflect the scale of disbenefit loss of green belt and Bramcote Moor would have | Yes | The impact of this flawed assessment of the green disbenefits has knock on consequences to other parts of Part 2. |
| Policy 3 Main Built up Area Site Allocations | | Map 8 | | x | x | | x | It is not consistent with national policy | The map fails to show the status of the Bramcote Moor land and also suggests a housing density of only 19 houses per hectare. | A greater density accompanied by a requirement to pay for a replacement leisure centre should be included. | Yes | The benefits to the local community of a higher housing density generating more funds to pay for a replacement leisure centre should be at the centre of land use decisions in this locality and would better reflect local residents views as well as represent a more sustainable form of development in the area. |
| Table 4 | | Table 4 | x | | x | | x | It is not effective | The table shows that Bramcote will house over 440 of the 2729 houses in the entire main built up area of Broxtow. It is ridiculous that such a small area should be taking more than 16% of the housing need while the council allows land to be developed at low densities or not at all elsewhere. | | Yes | The negative social, economic and environmental impact of the unfair burden of new housing in Bramcote is a combined effect of a series of failings by the council in formulating its plan. |
| | 82 | 3b.9 | | x | x | | x | It is not justified | The reference to a leisure hub should not be seen as a replacement for the leisure hub at Bramcote. | The text should be amended to make it clear that any leisure hub at the western extremity of the borough ought to be in addition to the one at Bramcote. | No | |
| Policy 8 Development in the Green Belt | 8.5 | | | x | x | | x | It is not effective | We welcome the reporting of "strong support for the protection of the Green Belt" and lament the fact the council has ignored this and considerably reduced the green belt in Bramcote. | | Yes | The council has consistently ignored local views expressed formally and at workshops and through the ballot box and is not delivering tangible benefits to the local community in Bramcote while at the same time asking it to bear an enormous and unfair share of the burden of new housing allocation. |
| | 8.3 | | | x | × | | × | It is not justified | The Preferred Approach to Site Allocations erroneously assumed that all green bell sites served the same or no purpose in encouraging urban regeneration and this has skewed the council's assessment of the need to take land out of the green belt. | | Yes | The flawed assessment of the five functions of the green belt has skewed the allocation of land in the green belt for housing contrary to the strong protection due to the green belt from the NPPF and the manifesto promises at the 2015 & 2017 general elections - both post dating the ACS |
| Policy 11 The Square, Beeston | 11.2 | | x | | x | x | | | We strongly support the mixed development in the Square, Beeston. | We would encourage the proposed cinema to be of flexible use by including moveable partitions and a stage. | No | |
| Policy 19 Pollution, Hazardous Substances and Ground Conditions | 2 | | | x | x | × | | | The required site investigation should be carried out by a competent person as required by the NPPF | The text should be amended to reflect the need for a competent person to carry out the site investigation | No | |
| Policy 20 Air Quality | 119 | | x | | x | x | | | We welcome the three measures to protect air quality. | | No | |
| Policy 24 The health impacts of development | 146 | | x | | x | x | | | We welcome the requirement for a health impact assessment | | No | |
| Policy 26 Travel Plans | 153 | | x | | x | x | | | We welcome the requirement for travel plans to be submitted | | No | |
| Policy 27 Local Green Space | 154 | | x | | x | x | | | We support the designations as Local Green Space in Bramcote and ask the Counci to consider the additional areas being designated as Local Green Space in the Bramcote Neighbourhood Plan | We are disappointed that none of the former Bramcote Hills Golf course is to be designated as local green space | No | |
| Policy 27 Local Green Space | 27.2 | | | x | x | | x | | The statement that the "The land at Bramcote and Stapleford (item 3 in the policy) comprises a former area of Green Belt between Moor Farm Inn Lane, Moor Lane, Derby Road, likeston Road and Coventry Lane" is untrue. Such land would only be taken out of the green belt by the adoption of this part 2. | The text should be amended to accurately reflect the present and new | No | |
| Policy 28 Green Infrastructure Assets | 157 | | x | | x | x | | | We welcome the policies on green infrastructure. | | | |
| Policy 28 Green Infrastructure Assets | Map 62 | | x | | x | | x | It is not justified | The map erroneously shows (2.11) a continuous corridor through the former Bramcote Hills Golf - part of which is committed having been granted planning permission earlier in the year | | Yes | This map is one several misleading maps which seek to underrepresent the enormous damage to the local environment Part 2 will have on Bramcote |
| Policy 30 Landscape | 165 | | x | | x | x | | | We note that this policy would be contradicted by housing development in land currently within the green belt and ask the council makes provision for suitable compensation to be provided in such cases | | | |
| Appendix 4 | 187 | | x | | x | | × | It is not justified | The Moor Lane cutting is omitted from the list. | The Moor Lane cutting should be added to the list | Yes | The considerable scientific and cultural significance of this cutting and its educational value should be recognised and included in Part 2. |
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Broxtowe Borough Council

Part 2 Local Plan (Publication Version) Written Representations

On behalf of J McCann & Co (Nottingham) Ltd

November 2017



Quality Control

| Project No. | P&DG/13.039 | | | | | | | |
|----------------|---|-------------|-------------|---------------|--|--|--|--|
| Title | Part 2 Local Plan (Publication Version) | | | | | | | |
| Location | Broxtowe Borough Council | | | | | | | |
| File reference | 13.052/Representations | | | | | | | |
| Issue | Date | Prepared By | Reviewed By | Authorised by | | | | |
| 1 | 2 nd November 2017 | AG | BW | BW | | | | |



Contents

| 1 | Introduction and Executive Summary | 1 |
|---|---|--------|
| 2 | Policy 2: Site Allocations | 2 |
| 3 | Policy 3.4: Main Built up Area Site Allocations, Stap | leford |
| | (west of Coventry Lane) | 3 |
| 4 | Policy 15: Housing Size, Mix and Choice | 5 |
| 5 | Policy 17: Place-making, Design and Amenity | 7 |
| 6 | Policy 32: Developer Contributions | 8 |
| 7 | Conclusion | 9 |
| | | |



1 Introduction and Executive Summary

- 1.1 This statement of written representations is prepared by Planning and Design Group (UK) Ltd and made on behalf of our client J McCann & Co (Nottingham) Limited in response to Broxtowe Borough Council's consultation on the emerging Part 2 Local Plan (Publication Version).
- 1.2 We welcome the opportunity to respond to this stage of consultation on the Local Plan and recognise the critical importance of establishing an appropriate, legally compliant and sound policy framework for Broxtowe at this point of Local Plan process. As such our comments are structured around relevant policy areas and focus on the soundness and legal compliance of the emerging Local Plan document.
- 1.3 These representations have direct regard to land proposed for allocation to the west of Coventry Lane for up to 240 dwellings through Policy 3.4 Stapleford (west of Coventry Lane) of the emerging Part 2 Local Plan.
- 1.4 We make these representations in the context of seeking to work with the Council both now and in the future to ensure that an effective and deliverable plan for Broxtowe is achieved.
- 1.5 In summary, we find a large number of the proposed modifications sound and warrant our support. Notwithstanding some concern about the wider trajectory of housing land supply, we fully support and welcome the allocation of land to west of Coventry Lane as a sustainable housing site. This allocation will provide enhanced land owner and developer assurance moving forward to deliver the site and in turn boost the housing supply in Stapleford and Broxtowe. This is in the interest of producing a sound and effective Local Plan which delivers on the Spatial Strategy of the adopted 2014 Aligned Core Strategy.
- 1.6 We do hold concern over certain areas of policy wording which relate particularly to the delivery and implementation of housing development. However, we consider that these concerns can be addressed by amends and additions to assure their justification and overall soundness.



2 Policy 2: Site Allocations

- 2.1 In principle Policy 2: Site Allocations is considered **sound** as it directly supports the provision of new homes against the identified need for 6,150 new dwellings in Broxtowe over the life of the Local Plan. The allocation of sites is absolutely critical in the adoption of a plan-led approach in line with paragraph 196 of the National Planning Policy Framework ('NPPF'). This is particularly whereby the designation of land for development through Local Plans provides significantly enhanced land owner and developer confidence in bringing forward sites for development.
- 2.2 As such the Part 2 Local Plan should be seen as a critical tool in supporting market confidence in housing delivery and, in turn, boosting the number of sustainable new homes delivered.



3 Policy 3.4: Main Built up Area Site Allocations, Stapleford (west of Coventry Lane)

- 3.1 The defined Main Built-up Area (MBA), which includes Stapleford and adjoins Nottingham, is designated as a very sustainable location for housing growth in the spatial hierarchy of the Aligned Core Strategy. Therefore, the MBA as a whole is allocated a distributed target to deliver 3,800 dwellings as a part of Broxtowe's overall identified housing need. The prompt delivery of these dwellings will be critical in addressing the overall need for housing in Broxtowe.
- 3.2 The need for all forms of new housing across the country is well documented and is supported in the 2012 National Planning Policy Framework ('NPPF'). It indicates that providing the housing supply to meet the needs of current and future generations is a key aspect of sustainable development and the plan making process.
- 3.3 In light of this housing need across Broxtowe and the MBA the allocation of land to the west of Coventry Land through Policy 3.4 is considered **sound** as the site will effectively and positively contribute to the delivery of new homes.
- 3.4 We welcome the allocation and identification of the site as a sustainable allocation for the delivery of up to 240 dwellings. The site is positively identified for its ability to provide enhanced Green Infrastructure corridors, improve pedestrian and traffic flows alongside providing a tranquillity buffer between Stapleford Hill and the crematorium.
- 3.5 Policy 3.4 also states that 'this allocation has significant housing and health objective benefits with only a very minor green objective disbenefit'. Furthermore, the Site Selection Document Main Report (2017) in support of the emerging Part 2 Local Plan identifies that the site as 'one of the most sustainable sites to be allocated when compared to reasonable alternatives' and notes the sites excellent performance in in the Sustainability Assessment exercise.
- 3.6 We also note that the proposed trajectory of housing supply for the MBA represents, positively, a high proportion of site allocations. This includes land to the west of Coventry Lane. As such less reliance is placed on SHLAA sites which, although reflecting an indicative trajectory of housing supply, do not offer the same level of specificity and



deliverability as site allocations. We refer also in this instance to Table 4: Housing Trajectory on p.75 of the Part 2 Local Plan.

- 3.7 The Part 2 Local Plan is required to act as the delivery tool for Broxtowe's adopted spatial growth strategy and as such site allocations form an essential part of this. In all 14 housing sites are allocated in the MBA area delivering a total of 2,729 dwellings. This reflects an effective and significant 72% contribution to the 3,800 dwellings required across the MBA.
- 3.8 Site allocations act to reduce the level of more speculative development proposals and work in the interests of pursuing a robust, plan-led approach to the housing delivery. In the absence of this approach site delivery is liable of becoming more *ad hoc* in nature, which then presents the risks of ongoing shortfalls in the delivery of new dwellings.
- 3.9 The current deficit in housing land and delivery shortfall across Broxtowe makes this context and need for housing more pressing. This is highlighted in the most recent SHLAA document which states that the Council can only evidence 3.6 years' worth of housing land supply for the period April 2017 and March 2022. In addition, and to be factored into the five-year housing land supply position, is the current delivery shortfall of 956 dwellings, prompting the addition of a 20% buffer. The allocation of land to the west of Coventry Lane will therefore directly support the delivery of housing against this shortfall in turn make a significant contribution to the delivery of a sound Part 2 Local Plan.



4 Policy 15: Housing Size, Mix and Choice

4.1 Paragraph 8 of Policy 15 is considered **unsound** as it is unjustified in the current regulatory and evidence context. Specifically, the paragraph states that:

'For developments of more than 20 dwellings, at least 5% of provision should be in the form of serviced plots for self-build or custom-build, and/or custom-build homes by other delivery routes.'

- 4.2 Whilst the associated Self-build and Custom Housebuilding 2016 regulations have brought about requirements on Local Authorities to maintain an active register of interested parties there is no necessity to mandate a certain proportion of self or custom-build plots at a site level. Instead the register should act as a general indicator of demand for subsequent appropriate action or negotiation with relevant interested parties, supported by appropriate Local Plan policy leads.
- 4.3 In relation to this guidance states that:

'Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources... when preparing their Strategic Housing Market Assessment to <u>understand and consider</u> <u>future need for this type of housing in their area</u>.' (paragraph: 011 reference ID: 57-011-20160401)

4.4 Currently the Council display little clarity of understanding behind the 'at least' 5% self and custom-build policy stipulation on sites of over 20 dwellings. For example, neither the latest SHLAA or AMR documents display analysis or conclusions drawn from a publicly available register. This is as per related guidance:

> 'Relevant authorities are encouraged to publish, in their Authority Monitoring Report, headline data on the demand for self-build and custom housebuilding revealed by their register and other sources. This can support development opportunities for self-build and custom housebuilding by increasing awareness among landowners, builders and developers of the level and nature of demand for self-build and custom housebuilding in the local area.' (paragraph: 012 reference ID: 57-012-201707208)



4.5 Given the current lack of evidenced justification and the emphasis on the need to support, not mandate, self and custom-build housing where appropriate the current policy wording should be amended to assure soundness. The change is suggested below:

'For developments of more than 20 dwellings, a provision for serviced self-build or custom-build, and/or custom-build homes by other delivery routes will be supported where evidence indicates local demand to the site.'



5 Policy 17: Place-making, Design and Amenity

5.1 Paragraph 3 of Policy 17 is considered **unsound** on the basis that all Building for Life (BfL) material has been withdrawn for planning guidance purposes and therefore stipulated reference to BfL is not a justified. The relevant paragraph states that:

'In the case of major development on sites released from the Green Belt as part of this Local Plan, or the Aligned Core Strategy, or for any site within the Green Belt comprising 10 or more dwellings the development will be required to score 9 or more 'greens' in the Building for Life 12 or equivalent.'

5.2 Given the wholly unjustified nature of this paragraph we suggest its entire deletion to assure that Policy 17 is sound. Reference to wider design principles in the policy will still assure a high-quality development across Broxtowe.



6 Policy 32: Developer Contributions

- 6.1 The current nature of Policy 32 is considered **unsound** on the basis it will not be effective in its current form. Whist the principle of developer financial contributions is entirely sound in delivering the social and environmental infrastructure required by the Local Plan, this should be based on all relevant viability information. We consider that this includes developer viability appraisals which offer a detailed insight into site and development specific viability. Therefore, providing an open position of planning contribution negotiations where appropriate.
- 6.2 Related guidance (paragraph: 004 reference ID: 10-004-20140306) outlines that the grounding principles for understanding viability should include judgements made on all available evidence and a collaborative approach is also promoted, explicitly involving developers and landowners. This is in the interests of understanding development scheme deliverability and viability in an appropriately transparent context.
- 6.3 Guidance also states that whilst viability appraisals at a site level may not always be appropriate an understanding of site specific related viability is important. Outlining that:

'Where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.' (paragraph: 016 reference ID: 10-016-20140306).

6.4 Therefore, in the interests of promoting a greater understanding of viability and creating a more effective policy we suggest adding reference to the submission of viability appraisals. With wording in an additional paragraph to the effect of:

> 'Financial contributions will be sought and established through a process of negotiation including, where appropriate, reference to a submitted viability appraisal.'



7 Conclusion

- 7.1 As outlined within this statement we consider that there are areas of the emerging Part 2 Local Plan that contain a number of sound proposals that warrant our support. Particularly in relation to current site allocations in the interests of delivering the defined Spatial Strategy and the specific allocation of land to the west of Coventry Lane through Policy 3.4.
- 7.2 However, we have highlighted where some elements of proposed planning policy are considered unsound and should be amended accordingly through the examination process. This is particularly in relation to policy areas linked the delivery and implementation of housing development. As such their amendment will be important in assuring the rapid adoption of the Part 2 Local Plan and subsequently boosting the supply of much needed housing in Broxtowe.



Planning and Design Group (UK) Limited

tel

www.panddg.co.uk

Broxtowe Part 2 Local Plan



Agent

| Please provide your | client | ťs nam | ne | MR | R R EVANS | | |
|--|------------------|--------|------|----|-----------|--|--|
| Your Details | | | | | | | |
| Title | Mr | Mrs | Miss | Ms | Other: | | |
| Name | | | | | | | |
| Organisation (if responding on behalf of the organisation) | IBA PLANNING LTD | | | | | | |
| Address | | | | | | | |
| Postcode | | | | | | | |
| Tel. Number | | | | | | | |
| E-mail address | | | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. | | | | | | | | | |
|--|---|--|--|--|--|--|--|--|--|
| Please tick here | х | | | | | | | | |
| Please help us save money and the environment by providing an e-mail address that correspondence | | | | | | | | | |
| can be sent to: | | | | | | | | | |
| | | | | | | | | | |

For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocation Policy 6: Eastwood Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 19: Pollution, Hazardous Substances and Ground Conditions Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | 65 - 73 | |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | | | | |
|---|---------------------------------------|---|---|--|--|--|
| 2.1 | Legally compliant | х | | | | |
| 2.2 | Compliant with the duty to co-operate | Х | | | | |
| 2.3 | Sound | | х | | | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | | | | | |
|--|---|--|--|--|--|--|
| It is not justified | х | | | | | |
| It is not effective | Х | | | | | |
| It is not positively prepared | х | | | | | |
| It is not consistent with national policy | х | | | | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

PLEASE SEE ATTACHED LETTER

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

PLEASE SEE ATTACHED LETTER

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | | | | | |
|--|-------|--|--|--|--|--|
| Yes, I wish to participate at the public examination | х | | | | | |
| No, I do not wish to participate at the public examination | | | | | | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be | | | | | |

THIS IS NECESSARY IN ORDER THAT THE NATURE OF THE OUTSTANDING OBJECTIONS AND CONCERNS CAN BE SCRUTINISED MORE FULLY AND ORALLY AT THE PUBLIC EXAMINATION.

HAVING RECENTLY ATTENDED, AND PARTICIPATED IN, THE ASHFIELD PUBLIC EXAMINATION, ATTENDANCE PROVED ABSOLUTELY NECESSARY TO ENSURE THAT THE INSPECTOR FULLY UNDERSTOOD THE NATURE OF OUR CLIENTS' CONCERNS AND ALLOWED THE UNRESOLVED ISSUES TO BE FURTHER DEBATED BETWEEN THE INSPECTOR, THE COUNCIL AND OBJECTORS.

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 public examination.

Guidance Note:

Please complete a separate form for each representation you wish to make.

'Legally Compliant':

If your response relates to <u>the way in which the plan has been prepared</u>, then this is likely to relate to whether it or not it is 'Legally Compliant'. To be 'Legally Compliant', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to **the way in which we have worked with other authorities** then this is likely to relate to the '**Duty to Co-operate**'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the <u>content</u> of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is '**justified'**, '**effective'**, has been '**positively prepared'**, and is '**consistent with national policy'**. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- **'Justified':** This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- 'Effective': This means that the Local Plan will deliver what it sets out to. If you think that what we
 are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not
 our Local Plan is 'effective'.
- **'Positively Prepared':** This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 'Consistent with National Policy': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing <u>policy@broxtowe.gov.uk</u>.

iba planning

Planning Policy Officer Broxtowe Borough Council Council Offices Foster Avenue Beeston Nottingham NG9 1AB

EvansLDF/11

8 January 2016

Dear

Strategic Housing Land Availability Assessment Update 2015/16

Land north of 38 Alma Hill, Kimberley

Site reference H116

Further to the Council's recent consultation in respect of the above, I write to confirm that my client, <u>Mr Evans</u> (freehold owner of the land), remains a willing participant in the Council's ongoing work towards an adopted Development Plan.

In terms of additional information over and above that contained within the SHLAA 2013/14, there is nothing particularly to add further at this stage.

However, your consultation asks for an accurate and up to date appraisal on any obstacles to delivery on our site and how these are anticipated to be resolved.

The SHLAA 2013/14 identified <u>no</u> significant constraints/obstacles to delivery and concluded that the site **could be suitable for housing** if Green Belt policy changes.

The same SHLAA made reference to the fact that the Inspector who assessed the adjacent site (113) through the Broxtowe Local Plan Review in 2003 recommended that consideration should be given to allocating this site in conjunction with the adjoining land.

The Inspector judged that the site would appear to have few development constraints and should be capable of being brought forward at **short notice** for development.

The Inspector also concluded that the site's intrusion into the Green Belt and countryside would be <u>very limited</u> in scale and extent.

The SHLAA 2013/14 confirms the general suitability of the site for housing pending its release from the Green Belt following review of existing boundaries which is of course currently ongoing.

Given that the 2003 Local Plan Inspector has already effectively sanctioned the removal of this land from the Green Belt to facilitate its development in the short term, there is no reason to suggest that any other conclusion ought to be reached as part of the current Green Belt Review.

My client recognises that his land will most logically be delivered alongside Site 113 and has no concerns in this regard. He remains able and prepared to make the site available for development at the <u>first available opportunity</u>.

In the above connection, the site should be regarded as **eminently suitable** and <u>immediately</u> <u>available</u> for housing.

The Council can therefore rely with some certainty that the site can be delivered in years 0-5.

The site comprise approximately 1.2 hectares and is considered capable of delivering around 45 dwellings which will, in conjunction with the adjoining site (113), make a valuable contribution to meeting the future needs of Kimberley already identified in the adopted Core Strategy.

The owner (and adjoining landowner) have been willing to invest in a planning application for some time in order to bring the site forward for development at the earliest opportunity. The only reason such an application has not yet been made is owing to the current Green Belt designation and prevailing Ministerial guidance in connection with the same.

I trust the above is of assistance and adequately conveys the suitability and availability of the site (and the absence of any significant constraints that could otherwise prove an obstacle to delivery) as part of the SHLAA 2015/16 update.

Yours sincerely MA(HONS) I P MRTPI Director





Planning Policy Team Broxtowe Borough Council Foster Avenue Beeston Nottingham NG9 1AB

EvansLDF/10

23 March 2015

Dear Sirs

Preferred Approach to Site Allocations [Green Belt Review]

Consultation February 2015

Further to the Council's current invitation for comments on the above consultation document, please find below **formal representations** on behalf of our clients, <u>Mr and Mrs R S Evans</u>, freehold owners of

Context

As you are aware we have previously made representations on behalf of our client in respect of this land¹ which extends to some 1.13ha and adjoins the northern limit of the settlement boundary of Kimberley.

You will recall that the site has previously been promoted through the Council's 2012/13 SHLAA process and afforded **site reference H116 Land north of Kimberley**. As part of this process, the land was identified in the *'Kimberley'* document comprising the Site Allocations Issues and Options November 2013 as an allocation option deemed *'Could be Suitable if Green Belt Policy Changes'*.

Furthermore, during the preparation of the current Broxtowe Local Plan, the Planning Inspector, in recommending that the immediately adjoining Site H113 - Land north of Alma Hill) was removed from the Green Belt and allocated for residential development, stated that, *"Consideration should be given to allocating the adjoining land (1.5ha) to the Northwest* [i.e. Site H116]*"*.

¹ See Appendix IBA1

The Adopted Core Strategy confirms **Kimberley as a 'Key Settlement'** and identifies the requirement for **up to 600 new homes** to be distributed towards Kimberley during the Plan period.

In terms of answering the specific questions within the current consultation, this letter covers those matters where appropriate and the representation form is attached as required.

Formal Representations

In general, the Council's approach to the zones and their assessments cannot be supported as:

- their extent has not been adequately defined or justified;
- the scoring system is highly subjective, overly simplistic and clearly open to skew in favour of one zone over another;
- the conclusions are skewed by the assessment of areas that are far too broad, particularly when considering impact on encroachment, sprawl and coalescence; and
- the fact two sites (H116 and H113) that were recommended by the previous Local Plan Inspector to be removed from the Green Belt and developed for housing have not at least been identified for further consideration at this early stage is testament in itself at to the frailties of the current selection/review process.

1. Questions on Zones

1a. Which zone does your comment relate to?

Zone 16.

1b. Do you agree with the appraisal of the zone?

No.

Please provide any comments to expand on your answers above.

The conclusions of Zone 16 cannot be supported as:

- the extent of the zone has not been adequately explained or justified e.g. based on landscape character area, topography, physical boundaries, ownership etc;
- the extent of the zone is not clearly defined the red area does not abut the white area (which presumably is the built-up area). In the absence of existing settlement boundaries being shown on the same plan, it is not at all clear how the edges of the zone relates to the existing built-up area this is extremely important when being asked to consider the impact

of the zone on sprawl, encroachment and coalescence (the absence of defined settlement boundaries on the same plan makes it extremely difficult to consider the impact of each zone on merging Kimberley with nearby settlement boundaries);

- the assessments fail to analyse the component parts of the zone (e.g. SWOT analysis), instead providing an overall conclusion on the whole (i.e. on an *all or nothing* basis) which is totally at odds with that of the 2004 Inspector who recommended that sites H116 and H113 be removed from the Green Belt and developed for housing;
- had the assessment analysed the component parts of the zone, it should have identified that there were parcels of land closest to the existing built-up area that comprised a logical extension/rounding-off and which would have minimal impact on the openness of the Green Belt and the five purposes of including land within the Green Belt; and
- instead, sites that have been previously recommended for removal from the Green Belt and allocated for development (sites H116 and H113) do not, by virtue of being *lumped* into a very broad 'zone' for assessment purposes (and consequently *dumped* owing to a general conclusion as part of an overall assessment), will not even figure in the next consultation stage which is the first opportunity many will have to express views on individual housing sites. This seems fundamentally wrong and belies the requirement for Plans to be positively prepared and effective.

For these reasons, the Council's approach and conclusions on Zone 16 are <u>not</u> considered to be sound.

2. Broxtowe Borough Council Proposed Boundary Change

2a. Which potential Green Belt boundary change does your comment relate to?

Kimberley.

2b. Do you agree with the boundary change?

No.

Please provide any comments to expand on your answer(s) above.

The choice of Zone 20 would appear to have been largely influenced by the A610 being considered to provide the long term defensible Green Belt boundary and, partly, by the recommendations of the Kimberley Advisory Committee which considered site H215 as one of several possible sites for development going forward.

However, somewhat ironically, the primary justification for choosing this zone (the A610) is also clearly a factor which will necessarily constrain the efficient development of this site – i.e. from noise, air quality and access standpoints.

In addition to the above constraints, the existence of "hilly" topography (visual prominence) and woodland (physical and ecological constraints) and the proximity of the Conservation Area (heritage constraints) will all serve to reduce the developable area of the zone.

Moreover, whilst site H215 falls within this zone, we are told on page 55 of the consultation document that this site in isolation does not contain defensible Green Belt boundaries!

The conclusions of the assessment for Zone 20 cannot be supported as:

- the extent of this zone has seemingly been purposefully and unfairly determined to favour one site over others (i.e. other sites have not been afforded the same level of qualification when arriving at the conclusions on each of the five purposes e.g.:
 - in terms of sprawl, the site receives only 2 stars despite reference to the site being "hilly" and therefore prominent!;
 - in terms of coalescence, the site receives only 2 stars owing to the existence of the A610 yet the perception of bringing one settlement closer to another will be most apparent to those significant users of the A610. Moreover, the zones map for Kimberley does not define the existing settlement boundary for Kimberley or Awsworth it is therefore almost impossible for consultees to consider how the development of zone 20 might impact on the merging between Kimberley and Awsworth; and
 - in terms of preserving the setting and special character of historic settlements, the site again receives only 2 stars despite the proximity of the Conservation Area to the north east. Reference is made to the "*small impact*" on the Conservation Area; however, without a Heritage Impact Assessment having first been carried out the significance on the historic setting etc cannot possibly be known and/or [low]-scored.

Concluding Remarks

The above concerns identify a **significant failing** in the Council's current approach which is considered to be overly-simplistic and lacks transparency and robustness.

Other Councils' Local Plans have fallen on similar shortcomings.

In order to ensure the Council's Plan, when independently scrutinised at the Examination in Public, is found to be 'sound', the Council will need to be able to demonstrate that it has been positively prepared, it is effective and that it complies with National Planning Policy.

As presently drafted, the Plan is <u>not</u> considered to be sound.

The exclusion of sites previously identified for removal from the Green Belt and developed for housing at this early stage of the process in itself identifies significant flaws in the assessment process.

To remedy the above, the Council will need to analyse each zone far more comprehensively and/or revisit smaller sites abutting the existing built-up area as part of an alternative approach.

The Council's reliance on Zone 20 as the only land identified to be removed from the Green Belt is not supported as the approach fails to consider more suitable sites that would, individually or collectively have much less of an impact of the openness on the Green Belt and the purposes of including land within it – e.g. sites H116 and H113.

Paragraph 83 of the NPPF confirms that, once established, Green Belt boundaries should only be altered in '*exceptional circumstances*', though the preparation or review of the Local Plan.

Since not all of Zone 20 is developable (or required to be developed!), the balance of the land is also being proposed to be taken out of the Green Belt despite clearly fulfilling most if not all of the purposes of including land within it.

In this connection, the release of some 14.41 hectares of land from the Green Belt to provide 4.97 hectares of housing cannot possibly constitute the '*exceptional circumstances*' required by paragraph 83 of the NPPF, particularly when there are alternative, smaller sites available that are clearly capable of delivering the actual amount of housing required at a lesser cost to the Green Belt (having regard to its objectives and purposes) and the environment in general.

Moreover, the fixing of conclusions on the necessary Green Belt boundary change for Kimberley in advance of a more detailed consideration of the ability of sites within the built-up area to deliver the number of houses anticipated in the 2013/14 SHLAA (i.e. the next consultation stage) is also not supported.

By fixing now, there is a real danger the Council's current approach to the Green Belt review will result in a Plan lacking the necessary flexibility should some sites fail to come forward as anticipated.

In circumstances where the built-up area is already tightly constrained by the Green Belt, the Plan must build in such flexibility by:

- dealing with the allocation of Green Belt sites (not zones) alongside all others sites as part
 of the next consultation stage since difficulties with some sites might result in the need
 for others to be allocated; and
- identifying 'safeguarded land' should additional housing land be required to be brought forward, whilst ensuring Green Belt boundaries, once reviewed, remain permanent (beyond the Plan period).

In failing to include the above provisions, the Plan (and the Council's approach) is not considered to be sound.

3. Do you have any other suggested boundary change?

Yes.

Please provide any comments.

Site H116 (Land north of 38 Alma Hill) is both suitable and available and could be delivered as part of a comprehensive development in conjunction with the adjacent site H113 (Land north of Alma Hill, Kimberley).

Site H116 equally benefits from the same physical advantages as site H113 and also lacks any identified constraints.

Moreover, during the previous 2004 Local Plan Review the Inspector similarly recommended that site H116 (in conjunction with H113) should be removed from the Green Belt and allocated for housing.

Overall, he concluded:

"Due to its topography and to a lesser extent its vegetation this is <u>a secluded site</u> and **development on it would not be visible** at any distance from the open countryside to the north or west ... and ... <u>Being so well contained within the landform</u> **development on the site would not constitute sprawl**."

The Inspector also confirmed that the site is of **very limited value to the purposes of the Green Belt** and concluded that, *"In these circumstances, the site should be allocated for housing development under [the then] Policy H2 at a density of 35 dph".*

Given that the five purposes of including land in the Green Belt remain *unchanged* since the 2004 Inspector's report, there is absolutely no reason why the Inspector's conclusion that these two sites are of <u>very limited value to the purposes of the Green Belt</u> should not be just as pertinent today.

The allocation of the two adjoining sites would therefore represent a logical *'rounding-off'* of the settlement which would be suitably contained by existing development on three sides and the robust ridgeline and well established hedgerow to the north.

The suggested boundary change is illustrated in **Figure 1** below.



Fig. 1: Image to illustrate the suggested alternative boundary change to facilitate the logical development of site H116 as a comprehensive housing allocation with the adjoining site H113.

Whilst the two sites are being promoted separately, the intentions of both landowners in making their sites available for development at the earliest opportunity are closely aligned and fully compatible.

The above **proposed boundary change** is considered *preferable* to that identified in the consultation document since it comprises a <u>more effective use of Green Belt</u> land and responds to the amount of housing land actually required, rather than resulting in the removal of a much larger swathe of land, the majority of which, by the consultation document's own conclusions, still fulfils the purposes of including land in the Green Belt.

I trust the above comments are helpful to the Council's consideration of the most appropriate approach to the future distribution of development within and around Kimberley and will be fully taken into account as and when this is progressed further.

I look forward to your acknowledgement of receipt in due course and trust that I will continue to be consulted on future stages of the Broxtowe Borough Council Local Plan (Part 2).

I would be obliged if these matters could be given thorough consideration in your continuing preparation of the Allocations and Development Management Policies DPD and confirm that I wish to continue to be kept appraised of progress and to reserve my right to have the opportunity to advocate the relevant representations through the Examination procedure if necessary.

Yours sincerely



MA(Hons)TP MRT Director



March 2015

Broxtowe Site Allocations Issues and Options



Personal Details*

Agent Details * If an agent is appointed, please complete only the title and name boxes below, but complete the full contact details of the agent

| Title | Mr Mrs | Miss | Ms | Other: | MR | & | MRS | | | | |
|----------------------------------|--------|------|----|--------|----|---|-----|----|--|--|--|
| First Name | R | | | | | | | | | | |
| Last Name | EVAL | IS. | | | | | | | | | |
| Job Title (where relevant) | | | | | - | | | | | | |
| Organisation (where relevant) | | | | | | | | | | | |
| Address | c/o | AGEN | т | | | | | | | | |
| Postcode | | | | | | - | - | - | | | |
| Tel. Number | | | | | | - | | 11 | | | |
| E-mail address | | | - | | | - | | | | | |

| Please return completed forms to: Planning Policy, Chief Executives Department, Foster Avenue, Beeston, Nottingham NG9 1AB Fax: 0115 917 3377 | For more information: Tel: 0115 917 7777 ext 3482, 3452, 3468 E-mail: planningpolicy@broxtowe.gov.uk |
|--|--|
| Alternatively an online version of this is available, at www.broxtowe.gov.uk/allocationsites | |

Comments should be returned by 5.00pm Friday 10th January 2014

If you require any assistance in making a representation/filling in this form please contact the Planning Policy Team who will do all they can to offer assistance.

This form is available in large print and other formats on request, you can also submit online via our website, www.broxtowe.gov.uk/allocationsites

Which settlement area(s) do your comments relate to?

| Awsworth | Brinsley | Eastwood | Kimberley |
|--------------------|-------------|--|---|
| Main Built up Area | Other Rural | | |
| | | and the second second second second second second second second second second second second second second second | F) will be used in the plan process and |

may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

1. Housing

Please note that this is your opportunity to guide where the development in your area goes, this is not an opportunity to change the housing distribution allocated to your area.

Issue 1a: Potential housing sites identified within the Council's Strategic Housing Land Availability Assessment (SHLAA) are set out in the schedule and maps in the locally specific documents. Size thresholds need to be considered: we think it is appropriate only to consider new housing allocations (not identified in the Core Strategy) for between 10 and 500 dwellings.

Issue 1b: Provision needs to be made for specialist accommodation, including for groups with special needs and elderly people. It may be appropriate to make specific provision on appropriate sites, including those in Issue 1a above, or perhaps, for example, to allocate a specific site for a "retirement village".

Issue 1c: The government requires that pitch targets for gypsies and travellers and plot targets for travelling showpeople are identified in local plans. Suitable sites need to be found for accommodation for gypsies, travellers and travelling showpeople.

Issue 1d: The delivery of affordable homes needs to be maximised in order to meet the 30% ambition in the Core Strategy. Certain sites, and certain parts of the borough, may be more suitable than others for this purpose.

Issue 1e: In the Core Strategy the Council has identified strategic locations for growth at land adjacent to the proposed HS2 rail station at Toton and at the Boots /Severn Trent site in Beeston. The mix of uses on the Toton site is to be established as part of this allocations process, and the precise site boundaries of both sites are also to be confirmed.

Question 1a: Which of the sites are more appropriate to develop for housing?

PLEASE SEE ATTACHED LETTER

Question 1b: Which sites, if any, can specialist accommodation (e.g. for the elderly) be provided on?

Question 1c: Which sites, if any, can gypsies, travellers and travelling showpeople accommodation be provided on?

Question 1d: Which sites are capable (in economic terms) of meeting the 30% affordable housing provision?

Question 1e: Is it appropriate only to consider new housing allocations for 10 or more dwellings?

Yes

If you wish to expand on your answers please attach a separate sheet and make it clear what question your response relates to.

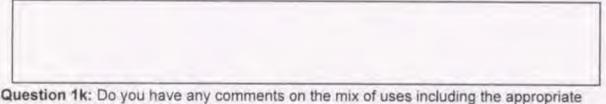
No

| Question 1f: Are | there other issues that sh | ould be considered regard | ling housing? |
|---|---|--|----------------|
| | Yes | No | |
| If yes, please prov | vide details of the issues. | | |
| Boots/Severn Tre Question 1g: Wh | | boundaries for the Boots/ | Severn Trent |
| location? | | | |
| | | | |
| | | | |
| Question th: Do | vou have any comments (| n where the proposed ho | |
| land, open space | and infrastructure includin | on where the proposed ho g local services and acces | |
| land, open space | and infrastructure includin | | |
| land, open space be situated on this | and infrastructure includin location. | g local services and acces | |
| land, open space be situated on this | and infrastructure includin location. | g local services and acces | |
| land, open space be situated on this If yes, please prov | and infrastructure includin location. Yes vide details. | g local services and acces | s provision s |
| land, open space be situated on this If yes, please prov | And infrastructure including location. Yes vide details. | g local services and acces | s provision st |
| land, open space be situated on this If yes, please prov Question 1i: Do y designed to best e | and infrastructure includin location. Yes vide details. | g local services and acces | s provision st |
| land, open space be situated on this If yes, please prov | and infrastructure includin location. Yes vide details. | g local services and acces | s provision st |

If you wish to expand on your answers please attach a separate sheet and make it clear what question your response relates to.

Toton

Question 1j: What are the appropriate site boundaries for the Toton strategic location for growth?



Question 1k: Do you have any comments on the mix of uses including the appropriate amount and location of any proposed housing, employment land, open space and infrastructure including a potential tram extension, local services and access provision.

| | Yes | No | |
|--------------------|------------------------|----------------------------------|-------|
| yes, please provi | de details. | | |
| | | | |
| | | | |
| | | nents on how development here ca | an be |
| esigned to best er | nhance the local area. | | |
| | Yes | No | |
| | | | |

2. Approach to the Green Belt

Issue 2a: Green belt boundaries need to be reviewed to fully meet the development needs of Broxtowe as specified in the Core Strategy to 2028 (and possibly beyond this date, as indicated in the NPPF). Please see in particular the maps in the locally specific documents and the details of housing land availability in the borough in the locally specific documents when commenting, although you may also wish to consider the need for other non-residential allocations. Issue 2b: Green Belt boundaries may also need to be reviewed to address existing small anomalies (e.g. where the Green Belt boundary does not follow an existing physical feature or bisects an existing residential curtilage). Anomalies exist for many reasons including as a result of advances in mapping technology (e.g. converting low resolution maps onto high resolution maps) or where physical Green Belt boundary features no longer exist. Corrections of small anomalies are not intended to allow development of the land, affect only small areas and do not have strategic implications.

Question 2a: Where should Green Belt boundaries be amended to meet the development needs of Broxtowe as specified in the Core Strategy to 2028?

PLEASE SEE ATTACHED LETTER

If you wish to expand on your answers please attach a separate sheet and make it clear what question your response relates to.

Question 2b: Should Green Belt boundaries be amended to meet the development needs of Broxtowe beyond 2028 (i.e. safeguarded land)?

| PLEASE SEE | ATTACHED LETTER | | |
|----------------------|---------------------------|------------------------------|----------------|
| | ld Green Belt boundarie | es be amended to address e | xisting small |
| anomalies? | Yes | No | |
| f yes where? | | | |
| | | | |
| Question 2d: Are the | here other issues that sh | nould be considered regardin | ng the Green B |
| | Yes | No | |
| | Tes | | |

3. Economic Issues/Job Creation

Issue 3a: The NPPF advises that planning policies should be flexible enough to accommodate business needs not anticipated in the plan.

Issue 3b: The existing employment sites shown in the maps in the locally specific documents represent a potential supply of sites for employment use. Some, however, are not considered to be suitable for modern employment requirements and could be redeveloped for other purposes.

Question 3a: Should additional allocations for employment sites be made?

es

| | | L | ł | ٧ | j |
|--|--|---|---|---|---|
| | | Ľ | | 1 | ſ |

No

If yes, where should the additional employment allocations be?

ian baseley associates

chartered town planners

Mr S Saunders Planning Policy Manager Broxtowe Borough Council Foster Avenue Beeston Nottingham NG9 1AB

10 January 2014

NB/EvansLDF/7

Dear Mr Saunders

Local Plan Consultation Site Allocations Issues and Options November 2013 Consultation Document

Further to the Council's current invitation for comments on the above consultation document, please find below **formal representations** on behalf of our clients, <u>Mr and</u> <u>Mrs R Evans</u>, freehold owners of

Context

As you are aware we have previously made representations on behalf of our client in respect of this land¹ which extends to some 1.13ha and adjoins the northern limit of the settlement boundary of Kimberley.

You will recall that the site has previously been promoted through the Council's 2012/13 SHLAA process and afforded **site reference H116 Land north of 38 Alma Hill**, **Kimberley.** As part of this process, the land has been identified² as an allocation option deemed '*Could be Suitable if Green Belt Policy Changes*'.

Furthermore, during the preparation of the current Broxtowe Local, the Planning Inspector, in recommending that the immediately adjoining Site H113 - Land north of Alma Hill) was removed from the Green Belt and allocated for residential development, stated that, "Consideration should be given to allocating the adjoining land (1.5ha) to the Northwest [i.e. Site H116]".

The Aligned Core Strategy (ACS) identifies Kimberley as a 'Key Settlement' and therefore a strategic and sustainable location for growth. Accordingly, the ACS



¹ See Appendix IBA1

² In the 'Kimberley' document comprising the Site Allocations Issues and Options November 2013

identifies the requirement for **up to 600 new homes** to be distributed towards Kimberley during the Plan period [i.e. up to 2028].

The Council is consulting on the *proposed* Development Sites and on additional areas that are required for longer term needs (beyond the Plan Period - i.e. after 2028), known as 'Safeguarded Land'.

Our formal representations are made in relation to topics 1 and 2 covering 'new housing' and 'the approach to the Green Belt' respectively. Our clients broadly agree with key issues 1a to 1e and 2a and 2b contained within the consultation document.

In terms of answering the specific questions, this letter covers those matters where appropriate and the representation form is attached as required.

Formal Representations

Land North of Alma Hill, Kimberley (Site Ref. H116) – <u>SUPPORT</u> its formal allocation for residential development

The site's identification as one of a number of potential choices for new housing allocations is welcomed. Its subsequent formal allocation as a housing site is **strongly supported**. In terms of the site's performance from a physical perspective, the site is:

- surrounded on two sides by existing residential development and is directly adjacent to a further potential housing site (H113) to the south east,
- defined and contained to the north by a strong defensible feature in the form of a localised ridge separating it from the open countryside and Green Belt beyond,
- bound on all sides by dense hedgerows/trees,
- potentially accessible via the adjacent Site H113,
- free of any environmental constraints or designations preventing its development.

The development of Site H116 would, in combination with Site 113, evidently represent a logical 'rounding-off' of the northern edge of the established settlement boundary of Kimberley. The characteristics highlighted above would naturally define the site more logically as an extension to the settlement of Kimberley as opposed to its present Green Belt designation.

This matter is strengthened by the National Planning Policy Framework which states, inter alia, that, "When defining boundaries [Green Belt], local planning authorities should: define boundaries clearly, using physical features that are readily recognisable and likely to be permanent".³

In the above context, the ridgeline to the north of the site in conjunction with the mature hedgerows surrounding the site form easily recognisable and long term

³ Paragraph 85 of the NPPF

defensible boundaries. The existing residential properties and outbuildings which bound the site contain the land and readily attach it in visual *and* physical terms to the settlement framework boundary.

It is prudent here to highlight the five purposes of Green Belt designation,⁴ namely:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- · to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The designation of the subject site as Green Belt evidently does not serve *any* of the above purposes in a meaningful manner and therefore **its release from Green Belt and allocation as housing land is wholly logical and justified.** Moreover, Paragraph 85 of the NPPF, inter alia, advises that, "When defining [Green Belt] boundaries, local planning authorities should not include land which it is **unnecessary to keep permanently open**;" (our emphasis)

The site's development for residential purposes will evidently have a **minimal impact on the wider countryside** primarily due to its specific location nestled between existing development and naturally enclosed by physical features. In addition, the quality of the land for arable purposes is not recognised as one of the most fertile and thus has accordingly been identified as a **Grade 3a Agricultural Land Classification**.

Turning to considerations of access, the site could be readily served via the development of the adjacent land (Site 113) as a comprehensive development, obtaining direct access from Soarbank Close and/or Branklene Close.

With regards to wider transportation matters, the site and its immediate vicinity is readily **served by good transport infrastructure**, namely the A610 linking the site to junction 26 of the M1. In addition, the site is well served by local bus routes which are within 5 minutes walk of the site.

In examining the benefits of this site as a potential housing land allocation, it is evident that Sites 116 and 113 together represent two of the **most logical of all of the sites identified** in the **Kimberley Site Allocations document**. This is primarily due to their close association with the existing settlement framework boundary and therefore their natural extension to it. The other Green Belt sites identified appear much less rational (the adjoining H113 site aside) as potential housing sites than H116.*

Since Kimberley is presently tightly constrained by the Green Belt, and given the <u>limited</u> opportunities within the built-up area to achieve the objectively assessed housing requirement, it is accepted by the Council that land adjoining the existing development

⁴ As per Paragraph 80 of the NPPF

boundary will necessarily need to be released from the Green Belt to ensure compliance with the ACS.

In the above context, the Council has appraised the Green Belt Sites that 'Could be Suitable if Green Belt Policy Changes'. Of the 11 sites identified just 6 have been assessed as meeting all three criteria,⁵ which includes site H116 and the directly adjacent H113 Land north of Alma Hill.

Site H116 (as well as the adjoining H113) is considered to be <u>entirely suitable</u> for development with minimal impact on the integrity of the Green Belt and the five overriding purposes that Green Belt serves.

Four of the other Green Belt sites under review are considered to be significantly less suitable for release, in summary, due to the following reasons:

- Site Ref. H473 The site contains a range of Listed Buildings and is within the Conservation Area providing a significant constraint to its development. The site also abuts the M1 motorway leading to significant issues of noise. Vehicular access is and has been an issue in the past and there is a potential contamination issue. Moreover, part of the site is within a 200 metre buffer of the preferred route for HS2.
- Site Ref. H131 The site forms part of a Site of Importance for Nature Conservation and there are notable level changes within and around the site.
- Site Ref. H411 The site extends beyond the immediate development limit to the south west of Kimberley which would lead to a noticeable sprawling effect. In addition, the site contains a significant level of vegetation, particularly to the north west, which would need to be removed to make way for its development (or retained with a reduced site capacity).
- Site Ref. H215 The site forms part of a Site of Importance for Nature Conservation and its development would be visually significant when viewed from the A610. The site also contains a significant level of vegetation which would need to be removed to make way for its comprehensive development (or retained with a reduced site capacity).

Owing to the constraints identified above, for the avoidance of doubt a <u>strong</u> <u>objection</u> is made to the inclusion of **sites H473**, **H131**, **H411** and **H215** as formal allocations.

In assessing the directly adjacent site (H113 Land north of Alma Hill)[®] during the previous Broxtowe Local Plan Review (2004), the Planning Inspector⁶ stated that, "Consideration should also be given to excluding the adjoining land to the northwest [i.e. the site subject to these representations – H116] which has a similar character and which is also

⁵ 1. Settlement recommended in 'Tribal', 2. Directions for growth recommended in 'Tribal' and 3.

Defensible physical boundary

⁶ in his report dated 11 June 2003

contained by development, the topography and a continuation of the hedge along the north east boundary".⁷

The Inspector noted the need for a suitable access to Site H116 as the only issue to resolve which he identified could be obtained via the adjacent site and subsequently concluded that, "Development on the <u>combined sites</u> would round-off the existing pattern of development at this point in terms of urban form, topography and landscape. It would appear as a natural extension of the town and would in no way look intrusive or incongruous".⁸

The relevant extract of the Inspector's Report is attached at Appendix IBA2 for completeness.

Despite the Inspector's clear conclusions regarding the appropriateness of the subject site and the adjoining land as housing allocations, the Council did not consider at the time that there was an overriding need to release sites such as this from the Green Belt. Clearly however the situation has changed since this time and the Council is evidently now reliant upon releasing land from the Green Belt in order to meet the development needs of Broxtowe Borough, as identified in the ACS.

With **question 1a** in mind, the Council should therefore take heed of the Inspector's previous assessment of the site and its clear merits as a development opportunity and amend the Green Belt boundary and **allocate Site H116 in conjunction with Site H113** for housing purposes to be delivered as a comprehensive development.

The allocation of the two adjoining sites would represent a **logical 'rounding-off'** of the settlement which would be suitably contained by existing development on three sides and the robust ridgeline and well established hedgerow to the north. Its comprehensive allocation is illustrated in **Figure 1** below.



Fig. 1 Image to illustrate the logical development of the subject site as a comprehensive scheme with the adjoining site

Paragraph 16

⁸ Paragraph 16

Whilst the two sites are being promoted separately, the intentions of both landowners in making their sites available for development at the earliest opportunity are closely aligned and fully compatible.

In turning to **question 2b** the possibility of amending Green Belt boundaries to meet the development needs of Broxtowe <u>beyond 2028</u> (i.e. safeguarded land) is <u>supported</u>. Once reviewed, Green Belt boundaries should be permanent and be expected to exist beyond the Plan period. The NPPF is quite clear in this regard⁹.

The identification and allocation of safeguarded land will afford the Council and its new Local Plan in-built **flexibility** should any of those sites allocated for development not come forward for whatever reason as originally envisaged. This is particularly important where settlements identified for sustainable growth, such as Kimberley, are presently already tightly constrained by the Green Belt.

In selecting possible 'safeguarded land', the issues of development delivery and impact on the purposes that the Green Belt serves should be key matters of consideration.

Whereas sites H116 and H113 are considered readily and easily deliverable and developable owing to their size and them being free of any identified constraints to development (indeed there was strong developer interest in H113 at the time of the previous Local Plan Review), larger sites, such as H215, would inherently have delivery and viability issues.

Moreover, the development of the larger sites would have a much more significant and obvious visual impact on the Green Belt. In such circumstances the Council should consider the identification of these larger sites as 'safeguarded land' in order to build in flexibility to the Local Plan beyond 2028 to facilitate development in the event that it is shown to be needed by monitoring housing land supply and completions.

In summary, in response to the second part of question 2b, the identification of the larger sites, such as H215, as safeguarded land is encouraged to firstly enable the smaller, easily developable and less impacting sites to assist in contributing towards Broxtowe's growth requirements.

Concluding Remarks

In all of these circumstances, the removal of the site [H116] from the Green Belt and its allocation as a housing site is wholly appropriate and should be given full support to secure its formal inclusion.

For the avoidance of doubt the allocation of H116 for housing purposes is <u>strongly</u> <u>supported</u> for the reasons advanced above to facilitate an extremely logical extension/'rounding-off' of this part of the development boundary (in conjunction with Site H113).

⁹ Paragraph 83 of the NPPF

I trust the above comments are helpful to the Council's consideration of the most appropriate approach to the future distribution of development within the Borough and will be fully taken into account as and when the Document is progressed further.

I look forward to your acknowledgement of receipt in due course and trust that I will continue to be consulted on future stages of the Broxtowe Borough Council Local Plan.

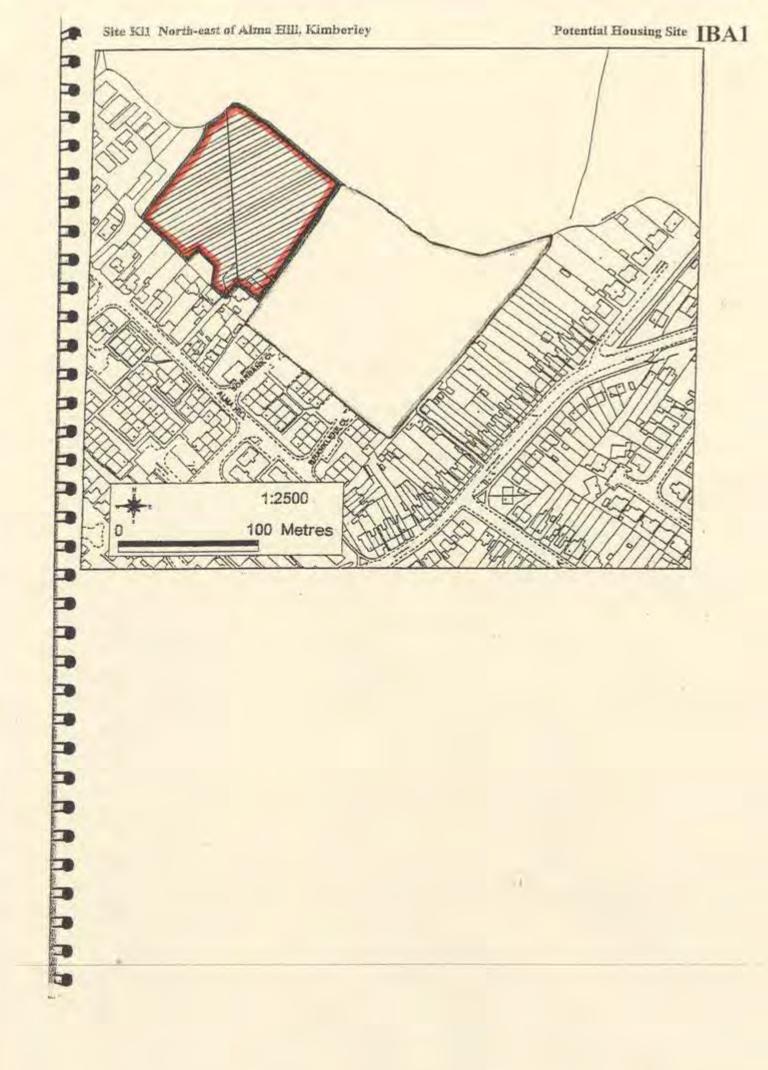
I would be obliged if these matters could be given thorough consideration in your continuing preparation of the Local Plan Site Allocations Issues and Options Document and confirm that I wish to continue to be kept appraised of progress and to reserve my right to have the opportunity to advocate the relevant representations through the Examination procedure if necessary.

Valleri IVIA(MOID) Partner

c.c Mr and Mrs R Evans

ian baseley associates

January 2014



IBA2

Chapter 10 - Proposed potential housing and/or employment development sites

measures are available to contain workshop noise. The presence of an adjoining depot did not prevent the Council from allocating site H1b and I see no reason why it should here. The design of development, including landscaping could contain the unattractive views of the depot.

Synthesis

- 23. The objection site and the two fields are of very little value to the Green Belt, to the MLA, to agriculture and to nature conservation. On the other hand they occupy a highly sustainable location in terms of accessibility to PT and to services and facilities. They represent a significant under used opportunity. It makes little sense to develop the objection site alone in isolation. The two fields should be developed comprehensively and case law rules that Inspectors may have regard to the implications of their conclusions on land adjoining objection sites. With the possibility of another access I see no reason why these sites should not achieve an average site density of 40 dph, with perhaps lower density on the upper parts and higher on the lower parts. As a greenfield site they should be included in Phase 2 of Policy HX which should provide time to resolve the access issues.
- 24. The objection site and the adjoining fields should be excluded from the MLA and from the Green Belt. Consideration should also be given to excluding from the Green Belt the remainder of the Council Depot and the small triangular field to the west, drawing the Green Belt boundary along the A610 and the western side of the disused railway cutting, in order to achieve a clear logical boundary that reflects that immediately to the west.

Recommendation

25. I recommend that the objection site Kic, the remainder of the field and the adjoining field be excluded from the Green Belt and the MLA and allocated for housing at a minimum average density of 40 dph in Phase 2 of Policy HX. Consideration should also be given to excluding the remainder of the Council Depot and the small triangular field to the west from the Green Belt, drawing the Green Belt boundary along the A610 and the western side of the disused railway cutting.

KI(1) NORTH EAST OF ALMA HILL, KIMBERLEY

Background

- On receipt of the objector's statement of evidence, the Council wrote to the agents on 13th November 2001 arguing that no duly made objection had been made in respect of allocation H2I as a whole and that it was not acceptable to propose an alternative site within the context of objections to R220. They referred to the regulations that only objections to changes could be made at the RDDP stage.
- 2. The objector responded in a letter of the 27th November 2001 that they were not informed of the deposit of the FDDP despite their involvement in the CDP. Following the closing date for objections, the objector became aware of the FDDP and were advised by Council officers to object to sites at the RDDP stage and

Chapter 10 - Proposed potential housing and/or employment development sites

thereby introduce the objection site, which was considered at the previous CDP stage.

- 3. The Council replied on the 29 November 2001. They enclosed a letter dated 21st August 2000 from the Council to the objectors which stated that as the representations were not made within the deposit period the objector would not be entitled to appear at the inquiry. They pointed out that in the duly made objection to the RDDP they were not advised that a new site at Alma Hill was sought.
- I dealt with the Council's letter of the same date at the opening of the inquiry 4. session previously scheduled for this objection on the 29 November 2001. referred to the Pre-Inquiry Meeting in July when I specifically drew the Council's attention to a number of objections that had been made to the RDDP, which appeared to me to relate to the FDDP. I drew the Council's attention to government advice in PPG12, which suggested that the Council should have rejected objections such as these as not duly made. I advised that if the Council pursued this approach, they should advise the objectors accordingly and well before the start of the inquiry so as to allow them time to mount any challenge and avoid jeopardising the inquiry timetable. However, I stressed that it was for the Council and them alone to decide which objections were duly made, although clearly they should act consistently. My responsibility was to deal with the objections that the Council had accepted and put before me. At the PIM, the Council acknowledged the issue but advised that they wished me to deal with all the objections that they had accepted and which were to be included in CD 30.
- 5. This objection is included on page 140 of CD30. At the inquiry, I referred to my advice at the PIM and to the Council's response and assurances. I knew of no provisions that allowed me to reject objections that had been accepted by the Council as duly made. The Council confirmed that they were unaware of any. I drew attention to the dangers of the Council acting inconsistently in respect of some objections but not others and at such a late stage in the programme. It was not for me to reject objections that had been accepted by the Council upon seeing the detailed evidence. I would, as the Council had requested, deal with those objections put before me whatever their nature; nothing more and nothing less. The Council gave assurances that they would not re-visit the issue.
- 6. The objector in seeking the deletion of H2I in its revised form, had, by way of substitution, suggested some re-assessment of those sites around Eastwood/Kimberley/Nuthall that had been rejected at the CDP stage. In the light of this, it was clearly open to the objector to put forward all of these sites. I could find no criticism that they then confined it to one of the sites rejected at the CDP stage.
- 7. The Council's letter of the 21st August 2000 was misleading. It would have been more accurate to inform the objector that a none duly made objection would not be put to the Inspector holding the inquiry. However, it is for the Inspector not the Council to decide whether to hear at inquiry those objections that had been accepted. In view of these factors, I ruled that I would hear the objector at the scheduled inquiry session.

- 8. It is clear from the RDDP and the Council's Proposed Pre Inquiry Changes that some greenfield and even some Green Belt sites are likely to be needed to meet SP requirements for housing and for employment land due to the shortage of sites within the urban areas of Broxtowe. Indeed, the Pre Inquiry Changes put forward still include major allocations of housing and employment land in the Green Belt; H2I, EM2 and EM3f at Watnall/Nuthall. For reasons set out in Chapters 4 and 5, 1 recommend that these allocations be deleted from the RDDP. I have to identify other more suitable sites for housing and employment development.
- 9. Where there is an outstanding need to take Green Belt sites to meet SP housing and employment requirements this provides the exceptional circumstances necessary to justify altering approved Green Belt boundaries. However, as the Council accepted on site H2X at Giltbrook, sustainable sites outside the Green Belt are to be preferred and that it is difficult to demonstrate exceptional circumstances whilst such sites exist. In considering proposed allocations in the Green Belt, 1 have regard to the extent to which they fulfil Green Belt purposes set out in PPG2 para 1.5 as well as other criteria, particularly sustainability factors.

Inspector's Conclusions

Location and Site Search Sequence

- 10. This greenfield site of about 1.9 ha lies on the edge of the built up area of the town of Kimberley. It falls within category c) of the search sequence in Policy 1 of RPG8. It is about 550 m from frequent bus services along Nottingham Road, which is the spine of the Nottingham to Eastwood PT Corridor identified in SP Policy 1/ 2 as a preferred location for major development. This may be somewhat beyond the NCC's optimum walking distance of 400 m to frequent PT routes but the IHT advise that whilst this is a desirable walking distance to bus stops, 500 m is acceptable and standards need to be applied with discretion (CD127). The site is about as close as former allocation H2d to a less important bus route and is closer to the PT Corridor than site H2I at Watnall/Nuthall. LP Policy H6 clearly anticipates some housing allocations beyond 400 m walking distance of frequent bus services.
- 11. Furthermore, CD127 suggests desirable and acceptable walking distances of 500 m and 1000 m for commuting/school. There is also an hourly bus service along Hardy Street about 200 m away. The site is within 200 m of the nearest PS and within just over 800 m of the SS and about 700 m from the edge of Kimberley Town Centre. There is a PH within about 100 m and a local shop a little further away. It may not be the most accessible of locations, but it is not remote either and is reasonably sustainable; more so than former allocation H2d and other potential housing sites.

Agriculture

12. Like most of site H2I the land is B&MV, its ALC being grade 3a. It is SP Policy 3/13 and government policy to prefer the development of lower grade land such as on H2d and H2j wherever possible. However, this site would only be a small and very limited loss to agriculture.

Green Belt

- 13. The site is bounded to the southeast and to the southwest by the rear of dwellings on the northern edge of Kimberley. It is contained to the northwest partly by development. The land slopes down to the south from the hedge, which forms the north-eastern boundary. There is also a well established hedge along the southeastern and north-western boundaries, which helps to soften the urban edge, but the south-western boundary, marked by a fence, presents a raw urban edge.
- 14. Due to its topography and to a lessor extent its vegetation this is a secluded site and development on it would not be visible at any distance from the open countryside to the north or west. It would only be seen from the edge of the town immediately to the east and south and from the adjoining PF to the north, which already has views off the adjoining town. The next nearest settlement is Watnall over 600 m away to the north east out of sight beyond the ridge. Newthorpe/Giltbrook lies over 800 m away on the other side of the valley. Development of the site would not lead to any increase in the degree or perception of coalescence of settlements. Being so well contained within the landform development on the site would not constitute sprawl. However, as the objector accepted the adjoining field to the northwest has a similar landform and is largely contained on its northwestern boundary by existing development. Development of site Ki(1) would make it difficult to resist the development of this adjoining land at some future Plan review when similar arguments could be advanced.
- 15. The objection site and the adjoining site's development would involve encroachment into the countryside, contrary to the 3rd Green Belt purpose in PPG2. However, this would be on a small scale and its impact would be limited by the "topography of the land. Its impact upon the open character of the Green Belt north of Kimberley would be minor both in absolute and relative terms. The 5th Green Belt purpose is largely served by the phasing Policy that I recommend that includes most greenfield sites in Phase 2 and thus assists urban renewal by encouraging recycling of derelict and other urban land.
- 16. The site is of very limited value to the purposes of the Green Belt. Although not subject to an objection, consideration should also be given to excluding the adjoining land to the northwest which has a similar character and which is also contained by development, the topography and a continuation of the hedge along the north east boundary. Case law establishes that Inspectors may make consequential recommendations relating to land outside an objection site. It is preferable to resolve this issue now than to revisit it at a future review when it would detract from the public concept of the permanence of Green Belt boundaries. The adjoining site could also be dependent upon the objection site for vehicular access. Development on the combined sites would round-off the existing pattern of development at this point in terms of urban form, topography and landscape. It would appear as a natural extension of the town and would in no way look intrusive or incongruous.

Access

 Development on the objection site could take ready access from either or both of the adjoining Closes to the south. Access to the adjoining land to the north west Chapter 10 - Proposed potential housing and/or employment development sites

would probably need to be via site Ki(1), whose development should provide for this. Development of the site would provide the opportunity to soften the existing hard edge to the town.

Synthesis

- 18. This is a small site of little value to the purposes of the Green Belt. It lies on the edge of a urban area in the Nottingham to Eastwood PT Corridor favoured for major development in SP Policy 1/2, although its size falls below the SP threshold for major development the SP does not preclude smaller scale development in PT corridors. The site is highly accessible to schools and reasonably so to other local services including PT routes. Its development would involve the loss of a small but acceptable amount of B&MV agricultural land. However, it would as a greenfield site only be brought forward for development in Phase 2 of Policy HX if it is shown to be needed by monitoring housing land supply and completions. This site's major advantage is that it would appear to have few development constraints and should be capable of being brought forward at short notice for development, which may be important given possible constraints on some other sites. It's intrusion into the Green Belt and countryside would be very limited in scale and extent and indeed hardly noticeable, unlike site H2j and to a lessor extent H2d. At a density of 35 dph it could provide about 66 dwellings. If the adjoining site of about 1.5 ha is allocated, the total development could bring forward about 119 dwellings.
- 19. In these circumstances, the site should be allocated for housing development under Policy H2 at a density of 35 dph and included in Phase 2 of Policy HX. Consideration should be given to allocating the adjoining land (1.5ha) to the Northwest.

Recommendation

20. I recommend that the RDDP be modified by the allocation of site Ki(1) (1.9 ha) for housing development under Policy H2 at a density of 35 dph and inclusion in Phase 2 of Policy HX. Consideration should be given to allocating the adjoining land (1.5ha) to the northwest with the same density and phasing.

KI2 SOUTH OF A610/EAST OF AWSWORTH LANE, KIMBERLEY

Background

1. It is clear from the RDDP and the Council's Proposed Pre Inquiry Changes that some greenfield and even some Green Belt sites are likely to be needed to meet SP requirements for housing and for employment land due to the shortage of sites within the urban areas of Broxtowe. Indeed, the Pre Inquiry Changes put forward still include major allocations of housing and employment land in the Green Belt; H2I, EM2 and EM3f at Watnall/Nuthall. For reasons set out in Chapters 4 and 5, 1 recommend that these allocations be deleted from the RDDP. I have to identify other more suitable sites for housing and employment development by way of replacement, although I find in Chapter 5 no need to replace allocation EM2 at this stage in view of the development and availability of sufficient sites for BPs and

Broxtowe Local Plan Review: Inspector's Report



Planning Policy Team Broxtowe Borough Council Foster Avenue Beeston Nottingham NG9 1AB

EvansLDF/12

3 November 2017

Dear Sirs

Broxtowe Local Plan Part 2 Publication Version

Further to the Council's current invitation for comments on the above consultation document, please find below **formal representations** on behalf of our clients, <u>Mr and Mrs R S Evans</u>, freehold owners of **Land north of at Kimberley.**

Context

As you are aware we have previously made representations on behalf of our client in respect of this land¹ which extends to some 1.13ha and adjoins the northern limit of the settlement boundary of Kimberley.

Our objections focussed on the failure of the then draft Plan to include site reference 116 Land north of 38 Alma Hill, Kimberley as a housing allocation and highlighted concerns regarding the Council's approach to the Green Belt Review where sites (and their own in particular) had been assessed and discounted on the basis of illogical (and inappropriately extensive) evaluation zones.

The Publication Version of the Local Plan Part 2 does nothing to address these objections – and consequently **such concerns** clearly <u>remain unresolved</u>.

You will recall that the site has previously been promoted through the Council's 2012/13 SHLAA process and afforded **site reference H116 Land north of 38 Alma Hill, Kimberley.** As part of this process, the land was identified in the '*Kimberley'* document comprising the Site Allocations Issues and Options November 2013 as an allocation option deemed '<u>Could be Suitable if Green</u> <u>Belt Policy Changes'</u>.

¹ Attached to form Appendix IBA1

Furthermore, during the preparation of the current Broxtowe Local Plan, the Planning Inspector, in recommending that the immediately adjoining Site H113 - Land north of Alma Hill) was removed from the Green Belt and allocated for residential development, stated that, *"Consideration should be given to allocating the adjoining land (1.5ha) to the Northwest* [i.e. Site H116]".

Formal Representations

The Council's approach to the distribution of development (as far as it relates to Kimberley) as set out in the Broxtowe Local Plan Part 2 Publication Version is <u>not supported</u>.

The draft as presently worded is <u>not</u> considered to be *sound* on the basis that it:

- has not been positively prepared;
- is neither justified nor effective; and
- does not comply with national planning policy.

The Adopted Core Strategy confirms **Kimberley as a 'Key Settlement'** and identifies the requirement for **up to 600 new homes** to be distributed towards Kimberley during the Plan period.

However, the Publication Version only allocates sufficient land for approximately 167 dwellings across the following three sites:

- land south of Kimberley including Kimberley Depot (105 homes);
- land south of Eastwood Road, Kimberley (40 homes);
- Builders Yard, Eastwood Road, Kimberley (20 homes).

Two of the allocations were allocations in the previous 2004 Local Plan and quite clearly have not been brought forward for development in the intervening period. This in itself raises legitimate questions over confidence regarding their deliverability over the next Plan period – perhaps indicating that there are problems with either site e.g. physical or technical constraints or ownership issues?

In order for the Plan to be *sound*, the Council and the Inspector must be confident that *all* of those sites allocated for development *will* be developed <u>during the Plan period</u>.

The single (*new*) allocation comprises land south of Kimberley, including Kimberley Depot².

² Policy 7.1.

Part of this site currently comprises part of the Babbington/Swingate/Verge Wood Mature Landscape Area as acknowledged in the Sustainability Appraisal and summarised in paragraph 7.6 of the Local Plan Part 2 Publication Version.

Indeed, the impact on the landscape is identified as a **negative effect** in the Sustainability Appraisal – albeit this is somewhat conveniently summarised in the aforementioned paragraph 7.6 as "only one <u>very minor</u> negative effect".

Despite the above, there appears to be no specific justification why this site in its entirety was chosen to be the sole (*new*) allocated site over others that have previously been identified as being potentially suitable subject to (Green Belt) policy change.

Whilst four sites were assessed in the *Landscape and Visual Analysis of Potential Development Sites (January 2017),* others were not – and again there would appear to be no explanation as to why this was the case.

In the above connection, my clients' site at Land north of 38 Alma Hill, Kimberley³ (and the adjoining site at Land north of Alma Hill, Kimberley⁴) had been previously recommended (by the 2004 Local Plan Inspector) to be removed from the Green Belt and allocated for housing as part of the 2004 Plan – a recommendation which the Council subsequently ignored.

Neither site comprises part of a Mature Landscape Area and both sit below the ridgeline – together comprising an **extremely logical extension/rounding-off of the Main Urban Area**.

Both sites have no ecological interest – in contrast to the proposed (*new*) allocated site which, in part, comprises part of a wider Local Wildlife Site (which might in itself serve to constrain housing numbers on this site?)

The Council's 2015/2016 SHLAA identified both sites as being suitable for housing if (Green Belt) policy changes.

Despite all of the above, neither sites 116 or 113 were included as part of the aforementioned *Landscape and Visual Analysis of Potential Development Sites* earlier this year and this is considered to be a **significant flaw** in the site selection process – both in terms of being <u>robust</u> and being <u>transparent</u>.

The rationale for under-allocating so significantly is that the Council is evidently relying on some 333 dwellings (identified in the 2015/2016 SHLAA as being deliverable and developable) being delivered during the remaining Plan period.

³ Site reference 116

⁴ Site reference 113

It is however noted the proposed allocations at land south of Eastwood Road, Kimberley and the Builders Yard, Eastwood Road, Kimberley (comprising 40 dwellings and 22 dwellings respectively) have also been included as part of the 333 houses in the 2015/2016 SHLAA that the Council are relying on to make up overall numbers. Consequently, the Council has **double-counted** the contribution of these two sites and therefore <u>the SHLAA contribution of 333</u> dwellings will, in any event, need to be reduced by 62 dwellings to result in a maximum total contribution of 271 – resulting in a further housing deficit when measured against the Core Strategy requirements for Kimberley.

Even adding *all* of these dwellings to the three sites proposed for allocation, the Council is still some **162 houses short** of the Core Strategy requirement for Kimberley.

Of course, it would be extremely naïve to realistically assume that all of those sites identified in the 2015/2016 SHLAA would come forward to deliver the 333 (271) houses envisaged in the Publication Version of the Broxtowe Local Plan Part 2 – meaning that the housing deficit from the Core Strategy requirement for Kimberley is likely to be even more!

The above concerns are further corroborated by the 2015/2016 SHLAA which confirms that only 24 dwellings have either been implemented or are under construction during the first five years of the Plan period (2013-2018).

The allocation of both Sites 116 and 113 would (as is confirmed by the 2015/2016 SHLAA) be capable of delivering some 117 homes – i.e. bringing the housing total closer to the Core Strategy requirement, and allowing for some flexibility in case some of those SHLAA sites identified by the Council do not, for whatever reason, come forward as originally envisaged.

The failure to allocate sufficient land and the Council's over-reliance on SHLAA sites to come forward to make up the majority of the delivery of the remaining Core Strategy housing requirement is not considered to be justified or effective – meaning that the Publication Version cannot be considered to have been positively prepared.

Nor is it considered to be compliant with national planning policy.

In circumstances where Kimberley has been identified as a key (sustainable) settlement within the Borough, the fact that it is already tightly constrained by the current Green Belt boundary is a significant consideration.

National Green Belt policy advises that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

Paragraph 83 of the Framework confirms that, at that time, Authorities should consider the Green Belt boundaries having regard to their intended permanence in the long-term, so that they should be capable of **enduring** <u>beyond the Plan period</u>.

Paragraph 85 advises that, when defining boundaries, local planning authorities should, amongst others:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their Plans areas of "safeguarded land" between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the Plan period;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the Development Plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

The Council's approach to date has been to under-allocate in a bid to limit the release of land from the Green Belt.

However, such an approach is entirely **inconsistent** with <u>national Green Belt policy</u>.

The under-allocation (and over-reliance on SHLAA sites which the Council has no control over the delivery of) results in an inconsistency with the Local Plan Strategy for meeting identified (Core Strategy) requirements for sustainable development in Kimberley.

More particularly, the above approach fails to integrate any sense of flexibility into the Plan as far as Kimberley is concerned should any of the allocated, or SHLAA sites, fail to come forward as envisaged by the Local Plan Part 2 Publication Version.

In the above connection, it is important to acknowledge that two of the three sites proposed for allocation (and many of the SHLAA sites that the Council relies on) were promoted and allocated in the 2004 Plan and have, for whatever reason, failed to come forward in the past 13 years or so.

Indeed, even the latest 2015/2016 SHLAA confirms the Council does not anticipate these sites being brought forward until <u>at least 2023 onwards</u> – hardly a glowing endorsement as to their expected/anticipated delivery within the remaining Plan period!

National Green Belt policy is very clear that Green Belt boundaries should only be altered in *exceptional circumstances* and through the preparation or review of the Local Plan – and that at that time, local authorities should consider the Green Belt boundaries having regard to their intended permanence in the long-term, so that they should be capable of enduring beyond the Plan period.

As Kimberley is entirely surrounded by the Green Belt, any additional land required to meet a deficit in the housing requirement at any stage during the Plan period, or beyond, will necessarily entail the release of additional land from the Green Belt to satisfy such need.

However, there is presently no provision (nor therefore flexibility) for this in the *current* draft Plan.

In addition, it is quite clear that the Green Belt boundary has been altered to simply meet the housing requirements of the current Core Strategy Plan period.

The Publication Version of the Local Plan Part 2 therefore evidently fails to ensure that the new Green Belt boundaries are capable of enduring beyond the Plan period, since the current draft relies on all available sites within the existing urban area coming forward for development <u>and</u> the development of all three sites proposed for allocation – i.e. if *all* of those sites identified to come forward through the Plan period are delivered as intended, it is most unlikely that there will be any suitable and available sites within the built-up area left to be developed to meet any future housing requirements beyond the Plan period.

In the above connection, the direct consequence of the Council's current approach is that the Green Belt boundary as proposed to be altered will quite clearly not be capable of enduring beyond the Plan period.

Indeed, it would appear inevitable that the Green Belt boundary will need to be altered again at the end of the Plan period to meet longer-term development needs. It would seem inconceivable that such a sustainable (key) settlement such as Kimberley would not be considered suitable to accommodate *any* new housing in the Plan period beyond the current one.

As a consequence of all of the above, the Council's current approach quite clearly conflicts with national Green Belt policy in connection with the same.

Allied to the above, it does not appear that the Council has considered the identification of **safeguarded land** between the urban area and the Green Belt in order to meet longer-term development needs stretching well beyond the Plan period, or considered (as part of the Green Belt Review) whether to not include land in the Green Belt which it is unnecessary to keep permanently open⁵.

For all these reasons, the Council's Publication Version of the Local Plan Part 2 cannot be supported and **is not considered to be** *sound*.

⁵ Paragraph 85 of the Framework

To <u>remedy the above objection(s)</u>, the Council should ensure that sufficient land is allocated to deliver the Core Strategy housing requirement for Kimberley over the remainder of the Plan period.

As part of the above, the Council's approach should incorporate sufficient flexibility to allow for either those sites proposed for allocation, or those SHLAA sites the Council is relying on, not coming forward as originally envisaged.

Such flexibility should come in the form of additional allocations and the identification (or at the very least consideration of the identification) of safeguarded land – all to ensure that, once altered, the Green Belt boundary will be permanent and capable of enduring beyond the current Plan period.

In the above connection, **the Council should allocate Sites 116 and 113** in combination <u>to</u> <u>provide circa 117 homes</u> on land north of Alma Hill, Kimberley to make up some of the current (Core Strategy) housing deficit and introduce a level of inherent flexibility into the Plan.

The additional allocation of Sites 116 and 113 in combination would be entirely consistent with national Green Belt policy (paragraph 85 of the Framework in particular) as follows:

- the allocation of a further 117 homes would align much more closely to the Core Strategy housing requirement for Kimberley over the remainder of the Plan period – thereby ensuring consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- the recommendations of the 2004 Local Plan Inspector to release the land from the Green Belt and allocate for housing corroborates the view that the land should <u>not</u> be included within the Green Belt and it is unnecessary to keep this land permanently open;
- sites 116 and 113 in combination comprise an extremely logical extension/rounding-off of the urban area and would allow the Green Belt boundary to follow clearly defined, physical features that are readily recognisable and likely to be permanent; and
- whether in isolation, or in combination with other land identified as safeguarded land, the additional allocation of sites will introduce a level of flexibility to ensure that the new Green Belt boundary is capable of being permanent and enduring beyond the Plan period.

I trust the above is of assistance to the Council and the Inspector presiding over the forthcoming Review Examination and look forward to being notified of any subsequent consultation stage and/or the arrangements for the Examination in Public. Should you require any further information in the interim, please do not hesitate to contact me.



Director



November 2017

Featherstones

PLANNING • DESIGN • DEVELOPMENT

BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION Representations by FEATHERSTONES

on behalf of Mrs D Viitanen

October 2017

- 1. These representations have been prepared on behalf of Mrs D Viitanen who has land interest in the site at Gilt Hill Farm, Kimberley (see attached Plan). Mrs Viitanen has serious concerns about the soundness of the Plan, particularly in relation to the approach to housing delivery. These concerns are set out below.
- 2. As presented the Broxtowe Plan is unsound because it fails to demonstrate how delivery of allocated sites will be guaranteed; it fails to incorporate sufficient flexibility to respond to any failure of delivery and it fails to provide a mechanism for the release of developable 'reserve sites' equivalent to 20% of the total housing requirement (as recommended by the Local Plans Expert Group in its Report to Government of March 2016).
- 3. Additional housing sites, therefore, need to be identified in order to meet the NPPF's requirement to ensure the delivery of the minimum housing provision and also to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the Framework.
- 4. Policy 2 of the Plan fails the challenge of housing supply. Table 4 confirms a significant housing supply short fall and a persistent history of under delivery.
- 5. There is demonstrably no certainty of future housing delivery.
- 6. The Plan relies on housing sites which have been allocated in previous Plans for up to (and beyond) 15 years. There are clearly strong reasons why these sites have not come forward. Sites include:
 - Beeston Maltings
 - Land at Awsworth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

Each of these sites were allocated in the 2004 Plan.

In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

- 7. Uncertainty of housing delivery also exists at strategic sites:
 - Boots
 - Severn Trent Sewage Treatment Works (contamination)
 - Chetwynd Barracks (no commitment to land release)
 - Toton/HS2 Hub (confused aspirations)
 - 8. There are a range of sites and locations where additional, sustainable development can take place. Land at Gilt Hill Farm, Gilt Hill, Kimberley (identified on the Plan attached) is well related to the Kimberley Urban area, including local shops, employment and schools. It sits on

the edge of the settlement where there is no gap to distinguish it visually, physically or functionally from the urban area.

9. Releasing the site from the Green Belt and allocating it for housing development will provide the opportunity to improve the visual appearance of the site by replacing buildings in a poor condition with attractive and sustainable new buildings. It would remove a use that is nonconforming with adjacent residential and education land uses and provides an opportunity to introduce high quality landscaping and biodiversity features to ensure that the openness of the Green Belt is safeguarded. Crucially, the site is deliverable within the next five years so will help to off-set slow delivery on other sites, address immediate land supply issues and provide the certainty of delivery necessary to make the Plan sound.

Site Location Plan



Broxtowe Part 2 Local Plan

Agent

| Please provide your | client's nan | ne | Mrs I | D Viitanen |
|--|--------------|-------|-------|------------|
| Your Details | | | | |
| Title | Mr Mrs | Miss | Ms | Other: |
| Name | | | İ | |
| Organisation (fresponding on behalf of the organisation) | Feather | stone | s | |
| Address | | | | |
| Postcode | | | | |
| Tel. Number | | | | |
| E-mail address | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|--|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocations Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 19: Pollution, Hazardous Substances and Ground Conditions Policy 20: Air Quality Policy 21: Unstable land Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | | Policy 2 Policy 3 Policy 4 Policy 5 Policy 6 Policy 7 |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| | Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | | |
|-----|--|--|---|--|--|
| 2.1 | Legally compliant | | | | |
| 2.2 | Compliant with the duty to co-operate | | | | |
| 2.3 | Sound | | ٧ | | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | | |
|--|---|--|--|
| It is not justified | V | | |
| It is not effective | v | | |
| It is not positively prepared | v | | |
| It is not consistent with national policy | v | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

See attached Statement

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Please use a separate sheet of paper if required. Please use one form per representation.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to particip public examination? | ate at the |
|--|------------|
| Yes, I wish to participate at the public examination | V |
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be |
| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | |
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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 public examination.

Featherstones

PLANNING • DESIGN • DEVELOPMENT

BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION Representations by FEATHERSTONES

on behalf of Mrs M Barnes

October 2017

- 1. These representations have been prepared on behalf of Mrs M Barnes who has land interest in the site at Land off Back Lane, Nuthall (see attached Plan). Mrs Barnes has serious concerns about the soundness of the Plan, particularly in relation to the approach to housing delivery. These concerns are set out below.
- 2. As presented the Broxtowe Plan is unsound because it fails to demonstrate how delivery of allocated sites will be guaranteed; it fails to incorporate sufficient flexibility to respond to any failure of delivery and it fails to provide a mechanism for the release of developable 'reserve sites' equivalent to 20% of the total housing requirement (as recommended by the Local Plans Expert Group in its Report to Government of March 2016).
- 3. Additional housing sites, therefore, need to be identified in order to meet the NPPF's requirement to ensure the delivery of the minimum housing provision and also to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the Framework.
- 4. Policy 2 of the Plan fails the challenge of housing supply. Table 4 confirms a significant housing supply short fall and a persistent history of under delivery.
- 5. There is demonstrably no certainty of future housing delivery.
- The Plan relies on housing sites which have been allocated in previous Plans for up to (and beyond) 15 years. There are clearly strong reasons why these sites have not come forward. Sites include:
 - Beeston Maltings
 - Land at Awsworth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

Each of these sites were allocated in the 2004 Plan.

In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

- 7. Uncertainty of housing delivery also exists at strategic sites:
 - Boots
 - Severn Trent Sewage Treatment Works (contamination)
 - Chetwynd Barracks (no commitment to land release)
 - Toton/HS2 Hub (confused aspirations)
- 8. There are a range of sites and locations where additional, sustainable development can take place. Land off Back Lane, Nuthall (identified on the Site Plan attached) is currently used for equestrian purposes with stables, livery and associated activity together with residential property. The site is within the defined Green Belt, however this designation no longer

satisfies the purpose or function of Green Belt land as defined within Paragraph 80 of the NPPF.

- 9. The removal of the Back Lane site from the Green Belt would facilitate the redevelopment of the site for up to 40 new dwellings as well as delivering improved screening and buffering from the M1 motorway to the wider benefit of existing residents.
- 10. Housing development on this site would assist in providing additional flexibility regarding the delivery of new housing in the Borough, helping to off-set slow delivery rates on other sites. The site is in single ownership where the intention is to progress towards a planning application as soon as possible and to bring the site to the housing market at the earliest opportunity.



Site Location Plan – Land off Back Lane, Nuthall

Broxtowe Part 2 Local Plan

Agent

| Please provide your | our client's name | | Mrs I | Marjorie Barnes |
|--|-------------------|--------|-------|-----------------|
| Your Details | | | | |
| Title | Mr Mrs | Miss | Ms | other: |
| Name | | | İ | |
| Organisation (fresponding on behalf of the organisation) | Feather | rstone | s | |
| Address | | | | |
| Postcode | | | | |
| Tel. Number | | | | |
| E-mail address | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

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| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | No |
|--|---------------------------------------|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | V | |
| It is not effective | v | |
| It is not positively prepared | v | |
| It is not consistent with national policy | v | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

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Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to particip public examination? | ate at the |
|--|------------|
| Yes, I wish to participate at the public examination | V |
| No, I do not wish to participate at the public examination | |
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| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | |
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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 public examination.

BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION Representations by FEATHERSTONES on behalf of RICHARD TAYLOR

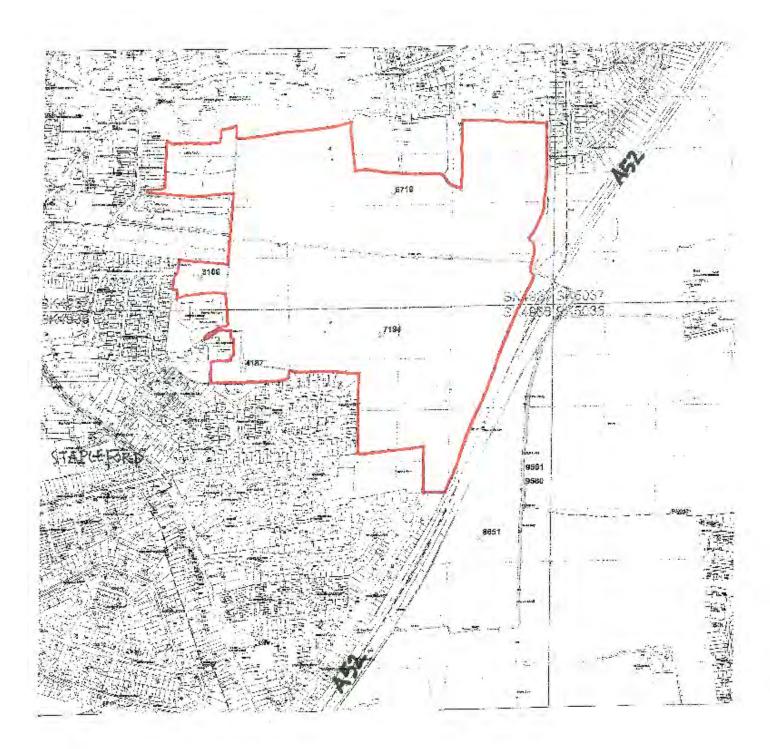
- 1. This submission is made on behalf of Richard Taylor, who is the owner of land identified on the attached plan 1. Part of that land (plan 2) we contend, is suitable for housing development.
- 2. As presented the Broxtowe Plan is unsound because it fails to demonstrate how delivery of allocated sites will be guaranteed; it fails to incorporate sufficient flexibility to respond to any failure of delivery and it fails to provide a mechanism for the release of developable 'reserve sites' equivalent to 20% of the total housing requirement (as recommended by the Local Plans Expert Group in its Report to Government of March 2016).
- 3. Additional housing sites, therefore, need to be identified in order to meet the NPPF's requirement to ensure the delivery of the minimum housing provision and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the Framework.
- 4. Policy 2 of the Plan fails the challenge of housing supply. Table 4 confirms a significant housing supply short fall and a persistent history of under delivery.
- 5. There is demonstrably no certainty of future housing delivery.
- The Plan relies on housing sites which have been allocated in previous Plans for up to (and beyond) 15 years. There are clearly strong reasons why these sites have not come forward. Sites include:
 - Beeston Maltings
 - Land at Awsworth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

Each of these sites were allocated in the 2004 Plan.

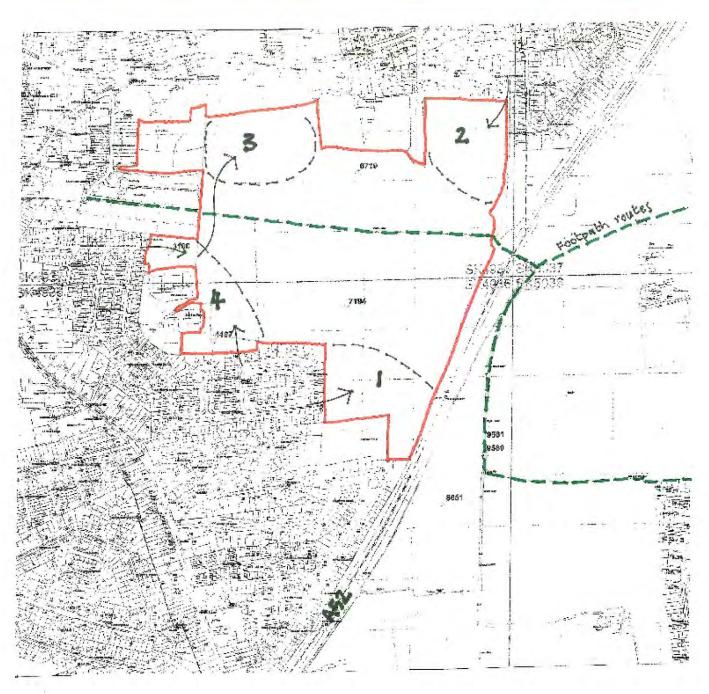
In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

- 7. Uncertainty of housing delivery also exists at strategic sites:
 - Boots
 - Severn Trent Sewage Treatment Works (contamination)
 - Chetwynd Barracks (no commitment to land release)
 - Toton/HS2 Hub (confused aspirations)
- 8. In order to help to minimise the (likely) continued non-delivery of sites for housing, additional land should be identified (for housing) in the plan; specifically, land at Stapleford, as identified on plan 2. Four parcels of land here could be developed for housing without adversely impacting on land important to the visual significance of Windmill Hill (part of the Bramcote Ridge). Similarly, the role of that Ridge as a public footpath would not be threatened, long distance views would be maintained, landscaping would be enhanced and properly managed.
- 9. In turn, the four parcels could accommodate:
 - Sisley Avenue 80 dwellings
 - Baulk Lane 75 dwellings

- North West Hill Top 80 dwellings
- Hill Top Farm 30 dwellings
- 10. Consequently, it is estimated that (about) 265 new dwellings could be delivered on the site. This would be in a manner which would acknowledge, respect and enhance the context and the wider environment.
- 11. The land is in one ownership. There are no technical, access or commercial impediments to immediate delivery and the allocation would help the Plan to achieve soundness.



PLAN I OWNERSHIP



PLAN 2 OPPORTUNITY

SISLEY AVENUE
 BAULK LANE
 NORTH WEST HILL TOP
 HILL TOP FARM





Agent

| Please provide your client's name | | ne | Richard Taylor | | |
|--|---------|-------|----------------|--------|--|
| Your Details | | | | | |
| Title | Mr Mrs | Miss | Ms | Other: | |
| Name | | | l I | | |
| Organisation (fresponding on behalf of the organisation) | Feather | stone | s | | |
| Address | | | | | |
| Postcode | | | | | |
| Tel. Number | | | | | |
| E-mail address | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

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| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites. | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | No |
|--|---------------------------------------|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | V | |
| It is not effective | v | |
| It is not positively prepared | v | |
| It is not consistent with national policy | v | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

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BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION

Representations by OXALIS PLANNING on behalf of W.WESTERMAN LTD

- 1.1 These representations have been prepared on behalf of W. Westerman Ltd who have a number of land interests in Broxtowe. W. Westerman Ltd have serious concerns about the soundness of the Plan, particularly in relation to the approach to housing delivery. These concerns are set out below.
- 1.2 The NPPF requires Local Planning Authorities to plan positively to ensure the delivery of the area's 'minimum' housing requirements and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the NPPF.
- 1.3 It is unclear from Policy 2 of the proposed Plan how the Government's requirements regarding housing delivery will be met. It can be seen from the Housing Trajectory at Table 4 of the Plan that Broxtowe has a significant housing supply shortfall and a persistent history of under delivery. Within this context it is essential that the Council are able to provide certainty regarding the delivery of housing. For the reasons set out below it is considered that the Plan fails to do this and is therefore unsound.
- 1.4 The need for flexibility or the identification of 'reserve sites' is not unusual but is particularly pertinent to Broxtowe because of its historical under performance, the number of sites carried forward from the 2004 Local Plan and the uncertainty regarding the key strategic sites. It is W.Westerman's view that a number of the sites proposed to be allocated by the Council will fail to be delivered and others are likely to be delayed such that the numbers assumed to be delivered will not be met. Individually a number of sites should not be counted towards delivery targets given their uncertainty. However the collective impact of so many complex and uncertain sites must also be addressed through the allocation of additional land.
- 1.5 In terms of strategic sites this uncertainty includes:
 - a. Land at Boots, which although the site has permission continues to be complex with significant delivery uncertainties.
 - b. Severn Trent land which is a former sewage treatment works with associated complexities of decontamination and remediation. Housing delivery on the site is therefore highly uncertain.
 - c. Chetwynd Barracks: A current and active Ministry of Defence site. Whilst the MOD have indicated that the site may become available for redevelopment, no firm committed dates are set out and the timing of any closure is subject to change. There remains a potential for a significant delay to the closure of the site or a cancellation. Delivery is highly uncertain therefore.
 - d. Toton: Whilst planning permission exists on part of this site, that permission conflicts with the vision for the site as set out in Policy 3.2. The supporting text to this Policy is confusing and ill-conceived. It is based largely on the East Midlands HS2 Growth Strategy Document published in September 2017. It includes the statement in relation to the vision for the Toton that

'It will also require higher densities than those currently subject of an extant Outline Planning Consent for the site and this will need careful consideration by Broxtowe Borough Council as the Local Planning Authority.' (Page 20).

Whilst this implies the potential for greater housing numbers in the long term it brings onto question the deliverability of the extant consent and housing delivery in the short to medium term.

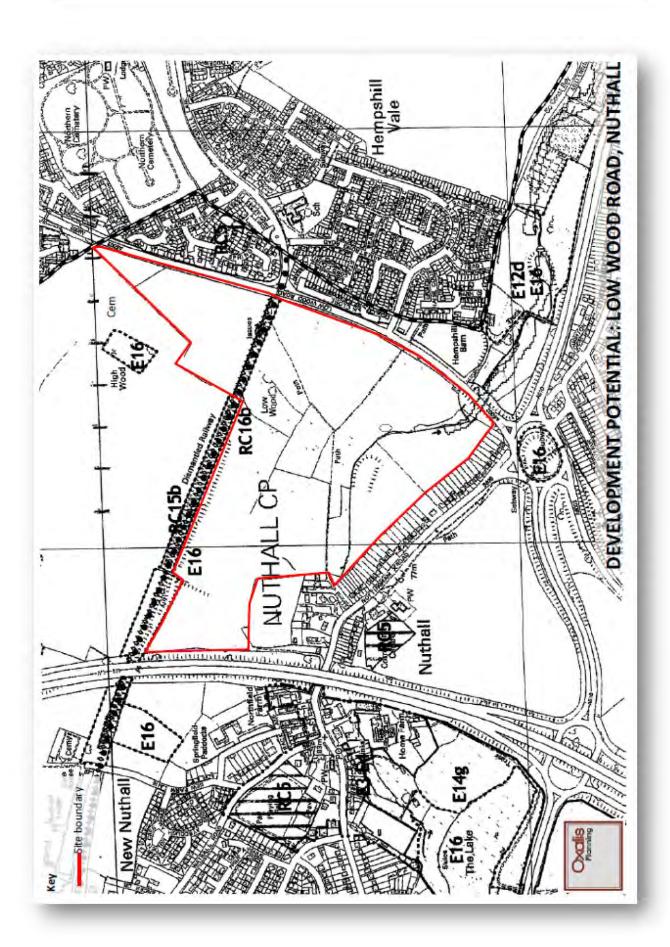
- 1.6 In terms of other allocations or 'committed' sites:
 - a. Land at Beeston Maltings Policy 3.6, has been allocated since 2004. It remains a difficult and complex site and delivery is highly uncertain.
 - b. Land in Awsworth includes land allocated since 2004 and although there is extant permission, delivery is not certain.
 - c. Two sites in Eastwood were allocated in the 2004 Local Plan and delivery remains uncertain notwithstanding extant planning permission.
 - d. Land at Walker Street, Eastwood Policy 6.1. This forms part of a school and recreation facility. Aside from its individual merits as an allocation, the site has been allocated (although a different part of the overall school site) since 2004 with no development progressing. Given the status of the site and wider uncertainty regarding school places and the quality and quantity of sports and recreation space, the delivery of the site is highly uncertain.
 - e. Land south of Kimberley including Kimberley Depot Policy 7.1. The site is currently a refuse depot with refuse tip. It is unclear if new facilities have been found to facilitate relocation. Notwithstanding, the site will contain areas of contamination which could preclude or limit development. Delivery on the site is therefore uncertain.
 - f. Land South of Eastwood Road, Kimberley Policy 7.2. This site has been allocated since 2004. Development of the site remains complex and delivery highly uncertain.
 - g. Builders Yard, Eastwood Road, Kimberley Policy 7.3. This site has been allocated since 2004. Development on the site remains uncertain.
- 1.7 The uncertainty in Broxtowe stems principally from the sheer number of complex sites where the level of certainty regarding delivery is extremely low. In these circumstances there is not a sufficiently reasonable prospect that the minimum housing numbers will be achieved and the Plan is therefore unsound. The circumstances in Broxtowe are the very circumstances that have led the Local Plan Experts Group to recommend the introduction of appropriate lapse rates and a 20% reserve site allowance. To adopt the Plan in its current form would perpetuate the current and historic role the planning system has played in creating a crisis in housing through the lack of delivery of new homes.
- 1.8 The Government recognises that more needs to be done to ensure that the right numbers of houses are built. It's White Paper Fixing Our Broken Housing Market (February 2017) is aimed at just that. The White Paper draws on and makes reference to the work undertaken by the Local Plan Experts Group (LPEG). As well as proposing a new approach to calculating housing needs, the LPEG made recommendations as to how Local Plans should be approached not only to demonstrate a five year land supply but to ensure plans deliver over the whole plan period.
- 1.9 In their Report to Government (March 2016) the LPEG state that:

'there needs to be a clearer and more effective mechanism for maintaining a five year land supply, at the same time as ensuring plans consider delivery over the whole plan period and incorporate sufficient flexibility to respond to rapid change' (Paragraph 11.3).

And they recommend that plans:

focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement' (Paragraph 11.4).

- 1.10 Because of its existing delivery problems, the scale of its shortfall and the uncertainties regarding delivery in the future, it is important that this 'sufficient Flexibility' is adopted by Broxtowe in its Local Plan Part 2. The Local Plan must be flexible enough to guarantee the delivery of the minimum number of new homes in the Plan period.
- 1.11 In simple terms this means planning for more houses so that there is sufficient flexibility now, to take account of inevitable delays to delivery on some sites and lapsed permission or non-implementation on others.
- 1.12 Furthermore in terms of a 5 year land supply the Plan does not set out how an appropriate land supply should be calculated and how this will then be met by the Plan. It is essential that the Plan, or supporting evidence, contains appropriate information to confirm that the Plan provides a 5 year land supply calculation from adoption of the Plan. The Plan will be unsound unless it can be demonstrated, based on appropriate assumptions, that it will bring about a 5 year land supply position.
- 1.13 There are a range of sites and locations where additional, sustainable development can take place. Land at Low Wood Road, Nuthall (identified on the Plan attached) is well related to the Urban area and extremely well related to the transport network, including the Tram. There is potential for the Tram to be extended into the site and for new and improved park and ride facilities to be provided, helping to address existing congestion and capacity issues. As a minimum it is considered that the site should be removed from the Green Belt so that it is available for development in the longer term or if delivery on other identified sites stall.



Broxtowe Part 2 Local Plan

Agent

| Please provide your client's name | | ne | W.WESTERMAN | | |
|--|---------------------|------|-------------|--------|--|
| Your Details | | | | | |
| Title | Mr Mrs | Miss | Ms | Other: | |
| Name | | | | | |
| Organisation (fresponding on behalf of the organisation) | Oxalis Planning Ltd | | | | |
| Address | | | | | |
| | - | | | | |
| Postcode | | | | | |
| Tel. Number | | | Ĩ | | |
| E-mail address | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

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| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | V | |
| It is not effective | v | |
| It is not positively prepared | V | |
| It is not consistent with national policy | v | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

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Question 4: Modifications sought

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BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION

Representations by OXALIS PLANNING on behalf of BLOOR HOMES

Contents

Representations:

| 1.0 Introductio | n |
|-----------------|---|
|-----------------|---|

- 2.0 Housing Delivery
- 3.0 Land in the vicinity of the HS2 Station at Toton Policy 3.2
- 4.0 Approach to self-build and custom-build housing Policy 15
- 5.0 Policy 17: Place Making, Design and Amenity

Appendices:

| Appendix One : | Site Location Plan and Illustrative Masterplan relating to land at Nether Green, east of Mansfield Road, Eastwood |
|-----------------|---|
| Appendix Two: | Proposed Site allocation Boundary for Land at Toton |
| Appendix Three: | 'Broxtowe Gateway' vision document produced by Oxalis Planning April 2017 |
| Appendix Four: | 'Broxtowe: Gateway to the East Midlands' vision document produced by Oxalis Planning March 2014 |
| Appendix Five: | 'Toton – Strategic Location for Growth' produced by Oxalis Planning in December 2015 |

1.0 Introduction

1.1 These representations have been prepared on behalf of Bloor Homes who have a number of land interests in Broxtowe. Bloor Homes have serious concerns about the soundness of the Plan, particularly in relation to the approach to housing and the allocation at Toton. Details of their concerns are set out in the statement below, with reference to particular policies and paragraph numbers where relevant. The statement also sets out the modifications to the Plan that are considered necessary to make it sound.

2.0 Housing Delivery

- 2.1 The NPPF requires Local Planning Authorities to plan positively to ensure the delivery of the area's 'minimum' housing requirements and to ensure that there is an appropriate 5 year land supply in accordance with paragraph 47 of the NPPF.
- 2.2 It is unclear from Policy 2 of the proposed Plan how the Government's requirements regarding housing delivery will be met. It can be seen from the Housing Trajectory at Table 4 of the Plan that Broxtowe has a significant housing supply shortfall and a persistent history of under delivery. Within this context it is essential that the Council are able to provide certainty regarding the delivery of housing. For the reasons set out below it is considered that the Plan fails to do this and is therefore unsound.
- 2.3 In terms of a 5 year land supply the Plan does not set out how an appropriate land supply should be calculated and how this will then be met by the Plan. It is essential that the Plan, or supporting evidence, contains appropriate information to confirm that the Plan provides a 5 year land supply calculation from adoption of the Plan. The Plan will be unsound unless it can be demonstrated, based on appropriate assumptions that it will bring about a 5 year land supply position.
- 2.4 The Trajectory at Table 4 indicates that the Borough will have sufficient sites to deliver the housing requirement. Indeed it suggests a buffer exists. However Bloor Homes has significant concerns about the assumptions used to inform these figures and the cumulative effect of the uncertainty regarding the delivery of a large number of sites. Within this context Bloor Homes do not consider that the approach is sound, both because of the unrealistic assumptions on individual sites but, most importantly because of the lack of certainty regarding delivery overall.
- 2.5 The Government recognises that more needs to be done to ensure that the right numbers of houses are built. It's White Paper Fixing Our Broken Housing Market (February 2017) is aimed at just that. The White Paper draws on and makes reference to the work undertaken by the Local Plan Experts Group (LPEG). As well as proposing a new approach to calculating housing needs, the LPEG made recommendations as to how Local Plans should be approached not only to demonstrate a five year land supply but to ensure plans deliver over the whole plan period.
- 2.6 In their Report to Government (March 2016) the LPEG state that:

'there needs to be a clearer and more effective mechanism for maintaining a five year land supply, at the same time as ensuring plans consider delivery over the whole plan period and incorporate sufficient flexibility to respond to rapid change' (Paragraph 11.3).

And they recommend that plans:

'focus on ensuring a more effective supply of developable land for the medium to long term (over the whole plan period), plus make provision for, and provide a mechanism for the release of, developable Reserve Sites equivalent to 20% of their housing requirement' (Paragraph 11.4).

- 2.7 Because of its existing delivery problems, the scale of its shortfall and the uncertainties regarding delivery in the future, it is important that this 'sufficient Flexibility' is adopted by Broxtowe in its Local Plan Part 2. The Local Plan must be flexible enough to guarantee the delivery of the minimum number of new homes in the Plan period.
- 2.8 In simple terms this means planning for more houses so that there is sufficient flexibility now, to take account of inevitable delays to delivery on some sites and lapsed permission or non-implementation on others.
- 2.9 A 20% flexibility allowance or 20% reserve sites as suggested by the LPEG would mean Broxtowe planning for around 7380 dwellings over the Plan period, as opposed to the minimum requirement of 6250 dwellings or the current approach which indicates a potential delivery of 6747 dwellings. This additional flexibility would be some 600 or so more than the Council are currently planning for (7380 – 6747 =600). Such flexibility is the minimum that is required for the delivery of appropriate levels of housing in Broxtowe is to be secured.
- 2.10 There is a range of sites and locations where additional, sustainable development can take place. For example land at Nether Green, east of Mansfield Road, Eastwood (SHLAA ref 203) has been identified as a suitable location for growth by the Council, but the Council has concluded that the site is not needed at the present time. The land at Nether Green is well related to the urban area. It is well contained by the line of the now disused railway, which could also provide a new permanent and defensible Green Belt boundary. The site has the potential to deliver around 200 new homes together with new open space, children's play areas and areas for biodiversity enhancement. The site location together with an illustrative masterplan are shown at Appendix One.
- 2.11 The need for flexibility or the identification of 'reserve sites' is not unusual but is particularly pertinent to Broxtowe because of its historical under performance, the number of sites carried forward from the 2004 Local Plan and the uncertainty regarding the key strategic sites
- 2.12 In terms of strategic sites this uncertainty includes:
 - a. Land at Boots, which although the site has permission continues to be complex with significant delivery uncertainties.
 - b. Severn Trent land which is a former sewage treatment works with associated complexities of decontamination and remediation. Housing delivery on the site is therefore highly uncertain.
 - c. Chetwynd Barracks: A current and active Ministry of Defence site. Whilst the MOD have indicated that the site may become available for redevelopment, no firm committed dates are set out and the timing of any closure is subject to change. There remains a potential for a significant delay to the closure of the site or a cancellation. Delivery is highly uncertain therefore.
 - d. Toton: Whilst planning permission exists on part of this site, that permission conflicts with the vision for the site as set out in Policy 3.2. The supporting text to this Policy is confusing and ill-conceived. It is based largely on the East Midlands HS2 Growth

Strategy Document published in September 2017. It includes the statement in relation to the vision for the Toton that

'It will also require higher densities than those currently subject of an extant Outline Planning Consent for the site and this will need careful consideration by Broxtowe Borough Council as the Local Planning Authority.' (Page 20).

Whilst this implies the potential for greater housing numbers in the long term it brings onto question the deliverability of the extant consent and housing delivery in the short to medium term.

- 2.13 In terms of other allocations or 'committed' sites:
 - a. Land at Beeston Maltings Policy 3.6, has been allocated since 2004. It remains a difficult and complex site and delivery is highly uncertain.
 - b. Land in Awsworth includes land allocated since 2004 and although there is extant permission, delivery is not certain.
 - c. Two sites in Eastwood were allocated in the 2004 Local Plan and delivery remains uncertain notwithstanding extant planning permission.
 - d. Land at Walker Street, Eastwood Policy 6.1. This forms part of a school and recreation facility. Aside from its individual merits as an allocation, the site has been allocated (although a different part of the overall school site) since 2004 with no development progressing. Given the status of the site and wider uncertainty regarding school places and the quality and quantity of sports and recreation space, the delivery of the site is highly uncertain.
 - e. Land south of Kimberley including Kimberley Depot Policy 7.1. The site is currently a refuse depot with refuse tip. It is unclear if new facilities have been found to facilitate relocation. Notwithstanding, the site will contain areas of contamination which could preclude or limit development. Delivery on the site is therefore uncertain.
 - f. Land South of Eastwood Road, Kimberley Policy 7.2. This site has been allocated since 2004. Development of the site remains complex and delivery highly uncertain.
 - g. Builders Yard, Eastwood Road, Kimberley Policy 7.3. This site has been allocated since 2004. Development on the site remains uncertain.
- 2.14 The uncertainty in Broxtowe stems principally from the sheer number of complex sites where the level of certainty regarding delivery is extremely low. In these circumstances there is not a sufficiently reasonable prospect that the minimum housing numbers will be achieved and the Plan is therefore unsound. The circumstances in Broxtowe are the very circumstances that have led the Local Plan Experts Group to recommend the introduction of appropriate lapse rates and a 20% reserve site allowance. To adopt the Plan in its current form would perpetuate the current and historic role the planning system has played in creating a crisis in housing through the lack of delivery of new homes.
- 2.15 The Plan needs to be modified to address the problems set out above. This should include:
 - A critical review of the reliance on particular sites to deliver new homes;
 - A significant increase in the number of new homes planned for (to at least 7380 over the Plan period) through the allocation of additional land;
 - The inclusion of a five year land supply calculation and demonstration that, on adoption, the Plan will provide a suitable land supply (and the allocation of additional land to address 5 year land supply issues if necessary);

- The allocation of land at Mansfield Road, Eastwood, for around 200 dwellings together with the removal of the land from the Green Belt (as shown at Appendix One);
- The allocation and removal of additional land from the Green Belt at Toton, see Appendix Two. Together with a complete re-appraisal of the approach to the development of land at Toton as set out below and shown in the vision documents at Appendices 3, 4 and 5.

3.0 Land in the vicinity of the HS2 Station at Toton – Policy 3.2

- 3.1 The Council's approach to the planning of the Toton area in response to the unique opportunity presented by HS2, the tram and the strategic highway connections, is confused and fundamentally flawed.
- 3.2 It is currently unclear from the Policy how it is envisaged that development within the Plan period (the provision of 500 houses) fits with and will not prejudice the delivery of the wider aspirations for the site set out as *'key development requirements beyond the Plan period'*. Furthermore it is unclear whether the supporting text relates to the plan period requirement or beyond plan period or both.
- 3.3 Crucially the Plan ignores the Peveril Homes Housing scheme which was recently granted consent by the Council on the majority of land west of Toton lane. It is inconceivable how the delivery of this permitted scheme is compatible with the Policy aspirations for the site set out in the Plan. It is clear that the Policy aspirations as set out in the supporting text are linked with the vision for the site set out in the East Midlands HS2 Growth Strategy (September 2017). This strategy envisages an 'innovation village' on the site, but this is located on land where there is already planning permission for a 500 unit suburban residential scheme.
- 3.4 Oxalis Planning on behalf of Bloor Homes have consistently advocated a more comprehensive and forward thinking approach to the land at Toton, including strongly opposing the consenting of the Peveril Scheme which would clearly prejudice the delivery of a more comprehensive and innovative response to the opportunity presented by HS2. These concerns were ignored and it is now clear that the approved Peveril scheme is incompatible with the vision for the site now being set out. A fundamental re-think of the Policy is required. A different response will be required depending on whether the Peveril scheme is implemented, but changes will be required to make the Plan sound in any event.
 - If the Peveril scheme is not implemented, for example in order for the vision set out by the East Midlands HS2 Growth Strategy to be progressed; the Plan will need to be amended because additional land will be needed so that new homes can be delivered in the short term. The aspirations set out in the Growth Strategy in relation to the innovation village will necessarily take many years to work up given that the mix and scale is unlikely to be commercially appropriate or viable prior to the delivery of HS2. Land to the east of Toton Lane will be needed, to help to deliver new homes quickly. This land, as set out in the Oxalis vision documents can deliver homes on a more conventional basis and allow for land adjacent to the HS2 hub, west of Toton Lane, to be retained for future development more directly associated with HS2.

Or

• If the Peveril scheme is implemented, a new masterplan approach and revised vision for land at Toton would be required to take account of the committed scheme. The

committed scheme is fundamentally at odds with the Growth Strategy and it would prejudice its delivery. The strategy for the site would need to change. Additional land to the east of Toton Lane, would need to be introduced to help deliver the overarching aspirations for the site as set out in the East Midlands HS2 Growth Strategy.

- 3.5 Unless these compatibility issues can be resolved the Plan will be unsound.
- 3.6 Oxalis planning on behalf of Bloor Homes have consistently advocated a more ambitious approach to the Planning of the area around HS2, including, importantly, the inclusion within a comprehensive scheme of land to the east of Toton Lane. The constrained approach to the allocation both limits the appropriate planning of the area and ignores the context provided by existing built form, landscape and other features on the ground. The tram line is not an appropriate Green Belt or development boundary. An allocation which reflects the opportunities for development on land east of Toton Lane and north of the tram line should be made as shown by the Plan at Appendix Two.
- 3.7 Oxalis Planning on behalf of Bloor Homes have over past 5 or so years, prepared a number of masterplan documents illustrating ways in which land at Toton could be developed. These include a 'Broxtowe Gateway vision' Document produced in April 2013 (Appendix Three); a 'Broxtowe Gateway to the East Midlands' vision document produced in March 2014 (Appendix Four) and a 'Toton Strategic Location for Growth' document produced in December 2015 (see Appendix Five). These three documents are appended to this submission for ease of reference and to provide details of the approach advocated by Oxalis on behalf of Bloor Homes. These documents should be read in conjunction with these representations. The fundamental principle of the vision advocated consistently by Oxalis Planning are:
 - a. To produce a masterplan for the site which is focussed on the need to deliver an appropriate commercial response to the opportunities presented by HS2. The economic opportunities should be maximised and a specific response to HS2 planed;
 - b. Whilst the precise nature of the commercial development can only be determined by future market demand, the planning of the site should not, in any way, constrain the potential;
 - c. This would mean delivering housing to meet the plan period requirement on land to the east of Toton lane and reserving land to the west of Toton Lane for development directly associated with HS2.
- 3.8 The Oxalis documents include a highway solution that has been largely mirrored in the East Midlands HS2 Growth Strategy (Page 30). Fundamental to this highway strategy is a new junction onto the A52 to the north east of Bardills Island and a partial 'bypass' of the Bardills Junction. Such an approach is however incompatible with Policy 3.2 as currently set out. Policy 3.2 retains as Green Belt, land north and east of Bardills garden centre, land which would be essential for this new infrastructure. Furthermore if this new infrastructure were to be put in place the context of land to the east and west of it would change greatly and become even more appropriate for development.
- 3.9 Policy 3.2 is therefore fundamentally flawed because the area of land to be removed from the Green Belt should include land east of Toton Lane and north of the Tram line. The inclusion of this area would facilitate appropriate infrastructure works and enable a more comprehensive approach to the masterplanning of the area.

- 3.10 The Plan has not, in relation to the opportunity presented by HS2, been positively prepared or justified having regard to the evidence base and considering reasonable alternatives.
- 3.11 There are other aspects of the supporting text to Policy 3.2 which are flawed and inconsistent with national policy. The vision sets out ambitions for relocation of existing facilities and the delivery of extensive new community and leisure facilities. However these aspirations have not been discussed with underlying landowners and its remains wholly unclear how these components can be delivered in terms of viability and land assembly or how they would be funded.

4.0 Approach to self-build and custom-build housing – Policy 15

- 4.1 Bloor Homes object to bullet point 8 of Policy 15 which requires 5% of large sites to be delivered as self / custom build Homes. The delivery of self / custom build Homes as part of a large site creates complex delivery, design, Health and Safety and site management issues. On some sites it will also create uncertainty regarding delivery and viability. It is unclear how this requirement would be manged and delivered on the ground alongside the delivery of dwellings constructed by Bloor Homes.
- 4.2 Government Policy supports the provision of self and custom build homes. A key emphasis is on the benefit of this form of housing delivery in boosting the supply of new homes. The blunt requirement set out in Policy 15 will in no way help to boost supply, indeed for the reasons set out it may well delay or restrict supply.
- 4.3 It is considered that a more appropriate response to the Government's requirement would be to identify specific small sites which are capable of delivery as self / custom build homes and to encourage the promotion of small scale windfall site for such purposes. This could then act to help boost the delivery of new homes.

5.0 Policy 17: Place – Making, Design and Amenity

5.1 Some of the criteria within this design policy are misplaced and should be removed. Criteria 1b and 1c are both spatial policies concerned with the location of development as opposed to its form. These criteria should be deleted.

Broxtowe Part 2 Local Plan

Agent

| Please provide your | client's nan | ne | Bloo | r Homes Ltd |
|--|--------------|--------|-------|-------------|
| Your Details | | | | |
| Title | Mr Mrs | Miss | Ms | Other: |
| Name | | | | |
| Organisation (fresponding on behalf of the organisation) | Oxalis | Planni | ing L | td |
| Address | | | | |
| | | | | |
| Postcode | | | - | |
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| E-mail address | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here 🗸 |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an online response form please visit: www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|--|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocation Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 19: Pollution, Hazardous Substances and Ground Conditions Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets | | Policy 2 Policy 3 Policy 4 Policy 5 Policy 6 Policy 7 |
| Policies Map | Policy 32: Developer Contributions | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | Yes, exclusion of sites and approach to Toton allocat | ion. | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | No |
|--|---------------------------------------|-----|----|
| 2.1 | 2.1 Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | 2.3 Sound | | ٧ |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | V | |
| It is not effective | v | |
| It is not positively prepared | v | |
| It is not consistent with national policy | v | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

See attached Statement

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

See attached Statement

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Please use a separate sheet of paper if required. Please use one form per representation.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to particip public examination? | ate at the |
|--|------------|
| Yes, I wish to participate at the public examination | v |
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you consider this necessary | to be |
| We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan. | |
| | |
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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 public examination.

Please use a separate sheet of paper if required. Please use one form per representation.



Broxtowe Borough Council

Part 2 Local Plan (Publication Version) Written Representations

On behalf of J McCann & Co (Nottingham) Ltd

November 2017



Quality Control

| Project No. | P&DG/13.039 | | | | | |
|----------------|---|--------------------------|-------------|---------------|--|--|
| Title | Part 2 Local Plan (Publication Version) | | | | | |
| Location | Broxtowe Borough | Broxtowe Borough Council | | | | |
| File reference | 13.052/Representations | | | | | |
| Issue | Date | Prepared By | Reviewed By | Authorised by | | |
| 1 | 2 nd November 2017 | AG | BW | BW | | |



Contents

| 1 | Introduction and Executive Summary | 1 |
|---|---|--------|
| 2 | Policy 2: Site Allocations | 2 |
| 3 | Policy 3.4: Main Built up Area Site Allocations, Stap | leford |
| | (west of Coventry Lane) | 3 |
| 4 | Policy 15: Housing Size, Mix and Choice | 5 |
| 5 | Policy 17: Place-making, Design and Amenity | 7 |
| 6 | Policy 32: Developer Contributions | 8 |
| 7 | Conclusion | 9 |
| | | |



1 Introduction and Executive Summary

- 1.1 This statement of written representations is prepared by Planning and Design Group (UK) Ltd and made on behalf of our client J McCann & Co (Nottingham) Limited in response to Broxtowe Borough Council's consultation on the emerging Part 2 Local Plan (Publication Version).
- 1.2 We welcome the opportunity to respond to this stage of consultation on the Local Plan and recognise the critical importance of establishing an appropriate, legally compliant and sound policy framework for Broxtowe at this point of Local Plan process. As such our comments are structured around relevant policy areas and focus on the soundness and legal compliance of the emerging Local Plan document.
- 1.3 These representations have direct regard to land proposed for allocation to the west of Coventry Lane for up to 240 dwellings through Policy 3.4 Stapleford (west of Coventry Lane) of the emerging Part 2 Local Plan.
- 1.4 We make these representations in the context of seeking to work with the Council both now and in the future to ensure that an effective and deliverable plan for Broxtowe is achieved.
- 1.5 In summary, we find a large number of the proposed modifications sound and warrant our support. Notwithstanding some concern about the wider trajectory of housing land supply, we fully support and welcome the allocation of land to west of Coventry Lane as a sustainable housing site. This allocation will provide enhanced land owner and developer assurance moving forward to deliver the site and in turn boost the housing supply in Stapleford and Broxtowe. This is in the interest of producing a sound and effective Local Plan which delivers on the Spatial Strategy of the adopted 2014 Aligned Core Strategy.
- 1.6 We do hold concern over certain areas of policy wording which relate particularly to the delivery and implementation of housing development. However, we consider that these concerns can be addressed by amends and additions to assure their justification and overall soundness.



2 Policy 2: Site Allocations

- 2.1 In principle Policy 2: Site Allocations is considered **sound** as it directly supports the provision of new homes against the identified need for 6,150 new dwellings in Broxtowe over the life of the Local Plan. The allocation of sites is absolutely critical in the adoption of a plan-led approach in line with paragraph 196 of the National Planning Policy Framework ('NPPF'). This is particularly whereby the designation of land for development through Local Plans provides significantly enhanced land owner and developer confidence in bringing forward sites for development.
- 2.2 As such the Part 2 Local Plan should be seen as a critical tool in supporting market confidence in housing delivery and, in turn, boosting the number of sustainable new homes delivered.



3 Policy 3.4: Main Built up Area Site Allocations, Stapleford (west of Coventry Lane)

- 3.1 The defined Main Built-up Area (MBA), which includes Stapleford and adjoins Nottingham, is designated as a very sustainable location for housing growth in the spatial hierarchy of the Aligned Core Strategy. Therefore, the MBA as a whole is allocated a distributed target to deliver 3,800 dwellings as a part of Broxtowe's overall identified housing need. The prompt delivery of these dwellings will be critical in addressing the overall need for housing in Broxtowe.
- 3.2 The need for all forms of new housing across the country is well documented and is supported in the 2012 National Planning Policy Framework ('NPPF'). It indicates that providing the housing supply to meet the needs of current and future generations is a key aspect of sustainable development and the plan making process.
- 3.3 In light of this housing need across Broxtowe and the MBA the allocation of land to the west of Coventry Land through Policy 3.4 is considered **sound** as the site will effectively and positively contribute to the delivery of new homes.
- 3.4 We welcome the allocation and identification of the site as a sustainable allocation for the delivery of up to 240 dwellings. The site is positively identified for its ability to provide enhanced Green Infrastructure corridors, improve pedestrian and traffic flows alongside providing a tranquillity buffer between Stapleford Hill and the crematorium.
- 3.5 Policy 3.4 also states that 'this allocation has significant housing and health objective benefits with only a very minor green objective disbenefit'. Furthermore, the Site Selection Document Main Report (2017) in support of the emerging Part 2 Local Plan identifies that the site as 'one of the most sustainable sites to be allocated when compared to reasonable alternatives' and notes the sites excellent performance in in the Sustainability Assessment exercise.
- 3.6 We also note that the proposed trajectory of housing supply for the MBA represents, positively, a high proportion of site allocations. This includes land to the west of Coventry Lane. As such less reliance is placed on SHLAA sites which, although reflecting an indicative trajectory of housing supply, do not offer the same level of specificity and



deliverability as site allocations. We refer also in this instance to Table 4: Housing Trajectory on p.75 of the Part 2 Local Plan.

- 3.7 The Part 2 Local Plan is required to act as the delivery tool for Broxtowe's adopted spatial growth strategy and as such site allocations form an essential part of this. In all 14 housing sites are allocated in the MBA area delivering a total of 2,729 dwellings. This reflects an effective and significant 72% contribution to the 3,800 dwellings required across the MBA.
- 3.8 Site allocations act to reduce the level of more speculative development proposals and work in the interests of pursuing a robust, plan-led approach to the housing delivery. In the absence of this approach site delivery is liable of becoming more *ad hoc* in nature, which then presents the risks of ongoing shortfalls in the delivery of new dwellings.
- 3.9 The current deficit in housing land and delivery shortfall across Broxtowe makes this context and need for housing more pressing. This is highlighted in the most recent SHLAA document which states that the Council can only evidence 3.6 years' worth of housing land supply for the period April 2017 and March 2022. In addition, and to be factored into the five-year housing land supply position, is the current delivery shortfall of 956 dwellings, prompting the addition of a 20% buffer. The allocation of land to the west of Coventry Lane will therefore directly support the delivery of housing against this shortfall in turn make a significant contribution to the delivery of a sound Part 2 Local Plan.



4 Policy 15: Housing Size, Mix and Choice

4.1 Paragraph 8 of Policy 15 is considered **unsound** as it is unjustified in the current regulatory and evidence context. Specifically, the paragraph states that:

'For developments of more than 20 dwellings, at least 5% of provision should be in the form of serviced plots for self-build or custom-build, and/or custom-build homes by other delivery routes.'

- 4.2 Whilst the associated Self-build and Custom Housebuilding 2016 regulations have brought about requirements on Local Authorities to maintain an active register of interested parties there is no necessity to mandate a certain proportion of self or custom-build plots at a site level. Instead the register should act as a general indicator of demand for subsequent appropriate action or negotiation with relevant interested parties, supported by appropriate Local Plan policy leads.
- 4.3 In relation to this guidance states that:

'Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources... when preparing their Strategic Housing Market Assessment to <u>understand and consider</u> <u>future need for this type of housing in their area</u>.' (paragraph: 011 reference ID: 57-011-20160401)

4.4 Currently the Council display little clarity of understanding behind the 'at least' 5% self and custom-build policy stipulation on sites of over 20 dwellings. For example, neither the latest SHLAA or AMR documents display analysis or conclusions drawn from a publicly available register. This is as per related guidance:

> 'Relevant authorities are encouraged to publish, in their Authority Monitoring Report, headline data on the demand for self-build and custom housebuilding revealed by their register and other sources. This can support development opportunities for self-build and custom housebuilding by increasing awareness among landowners, builders and developers of the level and nature of demand for self-build and custom housebuilding in the local area.' (paragraph: 012 reference ID: 57-012-201707208)



4.5 Given the current lack of evidenced justification and the emphasis on the need to support, not mandate, self and custom-build housing where appropriate the current policy wording should be amended to assure soundness. The change is suggested below:

'For developments of more than 20 dwellings, a provision for serviced self-build or custom-build, and/or custom-build homes by other delivery routes will be supported where evidence indicates local demand to the site.'



5 Policy 17: Place-making, Design and Amenity

5.1 Paragraph 3 of Policy 17 is considered **unsound** on the basis that all Building for Life (BfL) material has been withdrawn for planning guidance purposes and therefore stipulated reference to BfL is not a justified. The relevant paragraph states that:

'In the case of major development on sites released from the Green Belt as part of this Local Plan, or the Aligned Core Strategy, or for any site within the Green Belt comprising 10 or more dwellings the development will be required to score 9 or more 'greens' in the Building for Life 12 or equivalent.'

5.2 Given the wholly unjustified nature of this paragraph we suggest its entire deletion to assure that Policy 17 is sound. Reference to wider design principles in the policy will still assure a high-quality development across Broxtowe.



6 Policy 32: Developer Contributions

- 6.1 The current nature of Policy 32 is considered **unsound** on the basis it will not be effective in its current form. Whist the principle of developer financial contributions is entirely sound in delivering the social and environmental infrastructure required by the Local Plan, this should be based on all relevant viability information. We consider that this includes developer viability appraisals which offer a detailed insight into site and development specific viability. Therefore, providing an open position of planning contribution negotiations where appropriate.
- 6.2 Related guidance (paragraph: 004 reference ID: 10-004-20140306) outlines that the grounding principles for understanding viability should include judgements made on all available evidence and a collaborative approach is also promoted, explicitly involving developers and landowners. This is in the interests of understanding development scheme deliverability and viability in an appropriately transparent context.
- 6.3 Guidance also states that whilst viability appraisals at a site level may not always be appropriate an understanding of site specific related viability is important. Outlining that:

'Where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.' (paragraph: 016 reference ID: 10-016-20140306).

6.4 Therefore, in the interests of promoting a greater understanding of viability and creating a more effective policy we suggest adding reference to the submission of viability appraisals. With wording in an additional paragraph to the effect of:

> 'Financial contributions will be sought and established through a process of negotiation including, where appropriate, reference to a submitted viability appraisal.'



7 Conclusion

- 7.1 As outlined within this statement we consider that there are areas of the emerging Part 2 Local Plan that contain a number of sound proposals that warrant our support. Particularly in relation to current site allocations in the interests of delivering the defined Spatial Strategy and the specific allocation of land to the west of Coventry Lane through Policy 3.4.
- 7.2 However, we have highlighted where some elements of proposed planning policy are considered unsound and should be amended accordingly through the examination process. This is particularly in relation to policy areas linked the delivery and implementation of housing development. As such their amendment will be important in assuring the rapid adoption of the Part 2 Local Plan and subsequently boosting the supply of much needed housing in Broxtowe.



Planning and Design Group (UK) Limited

tel

www.panddg.co.uk

POLICY 2 22-23

Broxtowe Part 2 Local Plan

Agent

| Please provide your | client's name | |
|--|-----------------------|--|
| Your Details | | |
| Title | Mr Mrs Miss Ms Other; | |
| Name | DAVID PEA | rson. |
| Organisation (If responding on behalf of the organisation) | | Broxtowe Borough Council |
| Address | | Planning & Community Development - 3 NOV 2017 |
| Postcode | | |
| Tel. Number | | the state of the s |
| E-mail address | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regar | ding future consultations. |
|---|----------------------------------|
| Please tick here | |
| Please help us save money and the environment by providing an e can be sent to: | mail address that correspondence |
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For more information including an online response form please visit:

www.broxtowe.gov.uk/part2localplan

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Question 1: What does your comment relate to? Please specify exactly

11

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|--|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocations Policy 6: Eastwood Site Allocations Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | P. 22-25 | Policy Text |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | No evidence given in the do | cument. | |

Guestion 2: What is the issue with the Local Plan?

| | Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | No |
|-----|--|----|----|
| 2.1 | Legally compliant | 19 | |
| 2.2 | Compliant with the duty to co-operate | | X |
| 2.3 | Sound | | × |

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above

| It is not justified | |
|---|--|
| It is not effective | |
| It is not positively prepared | |
| It is not consistent with national policy | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

The 3 points listed whilst being laudible in their objectives, these are so vague as to being effectively meaningless. There should be better & more positive detail. The statements have no evidence based judgements.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

As the policy is no vague, it is difficult to suggest specific modifications, other than it needs to be more defined in its objectives Please note your representation should cover succinctly all the information, evidence and supporting

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

If your representation is seeking a modification, do you consider it necessary to participate at the public examination? 1 Yes, I wish to participate at the public examination No, I do not wish to participate at the public examination If you wish to participate at the public examination, please outline why you consider this to be necessary In view of the way consultations has been done, I wish to participate in order that I can represent residents views.

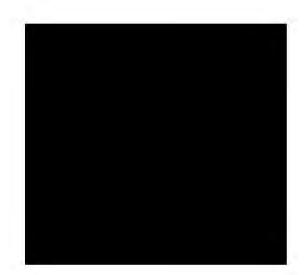
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the public examination.





Improving life for local people

Planning Policy Broxtowe Borough Council Town Hall Foster Avenue BEESTON Nottinghamshire NG9 1AB



Dear Madam/Sir

Localism Act 2011 – Strategic Planning Comments

Broxtowe Borough Council Local Plan Part 2: Publication Version

Thank you for consulting Derbyshire County Council (DCC) on the Broxtowe Borough Council Local Plan Part 2: Publication Version (BBCLP2). Please find below Officers' technical comments for your consideration:

Officer Comments

Housing

There are two key strategic housing allocations identified in the BBCLP2, which raise potential cross-boundary strategic planning policy implications for Derbyshire, and on which DCC has previously provided strategic planning policy comments. The two sites are identified in Policy 3.1: Chetwynd Barracks and Policy 3.2: Land in the vicinity of HS2 Station at Toton (Strategic Location for Growth).

Policy 3.1: Chetwynd Barracks

On 5 October 2016, DCC provided Officer technical comments to Broxtowe Borough Council on a proposed additional site consultation for the Local Plan Part 2 comprising the site at Chetwynd Barracks. DCC's comments considered that the site was located in a very sustainable location within the urban area between Toton and Chilwell and would be well located to take advantage of the recent opening of the Nottingham Express Transit (NET) extension and the proposed High Speed Two (HS2) station at Toton, both of which are a short distance away to the north-west. Although comprising a housing development of 800 dwellings, the comments considered that the proposed allocation would be unlikely to have any significant implications for housing delivery in nearby



Erewash Borough, particularly the strategic housing allocation at Stanton. The comments above remain relevant to the allocation and are reaffirmed.

Since DCC submitted the comments above, the County Council has been party to a joint submission in association with Nottinghamshire County Council, Nottingham City Council, Derby City Council, Erewash Borough Council, Broxtowe Borough Council and Chesterfield Borough Council to the Government's Housing Infrastructure Fund (HIF) – Forward Funding Scheme for the HS2 East Midlands Network of Garden Villages. The Forward Funding bid includes the identification of a range of large-scale housing development proposals in Derbyshire and Nottinghamshire, whose delivery could be facilitated through the HIF and includes the site at Chetwynd Barracks, which is identified as having potential capacity for up to 1,600 dwellings in total between 2021 and 2036 onwards. In the context of the above, the proposed allocation of the Chetwynd Barracks site for 500 dwellings (within the Plan period) is supported as a key element of a HIF bid to maximise the delivery of housing growth associated with the development of HS2.

Policy 3.2: Land in the vicinity of HS2 Station at Toton (Strategic Location for Growth)

On 24 November 2015, DCC submitted Officer technical comments on a consultation by Broxtowe Borough Council on a masterplan for the Toton Strategic Location for Growth. The comments considered that the broad area of the site would form a logical sustainable urban extension to the existing large area of residential development in Toton to the south of the allocation and west and north-east of the B6003 Stapleford Lane. The scale of housing and employment land identified was supported as the most appropriate scale and mix of development for the site. Because much of the area of land included in the allocation is Green Belt land, the comments indicated that it was an important consideration in the design of the scheme that significant areas of landscaping and open space were incorporated to ensure that the separation of the urban areas of Toton, Stapleford, Long Eaton and Chilwell was maintained. It is welcomed and supported, therefore, that Policy 3.2 indicates that 16 ha of land in the allocation will be dedicated for open space, to incorporate Green Infrastructure of sufficient width and quality to provide attractive and usable links between Hobgoblin Wood in the east and Toton Fields Local Wildlife Site in the west and the Erewash Canal, which will blend with a high quality built environment.

In terms of connectivity, it is welcomed and supported that Policy 3.2 sets out key requirements for the development of the site that would facilitate good connectivity of the site with the wider surrounding area, including within Derbyshire and particularly Erewash Borough through the provision of:

An integrated local transport system that facilitates access enhancements to the station from the two gateway towns of Long Eaton to the south (in Erewash Borough) and Stapleford to the north; and

An integrated traffic system that flows well including proper consideration of access both from Long Eaton and Stapleford.

It is noted that Policy 3.2 includes a requirement that additional land for community facilities will be included in the allocation, including land for a new primary school. In its comments on the masterplan consultation referred to above, DCC's Officer comments considered that the allocation of the site for 500 dwellings and the provision of a new primary school could raise cross-boundary education issues for DCC, not least because the site lies in close proximity to the Derbyshire Local Education Authority Normal Areas of a number of schools at primary and secondary level. The comments supported the need for a new school on the site and recommended that an assessment of the potential impact of the development area on Derbyshire schools should be undertaken as part of the development proposals and that the potential for pupils from Derbyshire wishing to attend the new primary school (and extended secondary school within Broxtowe) should also be assessed. These comments remain relevant to Policy 3.2 and are reaffirmed. DCC would welcome the opportunity to engage in ongoing discussions with Broxtowe Borough Council on this matter as proposals for the new primary school on the site are progressed.

Since DCC submitted the comments above, the County Council has been party to a joint submission in association with Nottinghamshire County Council. Nottingham City Council, Derby City Council, Erewash Borough Council, Council and Chesterfield Borough Broxtowe Borough Council to the Government's Housing Infrastructure Fund - Forward Funding Scheme for the HS2 East Midlands Network of Garden Villages. The Forward Funding bid includes the identification of a range of large-scale housing development proposals in Derbyshire and Nottinghamshire, whose delivery could be facilitated through the HIF and includes the Toton Strategic Location for Growth that is identified as having potential capacity for up to 3,700 dwellings in total between 2021 and 2036 onwards. In the context of the above, the proposed allocation of the Toton Strategic Location for Growth for 500 dwellings (within the Plan period) is supported as a key element of a HIF bid to maximise the delivery of housing growth associated with the development of HS2.

Highways

There are a significant quanta of developments, including existing commitments, as indicated on Map 5: Housing and Mixed Use allocations in Chilwell, Toton and Stapleford, that could potentially have significant impacts upon roads in Derbyshire.

The local Highway Authorities, Derbyshire County Council, Nottinghamshire County Council, Derby City Council, and Nottingham City Council, together with Highways England, have expended considerable effort in deciding and agreeing a way forward in the scoping of the Transportation Assessment required to support the inclusion of a new HS2 East Midlands Hub station at Toton, as confirmed by the Government in November 2016, together with the necessary traffic modelling required to underpin it. In view of the quantum of development under consideration, early engagement with the East Midlands Gateway Modelling Group would be advisable.

I trust that you will be able to take the above comments into account prior to submission to the Secretary of State for examination. If you have any questions, or anything is unclear, please contact me.

Yours faithfully

Policy and Monitoring and LA lead: CLIP: Planning Sub-group

Broxtowe Part 2 Local Plan



Agent

Please provide your client's name TAYLOR & BURROWS PROPERTY

Your Details

| Title | | |
|--|-----------------------------|--|
| Name | | |
| Organisation (if responding on behalf of the organisation) | penix Planning (UK) Limited | |
| Address | | |
| Postcode | | |
| Tel. Number | | |
| E-mail address | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

If you would like to be contacted by the Planning Policy Team regarding future consultations.

Please tick here $\sqrt{}$

Please help us save money and the environment by providing an e-mail address that correspondence can be sent to: As above

For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

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Question 1: What does your comment relate to? Please specify exactly

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| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Νο | |
|---|---------------------------------------|----|---|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | Х |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | |
|--|---|
| It is not justified | х |
| It is not effective | х |
| It is not positively prepared | х |
| It is not consistent with national policy | x |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

The Plan seeks to reduce the housing requirement as set out within the Adopted Core Strategy for Eastwood and allocate more housing within the main urban area. Objection is raised towards this approach. It is considered essential that Eastwood maintains a continual supply of housing and ensure that viable sites are released that can provide appropriate market and affordable housing to meet the needs of the area. Eastwood is a highly sustainable location which requires growth in order to sustain and improve local facilities including a deteriorating town centre badly in need of the investment new residential areas around the town can bring. The release of appropriate green field sites to meet the needs identified within the Adopted Core Strategy will bring forward much needed housing for Eastwood and enable the provision of contributions towards local infrastructure.

It is noted that Eastwood is classified as a low market area which reduces viability and the opportunities for securing appropriate S106 contributions. However, sites such as the Wades Printers site, are located within a higher market area than the remainder of Eastwood and as will be demonstrated within our submission regarding policy 6, our site can bring forward substantial local community benefits including the provision of a significant area of public open space.

Policy 3 identifies 8 sites proposed to be allocated for housing purposes within the main urban area. Concerns are raised with regards to the deliverability of a number of these sites within the plan period. The table below identifies my clients concerns and key constraints on each of the sites which may affect deliverability.

| SITE | NUMBER OF DWELLINGS | ISSUES | |
|--|------------------------|---|--|
| Chetwynd Barracks | 500 | A Listed building and memorial garden is present on site which may impact upon land availability. The site holds historical importance with regards to the military. This issue needs further consideration prior to redeveloping the site. Previous industrial uses present and therefore potential for contamination within the site. Significant level changes across the site which may impact upon density. Detailed masterplan required to show that the constraints have been taken into consideration and that this site can accommodate 500 dwellings. It is noted that the SHLAA identifies the delivery of 500 dwellings within the 11-15year period. It is considered ambitious to expect 500 dwellings to be completed within a 5-year period. With the constraints identified and the military processes that would have to be undertaken before the land could be released to a developer, it is considered that this allocation will be delivered over a longer period than the current plan period. | |
| Toton (Strategic Location for Growth) | 500 dwellings | This site consists of a Strategic Location for Growth. The allocation proposes a mixed-use development which will expand beyond the plan period. The wider allocation includes the provision of 500 dwellings plu retail, business use, open space, transport improvements and community facilities. Concern is raised regarding the deliverability of the housing proposed within the plan period. Within the SHLAA 300 dwelling are projected to be delivered between 2018-2023. This is considered to be extremely doubtful given the uncertainties that still surround this major infrastructure project. Question is raised as to the deliverability within these time frames with lead in times for infrastructure etc. | |
| Bramcote (East of Coventry Lane) | 300 | This is a green belt site and the proposal will have a significant landscape impact. It is considered that there are less sensitive sites available in Eastwood which would enable a distribution more in line with the with Adopted Core Strategy. Significant local objection to the release of this green belt site including the Bramcote Neighbourhood Forum. The site lies adjacent to a landfill site. Potential for contamination issue that does not appear to have been fully evaluated. SA identifies land ownership issues as a constraint. Question is raised with regards to deliverability within the plan period. The requirement for no dwellings to be occupied before the replacement school is completed, creates a difficult scenario for builders who need to see cash flowing in as well as out. This is likely to impact upon deliverability within the plan period. | |
| Stapleford (West of Coventry Lane | 240 | This is a green belt site and its release in conjunction with Fields Farm and the Bramcote (East of Coventry Lane) will cumulatively have a significant detrimental impact upon the purposes of the green belt and should not be supported. There are less sensitive | |

| | | green belt sites available within Eastwood that would align with the Core Strategy and should be released before this site. Question is raised with regards to the sites sustainability with residents having to rely heavily upon the car to access the key services and facilities. |
|-------------------------------|-----|---|
| Severn Trent (Lilac Grove) | 150 | Ecological impacts of development upon Beeston Canal Wildlife Site. Potential contamination issues from the land fill site. This issue does not seem to have been fully considered |
| Beeston Maltings | 56 | The site formed part of a housing allocation within the 2004 Adopted Local Plan and site has been cleared and demolished since 2012. Question is raised with regards to the deliverability of this site within the plan period as this site has not come forward to date. Development could result in potential harm to an area including non-designated heritage assets in Dovecote Lane area. The SHLAA identifies that there are on-going discussions with Network Rail about bringing this site forward and that there are some legal issues over this site. It is understood that some freight operators have objected to the proposal and Network Rail are working to resolve this. It is considered that there is uncertainty about the delivery of this site and should not be included within the land supply for the plan period. |
| Beeston Cement Depot | 21 | Potential contamination issues which may impact upon deliverability |

It is clear that whilst that Local Plan seeks to provide more housing within the main urban area than identified within the Core Strategy, there are constraints to a number of the sites allocated which could preclude the sites from coming forward and delivering the full housing needs for the Borough. It is another example of the Council relying on old ideas and not fully engaging in the adoption of a new positive approach to identifying housing land.

The Council's approach seems to be to turn its back more on the needs of Eastwood even though that may mean releasing more sensitive green belt sites in Bramcote

It is clear from viewing the Local Plan Publications Version and the accompanying Site Selection Document that the justification for release more housing within the main urban area than within Eastwood is that the areas such as Toton, Bramcote and parts of Stapleford are higher marketing areas and accordingly will enable the LPA to secure more S106 benefits. Objection is raised to this approach as the S106 provisions secured will benefit the already affluent and well provided for areas of Bramcote and Toton. By failing to release more land within Eastwood, leads to a reduction in the ability to secure funding for the more deprived settlement of Eastwood and build capacity for this area.

There are also a number of sites included within the housing land supply calculation as identified by the SHLAA. Our comments on these are as follows:

| SITE | NUMBER OF DWELLING | ISSUES |
|---|--------------------------|---|
| Works, Bailey Street, Stapleford | 15 dwellings | Outline consent approved in 2012 which has now lapsed and has not been renewed. No certainty that this site will come forward for development. Contamination issues and adjacent existing uses may impact upon the marketability of this site and therefore question is raised with regards to its deliverability. Site should be removed from housing supply |
| Wadsworth Road, Stapleford | 11 dwellings | School site is now occupied by the Haven Group and unlikely to come forward for housing for several years, if at all. This site should be removed from the SHLAA as the site is not deliverable. |

It is clear that there are significant issues with a number of the sites both within the allocations and within the SHLAA that may affect deliverability within the plan period. In this regards, it is considered necessary to release additional land within the Borough in order to ensure that the housing requirement is met in full.

As this and other objections will show, there is considerable concern that the policies reflect the situation as the Council would like to see it viewed in terms of site delivery, rather than as it will be. Therefore, the Plan fails the tests of soundness as:

1. Positively Prepared: To meet the test the plan must be able to show it is based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, in a manner consistent with achieving sustainable development. The sites selected, and the many previously permitted, do not show a positive approach to achieve the delivery claimed within the next 5 years let alone the immense step change that the Trajectory in Table 4 is suggesting will occur. The Council appear to be relying on sites that have failed in the past which indicates that the Plan is not positively prepared.

2. Justified: The sites highlighted above are not fully evaluated and the belief that they will deliver in the manner suggested is not justified.

3. Effective: The fact that the issues raised above, that sites will not deliver as forecast, means that the Plan will fail to be effective and deliver the growth required.

4. Consistent with national policy: The NPPF (Para 14) requires local planning authorities should positively seek opportunities to meet the development needs of their area. It goes on to seek to "boost significantly the supply of housing" (para 47). However, as this and other objections will show, that is not the approach the council is talking, relying instead on sites where deliverability is questionable.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

The council should take a fresh look at potential new sites where deliverability has not already failed and consider sites that do not have the deliverability and viability issues that some of the current sites face.

It is considered that additional housing should be released within Eastwood in order to provide a plan that is more in compliance with the Adopted Core Strategy and to ensure that sufficient developable and deliverable sites are allocated to meet the full housing needs for the plan period. It should focus on the more marketable areas of Eastwood and support this areas growth and regeneration in a more positive fashion.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to partipublic examination? | cipate at the |
|--|---------------|
| Yes, I wish to participate at the public examination | |
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you consider this to be necessary | |
| There are issues of how far the Plan still aligns with the Core strategy that it claims to rely o | n, although |

There are issues of how far the Plan still aligns with the Core strategy that it claims to rely on, although it's approach appears at odds with that document.

The growth and regeneration of Eastwood is a matter which would benefit from a roundtable debate on the merits of various sites and alternatives.

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 public examination.

Broxtowe Part 2 Local Plan



Agent

Please provide your client's name TAYLOR & BURROWS PROPERTY

Your Details

| Title | | |
|--|-------------------------------|--|
| Name | | |
| Organisation (if responding on behalf of the organisation) | Phoenix Planning (UK) Limited | |
| Address | | |
| Postcode | | |
| Tel. Number | | |
| E-mail address | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

If you would like to be contacted by the Planning Policy Team regarding future consultations.

Please tick here $\sqrt{}$

Please help us save money and the environment by providing an e-mail address that correspondence can be sent to: As above

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| Policies Map Sustainability | | | |
| Appraisal Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

Please use a separate sheet of paper if required. Please use one form per representation.

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | Νο | |
|---|---|--|----|--|
| 2.1 | Legally compliant | | | |
| 2.2 | 2.2 Compliant with the duty to co-operate | | | |
| 2.3 | Sound | | х | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | |
|--|---|
| It is not justified | x |
| It is not effective | х |
| It is not positively prepared | |
| It is not consistent with national policy | x |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

The Local Plan allocates 1 site within Brinsley notably the 110 dwellings at Land East of Church Lane, Brinsley. Objection is raised to the proposed allocation on the following grounds:

- Sustainability Brinsley has limited facilities and limited connections to the public transport network. It is considered that there are alternative more sustainable housing options available within Eastwood, notably the Wade Printers site.
- The SA identifies that the site is poorly related to strategic road network.
- Flooding from Brinsley Brook is a constraint to the development
- High visual impact and loss of a green belt site
- This is a low market area and question is raised with regards to the deliverability of this site within the plan period.

Because of the above concerns, it is considered that in this regard the Plan fails the tests of soundness in that ;

1. Positively Prepared: To meet the test the plan must be able to show it is based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, in a manner consistent with achieving sustainable development. This site raises concerns over its sustainability and deliverability in a manner which fails this test.

2. Justified: The site highlighted above is not justified as an allocation given the concerns that are raised.

3. Effective: Because of the issues raised above, it is not considered that the proposal will not make an effective contribution to delivering sustainable development for the district and deliver the growth required.

4. Consistent with national policy: sustainability is seen as the golden thread running through the NPPF. The significant concerns over the sustainability of this site undermines the Plans credentials in this respect.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

The site should not be allocated for the reasons given above.

It is considered that additional housing should be released within Eastwood in order to provide a plan that is more in compliance with the Adopted Core Strategy and to ensure that sufficient developable and deliverable sites are allocated to meet the full housing needs for the plan period.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | |
|--|--|--|
| Yes, I wish to participate at the public examination $$ | | |
| No, I do not wish to participate at the public examination | | |
| If you wish to participate at the public examination, please outline why you consider this to be necessary | | |

Whilst the discussion of this particular site may not be necessary, the wider consideration of the basis of how sites have been selected and excluded, is fundamental to the soundness of the Plan, which requires challenge and debate.

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 public examination.

Broxtowe Part 2 Local Plan



Agent

Please provide your client's name TAYLOR & BURROWS PROPERTY

Your Details

| Title | | |
|--|-------------------------------|--|
| Name | | |
| Organisation (if responding on behalf of the organisation) | Phoenix Planning (UK) Limited | |
| Address | | |
| Postcode | | |
| Tel. Number | | |
| E-mail address | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

If you would like to be contacted by the Planning Policy Team regarding future consultations.

Please tick here $\sqrt{}$

Please help us save money and the environment by providing an e-mail address that correspondence can be sent to: As above

For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|--|--|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocations Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 31: Biodiversity Assets Policy 32: Developer Contributions | Page 59-64 | Policy 6 as a whole |
| Policies Map Sustainability | | | |
| Appraisal Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | Νο |
|---|---------------------------------------|--|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | Х |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | |
|--|---|
| It is not justified | х |
| It is not effective | х |
| It is not positively prepared | х |
| It is not consistent with national policy | x |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

The Adopted Core Strategy 2014 identified a requirement of up to 1250 dwellings to be provided within Eastwood. The Housing Trajectory at Page 75 of the Local Plan identifies 795 dwellings within the SHLAA plus the proposed allocation of 200 dwellings. The Local Plan Part 2 therefore provides 455 less dwellings than was identified within the Core Strategy. This is a substantial variation, providing for around only 63% of that envisaged within the Core Strategy.

The Plan seeks to reduce the housing requirement as set out within the Adopted Core Strategy for Eastwood and allocate more housing within and adjoining the main urban area. Objection is raised towards this approach. It is considered essential that Eastwood maintains a continual supply of housing and ensure that viable sites are released that can provide appropriate market and affordable housing to meet the needs of the area. Eastwood is a highly sustainable location which requires growth in order to sustain and improve local facilities including a struggling town centre. The release of appropriate green field sites to meet the needs identified within the Adopted Core Strategy will bring forward much needed housing for Eastwood and enable the provision of contributions towards local infrastructure.

It is noted that Eastwood is classified as a low market area which reduces viability and the opportunities for securing appropriate S106 contributions. However, sites such as the Wades Printers site, are located within a higher market area than the remainder of Eastwood and as will be demonstrated within our submission, the Wade printers site can bring forward substantial local community benefits including the provision of a significant area of public open space.

Walker Street Allocation

The Part 2 Local Plan only identifies 1 housing allocation for Eastwood which is identified as the Walker Street site which proposes 200 homes and 30 extra care units. Map 24 in Local Plan is flawed as there is no key identifying the development zonings within the site. It is assumed however that the red annotation relates to housing land.

Concern is raised with regards to the deliverability of this site within the plan period. Part of the site includes the existing Lynncroft Primary School. Although development has commenced on the replacement school, it is understood that this development will need to be completed prior to the release of the site for housing. The site does not presently have a residential consent and therefore an application will also need to be submitted and approved. The Housing Trajectory expects this site to complete all 200 dwellings within the 1st 5 years. The Trajectory identifies that the site will expect a completion rate of 50 dwellings per annum over a 4 year period. It is considered that, firstly it is very unlikely that the development of housing on the site will start so quickly and secondly that such a rate of completion is overly ambitious within this location and does not reflect market signals.

Furthermore, it is considered that the site will bring forward limited S106 contribution by the residential development due to viability considerations. The Site Selection Document identifies that the site has infrastructure delivery issues and is unlikely to be able to viably provide any affordable housing. It is considered that there are alternative sites within Eastwood that could provide for a full suite of S106 provisions and bring forward more substantial benefits to the wider area.

Strategic Housing Land Availability Assessment

The latest Strategic Housing Land Availability Assessment identifies the sites within Eastwood that are considered to be deliverable and developable. It is noted that the SHLAA identifies sites that can provide up to 760 dwellings within Eastwood. Concerns are raised with regards to the deliverability of a number of the identified sites and our comments on the individual sites are provided below.

| SITE | NUMBER OF DWELLING | ISSUES |
|---|-----------------------|--|
| Hilltop House Nottingham Road Eastwood | 10 | It is understood that the site is presently being considered for uses other than residential. No planning application has been submitted to redevelop this site. It is understood that the site has been for on the market for a number of years. The asking price for the property may preclude the viable redevelopment of this site for housing. There is insufficient progress to conclude that this site will be delivered for housing. |
| Dovecote Bar and Grill 29 Beauvale Newthorpe | 6 | The anticipated land value may preclude this site from being viably redeveloped for housing. This site does not have planning consent and therefore there has been insufficient progress to conclude that this will be delivered for housing |
| Beamlight Newmanleys Road Eastwood | 150 | Although this site has an approval, this site is likely to be affected by possible gassing from the nearby tip. Issues in this regard remain outstanding. This will affect the deliverability of the site and question is therefore raised as to whether the site can accommodate 150 dwellings. |

| 95 South | 1 | Consent lapsed in 2013 and has not been renewed. This site |
|----------|---|--|
| Street | | therefore should be excluded with SHLAA. |
| Eastwood | | |

In terms of discounting the sites where planning consent has expired, the National Planning Practice Guidance regarding Assessment of land availability clearly sets out what types of sites and sources of data should be used. This identifies that those sites where planning applications have been withdrawn or refused can be taken into consideration. Whilst it may be reasonable to consider sites where permissions have lapsed, this should be on the basis of some sort of evidence as to why it lapsed and why it is felt that it may now be deliverable. This is not clear from the council's evidence base. Also, where applications are for single plots, it is considered that these are essentially windfall and there is therefore a degree of double counting if the Council also want to claim a windfall allowance for such sites.

It is clear that there are issues with a number of the sites within Eastwood and other areas within Broxtowe that may affect the deliverability of the housing requirement within the plan period. In this regards, it is considered necessary to release additional land within Eastwood in order to ensure that the housing requirement is met in full. The soundness and deliverability of the plan is therefore called into question.

Because of the above concerns, it is considered that in this regard the Plan fails the tests of soundness in that ;

1. Positively Prepared: To meet the test the plan must be able to show it is based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, in a manner consistent with achieving sustainable development. This councils approach to Eastwood raises concerns over its sustainability and deliverability in a manner which fails this test.

2. Justified: As highlighted above, the approach that has been taken is not only not justified, but is at odds with the Core strategy on which the plan is supposed to be based.

3. Effective: Because of the issues raised above, it is not considered that the Plans approach will make an effective contribution to delivering sustainable development for the district and deliver the growth required.

4. Consistent with national policy: The approach taken here is not considered to be sustainable and therefore the proposals are contrary to the golden thread running through the NPPF. The significant concerns over the sustainability of the approach being taken to this area undermines the Plans credentials in this respect.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

My client considers that additional sites should be released within the Eastwood in order to ensure an appropriate and continual supply of housing for both Eastwood and Broxtowe as a whole.

Alternative Housing Allocation - Land off Baker Road, Giltbrook

Wade Printers are a successful local employer who operate their printing business from the Wade Printers site identified as SHLAA site no 3. The site, although presently partially occupied for employment use, consists of existing industrial buildings that are in a poor state of repair and do not meet the needs of a modern-day business. The occupiers need to relocate to new premises, within a more suitable location and with modern facilities to enables them to operate their business more effectively and retain local employment.

The site is currently an eyesore within a pleasant residential area and the site consists of a nonconforming uses within an existing residential area, incorporating several daily HGV movements along Baker Road. Therefore, the redevelopment of this site for housing purposes would bring forward substantial benefits to the wider area. It is important to note however that the owners of the Wade Printer site have undertaken viability work in order to assess whether developing the existing employment site in isolation for housing purposes would provide sufficient funding for their relocation to more suitable premises. However, unfortunately it is considered that insufficient value is generated by the redevelopment of employment site in isolation to make it a viable for new businesses premises to be found. On this basis, it is imperative for a larger housing development to be brought forward which incorporates the adjacent landholdings in order to create a viable housing option that will enable Wade Printers to relocate to more suitable premises, ensuring the business remains profitable and local employment is retained.

Without the release of additional land for housing purposes, the site will remain within its current use and remain an eyesore within the locality. Wades Printers have over the last few years considered how the existing brownfield site along with elements of the less sensitive greenbelt land can be bought forward for residential development whilst retaining the important gap between Giltbrook and Kimberley.

It should be noted that although part of the site is located within the greenbelt, a further priority is to enable the reclamation of the former tip site and improve the ecological value and management of the SINC site which can be facilitated by the redevelopment of the wider area. To the east of the employment site is the reclamation site extending to 6ha site identified as the Former Tip Baker Road under policy E30 of the Adopted Local Plan. Policy E30 of the Adopted Local Plan identifies that the Council will encourage the reclamation of derelict land. It is understood that areas of the site were previously tipped in the 1830's with colliery shale and lied adjacent to the former Newthorpe Colliery. This section of the site is presently utilised as a corporate event activity centre including off road vehicle events, archery/cross bow target shooting. The use of the site for off road biking and associated activities has over the years lead to the degradation of this site. The redevelopment of the site therefore will bring forward environmental and visual benefits.

It should be noted that detailed proposals has been submitted to the Planning Department in relation to the potential of this site including Masterplans, Transport Assessments, Landscape Appraisals, Drainage Appraisals and a detailed Planning Statement, that highlights the material planning considerations of this development site. There are two masterplans outlining the basics of our proposal and providing two potential development options that have been presented to Broxtowe Borough Council for consideration.

Option 1 incorporates the redevelopment of the Wade Printers industrial site along with land to the north and south for housing purposes. This masterplan proposes the provision of a significant area of public open space which could provide a defensible boundary within the green belt and provide much need open space for the locality. Also attached is a more detailed constraints and opportunities plan for this option which provides more detail.

Option 2 excludes land to the south of the existing employment and concentrates development to the north and away from the settlement of Kimberley. This would remove completely any issue with regards to coalescence between Giltbrook and Kimberley although a reduced area of public open space could be provided.

The SA assessment provides an unjustified rejection of our proposals and does not fully consider the scheme that has been put forward and the benefits that it could bring. The full details of the suitability, deliverability and sustainability of our client's site are provided in our detailed submission paper attached as an appendix to this objection. However, in brief the main opportunities the site offers:

- 1. It provides for a mix of brownfield and greenfield land
- 2. Encourage the reclamation of derelict land
- 3. It allows for the relocation and growth of a local business which will allow for the retention and possible growth in local employment
- 4. It would allow for the removal of HGV's related to the business from a residential area and bring an end to the motor cycling on adjacent land that can generate nuisance
- 5. It would provide the Borough and/or the Parish Council, a significant, long term and controllable area of natural open space, forming a strong Green Belt boundary to the south of the town, and adding much needed publicly accessible open space to the settlement.
- 6. Whilst the site is partially part of the Green Belt, these proposals seek only to round the town off without further extending it to the south eastwards towards Kimberley, or north eastwards towards Greasley.
- 7. This option will not decrease the gap between Eastwood and Kimberly and will provide a strong defensible boundary that could be transferred to the Council and therefore provide public control over the land to ensure that it is defensible in perpetuity.

We realise that developing land within the Green Belt does rightly raise concerns, but we recognise that the Council has limited options. It is considered that our proposal provides a more sustainable and environmentally sensitive option for fulfilling the housing needs for Eastwood as identified by the Core Strategy, than any other reasonable alternative site within Eastwood and those allocated within Bramcote and Stapleford.

Our proposal does not impact on the role of the Green Belt and provides significant economic, social and environmental benefits to the area. The area of Green Belt taken is marginal and appears more as part of the natural shape of the town than as 'open countryside'.

It is considered that our proposal provides a sustainable and environmentally sensitive option for fulfilling the housing needs for Eastwood as identified by the Core Strategy.

Our clients very much want to work with the Council in terms of realising the potential of this site and bringing forward the housing Eastwood needs. Our concern is that the current approach the Council is taking, is not considering the broader picture and the important role our site could play as a sustainable extension to Eastwood.

We strongly believe in the positive benefits our site can bring and will seek to bring it forward.

It is considered that the Local Plan should be amended and the Wade Printers site be allocated for housing purposes.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | |
|--|--|--|
| Yes, I wish to participate at the public examination | | |
| No, I do not wish to participate at the public examination | | |
| If you wish to participate at the public examination, please outline why you consider this to be necessary | | |

The issues raised within this objection, the variation from the Aligned Core strategy and the approach taken to the development of Eastwood are considered to be crucial elements that must be fully considered if a sound local plan is to be achieved. Considering the merits of other sites is also necessary if the Council are to be encouraged into taking a new proactive approach to planning to meet their needs.

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 public examination.

Please use a separate sheet of paper if required. Please use one form per representation.



Proposed soft landscaping adjacent southern boundary to protect amenity of existing dwellings



Land North of Mill Road Beauvale Eastwood - Indicative Master Plan



dwg.no. 14-245-01 August 2016 scale 1-1000 @ A2

Land north of Mill Lane, Beauvale, Eastwood, Nottinghamshire

Landscape and Visual Appraisal

lain Reid Landscape Planning Ltd www.iainreidplanning.co.uk

March 2016

CONTENTS

| Section 1.0 | Title Introduction | Page 1 |
|---|--|-----------|
| 2.0 | The Proposed Development | 2 |
| 3.0 | Landscape Analysis | 10 |
| 4.0 | Landscape Concept and Strategy | 13 |
| 5.0 | Overall Conclusions | 14 |
| PLANS Plan No 1 Plan No 2 Plan No 3 | Assessment Site Location Landscape Analysis Landscape Concept | |
| APPENDICES Appendix 1 Appendix 2 | Extract from Eastwood Issues and Options Extract from Greater Nottingham Landscape Character Assessment | |
| FIGURES Figures 1-2 | | |

1.0 Introduction

- 1.1 Iain Reid Landscape Planning Limited was commissioned in March 2016 by Grace Machin Planning & Property to prepare a Landscape and Visual Appraisal of the potential for development of land north of 4 Mill Lane, Beauvale, Eastwood, Nottinghamshire. The land described below as the assessment site is located (centre of site) at NGR SK478471. It extends to ca 4.4 hectares (10.8 acres) and is shown on **Plan No 1 Site Location.**
- 1.2 The preparation of this appraisal has involved a desk based assessment of relevant planning policies and also published landscape character assessment work. In addition, the assessment site and the surrounding area has been visited on two separate occasions in March 2016 and viewpoints towards and of the assessment site identified. The appraisal has been prepared by lain Reid Dip MRTPI Dip LD CMLI. He has over 40 years experience in planning and landscape work in both the private and public sectors, much of it in the East Midlands.
- 1.3 This appraisal is structured as follows:
 - Section 2 considers the assessment site context in terms of landscape planning policy and landscape character. General planning policies are considered by others.
 - b) Section 3 sets out a landscape analysis of the assessment site.
 - c) Section 4 describes a landscape concept and strategy.
 - d) Section 5 set out an overall conclusion.

2.0 Landscape Context - Planning Policy and Landscape Character

2.1 Planning Policy

2.1.1 The Development Plan comprises the Aligned Core Strategy (ACS), prepared jointly by Broxtowe Borough Council, Gedling Borough Council and Nottingham City Council (covering the period up until 2028 and adopted 2014), and 'saved' policies from the adopted Broxtowe Local Plan (BLP) (covering the period 1991-2011 and adopted in 2004).

Aligned Core Strategy

2.1.2 Part of the spatial vision in the ACS (at para 2.3.10), indicates as follows:

'The area's unique built and natural environment has been improved through the sensitive and high quality design of new development, the historic environment, both urban and rural is valued and protected and where necessary has been enhanced. The principle of the Green Belt remains and it continues to shape new development, especially with regard to its key purpose of preventing coalescence of Nottingham and Derby and their associated towns. Major new Green Infrastructure has enhanced the multifunctional open space provision and network of green corridors linking the built up areas to open countryside and has helped to address the impacts of that growth whilst also providing opportunities for healthy lifestyles. It has also contributed to a step change increase in the region's biodiversity whilst allowing it to cope with climate change. Landscape character is now a key influence on new development.' (Emphasis added)

Spatial Objectives are set out at para 2.4.1, including at (vi):

'Protecting and enhancing the area's individual and historic character and local distinctiveness: to preserve and enhance the distinctive natural and built heritage, by protecting and enhancing the historic environment, by promoting high quality locally distinct design, and by valuing the countryside for its productive qualities and ensuring its landscape character is maintained and enhanced. Strategic historic assets will be protected including Wollaton Park, Nottingham Castle and Newstead Abbey.' (Emboldening as given).

2.1.3 Specific to Broxtowe the ACS states at para 2.7.8, in relation to *Built and Natural Environment Issues* that form part of the *Broxtowe Spatial Portrait / Local Distinctiveness* as follows: 'Historically and culturally there are strong links to the world famous writer DH Lawrence with a heritage centre and museum in Eastwood (his birthplace) with much of his writing influenced by the coal mining heritage and landscape in the north of the Borough which he referred to as 'the country of my heart'. The majority of Broxtowe is within the former Nottinghamshire coalfield, which influences the setting for a number of mature landscape areas concentrated in the central and northern parts of the Borough and with easy access to the Derbyshire countryside and the Erewash valley.'

2.1.4 ACS Policy 10 *Design and Enhancing Local Identity* sets out 5 criteria. Criterion 1 provides that:

'All new development should be designed to:

- a) make a positive contribution to the public realm and sense of place;
- b) create an attractive, safe, inclusive and healthy environment;
- c) reinforce valued local characteristics;
- d) be adaptable to meet changing needs of occupiers and the effects of climate change; and
- e) reflect the need to reduce the dominance of motor vehicles.'

Criterion 2 requires that: Development will be assessed against a range of considerations, including (inter alia):

(i) the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views' Criterion 4 provides that:

'Development must have regard to the local context including valued landscape/ townscape characteristics, and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings'. Criterion 5 provides that

'Outside of settlements, new development should protect, conserve or where appropriate, enhance landscape character. Proposals will be assessed with reference to the Greater Nottingham Landscape Character Assessment.'

2.1.5 In the supporting text to ACS Policy 10 para 3.10.3 states:

'Local evidence will be used to inform and guide decisions, including urban characterisation and landscape characterisation studies where appropriate, and

further design guidance may be included in part 2 Local Plans. This more detailed guidance will assist in the implementation of this policy, especially for large or sensitive sites, and address particular design issues, or provide more detail, such as defining important views.'

and para 3.10.10 indicates that:

'Development should protect, conserve or, where appropriate, enhance landscape character, in line with the relevant Landscape Character Assessments. Particular regard will be had to the objective of protecting open countryside and historic landscapes, locating or siting development sensitively within the landscape, the likely impact of the scale of the development, the appropriateness of materials and detailed design, and the objective of preserving or enhancing biodiversity value.'

2.1.6 ACS Policy 16 *Green Infrastructure, Parks and Open Space* sets out 4 criteria. Criterion 2 requires that (inter alia):

'(e) Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment. Criteria for the assessment of proposals and any areas of locally valued landscape requiring additional protection will be included in part 2 Local Plans.'

Criterion 3 provides that new or enhanced Green Infrastructure corridors and assets should be as inclusive as possible, multifunctional and look to make provision for more than one of a list of facets, including: (f) *'enhancement of landscape character.'*

2.1.7 The supporting text to ACS Policy 16 indicates as follows at para 3.16.5

'Where appropriate, land surrounding the built up areas will be targeted to provide a significant resource for communities and provide a context for the landscape setting of the urban area. Ensuring that Green Infrastructure is protected, enhanced or provided in this area will address the issues of access to the countryside and ensure that Green Infrastructure is factored into the development of Sustainable Urban Extensions from the start.'

and at para 3.16.8:

'Landscapes and features within them form an important part of the Green Infrastructure network and Landscape Character Assessments have informed the preparation of the Aligned Core Strategies by providing details on how the different landscape types can be protected, conserved or enhanced. Criteria to assess the impact of development proposals on the landscape will be included in part 2 Local Plans prepared by the Councils.'

2.1.6 Para 1.1.15 of the ACS identifies the evidence base for the ACS, including, as considered further below, the *Greater Nottingham Landscape Character Assessment*.

Broxtowe Local Plan

2.1.7 Para 3.54 of the BLP identifies a number of objectives in relation to environment matters. Two objectives are relevant: 'Maintain the principle of Green Belt protection for the countryside, and reaffirm the criteria for assessing the acceptability of development proposals in the Green Belt and:

'Identify and safeguard landscape and ecological areas of recognised significance.'

- 2.1.8 The assessment lies within the Green Belt as defined in the BLP Proposals Maps and is subject to BLP policy E8 *Development in the Green Belt*. Green Belt is not *per se* a landscape policy.
- 2.1.9 BLP Policy E13 *Prominent Areas for Special Protection* identifies a number of locations within the Borough to be subject to that protection. The assessment site does not form part of, or adjoin any area subject to Policy E13.
- 2.1.10 BLP Policy E14 *Mature Landscape Areas* identifies a number of locations within the Borough to be subject to that protection. The assessment site does not form part of, or adjoin any area subject to Policy E14.

Emerging Site Specific Allocations Local Plan

- 2.1.11 In November 2013, as part of the preparatory work for the Site Specific Allocations Local Plan (SSA) Broxtowe BC published a number of settlement specific assessments, including the *Eastwood Site Allocations and Options* document. Part of the document considered individual sites for potential development. Sites were assessed against a range of considerations, including landscape / environmental factors. The assessment site was considered as Site 204 and it was noted that the site was:
 - In agricultural use
 - Adjacent to a named settlement
 - A 100% Greenfield Site
 - Not in a Mature Landscape Area

- Subject only to minor topographical constraints
- Not overly prominent
- Not within a designated Conservation Area and had no impact upon a designated Conservation Area'

2.1.12 The 'Final Reasoned Conclusion' in respect of Site 204 notes as follows:

Could be suitable if Green Belt policy changes, subject to the details of any proposal. Issues to be considered would include access and the impact on the countryside and the possible encroachment into Green Belt. North of Eastwood identified as a potential direction for growth.'

'Local Plan Review 2003 Inspector considered that developing this site would encroach into the countryside and would constitute urban sprawl. However the not play any significant part in maintaining the separation of neighbouring towns. The Inspector also considered that the site is a little beyond a convenient walking distance to public transport and facilities and is likely to encourage the use of private transport.'

The full extract from the Issues and Options document in relation to Site 2014 is at **Appendix 1.**

2.2 Landscape Character

- 2.2.1 At a national level, the assessment site lies with the *Nottinghamshire, Derbyshire and Yorkshire Coalfield* (NCA 38) and at a regional level (in the East Midlands Regional Landscape Character Assessment) within Landscape Type 9A: *Settled Coalfield Farmlands*. Each level provides broad guidance on key characteristics, pressures for change and guidance on how change might be managed. The areas described at both national and regional level are extensive and thus of limited direct relevance to the assessment site. More specific guidance is found in the *Greater Nottingham Landscape Character Assessment*, (GNLCA) prepared by TEP consultants in 2009.
- 2.2.2 The GNLCA divided the study area into broad landscape types and more detailed landscape character areas. The assessment sites lies with the *Nottinghamshire Coalfields* landscape type and within NC03 *Selston and Eastwood urban fringe farmland* landscape character area.

- 2.2.3 Key characteristics of the *Nottinghamshire Coalfields* landscape type include:
 - Undulating landform owing to differential weathering of hard sandstones and less resistant shales although a more subdued profile is present to the south due to an absence of large areas of sandstones;
 - The landscape has experienced constant change since the industrial revolution with frequent relics of the mining industry such as pit heaps and sprawling urban settlements a reminder of this;
 - Many land uses with a mosaic of farmland, settlements, industrial artefacts, modern commercial areas, derelict land and areas of newly restored land;
 - Remnants of an agricultural past although the landscape is dominated by urban and industrial activity;
 - Frequent large mining settlements with red brick terraces a common feature;
 - Prominent sometimes sprawling urban fringes exert a strong influence over the area;
 - Frequent urban fringe uses particularly close to settlements such as horse paddocks, allotments, playing fields and other leisure uses;
 - Areas of restored land characterised by establishing woodland, grassland and, where restored to farmland, a regular pattern of fields bounded by hedgerows.
- 2.2.4 The GNLCA sets out Guidelines and Recommendations for the *Nottinghamshire Coalfields* landscape type, including the following:
 - 'Conserve and enhance the overall unity and distinctive small-scale character of the landscape;
 - Conserve the landscape pattern formed by small lanes and hedgerows;
 - Conserve the pastoral character and promote measures for enhancing grassland diversity;
 - Identify opportunities for small scale woodland and tree planting;
 - Promote measures for retaining and enhancing the distinctive local character of the mining villages.'
- 2.2.5 Characteristics of the Selston and Eastwood urban fringe farmland landscape character area include:
 - 'The area has a strongly undulating landform
 - An artificial rise in the landform created by the restoration of a former mining spoil heap is prominent in the west of the area
 - There are many settlements in the area, giving the DPZ (Draft Policy Zone -

same as a landscape character area) an urban fringe character

- Land use is agricultural, including a mix of pastoral and arable farming
- Field sizes are medium to large and geometrically shaped
- The field pattern is predominantly a modern, modified pattern although there is some evidence of the former smaller, narrow, linear field pattern to the north of Bagthorpe and adjacent to the settlement edges
- Hedgerows commonly border the fields and are generally well maintained, although some are fragmented or have been lost through field size expansion
- There are no large blocks of woodland in this area, although there are views to larger plantation woodlands in adjoining DPZs
- Mature linear woodland follows the streams
- Small clumps of woodland and frequent hedgerow trees combine to give the area a partially wooded appearance
- New woodland planting is a feature on restored mineral workings which will increase the woodland cover in the area as they mature
- Settlements are a frequent feature of this DPZ and include Eastwood, Brinsley, Underwood, Jacksdale and Selston, although views to the urban fringes are often filtered by hedgerows and undulations in the landform
- Settlements have strong associations with the mining past of the area are characteristically include rows of red brick terraced housing
- Modern settlement expansion and ribbon development along the roads has contributed to a strong urban influence on the area
- Views are medium distance over the patchwork of agricultural land and settlement fringes
- There are longer views towards the west as the landform falls towards the River Erewash valley'
- 2.2.6 In commenting on the *Landscape Condition* of the *Selston and Eastwood urban fringe farmland* landscape character area, it is noted that:

'This DPZ is a densely settled landscape with prominent remnants of its industrial heritage associated mining. It is characterised by sprawling settlements, although a significant proportion of the land continues to be used for agricultural production. The area is associated with outcropping coal measures which give an undulating landform, drained by numerous small rivers and streams. Many areas of farmland are surrounded on two sides by built development but the urban edge is often filtered by dense hedgerows or the undulating landform.'

and.

'Woodland is infrequent in this DPZ. There are small broadleaved woodlands scattered through the landscape and woodland and dense riparian vegetation follows the line of the streams. In combination with hedgerow trees, these features combine to give a partially wooded character.'

In relation to Condition it is concluded that

'The landscape condition is **Moderate.** There is some evidence of hedgerow fragmentation and the use of wire fencing instead of hedgerows. The restoration of the coal mining landscapes has improved the condition of the landscape and this will improve further as the planting matures.'

2.2.7 In relation to *Landscape Strength* the study notes that:

The undulating topography gives some long views over the patchwork of agricultural fields and settlements. There are views over the area from the east, as the land rises beyond the Erewash valley. From within the area there are views to the large plantation woodland to the west of the DPZ and to the surrounding settlements, often on ridgelines, such as Selston, Underwood, Bagthorpe and Westwood.

The strength of character is **Moderate.** The agricultural land has few distinctive features and the sprawled settlement pattern does not contribute to the sense of place. However, the landscape history is still evident in the mining influences and relics contribute to the sense of place.

The interaction of *Landscape Condition and Strength* is expressed through a matrix used for all the character areas in the GNLCA. The overall landscape strategy for the *Selston and Eastwood urban fringe farmland* landscape character area is to *Enhance.* The study explains that in relation to strategy '*enhance*' means to:

'Improve existing features which may not be currently well-managed or where existing features are of good quality but could be of greater benefit if improved, potentially including improvements to landscape management practices or the introduction or removal of elements or features in order to strengthen character and/or improve perceived condition.'

2.2.8 The study sets out a series of '*Landscape Actions*' for the *Selston and Eastwood urban fringe farmland* landscape character area. Relevant to the assessment site are the following:

Landscape features

- Conserve and enhance the pattern of hedged fields
- Enhance the hedgerow pattern by replacement planting where hedges are becoming fragmented
- Enhance the woodland cover through the area by identifying opportunities for small-scale woodland planting, especially on settlement fringes
- Conserve the dense, species rich hedgerows which border the pastoral fields and enhance the single species thorn hedgerows on the restored land
- Conserve areas of woodland along streams and enhance these features with planting where appropriate.'

Built form

- 'Conserve and enhance the distinctive local character of the mining villages such as the uniform rows of red brick terraces
- Enhance the urban edges through identifying opportunities for hedgerow or tree planting to filter views to the urban fringe
- Restrict further urban edge expansion and promote measures to achieve a better integration of settlements into the wider landscape through planting of small groups of hedgerow trees and careful placement of built development to reduce its prominence in the landscape.'

Extracts from the GNLCA are at **Appendix 2**.

3.0 Landscape Analysis

- 3.1 A landscape analysis of the assessment site in its context is set out on Plan No 2
 Landscape Analysis.
- 3.2 The following factors are considered relevant:

Land Use

The site comprises a single field used as pasture.

Adjoining Land Use

Land to the west is used predominantly for arable use but there are also areas of pasture on higher ground closer to Moorgreen. Land to the north east and south and south east is largely in residential use, with Beauvale County Primary School and the now vacant Dovecote PH located on Beauvale. The assessment site is defined by existing built development to the north east, west and south; the latter elevated on a ridge carrying the B6010.

Topography

The site lies on the north facing side of the Beauvale Brook valley (although the lower slopes have been developed and there is no real sense of a valley form). Levels fall from ca 114m AOD adjacent to the Dovecote PH, and from ca 103m AOD on Mill Road to ca 90m AOD, in the northern corner of the site, adjacent to the rear of properties on Bosworth Drive.

Vegetation:

The site has a relatively poor vegetation structure; although there is an area of scrub woodland at the western end, the eastern and internal field boundaries are gappy with few hedgerow trees.

Water Features

There are no streams or ponds within the assessment site, although there is standing water in the lower lying north western parts of the site

Built Elements:

There are no built elements within the assessment site

Public Rights of Way:

Public Right of Way (PRoW) Greasley FP 1 runs across the site from south to north from Beauvale Road to join PRoW Eastwood FP36/ Greasley FP67 which in turn runs north east from Mill Road along the north west side of the site. PRoW Greasley FP3 runs north east then south east from FP36/ FP67 adjacent to Colliers Wood then on rising ground towards the B6010 at Moorgreen, ca 265-280m east/ north east of the assessment site.

- 3.3 Views towards and from the assessment site are at Figures 1 and 2. The locations of the photograph viewpoints are shown on Plan No 2. Local views are restricted. Although there are wide elevated views from PRoW Greasley FP 1 as FP1 drops in level from south to north those views are increasingly constrained by built development to the north and north east and focus more on the unprepossessing urban edge north of FP36/ FP67. From FP36/ FP67, views into the site are limited from the Mill Road access by boundary fencing and scrub woodland in the south west site corner; beyond that there are views through the gappy field boundaries adjacent to the PRoW over the site to the north east towards Colliers Wood and rising ground towards Moorgreen. From PRoW FP36/ FP67 north of the site there are return views over the site towards Eastwood; in these views the assessment site lies below the skyline with existing scrub planting on and off site and development forming a visual backdrop.
- 3.4 There are middle distance views towards the assessment site available from PRoW Greasley FP3 north east of the assessment. In the available views, the assessment site lies below the skyline formed by the existing built up area to the west, with existing scrub planting on and off site and development to the west forming a visual backdrop. As FP3 rises to the east there are more expansive views over and beyond Eastwood, including to the restored former colliery tip north of Eastwood Hall.
- 3.5 The former Dovecote PH is a visible feature on the skyline from north of the assessment site (and indeed beyond). There are conversely expansive views to the north (towards higher ground at Beauvale Abbey) from adjacent to the former PH and from PRoW Greasley FP1. In the return views from New Road leading to Beauvale Abbey, the assessment site cannot be readily discerned, set within the developed form of Eastwood.

4.0 Landscape Concept and Strategy

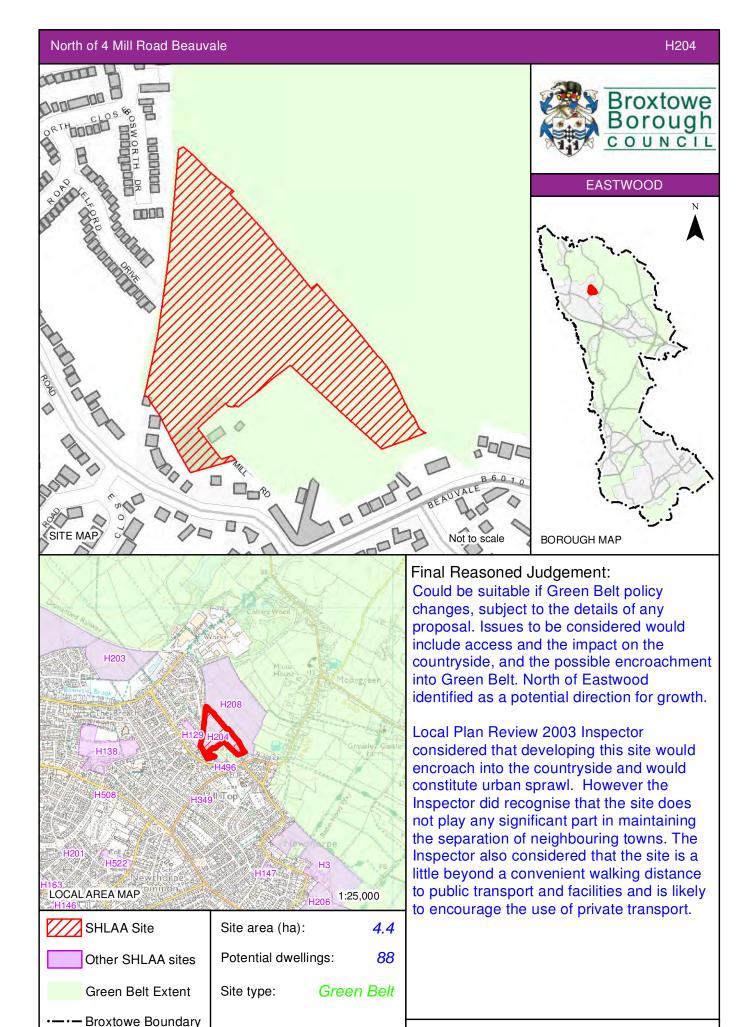
- 4.1 A Landscape Concept for the potential development of the assessment site is shown on **Plan No 3 Landscape Concept.** The concept derives from the landscape analysis, and also from the guidance set out in respect of the *Selston and Eastwood urban fringe farmland* in the GNLCA.
- 4.2 The principal elements of the concept are as follow:
 - Retain existing hedgerow/ scrub planting alongside PRoW FP36/ FP67, save for the creation of new access into the assessment site (as described in *Access Feasibility Study* by *BSP Consulting*).
 - Retain in part scrub vegetation in the south west site corner adjacent to PRoW FP36/ FP67.
 - Retain existing hedgerow vegetation around the eastern and southern edges of the assessment site.
 - Strengthen significantly the north east assessment site edge through new native woodland planting typically 15/20m deep, and also incorporating some small areas of woodland to provide articulation to the (new) settlement edge.
 - Develop the northern and more lower lying part of the assessment site for residential use (with access taken off the head of Telford Drive)
 - Retain the higher southern (and steeper) part of the site in open land use and use as public open space
 - Retain PRoW Greasley FP 1 through the site, but enhance its immediate route through open space as part of the residential development.
 - Provide for surface water attenuation/ swales in the north western part of the site adjacent to FP36/FP67 and incorporate these features into areas of linear open space.
- 4.3 The overall Landscape Strategy thus envisages a redefinition and strengthening of the landscape structure of the assessment site and through that, and development, an enhancement to the character and appearance (and hence function) of the urban edge. Development of the assessment site would contribute to the enhancement of the local Green Infrastructure network.

5.0 Conclusions

- 5.1 The assessment site is an unexceptional area of urban fringe farmland on the north eastern edge of Eastwood. It contains no exceptional or unique landscape features. It is not (and never has been) subject to any landscape or landscape related local plan designation. The assessment site is in a poor landscape condition. Development of the assessment site would fulfil a number of the Landscape Actions for the area set out in the *Greater Nottingham Landscape Character Assessment,* specifically in respect of the retention and enhancement of hedgerows, the development of small areas of woodland, and articulation and enhancement of the urban edge.
 - 5.2 Development of the assessment site would not give rise any significant landscape or visual effects, but, subject to the incorporation of the landscape strategy outlined above, would in practice contribute to local landscape and visual enhancement

Appendices

Appendix 1



Could be suitable if policy changes

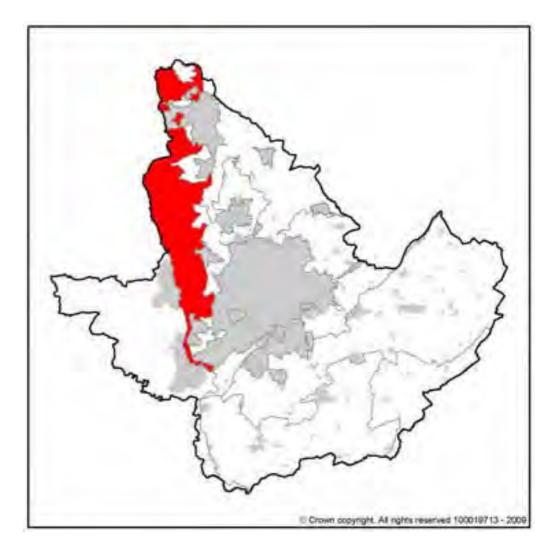
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Published Site Constraints

| Site Reference: 204 | North of 4 Mill Road Beauvale | |
|--|---|--|
| Site Area 4.37 | Easting: 447796 Northing: 347042 | |
| Planning Policy Status | Non-allocated and No Planning Permission | |
| Existing Use | Agricultural | |
| Location | Adjacent named settlement as listed | |
| Previously developed in whole or part | 100% Greenfield Site | |
| Material Planning Policy Considerations except Land Use | | |
| Landscape Quality and Character | Not in a Mature Landscape Area | |
| Agricultural Land | Grade 4 | |
| Topographical Constraints | Minor topographical constraints | |
| Ridgelines and Site Prominence | Not overly prominent | |
| Highways Infrastucture Constraints | Unknown | |
| Utilites Water | Not likely to be an issue | |
| Utilities Gas and Electricity | Not likely to be an issue | |
| EIA | N/A | |
| Bad Neighbours | Setting with no adverse effects | |
| Flood Risk | EA Maps suggest area at no risk from flooding | |
| Natural Environmental Constraints | No environmental constraints or designations | |
| Built Environmental Constraints | No Built Environment Constraints | |
| Contaminated Land Issues | No Known Constraints | |
| Conservation Area Status | Site is not within a designated Conservation Area and has no impact upon a designated Conservation Area | |
| Ownership Constraints | Unknown | |
| Operational or Tenancy Issues | Unknown | |
| Info from Housing Market | Weak | |
| Public Transport Accessibility | Within 10 minutes walk of a bus stop | |
| Proximity to Tram Stops | No tram stops within 20 minute walk | |
| Facilities within the Localilty | District/Town Centre within 10-15 minute walk | |
| Pedestrian and Cycling accessibility to site | Moderate number of basic pedestrian / cycle routes linking site to centres of residence | |
| Green Infrastructure Public Benefit | Public benefit through existing GI facility within 10-15 minute walk | |

Appendix 2



DPZ within this Regional Character Area:

- NC01 Erewash River Corridor
- NC02 Babbington Rolling Farmland
- NC03 Selston and Eastwood Urban Fringe Farmland
- NC04 Moorgreen Rolling Woodland
- NC05 Kirkby Coalfield Farmlands/Kirkby Vales
- NC06 Fulwood Restored Works
- NC07 Stanley and Silverhill
- NC08 River Meden Valley

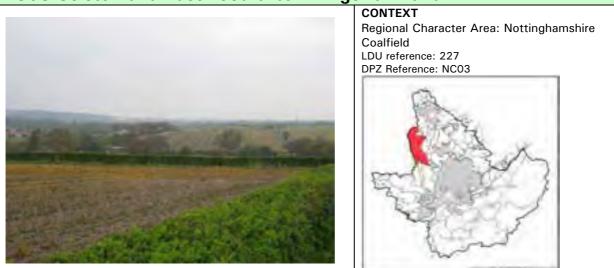
Key Characteristics

- Heavily industrialised region associated with a broad belt of exposed, coal bearing rocks along the eastern fringe of the Pennines;
- Undulating landform owing to differential weathering of hard sandstones and less resistant shales although a more subdued profile is present to the south due to an absence of large areas of sandstones;
- Highest point is at Huthwaite where land is just above 200mAOD. The land falls to the north, west and through the limestone escarpment to the east;
- Soils are stagnogleys and vary from clayey to loamy texture and are frequently waterlogged;
- Many minor streams draining into the Erewash have created dissected and undulating land with many small hills and ridges and in places steep sided valleys;
- Erewash is a prominent watercourse within a broad valley and has a strongly meandering course;
- The landscape has experienced constant change since the industrial revolution with frequent relics of the mining industry such as pit heaps and sprawling urban settlements a reminder of this;
- Many land uses with a mosaic of farmland, settlements, industrial artefacts, modern commercial areas, derelict land and areas of newly restored land;
- Remnants of an agricultural past although the landscape is dominated by urban and industrial activity;
- Frequent large mining settlements with red brick terraces a common feature;
- Prominent sometimes sprawling urban fringes exert a strong influence over the area;
- Frequent urban fringe uses particularly close to settlements such as horse paddocks, allotments, playing fields and other leisure uses;
- Commercial and industrial development is frequent along main roads interconnecting areas;
- Pockets of more rural character characterised by small vernacular settlements and semi-regular pattern of small to medium fields;
- Some smaller rural villages remain at Cossall, Bagthorpe, Awsworth, Brinsley, Jackdale and Stanley;
- Network of narrow winding lanes bordered by intact hedgerows around smaller rural settlements;
- Tradition of small pastoral farms particularly on wetter soils although arable is present in places;
- Pockets of permanent pasture and wet grassland and marsh along watercourses; and
- Areas of restored land characterised by establishing woodland, grassland and, where restored to farmland, a regular pattern of fields bounded by hedgerows.

Guidelines and Recommendations

- Conserve and enhance the overall unity and distinctive small-scale character of the landscape;
- Conserve the landscape pattern formed by small lanes and hedgerows;
- Conserve the pastoral character and promote measures for enhancing grassland diversity;
- Identify opportunities for small scale woodland and tree planting;
- Promote measures for retaining and enhancing the distinctive local character of the mining villages;
- Restore and enhance the visual continuity of the river corridor through small scale riparian planting;
- Restore the character of the alluvial grasslands along river corridors;
- Enhance the diversity of the river corridor through riverside tree planting; and
- Consider opportunities for creating wet valley woodlands where appropriate.

NC03 Selston and Eastwood urban fringe farmland



CHARACTERISTIC FEATURES

- The area has a strongly undulating landform
- An artificial rise in the landform created by the restoration of a former mining spoil heap is prominent in the west of the area
- The coal measures underlying the area have had a significant impact on the land use in the past, which is still visible in the restored landscapes and coal mining relics
- · Small streams transect the area and have created shallow valleys where they have eroded softer rocks
- There are many settlements in the area, giving the DPZ an urban fringe character
- Land use is agricultural, including a mix of pastoral and arable farming
- Field sizes are medium to large and geometrically shaped
- The field pattern is predominantly a modern, modified pattern although there is some evidence of the former smaller, narrow, linear field pattern to the north of Bagthorpe and adjacent to the settlement edges
- Hedgerows commonly border the fields and are generally well maintained, although some are fragmented or have
 been lost through field size expansion
- There are no large blocks of woodland in this area, although there are views to larger plantation woodlands in adjoining DPZs
- Mature linear woodland follows the streams
- Small clumps of woodland and frequent hedgerow trees combine to give the area a partially wooded appearance
- New woodland planting is a feature on restored mineral workings which will increase the woodland cover in the area as they mature
- There are frequent infrastructure routes: A, B and smaller roads criss-cross the area and overhead lines are visible on the skyline
- Settlements are a frequent feature of this DPZ and include Eastwood, Brinsley, Underwood, Jacksdale and Selston, although views to the urban fringes are often filtered by hedgerows and undulations in the landform
- Settlements have strong associations with the mining past of the area are characteristically include rows of red brick terraced housing
- Modern settlement expansion and ribbon development along the roads has contributed to a strong urban influence on the area
- · Red brick properties with a modern style are common on the settlement edges
- There are some large, red brick farm houses scattered through the landscape
- Eastwood Hall, Brinsley Hall, Wansley Hall and Selston Hall are all features of the landscape although Eastwood
- Views are medium distance over the patchwork of agricultural land and settlement fringes
- There are longer views towards the west as the landform falls towards the River Erewash valley
- The mining heritage associated with this area is clear in the landscape, and includes the Brinsley Headstocks and Durban House Heritage Centre, which was formally the offices of the mine owners
- The DPZ has a strong connection to DH Lawrence and the mining landscape formed a key component in his literary works; there are heritage trails based on his life and works through the area



LANDSCAPE ANALYSIS

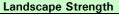
Condition

This DPZ is a densely settled landscape with prominent remnants of its industrial heritage associated mining. It is characterised by sprawling settlements, although a significant proportion of the land continues to be used for agricultural production. The area is associated with outcropping coal measures which give an undulating landform, drained by numerous small rivers and streams. Many areas of farmland are surrounded on two sides by built development but the urban edge is often filtered by dense hedgerows or the undulating landform.

The heavy, poor draining soils have tended to constrain agricultural improvement and consequently pastoral farming is characteristic of the area. Fields are semi-regular and often enclosed by thick, species rich hedgerows, although the restored land commonly has a more regular field pattern and single species hedgerows, or wire fencing. The original field pattern and rural settlement pattern has largely been altered by mining related development.

Woodland is infrequent in this DPZ. There are small broadleaved woodlands scattered through the landscape and woodland and dense riparian vegetation follows the line of the streams. In combination with hedgerow trees, these features combine to give a partially wooded character.

The landscape condition is **MODERATE**. There is some evidence of hedgerow fragmentation and the use of wire fencing instead of hedgerows. The restoration of the coal mining landscapes has improved the condition of the landscape and this will improve further as the planting matures.



The undulating topography gives some long views over the patchwork of agricultural fields and settlements. There are views over the area from the east, as the land rises beyond the Erewash valley. From within the area there are views to the large plantation woodland to the west of the DPZ and to the surrounding settlements, often on ridgelines, such as Selston, Underwood, Bagthorpe and Westwood.

The strength of character is **MODERATE**. The agricultural land has few distinctive features and the sprawled settlement pattern does not contribute to the sense of place. However, the landscape history is still evident in the mining influences and relics contribute to the sense of place.



The overall landscape strategy is ENHANCE

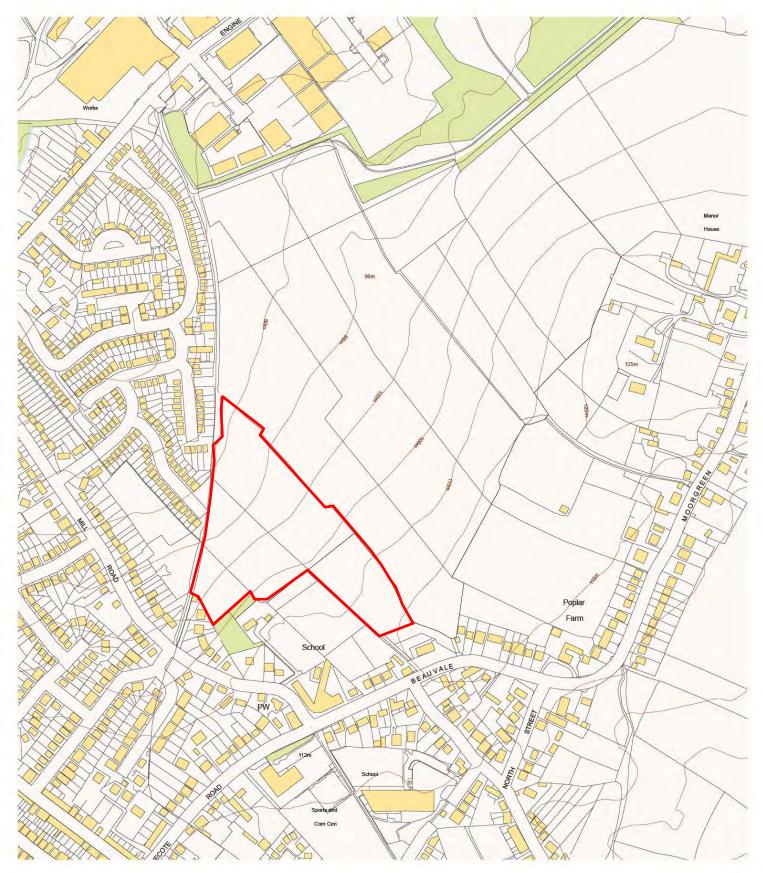
to the sense of place.

| Landscape | foaturos |
|-----------|----------|
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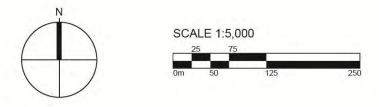
- Conserve and enhance the pattern of hedged fields
- Enhance the hedgerow pattern by replacement planting where hedges are becoming fragmented
- Enhance the woodland cover through the area by identifying opportunities for small-scale woodland planting, especially on settlement fringes
- Enhance the restored coal mining landscapes to ensure they become successfully integrated into the wider landscape through management of the plantation woodland
- Conserve the dense, species rich hedgerows which border the pastoral fields and enhance the single species thorn
 hedgerows on the restored land
- · Conserve areas of woodland along streams and enhance these features with planting where appropriate
- Conserve and enhance the remaining pastoral landscapes through non-intensive management to ensure they retain their present character
 Built form
- Conserve and enhance the distinctive local character of the mining villages such as the uniform rows of red brick terraces
- Enhance the urban edges through identifying opportunities for hedgerow or tree planting to filter views to the urban fringe
- Restrict further urban edge expansion and promote measures to achieve a better integration of settlements into the wider landscape through planting of small groups of hedgerow trees and careful placement of built development to reduce its prominence in the landscape
- Other development/ structures in the landscape
- Conserve the mining heritage in the landscape, such as the Brinsley Headstocks and Durban House which contribute to the literary associations to D.H. Lawrence



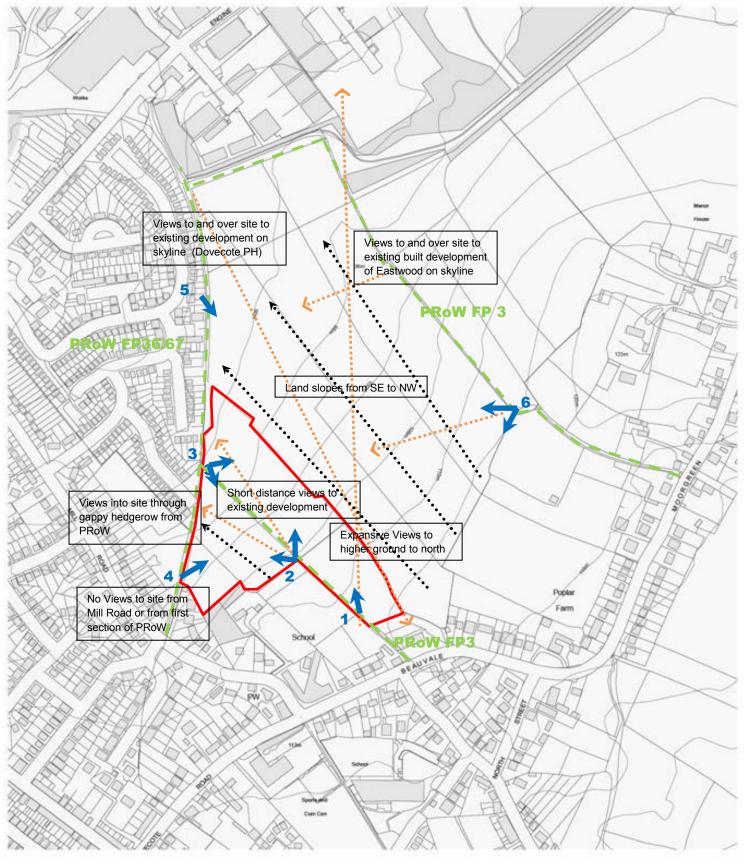




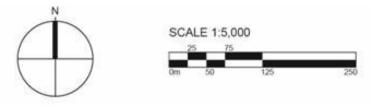
Land north of Mill Lane, Beauvale, Eastwood, Nottinghamshire Plan 1: Assessment Site Location

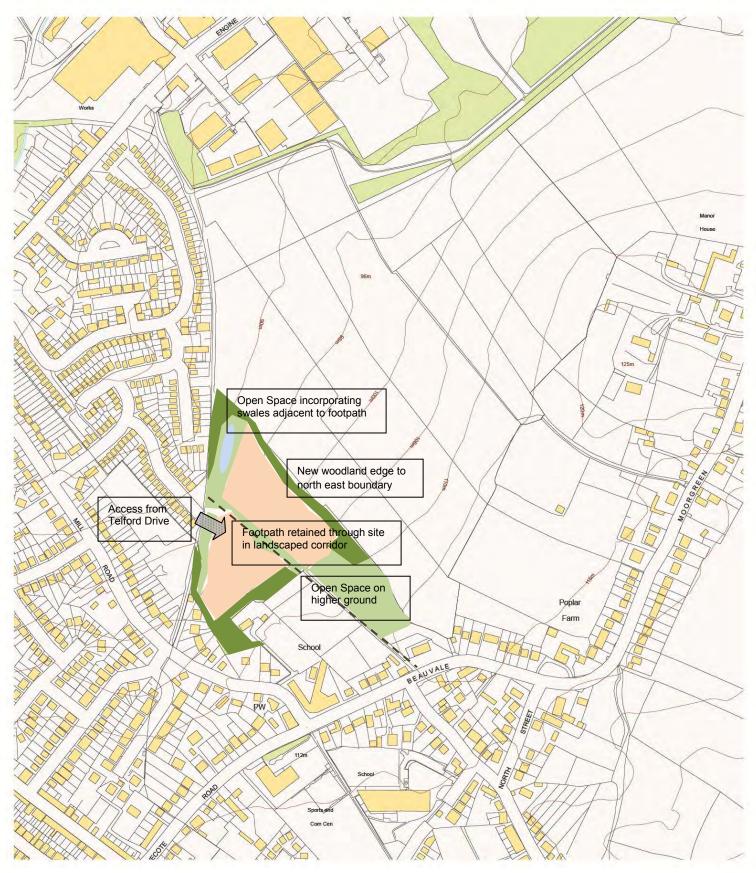


Plans

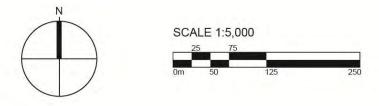


Land north of Mill Lane, Beauvale, Eastwood, Nottinghamshire Plan 2: Landscape Analysis





Land north of Mill Lane, Beauvale, Eastwood, Nottinghamshire Plan 3: Landscape Concept



Figures







Land north of Mill Lane, Beauvale, Eastwood, Nottinghamshire : Photographs – Figure 1









Land north of Mill Lane, Beauvale, Eastwood, Nottinghamshire : Photographs – Figure 2

REPRESENTATIONS TO BROXTOWE LOCAL PLAN, PART 2, 2017-2028 – PUBLICATION VERSION, SEPTEMBER 2017

On behalf of the Pickering Family

PROPOSED RESIDENTIAL ALLOCATION – LAND TO THE NORTH OF 4 MILL LANE, EASTWOOD

OCTOBER 2017

Prepared By George Machin MTCP MRTPI



INTRODUCTION AND SUMMARY

- 1. We have been instructed to make the following representations in respect of the Broxtowe Local Plan Part 2, Publication Version, September 2017, which is currently being consulted upon, prior to being submitted for Examination in due course. These representations have been prepared having regard to the documents contained within the supporting Evidence Library and have assessed the compliance of the Publication Version Part 2 Local Plan against paragraph 182 of the National Planning Policy Framework (March 2012)(NPPF). Paragraph 182 states that for a plan to be "sound" it should be:
 - * Positively prepared
 - * Justified
 - * Effective
 - * Consistent with national policy
- 2. These representations should be considered alongside previous Representations submitted with respect of this Site. Again, our detailed evidence seeks to promote my client's landholding, comprising land to the north of 4 Mill Lane, Beauvale, Eastwood (as identified on the enclosed Plan) for residential development. This document sets out a brief rationale as to why this Site represents suitable and deliverable land, which should be allocated for a medium scale residential development, thereby assisting to meet the housing needs of Broxtowe Borough, within a sustainable and accessible location.
- 3. In order to fully meet the current and future housing needs for the Eastwood Area, (and the wider Borough of Broxtowe), we believe that the Site identified on the attached Plan should be removed from the Green Belt and allocated for residential purposes in addition to the Sites already identified for residential allocation, in order to ensure the full delivery of housing requirements for this area.

SITE DESCRIPTION

- 4. The Site comprises approximately 4.73 hectares of agricultural grassland, which is located to the north-east of Eastwood. It is sandwiched between existing built development to the west, south and east, which is predominantly residential in nature. To the north, the Site abuts further agricultural land in arable use. The landholding is physically and visually contained on three sides and is not overly prominent when entering Eastwood from a northerly direction on the B6010.
- 5. There are no insurmountable constraints to the development of this Site: It is not within or adjoining a Conservation Area and does not impact upon any other known heritage asset; it is not within an area at risk of flooding; it does not impact upon any national or local environmentally designated area and it is not subject to any contamination.

6. A Landscape Study with Plans and Transport Feasibility Study, including preliminary access design and details of an emergency access to Mill Lane have been commissioned in respect of this Site, in order to properly assess its potential to accommodate a residential development. These documents are provided in support of this report and assist in demonstrating how a sensitively designed and landscaped residential scheme of up to 150 no. dwellings could be provided across this Site, which would respect its edge of settlement location and which could be safely accessed and egressed without detriment to the existing highway network and its users.

SITE ASSESSMENT

7. Based upon the above Site Description, we would like to set out the suitability and deliverability of my client's landholding for a medium scale residential development, as follows:

Green Belt

- 8. My client's landholding to the North of 4 Mill Lane, Beauvale, Eastwood is currently located within the Nottingham Derby Green Belt, which is given a high level of protection through National Planning Policy. It is acknowledged however, that in order to meet the ongoing housing needs of Broxtowe during the Local Plan period 2017 2028, land within the Green Belt will need to be released and allocated for residential development. It is recognised that in order to deliver the level of development envisaged, Green Belt boundaries will need to be reviewed. In doing so, and in considering the importance attached to Green Belt land, it is absolutely imperative that the revision of Green Belt boundaries around Eastwood is well considered and based upon a clear approach.
- 9. The purposes of including land within the Green Belt are set out within Paragraph 80 of the NPPF. Here it is stated that there are five purposes of including land within the Green Belt, including:
 - To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment.
- 10. In applying these considerations to the Site to the North of 4 Mill Lane, Beauvale, Eastwood (see enclosed Plan), it is submitted that this landholding does not perform an important role in separating the built form of Eastwood from the outer edge of the Main Built Up Area of Nottingham. The residential development of the proposed Site would not therefore lead to these neighbouring settlements merging into each other. Indeed, as previously stated above in Paragraph 4, the Site is well defined and contained within the existing built framework of Eastwood and does not extend beyond this framework into the open countryside beyond. In this respect therefore, the development of this Site would not result in any reduction in the gap between Eastwood and the Main Built Up Area of Nottingham these areas would not therefore be at risk of coalescence and the development of this well-defined Site with strong defensible boundaries would not allow the unrestricted sprawl of Eastwood.

- 11. In addition, Paragraph 85 of the NPPF stresses that, in reviewing Green Belt boundaries, Local Planning Authorities should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent." The Site identified comprises arable fields, which are strongly enclosed and defined by permanent and recognisable physical boundaries, including existing residential development to the west, south and east. These elements provide strong, recognizable and permanent features, which would provide long term physical and visual barriers or enclosure to the proposed development of this Site.
- 12. In the Green Belt Consultation Document 2015 my client's Site is within Zone 12, which is located to the north-east of Eastwood. The Assessment against the Criteria listed within the document gives the Site a total score of 9, which places it as one of the two lowest scoring Sites in Eastwood and therefore the most appropriate for consideration for release from the Green Belt and allocation for an alternative use.
- 13. The commentary to the assessment highlights that land to the North and North East of Eastwood were previously considered as potential directions for growth in the Tribal report. The review finds that the Site to the north of Eastwood (Zone 10) contains a defensible boundary in the disused railway line and is better related to the existing settlement, as it amounts to a smaller incursion into the countryside. For this reason, this Site is identified as the favoured option, with it now being proposed for removal from the Green Belt.
- 14. It should be stressed however, that this Site within Zone 10 does have a higher score than Zone 12 in respect of 'Preventing neighbouring settlements from merging into one another' and 'Preserving the setting and special character of historic settlements' and therefore in these areas, the Zone 10 Site is actually more valuable with regard its contribution to the Green Belt than our client's landholding within Zone 12.

In particular, there is a concern that the development of the Zone 10 Site, particularly within its western part, will reduce the open gap between Eastwood and the neighbouring settlement of Brinsley and would reduce the amount of open space visible when travelling along Mansfield Road.

- 15. In order to minimise this perception of coalescence between the settlements of Eastwood and Brinsley, it seems appropriate to consider the far western part of the Zone 10 Site as being suitable for strategic landscaping and protected open space only, thereby limiting the potential for these settlements to 'merge together'. This may well limit the number of dwellings which could be accommodated within this Site
- 16. With this in mind, we would again highlight the suitability of part of Zone 12 for removal from the Green Belt and its allocation for residential purposes, in order to provide the quantum of housing land required to deliver the numbers envisaged through the Adopted Aligned Core Strategy. The Indicative Master Plan attached illustrates the fact that the Site being promoted herein does not encompass the entirety of the Zone 12 Site, but rather a portion of it, which sits within a triangle of land contained by existing residential development to the west, Mill Lane to the South and the B6010 to the east. This landholding is extremely well related to the existing settlement and essentially

'rounds off' the built framework of Eastwood, without unduly encroaching into open countryside. Indeed, in considering my client's landholding only (as a part of Zone 12), we submit that it would score just two stars in respect of the assessment criteria relating to unrestricted sprawl of settlements and just one star in respect of safeguarding the countryside from encroachment – thereby giving it a total score of just 5 and making it highly suitable for release from the Green Belt.

- 17. Based upon the above assessment of my client's Site, along with the potential restrictions on the Site within Zone 10 to deliver its full area for housing, we submit that both Sites should be considered for release from the Green Belt and allocated for residential development, in order to ensure the delivery of housing numbers within Eastwood, in accordance with the requirements of the Aligned Core Strategy.
- 18. With the foregoing in mind, it is our submission that the allocation of my client's Site to the North of 4 Mill Lane, Beauvale, Eastwood would not conflict with any of the reasons for including land within the Green Belt, and would meet the requirements of Paragraph 85 of the NPPF. The proposed allocation of this land would not therefore lead to the possible unrestricted sprawl of Eastwood over the coming years, and therefore its removal from the Green Belt and allocation for residential development complies with National Planning Policy in respect of the protection of the Green Belt and countryside.
- 19. Notwithstanding the above, in the context of Paragraph 85 of the NPPF which stresses that, in reviewing Green Belt boundaries, Local Planning Authorities should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent," we would invite the Council and Inspector to consider whether removal of <u>only</u> land within my client's ownership that is located south of the Public Right of Way (PROW) would be more acceptable in this instance.

This smaller scheme would have the PROW forming a natural defensible boundary. Such boundaries are clearly referenced in national planning policy and would allow the Council to resist any further encroachment into the GB by development in this area.

Access / Highways

20. A separate Transport Feasibility Study has been prepared and is enclosed, however, it concludes with:

'During discussions held with NCC their initial view on the site and the potential access is that due to the existing road widths provided along Telford Drive the road would provide a suitable means of access for more than 150 dwellings, therefore an additional 150 dwellings could be accessed via the road. Primary access to the site would therefore be gained through the extension of Telford Drive into the proposed development site.'

Access to facilities and services

21. The Site has ready access to a range of facilities and services, including employment and education opportunities, without reliance upon the private car. With this in mind,

the Site is considered to be sustainably located and offers an opportunity to deliver sustainable development, which contributes towards the three strands of sustainability – economic, environmental and social – as set out within Paragraphs 7 and 8 of the NPPF.

Technical considerations

22. In addition to the technical reports which are already enclosed, the landowner is content to provide the requisite range of further technical assessments to support the future development of this Site, including Ecological Appraisal, Drainage / Flood Risk Assessments, etc.

PLANNING POLICY CONTEXT

- 23. The Greater Nottingham, Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy, Part 1 Local Plan was adopted in September 2014. This strategic plan sets a minimum requirement of 30,550 new homes to be delivered between 2011 and 2028, based upon the following hierarchical approach:
 - a) The main built up area of Nottingham;
 - b) Adjacent to the Sub Regional Centre of Hucknall; and
 - c) Key Settlements identified for growth:

i) Awsworth, Brinsley, Eastwood (including parts of Giltbrook and Newthorpe) and Kimberley (including parts of Nuthall and Watnall), in Broxtowe;

ii) Bestwood Village, Calverton and Ravenshead, in Gedling.

d) In other settlements (not shown on the Key Diagram) development will be for local needs only.

- 24. Of the total minimum requirement of 30,550 no. dwellings, at least 6,150 of these are to be located in Broxtowe Borough, of which 3,800 no. dwellings are to be delivered within or adjoining the main built-up area of Nottingham, whilst the remaining housing requirement will be provided within or adjoining the Key Settlements. This includes the provision of up to 1,250 homes at Eastwood.
- 25. The Publication Version Part 2 of the Broxtowe Local Plan now seeks to provide specific site allocations to meet the housing requirement set out within the Core Strategy, Part 1 Local Plan as set out above.

SHLAA 2015/2016

26. The latest SHLAA, produced by Broxtowe Borough Council and dated 2015/2016 identifies that against the requirement of 6,150 dwellings for the period 2011 to 2028, there is a total capacity on urban sites of only 5,631, thereby requiring further sites to

be identified outside the urban area. In the Eastwood Area, against the minimum requirement of 1250 no. dwellings, there remains a residual requirement of 490 no. dwellings to be found outside the urban area and therefore, amendments will need to be made to the existing Green Belt boundaries to accommodate this requisite level of growth.

27. Within the SHLAA, there are a number of sites which have been identified as being suitable if policy changes, including the proposed Site North of 4 Mill Road, Beauvale. Part 2 of the Local Plan will allocate selected sites from those which have been listed as suitable if policy changes, to ensure that the requisite quantum of residential development is accommodated adjoining the Eastwood area.

Publication Draft Part 2 Local Plan: Site Allocations

- 28. The second part of the plan will include specific site allocations to meet the housing need as set out in the Core Strategy and will detail policies against which planning applications will be assessed. The Publication Draft is now being consulted upon until 3rd November 2017, after which the consultation responses will be taken into account, before the Draft Plan is submitted for formal Examination and subsequently adopted by the Borough Council.
- 29. Policy 6 of the Publication Draft Part 2 Local Plan identifies <u>only 1 site</u> in Eastwood, which is proposed to be allocated for housing. The site proposed for residential allocation is;
 - Policy 6.1 Walker Street, Eastwood: 200 homes and 30 extra care units
- 30. The site is located centrally within Eastwood within the urban area. The site is within the ownership of Nottinghamshire County Council and is predominantly brownfield. The site contains the existing Lynncroft Primary School which is proposed for relocation within the existing site to the north.
- 31. The total capacity of the site currently identified and proposed for allocation for residential development is just 200 no. dwellings and 30 extra care units. This clearly falls drastically short of the minimum housing requirement for the Eastwood area of 1250 no. dwellings and therefore the full housing needs of this area have not yet been accounted for or accommodated through the Publication Draft Part 2 Local Plan.

HOUSING LAND SUPPLY

32. A recent appeal decision, Ref: APP/J3015/W/16/3162096, dated the 2nd March 2017 confirms that the Council is currently unable to demonstrate a 5-year supply of housing land. According to the Council's appeal statement, the reported position on the 27th January 2017 was that the LPA could demonstrate a 3.6-year supply of housing land, which is a decline compared to the earlier position on the 1st April 2016, at which time a 4.4 year supply could be demonstrated. In order to ensure and maintain a flexible rolling five year housing land supply position, that is able to adapt to changes in circumstances and the requirements of the market, it is clear that additional land must be allocated to accommodate the requisite housing needs of the Borough.

ASSESSMENT OF SOUNDNESS

- 33. With the above in mind, we currently do not believe that the Broxtowe Borough Publication Version Local Plan Part 2 can be considered sound, on the basis that the single proposed residential allocation for the Eastwood area fail each of the tests of soundness, as set out within Paragraph 82 of the NPPF.
- 34. In order to become sound, we submit that additional land should be allocated for residential development within or adjoining Eastwood, which is achievable, suitable and deliverable in the short term, thereby meeting the objectively assessed housing needs of this settlement.
- 35. Specifically, unless the Council identifies suitable sites within or adjoining Eastwood, sufficient to accommodate the full quantum of housing need for this settlement, then it will be failing to provide a Local Plan which is positively prepared, effective or consistent with national policy most particularly Paragraph 14 of the NPPF and the overarching need to boost significantly the supply of housing.
- 36. With this in mind, it is our belief that our client's landholding to the North of 4 Mill Lane, Beauvale, Eastwood offers the potential to deliver this shortfall in housing numbers throughout the plan period, whilst also providing some 'headroom' over the minimum requirement, thereby allowing for flexibility and providing adaptability should changes in circumstances occur. With the above analysis in mind, it is clear that my client's landholding to the North of 4 Mill Lane, Beauvale, Eastwood, which lies immediately adjoining the main built up area of Eastwood, offers an opportunity to deliver medium scale residential development in the short term, to meet an immediate and identified shortfall in delivery.
- 37. Given the requirements of the NPPF, which specifically requires Local Planning Authorities, when plan-making to "positively seek opportunities to meet the development needs of their area" and to ensure that Local Plans "should meet objectively assessed needs" (Paragraph 14) we consider that the Council is failing in its statutory duty, if insufficient land is allocated, thereby failing to meet the identified needs of Eastwood.

CONCLUSION

- 38. Eastwood (including parts of Giltbrook and Newthorpe) is classified as a 'Key Settlement' within the Adopted Aligned Core Strategy and as such is identified as a sustainable settlement which can accommodate future growth. The minimum allocation of 1250 no. dwellings for this location has already been established through the Core Strategy and we would therefore encourage the allocation of sufficient land to deliver this full requirement during the plan period.
- 39. My client's landholding to the North of 4 Mill Lane, Beauvale, Eastwood offers the potential to deliver a medium scale residential scheme on land which is immediately adjoining the main built up area of Eastwood and is readily accessible to the range of facilities and services within this settlement, as well as to the public transport network.

The Site is suitable, achievable and deliverable in the short term, with no technical constraints or potential delays to bringing this development forward.

- 40. The Site has been carefully assessed against the reasons for including land within the Green Belt, as set out within the NPPF and it is submitted that the proposed residential allocation of this Site will not result in the unrestricted sprawl of the area or the encroachment of development into the countryside. The discrete parcel of land proposed for allocation (please see enclosed Indicative Master Plan) has well-defined and permanent physical and visual boundaries and sits within the existing built framework of Eastwood.
- 41. In order to ensure that the Broxtowe Publication Draft Part 2 Local Plan is considered sound at Examination, we believe that sufficient land must be allocated adjoining Eastwood to accommodate the objectively assessed housing needs of this area. For this reason, and based upon the credentials of my client's landholding set out above, we urge the Council to allocate <u>some</u> or <u>all</u> of the Site to the North of 4 Mill Lane, Beauvale, Eastwood, for residential development.
- 42. Notwithstanding the above and as already set out at Paragraph 19 above, in the context of Paragraph 85 of the NPPF which stresses that, in reviewing Green Belt boundaries, Local Planning Authorities should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent," we would invite the Council and Inspector to consider whether removal of <u>only</u> land within my client's ownership that is located south of the Public Right of Way (PROW) would be more acceptable in this instance.

This smaller scheme would have the PROW forming a natural defensible boundary. Such boundaries are clearly referenced in national planning policy and would allow the Council to resist any further encroachment into the GB by development in this area.

This area of land, located south of the PROW, would achieve approximately 50 - 70 new dwellings.

Broxtowe Part 2 Local Plan



Agent

| Please provide your client's name | | THE PICK | ERING FAMILY |
|--|-------|----------|---------------------|
| Your Details | | | |
| Title | | | |
| Name | | | |
| Organisation (if responding on behalf of the organisation) | GRACE | MACHIN | PLANNING + PROPERTY |
| Address | | | |
| Postcode | | | |
| Tel. Number | | | |
| E-mail address | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an **online response** form please visit:

www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|--|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood RiskPolicy 2: Site AllocationsPolicy 3: Main Built up Area Site AllocationsPolicy 4: Awsworth Site AllocationPolicy 5: Brinsley Site AllocationPolicy 6: Eastwood Site AllocationsPolicy 7: Kimberley Site AllocationsPolicy 8: Development in the Green BeltPolicy 9: Retention of good quality existingemployment sitesPolicy 10: Town Centre and District Centre UsesPolicy 11: The Square, BeestonPolicy 12: Edge-of-Centre A1 Retail in EastwoodPolicy 13: Proposals for main town centre uses inedge-of-centre and out-of-centre locationsPolicy 14: Centre of Neighbourhood Importance(Chilwell Road / High Road)Policy 15: Housing size, mix and choicePolicy 16: Gypsies and TravellersPolicy 17: Place-making, design and amenityPolicy 20: Air QualityPolicy 21: Unstable landPolicy 22: MineralsPolicy 23: Proposals affecting designated and non-designated heritage assetsPolicy 24: The health impacts of developmentPolicy 25: Culture, Tourism and SportPolicy 26: Travel PlansPolicy 27: Local Green SpacePolicy 28: Green Infrastructure AssetsPolicy 29: Cemetery ExtensionsPolicy 29: Cemetery ExtensionsPolicy 30: LandscapePolicy 31: Biodiversity AssetsPolicy 32: Developer Contributions | P. 60 - 6 3 | |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

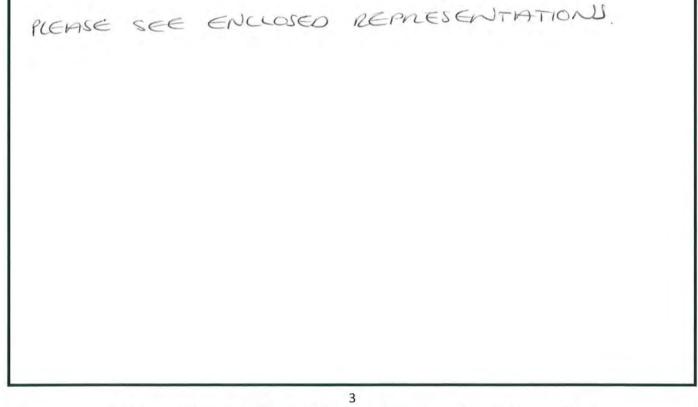
| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | No |
|--|---------------------------------------|-----|-----------|
| 2.1 | Legally compliant | 1 | |
| 2.2 | Compliant with the duty to co-operate | V | |
| 2.3 | Sound | | \bigvee |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, i | s this because: |
|---|-----------------|
| It is not justified | YES |
| It is not effective | YES |
| It is not positively prepared | YES |
| It is not consistent with national policy | TES |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.



Question 4: Modifications sought

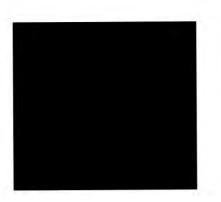
Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. Continue on an extra sheet if necessary. LAND NORTH OF 4 MILL LANE, BEAUALE, EASTWOOD SHOULD BE REMOVED FROM GREENBELT AND ALLOCATED FOR HOUSING DEVELOPMENT Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | | | |
|--|------------------|-----------------------------|-----------------------------------|--------------|
| Yes, I wish to participate at the public examination | | | | \checkmark |
| No, I do not wis | h to participate | e at the public examination | | |
| If you wish to p necessary | participate at | the public examination, j | please outline why you consider t | his to be |
| PLEASE | SEE | ENCLOSED | REPRESENTATIO | 25. |
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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 public examination.



Broxtowe Council Part 2 Local Plan -Publication Version Consultation.

Thank you for your recent communication informing me of the above local plan part 2.

As the ongoing plan seems to require public response at each stage of planning I felt it prudent to continue to emphasise my objections to Ref H146 that shows up in the early draft of the Neighbourhood Planning scheme.

As you will know, during ensuing discussions, there has been great disquiet in the Newthorpe area of Greasley concerning pressure to build new housing on unsuitable sites, such as toxic landfill tips and/or fringe land that hugs these <u>unmapped</u> sites.

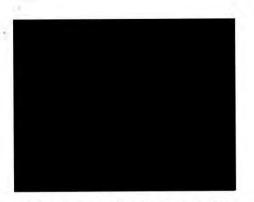
With this in mind, I can only join the many others in the area to reiterate my great concern in this matter and attach, for your perusal, copies of my recent letters both the Greasley Parish Council and Eastwood Town Council.

With thanks for all the good work achieved by Broxtowe Borough Council,

Yours,

K.E.Calder

| Broxtowe Borough Council Planning & Community Development | | | | |
|--|--|--|--|--|
| 3 0 OCT 2017 | | | | |
| | | | | |





Greasley Parish Neighbourhood Plan - cc Broxtowe Council Planning.

Dear Greasley Parish Council,

I write to object to any proposed house-build on the Chewton St, Newthorpe site ref H146. This site somehow found its way into the early draft of the Neighbourhood Plan but is probably the most contentious and hazardous site in the whole of Greasley Parish.

My objection, on the grounds of Health & Safety, is due to the close proximity of the landfill tip, <u>unmapped</u> in both content and geography, that adjoins and hugs the proposed site. Beneath the narrow strip of surrounding green land there is continuous migration of methane gas that could end up anywhere if the ground is disturbed.

On May 25th 2016, a British national newspaper featured a study by Italian researchers from the Lazio Environmental Protection Agency in Rome. The newspaper reported that the study, published in the International Journal of Epidemiology, tracked nearly 250,000 people living close to landfill sites and monitored the participants for at least five years. Researchers found that those living within 3 miles of landfill sites are more likely to be admitted to hospital or increase their risk of dying from lung cancer. Those in the group with the highest exposure levels were 34 per cent more likely to die with lung cancer than people who lived more than 3 miles away from these sites. People in the high risk group were also 30 per cent more likely to die from other respiratory diseases. Children were even more at risk with an 11 per cent increased chance of being admitted to hospital and a 13 per cent higher risk of asthma. The researchers tracked, in particular, the levels of hydrogen sulphide and predicted that these levels were representative of all pollutants produced by rubbish dumps. Although the newspaper report also prints a reply from our Environmental Agency, insisting tougher laws are in place in Britain, this study poses huge questions about allowing planning permission for 'new build' homes at the very edge of landfill tips, thereby gambling with people's health; especially young children, whose bodies are still developing.

On one local, web site page, under Published Site Constraints, site ref H146, Chewton St, Newthorpe is 'flagged up' as an area with <u>severe</u> topographical constraints. So, any prospect of serious disturbance and heavy excavation <u>around</u> this unmapped landfill tip, should concern us all! To contemplate digging, drilling, and pile driving at the very skirt of hazardous and toxic materials, not to speak of disturbing underground tentacles of fissures and tunnels that may <u>snake-out</u>, anywhere, from the chemical dump, surely 'flies in the face' of good sense and could be described as, "walking a cliff edge, at night, without a light".

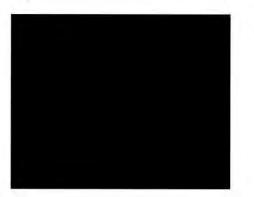
Obviously, if any new housing estate was built it would be incumbent upon a Local Authority to inform prospective residents of the implications of living at the skirt of an unmapped landfill tip, otherwise their human rights could be violated. These days, when it is common practice to seek redress for damages through a plethora of claims companies, it does cause us to pause and think about the repercussions for any local authority that allows people to be housed in `danger areas` such as this one.

Quite apart from the obvious health risks, the `shadow of toxicity` over the area could mean insurance companies might `load` new residents with higher premiums for their building, medical and life insurance! Then again, the new dwellings may even have to be offered at a `knock down` price and re-sale or ongoing rental may prove very difficult! Nobody wants a `ghost town` in the parish, with all the attendant problems.

Another 'elephant in the room' scenario would be that some kind of very expensive, landfill 'barrier' would need to be in place, to afford some protection for the new residents. In an uncertain business world, would the company responsible for installation 'outlast' the duration of the guarantee? Even then, once the guarantee has expired the Local Authority would have an ongoing obligation to service and maintain the landfill safety barrier for perpetuity and, as the barrier ages, ever increasing expenditure will be required that will probably nullify and exceed any financial gain the Local Authority might initially accrue.

I do trust the final draft of the Neighbourhood Plan will reflect a `Duty of Care` above all other considerations.

With heartfelt thanks for all the ongoing good sense and positive achievements shown by Greasley Parish and Broxtowe Borough Council. K.E.Calder (Page 2 of 2)



Dear Eastwood Town Council,

I recently received a copy of the Eastwood Town Council Neighbourhood Development Plan and heartily commend the Council for all the hard work that has gone into its production. I was especially interested to read, under the Housing Section, the comments concerning site H416 (Land off Chewton St, next to the old tip).

Eastwood Council rightly states, on page 15, "Due to the dangers of this old tip site, we would strongly object to any housing development on this site". Also, under the <u>Light</u> <u>Rail/Tram</u> heading,(p21), the Council further suggests that the old tip be used as a 'Park and Ride, "as this site is contaminated and would not be safe for housing or employment".

I have heard it said, `the only safe landfill tip is one that is left alone`. Ideally that is the preferred solution, for both this unmapped site and its adjacent, suspect land, but we live in a realistic world so, as a `last resort`, an eminently sensible solution would be to afford the *least* invasion of the topography.

Therefore, as the Neighbourhood Plan suggests, we should `safeguard` the unmapped, contaminated tip, along with its natural safety barrier - the narrow strip of land that girdles it, (ref; H146 (Chewton St), as part of the key infrastructure proposals for the coming tramway extension. This would fall nicely in line with the A610 Growth Corridor that is now being floated by some politicians as a way to invigorate and benefit Eastwood Town and the surrounding parishes.

I do trust that Broxtowe Borough Council will endorse this particular proposal from Eastwood Town Council; it will go a long way to allay the Health and Safety concerns of the large contingent of elderly residents at the splendid Senior Citizens Complex at Commons Close. And, preserve the Local Authority's Duty of Care to many others living in the shadow of a hazardous and toxic tip, with probable underground fissures snaking out and conveying landfill gases in the wider locality.

Yours sincerely,

Ken Calder.

Broxtowe Part 2 Local Plan



Agent

Please provide your client's name TAYLOR & BURROWS PROPERTY

Your Details

| Title | |
|--|-------------------------------|
| Name | |
| Organisation (if responding on behalf of the organisation) | Phoenix Planning (UK) Limited |
| Address | |
| Postcode | |
| Tel. Number | |
| E-mail address | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

If you would like to be contacted by the Planning Policy Team regarding future consultations.

Please tick here $\sqrt{}$

Please help us save money and the environment by providing an e-mail address that correspondence can be sent to: As above

For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|-----------------------------|--|-------------|-------------------------------------|
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| Policies Map | | 1 | |
| Sustainability Appraisal | | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | Νο |
|---|---------------------------------------|-----|----|
| 2.1 Legally compliant | | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | 2.3 Sound | | Х |

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | х | |
| It is not effective | х | |
| It is not positively prepared | х | |
| It is not consistent with national policy | x | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

Policy 7 identifies a number of sites proposed to be allocated for housing purposes within the Kimberley area. Concerns are raised with regards to the deliverability of a number of these sites within the plan period. The table below identifies my clients concerns and key constraints on each of the sites which may affect deliverability.

| SITE | NO. OF DWELLINGS | ISSUES |
|---|---------------------|--|
| Land South of Kimberley including Kimberley Depot | 105 dwellings | Landscape impact on the Babbington/Swingate/Verge Wood Mature Landscape Area Noise impact from A610- SA identifies that a potential buffer is within third party ownership Contamination from tip site. Ground surveys should be required to prove the site is developable. Question whether the site will remain viable. |
| Land south of Eastwood Road, Kimberley | 40 dwellings | Allocated in 2004 Local Plan and hasn't come forward to date. Deliverability of this site is questionable. |
| Eastwood Road Builders Yard, Kimberley | 22 dwellings | Allocated in 2004 Local Plan and hasn't come forward to date. Deliverability of this site is questionable. |

It is clear that there are significant issues with a number of the sites that may affect deliverability within the plan period. In this regard, it is considered necessary to release additional land within the Borough in order to ensure that the housing requirement is met in full.

Because of the above concerns, it is considered that in this regard the Plan fails the tests of soundness in that ;

1. Positively Prepared: To meet the test the plan must be able to show it is based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, <u>in a manner consistent with achieving sustainable development</u>. These sites raises concerns over the deliverability of the approach. Given that sites first allocated 13 years ago have still not progressed, despite a consistent failure to achieve the forecast development rates, suggests that the Council is still following a failed approach, rather than seeking a positive approach to delivery of sites.

2. Justified: The sites highlighted above are not justified as allocations given the concerns that are raised and their previous failure to attract market interest.

3. Effective: Because of the issues raised above, it is not considered that the proposals will make an effective contribution to delivering sustainable development for the district and deliver the growth required.

4. Consistent with national policy: Deliverability is clearly a crucial issue within the NPPF (Para 47 and footnote 11, Para 49). The significant concerns over the deliverability of the above sites undermines the Plans credentials in this respect.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

It is accepted that it may be difficult to identify sufficient suitable sites within Kimberley to meet the target. However, looking at the wider area, greater provision within Eastwood (similar to the Core Strategy target) would enable the growth asperations for the wider area to be met.

It is considered that additional housing should be released within Eastwood in order to provide a plan that is more in compliance with the Adopted Core Strategy and to ensure that sufficient developable and deliverable sites are allocated to meet the full housing needs for the plan period.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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. Question 5: Public Examination Attendance

If your representation is seeking a modification, do you consider it necessary to participate at the public examination?

 $\sqrt{}$

Yes, I wish to participate at the public examination

No, I do not wish to participate at the public examination

If you wish to participate at the public examination, please outline why you consider this to be necessary

The Council should take a fresh look at potential new sites where deliverability has not already failed and consider sites that do not have the deliverability and viability issues that some of the current sites face.

It is considered that additional housing should be released within Eastwood in order to provide a plan that is more in compliance with the Adopted Core Strategy and to ensure that sufficient developable and deliverable sites are allocated to meet the full housing needs for the plan period. It should focus on the more marketable areas of Eastwood and support this areas growth and regeneration in a more positive fashion.

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 public examination.

Please use a separate sheet of paper if required. Please use one form per representation.

6

Details

| Agent | |
|--|---|
| Please provide your client's name | |
| Your Details | |
| Title | Miss |
| Name | Rosemary Walker |
| Organisation (If responding on behalf of an organisation) | |
| Address | |
| | |
| Telephone Number | |
| Email Address | |
| Would you like to be contacted regarding future planning policy consultations? | Yes |
| If you wish to comment on more than one issue you will r | eed to submit a form for each representation. |

Policy relates to

| Please specify what your comment relates to | | | | | |
|---|-------------|----------------------------------|--------------|-----------|---|
| Policy number | Page number | Policy text/ Paragraph number | Policies Map | Appraisal | Other (e.g. omission, evidence document etc.) |
| 7: Kimberley Site Allocations | | | | | |

Question 1: What does your comment relate to? Please specify exactly

Question 2

| Question 2: What is the issue with the Local Plan? | |
|---|-----|
| Do you consider this paragraph or policy of the Local Plan to be: | |
| 2.1 Legally compliant | Yes |
| 2.2 Compliant with the duty to co-operate | Yes |
| 2.3 Sound | No |

Question 3

| If you think this paragraph or policy of the Plan is no | sound, is this because: | |
|---|-------------------------|--|
| It is not justified | No | |
| It is not effective | Yes | |
| It is not positively prepared | Yes | |
| It is not consistent with national policy | No | |

Additional details

| Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or | I have concerns regarding the Kimberley allocations on two fronts - traffic and landscape. |
|---|---|
| does not comply with the duty to co-operate. | |
| Alternatively, if you wish to support any of these | Firstly, the site allocations for 167 houses all fall on the western side of Kimberley, |
| aspects please provide details. | adjoining the already busy Eastwood Road, and in the vicinity of the brewery site which is currently under development. I would like to see how cumulative traffic and parking issues have been taken into account during the site allocation process as there are already considerable issues on the road (particularly during rush hour) and it takes little more than a set of roadworks to bring the area to a standstill. I do not object to the principle of housing in the area, but am concerned that the volume proposed will significantly contribute to what already is an issue locally. |
| | Secondly, I am concerned about the loss of the designated Mature Landscape Area on the Swingate upland. I understand that the shift in policy is moving away from designating local landscapes, however I am concerned that the loss of the designation means that there is now little protection from any other policy with regards to trees and hedgerows. Particularly concerning is the sentiment within the justification for the Kimberley Depot site that the MLA is no longer designated so the site may as well be built on - I don't think that removal of the MLA should automatically mean that the landscape is suitable for development, and this implied policy may lead to other valued landscapes being threatened in this manner. |

Question 4

| Question 4: Modifications sought | |
|--|---|
| Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan legally compliant or sound. | Consider the cumulative impacts of traffic and parking on the west side of Kimberley as a result of the planned allocations and review the numbers of houses proposed. This will ensure that large volumes of traffic generated by the allocations are not introduced on already congested roads. |
| | Add into the plan provision for the protection of trees and hedgerows and remove the inferral that removal of the MLA means that the landscape has little value and there is a green light to develop. This will ensure that other sites can be defended on the grounds of landscape value. |

Question 5

| Question 5: Public Examination Attendance | |
|--|----|
| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | No |
| If you wish to participate at the public examination, please outline why you consider this to be necessary | |

From: Sent: To: Cc: Subject:

28 October 2017 14:22 Saunders, Steffan Policy Local Plan 2 Objection

Could you please add the following to the objections to the Local Plan 2 and the inclusion of Kettle Brook Lodge in Kimberley, Nottinghamshire

The is the first time I have ever opposed any planning so I would hope this imposes on you the extent of the following.

I would like to object on the grounds that including Kettlebrook Lodge will impact on the residential amenities, this will create an oppressive and overbearing environment issue to the local area.

Our local road system cannot take any additional traffic which you will not take in to account, this will become a serious issue when it gets closure to local elections, local opinion matters in these cases.

These plans are not fit for their locality, this must be included and I am completely opposed to inclusion of Kettlebrook Lodge or any other site located within 20 miles of Kimberley due to its current over capacity.

With the announcement of the change by Government in June 2010, my objections is based primarily on the density of the proposed development and what will be an over-development of the site if this goes forward, this is unacceptable by factors of addition noise of traffic after the construction, parking, no school spaces, and the over-bearing and out-of-scale for the local area..

If this development went ahead the main road is a main path to which local children walk to school and bringing more traffic will raise highway safety concerns and fears.

We have suffered with the vast development of housing already and I would propose you look at West Bridgford and around Bassingfield, near to where Ken Clarke resides or would that be a no as he is an MP.

If this goes forward residents will remember when it comes to election time.

Ian Fletcher



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If this goes forward residents will remember when it comes to election time.

Ian Fletcher





Broxtowe Borough Council

Part 2 Local Plan (Publication Version) Written Representations

On behalf of Philip Turton

November 2017



Quality Control

| Project No. | P&DG/13.039 | | | |
|----------------|----------------------------------|---------------------|-------------|---------------|
| Title | Part 2 Local Plan (P | ublication Version) | | |
| Location | Broxtowe Borough | Council | | |
| File reference | 13.039/Representat | ions | | |
| Issue | Date | Prepared By | Reviewed By | Authorised by |
| 1 | 2 nd November 2017 | AG | BW | BW |



Contents

| 1 | Introduction and Executive Summary | 1 |
|---|--------------------------------------|---|
| 2 | Policy 2: Site Allocations | 2 |
| 3 | Policy 7: Kimberley Site Allocations | 3 |
| 4 | Conclusion | 6 |



1 Introduction and Executive Summary

- 1.1 This statement of written representations is made on behalf of our client Philip Turton in response to Broxtowe Borough Council's consultation on the proposed Part 2 Local Plan (Publication Version).
- 1.2 We welcome the opportunity to respond to this stage of consultation on the Local Plan and recognise the critical importance of establishing an appropriate, legally compliant and sound policy framework for Broxtowe at this point of Local Plan process. As such our comments are structured around relevant policy areas and focus on relative soundness and legal compliance of the emerging Local Plan document.
- 1.3 These representations have direct regard to land south of 121 Kimberley Road, Nuthall which is identified as site number 218 in the most recent 2015/16 SHLAA document where the site is considered both developable and deliverable.
- 1.4 We make these representations in the context of seeking to work with the Council both now and in the future to ensure that an effective and deliverable plan for Broxtowe is achieved.
- 1.5 In summary, we find a large number of the proposed modifications sound and warrant our support. However, we hold concerns around the proposed housing supply trajectory, particularly in relation to the Kimberley (including Nuthall) area. In its current form the housing supply will likely raise questions of soundness during the emerging Local Plan public examination. Therefore, we consider further resolution is needed to diversify and enhance the range of specifically deliverable, allocated sites in order to enhance the housing land supply across Broxtowe and in Kimberley.



2 Policy 2: Site Allocations

- 2.1 In principle Policy 2: Site Allocations is considered **sound** as it directly supports the provision of new homes against the identified need for 6,150 new dwellings in Broxtowe over the life of the Local Plan. The allocation of sites is absolutely critical in the adoption of a plan-led approach in line with paragraph 196 of the National Planning Policy Framework ('NPPF'). This is particularly whereby the designation of land for development through Local Plans provides significantly enhanced land owner and developer confidence in bringing forward sites for development.
- 2.2 As such the Part 2 Local Plan should be seen as a critical tool in supporting market confidence in housing delivery and, in turn, boosting the number of sustainable new homes delivered.



3 Policy 7: Kimberley Site Allocations

- 3.1 Kimberley (including Nuthall) is designated as a key settlement and therefore identified as suitable for growth in the 2014 Aligned Core Strategy. Therefore, Kimberley is allocated a distributed target to deliver 600 dwellings as a part of Broxtowe's spatial hierarchy. The prompt delivery of these 600 dwellings will be critical in addressing the overall need for housing in Broxtowe.
- 3.2 The need for all forms of new housing across the country is well documented and is supported in the 2012 National Planning Policy Framework ('NPPF'). It indicates that providing the housing supply to meet the needs of current and future generations is a key aspect of sustainable development and the plan making process.
- 3.3 In light of this housing need, the identified supply of housing in Kimberley is considered **unsound** on the basis that it is not justified on current evidence and fails to be effective in the positive delivery of new homes. In particular the proposed housing trajectory for Kimberley represents an over reliance on SHLAA sites which, although reflecting an indicative trajectory of housing supply, do not offer the same level of specificity and deliverability as site allocations. We refer also in this instance to Table 4: Housing Trajectory on p.75 of the Part 2 Local Plan.
- 3.4 The Part 2 Local Plan is required to act as the delivery tool for Broxtowe's adopted spatial growth strategy and as such site allocations form an essential part of this. However, only three housing sites are allocated in the Kimberley area delivering a total of 167 dwellings. This reflects a modest 27% contribution to the 600 dwellings required in Kimberley. Notwithstanding wider site allocations across Broxtowe a robust housing supply is still required for the Kimberley area. This is to allow identified local housing need to be properly addressed and in the interests of delivering fully the adopted spatial strategy.
- 3.5 Further site allocations through the Part 2 Local Plan will provide significantly enhanced land owner and developer confidence in bringing sites to market and subsequently developed. This in turn will enhance the provision of new dwellings and boost the supply of much needed housing. Site allocations also reduce the level of more speculative development proposals and work in the interests of pursuing a robust, plan-led approach to the housing delivery. In the absence of this approach site delivery is liable



of becoming more *ad hoc* in nature, which then presents the risks of ongoing shortfalls in the delivery of new dwellings.

- 3.6 The current deficit in housing land and delivery shortfall across Broxtowe only makes this context more pressing. This is highlighted in the most recent SHLAA document which states that the Council can only evidence 3.6 years' worth of housing land supply for the period April 2017 and March 2022. In addition, and to be factored into the five-year housing land supply position, is the current delivery shortfall of 956 dwellings. In order to enhance housing delivery and boost the supply of both housing and associated land we consider it critical for the Council to pro-actively make further allocations. Also, the housing land supply needs to be refined in order to reflect a wider range of achievable, sustainable and deliverable sites. As such, providing more market flexibility and choice.
- 3.7 We note in paragraph 7.2 that '*it is considered that there are exceptional circumstances* [in Kimberley] *required to amended the boundary of the Green Belt to allow residential development.*' Whilst this conclusion is considered acceptable in principle in the interest of enhancing housing delivery we also draw attention to sites such as our client's. The site to the south of 121 Kimberley Road, Nuthall is within the existing urban area and is identified as suitable, deliverable and available within the life of the Part 2 Local Plan. As such it is a sequentially beneficial and sustainable site. This is particularly important in the context of high local land restraint where 65% of Broxtowe is designated as Green Belt land.
- 3.8 Although we support the identification of the land in the SHLAA as a part of the housing trajectory for Kimberley, we also consider that the additional allocation of this site would contribute to a more robust housing supply. As such enhancing the reasoned justification and effectiveness of the emerging Part 2 Local Plan, which will be critical in assuring soundness at examination.
- 3.9 Our client is willing landowner, and there is active developer interest in bring the site forward. There are no significant physical or policy constraints to its development. The site measures 0.9 hectares and is considered suitable for up to 30 dwellings, as such it would be similar in scale to the Policy 7.3 'Eastwood Road Builders Yard' allocation for 22 dwellings.



- 3.10 The site comprises vacant and underutilized land. As such its development is wholly consistent with the regeneration and urban concentration aims of the adopted policy framework and allocation would subsequently reduce pressure on speculative Green Belt or greenfield development in the Kimberley area.
- 3.11 The site is outlined in Figure One below:





4 Conclusion

- 4.1 As outlined within this statement we consider that there are areas of the emerging Part2 Local Plan that contain a number of sound proposals that warrant our support.
- 4.2 However, we reserve concerns over the proposed housing trajectory position for the Kimberley area and the need to meet the locally designated housing target in light of its status as a key settlement in the Borough. This statement has outlined why the current housing trajectory for Kimberley, in its current form, is unsound. Given the degree of non-compliance with the tests of soundness contained in the NPPF we consider that the Part 2 Local Plan should be modified to address the matters raised prior to adoption. This should include an enhancement to the range and choice of sustainable site allocations included as a part of the housing trajectory.



Planning and Design Group (UK) Limited

Broxtowe Part 2 Local Plan



Agent

E-mail address

| Please provide your client's name | Davidsons Developments Limited |
|-----------------------------------|--------------------------------|
| Your Details | |

| Title | |
|--|---------------|
| Name | |
| Organisation (if responding on behalf of the organisation) | Pegasus Group |
| Address | |
| Postcode | |
| Tel. Number | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you would like to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here x |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood Risk Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocation Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 19: Pollution, Hazardous Substances and Ground Conditions Policy 20: Air Quality Policy 21: Unstable land Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions Policy 30: Landscape Policy 31: Biodiversity Assets Policy 32: Developer Contributions | | |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

| Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | Yes | Νο |
|---|---------------------------------------|-----|----|
| 2.1 | Legally compliant | х | |
| 2.2 | Compliant with the duty to co-operate | х | |
| 2.3 | Sound | | Х |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | |
|--|---|--|
| It is not justified | х | |
| It is not effective | х | |
| It is not positively prepared | | |
| It is not consistent with national policy | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

Please see the following attached documents: -

- 1) Representations to Broxtowe Local Plan on behalf of Davidsons Developments Limited by Pegasus Group (with Appendices)
- 2) Analysis of Landscape and Visual Constraints and Opportunities on behalf of Davidsons Developments by Pegasus Environment (with Figures)

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

Amend Policy 7 to include the following: -

Policy 7.4 Land off New Farm Lane, Nuthall: approximately 85 homes.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to participate at the public examination? | | |
|--|--|--|
| Yes, I wish to participate at the public examination X | | |
| No, I do not wish to participate at the public examination | | |
| If you wish to participate at the public examination, please outline why you consider this to be necessary | | |

Davidsons Developments Limited have interests in land at New Farm Lane, Nuthall. It is therefore important that they have the opportunity to participate at the public examination.

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 public examination.

Guidance Note:

Please complete a separate form for each representation you wish to make.

'Legally Compliant':

If your response relates to <u>the way in which the plan has been prepared</u>, then this is likely to relate to whether it or not it is 'Legally Compliant'. To be 'Legally Compliant', the Local Plan has to be prepared in accordance within the 'Duty to Cooperate' and legal and procedural requirements. These are set out by legislation in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). If you think that we have not met the legal requirement in the preparation of the Local Plan, please use the response form to tell us what we have not done or what we have done incorrectly.

'Compliant with the Duty to Co-operate':

If your response relates to **the way in which we have worked with other authorities** then this is likely to relate to the '**Duty to Co-operate**'.

The 'Duty to Co-operate' places a legal duty on Local Planning Authorities, County Councils and certain public bodies to engage constructively, actively, and on an on-going basis, to maximise the effectiveness of Local Plan preparation in the context of strategic cross-boundary matters. The 'Duty to Co-operate' is not a duty to agree. However, Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their Local Plan for examination.

'Sound'

If your response is about the <u>content</u> of the Local Plan and the strategy it adopts, then it is likely to relate to whether or not the Local Plan is '**Sound**'.

To meet the 'Test of Soundness', the independent Planning Inspector is required to consider whether or not our Local Plan is '**justified'**, '**effective'**, has been '**positively prepared'**, and is '**consistent with national policy'**. You may wish to consider the following before making a representation on the 'Soundness' of our Local Plan:

- **'Justified':** This means that the Local Plan is based upon a robust and credible evidence base. If you think that the evidence doesn't support the choice made in our Local Plan, or there are realistic alternatives, then your comments may relate to whether or not it is 'justified'.
- 'Effective': This means that the Local Plan will deliver what it sets out to. If you think that what we
 are proposing in the Local Plan is not deliverable, then your comments may relate to whether or not
 our Local Plan is 'effective'.
- **'Positively Prepared':** This means the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- 'Consistent with National Policy': Do you consider that our Local Plan accords with the National Planning Policy Framework (NPPF) and other policies, or includes clear and convincing reasons for doing something different?

For further guidance or assistance, please contact the **Planning Policy Team** on **0115 917 3452** or by emailing **policy@broxtowe.gov.uk**. NOVEMBER 2017 | MG | P17-2056



REPRESENTATIONS TO BROXTOWE LOCAL PLAN, PART 2, 2017-2028 PUBLICATION VERSION, SEPTEMBER 2017

PROPOSED RESIDENTIAL ALLOCATION LAND AT NEW FARM LANE, NUTHALL, NOTTINGHAMSHIRE

ON BEHALF OF DAVI DSONS DEVELOPMENTS LIMITED

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) PLANNING AND COMPULSORY PURCHASE ACT 2004

Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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CONTENTS:

Page No:

| 1. | INTRODUCTION AND SUMMARY | 1 |
|----|--------------------------|----|
| 2. | PLANNING POLICY CONTEXT | 2 |
| 3. | HOUSING LAND SUPPLY | 5 |
| 4. | ASSESSMENT OF SOUNDNESS | 6 |
| 5. | SITE DESCRIPTION | 8 |
| 6. | SITE ASSESSMENT | 10 |
| 7. | CONCLUSION | 14 |

APPENDICES:

APPENDIX 1: SITE LOCATION PLAN APPENDIX 2: SITE CONCEPT PLAN APPENDIX 3: SITE CONTEXT PLAN



1. INTRODUCTION AND SUMMARY

- 1.1 We have been instructed to make the following representations in respect of the Broxtowe Local Plan Part 2, Publication Version, September 2017, which is currently being consulted upon, prior to being submitted for Examination in due course. These representations have been prepared having regard to the documents contained within the supporting Evidence Library and have assessed the compliance of the Publication Version Part 2 Local Plan against paragraph 182 of the National Planning Policy Framework (March 2012) (NPPF). Paragraph 182 states that for a plan to be "sound" it should be:
 - Positively prepared;
 - Justified;
 - Effective;
 - Consistent with National Policy.
- 1.2 These representations seek to promote our client's landholding, comprising land at New Farm Lane, Nuthall, (as on the Site Location Plan at Appendix 1) for residential development. This document sets out a brief rationale as to why this Site represents suitable and deliverable land, which should be allocated for a medium scale residential development, thereby assisting in meet the housing needs of Broxtowe Borough, within a sustainable and accessible location.
- 1.3 In order to fully meet the current and future housing needs for the Nuthall / Kimberley Area, (and the wider Borough of Broxtowe), and to provide for a portfolio of sites, we believe that the Site identified on the attached Plan should be removed from the Green Belt and allocated for residential purposes in addition to the Sites already identified for residential allocation.



2. PLANNING POLICY CONTEXT

- 2.1 The Greater Nottingham, Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy, Part 1 Local Plan was adopted in September 2014. This strategic plan sets a minimum requirement of 30,550 new homes to be delivered between 2011 and 2028, based upon the following hierarchical approach:
 - a) The main built up area of Nottingham;
 - b) Adjacent to the Sub-Regional Centre of Hucknall; and
 - c) Key Settlements identified for growth:
 - Awsworth, Brinsley, Eastwood (including parts of Giltbrook and Newthorpe) and Kimberley (including parts of Nuthall and Watnall), in Broxtowe;
 - ii) Bestwood Village, Calverton and Ravenshead, in Gedling.
 - d) In other settlements (not shown on the Key Diagram) development will be for local needs only.
- 2.2 Of the total minimum requirement of 30,550 no. dwellings, at least 6,150 of these are to be located in Broxtowe Borough, of which 3,800 no. dwellings are to be delivered within or adjoining the main built-up area of Nottingham. Within the Key Settlements identified above within tier (c) of the hierarchy, it is anticipated that up to 600 no. new dwellings will be provided within or adjoining Kimberley (including parts of Nuthall and Watnall).
- 2.3 The Publication Version Part 2 of the Broxtowe Local Plan now seeks to provide specific site allocations to meet the housing requirement set out within the Core Strategy, Part 1 Local Plan as set out above. The previously published Issues and Options Paper, which was consulted upon in November 2013, identified several sites around Nuthall that 'could be suitable if Green Belt policy changes', including our client's landholding at New Farm Lane.



SHLAA 2015/2016

- 2.4 The latest SHLAA, produced by Broxtowe Borough Council and dated 2015/2016 identifies that against the requirement of 6,150 dwellings for the period 2011 to 2028, there is a total capacity on urban sites of only 5,631, thereby requiring further sites to be identified outside the urban area. In the Kimberley Area, against the requirement of 600 no. dwellings, there remains a residual requirement of 186 no. dwellings to be found outside the urban area.
- 2.5 Within the SHLAA, there are a number of sites which have been identified as being suitable if policy changes, including the proposed Site at New Farm Lane, Nuthall. Part 2 of the Local Plan will allocate selected sites from those which have been listed as suitable if policy changes, to ensure that the requisite quantum of residential development is accommodated adjoining the Kimberley / Nuthall area.

PUBLICATION DRAFT PART 2 LOCAL PLAN: SITE ALLOCATIONS

- 2.6 The second part of the plan will include specific site allocations to meet the housing need as set out in the Core Strategy and will detail policies against which planning applications will be assessed. The Publication Draft is now being consulted upon until 3rd November 2017, after which the consultation responses will be taken into account, before the Draft Plan is submitted for formal Examination and subsequently adopted by the Borough Council.
- 2.7 Policy 7 of the Publication Draft Part 2 Local Plan identifies 3 sites adjoining the Kimberley/Nuthall Area, which are proposed to be allocated for housing. The sites proposed for residential allocation are as follows:
 - Policy 7.1 Land South of Kimberley, including Kimberley Depot (105 homes);
 - Policy 7.2 Land South of Eastwood Road, Kimberley (40 homes); and
 - Policy 7.3 Eastwood Road Builders Yard, Kimberley (22 homes).
- 2.8 The Sites identified under Policies 7.2 and 7.3 have previously been proposed as residential allocations, whilst the Site identified under Policy 7.1 is a newly proposed Site, which encompasses land within Zone 20 of the aforementioned Green Belt Review process, and therefore within the most favoured location for release from the Green Belt.



- 2.9 The total capacity of the 3 sites currently identified and proposed for allocation for residential development is 167 no. dwellings (i.e. 105 + 40 + 22). This falls short of the housing requirement for the Kimberley / Nuthall area of 186 no. dwellings and therefore the full housing needs of this area have not yet been accounted for or accommodated through the Publication Draft Part 2 Local Plan.
- 2.10 At the Jobs and Economic Committee meeting of 26th January 2017, the Council considered extending the allocation of Kimberley Depot (by an extra 100 dwellings to 205 dwellings) but resolved that this would take the available urban supply for Kimberley over the 600 homes figure as specified as a maximum in the Aligned Core Strategy. The reason given was that the housing market in Kimberley is not as strong as elsewhere in the south of Broxtowe and such an increase would put at risk the significant efforts that have been put into delivering Kimberley Brewery for housing redevelopment. The Report notes that in simple terms, the easier to develop sites are likely to come forward first at a time when the Kimberley Brewery site is now available for development with all predetermination planning conditions successfully addressed.
- 2.11 It was therefore resolved that Kimberley would be left 81 dwellings short of the 'up to 600 dwelling' figure and that there are sound planning arguments to have additional housing in and around the main built up area of Nottingham.
- 2.12 It is our submission that the Part 2 Plan fails to provide sufficient flexibility in its proposed housing allocations and that the Plan should include sites to provide the 600 dwellings for the Kimberley/Nuthall areas as identified in the Core Strategy.



3. HOUSING LAND SUPPLY

- 3.1 A recent appeal decision, Ref: APP/J3015/W/16/3162096, dated the 2nd March 2017 confirms that the Council is currently unable to demonstrate a 5-year supply of housing land. According to the Council's appeal statement, the reported position on the 27th January 2017 was that the LPA could demonstrate a 3.6-year supply of housing land, which is a decline compared to the earlier position on the 1st April 2016, at which time a 4.4-year supply could be demonstrated. In order to ensure and maintain a flexible rolling five-year housing land supply position, that is able to adapt to changes in circumstances and the requirements of the market, it is clear that additional land must be allocated to accommodate the requisite housing needs of the Borough.
- 3.2 The Council's Housing Trajectory at Table 4 shows a housing land supply of 6,747 dwellings against a housing requirement of 6,150 dwellings. Since the proposed housing requirement is a minimum figure, it should not be treated as a maximum ceiling to restrict overall housing land supply and prevent sustainable development from coming forward. The Council's contingency of 597 dwellings (9.7%) is below the recommendations of DCLG of a 10-20% non-implementation gap, therefore it is unlikely to provide sufficient flexibility for unseen circumstances.
- 3.3 **The Council's 5**-year housing land supply calculation using Sedgefield and 20% buffer is only 3.6 years which will be even lower when the buffer is applied to the shortfall as well as the requirement. The Local Plan Part 2 cannot be sound if the Council cannot demonstrate a 5-year housing land supply on adoption of the Plan. In addition, the 5-year housing land supply should be maintainable throughout the plan period.



4. ASSESSMENT OF SOUNDNESS

- 4.1 With the above in mind, we currently do not believe that the Broxtowe Borough Publication Version Local Plan Part 2 can be considered sound, on the basis that the proposed residential allocations for the Kimberley / Nuthall area fail each of the tests of soundness, as set out within Paragraph 82 of the NPPF.
- 4.2 In order to become sound, we submit that additional land should be allocated for residential development within or adjoining Kimberley / Nuthall, to provide flexibility.
- 4.3 The Council's concerns over the delivery of the Kimberley Brewery site are noted. However, the NPPF does not promote a sequential approach for brownfield sites to be developed first over greenfield sites. Allocating a range and type of sites is the only way to address delay and uncertainty over delivery.
- 4.4 **The Council's Housing Trajectory at Table 4 shows a housing land supply of 6,747** dwellings against a housing requirement of 6,150 dwellings. Since the proposed housing requirement is a minimum figure it should not be treated as a maximum ceiling to restrict overall housing land supply and prevent sustainable development from coming forward.
- 4.5 There is a clear indication from the Department of Communities and Local Government ("DCLG Planning Update by Ruth Stanier Director of Planning HBF Planning Conference September 2015 as referred to in the HBF Response to the Consultation dated 3rd November 2017) on appropriate non-implementation gap and lapse rates. The DCLG presentation illustrates 10-20% non-implementation gap together with 15-20% lapse rate. The presentation also suggested "the need to plan for permissions on more units than the housing start/completions ambition." It is acknowledged that the presentation shows generic percentages across England but it provides an indication of the level of flexibility within the overall housing land supply that the Council's should be providing. The Council's contingency of 597 dwellings (9.7%) is below the recommendations of DCLG and therefore it is unlikely to provide sufficient flexibility for unforeseen circumstances.
- 4.6 The Council should be identifying additional suitable sites within or adjoining Kimberley / Nuthall, to provide sufficient flexibility and protect against delay an uncertainty of delivery on large brownfield sites, otherwise it will be failing to



provide a Local Plan which is positively prepared, effective or consistent with national policy – most particularly Paragraph 14 of the NPPF and the overarching need to boost significantly the supply of housing.

- 4.7 With this in mind, it is our belief that our client's landholding at New Farm Lane, Nuthall offers the potential for development, thereby allowing for flexibility and providing adaptability should changes in circumstances occur. The site lies immediately adjoining the main built up area of Nuthall and offers an opportunity to provide for additional residential development to ensure flexibility and will help to ensure choice and competition in the market for land (as per the NPPF).
- 4.8 Given the requirements of the NPPF, which specifically requires Local Planning Authorities, when plan-making to "positively seek opportunities to meet the development needs of their area" and to ensure that Local Plans "should meet objectively assessed needs" (Paragraph 14) we consider that the Council is failing in its statutory duty, if insufficient land is allocated, thereby failing to provide for flexibility and choice.



5. SITE DESCRIPTION

- 5.1 The Site comprises approximately 2.95 hectares of agricultural grassland, which lies immediately to the north of and adjoining the main built-up area of Nuthall, Nottinghamshire. The Site is under-utilised for agricultural purposes and is being actively promoted by the landowner for residential purposes, for a potential development of up to 85 no. dwellings.
- 5.2 The landholding is incredibly well-related to the existing built framework of Nuthall, and is bound to the south by existing residential development on Holden Crescent and Ayscough Avenue, whilst to the west, the Site is also bound by residential properties on Spencer Drive. To the east, the Site is bound and defined by New Farm Lane itself, whilst to the north, the Site abuts the Great Northern Path / Broxtowe County Trail (a well-defined and broad public footpath / bridleway). In these respects, the Site is physically and visually contained and sits comfortably within a context of existing built development, whilst not extending into open countryside to the north. It is also important to note that the proposed extension to the Nottingham tram line would run directly to the north of the site along the line of the former railway, providing an even stronger defensible boundary.
- 5.3 Immediately to the south of the Site, lies the main urban area of Nuthall and Kimberley, which itself lies just to the west of the Main Built Up Area of Nottingham (as shown on Map 1 within the Publication Version Part 2 Local Plan). Nuthall and Kimberley (along with Watnall) are conjoined settlements, offering a full range of employment, education, leisure, recreational and retail facilities and services, all of which are accessible from the proposed Site by public transport or on foot / by bicycle.
- 5.4 In particular, it should be noted that there are bus stops located along Main Road, Nuthall, (just 150 metres to the south of the Site), which serve bus routes 528 and 532, operated by NottsBus Connect (Nottinghamshire County Council). These services provide regular daily access to a number of local towns and villages, including Selston, Eastwood, Underwood, Kimberley, Bulwell and Bestwood, as well as to Ikea and to Phoenix Park, at which a Park and Ride and Tram Interchange is located, providing ready access to Nottingham City Centre.



5.5 Within walking or cycling distance of the Site, are a range of local employment options, as well as all day-to-day facilities and services, including Larkfields Infant **and Junior Schools, McColl's Convenience Store, a fish and chip shop, Three** Ponds Public House, Laziza Restaurant, places of worship, public open space and a Village / Parish Hall. Also within close proximity to the Site, and accessible by Public Transport, are the secondary school and sixth form at Kimberley (The **Kimberley School), a leisure centre, cricket club, library and Sainsbury's** supermarket.



6. SITE ASSESSMENT

6.1 Based upon the above Site Description, we would like to set out the suitability and deliverability of our client's landholding for a medium scale residential development, as follows:

<u>Green Belt</u>

- 6.2 **Our client's landholding at New Farm** Lane is currently located within the Nottingham Derby Green Belt, which is given a high level of protection through National Planning Policy. It is acknowledged however, that in order to meet the ongoing housing needs of Broxtowe during the Local Plan period 2017 2028, land within the Green Belt will need to be released and allocated for residential development. It is recognised that in order to deliver the level of development envisaged, Green Belt boundaries will need to be reviewed. In doing so, and in considering the importance attached to Green Belt land, it is absolutely imperative that the revision of Green Belt boundaries around Nuthall and Kimberley is well considered and based upon a clear approach.
- 6.3 The purposes of including land within the Green Belt are set out within Paragraph80 of the NPPF. Here it is stated that there are five purposes of including landwithin the Green Belt, including:
 - To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment.
- 6.4 In applying these considerations to the Site off New Farm Lane, it is submitted that this landholding does not perform an important role in separating the built form of Nuthall from the outer edge of the Main Built Up Area of Nottingham to the east, which lies on the far side of the M1 motorway. The residential development of the proposed Site would not therefore lead to these neighbouring settlements merging into each other. Indeed, as previously stated above in Paragraph 5, the Site is well defined and contained within the existing built framework of Nuthall and does not extend beyond this framework into the open countryside beyond. In this respect therefore, the development of this Site would not result in any reduction in the gap between Nuthall and the Main Built Up Area of Nottingham these areas would not therefore be at risk of coalescence and



the development of this well-defined Site with strong defensible boundaries would not allow the unrestricted sprawl of Nuthall.

- 6.5 In addition, Paragraph 85 of the NPPF stresses that, in reviewing Green Belt boundaries, Local Planning Authorities should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent." The Site identified comprises a single arable field, which is strongly enclosed and defined by permanent and recognisable physical boundaries, including New Farm Lane to the east, existing residential development to the south and west and the Great Northern Path / Broxtowe County Trail to the north. These elements provide strong, recognisable and permanent features, which would provide long term physical and visual barriers or enclosure to the proposed development of this Site.
- 6.6 The residential development of this Site would not encroach into the open countryside and would form a logical 'rounding off' of the existing built form to Nuthall. During an earlier Local Plan Review in 2003, the Inspector considered that the Site was contained with the well-defined boundaries of the settlement, which would relate well to the existing urban form and would not constitute urban sprawl. The Inspector also considered that the development of this Site would have a lesser impact on the open Green Belt gap than the development of land further to the east (site 103).
- 6.7 The Issues & Options document 2013 contained assessments of the Green Belt boundaries within the Borough scoring them against the purposes of including land within the Green Belt and recommending areas for removal to meet the development requirements of the Core Strategy. The Green Belt Review was jointly prepared by Ashfield, Broxtowe, Gedling and Nottingham City Councils.
- 6.8 In the Green Belt Consultation Document 2015 our client's Site is within Zone 17 (East of Main Road). The review states that there is only one main boundary, a defensible boundary to the East (the disused railway and M1). Development in this zone would result in a moderate reduction between Watnall and Bulwell / Hucknall. The zone, as a whole, scores poorly in terms of assisting to safeguard the countryside from encroachment. However, as previously stated, our client's discrete parcel of land does not encroach beyond the built-up framework, is well defined with defensible boundaries, and does not extend the built form of Nuthall into the open countryside. Furthermore it does not contain any heritage assets.



- 6.9 The Green Belt Assessment scores the zone 2nd best out of the 7 parcels around the settlement, behind parcel 20 which relates to the land to the south of Kimberley around Church Hill and High Street (around sites H131 and H215 in the 2013 issues and options).
- 6.10 The accompanying Analysis of Landscape and Visual Constraints and Opportunities by Pegasus Environment includes a Green Belt Appraisal which assesses the site under the principles and criteria used in the **Council's** Green Belt Review. Given the revised scoring the site achieves it is logical that this site is considered for release.
- 6.11 With the foregoing in mind, it is our submission that the allocation of our client's Site at New Farm Lane would not conflict with any of the reasons for including land within the Green Belt, and would meet the requirements of Paragraph 85 of the NPPF. The proposed allocation of this land would not therefore lead to the possible unrestricted sprawl of Nuthall over the coming years, and therefore its removal from the Green Belt and allocation for residential development complies with National Planning Policy in respect of the protection of the Green Belt and countryside.
- 6.12 Pegasus Environment have undertaken an Analysis of Landscape and Visual Constraints and Opportunities which includes a Green Belt Appraisal and this is submitted as a supporting document to these Representations.

<u>Access/Highways</u>

6.13 Access to the Site could be readily achieved via the demolition of 29 Holden Crescent. Owing to the scale of the development envisaged on this Site, it is considered that highway capacity will not be a significant consideration or concern. It is considered that this Site could accommodate up to 85 no. dwellings, which, owing to the lack of technical constraints or any complexities in land ownership, could be achievable and deliverable during the first part of the plan period.

Access to facilities and services

6.14 As set out above, the Site has ready access to a range of facilities and services, including employment and education opportunities, without reliance upon the private car. The Site is considered to be sustainably located and offers an



opportunity to deliver sustainable development, which contributes towards the three strands of sustainability – economic, environmental and social – as set out within Paragraphs 7 and 8 of the NPPF.

Technical Considerations

- 6.15 The landowner is content to provide the requisite range of technical assessments to support the future development of this Site, including Landscape and Visual Assessment, Ecological Appraisal, Highway Statement and Drainage / Flood Risk Assessments. A Landscape and Visual Constraints and Opportunities report has been prepared and is submitted as a supporting document. The findings of the report have informed the Concept Plan (Appendix 2) for the site.
- 6.16 The Concept Plan shows how the site could deliver up to 85 new dwellings, together with landscaping, new areas of public open space and drainage areas. The Site Context Plan (Appendix 3) shows how the site sits within the wider context and shows that development of the site would represent a natural 'rounding off' of the settlement edge.



7. CONCLUSION

- 7.1 **Kimberley (including Nuthall and Watnall) is classified as a 'Key Settlement'** within the Adopted Aligned Core Strategy and as such is identified as a sustainable settlement which can accommodate future growth. The allocation of 600 no. dwellings for this location has already been established through the Core Strategy and we would therefore encourage the allocation of sufficient land to deliver this full requirement during the plan period.
- 7.2 **Our client's landholding at New Farm Lane** offers the potential to deliver a medium scale residential scheme on land which is immediately adjoining the main built up area of Nuthall and is readily accessible to the range of facilities and services within this settlement, as well as to the public transport network. The Site is suitable, achievable and deliverable in the short term, with no technical constraints or potential delays to bringing this development forward.
- 7.3 The Site has been carefully assessed against the reasons for including land within the Green Belt, as set out within the NPPF, and it is submitted that the proposed residential allocation of this Site will not result in the unrestricted sprawl of the area or the encroachment of development into the countryside. The discrete parcel of land proposed for allocation has well-defined and permanent physical and visual boundaries and sits within the existing built framework of Nuthall.
- 7.4 In order to ensure that the Broxtowe Publication Draft Part 2 Local Plan is considered sound at Examination, we believe that additional land must be allocated adjoining Kimberley / Nuthall to accommodate the objectively assessed housing needs of this area. For this reason, and based upon the credentials of **my client's landholding set out above, we urge the Cou**ncil to allocate the Site at New Farm Lane, Nuthall, for residential development.

APPENDIX 1 - SITE LOCATION PLAN



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Land at New Farm Lane, Nuthall, Nottinghamshire - Site Location Plan





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Land at New Farm Lane, Nuthall, Nottinghamshire - Site Location Plan - Aerial

Key



Site Boundary 2.95Ha





APPENDIX 2 - SITE CONCEPT PLAN



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Land at New Farm Lane, Nuthall, Nottinghamshire - Concept Plan | Drawn by: JF | Approved by: PS | Date: 02/11/17 | Scale: 1:1250 @ A3 | DRG: P17-2056_001 Sheet No: 01 Rev: B | Client: Davidsons Developments |



APPENDIX 3 - SITE CONTEXT PLAN



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Land at New Farm Lane, Nuthall, Nottinghamshire - Concept Plan - Context Pegasus



LAND OFF NEW FARM LANE, NUTHALL, NOTTI NGHAMSHI RE

ANALYSIS OF LANDSCAPE AND VISUAL CONSTRAINTS AND OPPORTUNITIES

ON BEHALF OF DAVIDSONS DEVELOPMENTS LIMITED

Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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CONTENTS

| 1. | INTRODUCTION | 3 |
|----|--|----|
| 2. | APPROACH | 4 |
| 3. | LANDSCAPE AND VISUAL BASELINE | 6 |
| 4. | LANDSCAPE AND VISUAL ANALYSIS | 13 |
| 5. | PRELIMINARY DEVELOPMENT AND LANDSCAPE STRATEGY | 16 |
| 6. | GREEN BELT APPRAISAL | 19 |
| 7. | SUMMARY AND CONCLUSIONS | 27 |

FIGURES

| Figure 1 | Topography |
|----------|--|
| Figure 2 | Landscape Character |
| Figure 3 | Viewpoint Locations and PROW |
| Figure 4 | Viewpoint Photographs |
| Figure 5 | Preliminary Development and Landscape Strategy |



1. INTRODUCTION

Terms of reference

- 1.1. Pegasus Environment, part of the Pegasus Group, has been instructed by Davidsons Developments Limited to undertake a preliminary appraisal of landscape and visual matters in relation to land off New Farm Lane, Nuthall, Nottinghamshire, in support of representations (Regulation 18) being made to Broxtowe Borough Council.
- 1.2. This landscape and visual (L&V) analysis has been undertaken to determine the various landscape and visual constraints and opportunities regarding the wider site area and its context, how these might serve to influence the potential for development in respect of a strategic masterplan, and to influence an inherent landscape strategy as part of that masterplan. The L&V analysis also considers matters related to Green Belt in respect of the influence of landscape and visual aspects on informing appropriate boundaries to potential Green Belt release.
- 1.3. Additional information and a more detailed description on the physical components, landscape character and visual amenity of the site and study area are set out in later sections of this L&V analysis.

Site overview

- 1.4. The site area is located on the northern edge of Nuthall, approximately 5.7km to the north-east of the centre of Ilkeston. The site comprises a broadly rectangular area of grazing land, that is strongly contained to the south and west by the existing settlement edge, to the north by the route of a disused railway (with associated green infrastructure) and to the east by New Farm Land and additional pastoral fields beyond.
- 1.5. The wider landscape context to the site includes the settlement area of Nuthall, extending to the south and west. Agricultural land extends to the north and east with the M1 motorway corridor cutting through this part of the landscape providing some physical separation to the settlement edge of greater Nottingham (to the east). The area is characterised by a transition from the settlement edge that is well defined by the green infrastructure associated with the disused railway, to the more open arable landscape and mosaic of woodland belts/blocks.

Additional information and a more detailed description on the physical components, landscape character and visual amenity of the site and study area are set out in later sections of this L&V analysis.



2. APPROACH

Overview

- 2.1. The approach and methodology used for this L&V analysis has been developed using best practice guidance, as set out in the following documents:
 - Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment, 3rd Edition;
 - Natural England (2014) An Approach to Landscape Character Assessment; and
 - Landscape Institute Advice Note 1/11 Photography and Photomontages Guidance.
- 2.2. Reference has also been made to additional sources of data and information; these are referred to in the relevant sections of the baseline information. Supporting drawings have also been produced as part of this L&V analysis and are included as Figures 1 to 5.

Level of assessment

- 2.3. Principles and good practice for undertaking landscape and visual impact assessment are set out in the Landscape Institute (LI) and the Institute of Environmental Management (IEMA) Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013)¹.
- 2.4. The third edition of the Guidelines for Visual Impact Assessment (GLVIA3) was published in April 2013. This guidance acknowledges that landscape and visual impact assessment (LVIA) can be carried out either as a standalone assessment or as part of a broader EIA. The GLVIA3 note that the overall principles and core steps in the process are the same but that there are specific procedures in EIA with which an LVIA must comply.
- 2.5. This report has been prepared as a preliminary analysis of landscape and visual constraints and opportunities. The report addresses matters of individual landscape resources, landscape character areas/types and representative viewpoints. The L&V analysis draws on professional judgement in relation to sensitivity of receptors (both landscape and visual), the nature of impacts and consequential likely effects. This process informs judgements on a landscape mitigation strategy which will avoid, reduce or remedy adverse impacts.
- 2.6. Landscape features and elements provide the physical environment for flora and fauna and the associated importance of biodiversity assets. This L&V analysis does not consider

¹ Landscape Institute and Institute of Environmental Management and Assessment, Guidelines for Landscape and Visual Impact Assessment 3rd Edition (April, 2013)



the value, susceptibility or importance on ecology and biodiversity, nor does it consider impacts from an ecological stance.

2.7. Heritage assets such as Scheduled Monuments, Listed Buildings and Conservation Areas all contribute to the contemporary landscape character, context and setting of an area. These aspects have been given consideration in the L&V analysis in terms of physical landscape resources (for example trees and hedgerows) and landscape character. However, this L&V analysis does not address the historic significance, importance or potential impacts on heritage assets and designations; these assets are assessed in the context of landscape and visual matters only.

Collating baseline information

- 2.8. To capture a comprehensive description of the baseline position for landscape and visual receptors, information has been collated using a process of desk study and field survey work.
- 2.9. The desk study includes reference to published landscape character studies and other published policy documents relevant to landscape and visual matters.
- 2.10. Field survey work was completed during October 2017. A series of representative photographs were taken with a digital camera with a 50mm lens (equivalent focal length) at approximately 1.8 metres in height. These are presented as a series of representative viewpoints and have been used to inform both the landscape and, separately, visual assessment (included as Figure 4, Viewpoint Photographs 1 to 10).

Consideration of effects

2.11. Having established the relevant baseline position, the appraisal process then considers landscape receptors and visual receptors, specifically in response to the nature of the proposed development, it identifies the nature of potential impacts and consequently, how these can inform an iterative approach to design and mitigation.



3. LANDSCAPE AND VISUAL BASELINE

3.1. The following section describes the individual components of the physical landscape that are present in the study area. These have been described to establish an understanding of the specific landscape baseline, including individual elements and more distinctive features which together contribute to landscape character.

Landscape related designations

- 3.2. The site and study area is not subject to specific statutory or non-statutory landscape related planning designations.
- 3.3. However, in and around the site there are a several other environmental designations which have some relevance to landscape and visual matters. These include:
 - Tree Preservation Order (TPO) including four trees located on the grounds of adjacent properties, close to the southern boundary of the site;
 - Conservation Areas the closest of which is the Nuthall CA, located to the south but separated by the urban area along Watnall Road;
 - Listed Buildings Spencer House, Grade II located to the south-west of the site, off Spencer Close;
 - Ancient woodland including New Farm Wood and Seller's Wood, both to the east of the M1 and physically separated from the site; and
 - Green Belt encompassing Nuthall and extending east across the M1 up to the settlement edge of the greater Nottingham conurbation.
- 3.4. These matters are considered in the analysis of constraints and opportunities.

Physical landscape resources

- 3.5. The landform of the site is broadly level across the area but rises steadily from c. +90m AOD at the eastern edge and New Farm Lane to c. +100m AOD at the western edge and adjacent to Spencer Drive. In the context of the wider landscape, this forms part of a consistent slope that falls generally from west to east, from the higher hills that define the edge of the Giltbrook valley down, across the M1 corridor, to the settlement edge of Greater Nottingham.
- 3.6. The land use of the site is pastoral, and currently used for grazing cattle. This use is also apparent across the field pattern to the east of New Farm Lane. In the wider landscape arable land uses dominate the area, extending across the wider landscape to the north

and east. The settlement edge is largely characterised by residential areas but there are also pockets of industrial and commercial uses, including the large bakery complex, compound of the fuel supplies and the smaller scale light industrial uses off Main Road; these influence the transition between the settlement edge and the adjacent countryside.

- 3.7. Vegetation on the site is limited to the pastoral grassland. The eastern boundary is formed of a continuous and well-maintained hedgerow; the southern and western boundaries influenced by adjacent residential dwellings and the northern boundary formed by the belt of tree and scrub planting along the disused railway. In the wider landscape vegetation cover includes several medium to large scale areas of woodland, including woodland blocks and copses but also some substantial linear belts (including the alignment of the motorway and disused railway). These contribute to enclosure in some parts of the landscape but on the more elevated slopes, where arable land is predominant, the field patterns tend to be open with little hedgerow cover or enclosure.
- 3.8. The settlement pattern on this part of the urban edge is defined by the pockets of residential and industrial areas that are located to the east of Main Road (Watnall and Nuthall). The site forms a small pocket of land which, as with adjacent residential areas, is contained by the alignment and associated green infrastructure of the disused railway. As such the settlement edge is relatively well defined and the site sits within this. There are some variations which influence this at a small scale, including Redfield House (and associated farm buildings) the properties at the cattery and the 'amenity' character associated with the cemetery grounds. Together these do not necessarily extend the urban edge beyond the alignment of the disused railway, but they do have a negative influence on the condition and quality of this part of the landscape. In the wider landscape, away from the settlement edge, development is relatively sparse and the settlement pattern is characterised by incidental and more isolated properties and farmsteads.
- 3.9. There is no public access to the site. Immediately north of the site a disused railway line has been adapted for public access and is defined as a section of public bridleway. This connects to a wider network of public footpaths in the wider landscape, largely via the public footpath which leads to the north and crosses the M1. Further north the recreational route of the Robin Hood Way passes through the area; this section connecting Watnall and the southern edge of Hucknall.



Landscape character

- 3.10. Reference has been made to published guidance on landscape character for the area. The site is located in the following landscape character types/areas (refer to Figure 2, Landscape Character):
 - National Level National Character Area (NCA) 30, Southern Magnesian Limestone (Natural England, July 2013); and
 - County Level Greater Nottinghamshire Landscape Character Assessment (Nottinghamshire County Council, June 2009).

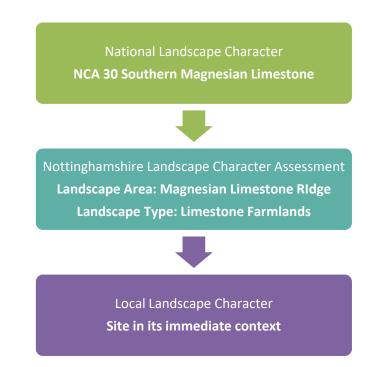


Plate 1: Summary of landscape character hierarchy

3.11. The following sections set out a summary of the characteristics relevant to the site and study area.



National landscape character

NCA 30 Southern Magnesian Limestone

- 3.12. At a national level, the site is located in National Character Area: (NCA) 30 Southern Magnesian Limestone². Where relevant to the site and its landscape context, the key characteristics of NCA 30 are summarised as follows:
 - Underlying limestone creates an elevated ridge with smoothly rolling landform; river valleys cut through the ridge, in places following dramatic gorges. There are also some dry valleys;
 - Fertile, intensively farmed arable land, with large fields bounded by clipped hawthorn hedges, creating a generally large-scale, open landscape;
 - Semi-natural habitats, strongly associated with underlying limestone geology, include lowland calcareous grassland and limestone scrub on the freedraining upland and gorges with wetland habitats associated with localised springs and watercourses, but all tend to be small and fragmented;
 - Long views over lowlands to the east and west, and most prominent in the south;
 - Woodlands combining with open arable land to create a wooded farmland landscape in places, where traditionally coppiced woodlands support dormouse populations; and
 - Influenced by the transport corridor of the A1 [and M1] which is apparent in an otherwise undisturbed rural countryside.
- 3.13. These characteristics are considered in the analysis of landscape and visual constraints.

County landscape character

Greater Nottinghamshire Landscape Character Assessment (Nottinghamshire County Council, June 2009)

- 3.14. At a County level the site is located in a landscape character area (LCA) defined as the 'Magnesian Limestone Ridge'. The guidance describes the LCA as:
- 3.15. "...the southern most part of a narrow limestone ridge that extends from Nottingham along the western edge of the County to Oldcotes, then northwards through Yorkshire to a point beyond Ripon, where the ridge disappears under a thick mantle of glacial drift. Although never more than a few miles in width, this region forms a distinct belt of rising

² Natural England, National Character Area 30: Southern Magnesian Limestone (NE464) (2013)



ground along the eastern fringe of the Yorkshire and Nottinghamshire/Derbyshire Coalfields...Within Nottinghamshire, some of these settlements have coalesced to form heavily urbanised landscapes, especially in the vicinity of Sutton-in-Ashfield and around the western outskirts of Nottingham. Elsewhere, particularly to the north of Mansfield, the settlements are more self-contained and sit within a mainly rural setting."

- 3.16. Within this broad landscape area, the site is located in a more specific landscape 'policy zone' defined as 'ML16, the Nuthall Lowland, Wooded Farmland'. The key characteristics of the policy zone, relevant to the site and its local landscape context, are described as:
 - Low-lying, gently undulating landform;
 - There are small ponds scattered through the area and a lake to the south of Nuthall, but other than this there are few hydrological features;
 - The area has an urban fringe character as it is influenced by the M1 and the urban fringes of Nottingham, Nuthall, Watnall and Hucknall, however, pockets of land with an uninterrupted rural character also exist;
 - Land use is agricultural, predominantly arable farming;
 - Field sizes are generally large and the fields have an irregular pattern;
 - The historic field pattern has been modernised and lost throughout most of the area;
 - Hedgerows are mostly in good condition and well managed, although in places severe management has lead to fragmentation;
 - There are few hedgerow trees which, in combination with large fields, gives the farmland an open character
 - Medium sized blocks of woodland are common through the area and there are blocks of ancient woodland, such as Sellers Wood...;
 - Dense, scrubby vegetation and tree planting marks the line of the M1 and although it is audible, the passing traffic is not often visible;
 - Large, isolated farms with large outbuildings are dotted through the area
 - Industrial development on the urban edges have an urbanising influence on the rural character, although views are often filtered by woodland and tree planting;
 - Views are open over the large arable fields but are restricted by the woodland blocks and planting along the M1; and
 - There are some longer distance views to the wooded slopes of the rising land to the north.
- 3.17. The guidance concludes that, for the overall policy zone, the condition and strength of character are both moderate. The relevant guidelines for the policy zone include:

- Conserve and enhance the woodland through management of maturing trees and new planting where appropriate;
- Conserve the valuable quality of the mature and ancient woodland for its landscape value;
- Enhance the condition of the hedgerows through less intensive management and replacement planting where they are fragmenting;
- Enhance the hedgerow and woodland planting surrounding the urban edges to strengthen the rural character; and
- Enhance the planting around industrial areas and business parks on the urban edges to filter view to these urban elements.
- 3.18. The benefit of the more local level assessment of the LCA over the broader NCA guidance (from Natural England) is that it undertakes the assessment of landscape character at a more detailed level. Therefore, the finer grain of analysis accounts for the context of the wider landscape and places the site in a more specifically defined area of character.
- 3.19. Matters identified in the landscape character assessment which can influence the design are considered in the landscape strategy for the site, as described later in this L&V analysis.

Visual baseline

- 3.20. This section provides a description of the nature and extent of the existing views from, towards and between the site and the surrounding area. It also includes reference to specific locations that will potentially be subject to potential impacts arising from proposed development of the site.
- 3.21. Establishing the specific nature of these views provides an understanding of the context and setting of representative viewpoints and the nature of views in terms of distance, angle of view, and seasonal constraints associated with specific visual receptors. The identification of key sensitive receptors and links to the representative viewpoint are carried forward to the appraisal process (refer to Figure 4, Viewpoint Photographs 1 to 10).

Overview

3.22. The visual envelope is the area of landscape from which a site or a proposed development will potentially be visible. It accounts for general judgements on the theoretical visibility of a site or proposed development and sets a broad context for the study area within which to address landscape and visual impacts.



- 3.23. The extent of a visual envelope will be influenced by the physical landscape components of an area, such as hedgerows, woodlands or buildings and can also be influenced by distance from a site.
- 3.24. The broad visual envelope for the site is defined as follows:
 - To the north, limited by the tree and woodland vegetation associated with the alignment of the disused railway. There are some partial/filtered views through this to the upper extent of existing built form however this is limited to the public footpath network immediately north of the site;
 - To the east, to New Farm Lane and the adjacent fields to the east, otherwise layers of existing green infrastructure and the nature of landform combine to screen views from further afield; and
 - To the south and west, restricted by the existing residential built form with receptors being limited to those properties which overlook the site currently.
- 3.25. Overall, views of the site and likely views of the proposed development are limited to the site itself and the immediate context of the site. The more sensitive locations in terms of potential visibility (and not nature of receptor) include the public footpaths to the north of the site, but only to the extent if the landscape immediately north of the settlement edge and west of the M1, as other routes are not generally exposed to views to the south. Potential visibility can be addressed through appropriate mitigation.



4. LANDSCAPE AND VISUAL ANALYSIS

Development proposals

- 4.1. As part of the Broxtowe Borough Council Part 2 Local Plan, the site is being promoted for residential development. This L&V analysis assumes an approach whereby residential development typically incorporates the residential layout, infrastructure and public open space.
- 4.2. However, this L&V analysis presents an opportunity for a 'landscape led' approach in order that the emerging residential proposals address the character and appearance of the landscape, and matters of views/visual amenity from the outset.
- 4.3. Considering landscape and visual constraints and opportunities at this early stage of the planning process will ensure that a residential masterplan for the site comes forward that integrates mitigation (including green infrastructure and open space) with the local landscape context and avoid or minimise potential impacts on landscape and visual receptors.
- 4.4. On this basis, the proposals considered as part of this L&V appraisal include the delivery of a sustainable, residential-led masterplan that is located directly adjacent to the existing settlement edge.
- 4.5. To inform judgements on the capacity of any given landscape to accommodate specific types of development (without an undue degree of landscape and visual impact) it is necessary to understand the nature and characteristics of the type of development proposed.
- 4.6. This section of the L&V analysis considers the specific type of development proposed (i.e. residential led development) and the nature of the impacts that are likely to occur; thereafter it draws the landscape and visual baseline information together and summarises the key constraints and opportunities in the existing landscape.

Likely causes of impact

4.7. Temporary impacts during construction will occur due to site clearance and accommodation works (including limited vegetation clearance where required), construction activity, construction compounds, earthworks and early phase infrastructure.

4.8. Permanent impacts relate to the built form of residential development, incorporating highways infrastructure, and likely to extend over a series of phases in the longer term. Other, positive impacts, will relate to mitigation integrated into the proposed development (i.e. green infrastructure and strategic landscaping), including retained trees, hedgerows, open space provision, SUDs and attenuation areas and new planting.

Constraints and opportunities

4.9. In the context of the likely impacts the following key constraints and opportunities have been identified during the landscape and visual analysis (including reference to field work and to landscape character guidance).

Constraints

- 4.10. Constraints for the site are:
 - The existing vegetation on and around the site, including the TPO tree on the southern boundary, eastern boundary hedgerow and vegetation immediately adjacent to the site;
 - New Farm Lane which retains a semi-rural character by virtue of the hedgerows that line the route;
 - Views along New Farm Lane to the north, where there is a perception of the change from the urban fringe, out to the adjacent countryside areas; and
 - Views into the site from existing properties located immediately adjacent to the site.

Opportunities

- 4.11. Opportunities for the site include:
 - The lack of any overriding designations specific to landscape on site and in the surrounding landscape context;
 - The scale of the site which is sufficiently large enough to accommodate a range of green infrastructure and open spaces and provide flexibility in the layout to retain and enhance existing landscape components, where appropriate;
 - Aside from locations immediately adjacent to the site, the relative containment and screening of the wider site area by existing mature vegetation and existing residential development which limits views from the wider landscape and increases the capacity of the site to accommodate built form;

- Potential improvements to accessibility through connections to the local network of PROW;
- The existing settlement pattern and the ability to proceed with a development area that is consistent with the existing settlement edge and which would not unduly intrude into the wider countryside to the north;
- The existing framework of green infrastructure which can be retained and enhanced to reinforce and enhance existing vegetation – in turn this has the potential to secure a robust and enduring boundary to the Green Belt.

Summary

- 4.12. Based on the analysis of landscape and visual constraints and opportunities, it is considered that there are two important issues in respect of strategic development potential for the site: firstly, the need to identify the extent of an appropriate 'development envelope' that can accommodate built form and infrastructure; and secondly, the need to establish a robust and enduring green infrastructure framework to balance with that.
- 4.13. Both elements can develop in response to the local landscape context which will in turn help to avoid or reduce impacts. These two aspects have largely defined the preliminary development and landscape strategy, as set out in the following section.



5. PRELIMINARY DEVELOPMENT AND LANDSCAPE STRATEGY

Overview

- 5.1. The preliminary development and landscape strategy for the site has considered landscape components, landscape character and visual amenity from the outset. This has drawn on the baseline analysis of the L&V analysis and the early identification of constraints and opportunities identified for the site and study area.
- 5.2. This puts the 'landscape-led' approach at the heart of the masterplanning and design process by:
 - Considering the relationship between this edge of Nuthall and the adjacent countryside;
 - Ensuring that landscape is the integrating framework for new development; and
 - Applying an overarching green infrastructure strategy at the outset.

Primary aims and principles

- 5.3. Adopting this approach ensures that the preliminary development and landscape strategy incorporates mitigation as an inherent component of the proposals, intending to avoid or reduce the adverse effects of a development proposal from the outset, including potential impacts on the Green Belt.
- 5.4. The principles for mitigation measures aim to:
 - Conserve and enhance the surrounding landscape character;
 - Retain and make best use of existing landscape elements and features;
 - Optimise protection and screening for visual amenity receptors; and
 - Avoid loss or damage to retained landscape elements and features (consequently also conserving and enhancing ecological fabric).
- 5.5. Together these place a particular emphasis on green infrastructure across the site (including strategic landscape planting and open spaces) and the role that landscape characteristics and green infrastructure have in determining an appropriate boundary to the Green Belt.
- 5.6. The aims and principles can be taken forward through an iterative approach to inform an evolving design process at an increasing level of detail through the planning process.



Preliminary landscape and visual strategy

5.7. The components of the preliminary development and landscape strategy incorporated into the emerging proposals are summarised in the following table.

| Strategy component | Key points |
|---|---|
| Development envelope | In relation to existing vegetation, the spatial extent of the development envelope is generally restricted across the site to maintain appropriate stand offs and avoid/minimise impacts; |
| | Potentially restrict the spatial extent in the southern part of the site to facilitate a landscape buffer between the existing and proposed areas of residential development; |
| | • A restricted northern extent to ensure that built form does appear unduly prominent in views from the north and that sufficient space is retained for green infrastructure and open space that will create a robust green edge to the site that respects and complements the existing profile of the settlement edge where seen in views from the north; |
| | A restricted eastern extent to retain some openness to the corridor of New Farm Lane and maintain visual connections between the urban fringe and wider landscape; |
| | • Shaping internal parcels of the development envelope to maintain green corridors through the site – this will break down the massing when viewed from the north and present a broken/wooded settlement context, as per the current context; and |
| | • Potential to implement a 'density strategy' across the site to ensure that areas of greater density are concentrated toward the centre and centre/south of the site. |
| Existing vegetation strategy | Retain and enhance existing vegetation across the site wherever possible, particularly existing vegetation along the eastern edge to maintain the character of New Farm Lane; |
| | Enhancement proposals to include appropriate management (such as hedge laying) and new planting as appropriate to reinforce boundaries, improve species diversity, ensure succession; and |
| | In response to any required losses, proposed replacement and additional planting to ensure a net gain in respective vegetation type (e.g. hedgerow and/or woodland copses). |
| Green infrastructure and open space | Provision of new recreational access in the form of green links and public open spaces, particularly with connectivity along the proposed linear open space and connecting in to the surrounding network of streets and PROW; |
| | A particular focus on green infrastructure creation on the northern part of the site so as to deliver a robust physical green edge to the settlement that supports an enduring boundary to the Green Belt; and |
| | • A strategy for landscape planting that will complement and enhance the existing green infrastructure network, including substantial hedgerows and tree groupings to provide green infrastructure connectivity. |

| Table 1. | Summary | of landscape | and visual | mitidation |
|----------|---------|--------------|------------|------------|
| lable I. | Summary | u lanuscape | anu visuai | miliyation |



| Strategy component | Key points |
|------------------------------|---|
| Environmental considerations | Approaches to existing vegetation and proposed green infrastructure/open space include potential compatibility with ecological and biodiversity objectives through retaining and enhancing habitats as appropriate. |
| Green Belt considerations | Use of existing and proposed landscape elements and features to define a robust and enduring boundary to the Green Belt |

5.8. It is considered that, with an appropriate approach to mitigation and the implementation of a robust landscape and green infrastructure strategy, a residential masterplan on the New Farm Lane site will be well contained both physically and visually and will show clear defensible boundaries. Consequently, the degree of impact on the landscape character of the wider landscape context, and on visual receptors will be highly localised and is considered to be acceptable in landscape and visual terms.



6. GREEN BELT APPRAI SAL

Overview of Green Belt matters

- 6.1. The site is currently located within the area designated as Green Belt. In relation to Green Belt the NPPF states that:
- 6.2. "...The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."
- 6.3. The NPPF also highlights the five purposes that Green Belt serves:
 - To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.4. Green Belt is not a landscape designation and it does not consider landscape character or other matters such as intrinsic value of landscape character or components. However, the impact on 'openness' of the Green Belt is closely related to landscape and visual considerations, as are the matters of incursion into the countryside (sprawl) and physical and visual coalescence (merging).
- 6.5. This L&V analysis includes reference to local landscape character and visual amenity and identifies constraints and opportunities for the site which are then considered throughout the design process and contribute to good design.
- 6.6. This illustrates how the process of L&V analysis can respond to the requirements of the NPPF through an iterative process of design and masterplanning.

Green Belt Policy for Broxtowe Borough

6.7. The development plan for Broxtowe Borough includes the adopted Local Plan Core Strategy (Part 1)³. The Core Strategy addresses Green Belt at Policy 3, which states that:

³ Broxtowe Borough, Gedling Borough, Nottingham City, Aligned Core Strategies Part 1 Local Plan (adopted September 2014)



6.8. *"3. In reviewing Green Belt boundaries, consideration will be given to:*

a) the statutory purposes of the Green Belt, in particular the need to maintain the openness and prevent coalescence between Nottingham, Derby and the other surrounding settlements;

b) establishing a permanent boundary which allows for development in line with the settlement hierarchy and / or to meet local needs;

c) the appropriateness of defining safeguarded land to allow for longer term development needs; and

d) retaining or creating defensible boundaries."

6.9. The connection between Green Belt and landscape and visual matters is highlighted by the reference to establish 'permanent boundaries' as this aspect will often be related to the physical components of the landscape.

Strategic Analysis

- 6.10. The evidence base to the Core Strategy includes 'The Greater Nottingham and Ashfield Green Belt Assessment Framework'⁴. This document sets out how the relevant authorities have found that there is insufficient land available within the exiting built-up area to meet the objectively assessed need for housing. The Councils have therefore been duty bound to look beyond existing settlement boundaries to accommodate future housing needs. This will inevitably lead to development of green field sites and sets the context for potential release of land from the Green Belt.
- 6.11. In terms of the site, the evidence base has considered the area in early stages of the Strategic Housing Land Availability Assessments (SHLAA). The 2011/12 SHLAA for the Borough identifies the site within parcel/site 105 (which incorporates the site and land to the east of New Farm Lane also). The SHLAA site assessment for 105 includes reference to 'the defensible physical boundary'. The subsequent SHLAA (2012.13) also notes that 'the site could be suitable if policy changes'. There are no comments on landscape and visual constraints, adverse or otherwise.
- 6.12. Another document in the evidence base is the 'Preferred Approach to Site Allocations (Green Belt Review)'⁵. This defines a strategic area for assessment, identified as 'Zone 17

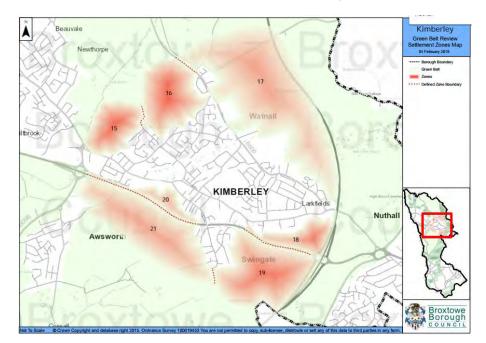
⁴ Greater Nottingham and Ashfield Green Belt Assessment Framework (February 2015)

⁵ Preferred Approach to Site Allocations (Green Belt Review) Consultation (February 2015)



– east Kimberley, east of Main Road'. Broadly, the zone extends from the settlement edge, up to the corridor of the M1 motorway and across to the edge of Watnall/Nuthall (Plate 1). The site forms only a small part of this wider zone, located to its southern tip and adjacent to the urban edge.

Plate 1: Extract from the Green Belt Review showing Zone 17, north of the site



6.13. The Green Belt Review scores the wider zone as a '11' of a potential maximum of 20 in overall Green Belt terms (noting that 'higher scoring sites are generally the most important in Green Belt terms') (Plate 2).

Plate 2: Extract from the Green Belt Review showing the scores for Zone 17

| Area | Parish | Scores for Purpose/ Impact | | | | Total |
|--|-------------------------|---|---|---|---|-------|
| | | Check the unrestricted sprawl of settlements | Prevent neighbouring settlements from merging into one another | Assist in safeguarding the countryside from encroachment | Preserve the setting and special character of historic settlements | |
| Zone 15: North of Gilt Hill | Greasley & Kimberley | 3 | 4 | 4 | 1 | 12 |
| Zone 16: North of High Spania | Creasley & Kimberley | 3 | 3 | 5 | 1 | 12 |
| Zone 17: East of Main Road | Greasley & Nuthall | 3 | 3 | 4 | 1 | 11 |
| Zone 18: Vicinity of Temple Lake | Nuthall | 2 | 4 | 3 | 4 | 13 |
| Zone 19: East of Park Avenue / Knowle Lane | Nuthall & Kimberley | 4 | 4 | 5 | 2 | 15 |
| Zone 20: South of Church Hill & High Street | Kimberley | 2 | 2 | 3 | 2 | 9 |
| Zone 21: West of Swingate | Kimberley | 4 | 5 | 4 | 1 | 14 |

6.14. This indicates that the wider Zone does not perform a strong or important role in Green Belt terms given its mid-range score.

- 6.15. Further information for the evidence base on Green Belt matters is presented in the report by AECOM, the Landscape and Visual Analysis of Potential Development Sites⁶. This report undertakes a scoring and ranking exercise, utilising a system of 'green for go, amber for caution and red for stop'. The site is included within parcel/site LS32, which again includes the land to the east of New Farm Lane.
- 6.16. This study finds that site LS32 has an 'amber' rating for landscape value, with all other considerations (landscape value, susceptibility and sensitivity) stated as 'green'.
- 6.17. The study concludes that site LS32 is potentially developable based on its landscape sensitivity/capacity and goes on to rank it as second in Nuthall and seventh overall in the Borough.
- 6.18. On balance, the strategic studies that form part of the evidence base for the Borough identify that the current contribution of the site (and that of the local landscape context) to the purposes of Green Belt is limited.
- 6.19. This is considered further in the following sections which looks at the site in its local landscape context, rather than the more strategic assessment of Zone 17 (as set out in the Green Belt Review). For consistency, the following analysis draws on the principles and criteria used in the Green Belt Review (Plate 3).

⁶ Landscape and Visual Analysis of Potential Development Sites, AECOM on behalf of Broxtowe Borough Council (January 2017)



| NPPF Purpose of the Green Belt | ria Assessment Criteria | | | | |
|--|---|--|--|--|--|
| To check the unrestricted sprawl of large built-up areas ¹ | The extent to which the site/location is contained by existing built-up areas, and therefore the extent to which development would 'round off' these areas. The extent to which the site/location is contained by physical features which can act as defensible boundaries, e.g. motorways, roads, railways, watercourses, tree belts, woodlands and field boundaries. | | | | |
| | The extent to which the site/location appears to be visually connected with existing built-up areas, taking into account topographical features. | | | | |
| To prevent neighbouring towns ¹ merging into one another | The extent to which development would reduce the size of the gap between settlements. The extent to which development would result in the perception of reducing the gap between settlements. | | | | |
| To assist in safeguarding the countryside from encroachment | The extent to which the site/location contains inappropriate development. The extent to which the character of the site/location is 'urban fringe' as opposed to 'open countryside'. | | | | |
| To preserve the setting and special character of historic towns ¹ | The degree of harm that may be caused to the setting or special character of the settlement, taking into account designated and non-designated heritage assets such as Conservation Areas, Listed Buildings, Historic Parks and Gardens, Scheduled Monuments or important heritage features. | | | | |
| To assist in urban regeneration, by encouraging the recycling of derelict and other urban land | It is considered that all land in the Green Belt assists in urban regeneration to the same extent and therefore no criteria are proposed to distinguish between the values of various sites/locations. | | | | |

| Plate 3. | Green | Relt | review | considerations |
|----------|--------|------|--------|----------------|
| FIALE J. | GLEELI | Den | | considerations |

To check the unrestricted sprawl of large built-up areas;

- 6.20. In terms of 'sprawl' the site is surrounded to the west and south by existing residential development and to the north by a strong belt of existing green infrastructure. On it's eastern edge, the site is defined by hedgerow vegetation and also the alignment of New Farm Lane which forms a physical boundary.
- 6.21. In the form considered in this L&V appraisal, proposed development on the site will not be prominent in the local landscape, and where views of proposed built form are available these will be consistent with the existing appearance of the settlement edge which is characterised by tree and woodland belts with occasional and partial views through to a varied building line. Furthermore, the extent of sensitive visual receptors is limited to part of a single public footpath as it approaches the settlement edge.
- 6.22. As such the site is considered to be physically and visually contained and proposed development will be consistent with the character and appearance of the settlement edge.

6.23. With reference to the previous scoring of Zone 17 in the Green Belt Review, the site is smaller in scale and more enclosed that the wider agricultural land that forms much of the zone. The site has 'two or more boundaries adjoining the settlement, rounds off the existing settlement pattern and is well contained by strong physical features which can act as defensible boundaries. On this basis, it is likely that the site would score a '1' in relation to 'unrestricted sprawl' rather than a '3' as per the wider area of Zone 17. This would reduce its overall score further, reducing from 11 to 9.

To prevent neighbouring towns merging into one another;

- 6.24. Proposed development on the site will not result in the physical or perceived merging of settlement. The site forms a localised infill of the settlement edge, contained by existing residential built form on two sides and by a clearly defined belt of green infrastructure along its main boundary with the adjacent countryside. Consequently, there will be no perception of a reduction in gap between this edge of Nuthall and the closest settlement edge which is at Hucknall (over 2km to the north) or the urban edge of Nottingham (over 1km to the east); both of which are located to the east of the M1 corridor.
- 6.25. As per the consideration of 'sprawl' the Green Belt Review considers coalescence/merging on the basis of the wider Zone, the site forming a far smaller and discreet parcel. On the basis of the strong containment by the existing green infrastructure along the disused railway (augmented by proposed open space and landscaping on the site) the site would not reduce the size of the gap between settlements to the north (i.e. between Nuthall/Watnall and Bulwell/Hucknall). As such, it is considered that the Green Belt Review score for this element would reduce from '3' to '1'. Combined with the reduction in the score for 'sprawl' the overall score would reduce from '11' to '7'.
- 6.26. This revised scoring is also likely to have implications for the scoring and associated ranking as set out in the AECOM report, potentially increasing the ranking of the site in this context.

To assist in safeguarding the countryside from encroachment;

6.27. The site has the capacity to accommodate development that will not be unduly prominent in the local or wider landscape, this will limit perceptions of encroachment. This is due to the nature of the existing green infrastructure on the northern boundary of the site which comprises a mature belt of trees and woodland.



To preserve the setting and special character of historic towns

6.28. With reference to 'preserving the setting and special character of historic towns', there is no inter-visibility between the proposed development and Nuthall Conservation Area and therefore, in landscape and visual terms, there will be no associated impact.

Green Belt strategy

- 6.29. In accordance with the NPPF, Green Belt boundaries should be defined clearly, using physical features that are readily recognised and likely to be permanent.
- 6.30. This L&V analysis, and the process of its preparation, have informed the emerging proposals and illustrative masterplan for the site, a key consideration being the nature and appropriateness of the interface between the potential development and the adjacent countryside.
- 6.31. This is reflected through the analysis of constraints and opportunities and subsequent development of the preliminary development and landscape strategy (refer to Table 1).
- 6.32. The preliminary development and landscape strategy for the site illustrates how landscape and visual matters have informed the emerging proposals, placing landscape and visual considerations at the outset of the masterplanning and design process.
- 6.33. Such an approach includes incorporated mitigation that inherently addresses the interface between the settlement edge and the wider countryside and how this can influence prospective amendments to the Green Belt boundary.
- 6.34. The indicative Green Belt edge, in connection with the emerging proposals, includes proposals for retention and enhancement of the existing Green Infrastructure on the edge of the site (refer to Figure 5, Preliminary Development and Landscape Strategy):
- 6.35. Consequently, the use of existing landscape components to guide the landscape strategy and subsequent augmentation of these components can define an appropriate, robust and enduring boundary to the Green Belt.

Summary

6.36. The potential conflict of the proposals with aspects of Green Belt policy will be limited to the site itself, a matter which will be common to the majority of sites put forward for release. In the wider landscape context, the proposed development will not conflict with the purpose or function of the Green Belt. This is due to the settlement edge location of



site, the characteristic of the proposed development, and very limited landscape and visual impact.

6.37. However, to maintain the contribution of the site to Green Belt purpose, the proposals include a substantial area of open space and green infrastructure to supplement and enhance the existing green infrastructure along the disused railway line which, together, will define an appropriate, robust and enduring boundary to the Green Belt.



7. SUMMARY AND CONCLUSIONS

Overview

- 7.1. This report has been prepared to consider constraints and opportunities in respect of landscape and visual matters.
- 7.2. The L&V analysis identifies the key constraints and opportunities present on the site and surrounding landscape with the analysis, in the context of the specific nature of the type of development being considered, informing the inherent proposals for landscape mitigation.
- 7.3. The development consequently incorporates a landscape mitigation strategy which will avoid, reduce or remedy adverse impacts.
- 7.4. These over-arching principles set the framework for the areas which are proposed for development. Each of these can be subject to a greater level of detail regarding masterplanning to identify additional detailed considerations through the planning process.
- 7.5. Given the scale of development required, any location for growth in the Borough is likely to result in some harm in relation to landscape and visual matters and also likely to require release of Green Belt land.
- 7.6. However, this analysis shows that the site can accommodate a sensitively designed residential scheme with only limited landscape and visual effects at a localised level and that such impacts can successfully be avoided or reduced through effective mitigation.
- 7.7. Effects on landscape character will occur at a site level and its immediate landscape context and have little influence on the wider character of the wider landscape context to Nuthall; the existing character of the settlement edge can be maintained and the proposals would not be unduly prominent in the wider landscape.
- 7.8. The nature of visual effects is such that the greatest degree of effect will be from locations directly adjacent to the site; from the wider countryside, the effects will be much reduced due to the limited visibility, existing context of the settlement edge and mitigation inherent in the proposed development which, over time, will help to integrate the proposed development into the landscape.
- 7.9. The preliminary development and landscape strategy aims to maintain and enhance the existing green infrastructure network and provide a series of proposals for existing and

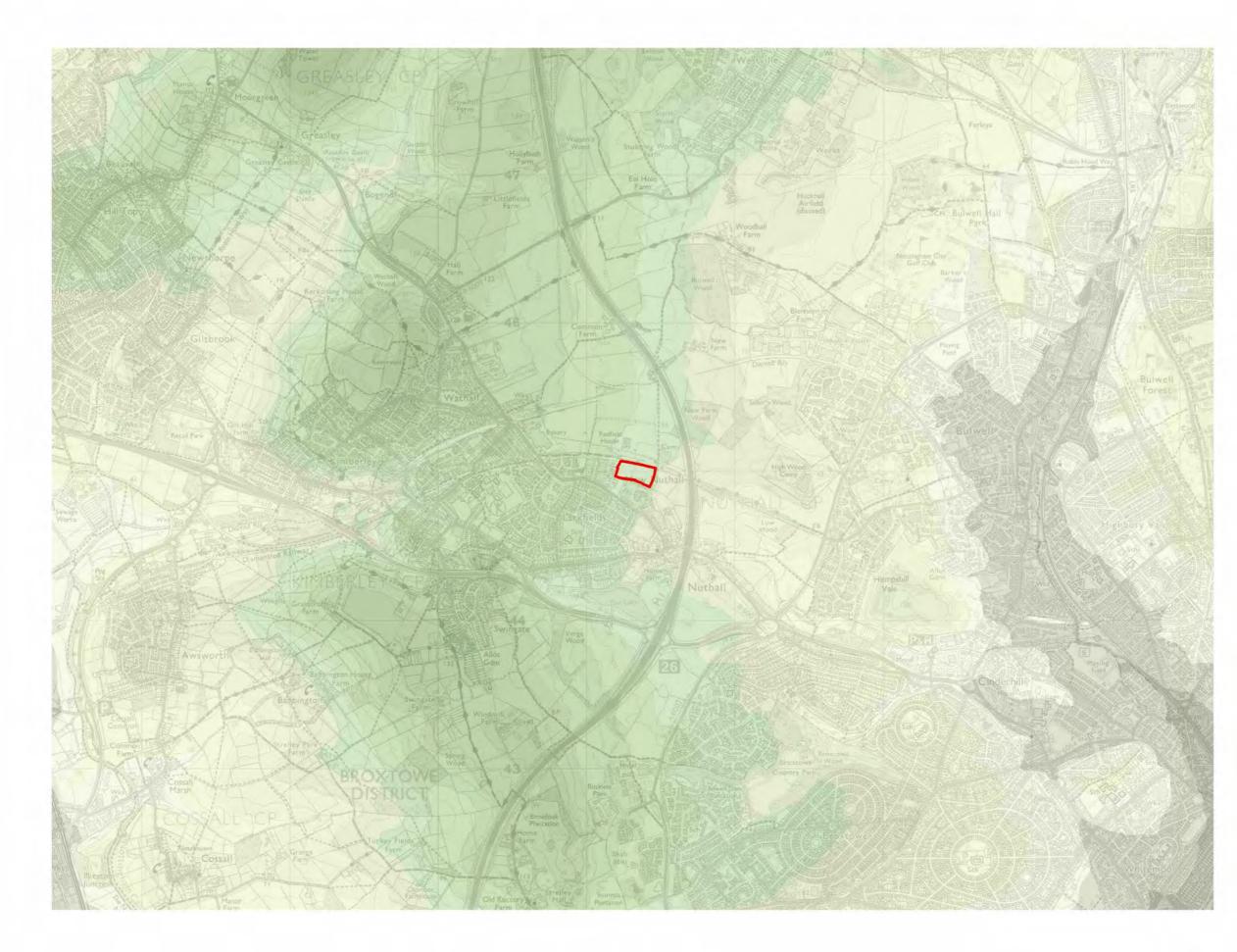


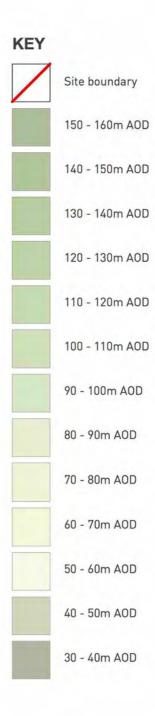
green infrastructure and open space that respond to local landscape characteristics such as landform, field boundaries, tree belts etc; all physical and enduring features in the landscape.

7.10. Consequently, the use of existing landscape components to guide the landscape strategy and subsequent augmentation of these components can set an appropriate, robust and enduring boundary to the Green Belt.



FIGURES





Land off Holden Crescent, Nuthall, Nottinghamshire DAVIDSONS DEVELOPMENTS LTD

Fig. 1: Topography

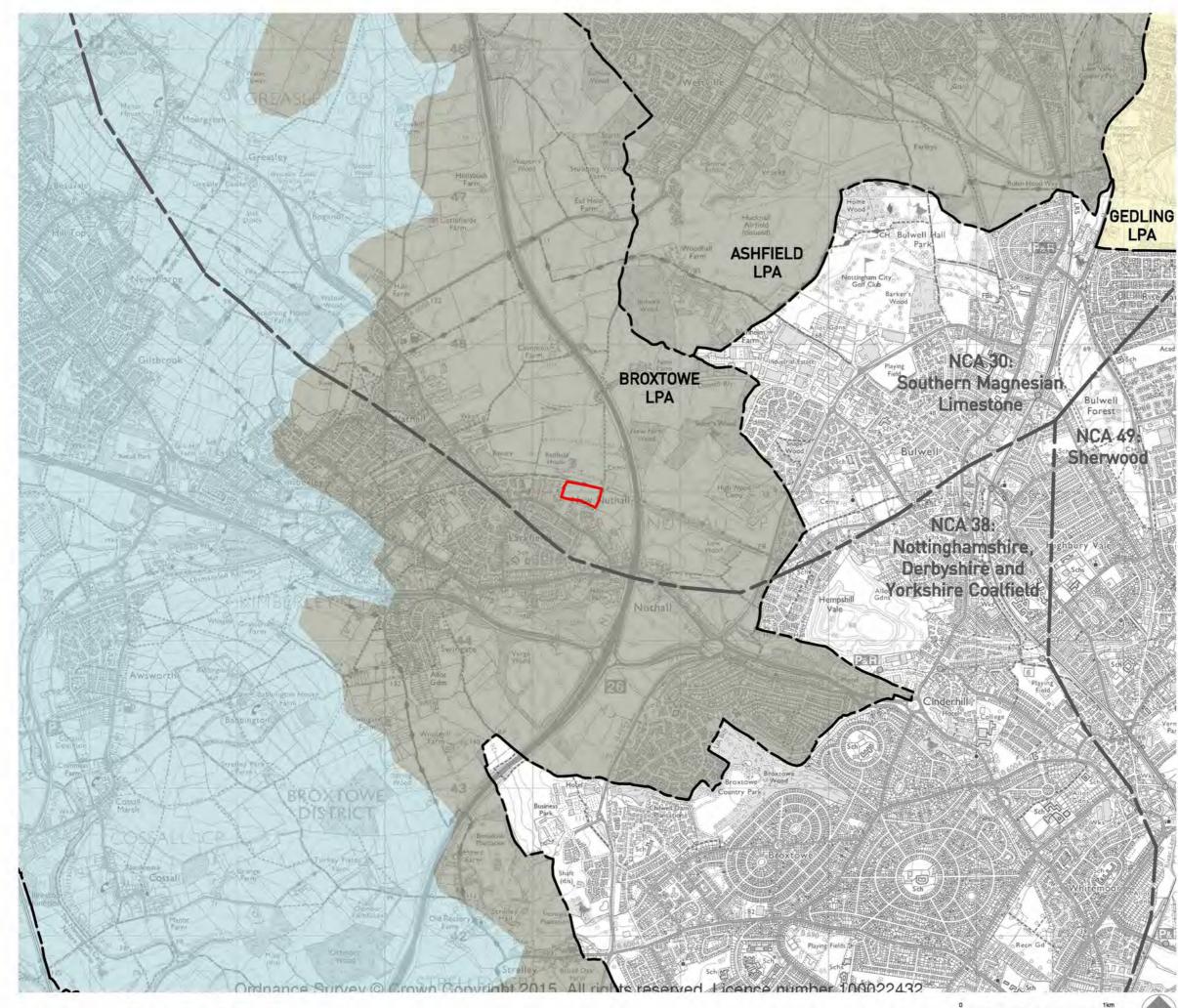
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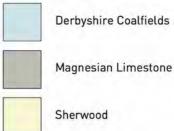


Site boundary

LPA boundary

NCA boundary

Nottinghamshire County Council Landscape Character Assessment: Landscape Areas



Land off Holden Crescent, Nuthall, Nottinghamshire DAVIDSONS DEVELOPMENTS LTD

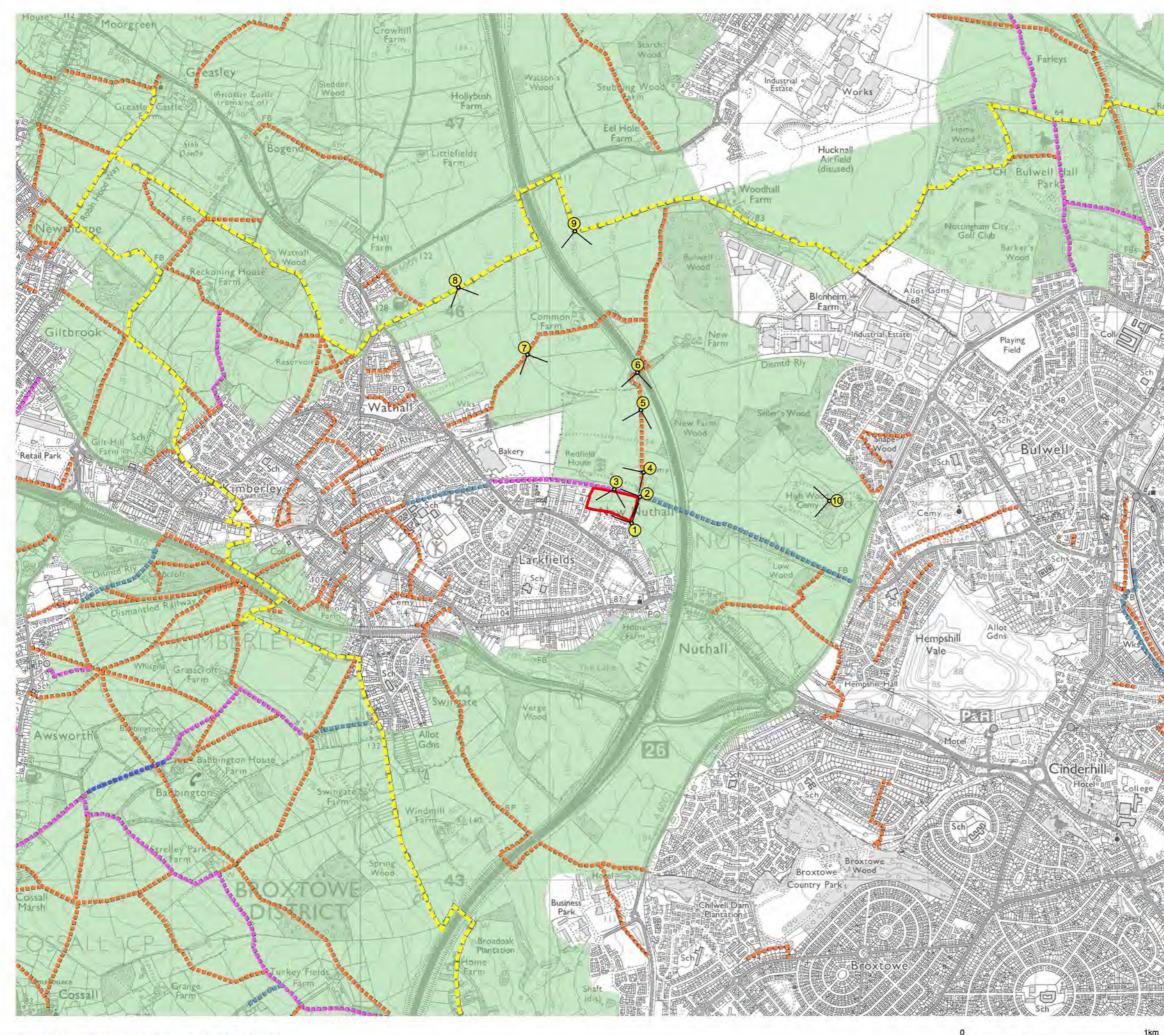
Fig. 2: Landscape Character

Date Drawn by Checked by : JWA Scale

N

Drawing no. : P17-2056_02 : 20/10/2017 : JT : 1 : 25000 @ A3





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6

N

Play







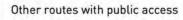
Viewpoint locations



Public footpath



Public bridleway



Recreational route

Green Belt

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Fig. 3: Viewpoint Locations and Public Rights of Way

 Drawing no.
 : P17-2056_03

 Date
 : 20/10/2017

 Drawn by
 : JT

 Checked by
 : JWA

 Scale
 : 1 : 20000 @ A3



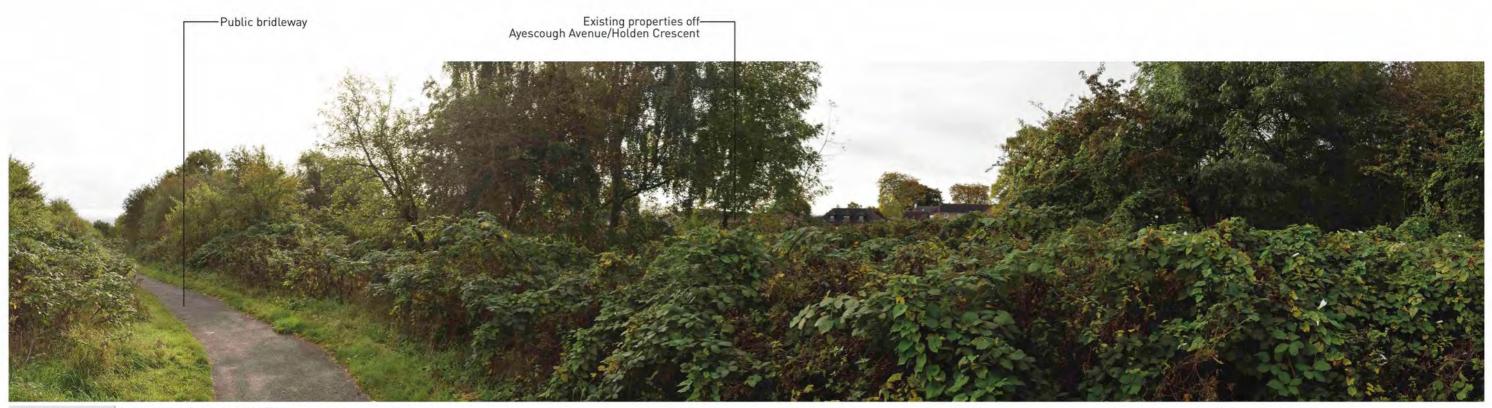


| Viewpoint 1 | View looking north-west from New Farm Road. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51424 44881 |
| Approx elevation | +90m AOD |
| Distance to site | On site boundary |



| Viewpoint 2 | View looking south-west from the public footpath adjacent to the cemetery. | | | | | |
|------------------|--|--|--|--|--|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) | | | | | |
| Date | h October 2017 | | | | | |
| Approx grid ref | SK 51473 45023 | | | | | |
| Approx elevation | +90m AOD | | | | | |
| Distance to site | On site boundary | | | | | |

Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs



| /iewpoint 3 | View looking south-west from New Farm Road. | |
|------------------|--|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) | |
| Date | 10th October 2017 | |
| Approx grid ref | SK 51347 45063 | |
| Approx elevation | +93m AOD | |
| Distance to site | On site boundary | |



| Viewpoint 4 | View looking south from the public bridleway that runs along the disused railway. | | | | | |
|------------------|---|--|--|--|--|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) | | | | | |
| Date | n October 2017 | | | | | |
| Approx grid ref | SK 51483 45157 | | | | | |
| Approx elevation | +91m AOD | | | | | |
| Distance to site | c. 130m | | | | | |

Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs



| Viewpoint 5 | View looking south from the public footpath at a relatively elevated vantage point at the M1 crossing. | | | | | |
|------------------|--|--|--|--|--|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) | | | | | |
| Date | 10th October 2017 | | | | | |
| Approx grid ref | SK 51483 45507 | | | | | |
| Approx elevation | +96m AOD | | | | | |
| Distance to site | c. 450m | | | | | |



| Viewpoint 6 | View looking south from the public footpath , close to the M1 corridor. | | | | | |
|------------------|---|--|--|--|--|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) | | | | | |
| Date | October 2017 | | | | | |
| Approx grid ref | < 51480 45686 | | | | | |
| Approx elevation | +96m AOD | | | | | |
| Distance to site | c. 640m | | | | | |

Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs



| Viewpoint 7 | View looking south-east from the public footpath between Common Farm and the settlement edge. | | | | |
|------------------|---|--|--|--|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) | | | | |
| Date | 10th October 2017 | | | | |
| Approx grid ref | SK 50879 45771 | | | | |
| Approx elevation | +109m AOD | | | | |
| Distance to site | c. 790m | | | | |



| Viewpoint 8 | View looking south from the Robin Hood Way recreational route, east of the M1. | | | | | |
|------------------|--|--|--|--|--|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) | | | | | |
| Date | th October 2017 | | | | | |
| Approx grid ref | SK 50531 46145 | | | | | |
| Approx elevation | +116m A0D | | | | | |
| Distance to site | c. 1.3km | | | | | |

Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs





| Viewpoint 9 | View looking south-east from the Robin Hood Way recreational route, east of Watnall. |
|------------------|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) |
| Date | 10th October 2017 |
| Approx grid ref | SK 51137 46417 |
| Approx elevation | +105m A0D |
| Distance to site | c. 1.4km |

Comms mast-



| Viewpoint 10 | View looking west from High Wood Cemetery. | | | | | |
|------------------|--|--|--|--|--|--|
| Camera type | Nikon D3300 with 50mm lens (equivalent focal length) | | | | | |
| Date | Oth October 2017 | | | | | |
| Approx grid ref | SK 52469 44992 | | | | | |
| Approx elevation | +81m AOD | | | | | |
| Distance to site | c. 1km | | | | | |

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Land off Holden Crescent, Nuthall, Nottinghamshire Fig. 04: Viewpoint Photographs

Drawing Ref: P17-2056_04 Client: DAVIDSONS DEVELOPMENTS LTD Date : 01/11/2017 Pegasus Drawn by : JT Environment Checked by : JWA





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Site boundary

Potential development envelope

Green infrastructure and open space



Potential planting

Potential pedestrian connections



Views from 'gateway' to rural context retained



Poor quality pedestrian 'junction'



Linear open space and robust edge to green belt

New Farm Lane has rural context;

avoid hedgerow losses





4

Possible landscape edge along southern boundary; width as appropriate

Landscaped frontage to Spencer Drive

Land off Holden Crescent, Nuthall, Nottinghamshire DAVIDSONS DEVELOPMENTS LTD

Fig. 5: Preliminary Development and Landscape Strategy

 Drawing no.
 : P17-2056_05

 Date
 : 20/10/2017

 Drawn by
 : JT

 Checked by
 : JWA

 Scale
 : 1 : 1250 @ A3







3rd November 2017

Strategic Planning Team Broxtowe Borough Council Town Hall Foster Avenue Beeston Nottinghamshire NG9 1AB

Dear Sir/Madam,

MCCARTHY & STONE RETIREMENT LIFESTYLES LTD. RESPONSE TO CONSULTATION ON THE BROXTOWE BOROUGH COUNCIL PUBLICATION VERSION OF THE PART 2 LOCAL PLAN

Thank you for the opportunity to comment on the consultation papers for the aforementioned document. As the market leader in the provision of sheltered housing for sale to the elderly, McCarthy and Stone Retirement Lifestyles Ltd considers that with its extensive experience in providing development of this nature it is well placed to provide informed comments on the Local Plan Proposed Submission consultation, insofar as it affects or relates to housing for the elderly.

McCarthy and Stone are concerned with several aspects of the Publication Version of The Part 2 Local Plan, particularly through its proposed review mechanism and use of a fixed land value in viability assessments which puts into jeopardy the delivery of retirement housing for the elderly. The document does not include a policy to promote the delivery of specialist accommodation for the elderly despite acknowledging that the borough is experiencing an increasingly ageing population.

The National Planning Policy Framework stipulates that the planning system should be 'supporting strong, vibrant and healthy communities' and highlights the need to 'deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed communities. Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community... such as... older people' (emphasis added).

The National Planning Practice Guidance reaffirms this in the guidance for assessing housing need in the plan making process entitled *"How should the needs for all types of housing be addressed?* (Paragraph: 021 Reference ID: 2a-021-20140306) and a separate subsection is provided for *"Housing for older people"*. This stipulates that *"the need to provide housing for older people is <u>critical</u> given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). Plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to move. This could free up houses that are under-occupied. The age profile of the population can*



be drawn from Census data. Projections of population and households by age group should also be used. The future need for older persons housing <u>broken down by tenure and type</u> (e.g. Sheltered, enhanced sheltered, extra care, registered care) should be assessed and can be obtained from a number of online tool kits provided by the sector. The assessment should set out the level of need for residential institutions (use class C2). But identifying the need for particular types of general housing, such as bungalows, is equally important" (My emphasis).

The 'Housing White Paper: Fixing our broken housing market' clearly signals that greater consideration must be given to meeting the needs of older persons' in Local Plans stipulating that

'Offering older people a better choice of accommodation can help them to live independently for longer and help reduce costs to the social care and health systems. We have already put in place a framework linking planning policy and building regulations to improve delivery of accessible housing. To ensure that there is more consistent delivery of accessible housing, the Government is introducing a new statutory duty through the Neighbourhood Planning Bill on the Secretary of State to produce guidance for local planning authorities on how their local development documents should meet the housing needs of older and disabled people. Guidance produced under this duty will place clearer expectations about planning to meet the needs of older people, including supporting the development of such homes near local services82. It will also set a clear expectation that all planning authorities should set policies using the Optional Building Regulations to bring forward an adequate supply of accessible 9housing to meet local need. In addition, we will explore ways to stimulate the market to deliver new homes for older people.' (Para 4.42) (My emphasis).

This is now being progressed in part through the DCLG Consultation '*the right homes in the right places*'. (August 17)

The Broxtowe Housing Strategy 2015-2020 notes that the Borough contains a higher proportion of older people than the national average. In line with the rest of the country, the demographic profile of the Authority is projected to age. The largest proportional increases in the older population are expected to be of the 'frail' elderly, those aged 85 and over, who are more likely to require specialist care and accommodation provided by Extra Care accommodation. It is therefore clear that the provision of adequate support and accommodation for the increasingly ageing demographic profile of the Borough is <u>a significant challenge</u>.

We note that there <u>are no allocations for the delivery of older persons' accommodation</u> in Part 2 of the Local Plan, nor is there consideration of the suitability of the sites detailed for such developments.

Policy 15: Housing Size, Mix and Choice

This policy in part 7. seeks the provision of a % of units in compliance with optional Building Regulations M4(2) Whilst desirable, this may not always be practical or viable particularly in developing sites close to local facilities as required by the policy which will often be tightly constrained. Some flexibility should therefore be built into the policy. Paragraph 15.5 notes that the inclusion of this policy is necessary *"Given the relatively high proportion of elderly people in the Borough, it is important that a sufficient proportion of new housing makes appropriate provision for people with mobility issues."* We believe that this policy will not be sufficient to meet the varied needs of the elderly people in the borough. Unless properly planned for, there is likely to be a serious shortfall in specialist accommodation for the older population in the district, which will have a knock-on effect in



meeting the housing needs of the whole area and wider policy objectives. Specialist accommodation for the elderly, such as that provided by McCarthy and Stone, will therefore have a vital role in meeting the areas housing needs and a policy should be included to meet these needs.

We would advocate that the Council takes a positive approach in seeking to provide appropriate accommodation to meet the needs of its ageing population within the Local Plan Part 2. We consider that the best approach towards meeting the diverse housing needs of older people is one that encourages both the delivery of specialist forms of accommodation such as sheltered / retirement housing (C3 Use) and Extra Care (C2 Use) accommodation.

Paragraphs 15.1-15.10

The supporting text to Policy 15 within paragraphs 15.1-15.10 as drafted explains that proposals which do not meet the 20-30% affordable housing threshold will be subject to a review mechanism. **This means that retirement housing will always be subject to the review mechanism**, in that given its specific nature and costs, it will rarely, if ever be able to provide 20-30% provision.

The effective requirement for a review mechanism from all forms of retirement housing puts the ability of the sector to compete in the land market at considerable disadvantage as it will add additional uncertainties in an already high risk sector when compared with conventional residential developers that it will be competing with for land. This puts into considerable jeopardy the delivery of the required retirement housing in order to:

- 1. Address the Critical need identified in the NPPG
- 2. Meet the identified need for specialist accommodation for older persons in Broxtowe.

Including an 'overage clause' in the form of a review on a form of development that is, by necessity, predominantly single phase. This is contrary to both the RICS Guidance and undermines the basis of viability being considered in today's circumstances and competitive returns as envisaged by the NPPF. It is submitted that including such a review is not a viable option for the Council as it would clearly conflict with towards addressing the specialist housing needs of older people.

Para 15.3 states:

"The Council does not consider it appropriate for an appraisal to apply a fixed land value as an input which is based on a price paid for land or an aspirational sum sought by a landowner."

This approach, where it expects land transactions to proceed without any uplift is completely unreflective of the market. Site value is a critically important component in the financial model is order to assess whether a proposed development delivers a viable return.

Paragraph 014 of the PPG states:

"Central to the consideration of viability is the assessment of land or site value. The most appropriate way to assess land or site value will vary but there are common principles which should be reflected.



In all cases, estimated land or site value should:

- reflect emerging policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge;
- provide a competitive return to willing developers and land owners (including equity resulting from those building their own homes); and
- be informed by comparable, market-based evidence wherever possible. Where transacted bids are significantly above the market norm, they should not be used as part of this exercise."

Paragraph 015 of the PPG states:

"The National Planning Policy Framework states that viability should consider "competitive returns to a willing landowner and willing developer to enable the development to be deliverable." This return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible.

A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy."

It is therefore submitted that the Plan Part 2 is unsound due to the inclusion of a fixed land value which is contrary to National Planning Policy Guidance. If this this wording is to continue to submission stage, we would be willing to oppose this position at Local Plan Part 2 examination.

We would like to highlight the advice provide in the *Housing in Later Life: Planning Ahead for Specialist Housing for Older People toolkit*. This toolkit was developed by a consortium of private and <u>public</u> <u>organisations</u> with an interest in housing for the elderly and encourages a joined up approach to planning, housing and social care policy both in the collection of evidence and the development of specialist accommodation for the elderly. A copy of this document has been appended for your convenience. Whilst we appreciate that no one planning approach will be appropriate for all areas, an example policy is provided that, we hope, will provide a useful reference for the Council:

"The Council will encourage the provision of specialist housing for older people across all tenures in sustainable locations.

The Council aims to ensure that older people are able to secure and sustain independence in a home appropriate to their circumstances and to actively encourage developers to build new homes to the 'Lifetime Homes' standard so that they can be readily adapted to meet the needs of those with disabilities and the elderly as well as assisting independent living at home.

The Council will, through the identification of sites, allowing for windfall developments, and / or granting of planning consents in sustainable locations, provide for the development of retirement accommodation, residential care homes, close care, Extra Care and assisted care housing and Continuing Care Retirement Communities."

Specialist accommodation for the elderly also usually provides an element of care and communal



Bournemouth • Coventry • Glasgow • Hatfield • Kettering. Manchester • Ringwood • Taunton • Woking • York

facilities at an additional cost to the developer. This requires a critical mass of residents in order to be feasible and small scale developments of specialist housing for the elderly could not be realistically asked to provide or maintain such facilities. It is therefore unlikely to expect the provision of specialist accommodation for the elderly to be met piecemeal in general needs housing developments.

Well located and designed specialist housing for older home owners is a highly sustainable form of housing. Given the critical need for older persons accommodation in Broxtowe there should be a presumption in favour of sustainable housing and in particular specialist housing which is being proposed on suitable sites. It is recommended that greater weight is attached to this approach alongside the desire to release residential land within strategic allocations or indeed a separate policy within the document to cover the housing need for the ageing population. This accommodation will come from a number of sources both public and private and with varying levels of care and shelter provision enabling individual people to remain in their own home with independence and security.

The review mechanism proposed in paragraphs 15.1-15.10 would jeopardise the delivery of specialist accommodation for the elderly and therefore should be removed from the Local Plan Part 2. It is submitted that the Plan Part 2 is unsound due to the inclusion of a fixed land value which is contrary to National Planning Policy Guidance. As aforementioned, we would wish to attend the Local Plan Part 2 Examination if this wording is continued as this will be an issue on all suitable development sites for retirement housing and will make the sector less competitive in the land market against alternative uses. This is significant given the identified 'critical'(PPG) need for the delivery of specialised accommodation for older persons.

I trust that the above comments will be considered in the evolution of any emerging consultation document and that we will continue to be invited to comment as the document progresses.



Broxtowe Part 2 Local Plan



Agent

| Please provide your | client | 's nam | ne | Ca | aunton Engineering Ltd |
|--|--------|--------|--------|------|------------------------|
| Your Details | | | | | |
| Title | Mr | Mrs | Miss | Ms | Other: |
| Name | | | | | |
| Organisation (if responding on behalf of the organisation) | iPl | an S | olutio | ns L | td |
| Address | | | | | |
| Postcode | | | | | |
| Tel. Number | | | | | |
| E-mail address | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you <u>would like</u> to be cont | tacted by th | e Planning Policy Team regarding future consultations. |
|---|--------------|--|
| Please tick here | ~ | |
| Please help us save mone be sent to: | ey and the | environment by providing an e-mail address that correspondence car |

For more information including an online response form please visit:

www.broxtowe.gov.uk/part2localplan

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 <u>E-mail: policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|--|-------------|-------------------------------------|
| | Policy 1: Flood Risk | | |
| Part 2 Local Plan | Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocation Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 17: Place-making, design and amenity Policy 18: Shopfronts, signage and security measures Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets | 22 - 23 | 2.1 – 2.12 |
| | Policy 29: Cemetery Extensions | | |
| | Policy 30: Landscape Policy 31: Piodiversity Assets | | |
| | Policy 31: Biodiversity Assets | | |
| Policies Map | Policy 32: Developer Contributions Amend to Remove 1.95ha of Land North West of The Plane E Eastwood from Green Belt and Allocate for Vehicle Trailer Stor Engineering on the Proposals Map | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | See Suite of Supporting Documents | | |

Question 2: What is the issue with the Local Plan?

| | u consider this paragraph or policy of the Local Plan to be: (please refer to the new note at for an explanation of these terms) | Yes | No |
|-----|--|-----|----|
| 2.1 | Legally compliant | | |
| 2.2 | Compliant with the duty to co-operate | | |
| 2.3 | Sound | | / |

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is | this because: |
|--|---------------|
| It is not justified | |
| It is not effective | |
| It is not positively prepared | V |
| It is not consistent with national policy | V |

Your comments

SEE ATTACHED

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.



Policy 2 – Site Allocations Objection

Question 3: Why is the Local Plan Unsound

The Pt 2 LP is unsound due to a failure to promote sustainable patterns of development through Policy 2 only being directed to allocate sites for 10 or more dwellings, see paragraph 2.1.

- Development, per se, is clearly not restricted to solely to residential development. Indeed paragraphs 18 and 19 of the NPPF emphasise the Government's commitment to securing economic growth in order to suit create jobs and prosperity, noting that it wishes to ensure that the planning system does everything it can to support sustainable growth and should not act as an impediment.
- 2. As stressed at paragraph 7 of the NPPF, sustainable development must realistically encompass not only residential development but also economic and social development to provide accompanying jobs and services. It is therefore imperative that the Green Belt review assessment also encompasses making appropriate provision to remove areas of land from the Green Belt to facilitate the wider long term economic needs of Greater Nottingham and Ashfield.
- There are no specific employment land allocations made within the northern part of the borough to serve Eastwood, Kimberley and Awsworth. The plan is therefore unsound as it currently does not provide a range of allocations to provide development for employment uses.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

SEE ATTACHED

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.



Policy 2 – Site Allocations Objection

Question 4: Modifications Sought

It is requested that 1.95Ha of land North West of the Plane Building at Lamb Close Drive, Eastwood as identified red edged on the submitted extract from the Part 2 Local Plan Proposals Map be removed from the Green Belt and allocated for vehicle trailer storage use associated with Caunton Engineering and subject to the storage area being restricted within the site to the trailer storage area as shown on the submitted Landscape Strategy Plan 014.1135.001D prepared by lan Stemp Landscape Associates. This will enable the wider Caunton Engineering to be more effectively and flexibly utilized for greater levels of employment generation than at present and provide employment opportunities for the more economically deprived parts of the borough. It will allow the Caunton business workflow to be optimized to ensure that it remains competitive within the marketplace thereby securing the future of the existing current local employment that is in excess of 200 employees. It also provides the opportunity to create additional local employment as the business continues to grow. It will also negate any potential need for the business to consider relocation and establishing itself elsewhere.

The following is submitted in support;

- 1. Broxtowe BC Sept 2017 Publication Pt2 Local Plan Proposals Map Extract Showing Objection Site
- 2. Moorgreen Eastwood Strategic Strategic Growth Masterplan Briefing Note, December 2015
- 3. Caunton Site Expansion Landscape Strategy 14-1135-001D
- 4. Response Submitted to Broxtowe BC Site Allocations Issues & Options Consultation 10 January 2014
- 5. Letter to S Saunders Greenbelt Assessment Framework, 19 September 2014
- Flood risk Scoping Study Caunton Expansion, Prepared by BWb Consulting, 12 Sept 2014
- 7. Transport Statement BWB, 17 February 2015
- 8. Letter to S Saunders Greenbelt Boundary review Consultation, 23 March 2015
- 9. AECOM LVIA 2017 Site LS38 W Engine Lane, Eastwood
- 10. Caunton Trailer Storage Expansion Landscape & Visual Assessment and Photographic Appendix A Figures and Photoplates Prepared By Ian Stemp Associates

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary the public examination? | to participate at |
|--|------------------------------------|
| Yes, I wish to participate at the public examination | YES |
| No, I do not wish to participate at the public examination | |
| If you wish to participate at the public examination, please outline why you co be necessary | onsider this to |
| | A CARE AND A CARE AND A CARE AND A |

In order to present the full case and answer questions in support of the requested amendments to the part 2 local plan

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 public examination.



Landscape and Visual Analysis of Potential Development Sites

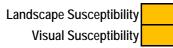
Broxtowe Borough Council

January 2017



| LANDSCAPE AN | ID VIS | UAL | SENS | TIVIT | TY ASS | SESSME | ΝT | | | | | | | CLIE | NT: Bi | roxtowe Borough Council | | | | | | | Aggregate Sc | ore (/100): 62 | |
|------------------------------------|---|-----------|------------------------|-----------|--------------------|-----------------|--------------|--------------|----------|-------------------------|-------------------|--------------|--------------|--------------|--------|--|--------------|--------------------------------|--------------|---------|--|--|-----------------------|--------------------|--|
| | | | | | | | DATE VISITE | D: | 29/06/2 | 2016 | | | | | | | | SURVEYED BY: SC CHECKED BY: NW | | | | | | | |
| EXISTING LANDSCA | PE CHA | RAC | ΓER | | | | | | Lan | dscape char | acter within si | te | NC | C03 (M | oderat | e), NC04 (Moderate-Good) | | | La | nds | scape character within study are | a NC03 (Moderate) | , NC04 (Moderate-God | od) | |
| | | | | | | | LIVI | NG LAN | NDSC/ | APES METH | ODOLOGY | _ | | | | | | | | | | OTHER | | | |
| Landform | LCA | Site | Study Area | Se | ettlement | Pattern | LCA | Stud Area | | Land Cove | er | LCA | Site | Stu Are | - | Tree Cover | PZ | Z Site | Stud Area | - | Descriptive Attribute | Site | Stu | dy Area | |
| Vales & valley bottoms | × | × | × | Nu | ucleated | | \checkmark | × | | Arable farm | | \checkmark | × | > | | Wooded - ancient | \sim | | × | | Spatial character | Medium - framed | Medium - framed | | |
| Rolling / undulating | \checkmark | × | \checkmark | | lustered | | × | × | _ | Mixed farm | | \checkmark | \checkmark | 1 | | Wooded - recent | \checkmark | • • | × | | Indicative ground vegetation | Farmland (arable) | Variable | | |
| Low plateau Sloping (low hills) | × | × | <u> </u> | | ettled ispersed | | | | - | Pastoral fa Woodland | rms | | | | | Trees & woods Coverts & tree groups | | | | | Boundary treatments Enclosure pattern | Variable Sub-regular | Variable Variable | | |
| Coastal dunes / shingle | × | × | $\widehat{\mathbf{x}}$ | | | nd / derelict | × | × | - | | d / equestrian | × | × | | | Other trees | | | | - | Tree pattern | Linear | Variable | | |
| Marine levels | X | X | X | | nsettled | | X | | | Disturbed | u / oquosaluli | | \checkmark | _ | | Open / unwooded | | i X | X | | | | | | |
| High plateau (>300m) | × | × | × | Co | oalfields | | \checkmark | × | | Urban / bro | | \checkmark | × | | | <u></u> | | | | | Other characteristics / feature | s | | | |
| High hills (>600m) | × | × | × | Ur | rban | | \checkmark | \mathbf{x} | | Parkland / | leisure | × | × | \checkmark | • | | | | | | | | | | |
| LANDSCAPE VALUE | 1 | | | | | | | | | |] | Fotal Sco | ore (/25 | | 17 | VISUAL VALUE | 1 | | | | | | То | tal Score (/25) 13 | |
| Factor | Assess | | | | | | | | | | | | | Sco | | Factor | _ | essment | t | | | | | Score* | |
| Landscape quality | | | | , | | | | | | | | | | _ | _ | Recognition of value | N/A | | <u> </u> | | | | | Low - 3 | |
| Scenic quality | enic quality Pleasant agricultural setting devoid of built development. Edge of Eastwood and associated industrial use detracts Med - 2 Indicators of value Interpretation boards and street furniture associated with Collier's Wood Nature Reserve, nothing on site | | | | | | | | | | Low - 3 | | | | | | | | | | | | | | |
| Rarity | N/A | | | | | | | | | | | | | Low | - 1 | Other value | | | value | | | | | Med - 6 | |
| Representativeness | Fully re | present | tative of LO | CA | | | | | | | | | | High | - 3 | VISUAL SUSCEPTIBI | LITY | | | | | | То | tal Score (/25) 15 | |
| Conservation interests | Mature | Landsc | ape Area | encomp | passes a r | portion of the | site and wi | der stud | ly area | a. TPOs and | Listed Buildings | also pre | sent | Low | - 1 | Factor | Ass | essment | t | | | | | Score* | |
| Recreation value | Collier's | Wood | Nature Re | eserve lo | ocated in | wider study a | area. Good | network | of PR | toW | | | | High | - 3 | Primary receptors | Rec | reational | - views | contr | tribute well to the landscape setting | enjoyed by receptors, particularly those u | ising Moorgreen Reser | voir High - 6 | |
| Perceptual aspects | Engine | Lane ir | ndustrial ar | ea and | edge of E | astwood red | uce tranqui | llity, loca | alised t | tranquillity by | Moorgreen Re | servoir | | Med | - 2 | Secondary receptors | Emp | ployment/ | /Transpo | ort - v | views do not contribute to the land | scape setting enjoyed by receptors | | Low - 2 | |
| Associations | Eastwo | od is th | e birthplac | e of DH | 1 Lawrenc | e and Moorg | reen Reser | voir feat | ures ir | n two of his b | ooks | | | Med | - 2 | Number of receptors | Sett | tlement e | dge, incl | uding | ng Engine Lane industrial area, les | s receptors in north and east of study area | | Med - 4 | |
| LANDSCAPE SUSCE | PTIBIL | TΥ | | | | | | | | |] | Fotal Sco | ore (/25 | 5) | 17 | Visibility of site | The | site is lo | cated on | ı slop | ping landform which screens views | hich screens views to the north, also constrained by vegetation and built form Low - 2 | | | |
| Factor | Assess | ment | | | | | | | | | | | | Sco | e* | | • | | | | | | | | |
| Subtraction | Loss of | Mature | e Landscap | e Area | and wood | dland tracts | | | | | | | | Med | - 4 | | | | | | | | | | |
| Addition | Extensi | on of u | rban edge | and for | mation of | settlement c | uster to ea | st of Eas | stwood | ł | | | | Low | - 2 | | | | | | | | | | |
| Perception | Increas | ed perc | eption of ι | urbanisa | ation in no | orth of study a | area, elsew | here little | e perc | eived change |) | | | Med | - 4 | | | | | | | | | | |
| Policy | | | | | 0 | settlements, | | ne reser | voir ar | nd its recreat | | | | High | - 6 | | | | | | | | | | |
| OVERALL LANDSCA | APE SEN | ISITIV | ITY (Con | nbined | l Value a | nd Suscep | tibility) | | | | 1 | Fotal Sco | ore (/50 |)) | 34 | OVERALL VISUAL SE | ENSIT | TIVITY ((| Combin | ned V | Value and Susceptibility) | | То | tal Score (/50) 28 | |
| Overall medium landscap | pe sensit | ivity thr | ough med | ium valı | ue and me | edium susce | otibility | | | | | | | | | Low visual value and mee | dium s | susceptibi | lity. Ove | rall l | low visual sensitivity | | | | |
| Notes | | | | | | | | | | | | | | | | Notes | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| MITIGATION OPPOR | TUNITI | ES/R | ECOMME | NDAT | IONS | | | | | | | | | | | | | | | | | | | | |
| Landscape planting | × | | | | | | | | | | | | | | | Form of development | × | | | | | | | | |
| Landscape buffer | \checkmark | To | o contain n | ew deve | elopment | close to the | existing set | tlement | edge a | and avoid de | trimental impact | ts on Moo | orgreen | n Resei | voir | Local vernacular | X | | | | | | | | |
| Site features | × | | | | | | | | | | | | | | | Other | × | | | | | | | | |
| CONSTRAINTS | T | | | | | | | | | | | | | | | | | | | | | | | | |
| On-site | | | | | [| PRoW, poter | itial access | issues, | Matur | e Landscape | Area | | | | | Off-site | | | | | | | | | |
| CONCLUSION | | | | | | | | | | | | | | | | | | | | | | | | | |
| contribute to an overall m | nedium la | indsca | pe value. T | here is | s potential | for an increa | sed percep | tion of u | rbanis | ation, espec | ally in the north | of the st | udy are | ea, and | the LC | | conser | rve the re | servoir a | and it | its value as a recreational resource | Nature Reserve lies to the south-west of the south-west of the source tibility and it is not source to be a sou | | | |

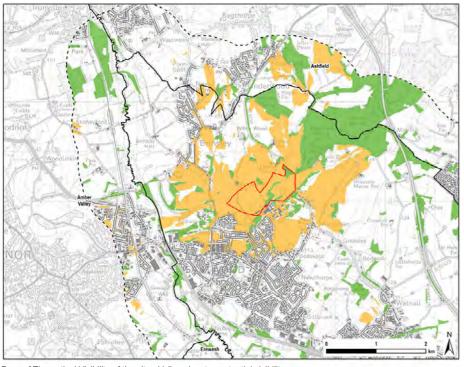
Landscape Value Visual Value



Landscape Sensitivity Visual Sensitivity

* Scoring is applied on a description system of High / Medium / Low. Each of these descriptions is assigned a number for the categories of Landscape Value, Landscape Susceptibility, Visual Value, and Visual Susceptibility. This number enables each category to be weighted equally when feeding through into an overall score for the site. The overall site score is used for ranking the sites ONLY and therefore can only provide the relative sensitivity of each site when gauged against the others in this assessment.

LS38 - Land north-west of Engine Lane (Eastwood)



Zone of Theoretical Visibility of the site - Yellow denotes potential visibility



Site Photograph A - Looking east from Greasley BW4A, close to the site's western extent. In this location, the view looks across arable land towards industrial buildings on Engine Lane. The hedge at the edge of the arable field is also the line of Greasley BW4. In the background to the right-hand side of the view can be seen site LS37.



Site Photograph B - View that looks north-west within the site from Greasley BW4A. This panorama demonstrates the agricultural nature of the site and contains no built development. Greasley BW4 follows the hedgeline to the right-hand side of the view.



Site Photograph C - This view is obtained from Engine Lane, opposite Colliers Wood Nature Reserve; it looks northerly across the eastern extent of the site. The site in this location is agricultural and rolling, and the metal railings on the site boundary form a distinctive feature.



Landscape designations / Potential development mitigation recommendations

Aerial view of the site



Legend

| - g | |
|-------|---|
| | Site Boundary |
| | Landscape Buffer |
| | Site Feature |
| | Broxtowe Borough boundary |
| | Contours |
| | Ancient Woodland |
| • | Listed Building |
| | Mature Landscape Area |
| • | Byway Open to All Traffic |
| | Bridleway |
| | Footpath |
| 5,5 | Tree Preservation Order (Groups & Woodland) |
| • | Tree Preservation Order (Single Tree) |
| CA Po | licy Zones |
| | NC03, Enhance |
| | NC04, Conserve and Enhance |
| | |

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ENVIRONMENT – WATER

Caunton Engineering Proposed Expansion Eastwood, Nottinghamshire

FLOOD RISK SCOPING STUDY

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ENVIRONMENT - WATER

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FLOOD RISK SCOPING STUDY





DOCUMENT ISSUE RECORD

| Revision | Date of Issue | Status | Author: | Checked: | Approved: |
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| 1 | 21/08/14 | First External Issue | K. Alger BSc (Hons), MSc | D. Allum BSc (Hons) MSc | D. Harvey BEng (Hons) |
| 2 | 12/09/14 | Amended to Reflect Comments | K. Alger BSc (Hons), MSc | D. Allum BSc (Hons) MSc | D. Harvey BEng (Hons) |

Limitations

All comments and proposals contained in this report, including any conclusions, are based on information available to BWB Consulting during investigations. The conclusions drawn by BWB Consulting could therefore differ if the information is found to be inaccurate or misleading. BWB Consulting accepts no liability should this be the case, nor if additional information exists or becomes available with respect to this scheme.

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The information presented and conclusions drawn are based on statistical data and are for guidance purposes only. The study provides no guarantee against flooding of the study site or elsewhere, nor of the absolute accuracy of water levels, flow rates and associated probabilities.

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1.0 INTRODUCTION

Summary Information

- 1.1 This Flood Risk Scoping Study (FRSS) summarises a desktop study into the possible sources of flood risk posed to a potential proposed expansion of the existing Caunton Engineering site. It has been prepared on behalf of Caunton Engineering to advise on the development potential of the site from a flood risk perspective.
- 1.2 The report is based on readily available information, and has included initial consultation with the Environment Agency, Nottinghamshire County Council and the Canal & River Trust.

Site Details

- 1.3 The site is located to the north east of Eastwood town centre the proposed site of interest adjoining Moorgreen Industrial Park to the north of Engine Lane. The site is directly adjacent to the existing operational factory site and is considered to be greenfield. The site is identified within **Figure 1.1**.
- 1.4 At the time of writing a topographic survey has been commissioned in order to obtain further information relating to the levels across the site.

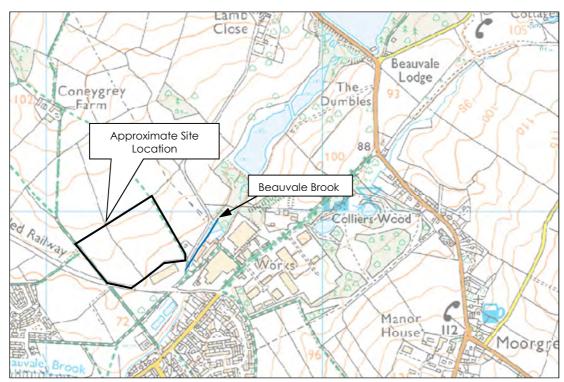


Figure 1.1 – Approximate Site Location



2.0 DATA REVIEW

Greater Nottingham Strategic Flood Risk Assessment

- 2.1 The Greater Nottingham Strategic Flood Risk Assessment (GNSFRA), produced by Black and Veatch, October 2010 is divided into 6 volumes, with Volume 2 covering the potential risks posed to the Broxtowe Borough Council area.
- 2.2 As part of the GNSFRA, hydraulic modelling of the Beauvale Brook was undertaken in order for potential flood extents to be identified. However, the modelling does not cover the study site.

Review of Ordnance Survey Maps

- 2.3 A review of Ordnance Survey mapping shows the Beauvale Brook flows through the Caunton Engineering site and wider Moorgreen Industrial Park in open channel and culverted sections, passing to the south of the study site. To the north east of the site are a series of waterbodies that make up the Moorgreen Reservoir.
- 2.4 The land is shown to slope from north to the south with the elevation approximately being between 85 and 75m AOD.

Environment Agency Flood Map for Planning

- 2.5 The Environment Agency Flood Map for Planning, **Figure 2.1** overleaf, identifies the site to be entirely in an area designated as being Flood Zone 1 (Low Probability). To the south west and beyond lies an area of Flood Zone 2 (Low Probability) and Flood Zone 3 (High Probability).
- 2.6 The NPPF defines Flood Zone 1 as land assessed as having a less than 1 in 1000-year annual probability of river/tidal flooding, respectively.
- 2.7 The NPPF defines Flood Zone 2 (Medium Probability) as land assessed as between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% 0.1%) in any year.
- 2.8 Flood Zone 3 (High Probability) is defined as land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.



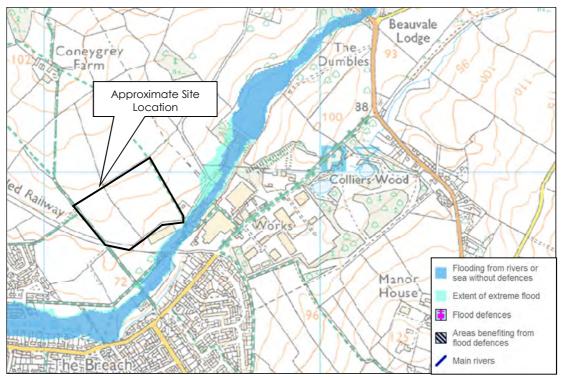


Figure 2.1 - Environment Agency Flood Map for Planning (Rivers and Sea)

- 2.9 The Environment Agency were consulted and confirmed the Flood Zone 1 classification of the site, their brief correspondence is included as **Appendix 1**.
- 2.10 Whilst the Beauvale Brook is present in close proximity, based on available information there is not considered to be a significant fluvial flood risk posed from the watercourse.

Review of Site Visit Observations

- 2.11 On the 14th August 2014, a site visit was undertaken to assess the potential sources of flood risk to the site.
- 2.12 The site was observed as having a minor drain running along the western boundary before turning along the southern boundary. This is considered to pass under the tarmac track located in the south east corner of the site before discharging into the Beauvale Brook.
- 2.13 The eastern boundary was identified as having a field drain that is also considered to pass under the track and discharge into the Beauvale Brook.
- 2.14 At the time of the visit a small amount of water was identified in both the eastern and southern drains in the south eastern corner of the site, **Figure 2.2** overleaf. Further up the slope to the north of the site the drains were observed as being dry.
- 2.15 Across the site the average depth to invert of the drains was approximately 1.0m, Figure 2.3 overleaf.





Figure 2.2 - Southern Boundary Ditch



Figure 2.3 - Minor Ditch South West Corner of Site



- 2.16 Alongside the access track in the south western portion of the site a drain was identified with culverted sections passing under a driveway to a residential property. At the time of the visit this has a small amount of water in but was shown not to be flowing.
- 2.17 All field drains were identified as flowing towards the Beuavale Brook. Based on site observations, these minor watercourses would not be considered to present a significant flood risk.

Reservoir Failure Flood Risk

- 2.18 Environment Agency reservoir flood risk mapping, **Figure 2.4** identifies a proportion of the site to lie in an area considered to be at potential risk from a breach of the Moorgreen Reservoir. Correspondence with the Canal and River Trust, **Appendix 2** has confirmed that the trust manages the reservoir as required by the Reservoirs Act 1975 and the Flood and Water Management Act 2010.
- 2.19 Regular inspections are undertaken in line with the guidelines to greatly reduce the possibility of a reservoir breach. There has been no loss of life due to reservoir failure since 1925, therefore the overall risk is considered to be extremely low.

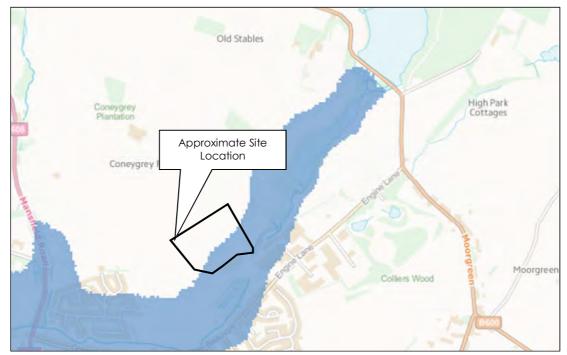


Figure 2.4 - Environment Agency Reservoir Breach Mapping

Surface Water Flood Risk

2.20 Environment Agency surface water mapping, **Figure 2.5**, identifies the majority of the site to be classified as having a very low to low susceptibility to surface water flooding. Along the southern boundary there is an area considered to have a high susceptibility, however this is anticipated to simply be a function of a topographical depression related to one of the minor ditches and the actual risk would not be considered high.



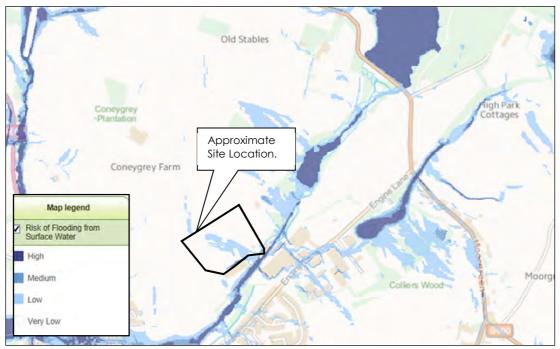


Figure 2.5 - Environment Agency Surface Water Mapping

2.21 There are no records within the SFRA of the site or surrounding area having experienced flooding from a pluvial source and the overall risk is therefore considered to be low.



3.0 POTENTIAL IMPLICATIONS TO FUTURE DEVELOPMENT

Sequential & Exception Tests

- 3.1 In accordance with Table 2 of the Planning Practice Guidance the proposed development is classified as being "Less Vulnerable".
- 3.2 A "Less Vulnerable" use along with it being entirely site in Flood Zone 1 is considered "appropriate" in accordance with Table 3 of the Planning Practice Guidance. Therefore a Sequential Test is not required to be undertaken.
- 3.3 As the site lies entirely in Flood Zone 1 there is not considered to be a requirement to undertake a Sequential Test.

Potential Flood Risk to Proposed Development

3.4 A review of available information has identified that the site is not considered to be at significant risk of flooding from a variety of sources.

Potential Impact of Future Development

- 3.5 As the site is greenfield/permeable in nature, then a future development could result in an increase in the surface water run-off rate from the site with potential adverse impacts on flood risk elsewhere.
- 3.6 The aim should therefore be to restrict run-off to existing rates and provide appropriate attenuation storage on site. The implementation of Sustainable Drainage Systems (SuDS) would also require consideration.

Surface Water Drainage

- 3.7 In accordance with the drainage hierarchy infiltration would be considered the most appropriate method of managing surface water runoff from the site. If infiltration tests identify ground conditions to be unsuitable for infiltration, then discharge to the Beauvale Brook would be the proposed method to discharge surface water from the proposed site.
- 3.8 Discharge should be restricted to existing rates with appropriate treatment in place which would typically include a recommendation for swales and ponds as part of a SuDS proposal to provide levels of treatment to surface water prior to discharge to watercourse.



4.0 POTENTIAL MITIGATION MEASURES

- 4.1 The risk of flooding posed to the site is considered low, and the following mitigation measures would be recommended to address any low residual risk from flood risk sources in the future:-
 - (i) Where new buildings are proposed as part of any future development, it would be recommended finished floor levels were set with a nominal threshold above the finished ground level to provide residual protection from groundwater, sewer flooding or pluvial run-off.
 - (ii) Where possible, external levels within any future development should be designed to direct any overland flows away from proposed or existing buildings and towards the nearest drainage point.
 - (iii) To ensure any future development does not increase flood risk elsewhere as a result of flood flows from development drainage, it would be recommended that post-development run-off from the site is restricted so it does not exceed existing run-off rates where achievable. The inclusion of SuDS within the site would typically be required to treat surface water runoff prior to discharge to watercourse.



5.0 SUMMARY & RECOMMENDATIONS

- 5.1 The risk of flooding posed to the study site is not considered to be significant. However, due to the size of the site, a full Flood Risk Assessment (FRA) would likely be required as part of any future planning applications to consider the latest National Planning Policy Framework guidance and latest available flood risk mapping and data. Further consultation with regulatory authorities such as the Environment Agency and Severn Trent Water would be required at the appropriate juncture.
- 5.2 A full FRA would also aim to identify appropriate mitigation measures to be considered in the layout of the future development, commensurate with those outlined within this scoping study.
- 5.3 A surface water drainage strategy including the principles of Sustainable Drainage Systems (SuDS) would also be required to ensure any future development would have no adverse impact on flood risk elsewhere as a result of surface water run-off from development drainage. The Environment Agency would expect to see above ground features incorporated within any future development layout for treatment, storage and amenity value along with demonstration of a two-stage treatment train prior to discharge.
- 5.4 Based on the information available, it would appear that development in the potential locations would be feasible in terms of flood risk, subject to appropriate arrangement of future development within the site boundary and site specific appraisal and mitigation proposals.

APPENDIX 1

Environment Agency Correspondence

Keith Alger

| From: | MIDLANDS CUSTOMER SERVICES |
|---------------------------------|---|
| Sent: To: Subject: | 24 July 2014 10:36 Josephine Green; MIDLANDS CUSTOMER SERVICES RE: E-8472 Product-1 FRA for NTW2265 - Caunton Engineering |
| Follow Up Flag: Flag Status: | Follow up Flagged |
| Categories: | Red Category |
| Dear Josephine | |

The above site falls within Flood Zone 1.

Regards

June Rolland

From: Josephine Green Sent: 23 July 2014 13:35 To: MIDLANDS CUSTOMER SERVICES Subject: RE: E-8472 Product-1 FRA for NTW2265 - Caunton Engineering

Dear Sir/Madam,

Please could you let me know whether this site lies within Flood zone 1?

Many Thanks

Josephine Green Technician | BWB Consulting Limited

From: MIDLANDS CUSTOMER Sent: 03 July 2014 13:15 To: Josephine Green Subject: E-8472 Product-1 FRA for NTW2265 - Caunton Engineering

E-8472

03/07/2014

Dear Josephine Green,

Please see charging request.

Matthew Weston

Find out what this means for you <u>www.gov.uk/environment-agency</u>



From: Josephine Green Sent: 01 July 2014 15:42 To: MIDLANDS CUSTOMER SERVICES Subject: NTW2265 - Caunton Engineering

Dear Sir/Madam,

Please could you provide a quotation for both a Product 4 for Caunton Engineering. Grid reference, 447700,347800. Nearest post code NG16 3QU.

I would be grateful if you could provide a quote for a Product 4: Detailed FRA/FCA Map. Based on the details for this product, it should include:

- A site centred map zoomed to your point of interest, showing:
 - Ordnance Survey 1:25k colour raster base mapping
 - Surface water & groundwater Mapping
 - Flood Zone 2 and Flood Zone 3
 - Relevant model node locations and unique identifiers (for cross referencing to the water levels, depths and flows table)
 - Model(s) extents
 - Please could we request flood levels for a range of return periods.
 - FRA site boundary (where suitable GIS layer is supplied)
 - o Flood defence locations (where available/relevant) and unique identifiers
 - Flood Map areas benefiting from defences (where available/relevant)
 - Historic flood events outlines (where available/relevant, not the Historic Flood Map) and unique identifiers
 - Statutory (Sealed) Main River (when available within map extents)
 - o Bank top ePlanning tool
- A table showing:
 - Model node X/Y coordinate locations, unique identifiers, levels, flows and JFLOW depths
 - Flood defence locations unique identifiers and attributes
 - o Historic flood events outlines unique identifiers and attributes

o Local flood history data (where available/relevant)

Whilst this list is extensive it is not exhaustive, therefore any other relevant information would be appreciated. In particular do you have any information relating to historic flooding, sewer flooding, pluvial floodrisk or ground/surface water information. We would also be obliged if you could advise on any flood defence works, hydraulic modelling or hydrological studies currently being undertaken or proposed for the catchment.

If you could also mark this job as an urgent request it would be much appreciated as we are on a tight timescale with this one.

Kind regards

Josephine Green

Technician | BWB Consulting Limited



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We have checked this email and its attachments for viruses. But you should still check any attachment before opening it.

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We have checked this email and its attachments for viruses. But you should still check any attachment before opening it.

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APPENDIX 2

Canal & River Trust Correspondence

Keith Alger

| From: | David Brown |
|-----------------|---|
| Sent: | 14 July 2014 14:48 |
| To: | Josephine Green |
| Cc: | Ken Fowler |
| Subject: | FW: Information Enquiry - Moorgreen Reservoir |
| Follow Up Flag: | Follow up |
| Flag Status: | Flagged |
| Categories: | Red Category |

Josephine,

Thank you for your inquiry about Moorgreen Reservoir. I can confirm that the Canal & River Trust is registered as the Undertaker of this reservoir.

The failure of a reservoir can cause loss of life and extensive damage to property. Reservoir safety is thus regulated by statute. The Trust manages this reservoir as required by the Reservoirs Act 1975 as amended by the Flood and Water Management Act 2010 and other legislation. The Environment Agency has the role of ensuring statutory compliance.

By managing the risk in this way, the likelihood of failure is very low. There has been no loss of life in the UK due to reservoir failure since 1925. Industry best practice is to check frequently for early signs of adverse behaviour of the dam and intervene if necessary in an appropriate and timely way. Moorgreen Reservoir has an On Site Emergency Plan to guide the actions to be taken in such an eventuality.

Moorgreen reservoir has not yet been declared 'high risk' by the Environment Agency. It is still to be assessed. It is category A as defined in *Floods & Reservoir Safety* so a 'high risk' designation is to be expected. The volume impounded is 596,000 m³. The dam is of the embankment type, is 12 m high and 230 m long. The surface area of the reservoir is 0.19 km².

The Environment Agency has undertaken breach modelling of all large raised reservoirs in England and Wales. The results are available on its website e.g. <u>http://watermaps.environment-agency.gov.uk/wiyby/wiyby.aspx?lang=__e&topic=reservoir&layer=default&scale=2&x=357683&y=355134#x=446336&y=347603&scale=10 The map can be interrogated for depth and velocity. The Trust has not carried out further inundation mapping for this reservoir.</u>

I trust this answers your queries. The Environment Agency website is a useful source of reference on reservoir safety matters <u>https://www.gov.uk/reservoirs-a-guide-for-owners-and-operators</u>.

Davíd

David Henthorn Brown BSc, CEng, FICE Principal Reservoir Engineer, Canal & River Trust,



Please visit our <u>website</u> to find out more about the Canal & River Trust and download our 'Shaping our Future document' on the About Us page





www.bwbconsulting.com



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FAO Steffan Saunders Head of Neighbourhoods and Prosperity Broxtowe Borough Council Planning & Building Control Chief Executive's Department Council Offices, Foster Street Beeston, Nottingham NG9 1AB

20 March 2015

By Email

Our Ref 14/001/MJF Your Ref

Dear Steffan

Greater Nottingham and Ashfield Green Belt Assessment Framework Consultation, March 2015 Preferred Approach to Site Allocations (Green Belt Review) Representations on Behalf of Caunton Engineering Ltd

General

- I write following the publication of the above consultation in February 2015 and following the representation previously made in July 2014 in respect of the draft Green Belt Assessment Framework. This letter also augments the comments made within the responses made by iPlan Solutions in 14 January 2014 to the Site Allocations Issues and Options consultation document published in November 2013, particularly with regard to the need to identify parcels of land that could be removed from the Green Belt to fulfill employment purposes.
- 2. In particular, it is noted that a close comparative reading of the July 2014 draft consultation Green Belt Assessment Framework with that of the February 2015 Green Belt Assessment Framework reveals that both documents remain identical. It is disappointing to note that it is therefore the case that despite representations being made by a number of parties to the consultation draft Assessment Framework, none of

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these concerns have been accepted by the constituent local authorities and enshrined in any form of revision to the document that is proposed to be used to shape the Green Belt Assessment.

- 3. Consequently, the fundamental bias and distortion of the Green Belt Review approach towards solely considering residential potential unfortunately remains. It was previously highlighted by iPlan Solutions that the background assessment work referred to at paragraph 2.6 and 2.7 of the July 2014 consultation draft and now February 2015 Assessment Framework refers to assessment exercises that were previously undertaken specifically to only accommodate large scale residential development.
- Indeed, as with the July 2014 consultation draft Green Belt Assessment Framework, this residential-centric approach continues to be unfortunately reiterated at paragraph 4.1 of the February 2015 Green Belt Assessment Framework and which solely focuses upon the requirements of paragraph 47 of the NPPF to boost significantly the supply of housing.
- 5. As a consequence of the singular residential focus of the mechanism set out within the Green Belt Assessment Framework, it is then hardly surprising that the Preferred Approach to Site Allocations (Green Belt Review) consultation of February 2015, published by Broxtowe Borough Council, serves only to reflect and reinforce this underlying distortion. The consideration and emphasis upon potential housing sites derived from the SHLAA, which by its nature is only concerned with potential housing land availability, has consequently reinforced the resultant one dimensional approach that focuses only upon identifying potential sites for housing development.
- 6. In contrast to the published approach contained within both the Green Belt Assessment Framework and the Preferred Approach to Site Allocations, it is therefore pleasing to note that the Borough Council response to the previous representations made by iPlan Solutions on behalf of Caunton Engineering Ltd states that;

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"The Green Belt assessment framework will be used to inform decisions on amending Green Belt boundaries to accommodate all development requirements (not just housing)."

- 7. Unfortunately, to date this assertion has not been enshrined within any modification to the wording contained within the Green Belt Assessment Framework to reflect, legitimise and confirm this intention. Furthermore, as a consequence, the consultation upon the Preferred Approach to Site Allocations (Green Belt Review) of February 2015 is similarly focused solely upon meeting housing requirements rather than enshrining an holistic approach encompassing all forms of development.
- 8. Fundamentally, paragraph 84 of the Framework requires local authorities to take account of the need to promote;

" sustainable patterns of development."

- 9. Development, per se, is clearly not restricted to solely to residential development. Indeed paragraphs 18 and 19 of the NPPF emphasises the Government's commitment to securing economic growth in order to suit create jobs and prosperity, noting that it wishes to ensure that the planning system does everything it can to support sustainable growth and should not act as an impediment.
- 10. Self-evidently, and as stressed at paragraph 7 of the NPPF, sustainable development must realistically encompass not only residential development but also economic and social development to provide accompanying jobs and services. It is therefore imperative that the Green Belt review assessment also encompasses making appropriate provision to remove areas of land from the Green Belt to facilitate the wider long term economic needs of Greater Nottingham and Ashfield.



 Between the publication of the July 2014 Draft for Consultation Green Belt Assessment Framework and the finalised Green Belt Assessment Framework of February 2015, the Aligned Core Strategy Part 1 Local Plan was adopted in September 2014. Policy 3 expressly requires that;

> "Part 2 Local Plans will review Green Belt boundaries to meet the other development land requirements of the Aligned Core Strategies, in particular in respect of the strategic locations and Key Settlements named in Policy 2."

12. Whilst the requirements of Policy 2 of the Core Strategy is highlighted as being a particular requirement, the policy very explicitly clarifies that these are not exclusively the sole role of the Green Belt review. In this regard the policy states that "the other development land requirements of the Aligned Core Strategies" must also be accommodated as part of this review. In particular Policy A (1) highlights that;

"A positive approach will be taken when considering development proposals reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework."

13. Policy 4 of the Core Strategy deal specifically with employment provision and economic development. There are self-evidently two dynamics to this. Firstly the creation of new employment land opportunities, but secondly, and arguably of equal if not greater importance, is seeking to facilitate the employment land requirements arising from those businesses already established. In this regard, in the case of Caunton Engineering Ltd, the three sub- criteria of Core Strategy Policy 4 (h) are particularly germane and stress the need to retain good quality existing employment sites, and their associated employers through the appropriate management and site allocations to cater for the full range of employment uses that are required by those existing businesses and employers.



- 14. It is therefore imperative that such identified land requirements are assessed, and where they will entail the need for a revision to existing Green Belt boundaries as part of the current Green Belt Review, these are explicitly incorporated within that review process.
- 15. Whilst the premise set out at paragraph 4.3 of the July 2014 consultation draft, and subsequently reiterated within the February 2015 Green Belt Assessment Framework, that the formal revision of Green Belt boundaries and the allocation development will occur through the local plan process, it is nevertheless inescapable that this is establishing a self-fulfilling closed circle because that site allocation process will rely upon the findings of the underlying evidence base that is led by the Green Belt Review. Indeed this concern was previously expressed in the representation submitted in September 2014 and it has been shown to be well-founded since the February 2015 consultation of the Borough Council is titled "Preferred Approach to Site Allocations (Green Belt Review)".
- 16. This realisation, evidenced through the February 2015 Green Belt Review consultation has revealed that the Green Belt Review Consultation assessment by the Borough Council has been undertaken from an inherently misdirected and sectorial narrow residential land use perspective. It is appreciated that the locations of residential development form the basis of the greatest public concern and its participation within the local plan process, but this nevertheless does not absolve the need for the Borough Council to consider all forms of development within the Green belt review Process.
- 17. It is of paramount importance that the scope of the work undertaken by the Borough Council in this review process, resulting in the identification of sites that are to be removed from the Green Belt within the next Borough Council Green Belt Review document, is undertaken correctly and in a manner that encompasses an assessment

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of the full scope and breadth of development forms that may have a future requirement necessitating the use of land that is currently designated as Green Belt. To do otherwise, particularly where there is a singular skew and emphasis upon residential development, will introduce a bias to the assessment process that may subsequently prove to be unacceptable to an Inspector when the Site Allocation Local Plan Part 2 is subject to public scrutiny at the EIP.

18. Caunton Engineering Ltd therefore continue to argue that a fully comprehensive approach that considers the full spectrum of potential land uses, including its future employment land needs, must be part of the underlying basis for the Green Belt Review. It is therefore requested that the Green Belt Assessment Framework be amended to reflect this and more specifically that the Preferred Approach to Site Allocations is accordingly also amended and explicitly commits and endorse this position within the text and consideration of assessed sites.

Safeguarded Land

19. The Assessment Framework and the resultant findings transposed into Green Belt boundary adjustments must also reflect the requirement of paragraph 83 of the NPPF;

"Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider Green Belt boundaries having regard to the intended permanence in the long term, <u>so that they should</u> <u>be capable of enduring beyond the plan period</u>." (my emphasis)

20. It was for this reason that the previous consultation response of September 2014 therefore requested that the Assessment Framework be amended to very explicitly states that basis for the Green Belt review should also encompass potential development requirements beyond that identified within the current round of



development plans in addition to that to accommodate the current development plan end date requirements to 2028.

- 21. To do otherwise will inherently limit the Green Belt Review to only that land required to be released from the Green Belt accommodate growth to 2028 and will inevitably necessitate a further Green Belt review for the subsequent local plan. Were this to happen, axiomatically the redrawn Green Belt boundaries from this review would not be capable of enduring beyond the current plan period to 2028 and not be in compliance with the very clear requirements of paragraph 83 of the NPPF. Given that the current Green Belt is currently very tightly drawn around the built-up areas, this exemplifies the underlying rationale and need for the inclusion of Safeguarded Land as part of the Green Belt Review process.
- 22. The response of the Borough Council to the previous September 2014 consultation response stated that;

"The review will inform Green Belt boundary change and also potentially for safeguarded land (to avoid the need for further reviews). This will be a decision to take in the Local Plans."

- 23. Unfortunately, the Preferred Approach to Site Allocations (Green Belt Review) consultation document of February 2015 does not contain paragraph numbering and therefore reduces the precision in cross-referencing. It is requested that subsequent documents adopt a paragraph numbering protocol.
- 24. The paragraph following Table 2 on page 6 sets out 3 key principles and suggests that the third of the key principles is to include more land in the consultation than will be required for site allocations, principally to allow flexibility in decision-making. it also

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suggests that an underlying purpose in including more land than is required is to also enable identification of;

"which (if any) parts of these areas will be recast as "safeguarded land"

- 25. For the reasons set out above, the authority should not be ambiguous about whether it will or will not identify safeguarded land. The NPPF is clear in this regard and requires Safeguarded Land to be identified as part of a Green Belt review. The Planning Authority should acknowledge this is a prerequisite requirement imposed by the NPPF and accordingly identify areas of Safeguarded Land as an integral part of the Green Belt Review
- 26. In order to facilitate this in a meaningful manner, it is suggested that the current levels of growth should be extrapolated on a pro-rata basis over the subsequent 15 year period beyond 2028 to identify areas that should be designated as "White Land" as part of this current Green Belt review, ie not allocated for a specific use, but similarly, not subject to the continuation of the restrictions imposed by Green Belt.
- 27. Such an approach also has the additional benefit of building in flexibility should development requirements necessitate sites to be brought forward in advance of the completion of the next local plan process.

Preferred Approach to Site Allocations (Green Belt Review) Process

28. In particular, whilst Ordnance Survey maps, topographical maps, and aerial photographs can form a useful aide memoir as suggested at paragraph 5.2 and 5.3 of the Green Belt Assessment Framework, these present the situation that pertains on the ground from a somewhat artificial birds-eye perspective, rather than the reality that is revealed from a site visit and a detailed landscape assessment of the manner in

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which any particular parcel of land relates to its surroundings, both in form and function, and from the context of both present and potential future land uses. It is therefore vitally important that over-emphasis is not placed upon desk-based assessment work.

Figure 1: Assessment Criteria

- 29. Unfortunately, the Borough Council completely mis-read and misinterpreted the representation made within the previous response letter of 19 September 2014 submitted by iPlan Solutions Ltd in respect of the Footnote 2 of the Figure 1 Assessment Criteria. For the avoidance of doubt, it was not stated by iPlan Solutions, as suggested by the Borough Council within its consultation response analysis document, that Footnote 2 should relate to all settlements and not just large built-up areas. In fact the reverse was stated by iPlan Solutions, namely that it was stated that Footnote 2 should clarify that the NPPF requires it to **only undertake the assessment from the perspective of large-built up areas and historic towns as required by the first and fourth bullet point of paragraph 80 of the NPPF.** The point made in the previous consultation response is therefore reiterated again below for the avoidance of doubt as to the position of the respondent.
- 30. Objection is raised to the comments contained in the accompanying Footnote 2 of the Figure 1 Assessment criteria set out in the February 2015 Green Belt Assessment Framework and subsequently reiterated at Footnote 1 of the Borough Council Preferred Approach to Site Allocations (Green Belt Review) consultation of February 2015 in respect of the 1st purpose of the Green Belt criteria being to check the unrestricted sprawl to all built-up areas. Within both identical footnotes it is stated y the constituent Councils that the Councils consider this purpose;

"should relate to all settlements (rather than only to "large built-up areas" and towns/historic towns)".



- 31. Whilst it may be the aspiration of the Council to broaden the scope of this Green Belt purpose, the Council does not have the latitude to change the scope of NPPF unilaterally. Therefore, the scope of the assessment criteria and the manner in which it is to be applied must be confirmed and demonstrably be shown as being restricted to that as set out within the 1st bullet point at paragraph 80 of the NPPF, namely to check the unrestricted sprawl only of large build-up areas and also preserve the setting and special character of historic towns and not for it to undertake the exercise, as currently proposed, on a carteblanche basis applied to all settlements.
- 32. Within the 1st assessment criteria, "Rounding off" is subjective. The scale of development frequently needs to transcend such a generic concept. This should not be applied in a dogmatic manner.

Figure 2 Assessment Matrix

- 33. Objection is raised as a point of principle to the broad brush premise that a potential site for removal from the Green Belt must have 2 or more boundaries adjoining the settlement.
- 34. Such prescription is unnecessarily restrictive and such dogma should not be applied universally. Each potential site should be considered on its individual merits, particularly having regard to the site specifics of both the parcel of land in the context of its surroundings and from the perspective of the potential intended target use for that land were it to be removed from the Green Belt.



- 35. Concern is also expressed regarding the potential outcome from the Assessment Matrix and the potential accumulation of points from 1, 3 or 5 star apportionment for the assessment of site performance against each Green Belt assessment purpose. If this is followed, there is built in bias of outcome leading to a severe danger that such an outcome arising from this process is consequently distorted, lacks refinement and becomes little more than a crude defensive broad brush mechanism. The use of 1,2 or 3 stars would more accurately reflect the 3 categories of differentiation.
- 36. Objection is raised to the neutral non-committal stance taken by the Council in respect of the 5th criteria of Green Belt purpose set out in Figure 1. A 3 tier comparative assessment criteria basis should be established for this criteria in a similar manner to the other 4 purposes of the Green Belt. By doing so, a positive emphasis is then placed upon previously developed land currently situated within the Green Belt adjoining an existing settlement boundary. Removal of such sites from the Green Belt, subject to compliance with other assessment criteria, not only brings such land back into productive use, potentially leads the decontamination, where present, and negates the need to remove other parcels of land from the Green Belt that otherwise provide a greater contribution to the openness of the Green Belt.

Eastwood

37. Reference is made to the detailed response submitted to the Site Allocations Issues and Options consultation submitted on 10 January 2014 by iPlan Solutions Ltd on behalf of Caunton Engineering Ltd. This set out the expansion requirements of the company to increase its trailer storage facility for manufactured steel components prior to their distribution to site. It also highlighted the need to identify an area of land suitable for it to undertake the temporary trial pre-construction erection of the fabricated steel frameworks. This is now a necessary integral aspect to facilitate the

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subsequent smooth operation of the just-in-time methods employed on site in largescale construction projects.

- 38. The Prepared Approach to Site Allocations (Green Belt Review) consultation document published by the Borough Council in February 2015 has not expressly given consideration to the future employment land requirements previously advised to it by Caunton Engineering Ltd.
- 39. The company has commissioned a detailed Landscape and Visual Impact Assessment (LVIA) from Ian Stemp Landscape Associates in respect of the site that it requests be released from the Green Belt. A copy of this assessment is submitted in conjunction with and forms part of this representation and consultation response.
- 40. This assessment utilises the council's own chosen assessment criteria and it demonstrates that it achieves a more favourable and lower scoring than that of the adjacent proposed Zone 10 proposed by the Council for release from the Green Belt for residential development.
- 41. By reference to the Illustrative Master Plan provided at Figure 7 within Appendix A of the LVIA, it can be appreciated that by working with the topography of the proposed addition to the Caunton site and through also incorporating the proposed landscape enhancements to the northern section of the proposed site that would not be utilised for development, objectives of the Greenwood Community Forest are supported, and in the medium to long term there will consequently be a significant enhancement to the visual appearance of the urban edge in this locality by comparison with that which currently prevails.



- 42. In addition, Caunton also commissioned BWB Consulting Ltd to examine both potential flood risk and also the transportation situation. These documents are also submitted to the Borough Council as part of this consultation response and form part of this representation and consultation response.
- 43. The Flood Risk Scoping Study concludes at paragraph 3.3 that the site lies entirely in Flood Zone 1 and this has been confirmed by the Environment Agency. As a consequence development on the site is feasible in terms of flood risk.
- 44. The BWB Transport Statement has assessed the existing vehicle flows associated with the existing Caunton manufacturing activities, examined the changes to patterns of the vehicular movement that would arise from the proposed new trailer storage area.
- 45. Paragraph 6.5 of the Transport Statement confirms the good accessibility to and availability of alternative sustainable travel modes from the Caunton site. It also reveals that once an uplift in sales is reached it is anticipated that the overall Caunton Site would generate an additional 3-5 HGV loads per day resulting in no material impact on the local highway network and it therefore accords with the transportation principles of the NPPF.
- 46. Fundamentally however, paragraph 6.2 of the Transport Statement confirms the proposed extension to the north of the existing Plane building to provide a dedicated trailer and manufactured materials storage area would significantly increase the efficiency of existing operations because it would reduce internal HGV movements, reduce double shifting, free up space and save time by reducing manoeuvring within the yard and consequently enable the company to utilise manpower and hours more



efficiently than at present. In so doing, this rationalisation of the overall site manufacturing process will significantly enhance the competitiveness of the company.

Conclusion

- 47. The representations submitted within this Response to the Borough Council Preferred Approach to Site Allocations (Green Belt Review) Consultation of February 2015 reveals the shortcomings and deficiencies of the current approach to the Green Belt review insofar that it currently has not included any consideration of the need for land to be released from the Green Belt to assist existing companies that provide considerable employment and economic benefit to the Borough.
- 48. In response, Caunton has commissioned its own independent assessment of the site that it requests be released from the Green Belt. This submitted assessment reveals that there would be no detrimental impact arising from such a release upon the 5 purposes of the Green Belt defined at paragraph 80 of the NPPF. Furthermore, such a release would make a significant contribution to enhancing the efficiency and competitiveness of Caunton Engineering Ltd, thereby strengthening its position as a major local employer and catalyst to other local economic activity. It will also lead to associated landscape enhancements that ultimately will result in betterment by comparison with the appearance of the existing urban edge and in so doing will also fulfil the objectives of the Greenwood Community Forest.
- 49. Caunton Engineering Ltd requests that the land parcel subject of this representation be formally removed from the Green Belt as part of the council Green Belt review and that the land be allocated within the Part 2 Site Allocations Local Plan to provide trailer storage and an associated pre-construction trial direction area in the manner indicated within the Indicative Masterplan at Figure 7 of the submitted LVIA.

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Please confirm receipt of this representation, and continue to keep me advised of the subsequent stages of the Green Belt review process and in particular subsequent consultation exercises that are undertaken as part of the process. In the interim, should you wish to discuss any aspect of this application further, please do not hesitate to contact me.

Yours sincerely

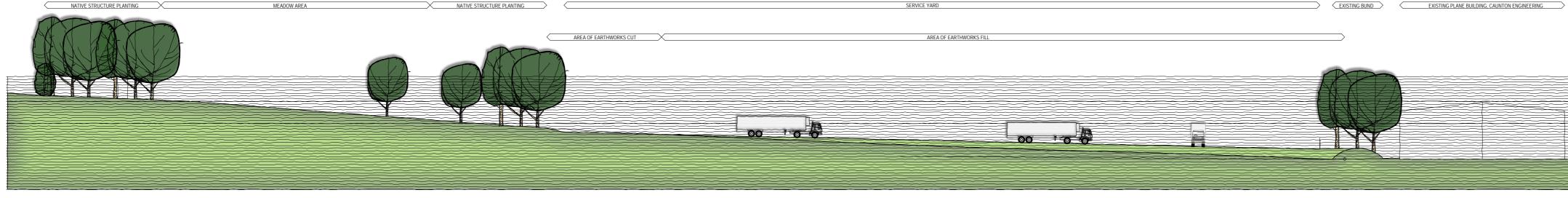
This letter is sent electronically and therefore unsigned. If you would like a signed copy, please contact iPlan Solutions Ltd and one will be forwarded to you.

Mark Flatman



- Enc. LVIA prepared by Ian Stemp Landscape Associates Flood risk Scoping Study prepared by BWB Consulting Ltd Transport Statement prepared by BWB Consulting Ltd
- CC. Caunton Engineering Ltd

SECTION A -A'



Scale: 1:500



Scale: 1:1000

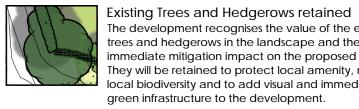
Existing Caunton Engineering Yard

Caunton Engineering, Eastwood . Landscape Strategy

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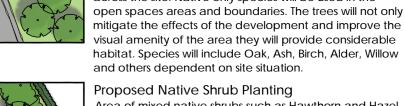
The copyright to this drawing belongs to lan Stemp Landscape Associates and shall not be reproduced without their written consent. Do not scale from this drawing.

KEY & NOTATION



immediate mitigation impact on the proposed dwellings. They will be retained to protect local amenity, maintain local biodiversity and to add visual and immediate green infrastructure to the development. Proposed Tree Planting Tree planting will be added to the site boundaries and across the site. Native only species will be used in the

The development recognises the value of the existing trees and hedgerows in the landscape and their

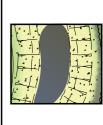


mitigate the effects of the development and improve the visual amenity of the area they will provide considerable habitat. Species will include Oak, Ash, Birch, Alder, Willow and others dependent on site situation. Proposed Native Shrub Planting Area of mixed native shrubs such as Hawthorn and Hazel

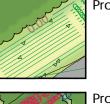
providing additonal screening as well as valuable habitat. The continual belt of native planting will also act as a wildlife corridor enabling fauna to move across the site under shelter.



Grassland managed for ecological value Areas of grass that will be managed for their ecological penefit



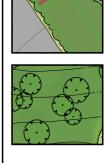
New attenuation ponds will be created within the site boundaries, that as well as controlling water flow will increase biodiversity in the area. They will also be a useful ecological stepping stone, as other close by ponds will help improve the movement of wildlife around the area. The proposed water features will have a mix of emergent and aquatic vegetation types with bank sides and surrounds sown with a suitable wetland seed mix.



Proposed Areas of Earthwork Cut

Proposed Attenuation Water Features

Proposed Areas of Earthwork Fill



Existing Contours

Key Design Objectives

To design a scheme that respects the extant landscape character of Eastwood and the surrounbding area

To integrate the proposed development and associated infrastructure into the existing landscape, minimising the impact on surrounding areas by the use of native tree, shrub and hedgerow planting to site boundaries that face towards open countryside.

To increase the level of woodland planting in the area and reinforce the urban edge of Eastwood.

To improve medium and short distance views from the surrounding countryside by provising woodland elements that will screen the extant Caunton Engineering Works.

Retain the existing site levels to the northern segment of the proposed site area commensurate with the undulating topography of the local landscape

The retention and conservation management of the existing hedgerows and hedgerow trees on all four boundaries of the site

The planting of additional trees within the existing hedgelines and across the site to reinforce tree cover in the landscape, and set the development in the landscape.

The creation of additional natural habitats to ensure that the development has a positive environmental value, including woodlands, hedgerows, grassland and aquatic areas.

To create wildlife corridors through the site enabling badgers and other wildlife to connect with existing green infrastructure, the site will be a positive benefit to the environment.

Scale See Drawing Drg No. 014.1135.001D Date. 01.11.17

Burbage, Leics LE10 2HL



Architecture Landscape Planning



FAO Steffan Saunders Head of Neighbourhoods and Prosperity Directorate of Legal and Planning Services Broxtowe Borough Council Council Offices, Foster Street Beeston, Nottingham NG9 1AB

03 November 2017

Our Ref 014/001/MJF Your Ref

Dear Steffan

Broxtowe BC Publication Part 2 Local Plan Objections to Policies 2, 6 and 8 on Behalf of Caunton Engineering Ltd in respect of land North West of the Plane Building at Lamb Close Drive, Eastwood

Further to the publication of the Part 2 Broxtowe Local Plan, I enclose objections on behalf of Caunton Engineering Ltd in respect of the land owned by the company situated North West of the Plane Building at Lamb Close Drive, Eastwood.

The documentation that is submitted is as follows;

- Policy 2-Site Allocations Objection Form
- Policy 6- Eastwood Site Allocations Objection Form
- Policy 8- Development in the Green Belt Objection Form
- 1. Broxtowe BC Sept 2017 Publication Pt2 Local Plan Proposals Map Extract Showing Objection Site
- 2. Moorgreen Eastwood Strategic Strategic Growth Masterplan Briefing Note, December 2015
- 3. Caunton Site Expansion Landscape Strategy 14-1135-001D
- 4. Response Submitted to Broxtowe BC Site Allocations Issues & Options Consultation 10 January 2014
- 5. Letter to S Saunders Greenbelt Assessment Framework, 19 September 2014
- 6. Flood Risk Scoping Study Caunton Expansion, Prepared by BWB Consulting, 12 Sept 2014
- 7. Transport Statement, Prepared by BWB Consulting, 17 February 2015
- 8. Letter to S Saunders Greenbelt Boundary review Consultation, 23 March 2015
- 9. AECOM LVIA 2017 Site LS38 W Engine Lane, Eastwood
- 10. Caunton Trailer Storage Expansion Landscape & Visual Assessment and Photographic Appendix A Figures and Photoplates Prepared By Ian Stemp Associates

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I confirm that I wish to participate at public examination.

Please confirm receipt of the objections and advise of the progress of the local plan, including when the representations are to be considered by the Council Planning Committee and also the arrangements for the public examination.

Should you wish to discuss any aspect of these objections, please do not hesitate to contact me.

Yours sincerely

This letter is sent electronically and therefore unsigned. If you would like a signed copy, please contact iPlan Solutions Ltd and one will be forwarded to you.

Mark Flatman Managing Director

Enc. Objection Documents as Specified within Letter on CD

CC. Simon Bingham – Chairman, Caunton Engineering Ltd



FAO Steffan Saunders Head of Policy Planning Policy Team Broxtowe Borough Council Planning & Building Control Chief Executive's Department Council Offices, Foster Street Beeston, Nottingham NG9 1AB

By Email

19 September 2014

Our Ref 09/005/MJF Your Ref

Dear Steffan

Greater Nottingham and Ashfield Green Belt Assessment Framework Consultation, July 2014

General

- I write following the publication of the above consultation in July 2014. This letter augments the comments made within the responses made by iPlan Solutions on 14 January 2014 for clients to the Site Allocations Issues and Options consultation document published in November 2013, particularly with regard to the need to identify parcels of land that could be removed from the Green Belt to fulfill employment purposes.
- In particular, it is noted that the background assessment work referred to at paragraph 2.6 and 2.7 of the July 2014 consultation draft refers to assessment exercises that were previously undertaken specifically to accommodate large scale residential development.

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- 3. Indeed, this residential-centric approach is unfortunately reiterated at paragraph 4.1 of the July consultation draft of the Green Belt Assessment Framework, and which focuses upon the requirements of paragraph 47 of the NPPF to boost significantly the supply of housing. A Broader, fully comprehensive approach must be the basis for the Green Belt review assessment.
- 4. Fundamentally, paragraph 84 of the Framework is requires local authorities to take account of the need to promote;

" sustainable patterns of development."

- 5. Development, per se, is clearly not restricted to solely to residential development. Indeed paragraphs 18 and 19 of the NPPF emphasise the Government's commitment to securing economic growth in order to suit create jobs and prosperity, noting that it wishes to ensure that the planning system does everything it can to support sustainable growth and should not act as an impediment.
- 6. Self-evidently, and as stressed at paragraph 7 of the NPPF, sustainable development must realistically encompass not only residential development but also economic and social development to provide accompanying jobs and services. It is therefore imperative that the Green Belt review assessment also encompasses making appropriate provision to remove areas of land from the Green Belt to facilitate the wider long term economic needs of Greater Nottingham and Ashfield.
- 7. Whilst it is agreed with the premise set out at paragraph 4.3 of the July 2014 consultation draft that the formal revision of Green Belt boundaries and the allocation development will occur through the local plan process, it is nevertheless inescapable that this will draw heavily upon and moreover rely upon the findings of an underlying evidence base, including various technical assessments previously prepared. The Green Belt review assessment will form one such document.

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- 8. It is therefore of paramount importance that the scope of the work undertaken resulting in this technical assessment document is undertaken is correctly and encompasses the full scope and breadth of development forms that may have a future requirement necessitating use of land that is currently designated as Green Belt. To do otherwise, particularly where there is a skew and emphasis upon residential development, will introduce a bias to the assessment that may subsequently prove to be unacceptable when subject to public scrutiny at the EIP.
- 9. The assessment framework and the resultant findings must to reflect the requirement of paragraph 83 of the NPPF;

"Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider Green Belt boundaries having regard to the intended permanence in the long term, <u>so that they should</u> <u>be capable of enduring beyond the plan period</u>." (my emphasis)

- 10. It is therefore requested that the Assessment Framework very explicitly states that basis for the Green Belt review is to encompass potential development requirements beyond that identified within the current round of development plans in addition to that to accommodate the current development plan end date requirements to 2028. To do otherwise and limit the Green Belt review to only that land required to be released from the Green Belt accommodate growth to 2028 will inevitably necessitate a further Green Belt review for the subsequent local plan. Were this to happen, axiomatically the redrawn Green Belt boundaries from this review would not be capable of and during beyond the current plan period to 2028.
- 11. In order to facilitate this, the current levels of growth should be extrapolated on a prorata basis over the subsequent 15 year period beyond 2028 to identify areas that can be designated as "White Land" as part of this current Green belt review, ie not allocated for a specific use, but similarly, not subject to the continuation of the restrictions imposed by Green Belt. Such an approach also has the additional benefit

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of building in flexibility should development requirements necessitate sites to be brought forward in advance of the completion of the next local plan process.

Green Belt Review Process

12. In particular, whilst Ordnance Survey maps, topographical maps, and aerial photographs can form a useful aide memoir as suggested at paragraph 5.2 and 5.3, these present the situation that pertains on the ground from a somewhat artificial birds-eye perspective, rather than the reality that is revealed from a site visit and a detailed landscape assessment of the manner in which any particular parcel of land relates to its surroundings, both in form and function, and from the context of both present and potential future land uses. It is therefore vitally important that over-emphasis is not placed upon desk-based assessment work.

Figure 1: Assessment Criteria

 Objection is raised to the comments contained in the accompanying footnote 2 in respect of the 1st purpose of the Green Belt criteria being to check the unrestricted sprawl of large built-up areas. Within this footnote it is stated that the Councils consider this purpose;

"should relate to all settlements (rather than only to "large built-up areas" and towns/historic towns".

14. Whilst it may be the aspiration of the Councils to broaden the scope of this Green Belt purpose, the Councils do not have the latitude to change the scope of NPPF unilaterally. Therefore, the scope of the assessment criteria and the manner in which it is to be applied must be confirmed as being restricted to that as set out within the 1st bullet point at paragraph 80 of the NPPF.



- 15. Within the 1st assessment criteria, "Rounding off" is subjective. The scale of development frequently needs to transcend such a generic concept. This should not be applied in a dogmatic manner.
- 16. Objection is raised to the proposed assessment criteria response made within the July 2014 draft in respect of the 5th purpose of the Green Belt. It is the case that the 6th bullet point of paragraph 89 of the NPPF places a highlighted emphasis upon the redevelopment of previously developed sites. Consequently, it is disingenuous to suggest that all land in the Green Belt assists in urban regeneration to the same extent. It is requested that the assessment criteria used within the Green Belt review framework places an additional favourable weighting upon the removal of derelict land from the Green Belt by comparison with other comparable non-derelict sites.

Figure 2 Assessment Matrix

- 17. Objection is raised as a point of principle to the broad brush premise that a potential site for removal from the Green Belt must have 2 or more boundaries adjoining the settlement.
- 18. Such prescription is unnecessarily restrictive and such dogma should not be applied universally. Each potential site should be considered on its individual merits, particularly having regard to the site specifics of both the parcel of land in the context of its surroundings and from the perspective of the potential intended target use for that land were it to be removed from the Green Belt.
- 19. Concern is also expressed regarding the potential outcome from the Assessment Matrix and the potential accumulation of points from 1, 3 or 5 star apportionment for a sites performance against each Green Belt assessment purpose. If this ids followed, there is a severe danger that such an outcome arising from this process lacks refinement and becomes little more than a crude defensive broad brush approach.

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20. Objection is raised to the non-committal stance in respect of the 5th criteria of Green Belt purpose. The construct "Assist in urban regeneration" is a selective quotation of this Green Belt purpose. For the same reason as set out at paragraph 16 above, a 3 tier comparative assessment criteria basis should be established, whereby a positive emphasis is placed upon previously developed land adjoining an existing settlement boundary, since removal of such sites from the Green Belt, subject to compliance with other assessment criteria, not only brings such land back into productive use, potentially leads the decontamination where present, and negates the need to remove other parcels of land from the Green Belt that otherwise provide a greater contribution to the openness of the Green Belt.

Please confirm receipt of this representation, and continue to keep me advised of the subsequent stages of the Green Belt review process and in particular consultation exercises that are undertaken as part of the process. In the interim, should you wish to discuss any aspect of this application further, please do not hesitate to contact me.

Yours sincerely

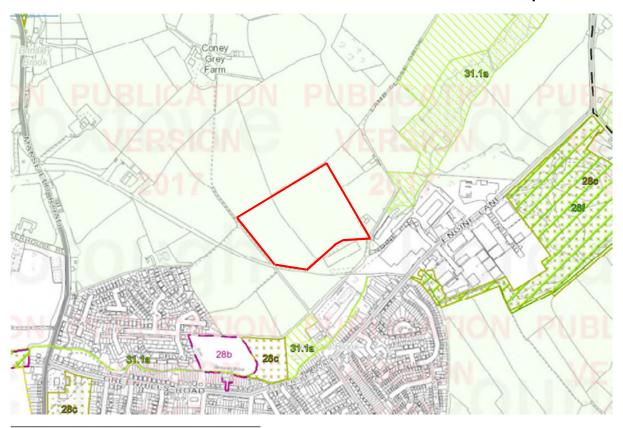
This letter is sent electronically and therefore unsigned. If you would like a signed copy, please contact iPlan Solutions Ltd and one will be forwarded to you.

Mark Flatman Managing Director

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Extract from Broxtowe Publication Consultation Pt 2 Local Plan – Sept 2017



Objection Site Requested to be removed from Green Belt and Allocated as a Lorry Trailer

Objection Site Caunton Engineering Ltd

Caunton Engineering, Eastwood



RESPONSES TO BROXTOWE BOROUGH COUNCIL SITE ALLOCATIONS ISSUES AND OPTIONS FOR CONSULTATION, NOVEMBER 2013

SUBMITTED ON BEHALF OF CAUNTON ENGINEERING LTD IN RESPECT OF LAND AT MOORGREEN INDUSTRIAL PARK JANUARY 2014

PREPARED BY

Mark Flatman Managing Director

iPlan Solutions Ltd PO Box 9170 Loughborough LE12 8ZQ



CONTENTS

- 1. INTRODUCTION
- 2. RESPONSES TO THE SITE ALLOCATIONS ISSUES & OPTIONS FOR CONSULTATION



1. INTRODUCTION

- 1.1 These representations submitted by iPlan Solutions Ltd on behalf of Caunton Engineering Ltd. It is to be treated as a holding representation pending the submission of further information in due course.
- 1.2 iPlan Solutions Ltd were appointed in January 2014 by Caunton Engineering Ltd to advise the firm in respect of town and country planning issues in relation to the growth strategy for the business during the next decade. Caunton engineering is one of the U.K.'s leading steel contractors specialising in the design, fabrication and erection of structural steel work. During the recent recession a significant number of its competitors ceased to trade with a consequence that Caunton is now the most southerly based manufacturer of specialised structural steel work in the country providing niche specialist services to the construction sector. This is very significant and given this locational proximity to the economic powerhouse of the South East, in particular, the company therefore anticipates a rapid and exponential increase in the future demand for the specialist services that it provides.
- 1.3 Consequently, in addition to being a significant source of local employment, with currently over 200 direct employees and a significant level of associated local multiplier employment generation, the specialist nature of the heavy engineering and manufacturing that it undertakes means that it occupies a nationally important supportive role to the UK construction sector, both within this country and abroad.
- 1.4 At a local level further growth, rationalisation and logistical re-organisation of the justin-time manufacturing, pre-site construction and product delivery processes will sustain existing employment levels and also result in additional local job creation. Indeed Caunton has been notably lauded for its strong commitment to training, underpinned by its innovative in-house training academy apprenticeship program which runs across all aspects of the business. In doing so, this particularly provides significant job opportunities for local school leavers.
- 1.5 At the national level, the company is a linchpin between the transition from raw material through to finished steel framework which facilitates the construction of buildings that themselves enable a wide variety of economic activity to be undertaken and thereby contribute towards improvements in the overall economic performance of the country as a whole.
- 1.6 At a time when there is increasing pressure from foreign competitors, it is therefore vitally important that local authority support is given to the business. The owners wish to enter into a constructive dialogue with the Council with the aim of securing a specific site allocation for trailer storage and also provision of a dedicated site for the temporary pre-construction erection of the fabricated steel frameworks and of within the adopted Site Allocations policy document.



1.7 It is therefore of paramount importance that Broxtowe Borough Council ensures that there is a supportive and flexible planning policy framework in place through the Site Allocations Policy Document to facilitate the growth of this successful local enterprise and thereby to enable it to flourish in the coming decades rather than adhering to a policy position that would throttle and thwart it. This will necessitate a detailed examination and revision of Green Belt boundaries in close proximity to the business.



2. RESPONSES TO THE ISSUES AND OPTIONS CONSULTATION

Topic 2: approach to the Green Belt Boundary Review

NPPF

- 2.3 Paragraph 83 clarifies that Green Belt boundary reviews should only occur through the process of local plan preparation and that the revised boundaries should be to such an extent to enable them to endure beyond the plan period, which in this case is beyond 2028. The implication being that there should not be a necessity to revisit the Green Belt boundary at the next local plan and by doing so their degree of permanence beyond that of the life cycle of the local plan is ensured.
- 2.4 Paragraph 84 advises local authorities that in reviewing their Green Belt boundaries they should take account of the need to promote sustainable patterns of development and further detail is provided in this regard at paragraph 85. Boundaries should be consistent with the local plan strategy but not to continue to include land which it is unnecessary to keep permanently open. In particular, requiring the authorities to satisfy themselves that the Green Belt boundaries will not need to be further altered at the end of the development plan period

Publication Version of Aligned Core Strategy 2012

2.5 Policy 3-1states that "Development Plan Document will review Green Belt boundaries to meet the other development land requirements of the Aligned Core Strategies." This is a general requirement, but it is also noted to be particularly applicable to the requirements of the Key Settlements. Specifically paragraph 3.3.3 notes that the "detailed boundaries will be defined through Development Plan Documents." Eastwood is such a Key Settlement.

Site Allocations Issues and Options Topic 2: Approach to the Green Belt

Question 2a: Where should Green Belt boundaries be amended to meet the development needs of Broxtowe as specified in the Core Strategy to 2028?

2.6 Policy 4-1(b) of the Aligned Core Strategies proposes the provision of a minimum of 34,000 sqm of new B1 (a and b) office and research and development accommodation and Policy4-1(d) proposes a minimum of 15 ha of B1(c), B2 and B8 within the Borough 2011-2028.



- 2.7 It is significant to note that whilst considerable analysis of potential housing locations is contained within the 7 constituent documents comprising the Issues and Options consultation, there is no analysis of potential new alternative locations put forward. Indeed, consideration of the constituent documents comprising of the Issues and Options consultation reveals not only that no new employment allocations are proposed, but also that in many instances, the prospect of possible re-allocation of existing employment land to accommodate the housing requirements is mooted. In many instances, the functionally obsolete nature of the buildings coupled to locational deficiencies makes a number of employment locations no longer attractive to current employment requirements.
- 2.8 Nevertheless, the corollary must surely be that there is a necessity to identify compensatory new sites for employment purposes within the emerging Site Allocations plan document, particularly if these can be provided in a location adjacent to and in support of an existing successful business. It is suggested that the absence of such consideration is a significant deficiency within the consultation documentation.
- 2.9 Within the Locally Distinctive Issues section of the Eastwood Site Allocations Issues and Options document, paragraph E5.6 considers the issue of employment allocations, noting the potential for the reallocation of some existing employment allocations to residential use to minimise the need to make new housing allocations outside of the settlement limits. It also notes that there are opportunities for new businesses to locating into this area due to both the excellent transport linkages and large available local workforce. Both criteria also apply equally to existing businesses that also have a requirement during the currency of the plan period to expand their operations in situ.
- 2.10 In particular, in the case of Caunton, it relocated to its current site at Moorgreen in January 1990, acquiring the site of the British Coal National Workshops and has subsequently made a multi-million pound investment, working with the public sector to restore the site. Similar multi-million pound technological investments have streamlined the business and enhanced its competitive edge. The important national and local role of the company is discussed in the preceding section.
- 2.11 The NPPF, notably at paragraph 21, requires local planning authorities to support existing business sectors, particularly through the introduction of flexible policy frameworks to accommodate both identified needs as well as those not specifically anticipated within the plan at the time of its preparation. Notably, paragraph 21 states;

"Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment..."



- 2.12 However, the analysis within the Issues and Options consultation document is onedimensional, being solely focused upon provision of further housing sites and is taken from the work undertaken in the context of the Strategic Housing Land Availability Assessment (SHLAA).
- 2.13 It is most disappointing that no analysis is contained within the Issues and Options document of potential employment sites or the requirements of significant existing employees. In the coming months, Caunton wishes to commence a constructive dialogue with the Borough Council to ensure that it has a thorough understanding of the forthcoming land requirements for its business and the manner in which adjustments to the current prevailing planning policy, notably that of the Green Belt boundary, are required in order to facilitate this.
- 2.14 It is therefore formally requested that Broxtowe BC work with Caunton Engineering Ltd and its professional advisers in order to amend the existing Green Belt boundary adjacent to this business and for this land to no longer be denoted as Green Belt within the amended Proposals Map that will accompany the Site Allocations policy document. Further work is required by the advisers to Caunton as a prerequisite to being able to specifically identify the precise boundaries that require adjustment.

Question 2b: Should Green Belt boundaries be amended to meet the development needs of Broxstowe beyond 2028 (ie safeguard land)? If yes, where should the safeguarded land boundaries go?

2.15 i6.1.2 acknowledges the requirement of paragraph 83 the NPPF that the redefinedGreen Belt boundaries should be capable of enduring beyond the local plan period, i.e.beyond 2028. However, paragraph 85 requires that local authorities should;

"satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period."

2.16 Therefore, the statement set out within i6.3.1 that the authority "is determined to keep Greenbelt alterations to the minimum required to meet the development needs as specified in the Core Strategy" is not in accordance with the requirements of the NPPF and reticence of the authority to potentially fulfil its obligation under the NPPF is intimated within the question at Issue 2a whereby the prospect of defining a Green Belt boundary to accommodate potential need to beyond 2028 is merely hinted as a possibility. To fail to fulfil this broader NPPF requirement would be highly likely to render the plan Unsound.



- 2.17 The perennial planning issue to be grappled with in the context of determining a Green Belt Review and the associated need to identify Safeguarded Land is determining the amount of land that will be required to fulfil the development requirements beyond the end of the current local plan. Given that a local plan period is expected to cover a period of 15 years, it would be entirely reasonable therefore in order to ensure that a further Greenbelt review is not required at the end of the current local plan period in 2028, that the Council now extrapolates the current levels of development requirement for a further 15 years beyond 2028 in order to derive the amount of Safeguarded land that is to be required to be identified within the current Site Allocations Development Plan Document. A similar extrapolation of the locational and land take implications arising from the existing strategy should form the basis for the identification of both the location and quantity of Safeguarded Land. Indeed, were the current review not to achieve this, then arguably it would not be in accordance with the requirements of the NPPF.
- 2.18 In order to ensure that the plan is Sound and to achieve compliance with the requirements of paragraph 85 of the NPPF, sufficient Safeguarding Land must be defined. It is important for the authority to convey to the residents of Broxtowe that simply because land is taken out of the Green Belt it does not automatically release it for development. Underlying the Green Belt Policy, the normal restraints of Open Countryside planning policy automatically endure and protect land from development.



Topic 3: Economic Issues/Job Creation

NPPF

- 2.19 Paragraph 19 of the NPPF requires the planning system to do everything it can to support sustainable economic growth, with a specifically defined role to encourage and not act as an impediment to sustainable growth.
- 2.20 Significantly, paragraph 21 expects local authority planning policies to seek to address potential barriers to investment and in supporting existing business sectors policy should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. In this regard, paragraph 22 extols planning authorities to treat alternative uses of land or buildings on their merits having regard to changing market signals and the relative need a different land uses to support sustainable local communities

Publication Version of Aligned Core Strategy 2012

- 2.21 i7.2.2 of the Issues and Options consultation document acknowledges Policy 4.1b and 4.1d of the Publication Version of the Aligned Core Strategy which requires the provision of **a minimum** of 34,000 sqm of new office development and 15 hectares for industrial and warehousing uses within Broxtowe Borough. It is important that no constraint is placed upon potential economic development as this is essential to sustain the prosperity of Greater Nottingham generally and all parts of Broxtowe Borough specifically.
- 2.22 Each case must be considered on its specific merits. In case of Caunton Engineering there are specific locational land requirements that are necessary for the company in order to enhance the flow of the business operation within the site and by doing so reinforce the competitive edge operative efficiencies in relation to its competitors. To facilitate the growth of this business in situ will therefore continue to provide a source of employment for the existing employees, further increase new local employment opportunities and reinforce the financial security and competitiveness of the ongoing business.
- 2.23 In particular, it is noted that Policy 2 of the Core Strategy proposes **a minimum** of 6150 new homes in the period to 2028. Whilst approximately 3600 are proposed within or adjoining the existing built-up area of Nottingham, it is particularly significant to note that 41% of the allocation, approximately 2550 dwellings, are proposed in the north of the Borough at Awsworth, Brinsley, Eastwood and Kimberly. The continued success of Caunton Engineering at the Moorgreen Industrial Park, adjoining the north of Eastwood, will provide a good source of employment opportunities for both existing and new residents.



Question 3a: Should additional allocations for employment site to be made? If yes, where should the additional employment allocations be made?

- 2.24 It is therefore considered appropriate that an additional allocation for employment land provision be provided in a location to be advised to the Council in due course that is tailored to specifically meet the long-term requirements of the Caunton Engineering business.
- 2.25 It is the case that many premises and locations Borough-wide that are currently used for employment, or have been so used in the recent past, are sub-optimal and therefore unlikely to attract new manufacturing for employment investment. Indeed, this is intrinsically acknowledged by the authority within the constituent Issues and Options documents within the consideration of Employment Allocations section, wherein it is suggested that it may be appropriate to consider a number of existing employment sites and allocations for reallocation to residential uses in order to minimise needs to make new allocations for housing outside the existing settlement limits.
- 2.26 The corollary of the analysis undertaken by the authority therefore highlights that in parallel with this structural adjustment in the local economy, where there are sound prospering existing businesses, there is an imperative that the authority should support and engender their continued survival. In the case of Caunton Engineeringthis will be achieved via a specific allocation within the Site Allocations policy document.
- 2.27 Policy 4-1(b) of the Aligned Core Strategies proposes the provision of a minimum of 34,000 sqm of new B1 (a and b) office and research and development accommodation and Policy 4-1(d) proposes a minimum of 15 ha of B1(c), B2 and B8 within the Borough, 2011-2028. The policy itself is worded with an inherent flexibility by reference to the level of employment office provision as a "minimum". Consequently, given the very user-specific nature of the proposed employment allocation, it is considered that the wording of the policy would enable the land requirement allocation for Caunton Engineering to be made in addition to other employment land allocations that comprise part of the required minimum 15ha provision.
- 2.28 Indeed, it is interesting to note that within the Broxtowe Sustainable Community Strategy 2010-2020, that the provision of additional employment opportunities is the 1st out of the 7 identified Challenge Areas in that document. Furthermore, Eastwood South is also highlighted as being a hotspot area of the Borough that has higher unemployment than elsewhere within the Borough, and particularly notes that "The number of jobs we have available within the area to cater for the population of working age available for work is lower than the British and East Midlands average." This therefore emphasises the need for the Council to support the land use requirements of



existing businesses, such as Caunton Engineering, that are able to provide a diverse source of long-term employment to the local population.

2.29 The Caunton Engineering Ltd business at Moorgreen Industrial Park is a wellestablished existing local business providing a valuable source of local employment and training. It has a specific requirement for additional land for auxiliary employment purposes to augment its existing business activities and it is therefore requested that in due course an adjacent site be specifically allocated for these uses within the Site Allocations policy document.

Question 3b: Should allocations be restricted to specific employment uses? If yes, what employment uses, (e.g. Offices (B1(a)), light industry (B1(c)), General Industry (B2) and Storage and distribution (B8)) on which sites? How can we ensure flexibility to accommodate future business needs?

- 2.30 The answer to the approach to be taken by the Borough Council in respect of this question is given within paragraph 18-22 of the NPPF. In particular, the 3rd bullet point of paragraph 21 emphasises the need for policies to be sufficiently flexible to accommodate needs not anticipated in the plan and thereby allow a rapid response to changing economic circumstances. A flexible approach to the provision of employment land and the site-specific requirements of well-established existing businesses is therefore the key to the planning system contributing towards enhanced economic prosperity. Given the relative infrequency with which Green Belt boundaries are reviewed, the opportunity should now be taken by the Borough Council to work with Caunton Engineering to ensure that the Site Allocations policy document contains a framework that does not fetter the future success of that business.
- 2.31 The problems associated with an overly restrictive approach to the provision of employment land is readily demonstrated by the existence of many sites that are currently within B class employment use, but which contain functionally obsolete premises and or are sub-optimally located to meet the current business needs. The corollary of the situation must be that where a business has successfully established itself in a particular location and made a significant investment in specialist bespoke buildings, machinery and IT at that location, the planning authority should do everything in its power to support the continued sustainable economic growth of the business as required between paragraphs 18-21 of the NPPF.



Question 3c: Do you agree with the Council's assessment of existing employment sites including their potential to be reallocated for other uses? If no, which assessment(s) should be amended and how?

- 2.32 The employment site assessments within the 7 Issues and Options documents are in many instances generic and broadbrush. The assessment is site selective and not comprehensive. However, in general terms, paragraph 22 of the NPPF provides a clear steer to local authorities that where there is no reasonable prospect of the site continuing to be used for employment purposes then an alternative use should be identified.
- 2.33 By extension, it also follows that where a more effective use of existing employment land or potential employment land can be identified, this similarly should be supported within the policy framework of the Site Allocations policy document. The land owned by Caunton Engineering Ltd at Moorgreen Industrial Park is a case in point whereby it has been identified by the owners as presenting the opportunity to provide an effective use of the land which could generate a greater level of employment provision than is currently the case. In doing so, this also presents the Council with the opportunity to reinforce, retain and explained existing employment opportunities in a sustainable manner and location within the northern part of the Borough.

Landscape & Visual Assessment

Caunton Expansion Site, Eastwood, Nottinghamshire



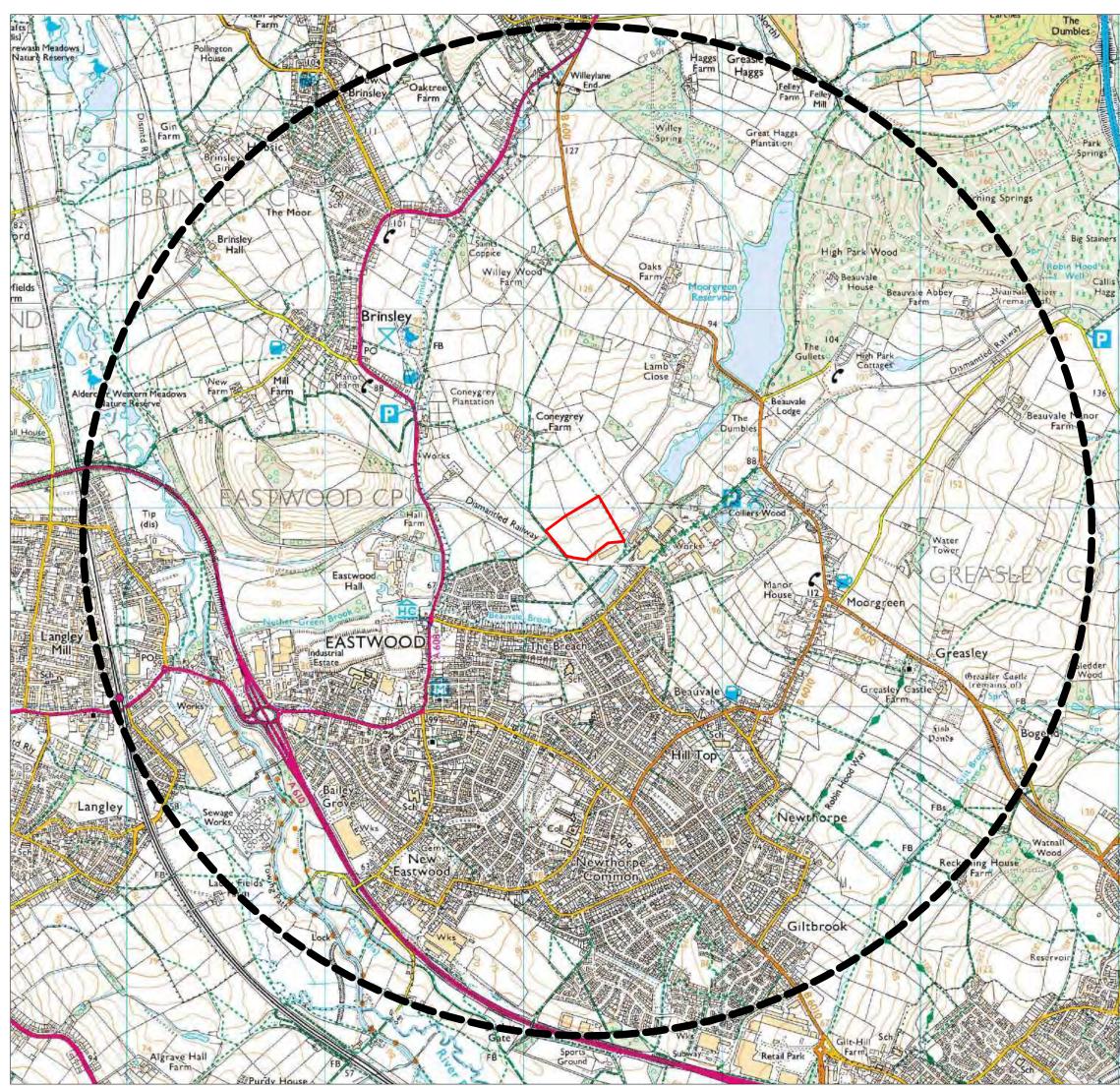




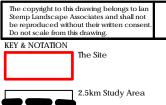
Appendix A Figures and Photoplates

Arboriculture

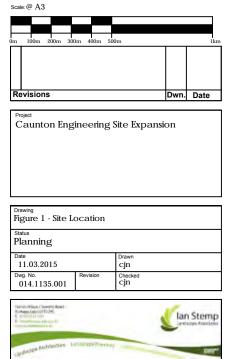














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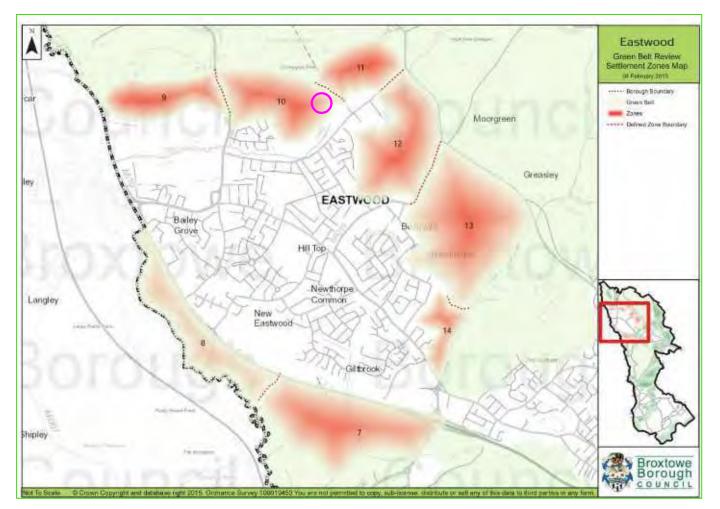
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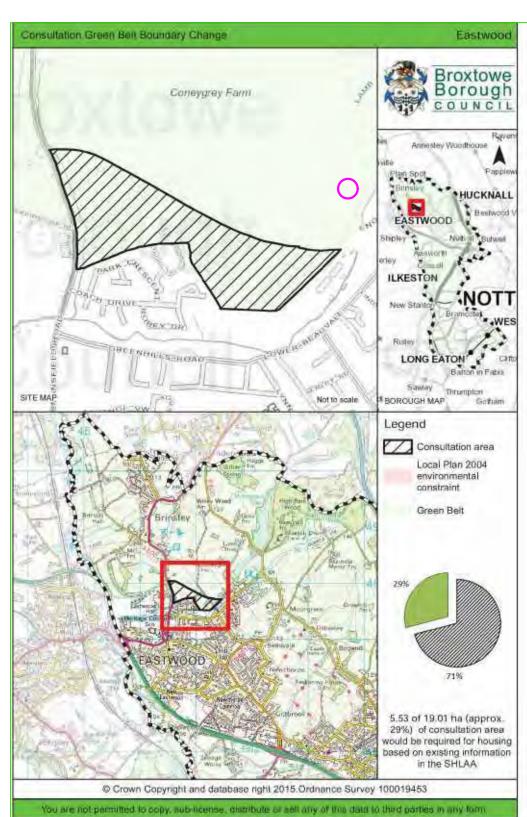


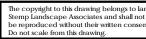
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Project Caunton Engineering Site Expansion

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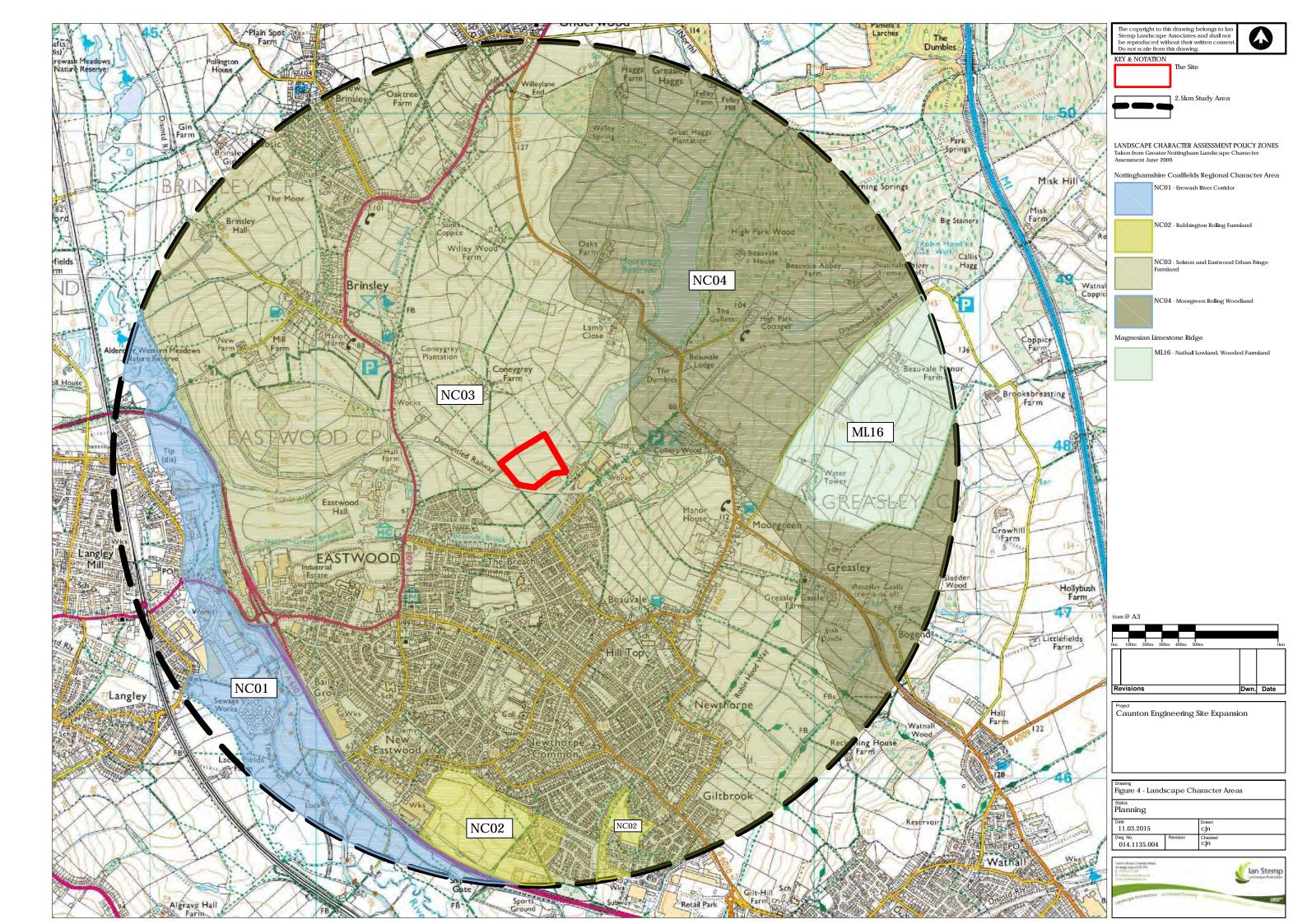
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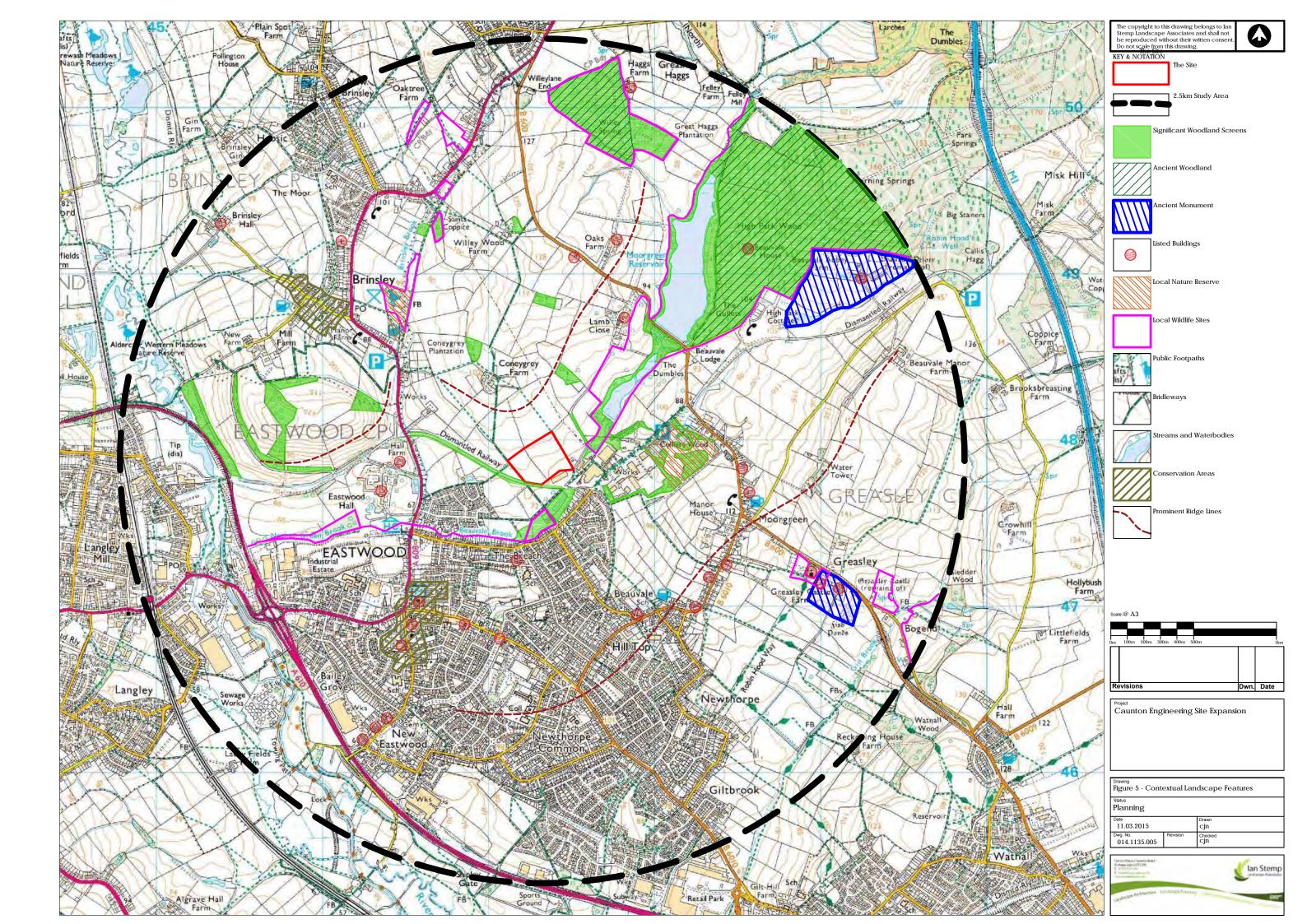
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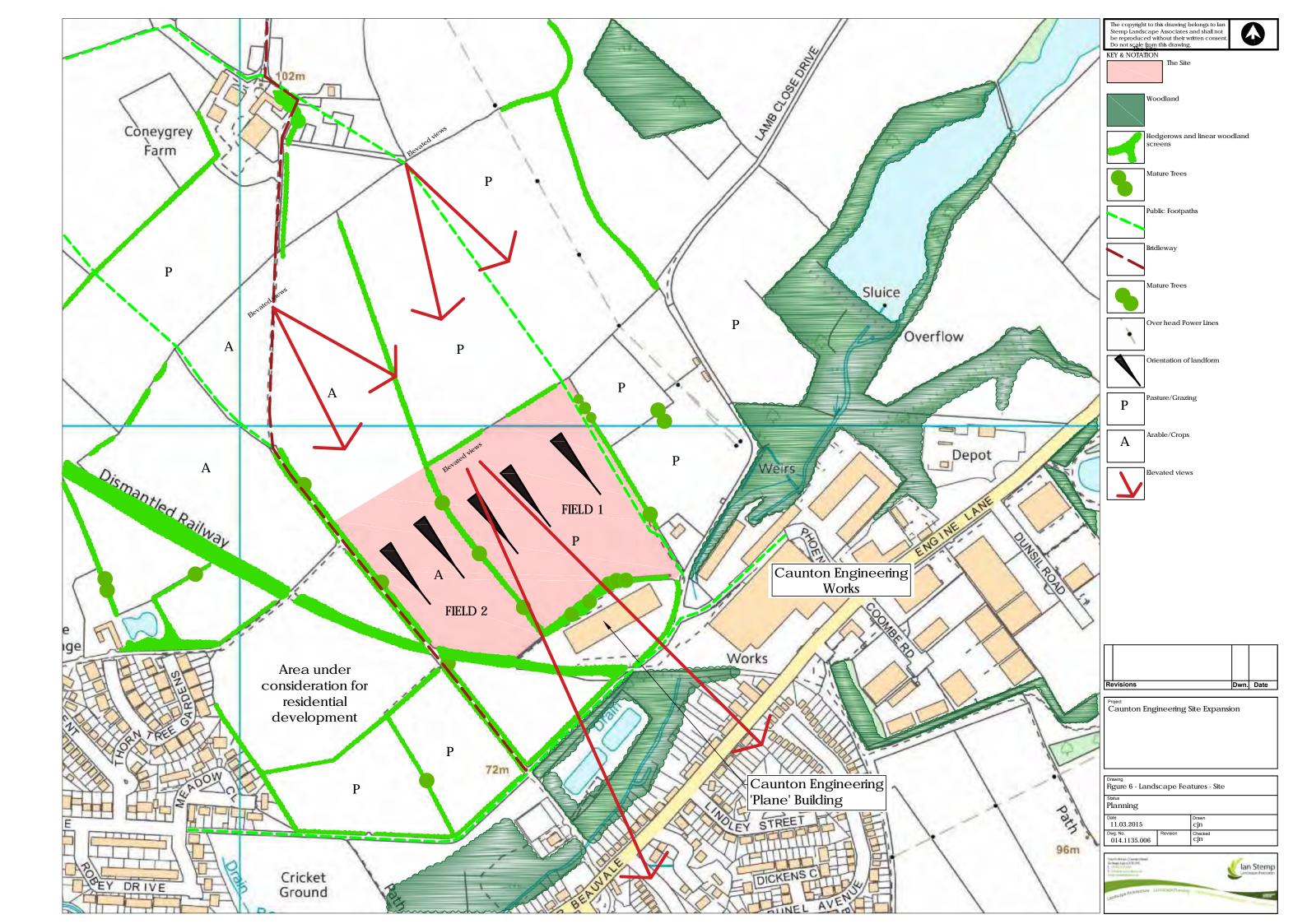


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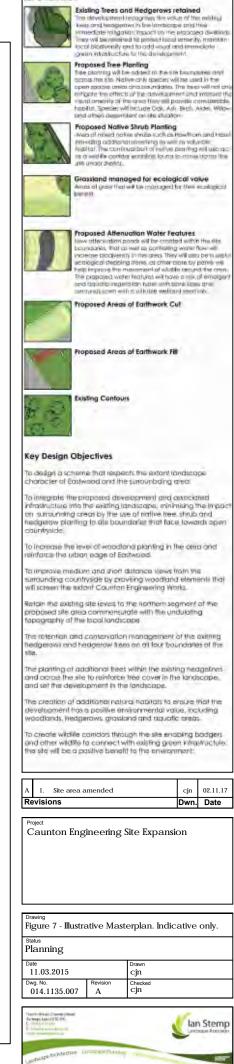


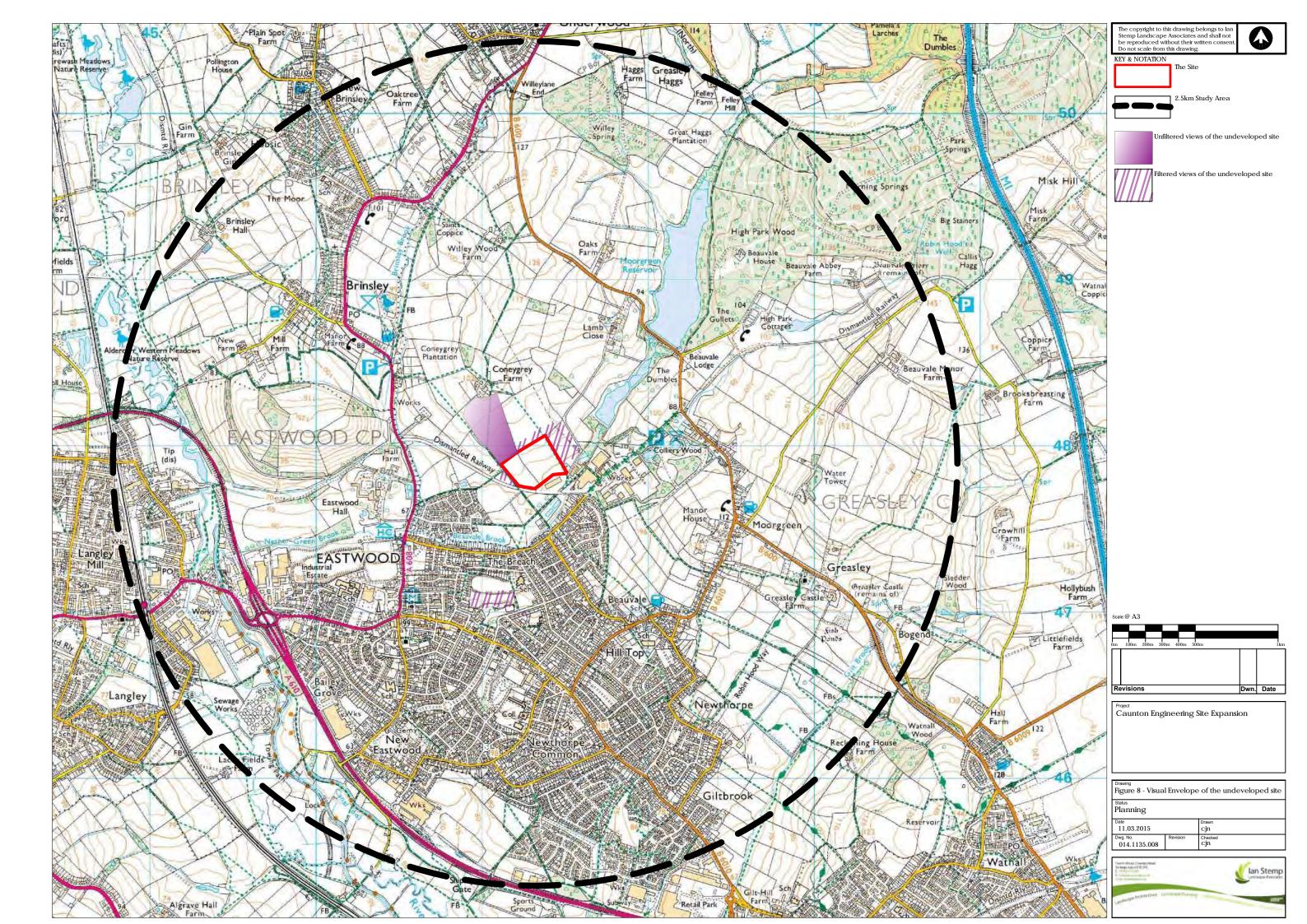


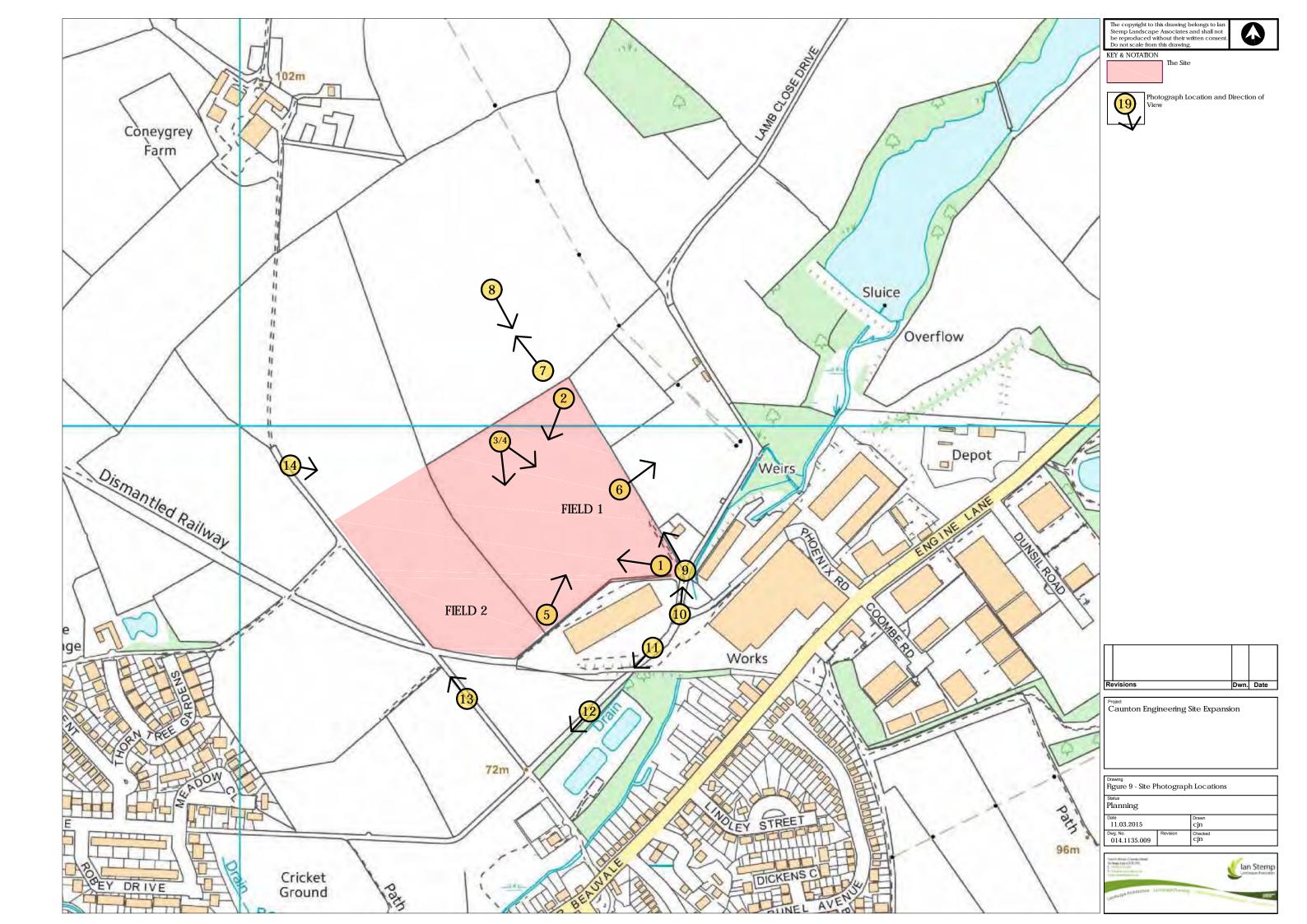




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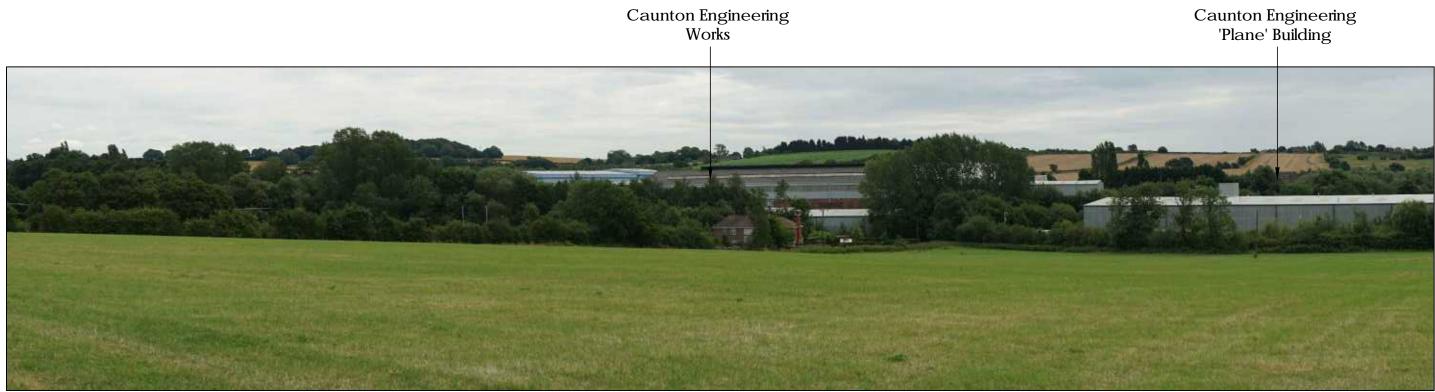


Viewpoint 1: From Southeast corner of site, on stone access track off Lamb Close Drive.



Viewpoint 2: From Public Footpath at Northeast corner of the site, looking back towards Plane Building in middle ground and 'The Breach' area of Eastwood beyond.





Viewpoint 3: From higher elevations of site looking back towards existing Caunton Engineering site.



Viewpoint 4: From higher elevations of site looking back towards existing Caunton Engineering site.



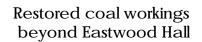


Viewpoint 5: From south west corner of the site, note the orientation of the site towards the southern boundary and level change.



Viewpoint 6: Looking east from public footpath on eastern site boundary over adjacent field







Viewpoint 7: Taken from footpath as it exits the site on northern bounadry, looking north towards Coneygrey Farm.



Viewpoint 8: Taken from footpath north of northern site boundary, looking back towards site, which is mostly screened from view due to topography and vegetation.





Viewpoint 9: Taken from footpath as it enters site off Lambs Close Drive



Viewpoint 10: Taken from Lamb Close Drive adjacent Plane Building access



Viewpoint 11: Taken from footpath south of Plane Building, adjacent dis-used railway bridge



Viewpoint 12: Taken from footpath south-west of Plane Building









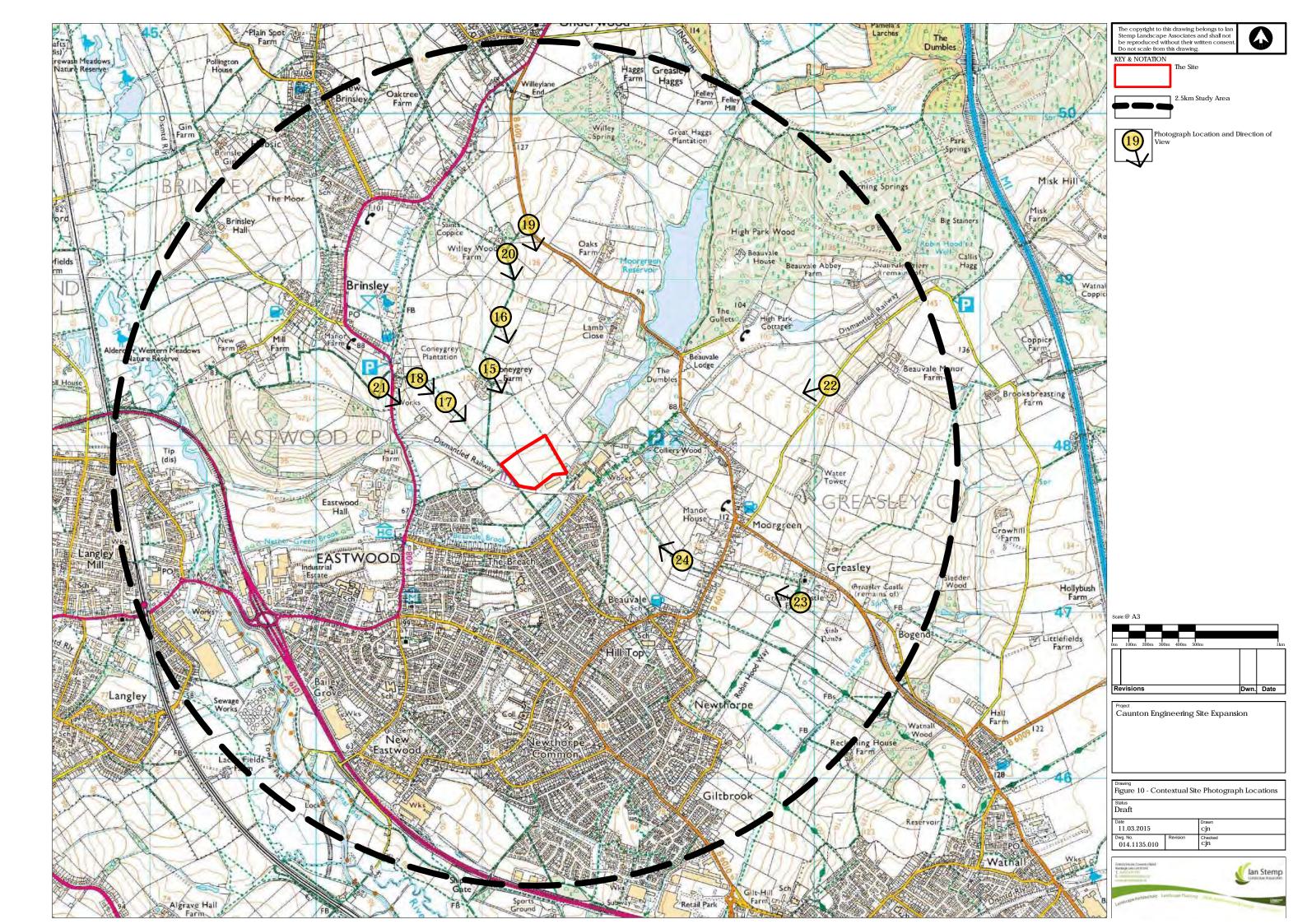
Viewpoint 13: Taken from bridleway to west of site, looking north



Viewpoint 14: Taken from bridleway to west of site, looking back east across Field 2

Caunton Engineering 'Plane' Building







Viewpoint 15: Taken from bridleway to north of Coneygrey Farm, looking back towards site.

Roof only of Caunton Engineering 'Plane' Building just visible, proposed site is not viewable



Viewpoint 16: Taken from bridleway north of Coneygrey Farm, only roof of Plane Building is visible, not the proposed site. Proposed woodland planting would remove any views of Plane Building







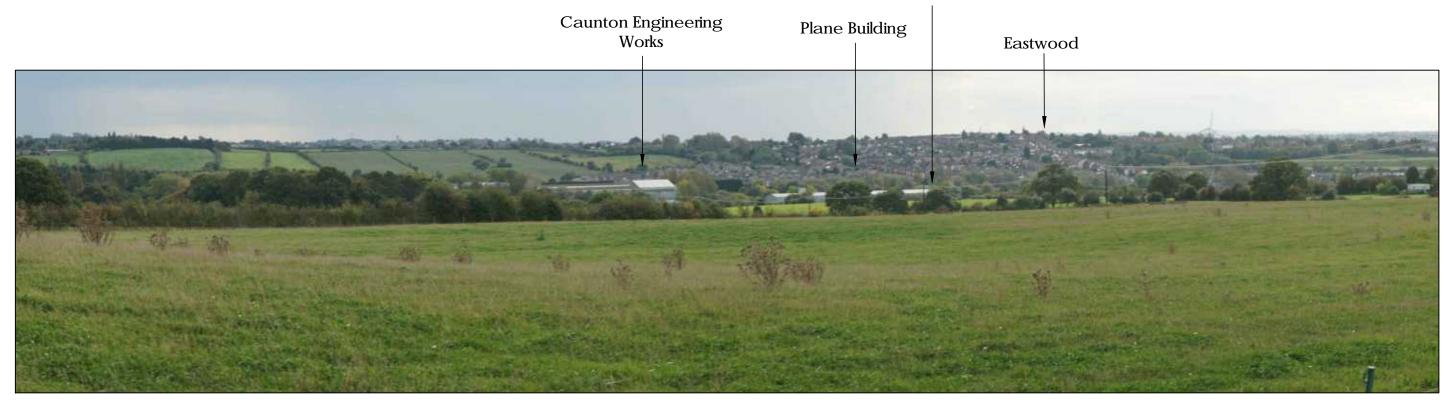
Viewpoint 17: Taken from footpath north-west of Coneygrey Farm, site is not viewable



Viewpoint 18: Taken from bridleway north of Coneygrey Farm, as it descends back to Mansfield Road and the rear of residential properties. Site is not viewable.



Site not viewable. Woodland planting to northern elevation would screen existing views of engineering works



Viewpoint 19: Taken from B600 from adjacent access to Willey Wood Farm. Roof of Plane Building visible but site not viewable due to fall in levels.



Viewpoint 20: Taken from bridleway adjacent Willey Wood Farm. Site not viewable.



Coneygrey Farm

Site not viewable

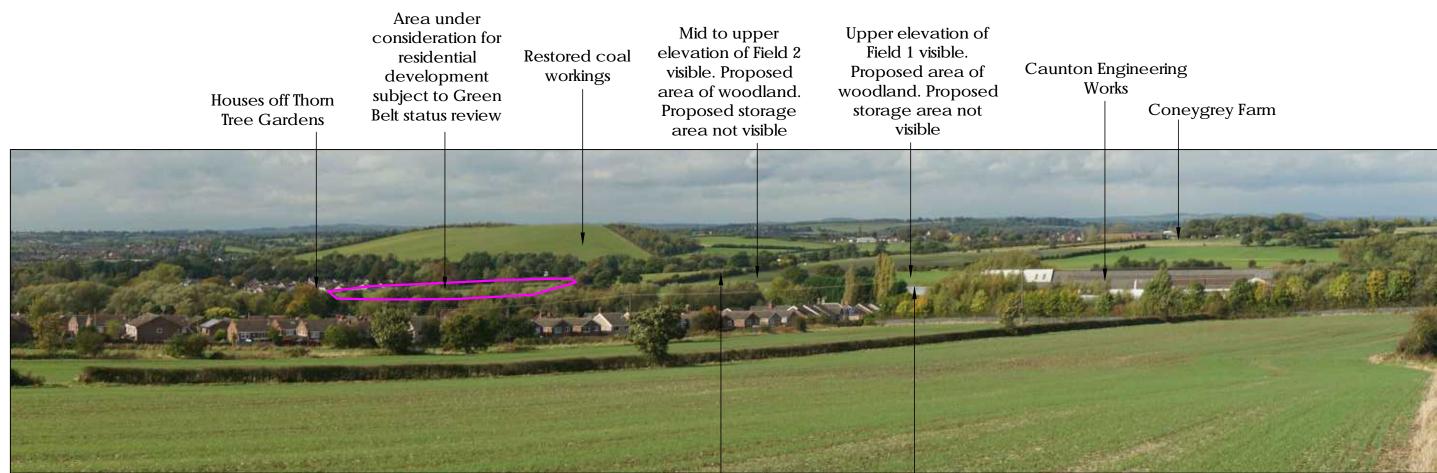


Viewpoint 21: Taken from footpath off Mansfield Road to northern face of restored coal workings, from elevated position, site is not viewable.



Viewpoint 22: Taken from Miil Road, between Moorgreen and Beauvale Abbey Farm.





Viewpoint 23: Taken from footpath north of B6010 Moorgreen to Hilltop Road.

Bridleway to west boundary of site

Caunton 'Plane Building'



Viewpoint 24: Taken from Robin Hood Way, adjacent to Greasley Castle Farm, looking towards houses on elevated B6010, which block views further north west and prevent views of site.







Consultants: Christopher Nichols MLI Ian Stemp MLI

Landscape & Visual Assessment

To assess the site's importance to the Green Belt and impact of proposed site expansion



Caunton Engineering Expansion Site Eastwood, Nottinghamshire



Project: Caunton Engineering Expansion Site, Eastwood, Nottinghamshire

Client: Caunton Engineering

Job No: 014.1135

Report No: 014.1135.R1A

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CONTENTS

| Chapter 1 | Title Introduction | Page 5 |
|--------------|---|-----------|
| 2 | Extant Planning Policy & Green Belt status | 9 |
| 3 | Review of Extant Landscape Character Assessments & Designations | 15 |
| 4 | Site Specific Existing Landscape Features & Character | 26 |
| 5 | Visual Appraisal | 35 |
| 6 | Development Proposals & Potential | 41 |
| 7 | Potential Effects of Development on Landscape Character, Visual Amentiy & Green Belt. | 43 |
| 8 | Possible Mitigation, Conservation & Enhancement | 53 |
| 9 | Conclusion | 55 |

APPENDIX ONE (A3 Document)

| Figures | Title |
|---------|---------------------------------|
| 1 | Site Location |
| 2 | Aerial Photograph |
| 3 | Green Belt Zones |
| 4 | Landscape Character Areas |
| 5 | Contextual Landscape Features |
| 6 | Site Landscape Features |
| 7 | Illustrative Masterplan |
| 8 | Visual Envelope |
| 9 | Site Photograph Locations |
| 10 | Contextual Photograph Locations |

Photoplates

| Viewpoint | Title |
|-----------|--|
| 1 | From Southeast corner of site, on stone access track off Lamb |
| | Close Drive. |
| 2 | From Public Footpath at Northeast corner of the site, looking |
| | back towards Plane Building in middle ground and 'The Breach' |
| 0 | area of Eastwood beyond. |
| 3 | From higher elevations of site looking back towards existing Caunton Engineering site. |
| 4 | From higher elevations of site looking back towards existing |
| | Caunton Engineering site. |
| 5 | From south west corner of the site |
| 6 | Looking east from public footpath on eastern site boundary over |
| | adjacent field |
| 7 | Taken from footpath as it exits the site on northern bounadry, |
| | looking north towards Coneygrey Farm. |
| 8 | Taken from footpath north of northern site boundary, looking |
| 0 | back towards site |
| 9 | Taken from footpath as it enters site off Lambs Close Drive |
| 10 11 | Taken from Lamb Close Drive adjacent Plane Building access Taken from footpath south of Plane Building, adjacent dis-used |
| | railway bridge |
| 12 | Taken from footpath south-west of Plane Building |
| 13 | Taken from bridleway to west of site, looking north |
| 14 | Taken from bridleway to west of site, looking back east across |
| | Field 2 |
| 15 | Taken from bridleway to north of Coneygrey Farm, looking back |
| | towards site. |
| 16 | Taken from bridleway north of Coneygrey Farm |
| 17 | Taken from footpath north-west of Coneygrey Farm |
| 18 | Taken from bridleway north of Coneygrey Farm, as it descends |
| 10 | back to Mansfield Road |
| 19 20 | Taken from B600 from adjacent access to Willey Wood Farm Taken from bridleway adjacent Willey Wood Farm |
| 20 | Taken from footpath off Mansfield Road to northern face of |
| 21 | restored coal workings |
| 22 | Taken from Miil Road, between Moorgreen and Beauvale Abbey |
| | Farm |
| 23 | Taken from footpath north of B6010 Moorgreen to Hilltop Road. |
| 24 | Taken from Robin Hood Way, adjacent to Greasley Castle Farm |
| | |

1.0 Introduction

- 1.1 The following report and accompanying illustrations have been prepared in respect of the expected future expansion plans of Caunton Engineering on land to the north of their existing engineering works off Lamb Close, Eastwood. Please refer to Figure 1 for site location and the aerial photograph in Figure 2 for site context.
- 1.2 This expansion is required for the reasons set out below.
- 1.3 The company specialises in complex steel fabrication used for steel frameworks in the construction industry, such an example being the Caterpillar Stand at Leicester Tigers RUFC, Welford Rd, Leicester. The business has grown substantially in recent years and is the most southerly based specialist steel prefabricator of its kind. Caunton Engineering expects to see significant growth in its business in the coming years and needs to plan ahead to accommodate this expected growth and continue to provide local employment and impetus to the local economy.
- 1.4 The increasing complexity of prefabricated components, in conjunction with just-in-time construction methods, means that it is now required that prefabricated components are pre-assembled on site to check the accuracy of manufacture prior to transportation, the costs of which are considerable. There is therefore a need for a significant land area to be available for the temporary erection of such components.
- 1.5 In addition to this requirement, the company is increasingly reliant on its own transport fleet and needs to locate the tractor trailers that it uses in close proximity to the main manufacturing activities.
- 1.6 The company owns two large agricultural fields to the north of their existing 'Plane Building', off Lamb Close, Eastwood. The sites cover 7.445 hectares in total, although it is likely that any expansion plans will require only a proportion of this site to be physically developed
- 1.7 However, the site under consideration is currently constrained by its Green Belt status, and the purpose of this assessment is to demonstrate that the site can have this status removed and be successfully developed without adversely affecting the 5 purposes of the Green

Belt specified at paragraph 80 of the NPPF, or causing a negative impact on the surrounding landscape in terms of visual intrusion or landscape character.

- 1.8 Broxtowe Borough Council is currently reviewing its Greenbelt boundaries as part of the Site Allocations DPD and thus it is considered that this assessment is appropriate at this time. It aims to assist the Borough Council in informing the outcomes of this review, particularly in considering the Green Belt context of the site assessed in this report.
- 1.9 It is considered that landscape and visual effects are two of the key issues to be considered when reviewing Green Belt status, and the assessment of such effects is an important component of the process for determining the suitability of continued Green belt designation and the capacity of the site to accommodate particular forms of development within a particular location.
- 1.10 The purpose of this study is therefore to:
 - Investigate and review any extant assessments of landscape character that have been carried out and published, that provides context for the detailed assessment of the site;
 - Investigate and review any current planning policy designations for the site including the Green Belt designation.
 - Review the current Broxtowe Borough Council's Preferred Approach for Site Allocations (Green Belt Review) February 2015.
 - Record the existence of any sensitive landscape features or sites of special landscape significance near to the site;
 - Undertake a landscape appraisal of the site and its surroundings, with particular reference to landform, vegetation and land-use;
 - Determine the visibility of the site within its landscape context;
 - Consider the consequences on the site's contextual landscape character and visual amenity in accordance with the aspired development by Caunton Engineering and the impact on the existing Green Belt;
 - Recognise possible conservation and enhancement measures that could be incorporated as part of the development scheme, and to suggest forms of mitigation to reduce any potential impacts on landscape and visual amenity, if there are found to be any.

Methodology

- 1.11 The methodologies adopted for this Landscape Character and Visual Assessment are based on guidance given in the publication 'Guidelines for Landscape and Visual Impact Assessment' by the L.I. and I.E.M.A.' (Third Edition) 2013, and 'Landscape Character Assessment: Guidelines for England and Scotland' by Scottish National Heritage and The Countryside Agency (Natural England) 2002.
- 1.12 An important part of the assessment has been the on-site work, which involved landscape survey on site and in the walking of footpaths and traversing of roads within the vicinity of the site. Views to the site from publicly accessible places within the surrounding countryside and from nearby residential properties were given particular attention, and a series of photographs taken where appropriate.
- 1.13 By consideration of the position of the development within the landscape; the local topography; and the size of the site and extent of the proposed development, the geographical study area for this assessment has been confined to a 2.5 kilometre radius circle around the site. Beyond 2.5 km the potential for the proposed development on the site to be visible is either negligible or not possible. The landscape survey work was undertaken in the summer season when the trees and hedgerows were in full leaf. It is acknowledged there is the potential for a decrease in the screening effects that the established vegetation may present, by the absence of leaves on deciduous trees and hedges in the winter months, but this is more than offset by the additional tree and hedgerow planting that is integral to the proposal.
- 1.14 The survey work was followed by a desk-top study and internet trawl, with particular reference to the following documents/information sources:
 - Ordnance Survey Data;
 - Guidelines for Landscape and Visual Impact Assessment (3nd Edition)
 - Countryside Agency Character Map
 - East Midlands Landscape Character Assessment

- Greater Nottinghamshire Landscape Character Assessment (July 2009)
- Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies June 2012
- Broxtowe Borough Council Site Allocations Options and Issues
 November 2013
- Broxtowe Borough Council Preferred Approach to Site Allocations (Green Belt Review). Consultation February 2015
- Magic (Multi Agency Geographic Information for the Countryside) website;
- Nottinghamshire Insight Mapping website;
- Photographs and aerials of the site and the surrounding area.
- 1.15 For an aerial photograph of the site and the existing adjacent facilities, please refer to Figure 2.

2. Extant Planning Policy and Green Belt Review

National Planning Policy Framework

2.1 Published in 2012, the National Planning Policy Framework (NPPF) now covers all planning issues and supersedes all previous planning policy guidance.

It states at paragraph 80, the following on the purpose of Green Belt land:

2.2 To check the unrestricted sprawl of large built-up areas;

- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies and Green Belt Review

- 2.3 The site lies within the boundaries of the Broxtowe District Council, whose Core Strategy as part of the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies (ACS) was adopted in September 2014. The Core Strategy has been prepared in accordance with the National Planning Policy Framework (NPPF).
- 2.3 Policy 3(1) of the adopted ACS states that;

'Part 2 Local Plans will review Green Belt boundaries to meet the other development land requirements of the Aligned Core Strategies, in particular in respect of the strategic locations and the Key Settlements **named in Policy 2'**.

2.4 This assessment is has been undertaken to inform that review process with respect to the Caunton Engineering site. Policy 2 refers to sustainable development that is to be achieved through a strategy of urban concentration with regeneration. Eastwood is identified as key settlement where significant growth is planned.

- 2.5 When considering whether the Caunton Engineering site should have its Green Belt designation amended it worth studying the criteria at Policy 3(3) of the ACS to determine such amendments, which are:
 - a) the statutory purposes of the Green Belt, in particular the need to maintain the openness and prevent coalescence between Nottingham, Derby and the other surrounding settlements;
 - b) establishing a permanent boundary which allows for development in line with the settlement hierarchy and / or to meet local needs;
 - c) the appropriateness of defining safeguarded land to allow for longer term development needs; and
 - d) retaining or creating defensible boundaries.

2.6 The ACS at paragraph 3.3.2 states that;

'When reviewing Green Belt boundaries, the original purposes of Green Belt as set out in the National Planning Policy Framework will be an important consideration, in particular, the need to prevent coalescence and maintain **openness'.**

2.7 The ACS at paragraph 3.3.2 states that Nottinghamshire and Derbyshire County Councils undertook a review of the Green Belt in 2006 to inform the now superceded Regional Spatial Strategy for the East Midlands. This provides some guidance as to relative importance of different Green Belt purposes around the whole of Greater Nottingham. However, it did not proceed to the stage of detailed identification of parcels of land on the ground to be removed from the Green Belt. It highlighted within the assessment that the area between Nottingham and Derby is overall the most sensitive area of Green Belt, in relation to the purposes of Green Belt set out in government policy, but that that the Eastwood area was of a lower rating. Broxtowe Borough Councils 'Eastwood – Site Allocations Issues and Options. November 2013

- 2.8 Broxtowe Borough Councils document, **'Eastwood** Site Allocations Issues and Options', published November 2013 identifies several sites for potential development. All sites were assessed only in the context of the suitability to accommodate housing development. Site H203, Nether Green East of Mansfield Rd, Eastwood is located in close proximity to the proposed Caunton expansion site. See Figure 3.
- 2.9 The site is considered as 'suitable for development if Green Belt policy changes, subject to the details of any proposal'.
- 2.10 It considers that 'Development will require careful design and implementation to integrate it successfully with the wider landscape'.
- 2.11 And importantly states that 'Local Plan Review 2003 Inspector concluded that the site performs important, if limited, Green Belt purposes' and that 'it provides an attractive setting for the town and a valuable area of countryside recreation for adjoining residential areas'.
- 2.12 The report also notes that the mature vegetation along the northern boundary of this site creates a defined boundary.

Broxtowe Borough Councils 'Preferred Approach to Site Allocations (Green Belt Review). February 2015.

- 2.13 In February 2015, Broxtowe Borough Council published the document entitled, 'Preferred Approach to Site Allocations (Green Belt Review)'.
- 2.14 The Council is now consulting on this Green Belt Review which forms an important part of the evidence base for the site allocations part of the new Broxtowe Local Plan (part 2). This new plan follows the Aligned Core Strategy (Part 1 Local Plan). The evidence presented in this landscape and visual assessment is appropriate at this time in influencing the outcomes of this consultation.
- 2.15 The consultation document is deficient in that it only considers only sites for housing allocations and has not taken into consideration the need for other development land requirements to be released from the Green Belt.

- 2.16 Figure 1 of the Broxtowe BC consultation document sets out an assessment framework which describes several assessment criteria against the NPPF purposes of Green Belt land.
- 2.17 Figure 2 of the Broxtowe BC consultation document (See Appendix 2), presents an 'Assessment Matrix' which provides a grading system for the assessment of sites. High scoring sites are considered to be most important in Green Belt terms.
- 2.18 Both Figures 1 and 2 provide useful criteria against which the Caunton site will be assessed later in this document. See Chapter 7.
- 2.19 By reference to page 33 of the report and the Green Belt Review Settlement Zones Map, it can be seen that the Caunton Engineering site lies wholly within 'Zone 10 – East of Mansfield Road', although outside of the consultation area shown on page 35, which is that same as Site H203 from the November 2013 Site Allocations Issues and Options document. See Figure 3.
- 2.20 The Broxtowe Borough Council report makes the following observations of Zone 10.
 - The site has two boundaries adjoining the existing settlement of Eastwood.
 - Development of the site south of the disused railway line could round off the existing settlement. Although to the West this site of Mansfield Road feels quite open, development to the East of the site would 'round off' the settlement better than development to the West, as it is better connected to the existing built up area of Eastwood.
 - The site is well contained by a dismantled railway line to the North, the existing settlement to the East and the South and Mansfield Road to the West.
 - The topography of the site that is contained within the railway line is largely flat, beyond the railway line the land undulates to the North. The site does not extend over topographical features.

- Development of the site would result in a limited reduction in the gap between Brinsley and Eastwood. However there would be the perception of a reduced gap between these two settlements (particularly in the West) as it would reduce the amount of 'open space' that was visible when travelling along Mansfield Road.
- The site has a small number of residential properties along Mansfield Road and The Grange that are located within the Green Belt.
- Parts of the site may be visible from the Eastwood Conservation Area, but is separated from it by existing housing.
- The impact to Listed Buildings to the West of Mansfield Road is likely to be less than moderate given the severing effect of Mansfield Road.

Other Policy Designations

- 2.21 According to English Heritage Website, there are no Registered Parks and Gardens within the site's 2.5km study area, see Figure 5.
- 2.22 Brinsley and Eastwood centre are partly covered by Conservation Areas, although they bears no influence on the site or vice versa.
- 2.23 SSSIs are nationally important sites that are legally protected and represent the finest sites for wildlife and natural features in Britain, supporting many characteristic, rare and endangered species and habitats. There is one SSSI which falls partly within the study area at Sledder Wood Meadows. It would be unaffected by the proposals by due to distance from the appraisal site and intervening topography.
- 2.24 Ancient Woodlands are listed within the study area at Willey Spring and High Park Wood. See Figure 5.
- 2.25 There are several Local Wildlife Sites (LWS) within the study area and these are shown on Figure 5, although none will be directly affected by any development of the Caunton site. LWS are afforded protection through the planning system. The National Planning Policy

Framework retains protection for LWS and requires the local authorities to protect these site through local plans.

- 2.26 There are two Scheduled Ancient Monuments within the study area, Beauvale Carthusian Priory and Greasely Castle. Neither site would be influenced by the development proposals.
- 2.27 The site lies within no national landscape designations such as National Park or Area of Outstanding Natural Beauty.

Listed Buildings

2.28 There are several Listed Buildings within the study area, which are shown on Figure 5, none are influenced by the development proposals.

Greenwood Community Forest

2.29 The site lies with the Greenwood Community Forest, this is a community forest covering large parts of Nottinghamshire, it forms part of twelve across the country and is the only community forest in the East Midlands. One of its key aims, which is relevant to this study is to facilitate new woodland planting and other landscape change, taking into account the green infrastructure strategy and the needs of biodiversity and landscape character. Broxtowe Borough Council has specific policies that seek to support the provision of planted areas that will contribute to the Greenwood Community Forest.

- 3. Review of Extant Landscape Character Assessments and Designations
- 3.1 Generally, a landscape character will have least capacity to accept change if the change proposed involves elements that do not already exist or if the landscape character is particularly sensitive to change. The character of a site might be sensitive to change because it is very visible in the landscape, so an exposed landscape of scenic beauty would probably be spoiled by most forms of development; but if the character of the site and its surrounds is considered to be poor, such a change may be beneficial rather than adverse. A landscape is also more likely to be sensitive to change if it is a mature landscape with long-established features or historical connotations; in which case a development upon it might remove those connotations without the possibility of them being reinstated in the short term.
- 3.2 To determine the sensitivity and landscape capacity of the site, then, it is necessary to understand the character of the area in which the site lies, and the contribution the site makes to that character; and to consider whether the development proposed upon it would so change the site that it would significantly alter the character of the area as a whole.
- 3.3 To make such a judgment it is necessary to be informed by the following:
 - the site's position and orientation in the landscape (Figures 1 & 2)
 - the character and value of the area's landscape (Chapter 3 & Figures 4, 5 & 6)
 - the site's physical condition and inherent character (Chapter 4 & Figures 5 & 6)
 - the visibility of the site within its landscape setting (Chapter 4 & Figure 8)
 - the form of development proposed (Chapter 6 and Figure 7)

Local Landscape Character Areas and Types

3.4 Every area of landscape has features that contribute to or detract from its overall qualities, and landscape character assessments are objective exercises that identify these features and understand their development. As a general rule, however, such assessments do not make a subjective judgement as to whether an area of landscape is more attractive than another, or of higher or lower quality. It may prove to be important, within the following study, to make this judgement, informed by experience and professional expertise, for the context of the development site in question.

- 3.5 The landscape character of England and Wales has been assessed at a broad national scale by Natural England, and the landscape of the East Midlands has been assessed at a regional scale through the East Midlands Landscape Character Assessment. These assessments are important sources of information when geographically far-reaching, cumulative or consecutive developments are proposed that have influence across wide tracts of the countryside, or where local assessments are not available. However, in the case of the Caunton Engineering site, the proposed development is comparatively small, and there are landscape character assessments available that have been undertaken by Nottinghamshire County Council, that are more detailed and applicable for the size and type of development proposed.
- 3.6 The Greater Nottingham Landscape Assessment, published in 2009, identifies several different Landscape Character Areas across the county, of which two cover the site's study area, these character areas are further broken down into Policy Zones and are illustrated within Figure 4, they are broken down and described as follows:

Nottinghamshire Coalfields NC01 – Erewash River Corridor NC02 – Babbington Rolling Farmland NC03 – Selston and Eastwood Urban Fringe Farmland NC04 – Moorgreen Rolling Woodland

Magnesian Limestone Ridge ML016 – Nuthall Wooded Farmland

3.7 The 2.5km radius study area extends almost as far north as the southern tip of the village of Underwood, to the east it extends into the open countryside around Beauvale Manor Farm, to the south it extends as far south as the southern edge of Eastwood as it is contained by the A610, and to the west extends into the urban edge of Langley Mill. By way of distance and topography the proposed site development is not influenced by or has any influence on Policy Zones NC01 and NC02, and as such this assessment will not consider effects upon them. The site sits wholly within NC03 and is bordered by NC04 and ML16, and their assessment character area descriptions are set out below.

Nottinghamshire Coalfields NC03 – Selston and Eastwood Urban Fringe Farmland

- This Draft Policy Zone (DPZ) within the Landscape Character Area 3.8 covers the central core of the study area and incorporates the majority of the urban area of Eastwood, including the settlements of The Breach, Hill Top and Newthorpe. It also incorporates the agricultural landscape to the north of Eastwood and includes the village of Brinsley. The character area covers approximately 70% of the study area and is the most relevant to this study. The proposed site, sits wholly within this character area. It is described within the assessment as a densely settled landscape with prominent remnants of its industrial heritage of associated mining. It is characterised by sprawling settlements, but with a significant proportion of the land used for agricultural production. The area is associated with outcropping coal measures which cause the undulating landform and is drained by numerous small rivers and streams. Its describes that many areas of farmland are surrounded on two sides by built development but that the urban edge is filtered by dense hedgerows or the undulating landform.
- 3.9 The assessment states that the heavy, poor draining soils have constrained agricultural improvements and that pastoral farming is characteristic of the area. Fields are semi-regular and enclosed by thick, species rich hedgerows. The original field pattern and rural settlement pattern has largely been altered by mining related development.
- 3.10 Woodland is considered infrequent within the DPZ, although there are small broad leaved woodlands and dense riparian vegetation that follows the lines of streams that in combination with hedgerow trees give a partially wooded character.
- 3.11 The condition of the landscape is considered to be MODERATE, there is evidence of hedgerow fragmentation and the use of wire fencing instead of hedgerows. Restoration of the coal mining areas in the area

are considered to have improved the condition of the landscape and that this will continue to improve over time as the planting matures.

3.12 The key characteristics of NC03 are listed as follows

- Strongly undulating landform
- Artificial rise in landform created by the restoration of former mining spoil heap is prominent in the west of the area
- Coal measures underlying the area have had a significant impact on the land in the past, which is still visible in the restored landscapes and coal mining relics
- Small streams transect the area and have created shallow valleys where they eroded softer rocks
- There are many settlements in the area, giving the DPZ an urban fringe character
- Land use is agricultural, including a mix of pastoral and arable farming
- Field sizes are medium to large and geometrically shaped
- The field pattern is predominantly a modern, modified pattern although there is some evidence of the former smaller, narrow, linear field pattern to the north of Bagthorpe and adjacent to the settlement edges
- Hedgerows commonly border the fields and are generally well maintained, although some are fragmented or have been lost through field size expansion
- There are no large blocks of woodlands in this area, although there are views to larger plantation woodlands in adjoining DPZs
- Mature linear woodland follows the streams
- Small clumps of woodland and frequent hedgerow trees combine to give the area a partially wooded appearance
- New woodland planting is a feature on restored mineral workings which will increase the woodland cover in the area as they mature
- There are frequent infrastructure routes: A, B and smaller roads crisscross the area and overhead lines are visible on the skyline
- Settlements are a frequent feature of this DPZ and Eastwood, Brinsley, Underwood, Jacksdale and Selston, although views to the urban fringes are often filtered by hedgerows and undulations in the landform
- Settlements have strong associations with the mining past of the area are characteristically include rows of red brick terraced housing

- Modern settlement expansion and ribbon development along the roads has contributed to a strong urban influence on the area
- Red brick properties with a modern style are common on the settlement edges
- There are some large, red brick farm houses scattered through the landscape
- Eastwood Hall, Brinsley Hall, Wansley Hall and Selston Hall are all features of the landscape
- Views are medium distance over the patchwork of agricultural land and settlement fringes
- There are longer views towards the west as the landform falls towards the River Erewash valley
- The mining heritage associated with this area is clear in the landscape, and includes the Brinsley Headstocks and Durban House Heritage Centre, which was formally the offices of the mine owners
- The DPZ has a strong connection to DH Lawrence and the mining landscape formed a key component in his literary works; there are heritage trails based on his life and works through the area

3.13 The assessment sets out the following actions for the landscape:

- Conserve and enhance the pattern of hedged fields
- Enhance the hedgerow pattern by replacement planting where hedges are becoming fragmented
- Enhance the woodland cover through the area by identifying opportunities for small-scale woodland planting, especially on settlement fringes
- Enhance the restored coal mining landscapes to ensure they become successfully integrated into the wider landscape through management of the plantation woodland
- Conserve the dense, species rich hedgerows which border the pastoral fields and enhance the single species thorn hedgerows on the restored land
- Conserve areas of woodland along streams and enhance these features with planting where appropriate
- Conserve and enhance the remaining pastoral landscapes through non-intensive management to ensure they retain their present character

3.14 The assessment sets out the following relevant actions for the built form:

- Enhance the urban edges through identifying opportunities for hedgerow or tree planting to filter views to the urban fringe
- Restrict further urban edge expansion and promote measures to achieve a better integration of settlements into the wider landscape through planting of small groups of hedgerow or tree planting to filter views to the urban fringe

Nottinghamshire Coalfields NC04 – Moorgreen Rolling Woodland

- 3.15 This Draft Policy Zone (DPZ) within the Landscape Character Area covers the eastern half of the study area and covers land with 3/4km of the development site. The DPZ is predominantly rural in character and also contains Moorgreen Reservoir and the large wooded areas of High Park Wood and Willey Spring.
- 3.16 The assessment states that the DPZ has a rolling landform and a wooded content. It has a rural character with few urban influences. Views are considered long and open from the high points becoming more enclosed within the valleys where views are channelled by landform and woodland. Small streams transect the area and Moorgreen Reservoir is considered a distinctive feature.
- 3.17 Land is use is predominantly agricultural with small areas of rough grassland and pasture in the valleys, with grazing horses a feature. Long, narrow, irregular field patterns is characteristic in these areas. Hedgerows are considered scrubby but well maintained, with some replaced by post and wire fencing. On valley slopes and plateaus arable farming is predominant and the field pattern is larger and more irregular in shape, hedgerows are in poor condition.
- 3.18 Woodland is a key characteristic of this DPZ, with large blocks of woodland such as High Park Wood. There are large areas of ancient woodland around Moorgreen reservoir and also following streams and also common on ridgelines.
- 3.19 The condition of the landscape is considered MODERATE, woodland is well managed and plantation woodland is well integrated into the landscape. The condition of the landscape is weakened by the

condition of hedgerows and their replacement by post and wire fencing.

- 3.20 The wooded slopes are distinctive features that are visible from surrounding DPZ's and from the Caunton Engineering site, the wooded farmland and valleys contribute to a strong sense of place.
- 3.21 There are considered to be few urbanising influences or discordant features that harm the character of the landscape.
- 3.22 The key characteristics of NC04 are listed as follows
 - A rolling landform which includes enclosed valleys, steep slopes and wooded plateaus
 - Moorgreen Reservoir is a significant feature in the centre of this DPZ
 - There are a number of small streams flowing through the area, along the enclosed valleys
 - The area has a rural character
 - Land use is agricultural with arable farming on the valley slopes and plateaus and pasture land along the valley floor
 - Pockets of farmland are nestled between large woodland blocks
 - Field sizes are larger on the slopes and plateaus and are smaller and narrower along the valleys
 - The historic field pattern has been mostly modified or modernised in this area, although there are some pockets of fields with historic enclosure still evident
 - The smaller fields in the valley floors often have dense, well maintained hedgerows, while the larger arable fields have a high number of fragmented hedges
 - In the north of the area there is evidence of hedgerow removal; lines of isolated trees passing through large fields are the only remnant of the former field boundaries
 - This is a well wooded DPZ and includes woodland belts, smaller clumps of deciduous woodland and large plantation woodlands
 - Coniferous and mixed woodland blocks are a significant feature in the area and include High Park Wood, Morning Springs and Willey Wood
 - Woodland is common on the ridgelines and tree belts often form the skyline
 - Dense riparian vegetation and woodland borders the streams

- The village of Greasley lies in the area and the church is a distinctive feature, visible through the trees
- The spire of St Michael and All Angels Church at Underwood is prominent on the horizon
- Large, red brick farmhouses and smaller farm workers cottages are dispersed through this rural landscape
- Historic sites in the area include the remains of Greasley Castle, Beauvale Priory and Felley Priory
- There are long and open views across the rolling landscape from the ridgelines
- From the ridgelines views extend over the reservoir and the wooded slopes, and there are some long views to the settlement of Eastwood to the south and Underwood to the north
- Views from the valleys are over short distances as they are channelled or restricted by the landform, giving the landscape an enclosed character

3.23 The assessment sets out the following actions for the landscape:

- Conserve the wooded character of the landscape through continued careful management of the plantation woodland, including sensitive felling and replanting schemes
- Conserve the wooded ridgelines which are a distinctive feature
- Conserve the historic deciduous woodland blocks e.g. High Park Wood
- Conserve and enhance the woodland belts along the streams through replanting of ageing trees
- Enhance the condition of the hedgerows through replanting where they are fragmented
- Enhance the landscape pattern through replacement planting of hedgerows which have been lost where possible
- Conserve the character of the farmland through protection of existing hedgerows and resisting further field size expansion
- Conserve the condition of the reservoir as a significant landscape feature and a popular recreational facility
- Conserve historic patterns of enclosure along the watercourses and in the west of the area

3.24 The assessment sets out the following relevant actions for the built form:

- Conserve the rural character through concentrating new development in existing settlements
- Conserve the rural village character of Greasley by ensuring any infill or extensions to buildings reflect the style and scale of village buildings
- Conserve the distinctive character of the red brick farmhouses and farm workers cottages by ensuring they remain isolated in the landscape and by limiting the scale and number of farm outbuildings expansions
- Conserve and enhance settlement fringes to ensure they remain indistinct in the landscape

Magnesian Limestone Ridge ML016 – Nuthall Wooded Farmland

- 3.25 This zone lies approximately 1.5km to the west of the Caunton Site, and occupies the highest ground within the 2.5km study area, and hence has the potential to be visually interactive with the proposed site.
- 3.26 Although the land is the highest within the study area, the assessment describes it as low lying agricultural land, but with undulating landform. It is described as having a rural character, which is weakened by its close proximity to the urban fringe and infrastructure routes.
- 3.27 Large fields and low hedgerows give a predominantly open character although the landscape sometimes has an enclosed character where woodland restricts views and where the landform dips.
- 3.28 Arable fields are large and bordered by well managed hedgerows. In places the hedgerows are very severely managed and appear thin and low. Gaps have started appearing and the hedgerows are becoming fragmented.
- 3.29 Medium sized blocks of woodland characterise this area, often in dips in the landform. These woodlands are mostly deciduous and include species such as oak, ash and elm. They are geometrically shaped and in 2 instances, the motorway passes through woodland. Sellers Wood is ancient woodland and has a rich variety of flora and fauna.
- 3.30 Geology is important in this woodland as there is a fault through the woodland with shale on one side and magnesian limestone on the

other. This produces different soil types and vegetation patterns within the woodland.

- 3.31 The condition of the landscape is described as MODERATE. The landscape is well managed through agricultural practices, although in places the severe management style has had an adverse effect on hedgerow condition.
- 3.32 The woodlands are intact and in good condition. They provide good screening for the M1 where the motorway passes through them, but this has a detrimental effect on the woodland pattern.
- 3.33 Its key characteristics are listed as follows:
 - Low-lying, gently undulating landform
 - The under lying geology is Magnesian Limestone
 - There are small ponds scattered through the area and a lake to the south of Nuthall, but other than this there are few hydrological features
 - The area has an urban fringe character as it is influenced by the M1 and the urban fringes of Nottingham, Nuthall, Watnall and Hucknall, however, pockets of land with an uninterrupted rural character also exist
 - Land use is agricultural, predominantly arable farming
 - Field sizes are generally large and the fields have an irregular pattern
 - The historic field pattern has been modernised and lost throughout most of the area
 - Hedgerows are mostly in good condition and well managed, although in places severe management has lead to fragmentation
 - There are few hedgerow trees which, in combination with large fields, gives the farmland an open character
 - Medium sized blocks of woodland are common through the area and there are blocks of ancient woodland, such as Sellers Wood, which is managed as a Local Nature Reserve
 - Common woodland species include oak, ash, elm, hazel and hawthorn with ground level flora including bluebells, wood anemone and orchids
 - There are some small patches of wetland vegetation around field and woodland ponds

- Dense, scrubby vegetation and tree planting marks the line of the M1 and although it is audible, the passing traffic is not often visible
- Large, isolated farms with large outbuildings are dotted through the area
- Industrial development on the urban edges have an urbanising influence on the rural character, although views are often filtered by woodland and tree planting
- Views are open over the large arable fields but are restricted by the woodland blocks and planting along the M1
- There are some longer distance views to the wooded slopes of the rising land to the north
- Infrastructure routes are a common feature through the area with the M1 passing through the length of the DPZ, and the A610, B600 and B6009 also pass through the area
- The four tall red brick chimneys of Watnall brickworks form distinctive features in the landscape
- 3.34 The assessment sets out the following actions for the landscape:
 - Conserve and enhance the woodland through management of maturing trees and new planting where appropriate
 - Conserve the valuable quality of the mature and ancient woodland for its landscape value
 - Enhance the distribution of hedgerow trees across the DPZ
 - Enhance the field pattern through replacement of hedgerows which have been lost
 - Enhance the condition of the hedgerows through less intensive management and replacement planting where they are fragmenting
 - Conserve and enhance the planting along the M1 to ensure views to the motorway are filtered
 - Restore any woodland lost through road improvement works associated with the M1
 - Enhance the hedgerow and woodland planting surrounding the urban edges to strengthen the rural character
 - Conserve field ponds and enhance wetland vegetation around the margins

4. Site Specific Existing Landscape Features and Character

Contextual Landscape

- 4.1 Whilst it is useful to have a broad understanding of the landscape character of an area, as described in the published landscape character assessments, when considering a development on an individual site it is important to appraise the character of the site itself and the immediate surroundings. By so doing, site-specific landscape elements that are not possible to consider in wider-ranging studies, and aesthetic elements such as scale and enclosure, can be given due consideration.
- 4.2 A site's own character is determined both by the landscape features that exist on it, and those features of the surrounding area that are visible from it, or perceived to be associated with it. The most significant features in the formation of landscape character are normally topography and vegetation, but other features such as structures and watercourses, are also important.
- 4.3 The landscape features considered to be influencing character in the vicinity of the site are shown on Figures 5 and 6.

Topography and settlement

- 4.4 As can be seen from Figure 5, which illustrates the contextual landscape features, the site is positioned within a shallow valley formed by the Beauvale Brook, which is dammed further upstream to create Moorgreen Reservoir. The valley bottom runs approximately north east to west across the study area, falling from a height of 85m AOD at Moorgreen Reservoir to 55m AOD to the south of Eastwood Hall.
- 4.5 The landscape is strongly undulating, and coal mining has had a significant impact on the landscape, where coal workings have now finished, its impact on the landscape is still evident in landscape restoration projects, most notably Colliers Wood Country Park.
- 4.6 Looking south from the site the land can be seen rising towards Eastwood to a height of 101m AOD around Newthorpe Common and the urban area of Eastwood is dominant in this view and occupies a considerable part of the study area. This part of the site has an urban

fringe character and land use is mixed. There are industrial units and residential areas in close proximity.

- 4.7 Looking eastward and south east the land rises up to a high point of 152m AOD to the north of Moorgreen and Greasley, here the view is of wooded countryside rising above the existing Caunton engineering works which is mostly screened by vegetation in the valley bottom. There are small settlements at Greasely and Moorgreen and linear linking development along roads is common. A significant ancient woodland is found at High Park Wood.
- 4.8 Looking north and west as far as the A610 the view is rural with open countryside rising to a high point of 128m AOD some 3/4 km north of Coneygrey Farm. The land use is predominantly agricultural with a mix of pastoral and arable farming, although there are prominent settlements at Brinsley. Fields are medium to large and there is evidence of hedgerow removal to make fields larger. The area has a wooded appearance due to the amount of hedgerows and hedgerow trees, although actual blocks of woodland are not common.
- 4.9 The western section of the site is intersected by the A610 and the Erewash Valley. This is an alluvial floodplain which lies in a broad valley, which is not visually prominent, but is demarked by wetland habitats. This area cannot be ascertained from the site.
- 4.10 There are several farmsteads within the study area, all of which appear active and in continual use. Only one farm, however, has a direct interaction with the site under consideration. Coneygrey Farm lies about 1/2km north of the site and occupies the end of a shallow ridge of land which borders the Beauvale Brook valley. This ridge forms a localised block to views from further north towards the site. However, the farm itself, because of its elevated position above the site commands views over the site and beyond to the existing Caunton Engineering Works. There is a shop at the farm which sells local produce and the access track runs along the western boundary of the site.

Water Courses

4.11 Several water course cross the study area, most notably Beauvale Brook and the Erewash Valley.

- 4.12 Beauvale Brook is dammed further upstream to create Moorgreen Reservoir and The Dumbles, as it flows westward towards and into the River Erewash it becomes known as Nethergreen Brook.
- 4.13 The brook corridor is wooded in many places, particularly around Moorgreen Reservoir and The Dumbles, but also as it flows out from the sluice towards Caunton Engineering works and also along the lower levels behind residential properties on Lower Beauvale. These wooded areas are important elements in the landscape contributing towards a wooded appearance. There are also several Local Wildlife sites along the corridor, these are shown on Figure 5.
- 4.14 The River Erewash and its valley landscape flows along the western fringe of the study area between Eastwood and Langley Mill. The site is not intervisible with this landscape character area.

Transportation Links

- 4.15 The A610 runs across the south western edge of the study area, but due to topography and distance has no visual impact on the site or vice versa.
- 4.16 The A608, (Mansfield Road) traverses through the western section of the study area, entering at its northern most point at New Brinsley, before flowing in a north south direction through Brinsley and on into Eastwood and connecting to the A610. At no point can the site be viewed from the road due to topography and intervening vegetation.
- 4.17 The B600 forks off from the A608 as it exits New Brinsley and flows in a south easterly direction towards the villages of Moorgreen and Greasley. At no point can the site be viewed from the road due to topography and intervening vegetation.
- 4.18 Other smaller residential roads within the settlement of Eastwood have no visual interaction with the site, and only from higher elevations around Mill Road and the smaller cul de sacs off, can limited and filtered views of the upper elevations of the site be perceived. These areas will not be developed for storage and are proposed to be planted with native woodland species.

4.19 A disused railway runs through the study area from east to west, passing to the immediate south of the proposed site, the route of the railway is heavily treed in places and creates a significant visual screen.

Vegetation

- 4.17 As can be observed by viewing Figure 5 and 6 (Contextual and Site Landscape Features), woodland within the study area is limited, although there are significant woodland elements along the Beauvale valley bottoms which gives the impression of a more wooded landscape, especially in the immediate locale of the site.
- 4.18 High Park Wood to the north-west and Willey Springs are both ancient woodlands and Local Wildlife Areas.
- 4.19 However, although large blocks of woodland cover are minimal the landscape as a whole is well treed. Significant hedgerow trees are found throughout the study area, especially along the dismantled railway which forms a considerable local screen and also Willows can be seen along streams and other low lying areas. Hedgerow trees are predominantly Ash.
- 4.20 Generally, fields are enclosed by hedging, especially along local footpath and bridleway routes and these are often trimmed. Hedgerows vary in height from 1.5m to 4-5m. The cumulative effect of the hedgerows and hedgerow trees across the landscape, provides significant softening of adjacent built up areas in medium to longer views. In particular around the proposed site area, hedgerows provide a high level of screening.
- 4.21 Most of the field boundaries within the vicinity of the site are marked by hedgerows; where this is not the case, timber post and wire fences are employed. The access track to Coneygrey farm is well screened along the western boundary by a tall hedge which effectively screens views of the site, other than through gaps. However, as the access track, which is also a bridleway veers north-eastward towards the farm the boundary hedge has been removed and there are open views across the site towards Eastwood because of its elevated position.

- 4.22 Whilst predominantly Hawthorn, some hedgerows show signs of longerterm establishment, comprising a mix of species including Ash, Hazel, Elder, Dog Rose and Bramble.
- 4.23 Tree species noted within the context of the site include predominantly Ash, with some Oak and Willow in evidence along valley bottoms and along streams.

Prominent structures and features

- 4.24 Prominent individual structures within the landscape that can be viewed from the site are limited, only the existing Plane Building of Caunton Engineering on the southern boundary stands out as prominent. All other features are blocked or softened by intervening trees and hedgerows. Standing on the southern edge of the site there is an existing semi-detached property off Lambs Close Drive which is prominent in the south east corner.
- 4.25 From the elevated ground of the northern edge of the site, views can be had to the higher ground around High Park Wood where woodland and copses are dominant and also across to the urban landscape of Eastwood which is prominent on the southern horizon.
- 4.26 Coneygrey Farm is prominent on the northern horizon, but only when exiting the site into the adjacent field and the screening effect of the adjacent hedgerow is lost.
- 4.27 The most prominent landscape feature to the north-west is the large man made mound to the north of Eastwood Hall, this rises to a height of 125m and would appear to be a landscape restoration project of old coal workings at Brinsley.
- 4.28 From most vantage points across the study area, small villages, farms buildings, trees and hedgerows are the most noticeable structures within the landscape, with views towards the prominent urban landscape of Eastwood dominant, especially from in and around the Caunton Engineering site area. Several church towers and spires are visible, notably at Greasley and Underwood.

Publicly accessible places

- 4.29 Besides the main A610, within the study area there are a number of local roads serving the local settlements, running up to and along the ridges, where level changes are gradual. The proposed site is not intervisible with any public roads.
- 4.30 Public footpaths are numerous within the study area. Most notably a public footpath runs through the eastern edge of the site, Gresley FP6, from which the site can be readily accessed and viewed. In addition, there is a bridleway/footpath and public access to Coneygrey Farm along the western edge of the site, which also allows open views from across the adjacent field further north. Public footpaths also run along the Beauvale Brook, Gresley FP6, FP70 and FP7, and the associated area. These footpaths link the adjacent residential areas to the countryside, linking places such as Brinsley Headstocks and Eastwood Hall, but also to the Caunton Engineering works and appear to be well used. Other than the footpath which runs across the site and the uppermost section of the path leading to Coneygrey Farm, most views to the site from footpaths and bridleways are well screened by intervening hedgerows and topography.
- 4.31 No public recreation ground are inter-visible with the site, although there is a cricket field approximately 3/4km to the west off Devonshire Drive and there are playing fields for both football and cricket located to the south of Eastwood Hall.
- 4.32 Colliers Wood is located off Engine Lane, it was, created on the site of the former Moorgreen Colliery, and forms part of the Greenwood Community Forest. It is also an important element of the Eastwood Phoenix Project, a local regeneration scheme. The wood has been designed to restore the woodlands and fields which existed before the mine was developed. The woodland and the adjoining industrial land were created through a restoration scheme during 1996-1997. Colliers Wood would not be affected by any development on the proposed site. However, the alternative development site owned by Caunton Engineering at the end of Dunsil Road, would directly impact the site.

On-site features

4.34 The site, measuring some 7.5 hectares, is a green-field site on the northern edge of Eastwood. It comprises two fields which are currently owned by Caunton Engineering and farmed under agreement with them. The location of the fields is annotated on Figure 6.

Field 1

- 4.35 The eastern most field (Field 1) is used for pastoral grazing and is fully enclosed by mature hedgerows on all boundaries, although the hedgerow on the northern boundary has declined in vigour and has significant gaps in its length. The field is accessed via the public footpath which runs along its eastern boundary and commands extensive views across the field which are truncated by the large industrial shed beyond the southern boundary. This footpath is accessed from the unmade track known as Lamb Close Drive, at its juncture there is a large brick built semi-detached dwelling which overlooks Field 1 from its side and rear elevations.
- 4.36 Field 1 is orientated towards the southern boundary and the urban fringe of Eastwood, the field falls considerably from north to south from a height of approximately 90m AOD to 75m AOD at its southern boundary, when standing within the eastern most field the northern boundary forms a convenient ridge and prevents views further north. Views to the south are dominated by the Plane Building, which is a large white industrial shed in the ownership of Caunton Engineering. Views south and southeast from the elevated northern part of Field 1 are not only dominated by the Plane Building but also by the urban edge and rising mass of Eastwood.
- 4.37 The southern boundary of Field 1 is formed by an approximate 3m high green steel fence which is screened on the field side by a combination of a mixed broad native mature hedgerow up to 7 and 8m in height along most of its length but with a more recent (and hence lower), predominantly Hawthorn hedge along its eastern section, which appears to have been planted in association with the steel fence. Central to the southern boundary there are three mature Ash trees which provide significant screening to the adjacent building, however there vigour seems to be in decline. Beyond the hedgerow and steel fence there has been some more recent infrastructure planting carried

out as part of works associated with the development of the Plane Building. These native trees and shrubs which contain an element of Birch and Willow are currently about 5 to 6m in height.

- 4.38 The eastern boundary of Field 1 is comprised of a mature hedgerow 5 to 6m in height, it comprises mostly Hawthorn, but also Blackthorn and Guelder Rose, it is complete and dense until the uppermost section when several gaps are evident under a group of Field Maple trees. Views here can be had into the adjacent field and towards the woodlands around the Beauvale Brook and The Dumbles.
- 4.39 The northern boundary to Field 1 is again comprised of mature hedgerow, mostly Hawthorn ranging in height from 3 to 4m, the hedgerow is in decline, possibly through its exposed location and there are significant gaps in the central section.
- 4.40 The western boundary to Field 1 is a mature hedgerow up to 6m in height again comprising predominantly Hawthorn, there are three mature hedgerow trees along its length. The hedge acts as a significant visual screen to views further west and prevents views of the site from the same direction.
- 4.41 The height and maturity of the boundary hedgerows prevents views out of the site, other than to the higher ground further south, but more importantly prevents any views into the site from surrounding fields and footpaths.

Field 2

- 4.42 Field 2 forms the western section of the site and is the smaller of the two fields and is currently used for arable crops. It is enclosed on 3 boundaries by mature hedgerows.
- 4.43 The eastern boundary is shared with Field 1 and is a mature hedgerow up to 6m in height again comprising predominantly Hawthorn. There are three mature hedgerow trees along its length. It is a significant visual screen.
- 4.44 The southern boundary is a mature hedgerow up to 6m in height, part of the boundary is formed by a dismantled railway which is heavily treed and again forms a significant physical boundary and provides

complete visual containment of Field 2, which can only be glimpsed through field gates and small gaps from the south west. Beyond the dismantled railway line there is a small triangular field currently used for grazing.

- 4.45 The western boundary, again a mature hedgerow boundary is tall at approximately 5 to 6m high, it comprises predominantly Hawthorn with some minor species. During the summer months this hedge provides visual containment to Field 2 from the adjacent access track/bridleway to Coneygrey Farm. Only through the few small gaps can views into the site be had.
- 4.46 Progressing along the access track/bridleway to the west of the site the hedgerow stops about 100m past what would be the site boundary. At this point the track veers north towards Coneygrey Farm and the screening effect of the hedgerow is lost. From this point the footpath passes through the middle of a larger field and has unobstructed views across Field 2. The landscape character in this area is becoming degraded due to removal of boundary hedgerows and erection of non-typical post and wire fencing.

Site-specific landscape character and sensitivity

- 4.47 It can be seen from the descriptions above that the site and its surroundings do portray the majority of the key characteristics of the Nottinghamshire Coalfields NC03 – Selston and Eastwood Urban Fringe Farmland Landscape Character Area.
- 4.48 It has an urban fringe character, but one that is strongly influenced by the surrounding rural landscape and in consideration of the above, the landscape character of the site and its environs is judged to have a medium sensitivity to the proposed development.

5. Visual Appraisal

Baseline Condition

- 5.1 The visual appraisal has been undertaken to assist in the understanding of whether the proposed development may have effects on the character and quality of the landscape, and to determine how it might affect views from personal receptors. It is useful to record the findings of a baseline appraisal for the site, i.e. as existing prior to development, so that pointers may be made towards whether the site may be considered, in terms of visual amenity, to be suitable for development.
- 5.2 The visual appraisal for the undeveloped site was carried out during the months of July and August 2014. The deciduous trees and hedgerows were in full leaf, and consideration should be given to views during winter. Although trees and hedgerows will still retain a screening effect in winter, it is probable that the deciduous vegetation screens will become less effective in screening views.
- 5.3 In the case of the site, at present the undeveloped field's land surface is only visible from a very restricted viewpoint from adjacent fields and occasional views through gaps in hedgerows from adjacent public footpaths.

Visual envelope

- 5.4 By reference to Figure 8, the visual envelope of the existing site is shown by the purple shading on the figure, and equates with private land or buildings, or publicly accessible places, from which the existing site and Its immediate surround is visible. From places where there are unrestricted views of the existing site and environs, the shading on the plan is solid, whilst hatched shading indicates that the views are interrupted or partially screened by vegetation or other intervening elements. To illustrate the relative dominance of the site within a scene from a given viewpoint or viewing area, the closer the viewpoint is to the site, the deeper the intensity of the shading hue.
- 5.5 Should the site be developed, however, it will not be visible from a wider area, and given the nature of the development and the proposed mitigation measures, the visual envelope is likely to be reduced.

Forecast Condition

Visual receptors

5.6 The visual appraisal has concentrated on assessing the degree to which the proposed development is likely to be seen from publicly accessible places and private residences within the study area, taking into account distances from the site, topography and the screening and/or filtering effect of buildings and vegetation. The places where views of the site were considered possible – i.e. visual receptors – are categorised into the following groups where relevant, with an indication of the relative sensitivity each category is considered to have to changes in visual amenity:

| Receptor Category | Relative sensitivity to change* | | | | |
|--|---------------------------------|--|--|--|--|
| Vehicular routes & transport Links | Low | | | | |
| Public rights of way | Medium | | | | |
| Public places or visitor sites | Medium | | | | |
| Heritage Sites | Medium | | | | |
| Residential properties | High | | | | |

- 5.7 *The assessment of sensitivity is drawn from the perceived amenity value of the receptor category and its susceptibility to the type of change proposed.
- 5.8 For many of the visual receptors identified, photographs have been taken to record the representative views discussed (Photo Viewpoints 1-24), whilst the location of viewpoints to which the photographs relate are shown on Figure 9 and 10.
- 5.9 The visual receptors identified for both the existing site and the proposed development are listed and described in Table 1 (see below). They are categorized as to whether the presence/dominance of the site structures in the view is considered to be negligible, low, medium or high, taking into consideration the relative distance of the receptor from the site, the filtering effect of vegetation and the obliqueness of the view.

5.10 Along with the measure of sensitivity of the receptor and the relative prominence of the existing site, and the predicted dominance of the proposed development, Table 1 shows the magnitude of change that is likely to be caused to the view from each receptor should the new development be built.

Table 1: Visual receptors

| Category | Receptor | Sensitivity of the receptor | Dominance of existing buildings in view | Dominance of the proposed development in the view | Magnitude of change | Notes |
|---|---|-----------------------------------|--|---|------------------------|---|
| | A608 at junction with car park south of | Low | Low | n/a | None | Views are not possible of site due to |
| | Brinsley | | | | | intervening topography |
| Vehicular routes and transport links | A608 as it passes Hall Farm adjacent dismantled railway | Low | Low | n/a | None | Views are not possible of site due to intervening topography and vegetation |
| | B600 adjacent access to Oaks Farm | Low | Low | none | None | Proposed development not visible due to topography and existing and proposed vegetation |
| | B600 from the The Dumbles | Low | n/a | n/a | None | Views are not possible of site due to intervening topography and vegetation |
| | From adjacent car park at Brinsley Headstocks on A608 | Low | n/a | n/a | none | Views are not possible of site due to intervening topography and vegetation |
| | From New Road, running from Moorgreen towards Beauvale Manor Farm | Low | Low | none | none | Proposed development not visible due to topography and existing and proposed vegetation |
| | From Mill Lane | Low | | | | |
| Public rights of way | From footpath on ridge line, north of Coneygrey Farm towards Willey Wood Farm | Medium | Low to medium | none | none | Views are not possible of site due to intervening topography and vegetation |
| | From footpath across eastern edge of site | Medium | High | High | None | Impact of development will be reduced as proposed boundary vegetation establishes and will be eventual improvement as views of existing Plane Building will be removed |

| | From footpath immediate north of site towards Coneygrey Farm From footpath to direct west of site along | Medium | Low to medium | Negligible to Low | Negligible | Views of existing Plane Building are partially screened by intervening vegetation, proposed development will not be visible to due to proposed level changes to site and proposed woodland planting will reduce or eliminate existing views of Plane Building and urban edge of Eastwood. High mature hedges screen views of existing |
|--------------------------|---|--------|-------------------|----------------------|------------|--|
| | access track to Coneygrey Farm | | | Medium | | Caunton buildings and any proposed development. New woodland planting will reduce visual impact ever further, |
| | From footpath towards Coneygrey Farm as it veers north. | Medium | High | Low to Medium | Low | Loss of existing hedgerow in this area allows views towards Caunton sites and Eastwood urban fringe. New woodland planting will be significant improvement and mitigate views of proposed development and existing industrial buildings from footpath and open countryside beyond |
| | From footpath to south west of Coneygrey Farm | Medium | n/a | n/a | none | Views are not possible of site due to intervening topography |
| | From footpath off A608 towards Mill Farm | Medium | n/a | n/a | none | Views are not possible of site due to intervening topography |
| | From Robin Hood Way, south of Greasley Castle Farm | Medium | n/a | n/a | none | Views are not possible of site due to intervening topography |
| | From footpath south of Colliers Wood Country Park | Medium | Medium to High | Negligible | Low | Views are not possible of site due to intervening topography and buildings |
| Public Open Spaces | Colliers Wood Country Park | Medium | High | n/a | none | Views are not possible of site due to intervening topography |
| Heritage Sites | None | | | | | |
| Residential properties | Semi-detached property off Lamb Close Drive | High | Medium | Low | Low | Views of site will be dominant and substantial for southern most houses on Gillam Butts, but properties have existing development on 3 sides already. |

| Houses on eastern edge of M Close and Thorn Tree Gardens | Meadow Hig | gh | Low | Negligible | Low | Views of existing Caunton Engineering Works screened by intervening vegetation. Proposed development not visible due to proposed landform. Existing views of Engineering works reduced or negligible due to proposed woodland planting on western boundary of site |
|---|---------------|----|--------|------------|------------|--|
| Coneygrey Farm | Hiç | gh | Medium | Negligible | Low | Views of existing Caunton Engineering Works screened by intervening vegetation. Proposed development not visible due to proposed landform. Existing views of Engineering works reduced or negligible due to proposed woodland planting on western boundary of site |
| Houses on upper elevations of M and roads off. | Aill Road Hig | gh | High | Negligible | Negligible | View of existing Caunton Engineering Works is prominent from some viewpoints, and more than likely from upper storey windows. Proposed development would be screened by landform and buildings and intervening vegetation. |

6. Development Proposals and Potential

- 6.1 Removing the site from the Green Wedge designation would facilitate the proposed development of the site would include the creation of an additional yard area for the temporary erection of metal components and the creation of a designated area to accommodate vehicle trailers. The indicative proposals area shown on Figure 7, Indicative Masterplan.
- 6.2 The majority of structures on the additional yard area would be steel storage racks up to 5m in height, with the highest structure being a straddle crane which has an overall height of 6.3m. Vehicle trailers are a maximum height of 4.95 metres. All of these structures and vehicles are temporary and will not be permanent landscape features.
- 6.3 The existing field falls from approximately 90m AOD at the northern edge to approximately 76m AOD at the southern boundary, a fall of some 14 to 15m. To construct the proposed new external storage areas it is proposed that the current levels will be modified to achieve a relatively level area, with appropriate falls for drainage. An overall cut of approximately 6m may be achieved, with gradual 1 in 4 slopes back to existing contours on the northern boundary.
- 6.4 There will be a requirement to create new access into the site from the existing Plane Building and some sections of the southern boundary planting may need to be removed to accommodate this. The remaining vegetation along the southern boundary will be retained to maintain the integrity of the existing visual screen to the Plan Building.
- 6.5 The existing public footpath crossing the eastern edge of the site will be incorporated into the site design and will be generously landscaped.
- 6.6 Landscape infrastructure is considered a key component of the site development proposals. The site boundaries will be planted with new woodland copes that provide additional screening to the site, providing a transitional buffer between the urban edge and the adjacent countryside and providing a definitive northern boundary against further development to the north. Theses copses will a mixture of trees and shrubs that are locally native to the area.

- 6.7 Surface water run-off will be controlled by on site storm drainage areas (SDA) that will provide additional opportunities for ecological enhancement through the creation of permanent water bodies within the SDA.
- 6.8 Intermediate areas between the proposed woodland and new yard area will be create areas of open wild grassland, which will again increase biodiversity in the local area.

7. Potential Effects of Development on Landscape Character, Visual Amenity and Green Belt

Significance of Effect

- 7.1 This LVIA study has been undertaken to assess whether the proposed development is likely to have a significant effect on the landscape or visual amenity of the area in which the site lies and as a result assess the viability of amending the Green Belt designation, without detrimentally affecting the local landscape and visual amenity. The baseline information gathered has been measured against the proposed development and an assessment made as to how much of an impact, or effect, there might be.
- 7.2 The significance of impact or effect is determined by combining the sensitivity of the landscape resource or visual receptor with the magnitude of change likely to be caused by the proposed Development. The following chart explains how the elements of sensitivity and magnitude combine to arrive at a significance rating of minimal, slight, moderate, major-moderate or major.

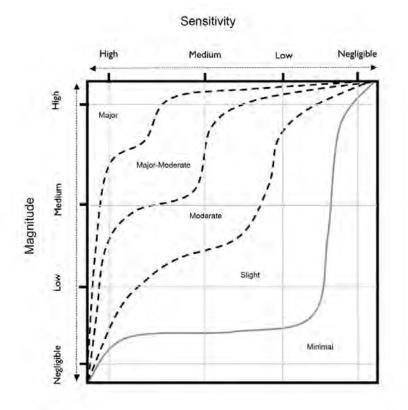


Chart showing how the significance of effect is derived

- 7.3 Effects may be adverse, neutral or beneficial. Adverse landscape or visual effects would be accrued if the proposed development were to be harmful to the features, character or attractiveness of the site or its surroundings; but if the proposed development includes elements that add value to the landscape or subdue the effects of existing features that degrade the landscape and reduce its potential, then the effects of the proposed development could be beneficial. Where effects are not considered to be adverse or beneficial, or where beneficial effects counter-act adverse ones, they are assessed as being neutral.
- 7.4 The magnitude of change is categorised as being Substantial (High), Moderate (Medium), Slight (Low) and Negligible. The manner in which these ratings of magnitude are applied in the landscape and visual assessment are indicated in Table 2. However it is recognised that for some developments in certain locations there may be combinations of factors that do not comply with the range of effects set out in the table. In these situations professional judgement is used to define the level of townscape effects.

| Table 2: Measuring the Magnitude of Change | |
|---|------------------------|
| Predicted Changes Brought About by the Development | Magnitude of Change |
| Total loss or major alteration to key elements/ features/ characteristics of the baseline conditions such that character/ composition/ attributes of the baseline will be fundamentally changed. These notable changes may occur over an extensive area, or be intensive over a more limited area. | High |
| Partial loss or alteration to key elements/ features/characteristics of the baseline conditions such that the character/ composition/ attributes of the baseline will be partially changed. | Medium |
| Minor loss or alteration. Change arising from the loss/ alteration will be discernible but the underlying character/ composition/ attributes of the baseline condition will be similar to the pre-development | Low |

| circumstances/ patterns. | |
|---|--|
| Very minor loss or alteration to one or more key elements/ features/ characteristics of the baseline conditions. Changes will be barely distinguishable, approximating to a 'no change' situation. | |

Effects on the integrity of Landscape Character Types and Designations

- 7.5 By cross referencing Figure4 Landscape Character Areas with Figure 8 Visual Envelope, it can be seen that only one landscape character area is affected by the proposals, namely the Selston and Eastwood Urban Fringe Farmland. The landscape area into which the site falls, has by definition strong urban fringe characteristics and the impact on the integrity of landscape character of the proposed development is likely to be no worse than the current urban fringes of Eastwood and in particular the existing Caunton Engineering Works. However, the proposed woodland planting elements will be a strong benefit for landscape character in that it would achieve many of the actions for this landscape Character Assessment, namely;
 - Conserve and enhance the pattern of field hedges
 - Enhance the hedgerow pattern by replacement planting where hedges are becoming fragmented.
 - Enhance the woodland cover through the area by identifying opportunities for small scale woodland planting, especially on settlement fringes.
 - Conserve areas of woodland along streams and enhance these features with planting where appropriate.
- 7.6 The impact of the development is considered only negligible to slight. Indeed with the proposed boundary woodland planting the impact is likely to be beneficial in the medium to long term as it develops and the perception of the landscape character to the north of the site will be improved as woodland planting matures to screen the existing urban fringe of Eastwood and provide a more attractive setting.
- 7.7 Only residents of the semi-detached property on Lambs Close are considered to have a moderate impact on their perception of the

landscape character type, as the adjacent landscape is changed from open field to wooded environment.

Visual effects

- 7.8 The estimated projected visual envelope of the developed site is displayed on Figure 8; and the sensitivity of each visual receptor and the magnitude of change likely to be brought about by the development is scheduled in Table 2 above.
- 7.9 The significance of effect (change) that the development will have on each of the receptors is assessed by interpolation from the chart under para. 7.2 above and given in Table 3 below.
- 7.10 The visual envelope of the site is small and limited only to a small area to the north, with careful development of the site contours and new woodland planting the visual envelope of the site will be extremely restricted.
- 7.11 In all instances visual amenity will be improved due to new woodland planting screening the view of the existing Caunton Engineering Works from local footpaths and more distant views. It will be noted by reference to Table 3 that any affected viewpoints are to have either a permanently beneficial or neutral effect. Most highlighted viewpoints are not affected by the proposals.

Effects on Green Belt

7.12 When considering the effects of this proposal on the Green Belt it is worth considering Broxtowe Borough Council own assessment criteria set out on Figure 1 of their February 2015 consultation document and setting them against the site under consideration.

NPPF Purpose of the Green Belt - To check sprawl of large built up areas

Broxtowe Borough Council Assessment Criteria

- The extent to which the site/location is contained by existing built up areas, and therefore the extent to which development would 'round off' these areas.
- The extent to which the site/location is contained by physical features which can act as defensible boundaries, e.g. motorways,

roads, railways, watercourses, tree belts, woodlands and field boundaries.

- The extent to which the site/location appears to be visually connected with existing built up areas, taking into account topographical features.
- 7.13 The site is bordered by the existing Caunton Engineering works to the south and is heavily influenced by it visually and in terms of landscape character, it is distinctly urban edge and dominated by the Plane Building, a large industrial shed.
- 7.14 The potential development of the site at Zone 10 now under consideration by Broxtowe Borough Council will mean that the site will also be bordered by additional housing developments to the south east.
- 7.15 The existing land form, which forms a ridge line just north of the site, boundary hedges and dis-used railway line have created a small pocket of land that is separate in character from the surrounding wider countryside.
- 7.16 The site is well contained by mature hedgerows on its northern, eastern and western boundaries which all create defensible boundaries. The orientation of the site and the ridgeline north of the site boundary also create a physical feature which separates the site from the surrounding countryside. Proposed woodland planting around the site would create an additional defensible boundary to future development and link it in with extant woodland planting which follows Beauvale Brook. This proposed woodland planting would create a continuous woodland feature from Moorgreen Reservoir, along Beauvale Brook and linking into the mature woodland vegetation along the disused railway. This would create a continual and significant defensible feature and would significantly improve the landscape character of the countryside to the north by mitigating views of the existing Caunton Engineering works and would 'round off' any further northern expansion into more sensitive areas of the Green Belt.
- 7.16 The site is south facing and orientated towards the existing built areas of Eastwood and is clearly visually connected to these areas as opposed to the countryside further north.

NPPF Purpose of the Green Belt – To prevent neighbouring towns merging into one another.

Broxtowe Borough Council Assessment Criteria

- The extent to which development would reduce the size of the gap between settlements.
- The extent to which development would result in the perception or reducing the gap between settlements.
- 7.17 The development of the site would result in only a slight reduction in the gap between Brinsley and Eastwood, however the perception of this reduction would be negligible because of the significant screening of the site, both existing and proposed and its orientation towards Eastwood. The development of the site would only extend the site to the same extent as existing houses on Thorn Tree Gardens to the west, and would extend only half as far as the proposed site in Zone 10. Indeed should the extension of the site in Zone 10 for housing be considered too far reaching, a more acceptable boundary may be to link the north-east corner of the existing housing estate on Thorn Tree Gardens, along the existing access track and then following the northern boundary of the proposed site for Caunton expansion.
- 7.18 No perception of reducing the gap between settlements would result to people traversing nearby footpaths, due to the existing mature hedgerows and proposed woodland planting.

NPPF Purpose of the Green Belt – To assist in safeguarding the countryside from encroachment

Broxtowe Borough Council Assessment Criteria

- The extent to which the site/location contains inappropriate development
- The extent to which the character of the site/location is 'urban fringe' as opposed to 'open countryside'.
- 7.19 The site is bordered to the south by the existing Caunton Engineering works and is visually dominated by the Plane Building, a large white, industrial shed, as well as its associated outdoor areas. The site faces

south and slopes towards it, because of this the site is visually, heavily influenced by the urban fringe of Eastwood, which is separate in character from the land further north which is clearly more influenced by the rural setting and economy.

NPPF Purpose of the Green Belt – To preserve the setting and special character of historic towns.

Broxtowe Borough Council Assessment Criteria

- The degree or harm that may be caused to the setting or special character of the settlement, taking into account designated and non-designated heritage assets such as conservation areas, Listed Buildings, Historic Parks and Gardens, Scheduled Monuments or important Heritage features.
- 7.20 The site is not viewable from the Eastwood Conservation Area. It is separated by existing extensive housing and industrial developments. The proposed development of the field would not cause harm to any of the assets listed.
- 7.21 The development would enhance and improve the setting of Eastwood from countryside and Green Belt to the north by the creation of extensive woodland planting to its northern boundary.

NPPF Purpose of the Green Belt – To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Broxtowe Borough Council Assessment Criteria

- It is considered that all land in the Green Belt assists in urban regeneration to the same extent and therefore no criteria are proposed to distinguish between the various sites/locations.
- 7.22 The use of the proposed site for expansion would entail the continued development of, and investment in a key local employer and industry.
- 7.23 Broxtowe Borough Council use these assessment criteria within an assessment matrix on page 8 of the Preferred Approach to Site Allocations (Green Belt Review) Feb 2015 Consultation Report, to establish a scoring system where higher scores are generally the most important in Green Belt terms.

7.24 By scoring the assessment matrix as follows based on the site survey and findings within this report, the Caunton site has been scored at 6.

| ٠ | Check the unrestricted sprawl of settlements; | 2 points |
|---|---|----------|
| ٠ | Prevent neighbouring settlements from merging | |
| | into one another; | 1 point |
| ٠ | Assist in safeguarding the countryside from | |
| | encroachment; | 2 point |
| ٠ | Preserve the setting and special character of | |
| | historic settlements. | 1 point |

- 7.25 The scoring above represents a low score and signifies that the site is not considered important in Green Belt terms, it compares favourably with the adjacent site under consideration for residential development in Zone 10, which scores 9.
- 7.26 By using Broxtowe Borough Councils own assessment criteria, the site is considered least important in fulfilling the requirement for Green Belt status, and in conjunction with the limited effects on landscape character and visual amenity concluded from this survey in this report, the site should be considered suitable by the Council to have its current Green Belt status removed. Through doing this, it will facilitate the necessary development associated with the existing Caunton Engineering Works that is required to enable the business to thrive and remain competitive.

| Category | Receptor | Sensitivity of | Magnitude | Significance | Beneficial or | Duration of effect |
|----------------------------------|--|----------------|------------|--------------|---------------|---------------------|
| | | receptor | of change | of effect | adverse | pending mitigation* |
| | A608 at junction with car park south of Brinsley | Low | None | None | n/a | Permanent |
| | A608 as it passes Hall Farn, adjacent dismantled Railway | Low | None | None | n/a | Permanent |
| Vehicular | B600 adjacent access to Oaks Farm | Low | Low | None | n/a | Permanent |
| routes and transport links | B600 from The Dumbles | Low | None | None | n/a | Permanent |
| | From adjacent car park at Brinsley Headstocks on A608 | Low | None | None | n/a | Permanent |
| | Fron New Road, running from Moorgreen towards Beauvale Manor | Low | None | None | n/a | Permanent |
| | From Mill Lane | Low | Low | Slight | Neutral | Permanent |
| | From footpath on ridge line, north of Coneygrey Farm towards Willey Wood Farem | Medium | None | None | n/a | Permanent |
| Public Rights of | From footpath across eastern edge of site | Medium | None | Minimal | Neutral | Permanent |
| | From footpath immediate north of site towards Coneygrey Farm | Medium | Negligible | Minimal | Beneficial | Permanent |
| Way | From footpath to direct west of site along access track to Coneygrey Farm | Medium | Low | Slight | Beneficial | Permanent |
| | From Robin Hood Way, south of Greasley | Medium | n/a | n/a | n/a | Permanent |
| | From footpath south west of Coneygrey Farm | Medium | n/a | n/a | n/a | Permanent |
| | From footpath off A608 towards Mill Farm | Medium | n/a | n/a | n/a | Permanent |
| Public Open Spaces | Colliers Wood Country Park | Medium | None | n/a | n/a | Permanent |
| Heritage Sites | None | N/A | N/A | N/A | N/A | N/A |
| | Semi-detached property of Lambs Close Drive | High | Low | Moderate | Neutral | Permanent |
| Residential | Houses on eastern edge of Meadow Close and Thorn Tree Gardens | High | Low | Moderate | Beneficial | Permanent |
| Properties | Coneygrey Farm | High | Low | Moderate | Beneficial | Permanent |
| | Houses on upper elevations of Mill Road and roads off | High | Negligible | Minimal | Neutral | Permanent |

* Duration of effect is measured as being permanent if it should occur for longer than 15 years; otherwise it is temporary.

8. Possible Mitigation, Conservation & Enhancement Measures

- 8.1 The following conservation mitigation are recommended to be implemented as part of any design.
- 8.2 To prevent any proposed development on the site from appearing incongruous within its setting, it is recommended that the levels on part of the site to be developed are reduced to be congruous with those on the adjacent Plane Building site. This will ensure that any development on the site is hidden from views from the surrounding countryside to the north and will negate any impact of the development upon its character. This is illustrated on the Illustrative Masterplan, prepared by ISL Associates Ltd, see Figure 7.
- 8.3 A new woodland belt should be created to the northern, eastern and western boundaries, this will further reduce any potential impact of development as well as reinforce landscape character. Creation of small woodlands is recommended within the Nottinghamshire County Landscape Assessment guidelines for this Policy Zone. The woodland belt should be a minimum of 15 to 20m deep to create a viable screen and habitat, consisting of native trees and shrubs.
- 8.4 Creation of new woodlands would support the Greenwood Community Forest objectives.
- 8.5 The existing footpath which runs from north to south along the eastern boundary is to be retained within this proposed woodland belt.
- 8.6 Infill any gaps in existing hedgerows using appropriate native shrub species such as Hawthorn and Blackthorn.
- 8.7 Additional open areas of grassland created by the development around the site boundaries which are not planted with woodland can be used to create wildflower meadows, which will further increase biodiversity.
- 8.8 Additional tree planting to the hedge along the southern boundary of the field to increase visual mitigation.
- 8.9 It has been demonstrated that the important landscape elements are the mature boundary hedgerows around the site perimeter and the

site development proposals would protect these elements and preserve them as part of the proposals.

- 8.10 In addition, the following conservation measures are recommended to be implemented as part of any design:
 - The retention and management of the remaining mature trees around the perimeter of the site;
 - The retention and management of the existing boundary hedgerows. Future management should allow the hedgerows to grow to a height of at least 3-4m, whilst maintaining their physical integrity. Infill planting may be required to fill any gaps in hedgerows with appropriate locally native species such as Hawthorn. This measure is recommended within the Draft Policy Zone actions for this area.
 - The re-use of existing top-soils on site where feasible.
 - In order to safeguard the health and longevity of the existing trees and hedgerows that are to be retained, it is important that any structures are kept well outside of the root zones, and that the water table and soil drainage regime in the vicinity of the trees is maintained as existing.
 - Attenuation of surface water run-off within site by attenuation pond to create a separate habitat for wildlife area within the site.

9. Conclusions

- 9.1 Using Broxtowe Borough Councils own assessment framework the site is scored lowly, meaning that the site is considered of low importance to the Green Belt.
- 9.2 The adjacent site to the north of Thorn Tree Gardens which forms part of Zone 10 of the Green Belt Review and is under consideration for residential development was stated in Broxtowe Borough Councils Site Allocations Issues and Options November 2013, as being 'suitable for development if Green Belt policy changes, subject to the details of any proposal' and that 'development will require careful design and implementation to integrate it successfully with the wider landscape'.
- 9.3 The orientation of the site southwards towards the Eastwood urban fringe and the dominance of the Plane Building create a different landscape character to the countryside further north and east. The area is distinctly urban fringe in character.
- 9.4 The extant mature hedgerows form significant defensible boundaries for the Green Belt and create significant visual screens to any development. Only the northern boundary of field 2 is open, which creates a partially degraded landscape. The development proposals will replace boundary hedges and new woodland planting which will restore and further enhance the landscape character in this area.
- 9.5 The ridge line which forms the north of the site around Coneygrey Farm creates a barrier to views from any further north.
- 9.6 The proposed development proposals are minimal and structures are temporary and not permanent features. The proposal to reduce the site levels in the areas adjacent to the Plane Building to create a level access means that the development will not be visible from anywhere other than in the immediate vicinity.
- 9.7 The retention of the mature boundary hedgerows and new woodland planting will screen the development in the immediate vicinity and help to screen the existing Caunton Engineering Works and Eastwood urban fringe from further viewpoints.

- 9.8 The planting of woodlands and hedgerow retention is supported by local actions plans for the landscape character area and would also support the continued expansion of the Greenwood Community Forest.
- 9.9 Other than the Green Belt designation, the site is not situated within any nationally acclaimed or designated area of particularly attractive or sensitive landscape in which development is restrained by planning policy.
- 9.10 In terms of adverse visual effects, only the property off Lambs close are predicted to be slightly affected by the development proposals. The property is already adjacent to the existing engineering works and hence the magnitude of change is low. At present this property has views across an open field and the existing engineering works, the development proposals will see a significant woodland screen created to this property.
- 9.11 No public roads will be effected by the proposals.
- 9.12 Only Footpaths confined to the immediate north, and around the site perimeter are likely to have minimal to slight impact, depending on elevation and intervening vegetation. This effect will reduce further from the site.

The development proposals will have significant advantages for enhancement of bio-diversity and natural habitats, not only woodlands containing native broadleaved species, but also permanent water bodies and wild grassland and meadow areas.

9.13 With a considered layout and appropriate landscape mitigation then the development will not have a significantly adverse effect on the appearance or character of the landscape, indeed the proposed tree planting buffer to the northern, western and eastern boundaries will reduce the impact of the existing Caunton Engineering sites on the wider landscape. Receptors along public footpaths and countryside users will have an improved sense of the landscape character because of the screening of visually intrusive industrial buildings to the south.

- 9.14 This assessment has demonstrated that, in terms of landscape character, visual amenity and Green Belt assessment criteria, the site is well suited for development as required by the client's expansion requirements. The site's potential for the clients proposed expansion could be realized without adverse effects on the surrounding landscape or visual amenity, particularly if the suggested mitigation and conservation measures are implemented.
- 9.15 It is therefore requested that the Green Belt designation of the appraisal site be removed as part of the current Broxtowe BC Green Belt Boundary review.



MOORGREEN INDUSTRIAL PARK

STRATEGIC MASTERPLAN

COUNCILLOR BRIEFING NOTE

OCTOBER 2015

PREPARED ON BEHALF OF CAUNTON LTD BY

Mark Flatman Managing Director

iPlan Solutions Ltd PO Box 9170 Loughborough LE12 8ZQ





1. BACKGROUND CONTEXT

- 1.1 Caunton Engineering is one of the U.K.'s leading steelwork contractors, specialising in the design fabrication and erection of structural steelwork. Prior to relocating at Moorgreen in order to expand in January 1990, Caunton had been based in Kirby in Ashfield. The presence of Caunton at Moorgreen over the past 25 years has been the driving force and catalyst for the regeneration and transformation of this former derelict coal mine. Moorgreen Industrial Park is now a vibrant hub of local enterprise employing hundreds of people. Additional local employment has been generated through associated multiplier effects. In short, Moorgreen Industrial Park provides a vital cornerstone to the local economy in this part of Broxtowe.
- 1.2 Caunton's success comes from the continual emphasis it places upon innovation and investment to enhance productivity. This enabled it to survive the recent recession while a substantial number of its competitors failed. Caunton also provides a vital, nationally important supportive role to the UK construction sector.
- 1.3 To maintain its competitive edge, Caunton must continue to improve productivity. As such it has recognised the need re-organise and rationalise the pre-site construction and product delivery processes. Doing so will help to sustain existing employment levels and lead to future additional job creation.
- 1.4 Whilst the key element of this proposal is to streamline operational workflow for Caunton, it will also provide the opportunity for other land at Moorgreen Industrial Park to be released for development. This will mean new as well as improved replacement employment workspace for local businesses.
- 1.5 Caunton has held preliminary discussions with Officers of the Council, who have been broadly supportive. The company now wish to broaden this dialogue to include discussions with the Councillors who will ultimately be responsible for the decision making process. This briefing note therefore sets out an outline of the proposals as a basis for such discussions.

2. INDICATIVE FURTURE DEVELOPMENT PLAN

- 2.1 The attached aerial photograph provides a visual summary of the elements that comprise the future development plan. The first two key components of this are inextricably linked and are as follows:-
 - Planning permission is to be sought under very special circumstances for 1.95ha (4.8acres) of storage land adjacent to the Plane Building that is currently in the Green Belt. It would be utilised for vehicle trailer storage and the occasional trial erection of prefabricated steel prior to site delivery.
 - Removal of current trailer storage from Forest Park to the new site will unlock Forest Park for the construction of circa 6,500^{m2} (70,000^{sqft}) of industrial space as originally anticipated as part of the employment proposals for Moorgreen Industrial Park.



Forest Park, Dunsil Road, Moorgreen Industrial Park

- 2.2 Forest Park historically had planning permission for the erection of industrial units. However, space constraints elsewhere within the Moorgreen Industrial site has for many years resulted in Caunton needing to use this area for the storage and occasional trial erection of finished goods. The number of trailers fluctuates over time, dependent upon the requirements of projects.
- 2.3 The location of this trailer storage area is not ideal because it necessitates double handling and unnecessary movements of steel within the overall workflow. It also inhibits this land being developed as originally envisaged for industrial units that will create additional local employment.

Proposed New Trailer Storage and Trial Prefabricated Steel Erection Area

- 2.4 Creation of a new bespoke storage area in a location that will bring operational efficiency gains to Caunton. It can serve two purposes: trailer storage relocated from Forest Park and also the occasional trial assembly of finished structures to check manufacturing accuracy prior to site delivery. Sometimes this activity can require a significant land area.
- 2.5 The attached indicative site plan for this proposed area reveals the slope of the site will be reprofiled to accommodate the hardstanding area which will extend 1.95ha (4.8 acres).
- 2.6 New woodland copses will be created to the north of this area and will provide enhanced landscape screening for both the proposed storage area and the existing buildings within the Moorgreen Industrial Park. The creation of this feature will also allow an enhanced degree of public access to complement that already provided by the local footpath network.
- 2.7 The design of the proposed trailer storage area and associated landscape enhancements is the result of a detailed landscape and visual impact assessment of the local area. This has been carried out by a landscape architect on behalf of Caunton. The design has ensured that the openness of the Green Belt will not be detrimentally affected by the proposed new storage area and that the landscape and recreational amenity enhancements, by comparison with the existing situation, can also be delivered.
- 2.8 Two further elements of redevelopment within the Moorgreen Industrial Park are also proposed. These comprise of:
 - Regeneration of Ash Court
 - Refurbishment and extension of Denison House to create a new Caunton Head Office

Ash Court Regeneration

2.9 The existing 1207^{m2} (13,000^{sqft}) of industrial space is of very poor quality. It is proposed that it be replaced by approximately 1347^{m2} (14,500^{sqft}) of new fit-for-purpose industrial space that will front Engine Lane and provide accommodation for local businesses.



Denison House

- 2.10 Caunton have recently acquired the former DH Fathers premises situated on the junction of Coombe Road and Engine Lane. It is proposed to refurbish and extend this building to enable the relocation of the existing Caunton Engineering administrative HQ facility from Willow House opposite. The size of the current office accommodation is now inadequate for the business function that it needs to support.
- 2.11 The opportunity has therefore arisen to provide Caunton a building dedicated to its administrative function that will also offer scope to accommodate its projected business growth in the coming years.
- 2.12 The space currently occupied by the existing office accommodation will be absorbed back into the main manufacturing function of the business. It is also proposed that, adjacent to this, a new amenities building will be constructed to provide state-of-the-art facilities for the Caunton employees.

3. WIDER BENEFITS ARISING FROM THE PROPOSALS

- 3.1 The unlocking of a relatively small amount of Green Belt land to be used for storage use next to the Plane Building on Moorgreen Industrial Park will consequently provide the key catalyst to the rationalisation and significant improvement to several other areas of the Moorgreen Industrial Park.
- 3.2 Fundamentally, the workflow of the Caunton Business will be optimised to ensure that it remains competitive within the marketplace thereby securing the future of the existing local employment. It also provides the opportunity to create additional local employment as the business continues to grow. It will also negate any potential need for the business to consider relocation and establishing itself elsewhere.
- 3.3 The visual appearance of the Moorgreen Industrial Park will be considerably enhanced through the redevelopment proposals for Ash Court and Denison House as both front onto Engine Lane which is the main route through the industrial park. It would also signal the completion of the Moorgreen project, marking its regenerative transformation from what was originally a disused mining area into a visually modern and thriving hub of economic activity.
- 3.4 Currently, there is 100% occupancy within the industrial units let to other businesses by Caunton. Further industrial stock is now required to accommodate existing business growth and to also attract new emerging businesses and jobs to the area. Caunton have assessed that onsite job density in comparable like-for-like industrial units within the Moorgreen Industrial Park, equates to 1 job for every 37^{m2} (400^{sqft}) of floor space. Consequently, the circa 6,642 m² (71,500^{sqft}) of new modern industrial space that is being proposed would equate to approximately 178 new jobs within Ash Court and Forest Park.
- 3.5 With Caunton's own continued growth path trajectory of between 10% and 30% per annum, the company estimates that a further 20 jobs could be created following completion of the proposed rationalisation of its own manufacturing and administrative facilities.

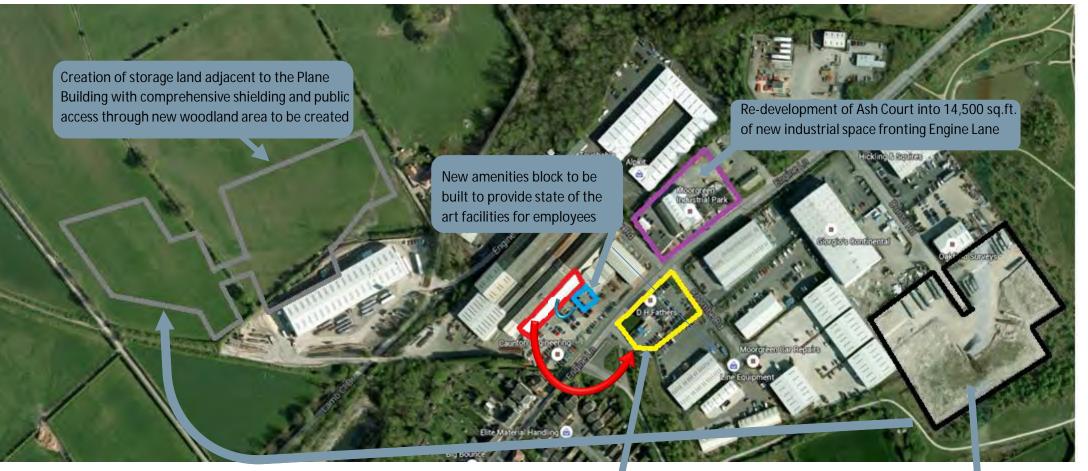


4. SUMMARY

- 4.1 The Caunton Future Development Plan for Moorgreen Industrial Park, taken as a whole, is considered to offer the potential to create nearly 200 new employment opportunities for the local community. If one also takes into account a multiplier effect then this number of new job opportunities for the local community could be conservative.
- 4.2 Supporting existing local businesses and assisting in creating enhanced economic activity is noted to be a key aspiration of the Council and Caunton suggest that the proposals set out within this briefing paper should be seen by the Council as being in the long-term interest of this part of the Broxtowe Borough.
- 4.3 A full suite of detailed studies to support a planning application for the first element of the development plan, i.e. the creation of the storage area adjacent to the Plane Building has been commissioned and these are either completed or near to completion. Caunton wishes to seek the views of the local Councillors and to gauge the level of support that may exist for such proposals prior to it engaging in a consultation exercise with the local community that itself would be a precursor to the submission of a formal planning application to the Council.



Indicative Future Development Plan – Moorgreen Industrial Park



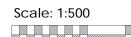
Re-furbishment and extension of Denison House to create new relocated HQ for Caunton Engineering. Caunton's existing offices to be converted into manufacturing space Re-location of existing trailer storage enabling development of Forest Park creating circa 70,000 sq.ft. of new industrial space

Caunton Engineering Ltd, Moorgreen Industrial Park, Moorgreen, Nottingham, NG16 3QU Phone: 01773-531111 www.caunton.co.uk

Caunton Engineering, Eastwood . Landscape Strategy

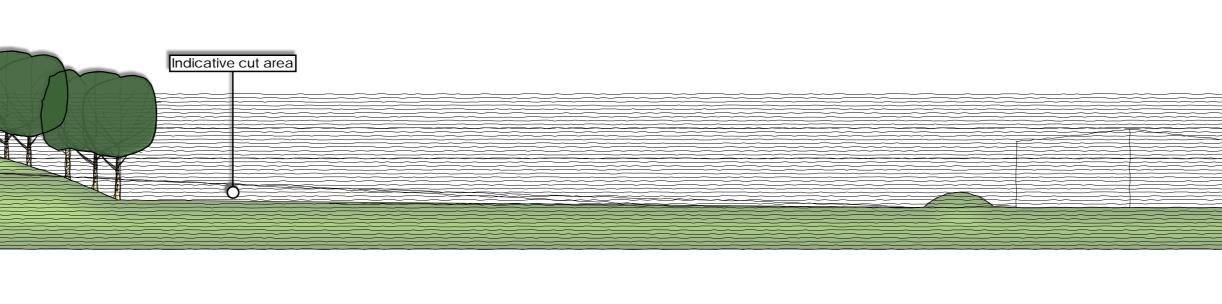








Indicative fill area



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Existing Trees and Hedgerows retained The development recognises the value of the existing



KEY & NOTATION

trees and hedgerows in the landscape and their immediate mitigation impact on the proposed dwellings. They will be retained to protect local amenity, maintain local biodiversity and to add visual and immediate green infrastructure to the development.

Proposed Native Shrub Planting



Proposed Tree Planting

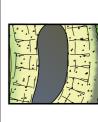
Tree planting will be added to the site boundaries and across the site. Native only species will be used in the open spaces areas and boundaries. The trees will not only mitigate the effects of the development and improve the visual amenity of the area they will provide considerable habitat. Species will include Oak, Ash, Birch, Alder, Willow and others dependent on site situation.



Area of mixed native shrubs such as Hawthorn and Hazel providing additonal screening as well as valuable habitat. The continual belt of native planting will also act as a wildlife corridor enabling fauna to move across the site under shelter.



🖅 Grassland managed for ecological value Areas of grass that will be managed for their ecological benefit.



Proposed Water Features

A new pond will be created within the site boundaries to increase biodiversity in the area. It will also be a useful ecological stepping stone, as other close by ponds will help improve the movement of wildlife around the area. The proposed water features will have a mix of emergent and aquatic vegetation types with bank sides and surrounds sown with a suitable wetland seed mix.

Key Design Objectives

To design a scheme that respects the extant landscape character of Eastwood and the surrounbding area

To integrate the proposed development and associated infrastructure into the existing landscape, minimising the impact on surrounding areas by the use of native tree, shrub and hedgerow planting to site boundaries that face towards open countryside.

To increase the level of woodland planting in the area and reinforce the urban edge of Eastwood.

To improve medium and short distance views from the surrounding countryside by provising woodland elements that will screen the extant Caunton Engineering Works.

Re-model the existing site levels to the northern segment of the proposed site area, utilising material from site excavations, commensurate and in sympathy with the undulating topography of the local landscape.

The retention and conservation management of the existing hedgerows and hedgerow trees on all four boundaries of the site.

The planting of additional trees within the existing hedgelines and across the site to reinforce tree cover in the landscape, and set the development in the landscape.

The creation of additional natural habitats to ensure that the development has a positive environmental value, including woodlands, hedgerows, grassland and aquatic areas.

To create wildlife corridors through the site enabling badgers and other wildlife to connect with existing green infrastructure, the site will be a positive benefit to the environment.

Scale See Drawing Drg No. 014.1135.001C Date. 15.10.15

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TRANSPORT & INFRASTRUCTURE PLANNING

Caunton Engineering Engine Lane, Beauvale Nottinghamshire

Transport Statement

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Caunton Engineering Engine Lane, Beauvale Nottinghamshire

Transport Statement





DOCUMENT ISSUE RECORD

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| | | | | | |

Limitations

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by BWB during our investigations.

There may be other conditions prevailing on the Site which have not been disclosed by this investigation and which have not been taken into account by this report. Responsibility cannot be accepted for conditions not revealed by the investigation.

Any diagram or opinion of the possible configuration of the findings is conjectural and given for guidance only and confirmation of intermediate ground conditions should be considered if deemed necessary.

Except as otherwise requested by the Client, BWB is not obliged and disclaims any obligation to update the report for events taking place after:

- a) the date on which this assessment was undertaken; and
- b) the date on which the final report is delivered.

BWB makes no representation whatsoever concerning the legal significance of its findings or to other legal matters referred to in the following report.

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CONTENTS PAGE

| 1.0 | INTRODUCTION | 3 |
|-----|-----------------------|----|
| 2.0 | EXISTING CONDITIONS | 4 |
| 3.0 | DEVELOPMENT PROPOSALS | 15 |
| 4.0 | TRIP GENERATION | 17 |
| 5.0 | | 18 |
| 6.0 | CONCLUSIONS | 18 |

TABLES

Table 1 Census Modal Split

FIGURES

| rigule i General sile Localior | Figure 1 | General Site Location |
|--------------------------------|----------|-----------------------|
|--------------------------------|----------|-----------------------|

- Figure 2 Detailed Site Location
- Figure 3 2km Walking Catchment
- Figure 4 5km Cycling Catchment

PHOTOS

- Photo 1 HGV Routing Restriction on Engine Lane
- Photos 2 & 3 Visibilities to the East and West from the Engine Lane/Phoenix Road Access
- Photos 4 & 5 Local Footway Infrastructure on Engine Lane and Phoenix Road



1.0 INTRODUCTION

- 1.1 Caunton Engineering propose to submit a planning application for the expansion of operations at their current site at the former Moorgreen Colliery. The company specialises in the manufacture of complex steel fabrication used for steel frameworks in the construction industry.
- 1.2 The company has identified the need for expansion across two large agricultural fields extending to 7.46ha in total, situated to the north-west of the industrial estate, and west of Lamb Close Drive. Specifically, the site would accommodate specialist tractor-trailers that access the existing site on Engine Lane. The site would also be used for the temporary erection of prefabricated components prior to their transportation off-site. The location of the proposed scheme is shown at Figures 1 and 2.
- 1.3 Storing and loading tractor-trailers in close proximity to the main manufacturing activities would streamline and rationalise the company's existing distribution logistics. It would also provide the necessary required storage capacity going forward as the business expands in line with expected increases in demand for the prefabricated steel products over the next 10-15 years.
- 1.4 This report has been prepared in accordance with the the National Policy Planning Framework, published in March 2012 by the Department for Communities and Local Government. The new Policy replaces Planning Policy Guidance 13: Transport and continues to focus on reducing development impact, with decisions taking account of whether:
 - The opportunities for sustainable travel modes have been taken up depending on the nature and location of the Site, to reduce the need for major transport infrastructure;
 - Safe and suitable access to the Site can be achieved for all people; and
 - Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.



- 1.5 The NPPF goes on to state that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." Given the rationalisation of internal trips and few additional external trips brought about by the proposed storage use, this report forms a supporting Transport Statement.
- 1.6 In particular, this report demonstrates the suitability of the existing and proposed operations to accommodate site traffic. The report also briefly establishes the existing travel facilities to enable walking and cycling, and use of public transport services to access the site and provides a brief description of trip generation resulting from the development to identify impact on the local highway network.
- 1.7 This Transport Statement is therefore structured as follows:
 - Section 2 describes the existing conditions in the vicinity of the site. The site location is detailed, and the local highway network is described. A brief description of personal injury accidents (PIA) in the locality is provided. The existing opportunities for travel to the site by foot, cycle, and public transport are also examined;
 - Section 3 describes the development proposals, including the parking provision, the vehicular access proposals, and the sustainable travel infrastructure that will be provided to encourage use of sustainable modes.
 - Section 4 summarises the forecast vehicle trip generation of the proposed development based on the use of the TRICS database. The forecast modal split and associated person trip generation of the proposed development is also presented;
 - Section 5 assesses the impact of the development on the local highway network.
 - Section 6 presents the summary and conclusions.

2.0 EXISTING CONDITIONS

2.1 General

2.1.1 The site proposed for storage currently comprises greenfield land and is located to the north-west of the existing units, north of Engine Lane at the former Moorgreen Colliery, to the north-east of Eastwood, Nottinghamshire. General and detailed site location plans are shown at Figure 1 and Figure 2 respectively.



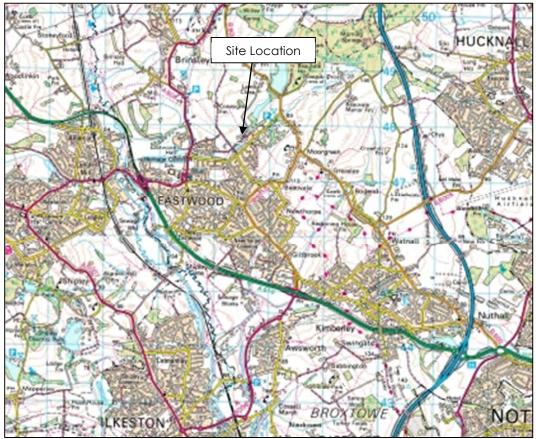


Figure 1: General Site Location



Figure 2: Detailed Site Location



2.2 Local Highway Network

- 2.2.1 Locally, Engine Lane runs east-west and forms the southern boundary to the existing engineering works. To the west, Engine Lane, becoming Lower Beauvale and Greenhills Road, connects to the A608 Mansfield Road. In turn, Mansfield Road connects with junction 27 of the M1 further north and to the A610, east of Langley Mill.
- 2.2.2 To the east, Engine Lane links to the B600 Moorgreen in the form of a simple T-junction. The B600 links Hucknall via the B6009 to the east and the A610/A6002 in the form of a five arm roundabout to the south. Traffic travelling to the M1 from the site would use the latter mentioned route and connect via junction 26 of the M1, just to the west of the A610/A6002/B600 junction. This is the current route used by Caunton HGV traffic.



Photo 1: HGV Routing Restriction on Engine Lane

- 2.2.3 Engine Lane measures 7.3 metres in width and is subject to a 30mph speed limit. A routing restriction (Photo 1) is in place to prevent HGV movements to the west of the Ste along Lower Beauvale and Greenhills Road, which serve the residential areas within Eastwood. Traffic calming in the form of speed cushions are in place along Engine Lane to the west of the site.
- 2.2.4 Within the site, Phoenix Road, which provides access to the Plane building, measures7.3 metres in width. Becoming Engine Road towards the Plane building, its carriageway width measures 4.8 metres.



- 2.2.5 A separate access is provided for staff car parking at the main building; Willow and Maple House, to the west of Phoenix Road.
- 2.2.6 Visibilities to the east and west along Engine Lane from the existing access junctions are considered to be good, as confirmed by on-site observations and given the relative linear nature of the carriageway adjacent to the frontage of the Estate. Visibility to the west measures approximately 150 metres and to the east 130+ metres from a 2.4 metres visibility off-set. Photos 2 and 3 show the visibilities to the east and west from the Engine Lane/Phoenix Road junction.



Photos 2 & 3: Visibilities to the East and West from the Engine Lane/Phoenix Road Access

2.2.7 The vehicular access at the Cutshack site comprises a set-back, gated arrangement with a dropped kerb. Access width measures approximately 6.3 metres. The gate is currently set back from the footway by approximately 11.0 metres.

2.3 Current Operations

<u>Staff</u>

- 2.3.1 A total of 200 staff are employed at the site. Working hours include shifts working between 0600-1730hrs and 1800-0600hrs.
- 2.3.2 A dedicated staff parking area is provided adjacent to Willow and Maple House. During the site visit, conducted 1st August 2014, approximately 113 vehicles were recorded to park within this area.



- 2.3.3 Postcode data has been supplied by Caunton Engineering and staff home locations include NG20, NG16, NG24 and NG18. Hence, in addition to Eastwood, staff typically travel from the surrounding settlements of Pinxton, Selston, Underwood, Shirebrook, Cuckney, Langwith, Shirebrook, Newark-on-Trent and Mansfield.
- 2.3.4 No travel modal split information has been provided at the time of writing this report. However, as detailed in Section 2.6 below, the site lies within 2km of the majority of Eastwood and is therefore accessible via modes other than the private car.

<u>Procedure</u>

- 2.3.5 The operational procedures at the Estate can be summarised as follows:
 - All Steel purchased is delivered into the Cut Shack on 12m & 18m trailers from a number of steel suppliers, as later detailed. The material is cut into size and blasted.
 - The majority of trailers delivered are left on site by the steel companies and are parked at the Cut Shack or in Forest Park.
 - After the steel is off loaded, cut, drilled and processed ready for fabrication, the steel is then reloaded and transported down to the main Caunton buildings;
 Willow and Maple House, to be off loaded into the fabrication shops for welding/carving/joining.
 - Once all the steel is fabricated and welded, it is then reloaded onto a Caunton covered trailer and transported down into the paint facility in the Plane building.
 - At the paint facility, the steel is sprayed and loaded on to the haulage firms' trailers that are delivered to the off-site destinations. The trailers are stored during the intervening time period before they are required on site, either at the Plane building or at Forest Park.

<u>Site Traffic</u>

2.3.6 Caunton Engineering currently has in operation its own fleet of 7 x covered trailers, 7 x flatbed trailers, 4 x tractor units, 1 x curtain sided 18 ton flatbed lorry and a 30 ton mobile crane with a wheel base width of 6.2 metres. These vehicles are used to move fabricated and painted steel in and around the Caunton estate. The yard outside the Plane building includes finished steel ready for dispatch, timber, the crane, and the scrap/waste skips.



- 2.3.7 A one-way system is in place for HGV access to the Plane building, whereby vehicles enter from Engine Lane via the higher level behind Willow, then turn downhill adjacent to the Plane building and exit back out on the lower level.
- 2.3.8 With regard to external traffic, all steel purchased is delivered into the Cut Shack on12m & 18m trailers from a number of steel suppliers including ASD (Leeds), TATA (Wolverhampton) and Barrett Steel (Bradford/Scunthorpe) for example.
- 2.3.9 Caunton use two haulage firms to dispatch the finished product (the raw steel is delivered by the suppliers). Each firm currently provides 20 trailers of all sizes. The haulage traffic drops and collects trailers of fabricated deliveries to transport off-site.
- 2.3.10 Wide loads are over 3.4 metres and long loads over 20.7m. Confirmed by historical data at the site, 2-10 loads per year comprise abnormal loads. An action plan is formulated for the management of abnormal loads, based on contract requirements, size and shape of the load.
- 2.3.11 Additional agencies are also involved and access the Caunton area daily/weekly, including:
 - a) Scrap metal Lorries Roll on Roll Off.
 - b) Gas suppliers HGV
 - c) Skip delivery and extraction
 - d) Steel that has been galvanized by sub-contractors stored outside the Plane building prior to being required on the construction site
 - e) Bolt suppliers usually courier trucks that drop pallets / bags bolts off at the Plane building.
 - f) Paint Lorries delivering paint to the Plane building.
 - g) The Plane building is also used to store loading timbers, lifting frames & accessories that are required for site erection teams.
 - h) Delivery of raw steel by the 2 x Haulage companies from steel suppliers.

Vehicle Storage

2.3.12 Trailers and steel were initially stored on the existing Cut Shack site. A proportion of such infrastructure is currently stored at Forest Park off Dunsil Road, and adjacent to



the Plane building. There is also some limited storage capacity outside Birch Park, pending the units being let.

- 2.3.13 The storage yard at Forest Park currently accommodates about 20 trailers but has previously held approximately 45, plus decked storage. It is not directly owned by Caunton.
- 2.3.14 Birch Park is used for smaller scale manufacture including staircases, handrails, fire escapes etc. It currently has spare space as the surrounding units are vacant, however space will also be constrained should these become occupied.

Existing Trip Generation

- 2.3.15 Caunton own 16 trailers that are used for moving steel within the Estate and not on the external road network. For the purposes of clarification, a trip is defined as a oneway vehicular movement. Caunton Engineering has confirmed that the Estate generates approximately 20 internal HGV trips per day.
- 2.3.16 The site currently generates up to six external HGVs per day which comprise the delivery of steel and dispatch of finished goods. These comprise 12m and 18m loads at 20+ tons. In terms of steel deliveries, the Cut Shack team currently receive up to 500 tons of steel per week via 15 18 trailers. This equates to loads comprising approximately 30 tons. Based on the number of weekly trailers, this equates to 3-4 trailers a day, depending on the work capacity on the Caunton fabrication schedule.
- 2.3.17 The main bulk of steel that is dispatched or delivered to site usually occurs between 0730-1000hrs on a daily basis,

Trip Distribution

- 2.3.18 Raw steel is delivered by local haulage vehicles originating from Bowring Transport in Warsop and by Middlebrook Transport in Alfreton. Such traffic would hence be expected to route via junction 27 of the M1. The majority of deliveries arrive from York and Bradford.
- 2.3.19 Finished products are currently transported to Swansea, Newport, London, Bournemouth, Newcastle and additional destinations where required. All prefabricated metal leaves the site and routes via the B600, to junction 26 of the M1.



2.4 Road Safety

- 2.4.1 The Crash Map database (<u>http://www.crashmap.co.uk</u>) has been consulted for the most recent three year period (2010-2012), in accordance with GTA, to identify those PIAs that have occurred on the local highway network and any highway safety issues that should be noted as a result. The study area included Engine Lane adjacent to the site, and the B600, up to the junction with the B6010.
- 2.4.2 No PIAs have occurred on Engine Lane for the study period. One PIA has occurred on the B600, approximately 430 metres south of the junction with Engine Lane. This occurred in 2013, was classified as slight and involved two vehicles.
- 2.4.3 No further PIAs have occurred in the study area for the period assessed.
- 2.4.4 In summary, the low PIA rate confirms that there are no existing road safety issues in the vicinity of the site that warrant concern.

2.5 Census Data

- 2.5.1 The 2011 Census data contains comprehensive information regarding the travel modes adopted by people on their journey to work. The data represents the most recently available modal split data for assessing staff based travel patterns.
- 2.5.2 Table 1 summarises the 2011 mode split for the area defined as 001 Broxtowe, (within which the proposed development is located).

| Train | Motorcycle | Bus | Car Car Driver Passenger | | Taxi | Bicycle | Foot | |
|-------|------------|------|-----------------------------|------|------|---------|------|--|
| 0.4% | 1.3% | 4.7% | 75.0% | 7.5% | 0.4% | 1.5% | 9.2% | |

Table 1: Census Modal Split

2.5.3 According to the data, a total of 23.3% travel via sustainable modes in the area. Travel by car represents the 75.0% of overall travel, with travel on foot being the most popular choice of sustainable travel mode.



2.6 Pedestrians and Cyclists

2.6.1 Walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly those under 2 kilometres. *Guidelines for Providing for Journeys on Foot* [CIHT, 2000] describe acceptable walking distances for pedestrians without mobility impairment.

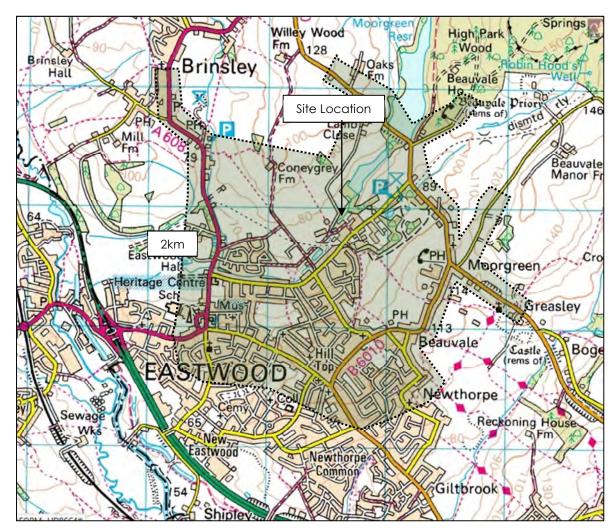


Figure 3: 2km Walking Catchment

2.6.2 For commuters and school pupils, up to 500 metres is the desirable walking distance, up to 1,000 metres is an acceptable walking distance, and up to 2,000 metres is the preferred maximum. Figure 3 presents the pedestrian catchment area based on a 2km walking distance from the centre of the site. As shown, the site can be reached from the majority of Eastwood.





Photos 4 & 5: Local Footway Infrastructure on Engine Lane and Phoenix Road

- 2.6.4 Footways are continuous and facilitate access via Eastwood to south/west. To the east, the southern footway on Engine Lane extends along the western side of the B600 to the south. A footway is provided on the eastern side of the B600. Local routes are well lit and the quality of local footway is considered good, accommodating an even surface for users.
- 2.6.5 Footpath connections to the east and west along Lamb Close Drive from the junction with Phoenix Road also allow pedestrians to reach Brinsley to the north.
- 2.6.6 There are no formal crossing facilities on Engine Lane in the vicinity of the site. Dropped kerb arrangements are however in place to facilitate movements across the industrial estate access junctions.
- 2.6.7 Guidance suggests that cycling has clear potential to substitute for short car trips, particularly those under 5km, and to form part of a longer journey by public transport. Figure 4 shows the cycle catchment area from the site access. As illustrated, in addition to Eastwood, the catchment area includes the surrounding settlements of Kimberley, the east of Heanor, north of Ilkeston, Answorth, west Hucknall, Brinsley and Langley Mill.



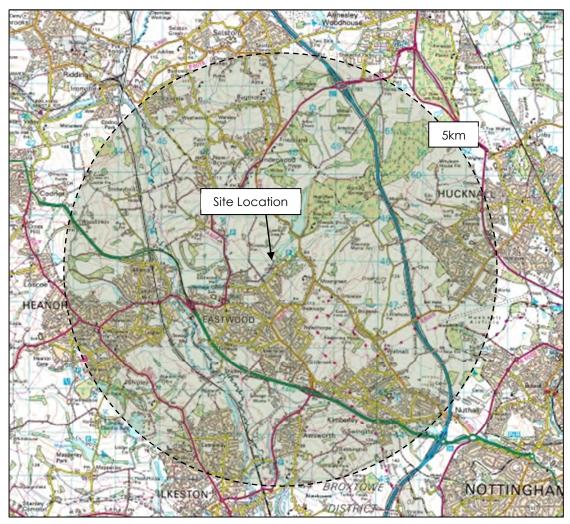


Figure 4: 5km Cycling Catchment

2.6.8 There are no formal cycle routes in the vicinity of the site. A traffic free route is however available adjacent to the Erewash Canal off the A608, to the west of the A610/A608 roundabout. This route connects Ilkeston, Sandiacre and Long Eaton to the south. An additional traffic free route extends from Anchor Road, just west of the A610/A608 roundabout and links Giltbrook via Halls Lane and the A6096 at Awsworth. Eventually, the route connects with the A6002 Coventry Lane in the western section of Nottingham.

2.7 Road Based Public Transport

2.7.1 In line with current local and national transport objectives, particularly of encouraging modal shift away from the private car and increasing accessibility through sustainable travel, public transport has a major role to play. The IHT's 'Guidelines for



Planning for Public Transport in Developments' (IHT 1999) recommends that the maximum walking distance to bus routes should not exceed 400 metres.

- 2.7.2 The closest bus stop to the site is positioned approximately 500 metres to the west of the site on Mill Road, comprising a flag and pole stop. Service Y10, operated by Yourbus, is an Eastwood circular service which accesses the mentioned stop from 0958hrs until 1658hrs, at an hourly frequency from 1258hrs.
- 2.7.3 Additional bus stops are located on Moorgreen, approximately 700 metres east of the site. The stop is served by service 531 which operates from Selston to Cinderhill. During the week, the outbound service accesses the stop at 0629hrs and 0729hrs and the inbound service accesses the stop at 1622hrs and 1732hrs.
- 2.7.4 Given the frequency of local bus services, times at which local stops are accessed and destinations served, it is considered that there is some opportunity to access the site by bus.

2.8 Summary

2.8.1 The site is accessible by a range of sustainable travel modes. There are reasonable opportunities for pedestrian travel from the majority of Eastwood. Similarly, given the areas contained within cycling distance, there are good opportunities for cycle travel. The site is accessible by bus, albeit two existing services can be reached at walking distances of 500 and 700 metres from the site respectively. While such distances are above the recommended threshold, a proportion of staff may opt to travel via this mode.

3.0 DEVELOPMENT PROPOSALS

3.1 Introduction

3.1.1 Caunton Engineering are proposing an extension of the operational site to the north of the existing Plane building in order to incorporate a large trailer park. The function of the additional land would be to facilitate additional storage capacity of finished pre-fabricated steel as a consequence of just-in time delivery practices and rationalize the handling of the increasing volumes of steel and transport vehicles that



are currently transported in and out of Caunton Engineering on a daily/weekly basis. In doing so, the proposal will also provide the necessary storage capacity to enable the continued anticipated growth of the business over the next 10-15 years.

- 3.1.2 The site would accommodate specialist tractor-trailers that access the existing site on Engine Lane. The site would also be used for the temporary erection of prefabricated components prior to their transportation off-site.
- 3.1.3 A new storage yard directly beside the Plane building will increase the efficiency of existing operations because it would:
 - significantly reduce internal HGV movements
 - reduce double shifting
 - free up space and save time manoeuvring within the yard
 - utilise manpower and hours efficiently.
- 3.1.4 The additional capacity would provide the necessary additional amounts of space required by the company for the steel to be unloaded and trailers to be stored in a safe and organised manner while efficiently maintaining the production process capacity within the company.
- 3.1.5 The type of HGVs currently used and staff numbers are not expected to change as a result of the development.

3.2 Access and Parking

- 3.2.1 HGVs would continue to access the Site in the same manner as the existing situation, however, the new storage capacity would mean that vehicles no longer utilise Forest Park for parking, freeing it up to be used for B1, B2 and B8 development in line with past planning permissions on that site. After being parked at either the Cut Shack or at the Site proposed for additional storage, via the Phoenix Road/Engine Road junction, HGVs would continue to access the main Caunton building and paint facility at the Site.
- 3.2.2 As confirmed by the site visit and Photos 2 and 3, existing visibilities achieved to the east and west on Engine Lane are suitable.



- 3.2.3 No change is proposed to the existing level of parking at the site as a result of development.
- 3.2.4 Pedestrian access to the site would remain as per the existing situation.

4.0 TRIP GENERATION

4.1 Introduction

- 4.1.1 This section identifies the number of trips that would be generated by the proposed development.
- 4.1.2 The GTA states that 'The first step in quantifying the impact of a proposed development on the transport system is to provide an estimate of the person trips (for all modes) that are likely to be generated by the development'.

4.2 Vehicular Trips

- 4.2.1 The proposed development would reduce the number of internal HGV movements carrying finished goods.
- 4.2.2 In terms of external trips, once an uplift in sales is reached, it is anticipated that the site would generate an additional three to five loads (six to ten two-way movements) per day. The proposed development would hence increase existing trip generation from six HGVs to a maximum of 11 loads per day. Assuming all such additional trips occur during the peak hours, this would suggest up to an additional five departures via the Engine Lane/Phoenix Road junction during the morning peak hour and up to an additional five arrivals during the evening peak hour.
- 4.2.3 No change is expected to the existing HGV distribution as described at Section 2.3.
- 4.2.4 No change is expected to the existing staff multi-modal trips as a result of development. The likely existing trip proportions has been summarised in Table 1.



5.0 HIGHWAY IMPACT

- 5.1 According to the previous GTA, the material impact of a development has typically been determined in relation to whether it generates 30 or more two-way vehicle trips in any hour.
- 5.2 As identified in Section 4.2, as a worst case, an additional five two-way trips would be generated during the local highway network peak hours. As such, the proposed development would not result in a material impact. Indeed, the additional storage would reduce internal traffic movements to and from the Cut Shack and Forest Park, reducing the busy haulage movement around Moorgreen.
- 5.3 Local PIA records do not identify there to be any areas of concern with regard to road safety issues. Given the small number of trips generated, the development would not be expected to impact negatively upon local PIA rates.
- 5.4 The proposed development would not necessitate mitigation of any outstanding residual impacts.

6.0 CONCLUSIONS

- 6.1 Caunton Engineering have a proposal for the expansion of operations at their current Site at the former Moorgreen Colliery. This will increase the efficiency of the current workflow and provide the needed storage capacity to enable the production potential of the existing works to be fully realised in coming years. An extension to the north of the existing Plane building is proposed, in order to incorporate a large trailer park. The function of the additional land would be to facilitate additional storage capacity and accommodate the huge volumes of steel and transport vehicles that are currently transported in and out of Caunton Engineering on a daily/weekly basis.
- 6.2 A new storage yard will significantly increase the efficiency of existing operations because it would:
 - significantly reduce internal HGV movements
 - reduce double shifting
 - free up space and save time manoeuvring within the yard



- utilise manpower and hours efficiently.
- 6.3 A brief assessment of the existing sustainable infrastructure identified the site to be accessible via a range of sustainable travel modes. There are reasonable opportunities for pedestrian travel from the majority of Eastwood. Similarly, given the areas contained within cycling distance, there are good opportunities for cycle travel. The site is accessible by bus, albeit two existing services can be reached at walking distances of 500 and 700 metres from the site respectively. While such distances are above the recommended threshold, a proportion of staff may opt to travel via this mode.
- 6.4 An assessment of local PIA records for the area surrounding the Ste was undertaken, with there being no areas of concern identified.
- 6.5 Section 4.2 outlines the trip generation for the overall site. In terms of external trips, once an uplift in sales is reached, it is anticipated that the site would generate an additional three to five loads per day. The proposed development would hence increase existing trip generation from six HGVs to a maximum of 11 HGVs per day. Assuming all such additional trips occur during the peak hours, this would equate to an additional five movements via the Engine Lane/Phoenix Road junction during the morning peak hour and five movements during the evening peak hour.
- 6.6 Overall, it is concluded that the proposed development would not result in a material impact on the local highway network. Based on the above, there would be no outstanding residual highway impacts to mitigate as a result of the small number of trips the development would generate. It is therefore concluded that the proposed development accords with the transportation principals of NPPF and should therefore be acceptable to Nottinghamshire County Council, as local highway authority, from a highways perspective.





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Broxtowe Part 2 Local Plan



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| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|--|-------------|-------------------------------------|
| | Policy 1: Flood Risk | | |
| Part 2 Local Plan | Policy 2: Site Allocations Policy 3: Main Built up Area Site Allocations Policy 4: Awsworth Site Allocation Policy 5: Brinsley Site Allocation Policy 6: Eastwood Site Allocations Policy 7: Kimberley Site Allocations Policy 8: Development in the Green Belt Policy 9: Retention of good quality existing employment sites Policy 10: Town Centre and District Centre Uses Policy 11: The Square, Beeston Policy 12: Edge-of-Centre A1 Retail in Eastwood Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road) Policy 15: Housing size, mix and choice Policy 16: Gypsies and Travellers Policy 17: Place-making, design and amenity Policy 19: Pollution, Hazardous Substances and Ground Conditions Policy 20: Air Quality Policy 21: Unstable land Policy 22: Minerals Policy 23: Proposals affecting designated and non- designated heritage assets Policy 24: The health impacts of development Policy 25: Culture, Tourism and Sport Policy 26: Travel Plans Policy 27: Local Green Space Policy 28: Green Infrastructure Assets Policy 29: Cemetery Extensions | | 2.1 -2.12 |
| | Policy 30: Landscape | | |
| | Policy 31: Biodiversity Assets | | |
| | Policy 32: Developer Contributions Amend to Remove 1.97ha of Land at Gin Close Wa | Aweworth fr | m Green Belt |
| Policies Map | and Allocate for uses B1, B2 and B8 on the Policies | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | See Suite of Supporting Documents | | |

Question 2: What is the issue with the Local Plan?

| | Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | |
|-----|--|--|---|--|
| 2.1 | Legally compliant | | | |
| 2.2 | Compliant with the duty to co-operate | | | |
| 2.3 | Sound | | / | |

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is | this because: |
|--|---------------|
| It is not justified | |
| It is not effective | |
| It is not positively prepared | V |
| It is not consistent with national policy | V |

Your comments

SEE ATTACHED

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.



Policy 2 – Site Allocations Objection

Question 3: Why is the Local Plan Unsound

The Pt 2 LP is unsound due to a failure to promote sustainable patterns of development through Policy 2 only being directed to allocate sites for 10 or more dwellings, see paragraph 2.1.

- Development, per se, is clearly not restricted to solely to residential development. Indeed paragraphs 18 and 19 of the NPPF emphasise the Government's commitment to securing economic growth in order to suit create jobs and prosperity, noting that it wishes to ensure that the planning system does everything it can to support sustainable growth and should not act as an impediment.
- 2. As stressed at paragraph 7 of the NPPF, sustainable development must realistically encompass not only residential development but also economic and social development to provide accompanying jobs and services. It is therefore imperative that the Green Belt review assessment also encompasses making appropriate provision to remove areas of land from the Green Belt to facilitate the wider long term economic needs of Greater Nottingham and Ashfield.
- There are no specific employment land allocations made within the northern part of the borough to serve Eastwood, Kimberley and Awsworth. The plan is therefore unsound as it currently does not provide a range of allocations to provide development for employment uses.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

SEE ATTACHED

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.



Policy 2 – Site Allocations Objection

Question 4: Modifications Sought

It is requested that the 1.97Ha site at Gin Close Way, Awsworth as identified red edged on the submitted site location plan be removed from the Green Belt and allocated for employment use falling with uses B1, B2, B8 and subject to the built development being restricted to the areas demonstrated by the submitted BWB Flood Risk Assessment and Hydraulic Modelling shown to be not subject to flood risk as shown on submitted drawings NTW-2095-WO1-P1atA3 Modelled Flood Outlines 2 June 2014 and NTW-2095-W03-P2atA3 Potential Depths of Flooding 2 June 2014. This will enable the site to be more effectively and flexibly utilized for greater levels of employment generation than at present and provide employment opportunities for the more economically deprived parts of the borough

The following is submitted in support;

- 1. Whitehead (Concrete) & Foulds Investments Site Location Plan
- Response Submitted to Broxtowe BC Site Allocations Issues & Options Consultation 10 January 2014
- 3. Letter to S Saunders Greenbelt Assessment Framework, 19 September 2014
- 4. Letter to S Saunders Greenbelt Boundary review Consultation, 23 March 2015
- 5. Broxtowe BC Employment & Retail Workshop Notes, July 2016
- 6. Broxtowe BC Sept 2017 Publication Pt2 Local Plan Proposals map Extract Showing Objection Site

Landscape and Visual Impact Assessment prepared by FPCR, April 2010, comprising;

Transport Statement prepared by BWB Consulting, June 2013, comprising;

- a. Explanatory Letter to iPlan Solutions, 21 June 2013
- b. Transport Statement prepared by BWB Consulting Ltd
- c. Access Design NTW/284/001/Rev P2 Agreed in Principle by Nottingham County Council, 18 June 2013

Flood Risk Assessment documentation prepared by BWB Consulting Ltd, comprising;

- d. Employment Use FRA, Rev A, 21 July 2009
- e. Employment Use FRA, Rev B, 29 November 2010
- f. Revised Hydraulic Modelling Addendum (Oak Tree Motorhomes) rev A, 6 February 2013
- g. Revised Hydraulic Modelling Addendum(TK Gallagher) Rev A 6 February 2013
- h. BWB letter to iPlan Solutions, Flood Summary, 8 April 2014
- i. BWB letter to iPlan Solutions, FRA Plans, 2 June 2014
- j. Drawing NTW/2095/W01-P 1 @A3 Modelled Flood Outlines, 2 June 2014
- k. Drawing in TW/2095/W03-P 2 @A1 Potential Flood Depths, 2 June 2014

Question 5: Public Examination Attendance

| If your representation is seeking a modification, do you consider it necessary to partic the public examination? | ipate at | | |
|--|-----------|--|--|
| Yes, I wish to participate at the public examination | YES | | |
| No, I do not wish to participate at the public examination | | | |
| If you wish to participate at the public examination, please outline why you consider the necessary | is to | | |
| In order to present the full case and answer questions in support of the requested a to the part 2 local plan | mendments | | |

and supporting documents

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 public examination.

Broxtowe Part 2 Local Plan



Agent

| Please provide your client's name | | | ne H | larwo | orth Group |
|--|---------------|--|------|-------|------------|
| Your Details | | | | | |
| Title | | | | | |
| Name | | | | | |
| Organisation (if responding on behalf of the organisation) | Pegasus Group | | | | |
| Address | | | | | |
| Postcode | | | | | |
| Tel. Number | | | | | |
| E-mail address | | | | | |

Comments should be received by 5.00pm on Friday 3rd November 2017

If you wish to comment on several policies, paragraphs, or sites, please use a separate form for each representation.

| If you <u>would like</u> to be contacted by the Planning Policy Team regarding future consultations. |
|--|
| Please tick here |
| Please help us save money and the environment by providing an e-mail address that correspondence |
| can be sent to: |

For more information including an **online response** form please visit: **www.broxtowe.gov.uk/part2localplan**

Data Protection - The comment(s) you submit on the Local Development Framework (LDF) will be used in the plan process and may be in use for the lifetime of the LDF in accordance with the Data Protection Act 1998. The information will be analysed and the Council will consider issues raised. Please note that comments cannot be treated as confidential and will be made available for public inspection. All representations can be viewed at the Council Offices.

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB **For more information:** Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: <u>policy@broxtowe.gov.uk</u>

Question 1: What does your comment relate to? Please specify exactly

| Document | Policy number | Page number | Policy text/ Paragraph number |
|---|---|-------------|-------------------------------------|
| Part 2 Local Plan | Policy 1: Flood RiskPolicy 2: Site AllocationsPolicy 3: Main Built up Area Site AllocationsPolicy 4: Awsworth Site AllocationPolicy 5: Brinsley Site AllocationPolicy 6: Eastwood Site AllocationsPolicy 7: Kimberley Site AllocationsPolicy 8: Development in the Green BeltPolicy 9: Retention of good quality existingemployment sitesPolicy 11: The Square, BeestonPolicy 12: Edge-of-Centre A1 Retail in EastwoodPolicy 13: Proposals for main town centre uses inedge-of-centre and out-of-centre locationsPolicy 14: Centre of Neighbourhood Importance(Chilwell Road / High Road)Policy 15: Housing size, mix and choicePolicy 16: Gypsies and TravellersPolicy 17: Place-making, design and amenityPolicy 18: Shopfronts, signage and security measuresPolicy 20: Air QualityPolicy 21: Unstable landPolicy 22: MineralsPolicy 23: Proposals affecting designated and non-designated heritage assetsPolicy 24: The health impacts of developmentPolicy 25: Culture, Tourism and SportPolicy 26: Travel PlansPolicy 27: Local Green SpacePolicy 28: Green Infrastructure AssetsPolicy 29: Cemetery ExtensionsPolicy 30: LandscapePolicy 31: Biodiversity AssetsPolicy 32: Developer Contributions | | Policy 9 |
| Policies Map | | | |
| Sustainability Appraisal | | | |
| Other (e.g. omission, evidence document etc.) | | | |

Question 2: What is the issue with the Local Plan?

| | Do you consider this paragraph or policy of the Local Plan to be: (please refer to the guidance note at for an explanation of these terms) | | | | |
|-----|---|---|---|--|--|
| 2.1 | Legally compliant | | | | |
| 2.2 | Compliant with the duty to co-operate | ~ | | | |
| 2.3 | Sound | | ~ | | |

Question 3: Why is the Local Plan unsound? Please <u>only</u> answer this question if you answered 'No' to 2.3 above

| If you think this paragraph or policy of the Plan is not sound, is this because: | | | | | |
|--|--------------|--|--|--|--|
| It is not justified | \checkmark | | | | |
| It is not effective | ~ | | | | |
| It is not positively prepared | ✓ | | | | |
| It is not consistent with national policy | | | | | |

Your comments

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details. Please be as precise as possible. Continue on an extra sheet if necessary.

Policy 9 of the Submission Draft Plan sets out a policy for the retention of good quality existing employment sites. A number of existing sites are identified for safeguarding for continued employment uses.

Policy 4 of the Aligned Core Strategy indicates that sufficient supply should be made in Part 2 Local Plans for the provision of additional employment land, in the case of Broxtowe for some 15 hectares of land. **The Council's Site Selection Background Paper** explains that this requirement can be provided on a selection of urban sites, including schemes already approved and at the proposed allocations at Chetwynd Barracks and the Toton Strategic Location for Growth. Other than the latter two sites, the plan makes no specific allocations for employment land provision.

It is considered that this approach fails to either consider the need or opportunity for rail related employment development, including that related to the proposed construction of HS2. Nor does it consider the potential need for replacement land to accommodate rail related activities that would be displaced by the development of a HS2 station at Toton Sidings.

As a result, the plan is not adequately justified, effective or positively prepared and is therefore unsound in relation to its approach to employment development and more specifically in relation to rail related employment opportunities. The National Planning Policy Framework (NPPF) is clear that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that significant weight should be placed on the need to support economic growth through the planning system.

The former Bennerley Coal disposal point to the west of Shilo Way, Awsworth, is owned by the Harworth Group and extends to some 20 hectares. The site consists of large areas of hardstanding associated with the coal distribution depot dismantled in the mid-**1990's.** There is an existing high standard vehicular access from the A610 and an existing rail spur from the Midland Mainline runs in to the site. The site has the benefit of a lawful use for the reception, storage and dispatch of coal.

With its existing rail connection, the site offers a unique opportunity for the development of a range of rail related employment activities. The Submission Draft Plan has not properly considered the need and potential for rail related employment on the site and the extent to which there would be exceptional justification for the allocation of this Green Belt site for development in the Local Plan.

Submissions were made on behalf of the Harworth Group at previous stages of the Local Plan process, demonstrating the potential for the redevelopment of the site. In order to demonstrate the suitability for the development of the site for rail related uses, Harwoth commission AECOM to provide an assessment of Freight Feasibility. A copy of this report is attached as part of this representation at Appendix 1.

The AECOM report provides a strategic overview of the UK rail market to identify main market segments and considers the opportunities presented by the Bennerley site and how this would operate. The report concludes that the site is one of the few available within the region that could be suitable for the development of rail connected infrastructure.

In terms of potential demand, the report concludes that there is a significant need to develop sites that are suitable for the construction and/or maintenance of both rail infrastructure and rolling stock renewal programs. The report also notes interest from at least five passenger operations and five freight companies, and several rolling stock leasing companies, all with operations within the East Midlands.

The report then considers the opportunities for three principal rail uses – rail manufacturing and construction, a train maintenance facility and a rail connected warehouse. The rail manufacturing and construction option would enable the manufacture and distribution of rail components to both the existing rail network. AECOM has identified interest from a number of operators for a train **maintenance or assembly facility.** The site's location also makes it suitable for rail connected warehousing on the site. The indicative concept plan at Appendix 2 shows how the site could be developed for rail related employment activities.

The site falls within Green Belt and would therefore need to be brought forward as an additional allocation in the plan. Submissions were previously made by the Harworth Group to the Council's Green Belt Boundary Review consultation in March 2015, setting out the reasons why there were exceptional circumstances to justify an amendment to the Green Belt boundary in this location.

In terms of the five functions of Green Belt, the following comments can be made in relation to the Bennerley Coal Disposal Point;

Checking the unrestricted sprawl of large built-up areas. The Bennerley site is well defined by clear physical boundaries and is self-contained so would not extend the built up area of existing settlement boundaries and would not result in the unrestricted sprawl of large built up areas;

Preventing neighbouring towns merging. The Bennerley site is a self-contained brownfield site with existing lawful use as a coal disposal point. It has been an industrialised feature within the wider Green Belt between Awsworth and Ilkeston for many years. Development would not result in the merging of the nearby settlements;

Safeguarding the countryside from encroachment. With the former coal disposal point and other adjoining uses, the location is an urban fringe area strongly influenced by surrounding built and industrial development. The site is brownfield with a lawful use on a self-contained site. Development would therefore safeguard the wider undeveloped countryside from encroachment;

To preserve the setting and character of historic towns. Development of the site would not affect the setting and character of a historic town. Whilst there would be a less than substantial impact on the listed Bennerley Viaduct, development can assist in the restoration of the viaduct and its opening up for recreational walking and cycling;

To assist in urban regeneration. The site is a vacant previously developed site. Development would enable the regeneration of the site for employment uses meeting the specific locational requirements of potential users.

In terms of the exceptional circumstances justifying an amendment to the Green Belt boundary, the site represents a major developed site in the Green Belt that would benefit from redevelopment. In the absence of development, the site will remain derelict, detracting from the wider Green Belt area. The site is one of a very limited number of rail connected sites that can cater for the specific requirements of rail related activities as outlined in the AECOM report submitted alongside these representations.

There is therefore a clear justification to amend the Submission Draft Local Plan to allocate the land at the former Bennerley Coal Disposal Point for rail related uses. This would ensure that the identified specific needs of a number of rail related businesses could be catered for in the Borough, with the associated important local employment benefits.

Question 4: Modifications sought

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan 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. Continue on an extra sheet if necessary.

The plan should be amended to allocate the land at the Bennerley Coal Disposal Point for rail related employment uses and the Proposals Map should be amended to show the allocated site removed from the Green Belt as indicated on the plan at Appendix 3.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at 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.

Question 5: Public Examination Attendance

If your representation is seeking a modification, do you consider it necessary to participate at the public examination?

Yes, I wish to participate at the public examination

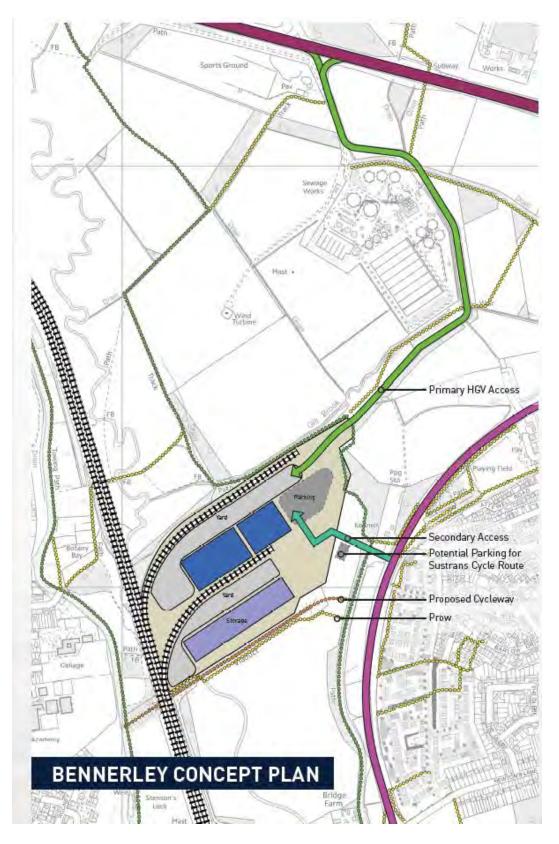
No, I do not wish to participate at the public examination

If you wish to participate at the public examination, please outline why you consider this to be necessary

It is important that the Harworth Group is represented at the Examination to demonstrate that the proposed allocation is a suitable and deliverable housing allocation.

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 public examination.

Appendix 1: Indicative Masterplan



Appendix 2: AECOM Report



Bennerley Development Proposals

An assessment of Freight Feasibility

Harworth Estates Investments Ltd

Project Number: 60541692 Final Report

July 2017

Quality information

Prepared by

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Dan Bowden Principal Consultant

Checked by

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Michael Whittaker Associate Director

Approved by

G.S Clarke

Geoff Clarke Regional Director

Revision History

| Revision | Revision date | Details | Name | Position |
|--------------|----------------------|--------------|------------|----------------------|
| First Draft | 23-05-2017 | Draft Report | Dan Bowden | Principal Consultant |
| Second Draft | 17-07-2017 | Final Report | Dan Bowden | Principal Consultant |

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Table of Contents

| Introduction | . 5 |
|---|---|
| | |
| Rail Market Overview | |
| Bennerley's Suitability for Rail Connected Infrastructure | 17 |
| Policy Review | 23 |
| Proposed Development Options | 32 |
| Alternative Sites | 43 |
| Conclusions | 51 |
| | Bennerley's Suitability for Rail Connected Infrastructure Policy Review Proposed Development Options Alternative Sites |

1. Introduction

1.1 Introduction

Harworth Estates Investments Ltd, part of Harworth Group commissioned AECOM to undertake an assessment of freight feasibility of the client's former Bennerley Coal Terminal site located at Awsworth adjacent to the Nottinghamshire / Derbyshire border within the East Midlands. Awsworth is part of the Broxtowe Borough Council area in Nottinghamshire. The site is in the Erewash Valley and across the river is Ilkeston in Derbyshire. This report provides a summary review of the site background, UK rail market, freight background, strategy justification and aligned options that potentially exist for the site.

1.2 Structure of report

This report is structured as follows:

Chapter 1: Introduction

Chapter 2: sets out the background and history of the site

Chapter 3: provides a strategic overview of the UK rail market in setting the scene for the main market segments and provides a context for providing input to possible rail related development options.

Chapter 4: considers the opportunities presented by Bennerley in terms of its suitability

Chapter 5: states how the site sits within the framework of international, national, regional and local policy currently in place regarding the growth of the rail industry.

Chapter 6: sets out the nature of potential proposed at Bennerley, and how this would operate.

Chapter 7: looks at alternative sites for the facilities proposed at Bennerley

Chapter 8: Conclusions

1.3 Report Summary

Having reviewed the assets, location and availability of Bennerley, as well as the demand for rail development within the Midlands and wider UK, the report concludes that the site is one of the few available within the region that could be suitable for the development of rail connected infrastructure.

This could include a number of possible uses including rail manufacture and maintenance, rolling stock maintenance and rail connected warehousing.

2. Background

2.1 Introduction

This chapter explores the history of the former Bennerley Coal Terminal site. It takes into consideration when the site first opened, its uses as an ironworks and coal site, the decline in coal and closure of the site. In addition, consideration is also given to the surrounding rail infrastructure which supported movement of coal from the site as well as current and planned rail investment in the East Midlands.

2.2 History

2.2.1 Background

The site of the former Bennerley Coal Terminal site is located between the recently completed Ilkeston station to the south and Langley Mill to the north (**See Figure 2.1**). The site first opened in 1874, as an ironworks site and was located north of the Bennerley viaduct served by sidings connected to both the Great Northern Line and the Midland Railway Erewash Valley line. The ironworks were in operation for 60 years and closed in 1934. After demolition of the ironworks a British Coal Distribution depot served by sidings from the former Midland Railway occupied the iron works site, however this has now been demolished. The Bennerley site is based on the level, with the potential rail siding(s) coming in from the Erewash River (south facing) connection.





2.2.2 Opening

Bennerley Ironworks opened in 1874, the iron works site had a large network of associated sidings, and it acted as a railway junction. The Bennerley Ironworks were located North of the Bennerley Viaduct, which, is one of the two remaining wrought-iron viaducts in England and is a Grade II* listed structure. The Viaduct opened to commercial traffic in January 1878, having been completed in November 1877 for the Great Northern Railway (GNR).

The viaduct was designed to span the Erewash valley between Ilkeston in Derbyshire and Awsworth in Nottinghamshire. The viaduct was strategically located next to, or had connections to six collieries in the area and as such coal was the mainstay of freight traffic. In addition Hardy and Hanson in Kimberley also had sidings on either side of the line serving their brewery. In addition, the use of the line for freight traffic also meant passenger trains could travel from Kimberley via the Bennerley junction to the Midlands Ilkeston Town Station.

2.2.3 Closing

Bennerley Ironworks closed in 1934 however the building survived until the early 1980's and it was used as a coal distribution centre by British Coal (**see Figure 2.2**). Coal mined from local drift mines was stored and distributed by rail in the 1960's. In the late 1990's the site was demolished however there are still remains of its industrial past remaining, for example the site of the weighbridge.



Figure 2.2: Bennerley Open Cast Coal and Viaduct

2.2.4 Decline of coal

At its peak the British coal industry employed over a million people and was one of the most important industries. Transport, power and related industries were heavily reliant on coal. The decline of the British coal industry started after the First World War; however it was accelerated after the Second World War in particular after the miners' strike in 1984. In the 10 years after the 1984–5 miners' strike, employment by British Coal and the number of pits it operated fell by more than 90%. The decline of coal has continued with the majority of coal mining sites in the UK closing down. In addition, due to new energy sources, government policy, and climate change regulation, coal movement on the rail network has decreased substantially.

2.3 Renaissance of the Railway

2.3.1 New passenger station

Ilkeston rail station (**see Figure 2.3**) first opened to rail traffic in 1878 however it became a casualty of the Beeching railway cuts of the 1960s and the line closed in 1967. Ilkeston has been one of Britain's largest towns without a train station for around 50 years.

In early 2017, a £10 million station project for Ilkeston was made possible through the government's infrastructure investment package which is administered through the New Stations Fund. The new Ilkeston train station will be operated by East Midlands Trains (EMT) and Northern Rail (Arriva) will offer direct hourly trains to Chesterfield, Sheffield, Leeds and Nottingham and EMT trains will also call at least three times a day on the Norwich to Liverpool service. It is estimated that the station will be used by 160,000 people in its first year.



Figure 2.3: Ilkeston Train Station

2.3.2 Biggest investment in railways for 50 years

As will be discussed later in this report the railway has been seeing a strong growth in passenger numbers and rail freight had grown by 60% since privatisation in 1994. This resurgence in fortunes prompted the Government to embark on a large investment programme in infrastructure and rolling stock.

The East Midlands Region is backing HS2, the high speed route is planned to reach the area in 2033 as part of Phase 2b, with a hub station in Toton (midway between Derby and Nottingham) in Broxtowe Borough Council, as shown in the figure overleaf.

HS2 plan to take over much of the Toton site for the new East Midlands hub station on the site of the former marshalling yards, where High Speed Rail (HS2) will run parallel to the existing Erewash Valley line, **see Figure 2.4**.

A number of local authorities and businesses have collaborated under the banner of the East Midlands HS2 strategic board which aims to provide leadership and direction on issues relating to HS2 and assist the region in realising opportunities offered by HS2.¹ The NET Nottingham Express Transit system will also be extended from Toton to provide interchange into the new HS2 station.

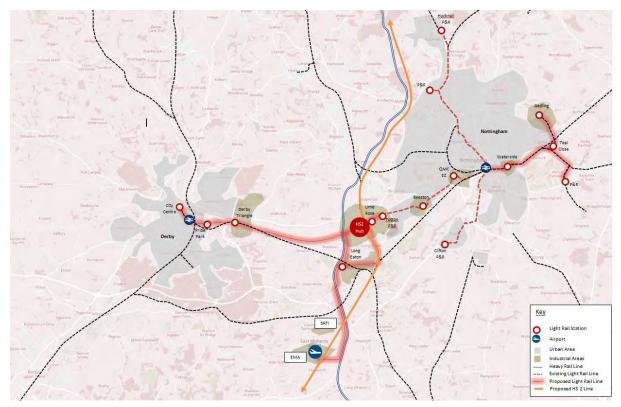


Figure 2.4: HS2 Route and NET Extension

2.4 Sustrans – Sustainable transport

Nottinghamshire's LTP cycle strategy 2016 has a target of growing the number of cycle trips from 3% to 10% of the total number of journeys by 2025. The council has aspirations for a cycle network that links people to jobs as well as the leisure market. Sustrans research shows that cycling schemes have an average BCR of 3:1 which is much better than most other road investment projects.

Sustrans vision is to develop the Bennerley Viaduct (**see Figure 2.5**) as a cycle path and footpath which will provide a direct route across the valley. The Bennerley Viaduct structure is currently owned by Sustrans who are formulating a bid for Heritage Lottery money to fund the works required to bring the viaduct into use.

Earlier this year Sustrans held consultation events in Ilkeston and Awsworth to publicise their plans to restore the historic Bennerley Viaduct and reuse it for a cycling and walking link between Nottinghamshire and Derbyshire. The 1,452 foot long bridge would be used as part of a through route between Nottingham and Derby, and with good connections to both sides of the Erewash valley, including the Erewash Valley Trail.

The viaduct is of national importance and provides vital links in the network of existing and proposed paths and cycle ways. Developing the viaduct will offer people in the region sustainable transport routes for commuting and leisure purposes. In addition a re-opened viaduct would enable easier connectivity from Ilkeston to Awsworth and other employment sites.

¹ Modern Railways – East Midlands Heart of the Rail Industry (April 2017) Pp14



Figure 2.5: Bennerley Viaduct: Harworth are providing land and material to create a new embankment which will re-connect pedestrian and cycle access over the viaduct with a new signal controlled junction on Shilo Way.

3. Rail Market Overview

3.1 Introduction

This chapter provides a strategic overview of the UK rail market describing the main market segments and provides a context for input to the proposed development options.

3.2 Rail Freight Overview

The rail freight sector delivers significant benefits to the UK economy and this has been quantified at £1.6bn per year in productivity gains, reduced congestion and environmental benefits. The five main Freight Operating Companies employ over 5,000 staff and have a combined turnover of around $£850m^2$. The sector is going through a period of significant change as the decline of coal provides opportunities for other commodities to replace the coal movements. It is also essential that market demand is covered in the study to ensure that the facilities provided at the Bennerley site are compatible with the requirements of industry.

Figure 3.1 shows the movements of particular commodities by rail between 1998 and 2016 in terms of billion tonne kilometres. Over the period, coal, construction materials and domestic intermodal all increased whilst metals, oil & petroleum, international and other freight movements all decreased. However, overall, total billion tonne-kilometres increased by 22%. Construction materials grew by the greatest margin (96%) and international movements decreased by the greatest amount (40%).

It is worth noting that since the beginning of 2016, coal movements have decreased substantially, making the identification and growth of other sectors more important if the rail freight market is to avoid decline.

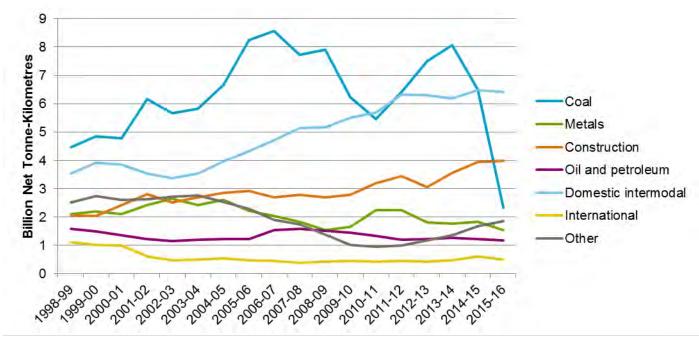


Figure 3.1: Rail Freight Tonnes Kilometres by Commodity (1998 – 2016)

Figure 3.2 shows the total tonnage lifted by rail freight between 1985 and 2016. Whilst fluctuating, tonnage has increased over the last 15 years to over 100 million tonnes.

² Rail Delivery Group, *Freight Britain*, (2015)

Fluctuations can be attributed in part to changing data collection methodologies. Freight lifted in 2016 is trending downwards due to aforementioned decline of the coal market.

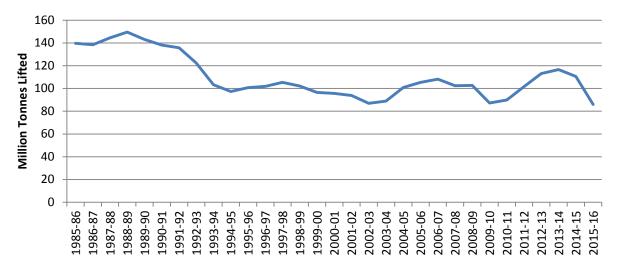


Figure 3.2: Rail Freight Tonnes Lifted (1985 - 2016)

3.3 Rail Freight Forecasts

Recognising that certain flows such as waste, petrochemicals, other minerals and engineering supplies for Network Rail are likely to remain relatively static, it is clear that there are other sectors with real potential for growth.

As shown in **Figure 3.3** biomass is forecast to replace some of these movements, increasing from 0.15 billion tonne/km in 2010 to 2.34 billion tonnes/km in 2043.

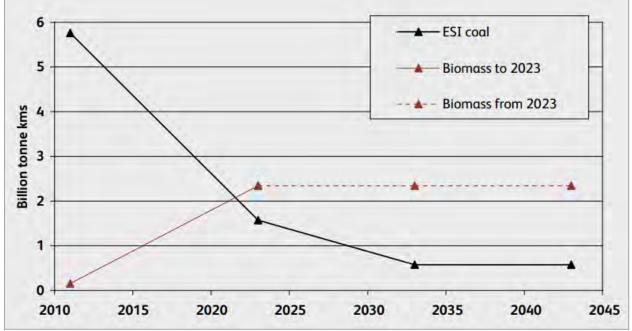


Figure 3.3: ESI Coal and biomass forecasts: tonne kilometres moved (with 2011 actual data)³

³ Network Rail (2013), Long Term Planning Process: Freight Market Study

AECOM was commissioned by the UK Department for Transport (DfT) in 2016 to assess the potential for modal-shift and rail freight growth. **Table 3.1** shows the 14 different commodities/sectors considered as part of this project along with a summary forecast to 2030.

| Table 3.1: Rail Freight Summar | v Forecasts (| (Source: DfT Rail Fr | eight Strategy 2016) |
|--------------------------------|---------------|----------------------|----------------------|
| Table 5.1. Rail Freight Gumma | y i orecusis | | eight othategy zoro) |

| Commodity/Sector | Summary Forecast |
|---|-------------------|
| Energy: | |
| Electricity Supply Industry (ESI) Coal, | Long-term decline |
| Biomass | Static |
| Nuclear Energy | Long-term decline |
| Construction Materials | Long-term growth |
| Intermodal (Ports) | Steady growth |
| Intermodal (Domestic) | Steady growth |
| Channel Tunnel | Limited growth |
| Metals | Static |
| Petroleum/Oil | Static |
| Chemicals | Static |
| Automotive | Slow growth |
| Non-ESI Coal | Long-term decline |
| Industrial Minerals | Static |
| Domestic Waste | Static |
| Ore | Static |
| NR Engineering | Static |

As shown in **Table 3.1**, there are a number of commodities/sectors, which are forecast to grow:

- Construction
- Intermodal (Ports)
- Intermodal (Domestic)
- Channel Tunnel
- Automotive

In addition to the commodities/sectors discussed above, there are a number of others that could prove to be an important part of any future rail freight mix. However, at present, the volumes concerned did not merit forecasting. In summary, these commodities/sectors are:

- Parcels
- Premium Rail Freight
- Urban Logistics
- International High-Speed Rail Freight

3.4 Passengers Rail Market Overview

The railway network is an important economic and social asset for the East Midlands; this is demonstrated by a 40 per cent increase in its use by passengers over the last ten years. Looking to the future, significant growth in passenger numbers is forecast to continue – up by 31 - 40 per cent by 2023, and between 53 - 114 per cent by 2043.⁴

Analysis in 2015 by the Rail Delivery Group, which represents train operators and Network Rail, and is based on data from the auditors KPMG found that people make an average of 24.7 train journeys a year, a 60% increase from 1998, when private operators took over running UK train services from British Rail. The growth in journeys is faster than in France at 25%, Germany at 23% and the Netherlands at 10% over the same period.

As Passenger numbers continue to grow strongly, an industry steering group comprising operators, financiers, Network Rail and industry associations such as the Rail Delivery Group estimated the UK heavy-rail industry (not including London Underground) will need to grow the total passenger train fleet by between 53% and 99% over the next 30 years.

This Long Term Passenger Rolling Stock Strategy published in February 2014 stated there will be a need for between 13,000 and 19,000 new electric vehicles on top of the existing national fleet of 12,647 vehicles. This presents challenges and opportunities surrounding financing rolling stock in the UK, and how the marketplace needs to keep up with demand.

The current rail investment period 2014-2020 is marking the most sustained period of train building for over 50 years. It is expected that 6,000 new railway carriages will come into service by 2020 according to the Rail Delivery Group.

In the last year 1,000 new vehicles have been ordered, half of which are for the new Northern and Trans Pennine Express (TPE) franchises and the remainder joining the network from the West of England to the Midlands and the North.

The implications of the resurgence in rail travel is that more trains need to be built and maintained and older trains need refurbishment which includes repainting, and fitting out with modern décor, seats and electronic systems. This ideally requires rail connected sites to be able to facilitate this process in a timely and economic way.

In order to provide further information around this opportunity, an analysis on the rolling stock and its replacement has been undertaken as follows:

3.5 Rolling stock

3.5.1 Rolling Stock Replacement Analysis

Using the Long Term Passenger Rolling Stock Strategy for the Rail Industry document (March 2016)⁵ - that sets out current and future rolling stock requirements by broad typology for the network based on demand growth, current fleet profile, and committed infrastructure changes (Crossrail, electrification, etc.). At the same time, the DfT 2016 Rolling Stock Perspective⁶ sets out the planned withdrawal dates for existing rolling stock by operator. Combining the two (and a few other sources) gives a reasonable estimate of the overall rolling stock replacement programme going forward.

The fleet is forecast to grow rapidly -15% by 2019 and 50% by 2034. However, the actual replacement schedule is determined by rail franchisees and therefore large purchases are ultimately made at the time of refranchising.

Table 3.2 sets out the numbers of rolling stock belonging to franchisees running services due in the Nottingham area and due for replacement each year:

⁴ <u>file:///C:/Users/Masamvin/Downloads/east-midlands-route-study%20(3).pdf</u> pp 3

⁵ http://www.raildeliverygroup.com/files/Publications/2016-03_long_term_passenger_rolling_stock_strategy_4th_ed.pdf).

⁶ (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524445/rolling-stock-perspective.pdf)

| Table 3.2: Rolling | Stock Replacement | Schedule (AECOM | estimate) |
|--------------------|-------------------|-----------------|-----------|
|--------------------|-------------------|-----------------|-----------|

| Year | East Midlands | Cross Country | London Midland | Total |
|---------|------------------|------------------|-------------------|-------|
| By 2019 | 207 | 90 | 16 | 313 |
| By 2024 | 282 | 96 | 52 | 430 |
| By 2034 | 344 | 604 | 258 | 1206 |

There are 12 train manufacturers operating in a competitive world market:

Table 3.3: Train Manufacturers

| Manufacturer (s) | Site (s) in UK | Site Location (s) |
|--|------------------|-----------------------------|
| Alstom Transport | Yes | Widnes |
| Bombardier | Yes | Derby |
| CAF | Actively looking | - |
| CRRC Corporation | Actively looking | - |
| Hitachi Rail | Yes | Newton Aycliffe |
| Hyundai Rotem | No | - |
| Kawasaki Heavy Industries Rolling Stock Company | No | - |
| Siemens Mobility | Actively Looking | - |
| Škoda Transportation | No | - |
| Stadler | Yes | Liverpool |
| Talgo | No | _ |
| Wabtec | Yes | Loughborough / Doncaster |

The renaissance in the railway has prompted many of these train manufacturers to investigate the business case for building a plant in the UK. Hitachi opened an assembly plant last year, Stadler have chosen to locate a new facility in Liverpool, Alstom are opening a new site in Widnes and several others are looking for suitable sites. The East Midlands with its railway heritage could attract one of these manufacturers.

3.5.2 Rolling Stock Maintenance

As well as new trains, refurbishment of existing trains is required approximately every 10 years of service as well as regular maintenance at more frequent intervals. **Table 3.4** forecasts the numbers of rolling stock due for refurbishment over the next 18 years.

| Y | ′ear | East Midlands | Cross Country | Northern | Total |
|---|-------------|------------------|------------------|----------|-------|
| | During 2019 | 43 | 46 | 64* | 153* |
| | During 2024 | 46 | 50 | 68* | 164* |
| | During 2034 | 56 | 60 | 83* | 199* |

Increasingly trains are leased on a contract maintenance basis where the manufacturer sets up a 'servicing' depot in close proximity to the operator's franchised network. Suitable sites are always in demand near key operational nodes such as Nottingham.

3.6 Railway Infrastructure

With the growth in passengers the rail industry is investing in additional capacity, double tracking single lines, putting in rail flyovers and even new routes such as Crossrail, the East-West line from Oxford to Cambridge and much more. In addition HS2 has received Royal Assent, allowing it to be built. These schemes need new sites for railway construction purposes, ideally near the projected new routes. So HS2 will need new infrastructure depots in the years to come.

4. Bennerley's Suitability for Rail Connected Infrastructure

4.1 Introduction

In this section we consider whether Bennerley is able to provide an attractive, suitable site. To determine this we look at various attributes as follows

- Site Location (good geographic location in Central UK with southbound connection to the "Classic" rail network and HS2 at Toton)
- Rail network capacity (would there be train paths available to/from the site?)
- Site Size and Shape (is the site is suitable in terms of operational practicality?)
- Site Availability (is the site available; and status of track or otherwise)
- Reinstatement (is the site connected or not?)
- Proximity to required local labour pool (is there a skilled labour within a suitable access time?)
- Potential Demand (What needs can the site fulfil?)

4.2 Site Location

Bennerley is located in Nottinghamshire in the East Midlands, with the road entrance off the A610 dual-carriageway (near the Ikea roundabout). The site is central to the strategic highway network which includes linking to Junction 26 of M1 for connections to the south and north, near the A50 to the west and A610 to the east.

It is also strategically important for freight though Bennerley is not likely to be required for container handling as other SRFIs are planned for the East Midlands. The site is situated near a number of towns such as Eastwood, Heanor and Ilkeston. Nottingham is just nine miles away and Derby is 11 miles from the site, so offers a good geographical catchment area. The location is at the heart of the classic railway network, with good connection to the rail network in all four directions. It is situated on the Sheffield to Nottingham line, which is the main direct railway link between the East Midlands and the North of England.

The site is located between the recently completed Ilkeston station to the south and Langley Mill to the north. The alignment at this point consists of three (formerly four) lines comprising a set of main up/down lines, and a bidirectional line mostly utilised by freight services. Trains can operate from Toton or Nottingham (via Lenton Junction) in the south to and from Chesterfield (via Clay Cross) or Mansfield (via Pinxton) in the north. None of the lines are electrified.

The site is also located four miles from the proposed route for HS2, and in particular near the junction between Toton and the northern route to Sheffield. As such this demonstrates significant value as a potential support site for railway construction use, not only during the construction stage of Phase 2B and then the ongoing maintenance of the route. **Figure 4.1** shows the Midland Main Line route, and Bennerley is between Langley Mill and Nottingham.

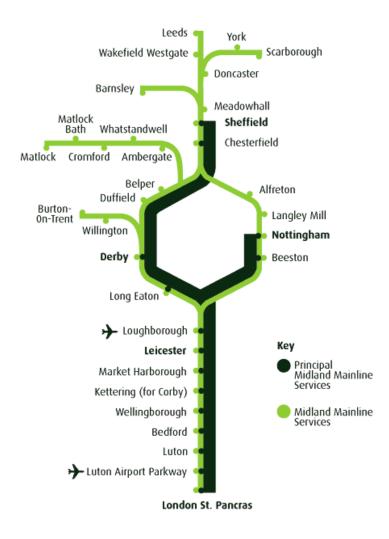


Figure 4.1: Bennerley's location on the Midland Main Line

4.3 Rail network capacity

Currently a number of passenger and freight services are scheduled to utilise the section of route adjacent to the colliery site. Regular passenger carrying services operate on two axes; from East Anglia/Norwich to the North West of England – Liverpool (East Midlands Trains), and from Nottingham to Leeds via Sheffield and Barnsley (Northern – Arriva Rail North).

Both these services operate generally hourly during the day, with some short workings and peak time additional services. Ilkeston station itself is served by the Northern service and selected Norwich-Liverpool East Midlands services. In addition to these regular services, there are a number of London St Pancras-Leeds (and vice versa) services that pass adjacent to the site non-stop during the AM peak and late evenings. A number of Empty Carriage Stock (ECS) workings also pass the site, operating to and from locations such as Liverpool, Worksop and Mansfield Woodhouse from Nottingham.

There are a significant number of freight services that are pathed to pass by the site. Many of these operate to/from or via Toton (often for crew or locomotive changes or layover). Commodities primarily transported include limestone and limestone products from the Peak District, although there are also flows of petrochemicals, steel, and departmental freight. Coal traffic, in former years represented a significant proportion of freight traffic in the area, has declined very significantly. Whilst these paths may be significant in number on certain days, the number of actual paths utilised can vary significantly.

Many rail lines in the East Midlands are operating at full capacity and this effectively prevents new services commencing on these routes. Importantly, the Bennerley site location is connected to one of the lines in the East Midlands, which has substantial spare capacity for additional rail movements on the Sheffield to Nottingham line as traffic accessing Bennerley from across the wider network will concentrate onto that line. Having a slow line allows faster passenger services to bypass freight trains.

Looking forward, there are no significant planned changes to the level of passenger services operating past the site. The Northern service will be diverted to operate via Moorthorpe rather than Barnsley which may result in alterations to timings (but not overall utilised capacity). HS2 Phase II as planned will lead to changes to the East Midlands Trains East Anglia to North West service (it being diverted via the new station at Toton). Again however, there is no expected changes to overall utilised capacity on the route. The construction of HS2 and the new Toton station will have a significantly greater impact on freight services in the area. There may be changes in routing away from the line past the site as a result of the change in importance of Toton as a hub for freight operations. Conversely however, the construction of HS2 may have notable impacts upon line capacity as a result of the amount of infrastructure trains required.

4.4 Site Size and Layout

The site is well-sized and would be suitable for the developments, as it does offer an attractive, rectangular shaped plot of vacant land, 44 acres in size. The rectangular shape is important in that it enables longer trains to be accommodated within the site without splitting. It is envisaged that the most likely track layout could be similar to that used in the past. The layout kept rail movements completely separate from road movements and as such this provides a safe operating environment.

The site comprises the former operational land in a former coal terminal land ownership. There is opportunity for some built space for B2 use. This could include manufacturing facilities, storage areas, service yards and ancillary offices.

The site is based on the level, with the potential rail siding(s) coming in from the Erewash River end of the site. It is likely that rail operations would be partially hidden from the view from nearby housing, reducing their impact on the surrounding countryside.

The likely arrangement would probably only permit access for trains to and from the south, as trains to and from the north would have to reverse into or reverse out of the site onto the main line, which would generally not be acceptable for a "new" connection to Network Rail. The existence of Toton Yard five miles away could allow a train from the north to run past the site to Toton, where the loco could then run round and haul the train back into site. This type of activity would need to be built into the wider Toton HS2 remodelling plans.

There would need to be sufficient siding space inside the site boundary to cater for any train and associated shunting. The area within the site provides around 500m of siding into which trains could be shunted to and from site without touching the main line itself. It may be that adjoining plots could offer sufficient length to stable a maximum length (750m plus loco) train. This is not essential and depends on likely future use.

4.5 Site Availability

Currently the only body able to approve new connections to the rail network is Network Rail, and the process for this can take a significant element of time. By the time that the process has been followed for developing a rail connection including planning, funding allocation, projects prioritised and capacity to implement the works identified, it can often be several years after the initial impetus, that the connection is finally made. Importantly as even a reinstated connection can take some time in the planning and build process, it is important to consider the potential and start discussions with Network Rail at an early opportunity. Examples of timings are the developments of Parkside and East Midlands Rail Freight Interchanges. The former was first conceived in 2002 with detailed feasibility only undertaken within the last two years. It's estimated that the timeline for completion is at least another 5-10 years. The latter, East Midlands terminal similar to Radlett and Slough Strategic Rail Freight Interchanges (SRFIs) have a 10 year timeline to expected completion. Whilst this isn't solely down to the rail connection, this and other issues such as site clearance, also not required at Bennerley, contribute to the business case and delay vitally needed infrastructure.

As there have been doubts about Network Rail's ability to deliver the large number of projects it has scheduled for this investment period, Control Period 5 (2014 - 2019) there is increased uncertainty as to how long it would take for a new site to be connected to the network. However with engineering work connected to the development of HS2 likely in the next decade it is sensible to incorporate Bennerley into the bigger picture for the area.

4.6 Junction Reinstatement

The fact that the Bennerley connection and signalling to the national rail network was removed in 2008 means that an indicative cost of around £2-£3 million (subject to engagement with Network Rail) will be needed to reconnect to Network Rail's slow up and down line. However on the positive side the track bed and alignment for this connection are still available and would require little refettling to bring back into use. Also the fact that the slow line is a bi-directional track allowing two-way movements means operationally rail access is less complicated.

4.7 Rail Investment Projects

There are various stages of study required in the process called, Governance for Railway Investment Projects (GRIP) which describes how Network Rail manage and control projects that enhance or renew the national rail network. GRIP divides a project into eight distinct stages that cost money. Fees can vary depending on the circumstances found. It is a fact that internal works on a site are straightforward compared to live railway connection works.

4.8 Proximity to a trained and knowledgeable workforce

The East Midlands is the centre of rail manufacturing in the UK with the main Bombardier plant at Derby being the focus for train production. As such there are many skilled tradesmen in the area working not only in the main plant but in many support ancillary rail companies. 13% of all rail-related jobs in the UK are located in Derby, a city with a population of 250,000 which is just 11 miles from Bennerley. There has been good news for example new contracts for passenger carriages e.g. £1 billion Crossrail contract ensuring the main plant at Derby has a good backlog of work for the foreseeable future. There is also a brand new £12m test facility.

Similarly Toton yard has traditionally employed many railway staff mainly working in rail freight operations connected with the large marshalling yard which at its peak had over 40 sidings. Toton is home to one of the biggest diesel locomotive maintenance depots in the country, most recently serving DB Cargo. This facility carries out all levels of maintenance from regular safety inspections to major overhauls and requires a highly skilled workforce, trained in rail engineering, electronics, and much more.

With the HS2 plan to take over much of the Toton site for the new East Midlands hub station there is likely to be a need for one or two alternative sites to accommodate displaced railway activities. The advantage of using a site at Bennerley is that as it is only five miles from Toton it is within a reasonable commuting catchment area for existing staff. Therefore it is likely that Bennerley would be an attractive alternative employment site. Clearly the Local Economic Partnership (D2N2) would want to ensure no employment is lost to the area from

new developments, indeed it is looking to attract modern high value work to the vicinity. Increasingly new railway jobs are highly skilled, technology based and are just the type of future work required to support a growing community. Combining the best of traditional rail engineering skills with new opportunities could be facilitated at Bennerley. It is believed that most of the jobs created would be taken up by residents within a 30 minute drive of Bennerley and this includes central Nottingham and Derby.

4.9 Potential Demand

It is clear that there is a need for rail related sites to meet developments in the rail industry and this interest needs urgent deliverability given increasing demand. There is a significant need to develop sites that are suitable for the construction and/or maintenance of both rail infrastructure and rolling stock in order to meet planned targets and policy goals. In particular, there is a significant element of time pressure in developing a site so that it can meet the demands for near term projects such as HS2 or franchise rolling stock renewal programs. As such, suitable sites are required that allow for development immediately. Bennerley is a nearly ready to go site, needing to be reconnected to the national rail network but importantly located at the strategic heart of the existing and planned network.

There are a number of railway construction companies such as Carillion and VolkerRail who bid to Network Rail for contracts. This type of organisation needs operational depots in order to do their business. It is likely that successful contractors for the Midlands elements of HS2 railway construction will need facilities in the area and Bennerley is only four miles from the proposed route of HS2.

Building suppliers such as Tarmac and Cemex are known to be looking for sites in the Midlands. In addition the Government's electrification programme aiming to reduce the climate change impact of the rail way is likely to need sites for contractors. So it is probable that two or three railway construction sites will be needed in the Midlands over the next five years to meet the needs of the growing market.

In terms of a train maintenance facility capable of serving either the freight or passenger markets, this could be of interest to at least five passenger operators, five freight companies, several rolling stock leasing companies all with operations in the East Midlands and possibly several train manufacturers. It is often with the letting of new train franchises that Train Operating Companies seek to establish new depots and place orders for new trains. It is likely that around three sites will be required for train maintenance in the next few years to cater for the growth in numbers of rolling stock. As passenger numbers are set to grow by 50% then extra trains are required.

There are known to be some train manufacturers looking for sites to erect manufacturing facilities in the UK. Although some of these have now preferred site locations, Bennerley could enable these companies to build their trains locally, contributing around 2-3 trains of the 10-12 required per week. Clearly there could be a need for up to four new sites nationally to cater for the biggest demand for new trains in 50 years.

If the potential demand for all three types of rail activity above is accumulated there could be a need for up to 10 new sites nationally over the next 10 years (this is shown in **Table 4.2**). As the East Midlands is centrally located and known to be the "Home of Rail" the region should be well placed to capitalise on the economic benefits this railway renaissance brings. Bennerley can play a part in fulfilling this opportunity.

Table 4.2: Requirement for Suitable Sites

| Potential Uses of the Site | Estimated Rail Market Need | | |
|-------------------------------------|----------------------------|--|--|
| Railway Infrastructure Construction | 2 – 3 new sites | | |
| Train Maintenance and Refurbishment | 3 new sites | | |
| Train Manufacture | 4 new sites | | |
| Total Requirement for New Sites | 10 Sites | | |

4.10 Summary

In this section we have discussed the Bennerley site attributes and confirm that;

- The site is at a good geographic rail location in Central UK with southbound connection to the "Classic" rail network and HS2 at Toton
- There is good road access to the A610 / M1
- There would be train paths available to/from the site on the rail network
- The site and shape is suitable in terms of operational practicality
- The site is relatively available; and alignment for track relaying is suitable
- Reinstatement to the mainline would be required
- There is a very skilled labour pool nearby which is centred on the UK rail sector in Derby which is within suitable commuting time (less than 30 minutes)
- There is potential demand connected to the rail sector that this site can fulfil and there is urgent need for sites to be brought forward for this.

5. Policy Review

5.1 Introduction

The Section outlines the current policy framework regarding passenger and rail freight and demonstrates how these policy goals are already resulting in demand that is currently unmet. Consideration is given to policies surrounding passenger and freight rail movements.

The classic UK rail network is going through a period of renaissance apart from the wellpublicised schemes such as Crossrail 1 & 2, the Northern Hub and HS2.

5.2 Passenger Market

Analysis in 2015 by the Rail Delivery Group (RDG), which represents train operators and Network Rail, and is based on data from the auditors KPMG found that people make an average of 24.7 train journeys a year, a 60% increase from 1998, when private operators took over running UK train services from British Rail. The growth in journeys is faster than in France at 25%, Germany at 23% and the Netherlands at 10% over the same period.

This growth in rail passengers is causing serious levels of overcrowding on certain routes. London commuter trains are often quoted as some of the most overcrowded but it is not just the capital.

To address this, Transport Focus, the rail sector's passenger watchdog called for more investment to increase space for passengers. David Sidebottom, Passenger Director at the independent watchdog, said in an article for the Guardian newspaper in 2015:⁷

"We know that only about half of commuters are satisfied with the amount of room they have to sit or stand on their journey. We have long called for the rail industry to deliver the much-needed increase in capacity. This will require continued investment in new and longer trains to meet existing demand, as well as ensuring that overcrowding doesn't get worse as passenger numbers increase."

Responding to the figures, the Department for Transport stated that it was renewing its commitment to provide more seats and services across the rail network.

"I know how frustrated customers are with overcrowding and I expect the rail industry, including operators, to continue to develop innovative proposals to meet the capacity challenge head on."

However, the industry has already done much to improve the situation, Edward Welsh, a spokesman for the Rail Delivery Group, said the rail network was better able to serve passengers and businesses because of its transformation over the past two decades into what he called a great British success story. He said:

"Crucial to this success has been the partnership between the private and public sectors, working together to deliver better value to passengers, freight customers and the nation. There is much more we need to do to improve services for our customers. Our greatest challenge is to plan and build for the ever growing demand for rail by increasing capacity cost effectively and generating revenue to support investment in more and better services."

⁷ (Source: https://www.theguardian.com/uk-news/2015/sep/09/government-names-overcrowded-train-journeys-rmt)

Indeed, the government and private industry are investing in the railways to deliver a generational change, creating a network and services fit for the 21st Century using new technologies and innovative ideas. The future of the rail industry must be one in which it uses this era of opportunity to become ever more customer focussed. Passengers want reliable, frequent and fast services in comfortable trains with modern features. Everyone who works on the railway, from frontline customer facing staff to train drivers, signallers, telecoms experts and others need to be given the skills to make new rolling stock and signalling equipment work for passengers.

But government wants to see Train Operating Companies (TOCs), and Rolling Stock Companies (ROSCOs), manufacturers and suppliers doing much more in the years ahead, investing for themselves, taking their own risk-based decisions on procuring the train capacity needed now and in the future. The competition for new trains that HS2 Ltd has launched in 2017 provides a great opportunity for manufacturers and designers to show that they can realise the vision for a state-of-the-art, high-speed rail network of the future. For conventional services the message is to use space as efficiently as possible, to reduce crowding on intercity, regional and outer suburban journeys and, on shorter distance journeys allow passengers to travel in reasonable levels of comfort. The government is looking for innovation and creative thinking to address the challenges of capacity, including options such as double deck trains and seat layouts that can be quickly altered according to changes in demand.

5.2.1 Passenger Rail Policy Documents

The rail passenger business structure in the UK, typically consists of manufacturers, leasing companies (ROSCOs) and Train Operating Companies (TOCs, franchise operators) who are awarded contracts to deliver services on a set route for normally 7-10 years. This section discusses the rail passenger market and how the sector is rapidly expanding in response to record passenger numbers.

5.2.2 Passenger Rail Usage

The rail industry has been undergoing a transformation since privatisation in 1990s. The number of train journeys made each year has more than doubled since the late 1990s and according to ORR (Office of Rail and Road) Statistical Release in May 2016, passenger journeys in Great Britain reached 1.69 billion in 2015-16. This is the highest recorded figure since the series began and an increase of 129.8% from the 735.1 million recorded at privatisation in 1994-95. Franchised passenger journeys saw an increase of 2% on the 1.65 billion recorded in 2014-15 as can be seen in **Figure 5.1** below.

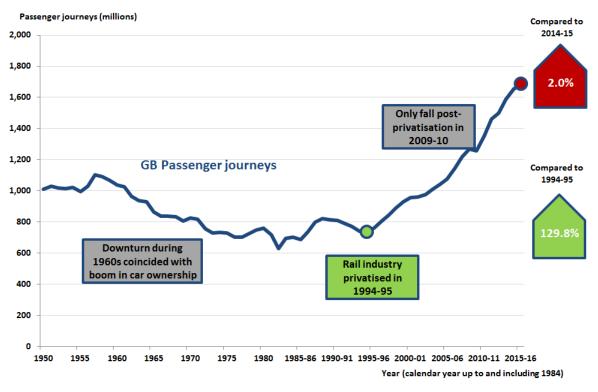


Figure 5.1 Rail Passenger Journeys (Source ORR)

There are several other key performance indicators in the rail passenger market and all of these are showing upward trends and all are the highest recorded figures since data was first collected in 1986-87.

- Passenger kilometres totalled 64.4 billion.
- Passenger revenue totalled £9.3 billion an increase of 4.7% compared to 2014-15.
- Passenger train kilometres for all operators have increased every year totalling 521.8 million in 2015-16.

Such growth as well as the environmental benefits of rail travel over road means that policy at all levels is focussed on enabling the growth to continue.

The following sections outline key policies from international, national, regional and local level as follows:

5.3 European Policy

The 2011 EU Transport White Paper provides a roadmap to reducing the continent's dependency on carbon based fuels and therefore consequential transport emissions by 60% by 2050. To achieve this, it recommends tripling the length of the existing high-speed rail network by 2030 so that, by 2050 the majority of medium-distance passenger transport should go by rail, high-speed rail should outpace the increase in aviation for journeys up to 1000 km. All airports should also be rail connected (preferably by high speed rail).

Such aspirations clearly indicate the need for a network of infrastructure to support the construction of rail throughout Europe. The growth in rail usage and networks also increases the need for new rolling stock and associated maintenance facilities. These will require strategically located, rail connected sites across the network.

5.4 National Policy

5.4.1 National Policy Statement for National Networks:

The NPS has recognised the growing market in passenger rail and the need of modal shift in the UK transportation system. A total of 60 billion kilometres and 1.6 billion journeys were undertaken by rail passengers on the network in 2013/14. Passenger demand is predicted to continue to grow significantly. A total demand growth of 50% by 2033 was estimated based on current GDP trend forecasts and fares policy. To address the growing demand of rail markets, policies are being implemented and considered across government.

Some of this growth can be accommodated by making more efficient use of the existing railway infrastructure and rolling stock, such as by running more or longer trains, or encouraging passengers to travel at less congested times of the day. Signalling and power supply improvements, and more modern electric rolling stock, as well as providing a more comfortable and reliable passenger experience are all thought to assist. There is a need to support measures that deliver step change improvements in capacity and connectivity between key centres, by speeding up journey times and encouraging further modal shift to rail.

Finally, to reduce rail's environmental impacts, the Government's strategy is to provide for increasing use of efficient and sustainable electric trains for both passenger and freight services. The environmental performance of the railway will be improved by continuing to roll out a programme of rail electrification. To reduce the risks of passenger and workforce accidents, the government will consider the introduction of new technologies and risk management techniques to improve safety performance in a more efficient and cost-effective way.

5.4.2 Department for Transport 2016 Passenger Rail Strategy:

The UK government sees rail as vital to the UK's economic prosperity. If rail services are inefficient and do not meet people's needs for routing or frequency, business and jobs suffer. Rail links with airports and ports are business opportunities for travel, tourism and the transportation of goods. They are also continuing to encourage people to use trains rather than cars, as well as reducing carbon emissions from trains and stations themselves, reducing carbon fuel usage and associated emissions, in line with European policy.

To facilitate this growth, the government has indicated investment across several aspects of the railway to extend and upgrade the UK rail network, the vast majority of which is shared by both freight and passenger services. This includes⁸:

- Electrify and upgrade so that nearly three quarters of passenger traffic is on electric trains
- £38 billion of upgrades of existing stations and track to increase capacity with an extra 140,000 commuting journeys each day into our key cities
- Complete Crossrail and Thameslink, with new trains and a strong network of new routes
- Introduce brand new intercity trains on the East Coast and Great Western routes
- Complete the Northern Hub a large programme of electrification and capacity works right across the north

⁸ https://www.gov.uk/government/publications/2010-to-2015-government-policy-rail-network/2010-to-2015-government-policy-rail-network

This is in addition to the HS2 programme to bring high speed rail connections to the Midlands and North of England. Such expansion again implies the need for a network of supporting infrastructure to enable the roll out of new rail connections and rolling stock such as rail track construction and maintenance depots, rolling stock manufacture and complimentary rolling stock maintenance sites.

In December 2016, the Department for Transport announced proposals to alter the way the network is run, with the private sector taking a greater role in the construction and maintenance of infrastructure as well as the operation of rail services. The implications of this will become clearer in the near future but could lead to greater demands for track maintenance infrastructure required by different private operators rather than a single operator in Network Rail, meaning additional sites may be required.

5.5 Summary of Passenger Rail Policy

Policy at all levels clearly indicates the need to address the rapid growth of rail passenger demand, as well as the need to promote modal shift from cars to more sustainable forms of transport, primarily rail, for medium and long distance journeys. High Speed rail also has a role to play in replacing aviation for short to medium haul flights. To realise this, significant infrastructure development as well as new rolling stock is required across the UK, The DfT is engaged in a significant investment programme for both its conventional and high speed infrastructure.

Additionally, the UK's rolling stock is aging rapidly and considerable investment in its renewal is underway. All of these aspects require support from the regions and the East Midlands; at the centre of the country has a long history of providing modern, well maintained rail assets. Such plans affect Nottinghamshire directly, especially given its proximity to the planned HS2 route.

5.6 Freight Policy Documents

In the UK, the current trend in terms of total rail freight tonnage lifted over the past twenty years has been negative (see **Figure 5.2**). This decline has been brought about mostly due to structural changes in the UK's heavy industrial sectors and recently the decline of coal as a result of changing power generation methods towards less polluting alternatives.

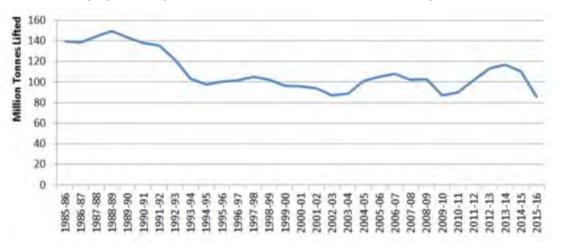


Figure 5.2: Freight Tonnes Lifted 1985 - 2016

As a result, there is an ambitious policy framework to try and increase rail freight by making good use of embedded resources, such as locomotives, wagons and existing terminals. This

section provides an overview of the existing policies in place from European level down to the local authority, as well as incorporating insights from recent academic papers on the subject.

5.6.1 European Commission

The European Commission has stated that by 2030, 30% of all road freight journeys over 300km should be switched to more sustainable modes, and that this should increase to over 50% by 2050⁹. This ambition is framed in that as distance increases the advantages of rail freight increases commensurately; short "hops" are unlikely to ever shift mode due to the cost of transhipment operations if the final destination is not rail connected ¹⁰. Another stated ambition of the EU roadmap document is to ensure that all core seaports are connected to rail freight to increase the modal share of movements by rail from ports to the goods' final destination. This will need an increase in the capacity of the railway industry for freight movement.

5.7 National

The UK Government also has stated clear, unambiguous goals to grow rail freight in absolute terms as well as to increase its modal share across a range of sectors. This has been codified in a number of recent documents as follows:

5.7.1 DfT Rail Freight Strategy¹¹

The Rail Freight Strategy sought to reflect the Government's thinking upon the future of rail freight, incorporating the Freight Carbon Review and the Government's emission reduction plan. The former document seeks to reduce the contribution of road freight movements to emissions, including through increased use of rail freight terminals for a number of commodities, where capacity is required, particularly for the non-container sector. As such this will require significant refurbishment of existing rolling stock to enable this increase or to refurbish coal wagons to enable them to carry alternative commodities.

5.7.2 National Policy Statement for National Networks

This document sets out the Government's policies regarding significant rail infrastructure projects in England. The NPS recognises that railways are a vital part of the UK's transport infrastructure. Specific to freight and in the context of the Government's vision for the transport system as a driver of economic growth and social development in the UK, it states the railway network must:

"...provide for the transport of freight across the country and to and from

ports, in order to help meet environmental goals and improve quality of life."

Whilst the main focus of the policy is on the development of Strategic Rail Freight Interchanges (SRFIs) such as Four Ashes, Daventry International Rail Freight Terminal (DIRFT), and East Midlands Gateway which are suited to cater for containerised intermodal traffic, this also applies to other commodities not served by these rail interchanges such as bulk flows and rolling stock or infrastructure applications.

5.7.3 National Planning Policy Framework (NPPF)

The NPPF echoes the national documents which state the role that rail freight could play in the reduction of greenhouse gases:

⁹ EC, Roadmap to a Single Transport Area (2011)

¹⁰ Bottani & Rizzi (2007)

¹¹ DfT, *Rail Freight Strategy*, (2016)

"Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges"

This presumption in favour of supporting the development of rail freight interchanges, whilst not directly applicable to Bennerley, is relevant as the lack of suitable terminals was identified by the DfT (see DfT Market Review and Modal Shift Assessment below) as one of the key barriers to the wider adoption and expansion of rail freight across a number of commodities. As this barrier is removed, there will be a resultant increase in demand across a range of commodities, all of which will utilise these new terminals (the track construction plant) and new or converted rolling stock.

5.7.4 Carbon Budgets

The Climate Change Act established a target for the UK to reduce its emissions by at least 80% from 1990 levels by 2050. This target represents an appropriate UK contribution to global emission reductions consistent with limiting global temperature rise to as little as possible above $2^{\circ}C$

To ensure that regular progress is made towards this long-term target, the Act also established a system of five-yearly carbon budgets, to serve as stepping stones on the way. Part of the national effort to reduce freight's contribution to carbon emissions is the move from road to rail, as supported by HMG's carbon budgets

5.7.5 Network Rail Freight Network Study (April 2017)

Network Rail Freight Network Study states that the most important aspect of freight planning on the railway in the East Midlands, moving forward, will be to continue gauge clearing the route so that commodities can develop and grow to replace the decline in coal traffic of recent years – as laid out in the DfT Freight Market and Modal Shift Review (2016).

5.7.6 DfT Market Review & Modal Shift Assessment

The Department for Transport (DfT) commissioned the report to understand the future growth potential in the UK rail freight market, in particular the scope for modal shift from road to rail. One of the key supporting documents for the Rail Freight Strategy which identified a lack of terminal capacity, in particular for growth commodities including domestic intermodal, construction material and other bulk traffic as a key constraint on rail freight growth.

5.7.7 HM Government (2017) Building our Industrial Strategy Green Paper

This Green paper has been written to set out the UK's new industrial strategy in the wake of the decision to leave the European Union. The strategy is designed to improve living standards and economic growth by increasing productivity and driving growth across the whole country. The strategy is divided into 10 pillars to drive growth across the whole country and infrastructure has been identified as one of the 10 core pillars. This will include digital, energy, water, flood defence and transport infrastructure. It identifies that the quality of UK infrastructure has been rated second lowest within the G7 and World Economic Forum surveys have identified that our overall infrastructure falls behind that of our competitors.

5.8 Local and Regional Level

5.8.1 Midlands Connect Freight Strategy

The Midlands Connect Freight Summary Overview document (2017) clearly lays out the region's ambitions to accommodate the growth of rail freight across the region:

"Our broad objective is to provide capacity to allow new rail freight to develop alongside the expected growth of passenger services."

This would support not only the maintenance and protection of existing freight paths in the timetable (where relevant) but also the support for new rail-linked terminals, as the absence of these terminals has already been identified at a national level as a major constraint on the growth and accessibility of rail freight (see DfT Freight Market and Modal Shift Study, 2016).

5.8.2 D2N2 LEP - Freight Action Plan (2015)

The Transport and Logistics Action Plan produced by the D2N2 Transport and Logistics Working Group was set out around the themes of the D2N2 Strategic Economic Plan of

- Business Support and Access to Finance
- Supporting the Transport & Logistics Industry
- Innovation, Knowledge Transfer
- Productivity and the Low Carbon Agenda

In particular under the Business Support theme, the changing nature of retailing patterns are altering the type and location of properties needed by the sector. This is of direct relevance to this site in particular with the local planning authority (Broxtowe Borough Council) as and when a planning application comes forward.

5.8.3 Network Rail East Midland Route Study (2016)

Network Rail's East Midlands Route Study notes the importance of accommodating forecast and expected growth on rail freight across the region, both in terms of freight starting and ending its journey in the East Midlands, but also in terms of its strategic importance as a corridor for a significant part of the UK's rail freight, with almost 10% of national freight traffic passing through (forecast to rise to 13% by 2043).

5.8.4 Nottinghamshire Local Transport Plan (2011-2026)

Nottingham County Council is supportive of shifting freight from road to rail and barge "wherever possible", including through supporting the provision of rail connections to factories, quarries, etc. where they can be "practicably served" in order to reduce the number of HGVs on the county's road network. This provision is supported in the implementation plan, both through the development of a Freight Strategy for the county and also through close-working with freight operators to encourage modal shift where suitable. Bennerley provides a "ready-made" site, in the sense that a connection to the rail network has been demonstrated to be eminently practicable in this location, with minimal requirements for earthworks and can use the existing alignment.

5.8.5 Broxtowe Core Strategy (Part 1) and Local Plan (Part 2)

The Broxtowe Local Plan (Core Strategy) is particularly supportive for rail in terms of development, as it has a vision for the region stating that it will "[provide]...a range of suitable sites for new employment that are attractive to the market especially in terms of accessibility, environmental quality and size, particularly where it will assist regeneration. Wherever feasible, rail accessibility for storage and distribution uses should be utilised." Bennerley as a location is well-suited to providing such a facility in terms of its historic rail connection and its location between Derby and Nottingham for distribution purposes.

5.8.6 East Midlands HS2 Growth Strategy (2016): Emerging Strategy: Fast Track to Growth

This document prepared by the East Midlands Economic Strategy Area of D2N2 LEP, Leicester and Leicestershire LEPs identified as one of the emerging priorities was the remodelling of Trent Junction to meet the long term passenger and freight requirements of both HS2 and Midlands Connect.

5.9 Summary

This overview of the European, national, regional and local policy framework demonstrates a clear need to develop sites such a number for rail uses in order to meet the regional, national and international ambitions regarding increasing rail, reducing road traffic as a result, encouraging development and ensuring that rail continues to offer a good service across a range of industrial sectors for a variety of users. In particular sites which can support Network Rail's need to renew and refurbish the infrastructure or the need of train manufacturers, operators and ROSCOs for manufacturing and maintenance facilities. HS2 contractors are actively looking for sites in the vicinity.

Given this desire, the relative merits of an opportunity to develop a site with existing rail connections and road connections should be explored, especially as its development will support the development of the East Midlands Rail Cluster.

6. Proposed Development Options

6.1 Introduction

In light of the factors discussed earlier, there is huge demand for rail connected sites in order to facilitate the growing demand for rail both passenger and rail freight. This chapter assesses whether the site is suitable for three principal rail uses. These are:

- 1) Rail Manufacturing and Construction Site
- 2) Train Maintenance Facility
- 3) Rail Connected Warehousing

These uses are closely related and similar in nature and are all growth areas serving the rail industry expansion. As such there are some common themes that run through each of their operational and layout requirements. These are demonstrated before going on to assess the uses separately, where any important differences from these initial outlines are discussed. Details regarding an indicative layout of the site for the various uses are identified.

6.1.1 Commonalities

The following section outlines features that apply equally to each of the potential uses of the site.

The site covers approximately 44 acres in size, and is a rectangular shaped plot of vacant land with existing track beds and alignments but no active railway connection. The topography of the location is level but with sufficient space to allow for clear separation between road and rail movements. A road offering direct connection to the A610 is in situ, enabling good access to the strategic road network as well as cycling and pedestrian access to Shilo way.

A single siding application means that the rail manufacturing applications (1 & 2) will be of common layout including a single indoor manufacturing/maintenance facility as well as some provision for outdoor storage.

Developing the site in this way with room for expansion will enable current and future demand to be met on the existing footprint, without future requirements for significant earthworks or other intrusive development.

The site would operate on a 24/7 basis and hence would have a proportion of staff working on shifts as this is the most economical way to run operations of the nature. For example, the Hitachi train manufacturing site in Newton Aycliffe, County Durham will work in three shifts as production accelerates. This spreads journeys to work throughout the day rather than having peaks at traditional rush hour periods (say 8am and 5pm). The site would have appropriately sized employee parking areas depending upon the number of employees. There would be a security fence and gatehouse to monitor and control vehicle movements.

It is anticipated that any manufacturing B2 or B8 type building would be built to modern standards. There could be some support buildings and a vehicle handling area. Establishing a rail sector based industrial activity means that a significant proportion of inputs can be brought to and from the site by rail. The third potential use will be different, requiring both road and rail solutions.

The environmental credentials of promoting rail over road journeys are well documented. Although it is recognised that with any development there may be sensitivities relating to the site and concerns of local residents around traffic, noise and visual impacts on the surrounding communities, the proposed uses outlined will look to minimise all of these, by providing options that maximise the use of rail for freight as well as cycle routes for commuting therefore limiting the need for road access. Buildings will also be designed to reduce visual intrusion were practicable. The majority of this work will take place at the Western area of the site, away from the most noise sensitive areas around the residential development and the new Awsworth housing promotion.

The majority of noise generation will take place indoors. The hard standing will also allow wheeled, rather than tracked vehicles to be used mitigating noise further. The site will also have strict operational policies and training for all staff working at night in minimising the creation of noise as part of a noise management plan. Additionally, railway maintenance largely takes place overnight. As such, given the use of the site, the majority of loading and unloading will take place during the day, for example allowing engineering trains to be at their destination in time for railway maintenance possession to start.

6.2 Railway Manufacturing and Construction Site

Depending on the needs of Network Rail or a railway maintenance company such as Carillion, the site could concentrate on the assembly of prefabricated track panels or production and assembly of sleepers and rail fasteners as per the modern way of track installation in which sleepers, track and fasteners are installed by a single machine, greatly speeding up the time taken to construct and replace rail networks.

The exact layout of the site will vary depending on the nature of manufacture and the developer's individual requirements; however, it is possible to demonstrate indicatively the likely nature of such a site and how it is achievable within the boundary of the site

The site is likely to have built floor space within the B2 Class. This would be made up of the sleeper/track manufacturing plant and ancillary office space. The design of the building will be developed in a way that minimises visual intrusion. **Photograph 6.2 and 6.3** shows examples of what could be achieved depending on requirements and budget.

The manufacturing as well as office space will be positioned at the western end of the site, furthest away from residential areas and adjacent to both the road access and rail sidings.

Extending along the northern boundary of the site, between the rail siding and road, some hard standing as well as open storage will be created for the ancillary storage of supply materials and finished goods to and from the factory as well as raw materials and prefabricated



Photograph 6.1: Track Laying



Photograph 6.2: Visual Impact Reduction



Photograph 6.3: Visual Impact Reduction

equipment directly for use of the rail such as aggregate respectively and allowing easy handling to and from the train. Hard standing will also surround the facility, providing stable ground to enable the use of loading and unloading equipment. Such equipment may include the use of excavators as well as cranes. Flatbed vehicles and tippers may also be needed to move product around the site though these will not leave the premises onto public roads.

Figure 6.1 shows a possible layout for the site. This is indicative as to the size and location of buildings.

| Symbol | Name | Description |
|--------|--------------------|--|
| | Hardstanding | Developed along the length of the sidings and |
| | | surrounding the manufacturing plant to allow for |
| | | train loading and unloading of commodities. |
| | Storage Areas | Used for the storage of commodities – may need |
| | | to be covered/secure dependent on use. Sites |
| | | can also be combined for a larger tenant |
| | Offices/Ancillary | Main offices for management and administration |
| | Buildings: | of site operations. Could also include a visitor's |
| | | centre/classroom functionality if required. |
| | Manufacturing Site | Area used for the manufacture of commodities, |
| | | dependent on site usage, may or may not be |
| | | directly rail linked. |

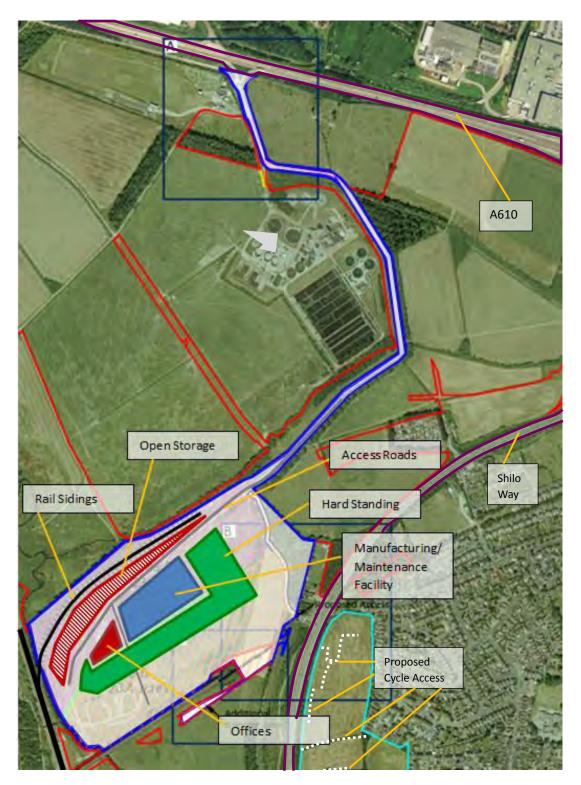


Figure 6.1: Railway Manufacturing Facility

6.2.1 Employment

The site should create around 50 jobs and could be one of several sites that are required across the UK for both rail maintenance/manufacture or electrification of rail lines. Such facilities are regionally based due to the slow speed of rail construction trains. Such a layout is provided in **Figure 6.1**, it should be noted that this is not definitive in terms of size and location and indicates an interpretation of the extent of possible options; not all of the layout may need to be built.

6.2.2 Operating Hours

Whilst the factory would operate on a 24 hour basis, the loading of train wagons would likely occur between 07:00 and 18:00 on weekdays as periods of railway maintenance are most often overnight or at weekends. The shunting and arriving/departing of trains will be 24 hours a day, seven days a week

6.2.3 Traffic Generation

The site would likely generate 25-30 trains per week, moving mostly in the early afternoon to travel to the construction site in time for occupation.

In terms of HGV traffic, around 5 vehicles per day are expected and around 50 cars allowing for permanent employees and visitors.

6.3 Train Maintenance Facility

A diesel train maintenance facility (the line is currently not electrified) could include a range of activities from train washing, upgrade and refurbishment of interiors to rail engineering with the servicing and repair of train components and create 100 jobs and be able to

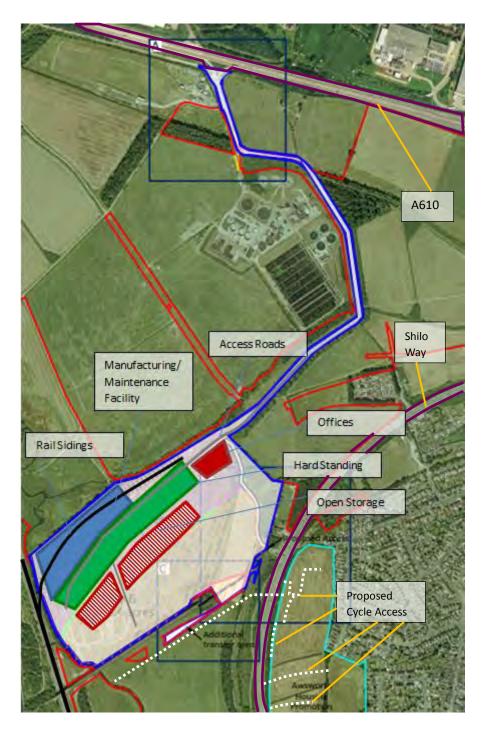


Photograph 6.3: Example of a reach stacker

maintain 3-6 trains per night or more if just providing light servicing facilities. A mobile crane/reachstacker (photograph 3.3) may be required in order to move rolling stock on and off the track or this could be done via or gantry crane a bar crane (a type of crane fixed to the roof of a building as opposed to having its own supports) extending outside the building. The hard standing will also provide stable ground to enable the use of loading and unloading equipment. Such equipment may include the use of flatbed vehicles and cranes

to move product around the

site though these will not leave the premises onto public roads. **Figure 6.2** shows a possible layout. This is indicative as to the size and location of buildings. The level of vacant land can also offer possibilities for expansion.





| Symbol | Name | Description | |
|--------|-------------------|---|--|
| | Hardstanding | Developed along the maintenance facility to allow for train loading and unloading. | |
| | | | |
| | Storage Areas | Used for the storage of commodities – may need to be covered/secure dependent on use. Sites can | |
| | | also be combined for a larger tenant | |
| | Offices/Ancillary | Main offices for management and administration of | |
| | Buildings: | site operations. Could also include a visitor's | |
| | | centre/classroom functionality if required. | |
| | Manufacturing | Area used for the assembly of components, | |
| | Site | dependent on site usage, may or may not be | |
| | | directly rail linked. Could also be combined with | |
| | | maintenance zone. | |

Existing infrastructure including the existing site vehicular access, alignment of the rail head and sidings, would be renovated and made operational to serve B2 employment uses. Existing surface water drainage infrastructure, including the culverts, settlings lagoons and attenuation ponds need to be retained and reconfigured.

Trains would access the site through the disconnected connection to the mainline. The area previously used for sidings could be used to provide stabling facilities. The potential sidings would be long enough for several multiple units to be stabled simultaneously; therefore rakes from passenger service would not need to be split for maintenance. The majority of any noise generating work would take place indoors to mitigate noise disturbances.

The majority of this work will take place at the western area of the site, away from the most noise sensitive areas around the current residential areas and the Awsworth Housing Promotion. The majority of noise generation will take place indoors. The site will also have strict operational policies and training for all staff working at night in minimising the creation of noise as part of a noise management plan. Additionally, train maintenance largely takes place overnight, as such, given the use of the site, the majority of loading and unloading of parts will take place during the day.

It should be possible to site the noisiest aspects of the maintenance work (depending on the level of maintenance undertaken) on the site in such a way as to minimise their impact. Furthermore, operational parameters can be set to reduce train noise from horns and air conditioning units, whilst enclosures around train washing and wheel lathe facilities will minimise noise.

Lighting will similarly be designed, although Network Rail guidance will result in some mast lighting where technical and safety reasons demand, such as areas with conflicting pedestrian/road and rail movements. It should be noted that the site layout will be designed to minimise conflicting movements. Lighting could however be directed where needed to reduce light spill and potentially be switched off when not required.

6.3.1 Employment

The site is expected to generate around 100 jobs across the site in three shifts, though it's likely that night shifts will be much greater in size

6.3.2 Operating Hours

The site would run 24 hours, the majority of work taking place overnight therefore maximising train availability during operating hours.

6.3.3 Traffic Generation

The vast majority of goods into and out of the site would be via rail and therefore the amount of vehicular traffic would be kept to a minimum number of HGV movements ranging between 5 and 10 per day. Cars will largely be for the transport of employees as public transport is currently unavailable for the site, and generate around 100 vehicles though this could be mitigated through the use of a works bus. The shift nature of the work will also negate the typical AM/PM commuter peaks seen with many other commercial developments.

Rail traffic is likely to be in the region of 5-6 per night given the number of sidings, though this may increase if it's used for train washing, fuelling or light servicing.

6.4 Rail Connected Warehousing

The costs of warehousing (rent and land values) in Derby and Nottingham are lower than in the nearby 'Golden Triangle of Logistics' which approximately is the area between Birmingham East, Northampton and Leicester, including Coventry.

Nottingham and Derby offer competitive rates compared to other locations in the Midlands however, they are not the cheapest. The lowest rents and land values in the Midlands are found in Stoke-on-Trent.

The following tables show the rental costs of warehousing space and land values for a number of locations in the Midlands. The costs are estimates based on the achievable open market rents in terms of gross internal area (GIA), measured in £ per square feet.

| Location | New Accommodation (£/sq ft) | Early 90's Accommodation (£/sq ft) | Land Value per Acre |
|-----------------|-----------------------------------|--|------------------------|
| Derby | £5.75 | £3.50 | £300,000 |
| Nottingham | £5.75 | £4.25 | £350,000 |
| Birmingham East | £6.50 | £4.50 | £600,000 |
| Leicester | £6.25 | £4.25 | £500,000 |
| Northampton | £6.25 | £4.50 | £500,000 |
| Coventry | £6.50 | £4.50 | £550,000 |
| Stoke-on-Trent | £5.00 | £3.25 | £200,000 |

Table 6.1 Large Units (over 100,000 sq ft)¹²

The values are provided by Colliers and are for guidance only. A number of factors will influence these including access, type of land available and labour availability. According to CoStar they are also elo Uk average which costs around £6.31 per sq ft, rising by 3.3% on 2016^{13}

¹² http://www.colliers.com/en-gb/uk/insights/industrial-rents-map

¹³ http://www.costar.co.uk/en/assets/news/2017/January/UK-industrial-rents-soar/

| Location | New Accommodation (£/sq ft) | Early 90's Accommodation (£/sq ft) | Land Value per Acre |
|-----------------|-----------------------------------|--|------------------------|
| Derby | £5.75 | £3.50 | £300,000 |
| Nottingham | £5.95 | £4.25 | £350,000 |
| Birmingham East | £6.50 | £4.75 | £500,000 |
| Leicester | £6.25 | £4.25 | £475,000 |
| Northampton | £6.25 | £4.50 | £425,000 |
| Coventry | £6.25 | £4.75 | £475,000 |
| Stoke-on-Trent | £5.00 | £3.00 | £175,000 |

Table 6.2: Small Units (10,000 - 30,000 sq ft)

With good rail and road connections, the Bennerley site would be suitable for some rail connected warehousing possibly for one or two users. This should NOT be considered as a Strategic Rail Freight Interchange (SRFI) as the relative size of the site as well as a number of SRFI developments within the vicinity mean it is unlikely to be feasible as such.

However, with a number of large retail developments in the vicinity, such as IKEA as well as urban centres of Derby, Nottingham, Heanor and Ilkeston it may be suitable for one or two rail connected warehouses.

Additionally the sites location 20 miles north of East Midlands Airport, may be of interest to logistics companies looking for a lower cost location, where the potential for late customer cut off ordering times may be attractive.

Potential plans for a secondary siding would further enable the viability of the site allowing two warehouses with dedicated connections. Warehouses could potentially be built on the south side of each rail siding with hard standing to enable vehicle manoeuvring on the western and northern side of the site. The main access road would run around the front of both.

Ancillary offices would be contained within the warehousing complexes rather than separate buildings in order to maximise gross floor area potential. **Figure 6.2** shows an indicative layout for the site.

| Symbol | Name | Description |
|--------|---------------------|---|
| | Hardstanding | Developed around the warehousing facility to allow for train loading and unloading. |
| | Warehousing Site | Area used for the storage of goods. It may or may not be directly rail linked depending on final design |

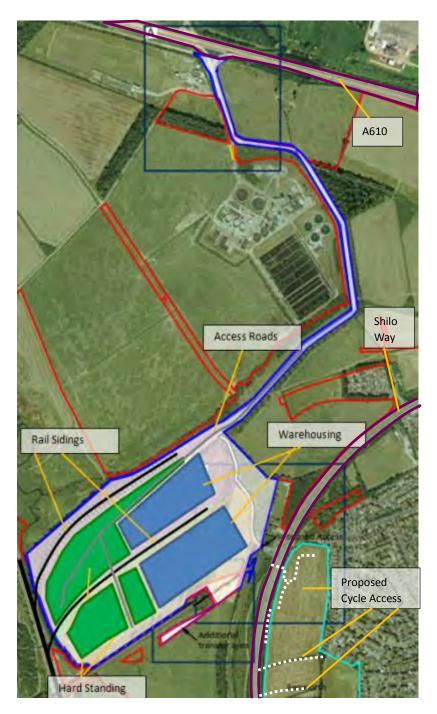


Figure 6.2: Rail Maintenance Facility

Existing infrastructure including the existing site vehicular access, alignments to the rail head and would be renovated and made operational to serve B2/B8 employment uses.

Train access would be would be along the existing alignment with the addition of a new siding providing a second access route. HGV access would be using the existing roadway from the A610 though this may require resurfacing but importantly the junction is still in place. Trains would pull alongside the warehouses and be processed via reach stacker or mobile gantry crane depending on volumes. Some container storage may also be required.

6.4.1 Employment

Depending on the occupier, the site is expected to generate around 100-300 jobs across the site in three shifts.

6.4.2 Operating Hours

The site is likely to be operating 24 hours per day. Depending on the occupier, the night shift may be more intense if it's a retail function in order to replenish stores for next day.

6.4.3 Traffic Generation

A significant proportion of goods into and out of the site would be via rail and therefore the amount of vehicular traffic would be reduced movements would range between 100 and 300 per day. Cars will largely be for the transport of employees as public transport is currently less convenient for the site. However, the site can make good use of the national cycle route that crosses the site in order to encourage cycling to work though this could be mitigated through the use of a works bus. The shift nature of the work will also negate the typical AM/PM commuter peaks seen with many other commercial developments.

Rail traffic is likely to be in the region of 2-4 per day given the number of sidings, though this may increase depending on the type of goods stored on site and warehouse throughput.

7. Alternative Sites

7.1 Introduction

It is important to assess whether other sites across the region and railway network offer better options than Bennerley for the three outlined developments. Therefore a comparison of other potential and/or available sites has been generated, and compared to Bennerley in terms of its rail connection, availability, location and several other factors.

7.2 Site Assessment

In order to review and assess the range of alternative sites for a rail based manufacturing site in the East Midlands it is useful to adopt a set of relevant criteria to aid the analysis.

The provenance of the methodology is a system developed by AECOM, based on elements of the DfT's Transport Analysis Guidance (TAG). The method uses a three phase sifting process to eliminate the unsuitable sites:

- Identify Options
- Initial Sift to identify any immediate show stoppers and unavailable sites
- Development and Scoring Assessment of Potential Options further detailed analysis used to score alternative sites across a range of criteria

The technique has been used on four previous occasions to help with site assessments;

- Tursdale Freight Terminal for Durham County Council reviewed 24 sites
- Rail Freight Feasibility Study for South Derbyshire Council reviewed 8 sites
- Daw Mill Colliery Site, Warwickshire reviewed 28 sites
- Strategic Distribution Site Assessment Study for the Three Cities Sub-area of the East Midlands for the former East Midlands Development Agency (EMDA) to identify preferred locations for large scale strategic distribution. AECOM undertook a study of 31 different sites and went through a sifting process and recommended a short list of three potential sites as Strategic Rail Freight Interchanges and included an assessment of the site at Bennerley. In this case, the site was excluded due to a lack of land availability to accommodate a SRFI. The methodology to rank the sites was demonstrated and previously approved by the EMDA at a workshop to developers, local authority offices and other stakeholders.

This assessment methodology will now be applied to sites within the vicinity of Bennerley.

7.3 Identify Options

A long list of possible alternatives has been drawn up based on sites within the vicinity of Bennerley with a rail connection according to the EMDA study as well as pages 41 and 42 of the Rail Atlas of Great Britain and Ireland, 14th edition by SK Baker that sets out the railway network within the West Midlands. (**Figure 7.1**). The Baker Atlas is recognised as the leading rail mapping reference publication by industry professionals. The atlas identifies rail freight or rail engineering/maintenance locations within the area.

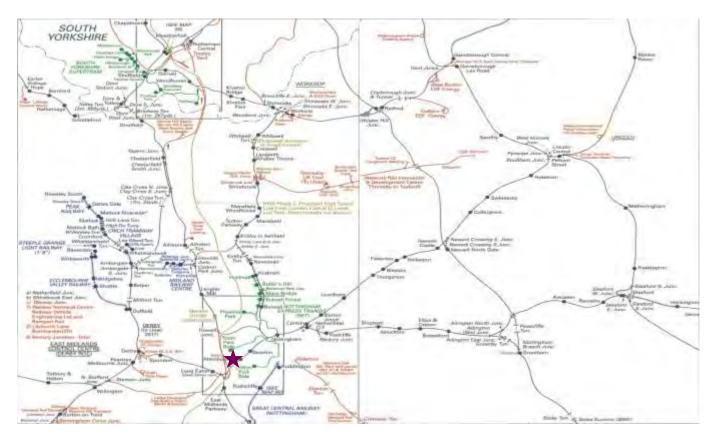


Figure 7.1 – Rail sites in the vicinity of Bennerley (Baker Atlas)

The EMDA Study also identifies a further 20 sites within the study area that may be suitable alternatives, i.e. have adequate road and rail access.

A number of the 38 sites are privately owned and are mainly used by one company for a single commodity such as an oil terminal and hence are unlikely to be available for one of the three uses outlined in **Chapter 6** or designated as having nature reserves and therefore very difficult to develop. Some of the sites are multi-user with potentially some spare capacity but if they serve intermodal or construction based rail services they have been eliminated from the sifting process at this stage for the reasons mentioned below including the fact that market economics will dictate that vacant land on those sites will be needed for their expansion. Finally, any sites less than 40 acres have also been eliminated as they will not be large enough to provide an equivalent facility. Table 7.1 shows the full list of sites.

| Name | Sector | Owner/Operator |
|-----------------------------------|--------------|-----------------------|
| Bennerley | Energy | Harworth Estates |
| Worksop Yard | Various | Ind. Estate |
| Toton | Rail | DB Schenker |
| Boots site, Nottingham | Retail | Boots/Local Authority |
| Old Textile Works, Spondon, Derby | Vacant | Celanese Acetate |
| Melrose Oil and Gas Terminal | Energy | Disused |
| Grantham Sidings | None | Disused |
| Rough Close | Energy | Vacant |
| Old Dalby | Rail | NR |
| Colwick, Nottingham | Vacant | Local Authority? |
| Gedling Colliery, Nottingham | Reserved | Harworth Estates |
| Egginton Common, Derbyshire | Container | Goodman UK Logistics |
| Markham, near Chesterfield | Energy | Alkane Energy |
| Cottam | Energy | EDF |
| West Burton | Energy | EDF |
| Sinfin | Automotive | Rolls Royce |
| Nemesis Rail Depot | Rail | Nemesis Rail |
| Hope Cement Works | Construction | Tarmac |
| Barrow Hill Depot | Rail | Museum |
| Wagon Works | Rail | WH Davis |
| Rockware Glass | Construction | Ardagh Glass |
| Bevercotes Branch | Rail | Network Rail |
| Tuxford | Rail | Network Rail |
| High Marnham | Rail | Network Rail |

| Name | Sector | Owner/Operator |
|---|------------|-----------------------------------|
| Walkeringham | Energy | BPA |
| Welton | Energy | IGAS Energy |
| Scrap Terminal | Waste | EMR |
| Chaddeston Sidings | Rail | NR |
| Etches Park | Rail | EM Trains |
| Castle Donington | Retail | Clowes Developments |
| Burton Rail Terminal | Intermodal | Maurice Hill Intl |
| Beeston Sidings, Nottingham | Reserve | Natural England/County Council |
| Cotgrave, near Nottingham | Reserve | Local Authority? |
| Ruddington, Nottinghamshire, Great Central Terminus | Reserve | Local Authority? |
| Willington power station | Energy | Calon Energy |
| Drakelow power station | Energy | E.ON |
| Tetron Point industrial estate (Nadins), Swadlincote | Ind Estate | Knight Frank |
| Central Rivers | Rail | Virgin |

Those sites that are discounted at this first stage are marked in red. Those eliminated include private sidings and those in intermodal or construction sectors. This leaves five sites, primarily comprised of disused power stations, coal mining infrastructure, rail engineering facilities or vacant land.

7.4 Development and Assessment of Potential Options

There are a number of sites that may offer possible excess land or track capacity for operations similar to those proposed at Bennerley. Each site is discussed in terms of size, access and location. The site is indicated in red, rail access in black and road access in blue.

7.5 Worksop

The Worksop site is / immediately to the west of the passenger station on vacant land adjacent to the mainline. The key issue is that the sidings adjacent are on the other side of the mainline, therefore likely to require a new connection or elaborate management to move goods across the mainline from the sidings. It is large enough for the site requirements; however difficulties in crossing the mainline mean that it is unlikely to be viable.



7.6 Toton



The Toton facility and train maintenance depot is a large facility situated on the Nottingham-Sheffield line and is currently operated by DB Cargo. It is therefore unlikely that there is sufficient capacity to share these facilities. Additionally, the site has been selected by HS2 in order to become the new station hub for East Midlands. It is likely therefore that long term opportunities are limited. In addition, when HS2 begins operation, existing services at Toton will have to be moved elsewhere, presenting a need for additional sites in the area. So this site is not an option.

7.7 Boots Site

One hundred hectare site located in south west Nottingham, opposite Beeston Sidings. It is currently an industrial estate. Nottingham City Council and Broxtowe Borough Council have both proposed using this site for housing and employment, and neither supports the development of a rail freight interchange.



The Boots site is larger and has a more convenient shape than Beeston Sidings, making it preferable. Rail frontage length is good and there would be capability to accommodate 775m trains. Rail access to all routes through Nottingham and various cross country routes is possible. It should be noted that Network Rail do have some concerns regarding capacity issues between Trent Junction and Lenton Junction, the route upon which this site is located.

Access to the M1 would take approximately 15 minutes via congested urban A roads. There are significant capacity issues present at junctions on these routes, which are expected to worsen in future. Highways England has raised concerns regarding how vehicles would access the site from the Strategic Road Network; their current A52 Corridor Study may shed light on this issue.

Whilst the Boots site is nearer to the centre of the Nottingham conurbation than any other site and hence possesses a great potential to serve that city, this means that any road connectivity will be through the A52 which is currently at full capacity. The downside of the sites location is that it is significantly less attractive to serve the rest of the study area. The site is close to Beeston and Nottingham City station and there are regarded to be capacity problems in this area.

7.8 Spondon



This is a 45 hectare site in East Derby, on the W7-gauge rail route between Loughborough and Derby.

The nearest Strategic Freight Network point of contact is Trent Junction, approximately 7 miles distant. For northbound routes, trains would travel from Trent Junction via the Erewash Valley line. Access to the W8-gauge Castle Donington Branch and beyond would require reversal at Toton. The site has a west-facing connection. There is insufficient internal length to accommodate 775m trains without them being split in two; access to the M1 can be achieved in around 10 minutes via the A52.

7.9 Conclusion

Having examined all 38 possible sites, only Bennerley and four possible alternatives are able to provide the mix of road and rail access / capacity as well as suitable size that is required for the site proposed, with Spondon providing good rail access and enough area, but having poor road access. A number of these would require significant remedial work to the extent that a business case for a site as described in **Chapter 6** will be heavily compromised. Additionally, several sites have been identified for larger, mixed use projects or industrial/commercial developments.

Bennerley offers convenient links to the A610 and the A6096 as well as potential mainline rail connections to destinations across the East Midlands and wider UK, all with ample capacity for the expected traffic generation. Its proximity to urban areas, offers an opportunity for local labour availability and integrated transport with cycle ways and pedestrian access to neighbouring conurbations.

8. Conclusions

The location which was a legacy coal loading site means the alignment of the former track layout was found to be level and suitable for modern railway freight operations without further grading works, which is particularly important for the feasibility of Bennerley.

Chapter 3 illustrated the strong growth in rail passenger numbers, and highlighted a number of market segments as growth sectors, these include the: construction, intermodal (Ports), intermodal (Domestic), Channel Tunnel and automotive sectors. Additionally, there is potential for growth at a smaller scale in industries such as: parcels, premium rail freight, urban logistics, and international high-speed rail freight. In order to meet this growth in rail demand over the next decade, there is an immediate need for new rolling stock, new attendant maintenance facilities and a replacement of the increasingly aging fleet.

Analysis of site attributes confirmed that;

- The site is at a good geographic rail location in Central UK with southbound connection to the "Classic" rail network and HS2 at Toton
- There is good road access to the A610 / M1
- There would be train paths available to/from the site on the rail network
- The site and shape is suitable in terms of operational practicality
- The site is relatively available; and alignment for track relaying is suitable
- Reinstatement to the mainline would be required
- There is a very skilled labour pool nearby which is centred on the UK rail sector in Derby which is within suitable commuting time (less than 30 minutes)

There is potential demand connected to the rail sector that this site can fulfil and there is urgent need for sites to be brought forward for this. There is a sufficient steady state capacity to accommodate additional rail freight services to / from the proposed site; however, during the HS2 construction there is a potential for temporary capacity issues. As indicated in Chapter 6, railway construction uses, train manufacturing, maintenance and rail connected warehousing are potential end uses that could be taken forward. The construction sector, rolling stock maintenance and replacement as well as HS2 were cited as principal market demand drivers.

Current policy at a National / Regional and Local level supports the utilisation of the Bennerley site for the purposes identified – demonstrated in Chapter 5. Furthermore, there is a clear and immediate demand to develop Britain's rail infrastructure and rolling stock. European and UK National policy identifies the importance of rail in order to meet the country's carbon targets. Hence, the government is engaged in a period of heavy investment, the largest in 50 years, to improve the existing network as well as create new infrastructure and invest in rolling stock. To realise these investments, supporting infrastructure is needed in the immediate term. A key priority of the East Midlands HS2 Growth Strategy (Sep 2016) indicated that re-modelling Trent Junction is required to meet the long term passenger and freight requirements. This is particularly important given that Bennerley has a south facing connection.

The three uses considered in Chapter 6 for Bennerley are railway manufacturing and construction site, train maintenance facility and rail connected warehousing'.

The **railway manufacturing and construction** site would take advantage of Bennerley's strategic location and would enable the manufacture and distribution of rail components for both the classic network and HS2 developments. This would benefit building material suppliers and major railway project contractors, as well as Network Rail. The bulk of

material and finished products would enter and egress by rail allowing the site to run for 24 hours a day but with few train movements overnight

A **train maintenance or assembly facility** capable of serving either the freight or passenger markets could be of interest to at least five passenger operators, five freight companies, several rolling stock leasing companies and four train manufacturers; all of which have operations in the East Midlands. The facility could enable the repair, refurbishment and testing of trains, and provides a suitable use should road traffic impacts need to be minimised. The majority of work would take place overnight enabling trains to be operational during the daytime.

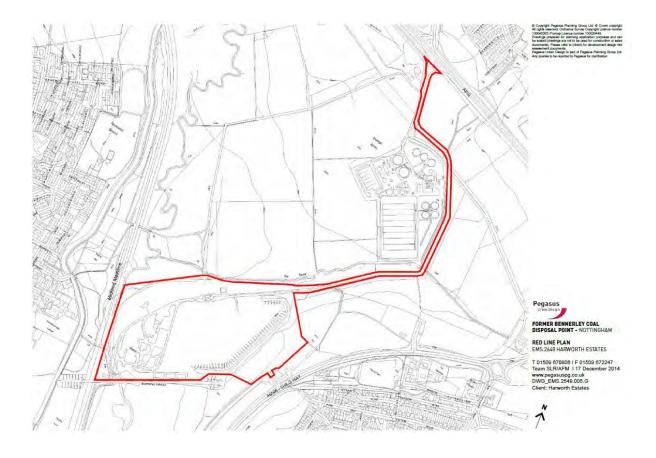
The third potential area that was identified is **rail connected warehousing**. The site's potential south facing rail connection on to the MML, existing road access to the A610, and spatial location for workers lends itself well to rail connected warehousing. This could service local sub regional industrial demand centres such as Derby, Nottingham and IKEA in nearby Giltbrook.

Chapter 7 identifies five sites suitable out of a possible 38 alternatives examined. The assessment indicated that Bennerley is a suitable size and provides the optimum combination of road and rail access. Many of the sites examined are former collieries in Harworth's own estate but would require significant remedial work which could compromise a business case for the; additionally a number of these have been identified for larger, mixed use projects or developments.

Therefore, Bennerley has the greatest potential to provide a strategic opportunity for a developer seeking an available rail connected site for a wide range of rail industry uses. We recommend early engagement with Network Rail to establish if the recent or proposed network enhancements in the area, especially in the field of signalling, are likely to have any adverse effect on increasing the cost of re-establishing a connection to / from the site.

In summary, the Bennerley site is a suitable rail freight terminal location, appropriate for one of the three potential uses identified in Chapter 6. Significant strengths include the site's: road access to the A610 / M1 and proximity to the Midland Main Line, Toton and HS2 Routing. The site is within a 30 minute drive to a significant skilled labour and customer pool yet does not neighbour any residential areas.

Appendix 3: Area Proposed for Allocation







3rd November 2017

Broxtowe Labour Group response to the Local Plan Part 2

Dear Steffan

I am writing in my capacity as Deputy Leader of the Labour Group in order to respond to the Local Plan Part 2 on behalf of the Labour Group of Councillors on Broxtowe Borough Council.

The Labour Group recognise the time, commitment and level of consultation that has gone into developing the current draft of the local plan, and we commend the officers involved on their efforts in relation to this important work.

The Local Plan Part 2 sets out the vision for Broxtowe for the next ten years, and during that time Broxtowe is likely to face significant changes, with demographic change, population growth and a fundamental shift in infrastructure with for example the advent of HS2. Broxtowe's residents are also likely to change the ways in which we live our lives, with the advent of new technologies and green energy. We believe that our Council must take a progressive and forward thinking approach to meeting those changes and challenges head on.

Broxtowe's Local Plan Part 2 must not only to be environmentally responsible, but also be environmentally progressive. Our commitment in Broxtowe is for 6150 homes by 2028 and when taken collectively, those homes have the ability to make a significant impact on the environment. We would therefore like to see additional commitments built into the plan in respect of new developments that ensure environmentally friendly housing development, which proactively encourages energy efficiency through the use of technologies such as solar panels, and ground source or air source heat pumps.

Over the next ten years, we have the opportunity to bring about significant change in Broxtowe in terms of becoming a proactively green borough. We believe that there are a number of adjustments to the local plan that may provide for this, including the introduction of electric charging points across the borough, a commitment to introduce a significant shift in the uptake of cycling by increasing the cycle paths available in the borough, and the allocation of land specifically for the creation of green energy - such as solar or wind energy. In addition, we recognise that fracking has the potential to impact on significant swathes of Broxtowe over the next ten years. Whilst we note the key role that the County Council has to play in relation to fracking decisions, we believe that Broxtowe Borough should assert a commitment to a frack free Broxtowe in respect of the minerals policy in the Local Plan.



Green transport is also going to offer significant change in Broxtow® over the next ten years as we move towards preparing for the arrival of HS2 in Toton. We welcome HS2 and the opportunities that it will bring for jobs creation and local growth. A significant infrastructure project the size of HS2 offers an opportunity to put Broxtowe on the map, building an economic hub around the Toton Sidings station and the surrounding area. We are therefore strongly in favour of the provision for economic development and transport provision, including a StapleFord Gateway that promotes business growth in the corridor between Toton Sidings and Stapleford. Further, outside of the immediate HS2 area, we are strongly supportive of the development of a freight terminal at Bennerley Washings in order to support jobs and growth in the North of the Borough as well as the South.

In addition to provision of green transport in respect of HS2, we have a clear commitment to the introduction of environmentally sound methods of transport in Broxtowe and the introduction of additional capacity to transport infrastructure in order to cope with population growth and changing demographics. We therefore advocate for a corridor of land reflecting the proposed tram route in Kimberley to be earmarked for the introduction of a new tram route in the North of the borough, joining Eastwood, Kimberley, Nuthall and Nottingham. We would also be supportive of additional bus infrastructure that joins the North and the South of the borough.

We believe that there should be put into place a green infrastructure corridor that extends from the HS2 site to Bramcote Woods, with a view towards creating a single extended green infrastructure corridor between the North and the South of the Borough. Such a corridor would be particularly valuable for nature preservation in terms of uninhibited movement of species. It would also provide a protected area for residents to enjoy and explore, thereby supporting our commitments to healthy lifestyles and green space preservation. Our green infrastructure sites should be enforceable in planning terms in order to secure their maximum impact.

In housing terms, we support a housing strategy which matches the demographic growth of Broxtowe and meets already existing shortfall in addition to those commitments required for future provision. The commitments to housing mix must be backed up by evidence drawn from housing waiting lists and population growth demographics. Faced with an aging population who are experiencing increasingly complex conditions, we would like to see strengthened commitments to the provision of dementia friendly housing and also supported living. In addition, we believe that there is a role for an increased development of Council owned social housing and we would like to see a specific commitment in the housing mix policy to this. In terms of site allocations, whilst we broadly welcome the site allocations set out in the plan, we have some concerns that the density of development in the South of the borough will lead to significant pressures on both community and transport infrastructure and we believe this needs examining in some detail. In particular, we are concerned that there will be significant transport pressure placed on the A6005 that runs through Toton, Attenborough, Chilwell and Beeston and that capacity here will need to be considered. Likewise, we have some similar concerns surrounding the transport infrastructure capacity to support the proposed development in Awsworth in the North of the borough, and the access routes to the Chetwynd development in Chilwell in the South.

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We strongly believe that housing should not be developed in isolation and we recognise a clear need for the provision of a wide variety of community infrastructure to support the proposed housing site allocations. This is particularly the case in the proposed developments in both Beeston Rylands, and the Chetwynd Barracks site in Chilwell, where planned developments are of a significant enough size to change the shape, dynamic and operation of the communities there. In these cases, we believe that there is a real need for the type of infrastructure that supports a community of significant size, such as shops, doctor's surgeries, green space, and places for the community to meet. In line with these principles, we also request that the 'Horse Field' in Beeston Rylands to the back of Cornwall Avenue not be included in the plan, tand that Kettlebrook Lodge in Kimberley continues to be excluded from the plan in rany revisions that may arise following this consultation. In addition, we would also stipulate that where community facilities do need to be moved in order to make way for proposed development, they are provided with a guaranteed site allocation and an enhanced facility to compensate the community for any loss.

We also believe that green spaces and green infrastructure have a clear role to play in any site allocation and therefore in particular reference to the site close to Bramcote Crematorium, consideration must be given to the preservation of a green corridor that runs between the North and the South of the borough. In addition, we recommend that provision be made for a network of footpaths running across the <u>Che</u>twynd Barracks development.

Strategic development sites in the borough also offer the opportunity to bring about jobs and growth, and we welcome the commitment in the Local Plan Part 2 to develop Beeston town centre through the Phase 2 site. As part of this, we believe that there must be the clear provision of cultural and community space, including a clear expanse of public realm inclusive of a water feature similar in style to Nottingham market square. We believe that this space should extend between the current site and the church, including provision for the demolition of the current Argos block. Whilst we recognise that this development should be mixed use, we also believe that the formula for attracting homes in this critical development should not be based on a short term gain of capital receipts. Instead, the strategy for redeveloping Beeston square should maximise economic rental revenue for the <u>Council</u> in future years.

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In order to support jobs and growth in Broxtowe we believe there is a role for regeneration of all four of our town centres across the borough. We are supportive of the developments in Beeston town centre but we believe there is a role for growth in our towns also in Stapleford, Eastwood and Kimberley. We are therefore concerned at the assertion in the current version of the Local Plan Part 2 that our town centre boundaries will be constricted in order to potentially make way for new housing development at the edges of those town centres: we would advocate to keep the boundaries in their current state.

Our belief, as referenced in earlier in this response, is that housing should not be developed in isolation but in partnership with the community infrastructure already in existence, and reducing our town centre boundaries seems to go against this principle. Likewise, we believe that the current Broxtowe college site should not be sacrificed for more housing. Instead, it should be retained as a site for high quality education and training provision, or for employment provision if this is not possible. Likewise, we are aware of current plans to explore options for Beeston town hall: we believe that this community heritage asset offers more opportunity than the provision of housing, and has the potential to be used in creative ways to provide direct support for the members of community, looking towards examples of good practice such as Derby City Council's health and housing hub.

Ultimately, we believe that our Local Plan should offer the opportunity to become a forward thinking, progressive borough that is not only a centre for jobs and growth but also harnesses the opportunities of the future in terms of technological change, green energy and green transport. We believe that the policies in the Local Plan Part 2 and the respective allocation sites in Broxtowe should reflect this ambition, and should also reflect a core desire to develop not just housing, but also the communities that will live, work and thrive in those developments.

Yours sincerely,

Dawn Elliott Deputy Leader of the Labour Group On behalf of the Broxtowe Labour Group