

Policy 7.3 – Eastwood Road Builders Yard:

ID	Organisation
Duty to Co-operate / Interest Groups	
222	Severn Trent
6276	Nottingham West Clinical Commissioning Group
Developer / Landowner	
634	The Wilds (Represented by Aspbury Planning Ltd)
2542	Mrs Viitanen (Represented by Featherstones)
4622	Mrs Barnes (Represented by Featherstones)
6881	Mr Taylor (Represented by Featherstones)
2652	W Westerman (Represented by Oxalis Planning Ltd)
2685	Bloor Homes Ltd (Represented by Oxalis Planning Ltd)
4200	Taylor & Burrows Property (Represented by Phoenix Planning (UK) Limited)

Broxtowe Borough Council

Potential impact of proposed developments on sewerage infrastructure assets

Date: 17/10/2017

NOTE: The purpose of these desktop based assessments are to indicate where proposed development MAY have a detrimental impact on the performance of the existing public sewerage network taking into account the size of the development proposals.

For most new development provided the surface water in managed sustainably through use of a SuDS the additional foul only flows will have a negligible impact on existing sewer performance but where there are pre-existing capacity constraints additional capacity improvements may be required.

Where subsequent detailed modelling indicates capacity improvements are required such work will be phased to align with development occupancy with capacity improvement works will be funded by Severn Trent Water. However, whilst Severn Trent have a duty to provide additional capacity to accommodate planned development, we also have a requirement to manage our assets efficiently to minimise our customers' bills. Consequently to avoid potential inefficient investment we generally do not provided additional capacity until there is certainty that the development is due to commence. Where development proposals are likely to require additional capacity upgrades to accommodate new development flows it is highly recommended that potential developers contact Severn Trent as early as possible to confirm flow rates and intended connection points. This will ensure provision of additional capacity can be planned into our investment programme to ensure development is not delayed.

Note: These are desktop assessments using readily available information and have not been subjected to detailed hydraulic modelling

Site Ref	Site Name	Size	Units	Sewage Treatment Works Catchment	Sewerage Comment	Potential impact on sewerage infrastructure
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Toton, Stapleford and Bramcote

3.1	Chetwynd Barracks	91.5 ha	500	Toton STW	Sewer records do not exist for Chetwynd Barracks. Therefore the current drainage at the site is unknown. It is assumed the majority of flows will join the 300 dia combined sewer on Chetwynd Road. RPA predicts flooding in a 30 year storm. D/S of Chetwynd Road there is a large flooding cluster on Crofton Road. An FA scheme has been delivered which protects properties internally up to 40 year storm and externally up to a 20 year storm. There are no pollution incidents recorded D/S at the Attenborough Lane PS. Surface Water flows can be drained to local brook running through Chetwynd barracks.	Low
	Toton	UNK	500	Stapleford STW	It is likely that a capital scheme would be required for a new gravity sewer to take foul flow from the development to Stapleford STW in the North West. There are numerous hydraulic flood incidents on incoming pipes to the STW. If foul flows were to be discharged to the south the topography suggests a pumping station would be required. Pipes on Stapleford Lane where it would be expected to discharge to are predicted to flood in low RPs. There are foul flooding incidents recorded to the south off Stapleford Lane. Surface water will be able to drain to pre-existing surface water systems in the vicinity of the development.	High
	Bramcote	UNK	300	Stoke Bardolph STW	It is expected that foul flows will be connected to 225mm dia pipe on Latimer Drive. RPA does not predict flooding in storm events up to 40 yrs. Flows from the east of the site may have to be pumped due to the topography of the site.	Low
	Stapleford	UNK	240	Stapleford STW	It is likely that a capital scheme would be required for a new gravity sewer to take foul flow from the development to Stapleford STW in the North West. There are numerous hydraulic flood incidents on incoming pipes to the STW. If foul flows were to be discharged to the south the topography suggests a pumping station would be required. Pipes on Stapleford Lane where it would be expected to discharge to are predicted to flood in low RPs. There are foul flooding incidents recorded to the south off Stapleford Lane. Surface water will be able to drain to pre-existing surface water systems in the vicinity of the development.	Med

3.6	Beeston Maltings	1.3 ha	56	Lilac Grove STW	Based on topographic levels it is likely the development will connect to the sewage system on Cartwright Way to a 150 mm dia pipe. Surface water would also drain to the existing system on this road. The model does predict flooding on low RPs D/S on Ireland Avenue. However there are no incidents of flooding reported.	Low
	Beeston Cement Depot	UNK	21		Sewage from the development is likely to join the network on Station Road into a 375 mm dia combined sewer. Surface Water will be able to be connected to local surface water network. There are no reports of flooding in the area and flooding is not predicted in low return periods.	Low
	Wollaton Road Beeston	UNK	12		The building adjacent to the proposed development site has experienced repeat floodings recently. Return period analysis predicts flooding in a storm with a two year return period. The development is unlikely to have a noticeable impact to Severn Trent's sewage infrastructure, however, the development is likely to flood.	Low

	Awsworth	UNK	350	Newthorpe STW	Surface Water from the development will be able to drain to a local watercourse. Foul water from the development will join a 225mm dia combined sewer running across the development site. Flooding in a low return period is predicted downstream and there are pollutions recorded at Awsworth - A610 TPS. There are also a large number of flooding incidents upstream of the development in the south of Awesworth.	Med
4.1	Awsworth	UNK	250	Newthorpe STW	Surface Water from the development will be able to drain to a local watercourse. Foul water from the development will join a 225mm dia combined sewer running across the development site. Flooding in a low return period is predicted downstream and there are pollutions recorded at Awsworth - A610 TPS. There are also a large number of flooding incidents upstream of the development in the south of Awesworth.	Med

	Brinsley	UNK	150	Newthorpe STW	Foul flows from the development will join a 225 mm dia combined sewer running adjacent to the development site. Surface water from the development will be able to drain to Brinsley Brook. Flooding is not predicted in low return periods locally and there are no reported flooding incidents near the development	Low
			110	Newthorpe STW	Foul flows from the development will join a 225 mm dia combined sewer running adjacent to the development site. Surface water from the development will be able to drain to Brinsley Brook. Flooding is not predicted in low return periods locally and there are no reported flooding incidents near the development	Low

6.1	Walker Street	9	230	Newthorpe STW	Foul and surface water flows will join pipes on Greenhills Avenue. Flooding is not predicted in low periods downstream of the development. However there are a number of recorded flooding incidents that additional flow could exacerbate.	Low
	Kimberley	UNK	600	Newthorpe STW	Foul flows from the development will join the 750 mm dia existing combined sewer which runs through the site. Surface Water from the development can join the existing surface water network which runs through the proposed development site. Flooding is predicted in a low return period storm on the combined system close to the development site. There is a repeat internal flooding caused by the combined sewer. The development is likely to exacerbate the flooding at this property.	Med

Steffan Saunders
Head of Neighbourhoods and Prosperity
Directorate of Legal and Planning Services
Council Offices
Foster Avenue
Beeston
Nottingham
NG9 1AB

30 October 2017

Dear Steffan

Broxtowe Local Plan Part 2 Consultation

Thank you for allowing us the opportunity to respond to your consultation document. New treatments and an aging population mean that pressures on services are greater than they have ever been, as people are living longer, often with very complex conditions. An increase in local population as a result of new housing developments compounds that pressure particularly on primary care - family doctor services. Having the right infrastructure in place in primary and community settings is crucial for the successful delivery of the Sustainability and Transformation Plan (STP) ambitions and the GP Forward View (GPFV). The ability to transform care and keep services sustainable will only be possible if efficient, fit-for-purpose, high quality facilities underpin the delivery of services.

Workforce recruitment for GPs in particular is paramount for sustaining quality general practice provision. Good quality fit for purpose primary care facilities are a key part of attracting the necessary workforce to support the existing and new population as a result of these housing developments.

In recent years there have been a number of developments approved which have had a major impact on our ability to provide primary care services. As a consequence we would like to work with the Borough Council to explore a better way of planning for care homes and retirement living facilities. We are often the last public sector organisation to find out that a care home is opening; a building has a change of use or that retirement facilities are being developed. 65% of the NHS budget is spent on the over 65s and understandably the elderly are the predominant users of health and social care services so the impact of such changes on the health and social care system are huge for a relatively small part of the population.

In terms of this consultation document, we have taken each of your options in turn and outlined our current position with regards to primary care facilities, indicating where we have areas of risk.

Potential Site Allocations Sites Adjacent to the Main Urban Area

<p>Policy: 3.1 Chetwynd Barracks 500 homes with potential for 800+ overall</p> <p>Land for Medical Centre required in order to make plan effective and therefore sound</p>	<p>The potential for 800+ dwellings (with a maximum of 1,500) presents significant concern with respect to local health service provision. The nearest facilities for this development, and where patients are likely to register, is Chilwell Valley & Meadows Surgeries which comprise a main surgery (Valley) which has no development potential; and a branch surgery (Meadows) which has some expansion potential.</p> <p>Based on 2.3 residents per dwelling we would anticipate an increased patient population of up to 3,500 patients if the total of 1,500 dwellings was achieved, which would require 2 full-time General Practitioners, over and above the current service provision.</p> <p>Given the size of this development and the potential for further development at Toton, together with the limited / non-existent expansion potential of the current facilities, we are to consider the option of a new Primary Care Centre for the Chilwell / Toton area subject to funding being made available. Therefore, in order for the plan for Chetwynd Barracks to be effective and sound, we request a reserved site within this development to provide primary care services to the residents of this area.</p> <p>We are not in a position to confirm the size of site required at this stage; however based on similar size developments it would be no more than 1 acre to serve a potential population of around 18,000 patients. Funding contributions should be sought through Section 106.</p>
<p>Policy: 3.2 Toton – 500+ homes</p>	<p>We understand that we have missed the opportunity to comment on this proposal as it stands currently at 500 homes. However, we consider that there may be further development in this area and would like to offer the following comments:</p> <p>The nearest facilities for this development is Chilwell Valley & Meadows Surgeries which comprise a main surgery (Valley) which has no development potential; and a branch surgery (Meadows) which has some expansion potential.</p> <p>We would like to consider any expansion to the Toton development over and above the original 500 houses alongside the Chetwynd Barracks development which</p>

	affects the same GP practice.
<p>Policy: 3.3 & 3.4</p> <p>Bramcote, East of Coventry Lane 300 homes</p> <p>Stapleford, West of Coventry Lane 240 homes</p>	<p>The nearest facilities to these developments are Bramcote Surgery and Hickings Lane Medical Centre.</p> <p>Hickings Lane Medical Centre has recently extended the surgery to take account of the new resident population generated by 450 dwellings (a potential of 1,035 residents based on 2.3 residents per dwelling) at Field Farm. There is potential to further expand this facility.</p> <p>Bramcote Surgery is a purpose built facility with some potential for small scale development which could assist with the expansion of patient population from these two developments.</p> <p>We are also aware of discussions regarding the development of the old Bramcote Hills Golf Course for retirement / continuing care privately owned units. This will, if it goes ahead, compound capacity issues within the existing practices.</p> <p>We ask the Borough Council to request on our behalf a Section 106 contribution to support the expansion to the physical capacity of these existing facilities in order to provide health services to the additional 1,242 residents these developments will attract.</p>
<p>Beeston (339 homes / 780 residents)</p> <p>Policy: 3.5 Seven Trent (Lilac Grove), Beeston 150 homes</p> <p>Policy: 3.6 Beeson Maltings, 56 homes</p> <p>Policy: 3.7 Cement Depot Beeston, 21 homes</p> <p>Policy: 3.8 Wollaton Road, Beeston, 12 homes</p> <p>Policy: 11 Beeston Square, 100 homes (minimum)</p>	<p>There are four GP practices providing healthcare to the residents of Beeston; Abbey Medical Centre, The Manor Surgery, The Oaks Medical Centre and West End Surgery.</p> <p>The Oaks Medical Centre is currently undergoing an extension to their purpose built facility in response to the planned housing developments underway in Beeston. However, the future developments as outlined in the Local Plan Part 2 whilst not significant when considered alone, need to be considered in its entirety together with what is underway and will have significant impact upon the physical capacity of practices to provide health services. There is some potential for small scale developments to assist with this further expansion of the patient population in particular from the Seven Trent and Beeston Square developments.</p> <p>We would ask for a Section 106 contribution to be</p>

	available to this locality to increase the physical clinical space required to meet the needs of this increase in population over and above that already underway as part of The Oaks Medical Centre expansion.
<p>Policy: 4.1 Awsworth West of Awsworth (inside the bypass) 250 homes</p> <p>Policy: 5.1 Brinsley East of Church Lane 110 homes</p>	<p>The nearest facilities to this development and where patients are likely to register are Church St Medical Centre and Church Walk Surgery in Eastwood. See below for details of the Eastwood joint public services proposed development to meet the needs of this increase in population.</p>
<p>Policy: 6.1</p> <p>Eastwood 200 homes + 30 Extra Care Units Walker Street, Eastwood (Map 24)</p> <p>Land for Medical Centre required in order to make plan effective and therefore sound</p>	<p>A new health centre for Eastwood is the CCG's top priority within its Strategic Estates Plan. The old Eastwood Health Centre was considered no longer fit for purpose and has been recently disposed of resulting in there being no local facilities for extended, community based health services in Eastwood.</p> <p>Both GP practices in Eastwood are in separate facilities which can no longer be extended. They are intending to merge into one practice as of April 2018 to provide GP services to 20,000 local residents.</p> <p>We have been working with Nottinghamshire County Council, the land owners, on the preferred solution which would be a One Public Estate public services hub incorporating a new health facility on the Walker Street site (Map 24). Alongside library services and third sector organisations this new facility would also house the two merged GP practices (Church Street Medical Centre and Church Walk Surgery in Eastwood) plus supporting community health service provision.</p> <p>In order that the plan for Eastwood is effective and therefore sound, part of the Walker Street site must be allocated for a new, purpose built health facility to sit behind the existing library with direct access to the main road with its public transport links ensuring it is easily accessible to the community. A one acre site is required (GIA 2000m2 of two or three storeys dependent upon meeting planning requirements). Direct vehicular access would be required to Walker Street if the site is also identified as the preferred site for a co-</p>

	located blue light service base. Funding contributions should be sought for this development through Section 106.
<p>Kimberley (167 homes / 385 residents)</p> <p>Policy: 7.1 Kimberley Depot 105 homes</p> <p>Policy: 7.2 South of Eastwood Road 40 homes</p> <p>Policy: 7.3 Eastwood Road Builders Yard 22 homes</p>	<p>The nearest facility to these developments is Hama Medical Centre, Kimberley. This is a purpose built facility with potential to expand through internal re-organisation of rooms changing their use from clinical to non-clinical physical space.</p> <p>We would ask for a Section 106 contribution to be requested in order to increase the physical clinical space required to meet the demands of the increase in population brought about by the housing developments.</p>

In summary, we have considered the impact on our existing facilities for each of the potential developments detailed in the Local Plan Part 2. Our main challenges are:

- **Policy: 6.1 Eastwood** where we have had extended discussions with Nottinghamshire County Council regarding a public sector hub and require a site of 1 acre to be reserved on the Walker Street site for this;
- **Policy: 3.1 Chetwynd Barracks / Policy: 3.2 Toton** where we will do more work on a potential hub servicing this area but would ask for a reserved site on the Barracks site to be identified for a potential health facility;
- The impacts of other developments in the plan are of a smaller scale and could be resolved by relatively modest extensions and/or internal re-design. For these we ask for Section 106 contributions to fund the necessary works to meet the health needs of the increase in population.

I hope you find this of use in your considerations. Please let me know if you need any further information.

Yours sincerely

[Redacted signature]

[Redacted name]

[Redacted title]

NHS Nottingham West CCG

Broxtowe Part 2 Local Plan



Broxtowe
Borough
COUNCIL

Agent

Please provide your client's name – D.W & J.W.E Wild

Your Details

Title	Mr	Mrs	Miss	Ms	Other:
Name	[REDACTED]				
Organisation (if responding on behalf of the organisation)	Aspbury Planning Ltd				
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]				
Postcode	[REDACTED]				
Tel. Number	[REDACTED]				
E-mail address	[REDACTED]				

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	65	7.1/7.2
	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		
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: <i>(please refer to the guidance note at for an explanation of these terms)</i>		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	√
It is not consistent with national policy	

Your comments – See attached separate sheet

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.

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 or potential non-delivery from the three proposed site allocations in Kimberley currently identified in Policy 7 of the Part 2 Local Plan.

The Borough Council's SHLAA contains a list of potentially suitable sites that can be drawn upon to meet a shortfall of provision in the respective Key Settlements against the requirements of the Aligned Core Strategy. We are of the view that the shortfall for Kimberley constitutes 62 dwellings from the double counting of the two sites – Policy 7.2 and 7.3 as Part 2 Local Plan allocations as well as their inclusion as part of the existing supply (from 2023-28), plus a further 19 dwellings arising from the difference between the residual requirement for Kimberley of 186 dwellings set out in table 15 of the SHLAA as opposed to the 167 dwellings on allocated sites in the Part 2 Local Plan.

In addition to this 81 dwelling shortfall in Kimberley, we consider that provision should also be made for under or non-delivery from the currently allocated sites based upon their past history and likely delays in the closure and/or relocation of the Kimberley Depot and remediation of the site to a status capable of accommodating residential development.

Our clients landholding off Alma Hill – SHLAA reference 113 - 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 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

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 **the way in which the plan has been prepared**, 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 **content** 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**.

-Representation on behalf of D.W & J.W.E. Wild - Comment attachment

Policy 7 – Strategic Policy Context and paragraphs 7.1 – 7.2

Policy 2.2 of the adopted Aligned Core Strategy (ACS) sets out the broad spatial strategy of new homes around Broxtowe Borough and identifies Kimberley as a key settlement for growth. Policy 2.3c subsequently proposes that up to 600 homes will be distributed in or adjoining the Key Settlement of Kimberley.

The Part 2 Local Plan allocates sites for just 167 new dwellings for Kimberley. This represents less than 30 % of the (maximum) housing figure proposed for the settlement. This low allocation relative to the ACS is also reflected elsewhere in the north of the Borough at the adjoining settlement of Eastwood where just 230 dwellings are proposed in one allocation comprising less than 20% of the ACS figure of up to 1250 dwellings. The proposed allocations for Brinsley and Awsworth are also materially below the ACS figure. Of the 'up to' 2350 homes identified within the Core Strategy for these Key Settlements, the Part 2 Local Plan makes site specific allocations for 757 dwellings, just 32% of the ACS maximum provision and remains heavily reliant upon commitments, expired consents, old local plan housing and employment allocations and unallocated SHLAA sites to make up the large differential.

Paragraphs 3.2.22 to 3.2.25 of the ACS set out the strategy for the housing provision within Broxtowe Borough. The strategy clearly and appropriately indicates that:-

3.2.22 The majority of Broxtowe's housing provision is to be provided within or adjoining the main built up area of Nottingham. This is fully in accordance with the strategy of urban concentration with regeneration and, while this distribution will include new housing in the north of Broxtowe, it will focus housing delivery in or adjacent to the main built up areas in the south of Broxtowe.....

However, paragraph 3.2.23 sets out the justification of the overall strategy for housing provision set out in Policy 2 – The Spatial Strategy across the Borough as a whole. The paragraph states that: -

3.2.23 However, the housing numbers and distribution also reflect a strong desire to see a broad mix of housing provided within Broxtowe's boundaries to ensure sustainable settlements are able to expand to meet their growing needs at the same time as protecting the most strategically significant parts of the Green Belt, especially large open areas between Nottingham and Derby. Whilst the housing market has stalled in weaker housing sub markets such as Eastwood in recent economic times, there is no reason to suppose that further housing will not be provided here. Historic delivery has been good, housing need is high, and the area is supported by good access to local services, with Eastwood being the largest settlement with the widest ranges of services in Broxtowe outside of the main built up area of Nottingham with a need to provide new local employment opportunities here.

It is our view that the Part 2 Local Plan under allocation for the Key Settlements of Broxtowe relative to the ACS Policy 2 is not justified or positive in its approach to promoting growth in what are recognised as sustainable settlements within the Borough.

The Council's 2015/2016 SHLAA undertakes an assessment of capacity, deliverability and development capability of sites within its settlements and compares these – at table 15 of its SHLAA against the ACS requirement. In respect of Kimberley, the SHLAA table indicates that

there is a capacity of some 414 dwellings within the urban area of Kimberley that are deliverable within the plan period leaving a residual requirement of 186 dwellings to be found.

Table 15: Existing Capacity found on Specific Sites within the Urban Area

	Core Strategy Requirement (2011-2028)	Annual Gains & Losses (2011-2016)						Specific Sites within the Urban Area			Windfall Allowance	Total	Residual Requirement (left to be found)
		Completions (Net Gains)						Years 2016-18 Capacity	Years 2018-23 Capacity	Years 2023-28 Capacity			
		11-12	12-13	13-14	14-15	15-16	Total 11-16						
Awsworth	350	1	-	-	4	6	11	21	50	21	-	103	247
Brinsley	150	-	2	9	2	-	13	4	-	22	-	39	111
Eastwood	1250	98	18	45	26	22	209	117	465	178	100	1069	181
Kimberley	600	1	26	10	4	18	59	53	132	170	-	414	186
MBA	3800	40	21	86	42	54	243	351	1904	1304	200	4002	
Other Rural	0	-	-	-	-	-	-	4	-	-	-	4	-4
Adjacent Hucknall	0	-	-	-	-	-	-	-	-	-	-	-	-
Total	6150	140	67	150	78	100	535	550	2551	1695	300	5631	

Source –SHLAA 2015/2016

The sites constituting the indicated 170 dwelling urban capacity for the period 2023-2028 are listed on page 25 of the SHLAA and includes both the 2004 allocations at the Eastwood Road Builders Yard (site 140 - 22 dwellings) and the land south of Eastwood Road (site 144 - 40 dwellings) as these. As these sites are also identified as proposed Part 2 Allocations to meet the residual requirement, they have effectively been double counted in the makeup of Kimberley urban SHLAA sites to meet the overall 600 dwelling Core Strategy policy requirement. In effect this miscalculation leaves the Kimberley area a further 62 dwellings short of the dwelling 'requirement' to be consistent with the ACS.

Key Settlement: Kimberley

	With Extant Planning Permission
	Not Allocated & with No Planning Permission
	Under Construction/ Implemented Planning Permission
	2004 Local Plan Residential Allocation

Site Ref	Site Name	CS Plan Period 2013-2028		
		0-5 Years	6-10 Years	11-15 Years
		2013-2018	2018- 2023	2023-2028
Deliverable and Developable				
72	Land at 29 Oak Drive Nuthall	1	-	-
562	Castle College Church Hill Centre Church Hill Kimberley	1	-	-
569	Systems Instillation Supplies 5A Regent Street Kimberley	1	-	-
606	59 Gilt Hill Kimberley	1	-	-
611	RAF bunker Rear or 140 Main Road Watnall	1	-	-
665	Chatterley House Hotel Coronation Road Cossall	1	-	-
667	Barn to the rear of 48 Awsworth Lane Cossall	1	-	-
670	53 Gilt Hill Kimberley	1	-	-
691	48 High Street Kimberley	1	-	-
623	Ex Servicemens Club Station Road Kimberley	2	-	-
629	7 Spencer Drive Nuthall	2	-	-
689	The (Former) Golden Guinea PH 111 Maws Lane Kimberley	2	-	-
706	Brewery building adjacent to 4 Brown's Flatts Kimberley	2	-	-
738	23 Newdigate Street Kimberley	2	-	-
576	Electricity Substation James Street Kimberley	3	-	-
622	73 Main Street Kimberley	3	-	-
744	125 Eastwood Road Kimberley	3	-	-
599	2, 4 & 6 Oak Lodge Drive Kimberley	5	-	-
690	The Larks Nest Larkfield Road Nuthall	6	-	-
145	Land Between 3 And 12 Hardy Close Kimberley	14	-	-
631	29 Edward Road Nuthall	-	4	-
586	Kimberley Brewery Hardy Street Kimberley	-	128	-
428	Land To Rear Of Chilton Drive Watnall	-	-	6
772	Broxtowe Borough Council Depot Eastwood Road Kimberley	-	-	8
210	Land South East Of 32 To 40 Maws Lane Kimberley	-	-	12
773	Kimberley Caravan And Car Centre Ltd Eastwood Road Kimberley	-	-	13
219	West of The Paddocks Nuthall	-	-	19
518	Rear Of 127 Kimberley Road Nuthall	-	-	20
140	Builders Yard, Eastwood Road, Kimberley	-	-	22
218	South of Kimberley Road Nuthall	-	-	30
144	South of Eastwood Road Kimberley	-	-	40
Sub Total	-	53	132	170

The SHLAA lists a number of 'could be suitable if policy changes' sites and this includes sites within Kimberley including our client's landholding north of Alma Hill – SHLAA reference 113 which has a potential capacity of 72 dwellings. The site has consistently been included as a potentially suitable if policy changes option within the Broxtowe SHLAA since 2011/12 and was previously considered by the Broxtowe Local Plan Inspector in 2003. The Inspector's report actually recommended allocation of the site and stated (at p123) that "This is a small site of little value to the purposes of Green Belt".

In further support of this site option to address the double counting shortfall and provide an additional deliverable and developable opportunity the Alma Hill site:-

- Is available for development, has two good access points from Soarbank Close and Branklene Close, has strongly defined physical boundaries and is not visually prominent as a stand-alone site release from the Green Belt
- Has no known environmental and ownership constraints and is a fully contained site with defensible boundaries
- Is easily accessible on foot to Hollywell Primary school, the Co-op on Maws Lane, bus stops on Hardy Street and Maws Lane and only 1km distant from Kimberley Town centre.
- Has a limited advance infrastructure requirement and is capable of early development post 2018 as previous SHLAA entries have acknowledged.

The Borough Council 's latest housing land supply position taken from the 2015-16 SHLAA but based on the period 1st April 2017- 31st March 2022 is that the Borough Council can only demonstrate a 3.6 years housing land supply. During the last two years of the five year supply period to 2022 the Council 's Housing Trajectory at Table 4 of the Publication Plan is expecting to deliver 1009 and 975 dwellings per annum respectively, a more than 3 –fold increase on the delivery of 285 dwellings completed in 2016-17. This is a very tall order and relies on some of the major allocations in the Main Built-up Area and the large Awsworth and Brinsley and Eastwood allocations all securing planning permissions and delivering housing completions by 2020. This high reliance upon delivery from large and as yet unconsented sites places the Council's 5 year supply in very vulnerable position going forward and so additional small to medium early delivery sites need to be identified to support the housing trajectory and the high delivery requirements set out therein. The respondent's landholding fits the requirements of scale and deliverability and its suitability has been recognised by a previous local plan Inspector and year upon year SHLAA inclusion. This current Part 2 Local Plan will address Green Belt review in Kimberley and other settlements as acknowledged by the ACS and this site off Alma Hill should be included for allocation to address the under-provision for Kimberley and support the wider 5 year supply position going forward which is clearly challengeable

Policy 7 – proposes just 167 dwellings on three allocated sites within the settlement of Kimberley. Two of these sites immediately abut each other south of Eastwood Road and the third is located approximately 150 metres to the north west again accessed off Eastwood Road. Two of the allocations Land south of Eastwood Road and the Builders Yard north of Eastwood Road are sites brought forward from the 2004 Broxtowe Local Plan (H1l & H1m) yet neither site appears to have been the subject of any residential applications since the adoption of that plan. The new allocation - Land south of Kimberley including Kimberley Depot – comprises the depot, its curtilage and significant areas of green landscape infrastructure including some substantial

tree belts and hedgerows. The site is partly within the Green Belt and is currently operational. Preliminary enquiries of the Borough Council suggest that there is no proposal in place at this time for the closure and/or relocation of the Council depot. Given the size of the depot, the nature of its function and the potential for contamination the deliverability of this depot site also remains far from certain.

The suitability of these sites in locational terms is not disputed. All three sites are well located to the town centre, schools, employment areas and public transport routes. Our concerns relate however to the availability and /or deliverability of these sites given that site 7.1 is currently a fully operational depot and sites 7.2 and 7.3 have failed to come forward for development in 13 years as allocations from the 2004 Broxtowe Local Plan. Comments are made in respect of each of these three sites in separate representations. There are uncertainties therefore in respect of delivery of one or more of these sites which should prompt the Council to consider additional releases in or around Kimberley particularly as we also suggest elsewhere in these representations that sites 7.2 and 7.3 appear to have been double counted in the housing capacity assessment for Kimberley to deliver the ACS requirement.

Broxtowe Part 2 Local Plan



Broxtowe
Borough
COUNCIL

Agent

Please provide your client's name – D.W & J.W.E Wild

Your Details

Title	Mr	Mrs	Miss	Ms	Other:
Name	[REDACTED]				
Organisation (if responding on behalf of the organisation)	Aspbury Planning Ltd				
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]				
Postcode	[REDACTED]				
Tel. Number	[REDACTED]				
E-mail address	[REDACTED]				

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:

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	Policy 7: Kimberley Site Allocations	70	Policy 7.3
	Policy 8: Development in the Green Belt		
	Policy 9: Retention of good quality existing employment sites		
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	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: <i>(please refer to the guidance note at for an explanation of these terms)</i>		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	
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 7.3 -extends to 0.52 hectares gross and has been allocated a development capacity of 22 dwellings at a density of 44 dwellings per hectare. The site is not regular in shape as Map 29 indicates and it is effectively a backland site completely surrounded by residential properties and their respective private curtilages. Unless this is a flattened scheme the delivery of 22 dwellings in this context is considered over optimistic. 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 has suggested that the site will not come forward until the last 5 years of the plan period 2023-28. The Part 2 Local Plan Table 4 Trajectory retains that last 5 years of the plan as the delivery timetable of this site. The Council's Issues and Options Report of 2013 for Kimberley acknowledges multi ownership and access constraints but does not consider these to be insurmountable. 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 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

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 **the way in which the plan has been prepared**, 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 **content** 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



Broxtowe
Borough
COUNCIL

Agent

Please provide your client's name	Mrs D Viitanen
-----------------------------------	----------------

Your Details

Title	[REDACTED]
Name	[REDACTED]
Organisation (if responding on behalf of the organisation)	Featherstones
Address	[REDACTED] [REDACTED] [REDACTED]
Postcode	[REDACTED]
Tel. Number	[REDACTED]
E-mail address	[REDACTED]

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

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2.2	Compliant with the duty to co-operate		
2.3	Sound		✓

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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

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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

We wish to participate at public examination to explore fully the concerns we have with the 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 LOCAL PLAN PART 2: PUBLICATION VERSION

Representations by FEATHERSTONES

on behalf of Mrs D Viitanen

-
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 non-conforming 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



Broxtowe
Borough
COUNCIL

Agent

Please provide your client's name	Mrs Marjorie Barnes
-----------------------------------	---------------------

Your Details

Title	[REDACTED]
Name	[REDACTED]
Organisation (if responding on behalf of the organisation)	Featherstones
Address	[REDACTED] [REDACTED] [REDACTED]
Postcode	[REDACTED]
Tel. Number	[REDACTED]
E-mail address	[REDACTED]

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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 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	✓
It is not consistent with national policy	✓

Your comments

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See attached Statement

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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	
<p>We wish to participate at public examination to explore fully the concerns we have with the soundness of the Plan.</p>	

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BROXTOWE LOCAL PLAN PART 2: PUBLICATION VERSION

Representations by FEATHERSTONES

on behalf of Mrs M Barnes

-
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



Broxtowe
Borough
COUNCIL

Agent

Please provide your client's name	Richard Taylor
-----------------------------------	----------------

Your Details

Title	[REDACTED]
Name	[REDACTED]
Organisation (if responding on behalf of the organisation)	Featherstones
Address	[REDACTED] [REDACTED] [REDACTED]
Postcode	[REDACTED]
Tel. Number	[REDACTED]
E-mail address	[REDACTED]

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: [REDACTED]

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	Policy 30: Landscape		
	Policy 31: Biodiversity Assets		
	Policy 32: Developer Contributions		
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: <i>(please refer to the guidance note at for an explanation of these terms)</i>		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	✓
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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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

We wish to participate at public examination to explore fully the concerns we have with the 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 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.
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 Awsorth with planning permission
 - Land at Eastwood with planning permission
 - Walker Street, Eastwood
 - Eastwood Road, Kimberley (x2).

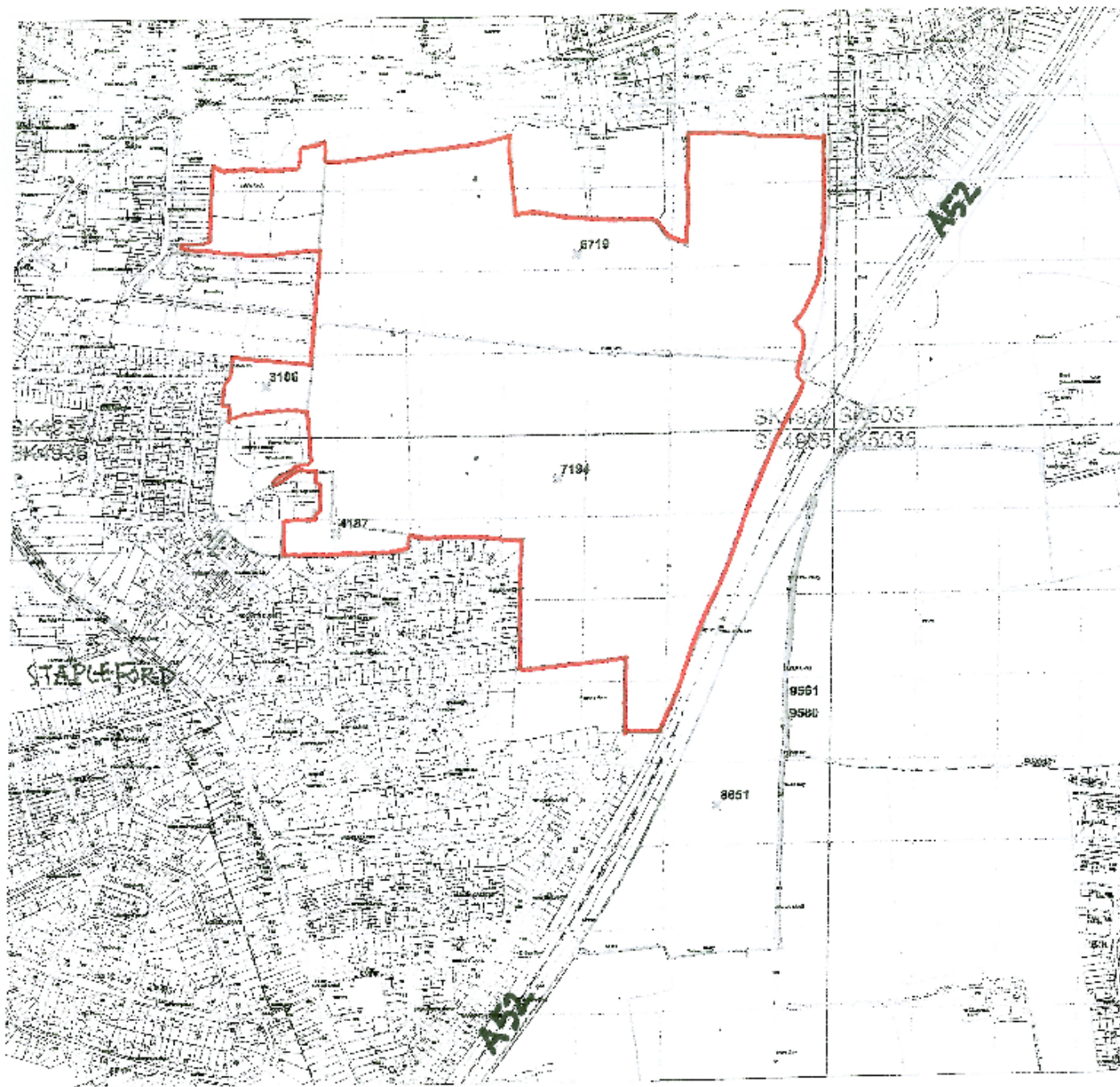
Each of these sites were allocated in the 2004 Plan.

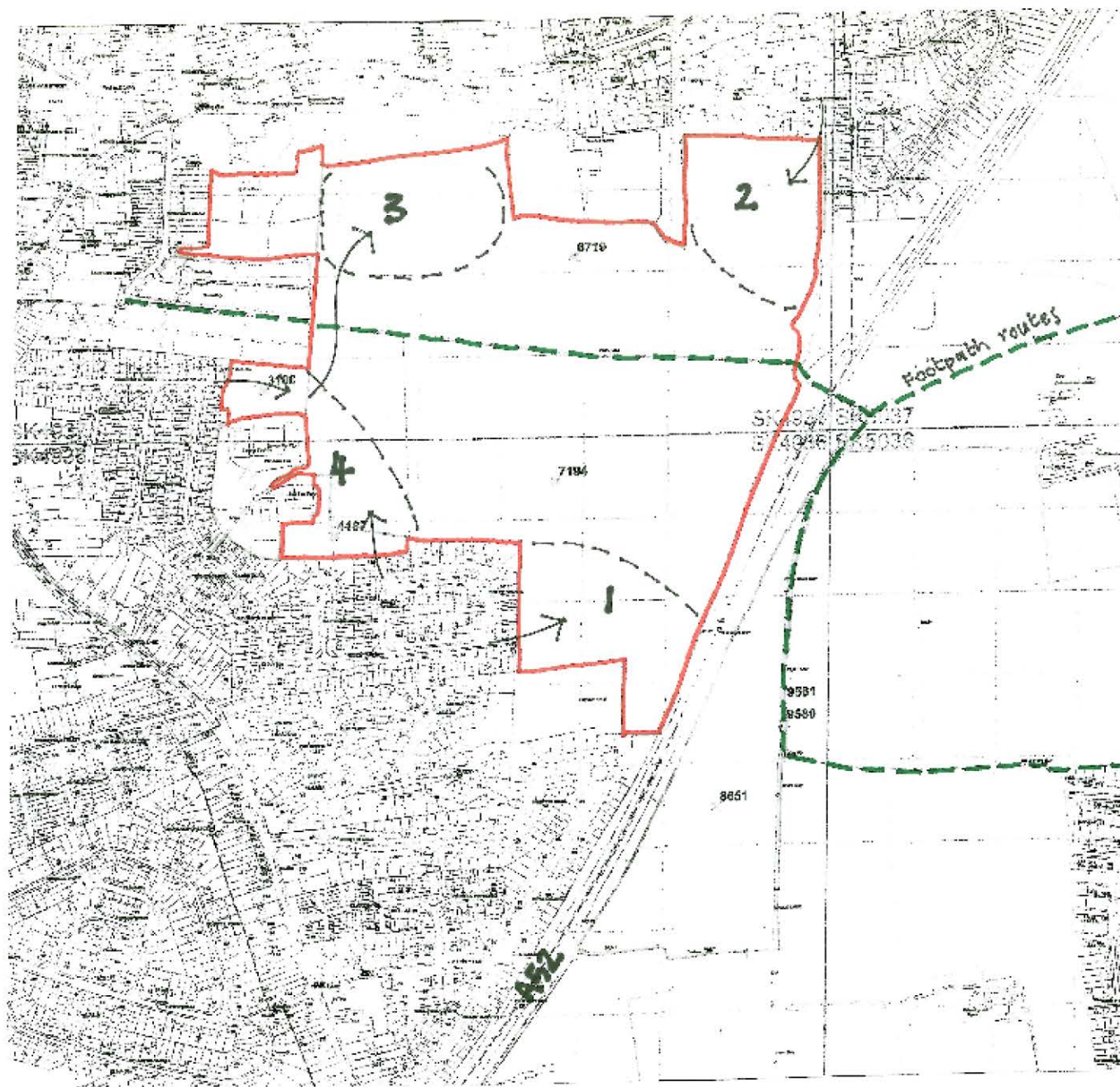
In addition, the allocation at Kimberley Depot is a refuse depot and tip, where inherent contamination could preclude or limit development.

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

1. SISLEY AVENUE
2. BAULK LANE
3. NORTH WEST HILL TOP
4. HILL TOP FARM



Broxtowe Part 2 Local Plan



Broxtowe
Borough
COUNCIL

Agent

Please provide your client's name	W.WESTERMAN
-----------------------------------	-------------

Your Details

Title	[REDACTED]
Name	[REDACTED]
Organisation (if responding on behalf of the organisation)	Oxalis Planning Ltd
Address	[REDACTED] [REDACTED] [REDACTED]
Postcode	[REDACTED]
Tel. Number	[REDACTED]
E-mail address	[REDACTED]

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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: <i>(please refer to the guidance note at for an explanation of these terms)</i>		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	✓
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.

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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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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

We wish to participate at public examination to explore fully the concerns we have with the 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 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 Awworth 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.

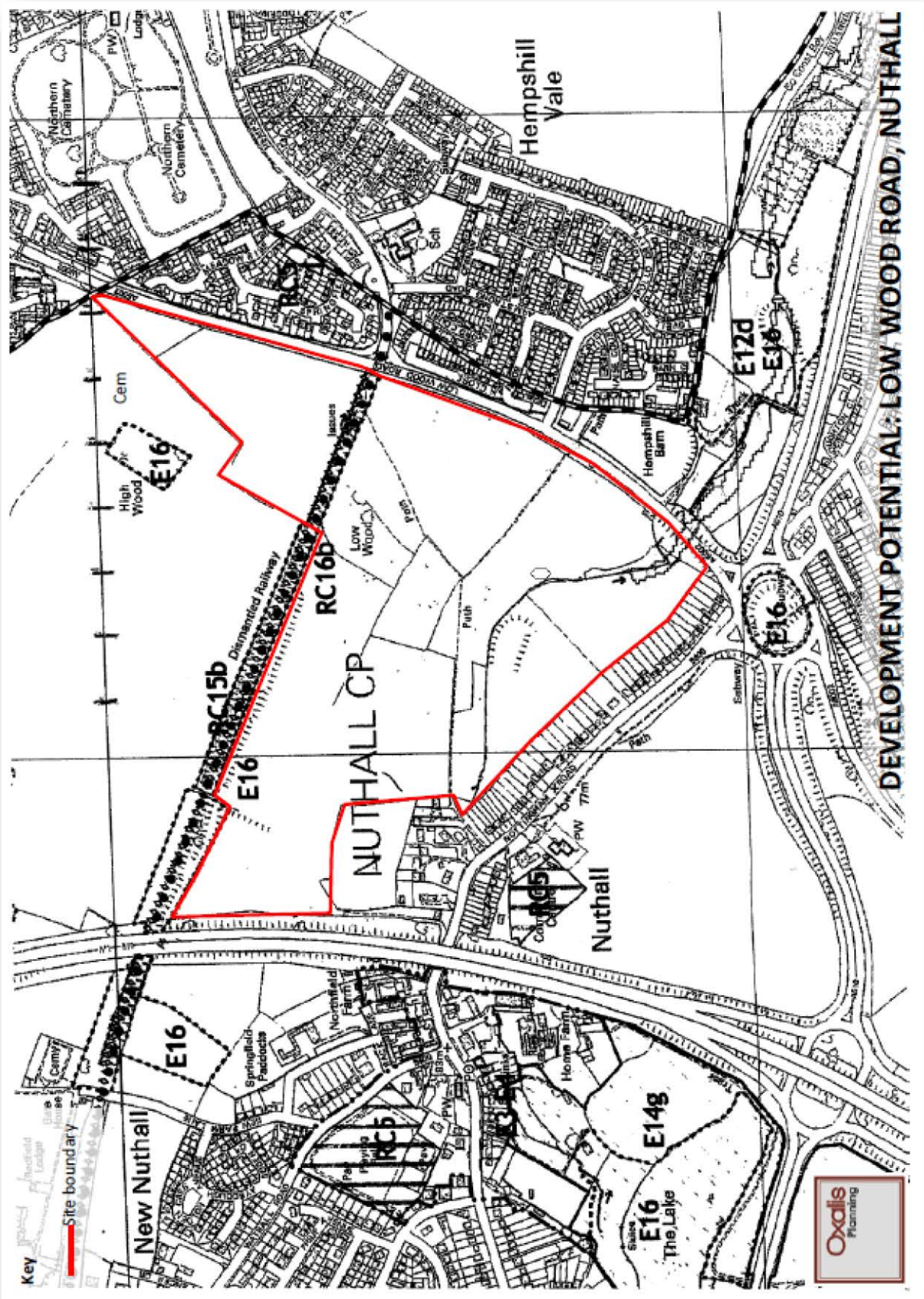
1.9 In their Report to Government (March 2016) the LPEG state that:

'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



Broxtowe
Borough
COUNCIL

Agent

Please provide your client's name	Bloor Homes Ltd
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Your Details

Title	[REDACTED]
Name	[REDACTED]
Organisation (if responding on behalf of the organisation)	Oxalis Planning Ltd
Address	[REDACTED] [REDACTED] [REDACTED]
Postcode	[REDACTED]
Tel. Number	[REDACTED]
E-mail address	[REDACTED]

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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: [REDACTED]

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Policies Map			
Sustainability Appraisal			
Other (e.g. omission, evidence document etc.)	Yes, exclusion of sites and approach to Toton allocation.		

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

Do you consider this paragraph or policy of the Local Plan to be: <i>(please refer to the guidance note at for an explanation of these terms)</i>		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	✓
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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No, I do not wish to participate at the public examination

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**BROXTOWE LOCAL PLAN PART 2:
PUBLICATION VERSION**

**Representations by OXALIS PLANNING on behalf of BLOOR
HOMES**

Contents

Representations:

- 1.0 Introduction**
- 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);

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- 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 planned;
 - 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 it 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 managed 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 sites 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
Borough
COUNCIL**

Please provide your client's name

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

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

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: 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 7
	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		
Policies Map			
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	No
2.1	Legally compliant		
2.2	Compliant with the duty to co-operate		
2.3	Sound		X

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	X
It is not effective	X
It is not positively prepared	X
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	<ul style="list-style-type: none"> - 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, in a manner consistent with achieving sustainable development. 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 aspirations 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?

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	
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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.

