

Policy 17 - Place-making, Design & Amenity:

ID	Organisation
Duty to Co-operate / Interest Groups	
68	Awsworth Parish Council
6537	Awsworth Neighbourhood Steering Group
6577	Chetwynd: The Toton and Chilwell Neighbourhood Forum
48	Sport England
119	Home Builders Federation
6841	Active Notts (previously Sport Nottinghamshire)
34	Nottinghamshire Wildlife Trust
Developer / Landowner	
6053	The British Land Company Plc (Represented by WYG)
718	J McCann & Co (Nottingham) Ltd (Represented by Planning and Design Group)
2685	Bloor Homes Ltd (Represented by Oxalis Planning Ltd)
3756	Gladman Development Ltd

Details

Agent	
Please provide your client's name	
Your Details	
Title	
Name	
Organisation (If responding on behalf of an organisation)	Awsworth Parish Council
Address	
Telephone Number	
Email Address	
Would you like to be contacted regarding future planning policy consultations?	Yes
If you wish to comment on more than one issue you will need to submit a form for each representation.	

Policy relates to

Please specify what your comment relates to					
Policy number	Page number	Policy text/ Paragraph number	Policies Map	Sustainability Appraisal	Other (e.g. omission, evidence document etc.)
17: Place-making, design and amenity	111	Part 1(p)			

Question 1: What does your comment relate to? Please specify exactly
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Question 2

Question 2: What is the issue with the Local Plan?	
Do you consider this paragraph or policy of the Local Plan to be:	
2.1 Legally compliant	Yes
2.2 Compliant with the duty to co-operate	Yes
2.3 Sound	No

Question 3

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above	
If you think this paragraph or policy of the Plan is not sound, is this because:	
It is not justified	Yes
It is not effective	Yes
It is not positively prepared	No
It is not consistent with national policy	No

Additional details

<p>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.</p>	<p>Page 111 – Policy 17 – Part 1(p) – Although policy criterion helpfully refers to ‘integrates bat and/or bird boxes into the fabric of new buildings’ no equivalent reference is made to ensuring porous boundary treatment in new development to allow small mammals (especially hedgehogs), amphibians etc to pass through unhindered. This is considered to be a damaging omission and a missed opportunity to provide more sustainable new development by making appropriate provision to support local wildlife.</p>
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Question 4

Question 4: Modifications sought	
<p>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.</p>	<p>Clarify and improve policy by including appropriate criterion as outlined above to help ensure more sustainable development.</p>

Question 5

Question 5: Public Examination Attendance	
<p>If your representation is seeking a modification, do you consider it necessary to participate at the public examination?</p>	<p>No</p>
<p>If you wish to participate at the public examination, please outline why you consider this to be necessary</p>	

Details

Agent	
Please provide your client's name	
Your Details	
Title	
Name	
Organisation (If responding on behalf of an organisation)	Awsworth Neighbourhood Plan Steering Group
Address	
Telephone Number	
Email Address	
Would you like to be contacted regarding future planning policy consultations?	Yes
If you wish to comment on more than one issue you will need to submit a form for each representation.	

Policy relates to

Please specify what your comment relates to					
Policy number	Page number	Policy text/ Paragraph number	Policies Map	Sustainability Appraisal	Other (e.g. omission, evidence document etc.)
17: Place-making, design and amenity	111	Policy 17 – Part 1(p) - Place-Making, Design & Amenity - Page 111			

Question 1: What does your comment relate to? Please specify exactly
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Question 2

Question 2: What is the issue with the Local Plan?	
Do you consider this paragraph or policy of the Local Plan to be:	
2.1 Legally compliant	Yes
2.2 Compliant with the duty to co-operate	Yes
2.3 Sound	No

Question 3

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above	
If you think this paragraph or policy of the Plan is not sound, is this because:	
It is not justified	Yes
It is not effective	Yes
It is not positively prepared	No
It is not consistent with national policy	No

Additional details

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Question 4

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Broxtowe Part 2

Local Plan

Agent

Please provide your client's name	
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Your Details

Title	[REDACTED]
Name	[REDACTED]
Organisation (if responding on behalf of the organisation)	Chetwynd: The Toton and Chilwell Neighbourhood Forum
Address	[REDACTED] [REDACTED]
Postcode	[REDACTED]
Tel Number	[REDACTED]
E-mail address	[REDACTED]

Comments should be received by 5.00pm on Friday 3 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

Yes

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

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

Document	Policy number	Page no	Policy text / para no.
Part 2 Local Plan	Policy 1: Flood Risk	20	Para 1.4
	Policy 2: Site Allocations		
	Policy 3: Main Built up Area: Policy 3.1	30	Pol 3.1, Para 3.5
	Policy 3: Main Built up Area: Policy 3.2	81	Para 3b.6, 3b.7
	Policy 4: Awwsworth		
	Policy 5: Brinsley		
	Policy 6: Eastwood		
	Policy 7: Kimberley		
	Policy 8: Development of Green Belt		
	Policy 9: Retention of ...employment sites		
	Policy 10: Town Centre ...uses		
	Policy 11: The Square, Beeston		
	Policy 12: Edge of Centre, Eastwood		
	Policy 13: Proposals.....		
	Policy 14: Centre....		
	Policy 15: Housing size, mix and choice		
	Policy 16: Gypsies and Travellers		
	Policy 17: Place-making, design & amenity	111	Pols 1, 2
	Policy 18: Shopfronts....		
	Policy 19: Pollution, Hazardous Substances		
	Policy 20: Air Quality		
	Policy 21: Unstable land		
	Policy 22: Minerals		
	Policy 23: Proposals affecting designated...	124, 125	Para 23.1, 23.2, 23.5
	Policy 24: The health impacts of....		
	Policy 25: Culture, Tourism and Sport	152	Pol 1, 2 Para 25.1
	Policy 26: Travel Plans	153	Para 26.1
	Policy 27: Local Green Space	155	Para 27.5
	Policy 28: Green Infrastructure Assets	157, 158	Pol 1.b, Para 28.2, 28.5
	Policy 29: Cemetery Extensions		
	Policy 30: Landscape		
	Policy 31: Biodiversity Assets		
	Policy 32: Developer Contributions	171	Para 32.1

Policy number	Page number	Policy text / Para number
1 Flood Risk	20	Para 1.4

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

Do you consider this paragraph or policy of the Local Plan to be:	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?

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

Your Comments:

Resident's comments:

"There is already serious flood risk in the Erewash Valley at Toton Sidings. Adding new housing in the area will only increase the risk of flash flooding in the area especially nearby houses on Goodwood Road and side roads."

"All housing should have solar panels + rain water harvesting systems built-in."

1. We are seriously concerned with the increased risk of flash flooding that development in and around Toton Sidings will cause. We believe para 1.4 needs to be strengthened to reflect the specific risk in the Sidings due to not being currently defended by flood protection measures
2. A resident has suggested all new housing (and by extension, commercial developments) should have solar panels & rain water harvesting systems incorporated 'by default'. It is not clear where this suggestion should be included in our response but added here following advice by Steffan Saunders on Oct 30th. Solar panels and water harvesting systems clearly have a role to play in reducing carbon dioxide emissions. We would like to see a positive 'Justification' paragraph that encourages the incorporation of these systems where feasible.

Question 4. Modifications sought

[CTTC Forum text in: ***Black bold italic***]

Amend para 1.4 to:

1.4 With regard to point 4 of the policy, flood mitigation will be required in all cases (whether the site is defended or not). Examples of mitigation include flood resistance/resilience measures, emergency planning and good site design that does not increase risk to others. The Environment Agency will also require flood compensation (i.e. at least equivalent replacement of lost flood storage) in areas, ***such as the Erewash Valley at Toton Sidings***, which are not defended by an appropriate standard of flood protection (such as the Nottingham Trent Left Bank Flood Alleviation Scheme).

Create new para to state something along the lines of:

1.n The Council recognises the impacts of Climate Change – as detailed in Aligned Core Strategy Policy 1: Climate Change – and wishes to encourage the reduction of carbon emissions through the installation of renewable energy solutions such as solar panels and rain water harvesting systems in [set % aspiration] of new housing and all new commercial developments.

Policy number	Page number	Policy text / Para number
3.1 Chetwynd Barracks	30	Policy 3.1 / para 3.5

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

Do you consider this paragraph or policy of the Local Plan to be:	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?

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

Your Comments:

Residents' comments include:

"[...] Barracks to be treated as one entity and not split up into separate development plots"

"Keep Chetwynd Road [Chilwell] closed." "Chetwynd Road: make it a cycle & pedestrian route only?" "Chetwynd Road to be opened both ends to share new traffic load."

"Keep Hobgoblin wood." "Keep trees on the west side of Barracks - from the quarry upwards."

"All large trees on the Barracks to be the subject of tree preservation orders"

"New feed Road into Depot from Bardills essential (with Tram/Bus/Cycle links?)"

"Re-route Erewash Country trail & public footpath down through the eastern edge of the Barracks site to exploit a newly created green corridor"

"Sports provision needs to be included on the Barracks site to protect current facilities"

"[...] War memorial must be protected and given plenty of space. [...]:"

1. Fourteen residents specifically commented on Chetwynd Barracks – although all comments submitted were, of course, triggered by future developments of the Barracks and HS2 Station.
Some comments were contradictory (opening Chetwynd Road, Chilwell) but this is not surprising given the impact the development of the site will have and the depth of feeling by residents.
2. Specific additions to Policy 3.1 (para 3.5) are therefore sought to strengthen current requirements

Question 4. Modifications sought

[CTTC Forum text in: ***Black bold italic***]

Amend Policy 3.1 (at para 3.5) to:

3.5 The following key development requirements must be met.

Key Development Requirements:

- 500 Homes (within the plan period), 800+ overall.
- ***The Barracks must be treated as one entity and not split up into separate development plots***
- Provide attractive and convenient walking and cycling connections to the proposed HS2 station and to the tram.
- Provide a bus route through the site, ***including access to the site from Chetwynd Road, Chilwell. However, only buses should be given access to the site from this eastern gateway.***
- ***New access road is needed to the site from the north to fall in line with HS2 Growth Strategy***
- Retain and enhance Green Infrastructure corridors around the eastern and northern areas of the site ***including the creation of footpaths and cycle ways***
- Provide a new Primary School within close proximity to the open space at the east of the site.
- Link open space at the east of the site.
- ***Enhance the provision of sports facilities at the south east of the site***
- Retain existing large trees and grass verges and incorporate these into a boulevard approach to the street scene. ***All large trees on the Barracks will be subject to Tree Preservation orders once the site is released***
- Provide public access to the [Listed Memorial](#), ***the associated gardens and all heritage assets (still to be formally registered) on the site***
- Provide public space to the south of the memorial and retain/enhance the existing memorial garden.
- Provide ~~small~~ retail/service centre ***sufficient*** to meet local need along the main through route.
- Provision of small scale employment development.

Policy number	Page number	Policy text / Para number
3.2 Land in vicinity of the HS2 Station at Toton	81	3b.6 & 3b.7

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

Do you consider this paragraph or policy of the Local Plan to be:	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?

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

Your Comments:

Residents' comments:

"If residents only parking is introduced, it needs to be at zero cost to residents"

"Size of the depth of the "green corridor" to the south of the boundary and definitive information as to whether this corridor is STRICTLY for wildlife or inclusive of pedestrian access? Further, some categorical assurance as to who will be responsible for the ongoing maintenance of hedges and vegetation?"

"I work between Derby/Notts + London. HS2 + business development in Toton is greatly needed!"

1. Parking by HS2 station users must not overspill into neighbouring residential streets – as detailed in last bullet of para 3b.6. It is suggested that a 'residents only parking' system may be the solution to this issue. However, we need to ensure residents are not disadvantaged by any such scheme.
2. Viable green corridors on the site (especially the southern boundary) must be considered a mandatory requirement of any development proposals – as outlined in para 3b.7. This para needs to be strengthened to include a minimum width of the primary corridor to the southern boundary. The corridor to the northern boundary (south of Stapleford) is less important, given the likely creation of HS2 station access roads, so this can be treated as an 'informal greenspace' corridor.

Question 4. Modifications sought

[CTTC Forum text in: ***Black bold italic***]

Amend para 3b.6 to:**3b.6 Aspirations (*last bullet*):**

- Prevent overspill parking in existing residential areas when the station is operational. This may include Toton to become 'residents only parking' area to mitigate issues with Station/Tram traffic. ***Any such scheme needs to be implemented at zero cost to residents.***

Amend para 3b.7 to:**3b.7 Aspirations (*first bullet*):**

- Extensive multi-purpose interconnected Green Infrastructure routes to be provided to connect areas of growth and existing communities all of which should be of sufficient width and quality to provide attractive and usable links in the following locations:
 - Along the southern boundary of the location north of existing communities of Toton and Chilwell between Hobgoblin Wood in the east and Toton Fields Local Wildlife site in the west. **This will be a significant corridor in the area, and could incorporate both pedestrian and cycle access to HS2 station so needs to be 50 meters wide;**
 - Along the northern boundary of the location south of Stapleford. **This could comprise a narrow, graded tree and shrub roadside corridor to improve screening of the Innovation Village from the A52;**
 - Along the Erewash Canal ***and Erewash River (between Toton Washlands and Stapleford)*** to the west of the location (incorporating flood mitigation on the low lying Sidings part of the site);
 - Along the north/south corridor.....

Policy number	Page number	Policy text / Para number
17. Place-making, design and amenity	111	17.1 & 17.2

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

Do you consider this paragraph or policy of the Local Plan to be:	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?

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

Your Comments:

Residents' comments:

"Good broadband internet connections needed."

"Promote more walking/cycle ways (and fewer cars) in new developments"

1. Policy 17.1 would benefit by explicitly stating that provision of high speed broadband must be treated as a core utility in all new developments
2. Policy 17.2 would also be strengthened by a statement encouraging good design for walk ways and cycle ways to and through the site is included in the design and access statement

Question 4. Modifications sought

[CTTC Forum text in: ***Black bold italic***]

Amend Policies 17.1 & 17.2 to:

17.1 For all new development, permission will be granted for development which, where relevant:

...)

m) Enables convenient use by people with limited mobility, ***pedestrians & cyclists;*** and

n) Incorporates ecologically sensitive design, ***including high speed broadband services,*** with a high standard of planting and features for biodiversity; and

...)

17.2 Applicants for housing developments of 10 dwellings or more will be required to submit a design and access statement which includes an assessment of: ***a)*** the proposals against each of the 'Building for Life' criteria (see Appendix 5) ***and b) how the development promotes and encourages walking and cycling through the development.***

Policy number	Page number	Policy text / Para number
23. Proposals affecting designated and non-designated heritage assets	125	Para 23.1, 23.2, & 23.5

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

Do you consider this paragraph or policy of the Local Plan to be:	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?

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

Your Comments:

Resident's comment:

"Do not destroy NSFF building at Chilwell end of site. War memorial must be protected and given plenty of space. It means a lot to long term residents like me. 73yrs."

1. Chetwynd Barracks is due to be sold and redeveloped during the period of this Plan. The site has several valuable heritage assets – especially the memorial and associated garden area - to those who lost their lives during WW1, the shell factory explosion.
There are also other significant buildings – a WW1 Nurses Infirmary and the Officers Mess (part) - and there may be others. We need to ensure these assets are: a) formally identified and registered and; b) protected from any applications to develop the site in advance of any registration.
It is not clear who can apply to register these assets – does it need to be the site owner (MoD) or can the Forum apply?
2. There is a strong case to support the creation of a new Conservation Area within the Barracks site covering these buildings, memorial & gardens. The Forum will look to make such an application at the earliest possible time.

Question 4. Modifications sought

[CTTC Forum text in: ***Black bold italic***]

Amend para 23.1 to:

23.1 This policy applies to all heritage assets, including Listed Buildings, Conservation Areas, Scheduled Monuments ***and immediate associated areas (such as green spaces / gardens etc.)*** and non-designated assets of all kinds.

Amend para 23.2 to:

23.2 Heritage Statements should accompany all applications relating to heritage assets. ***Such a statement will be expected from an application to develop Chetwynd Barracks that will cover those heritage assets located on the site but which may not yet have been formally registered. On-site investigations of heritage assets (such as Hill Farm, on the Barracks), prior to any development starting, should be incorporated into statements. All statements*** ~~These~~ should clearly illustrate the nature of the proposals and their effect on the asset. They should refer to relevant sources of local information including [Conservation Area Appraisals](#), the 'Heritage Gateway', relevant literature and paintings, and the Heritage at Risk Register. Attention should be paid to the Borough's notable industrial heritage. Applications which are not directly related to heritage assets but could impact visually on their setting should include a proportionate Heritage Statement.

Amend para 23.5 to:

23.5 The Council will aim to produce Appraisals and Management Plans for all its Conservation Areas and will consider the merits of amendments to Conservation Area boundaries. It will also consider the production of a Local List of non-designated assets, criteria for their identification and/or an associated SPD. The Council will look to work pro-actively with established Civic Societies ***and Neighbourhood Forums*** to aid understanding of the local historic environment.

Policy number	Page number	Policy text / Para number
25. Culture, Tourism and Sport	152	Policy 1, 2 & para 25.1

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

Do you consider this paragraph or policy of the Local Plan to be:	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?

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

Your Comments:

Resident's comment:

"Provide astro turf facilities for all-year football"

1. There is a lack of all-weather artificial football pitches throughout the Borough but especially in the south. The Forum has opened discussions with the Notts FA to see how we might work together to develop pitches in the south of the Borough. It will help give a steer to developers if the Local Plan specifically referenced the need for more artificial pitches as well as turf pitches.
2. Chetwynd Barracks has a significant history and it should be recognised and used to enhance the tourism 'offering' in the Borough. By making specific reference to the site in this policy It will help to protect these heritage assets from future development.

Question 4. Modifications sought

[CTTC Forum text in: ***Black bold italic***]

Amend Policies 1 & 2 to:

Development proposals will be encouraged that;

1. Make specific provision for sports pitches, ***including artificial, all-weather '3G' pitches***, that are suitable for a wide age range of users, in particular children's sport.
2. Enhance the tourism offer in association with DH Lawrence, ***the legacy of Chetwynd Barracks (especially relating to the WWI shell factory and associated memorial)***, or the industrial/ pharmaceutical heritage of the Borough.

Amend para 25.1 to:

25.1 The adopted [Playing Pitch Strategy](#) identifies a deficiency in accessible and secured floodlit football turf ***and artificial, all-weather '3G'*** pitches to the Football Association accreditation standard within the Borough (mainly in the south)

Policy number	Page number	Policy text / Para number
26. Travel Plans	153	Para 26.1

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

Do you consider this paragraph or policy of the Local Plan to be:	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?

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

Your Comments:

Residents' comments:

"Traffic congestion now is bad. Stapleford lane is so congested could a relief road be put across the depot or around the back of it to ease the congestion on Stapleford Lane please"

"New feed Road into Depot from Bardills essential (with Tram/Bus/Cycle links?)"

"Promote more walking/cycle ways (and fewer cars) in new developments"

"Need regular bus route from Toton to Stapleford into the evenings"

1. The Forum will promote access to the HS2 Hub Station using walk ways, cycle ways and additional bus routes.

We would like to see a new, specific 'Justification' paragraph that states all Travel Plans must include a section on walk ways, cycle ways & and improved public transport (better bus routes; both frequency and extending services into the evenings)

2. Use section 106 money to improve pavements and cycle ways in local vicinity of developments. For instance, consider creating one-way streets in existing Toton streets bordering the HS2 station such as: Woodstock Road, Epsom Road etc. to allow space to create wider pavements & new cycle ways

Question 4. Modifications sought

[CTTC Forum text in: ***Black bold italic***]

Create new Justification para 26.2 to:

26.2 We expect Travel Plans to include specific sections detailing how developments will encourage more walking, cycling and public transport (bus routes both frequency and operating times) to / from and through the sites.

Policy number	Page number	Policy text / Para number
27. Local Green Space	155	Para 27.5

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

Do you consider this paragraph or policy of the Local Plan to be:	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?

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

Your Comments:

Residents' comments:

"Keep Hobgoblin wood"

"Keep trees on the west side of Barracks - from the quarry upwards"

1. The Forum intends to submit an application to designate Local Green Space during the development of its Neighbourhood Plan. It will be helpful for the Local Plan to acknowledge this intention so that developers are aware of the need to consult with the community & ensure they include a provision for Green Space in their plans.

Question 4. Modifications sought

[CTTC Forum text in: ***Black bold italic***]

Amend para 27.5 to:

27.5 Further areas of Local Green Space may be designated through forthcoming Neighbourhood Plans. ***We expect to receive an application to designate significant stretches of green infrastructure as Local Green Space within the Toton Strategic Growth Area and Chetwynd Barracks development sites.***

Policy number	Page number	Policy text / Para number
28. Green Infrastructure Assets	157	Policy 1.b & para 28.2

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

Do you consider this paragraph or policy of the Local Plan to be:	Yes	No
2.1 Legally compliant		
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2.3 Sound		X

Question 3. Why is the Local Plan unsound?

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

Your Comments:

Residents' comments:

"Provide astro turf facilities for all-year football"

"Re-route Erewash Country trail & public footpath down the eastern edge of the Barracks site"

"Size of the depth of the "green corridor" to the south of the boundary and definitive information as to whether this corridor is STRICTLY for wildlife or inclusive of pedestrian access? Further, some categorical assurance as to who will be responsible for the ongoing maintenance of hedges and vegetation?"

1. Playing Pitches need to specifically include the growing trend for artificial, all-weather '3G' pitches
2. We would like to see new footpaths & cycle ways creating in green corridors inc. a re-routing of the Erewash Valley trail through Chetwynd Barracks.
3. We believe green corridors need to be of a decent, specified width to be consider viable. Otherwise developers will seek to minimise the widths of these corridors for their own purposes. The Notts WT has done research for the Forum on what is considered viable widths of green corridors. In summary:
 - *"corridors should be preserved, enhanced and provided, [.....], as they permit certain species to thrive where they otherwise would not. Corridors should be as wide and continuous as possible"* (Dawson, 1994):
 - 50m buffers [are] recommended for developments in the Local Plans of both Wakefield & Darlington Councils to protect local wildlife sites and / or river corridors etc.
 - A 50m width allows corridors to function as a 'multi-purpose network', as defined in NECR 180, so that it includes attributes that are valuable to people, i.e. biodiversity alongside amenity, footpaths, cycle ways, sustainable drainage, microclimate improvement, heritage etc.
 - Quadrat Scotland 2002 (Appendix 1). For connectedness, to be defined as 'high' (on scale high, medium, low), the corridor needs to be at least 50m wide for more than 50% of the corridor

References

Dawson, D. 1994. Are Habitat Corridors Conduits for Animals and Plants in a Fragmented Landscape? A Review of the Scientific Evidence. [English Nature Research Reports](#)

Wakefield Consultation on spatial strategy: [Wakefield Council Spatial Policy Areas](#)

Darlington consultation on draft housing allocations: [Darlington Council Housing Allocations report](#)

[Natural England Commissioned Report](#) NECR180 (2015) Econets, landscape & people: Integrating

Quadrat Scotland (2002) The network of wildlife corridors and stepping stones of importance to the biodiversity of East Dunbartonshire. [Scottish Natural Heritage Commissioned Report](#)

Question 4. Modifications sought

[CTTC Forum text in: ***Black bold italic***]

Amend Policy 1b) to:

1. Development proposals which are likely to lead to increased use of any of the Green Infrastructure Assets listed below, as shown on the Policies Map, will be required to take reasonable opportunities to enhance the Green Infrastructure Asset(s). These Green Infrastructure Assets are:
 - a) Green Infrastructure Corridors (not shown on the Policies Map);
 - b) Playing Pitches, ***including artificial, all-weather '3G' Pitches;***
 - c) Informal.....

Amend para 28.2 to:

28.2 The corridors that are [.....]. The details of these opportunities for enhancement will depend on the characteristics of the corridors concerned. ***The Council believes corridors must be 50 metres wide to be considered beneficial and viable for wildlife.*** The corridors are detailed in section 6 of the GIS and are shown diagrammatically on the map on page 160 in this Plan. The corridors do not have fixed boundaries and the map on page 160 should not therefore be interpreted rigidly.

Amend para 28.5 to:

28.5 A potential continuation of the Nottingham Canal towpath [.....] should proposals for this emerge in the future. ***With the development of Chetwynd Barracks, the Council intends to exploit a new green corridor planned for the eastern side of the Barracks. It will re-route the Erewash Valley Trail down a new public footpath/cycleway through the corridor, and from there continue the Trail to the Attenborough Nature Centre.*** The Nature Reserves that are referred to in part 1f of the policy include Local Nature Reserves designated by the Council and Nature Reserves managed by Nottinghamshire County Council and Nottinghamshire Wildlife Trust.

Policy number	Page number	Policy text / Para number
32. Developer Contributions	171	Para 32.1

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

Do you consider this paragraph or policy of the Local Plan to be:	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?

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

Your Comments:

Residents' comments:

"Schools 3-18? What's the impact on existing LEA Primary schools?"

"If HS2 doesn't happen what funding is available to George Spencer to cover influx of children?"

1. Paragraph 32.1 would benefit by explicitly stating that Section 106 contributions are needed to increase capacity at all levels of education. Developers must acknowledge their obligations to increase provision at secondary schools as well as primary schools. This point is well made in the Infrastructure Delivery Plan (sections 4.51, 4.52, 4.55, pages 19, 20)
2. A new paragraph would be useful to explicitly state that all Section 106 contributions will be directed in the first instance to the Borough wards/town & parish councils affected by developments before other areas in the Borough are considered. This is because it cannot be right that other areas of the Borough benefit from developers' contributions before residents in the immediate vicinity are awarded suitable recompense for the changes to their environment.

Question 4. Modifications sought

[CTTC Forum text in: ***Black bold italic***]

Amend para 32.1 to:

32.1 This policy strikes the appropriate balance between ensuring the infrastructure requirements to make the development acceptable in planning terms are met, at the same time as not compromising the viability of developments. ***It is acknowledged that financial contributions are needed to increase provision of education capacity at secondary schools in key areas of the Borough***

New Justification para 32.2 to:

32.2 All Section 106 contributions will be directed in the first instance to the Borough wards/town & parish councils affected by developments before other areas in the Borough are considered

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	Yes
No, I do not wish to participate at the public examination	

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

- 1. The CTTC Forum would like the opportunity to explain in more detail the rationale for our suggested modifications to the Examiner. A specific concern relates to paragraph 28.2 and the need to explicitly commit to a specified width of green corridors necessary to assure viability of wildlife. However, we want the opportunity to explain our suggestions across all policies as appropriate.**

Details

Agent	
Please provide your client's name	
Your Details	
Title	
Name	
Organisation (If responding on behalf of an organisation)	Sport England
Address	
Telephone Number	
Email Address	
Would you like to be contacted regarding future planning policy consultations?	Yes
If you wish to comment on more than one issue you will need to submit a form for each representation.	

Policy relates to

Please specify what your comment relates to					
Policy number	Page number	Policy text/ Paragraph number	Policies Map	Sustainability Appraisal	Other (e.g. omission, evidence document etc.)

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

Question 2

Question 2: What is the issue with the Local Plan?	
Do you consider this paragraph or policy of the Local Plan to be:	
2.1 Legally compliant	Yes
2.2 Compliant with the duty to co-operate	Yes
2.3 Sound	No

Question 3

Question 3: Why is the Local Plan unsound? Please only answer this question if you answered 'No' to 2.3 above	
If you think this paragraph or policy of the Plan is not sound, is this because:	
It is not justified	Yes
It is not effective	No
It is not positively prepared	No
It is not consistent with national policy	Yes

Additional details

Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound or does not comply with the duty to co-operate. Alternatively, if you wish to support any of these aspects please provide details.

Consistency with National Policy

Thank you for consulting Sport England on Part 2 of the Local Plan. The Local Plan as proposed is consistent with National Policy due to having a robust and up to date evidence base in regard to its Playing Pitch Strategy and Built Facility Strategy. Please note that it is important to keep these strategies up to date so they can remain robust. However, this is questionable as this evidence base does not appear to be considered and implemented in line with NPPF paragraph 74.

Justification of the Plan - Policy Specific Considerations

In relation to the locations identified in policies 3.1- 3.3, 3.5 & 6.1 for potential major growth, when decisions are made about these locations when they were brought forwards and their potential dwelling capacity. As the plan stands it is currently lacking justification or relevant consideration to whether any of the sites contain existing sports facilities such as playing fields which justify protection under policies 25, 27 and 28 of the plan and paragraph 74 of the NPPF.

Policy 3.1 – Site Allocation of Chetwynd Barracks – There is no mention of playing fields on site within the description. This site Contains 3 x full size football pitches, tennis courts, cricket wickets, bowls provision and a sports hall. The site is highlighted within the Playing Pitch Strategy as a football site. This site currently provides training capacity for Toton Tigers and the Playing Pitch Strategy highlights the need to convert the tennis courts to an Artificial Grass Pitch.

Policy 3.2 – Site Allocation of Toton Lane – The allocation includes a school site and playing pitches within the area. The development is marked for additional land for community facilities including education (the relocation of George Spencer Academy which is Mentioned in the playing pitch strategy as a football and cricket site) and the provision of a Leisure Centre. The proposals also include an allocation for 500homes.

Policy 3.3 - Site Allocation of Bramcote (East of Coventry Lane) – This site is referred to as being greenfield and as a former playing field associated with the adjacent school. The policy states that the site is currently unused. However, the most recent aerial view is from 2013 and shows marked pitches and is listed within the 2016 Playing Pitch Strategy. The site contains 7 x football pitches 3x mini football pitches and 3 cricket wickets. Playing Pitch Strategy states that site is needed and suggests proposals for cricket nets, Artificial Grass Pitch and a sports barn. Playing Pitch Strategy confirms that should the site be lost then equivalent or better provision is required as mitigation. The Site Allocation of Bramcote School and Leisure Centre is also included within this policy for redevelopment. The site includes 3 schools and borders existing playing fields the site contains a small sided Artificial Grass Pitch which is currently used by football, multiple courts and a sports hall which is also used by a local football club. Therefore, it will need to be insured that any development does not prejudice the use of these facilities.

Policy 3.5 - Site Allocation of Severn Trent – This site borders playing pitches therefore any development needs to ensure that there are no negative impacts to these pitches. The Playing Pitch Strategy also refers to the Nottingham casuals site which is stated as being overplayed and needing investment of £340,000 for changing room improvements and floodlighting.

Policy 6.1 – Walker street Eastwood – There is no mention of playing fields on site within the description. However, Google image from 2016 shows a cricket wicket and Google history shows site with 3 football pitches and a rounders pitch. This site does not appear to be covered by the Playing Pitch Strategy where there is a shown deficiency and no justification for pitches to be lost. The pitches should be protected from development.

Map 3 - this map includes the site allocation of Trent Vale sports club within the mixed-use commitments however the plan gives no further information on this allocation. Details of the allocation should be provided to ensure the facilities are retained as playing fields and upgraded to sufficient standards as detailed within the Playing Pitch Strategy.

Where these sites contain pitches and the evidence base highlights a deficiency in provision there is a conflict within the policies. Therefore, the extent of development in these locations should account for the need to maintain such facilities and site policies

	<p>should require the facilities to be protected or replaced. The loss of the playing fields without an agreed compensatory project being implemented would not accord with Sport England's playing fields policy or paragraph 74 of the NPPF.</p> <p>Policies 17 & 24 - Sport England supports the idea of health impact to be a design consideration for new communities and would encourage the inclusion of a design policy which encourages developments to be designed to promote active lifestyles through sport and physical activity (through use of Sport England's and Public Health England's established Active Design guidance (http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/))</p> <p>Policy 25 – Sport England seeks to ensure that a planned approach to the provision of facilities and opportunities for sport and recreation is taken by planning authorities. We are pleased that it is the council's intention to ensure policies provide adequate sport and recreation facilities as part of new developments. However, the level of provision should be determined locally and should be informed by the Playing Pitch Strategy and Green Infrastructure Strategy.</p> <p>Policy 27 - Sport England is encouraged that the emerging local plan looks to include policies to protect existing sport/leisure facilities where there is a need to do so to meet existing/future community needs which accord with paragraph 74 of the NPPF - policies that support the principle of enhancing existing sports/leisure facilities to meet community needs. However, it is thought that the plan should also include policies and to provide new sports/leisure facilities that are required to meet identified needs e.g. site allocations for new playing fields, requirements in major housing and mixed-use developments for sport/leisure provision, sports hubs allocations etc</p> <p>Policy 28 – Sport England welcomes the inclusion of policies which ensure adequate provision for new development (especially residential) to provide for the additional sport/leisure facility needs that they generate through CIL and/or planning obligations.</p> <p>If you would like any further information or advice please contact me.</p>
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Question 4

Question 4: Modifications sought	
Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound. You will need to say why this modification will make the Local Plan legally compliant or sound.	.

Question 5

Question 5: Public Examination Attendance	
If your representation is seeking a modification, do you consider it necessary to participate at the public examination?	No
If you wish to participate at the public examination, please outline why you consider this to be necessary	



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

SENT BY E-MAIL AND POST

3rd November 2017

Dear Sir / Madam

BROXTOWE LOCAL PLAN PART 2 PRE SUBMISSION CONSULTATION

Introduction

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

The scope of the Broxtowe Local Plan Part 2

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

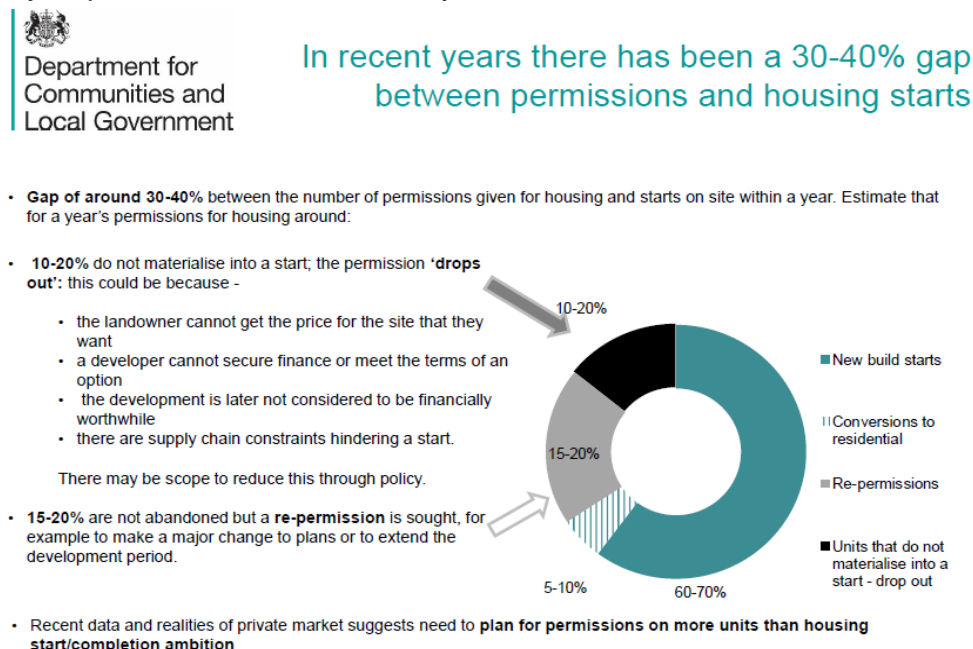
Site Allocation Policies

Overall Housing Land Supply (HLS)

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

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

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



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

5 Year Housing Land Supply (YHLS)

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

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

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

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

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

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

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

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

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

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

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

Development Management Policies

Policy 15 : House size, mix and choice

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

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

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

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

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

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

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

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

Policy 17 : Place-making, design & amenity

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

Policy 20 : Air quality

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

Policy 26 : Travel Plans

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

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

Policy 27 : Local Green Space

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

Policy 32 : Developer Contributions

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

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

Conclusion

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

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

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

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

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

Yours faithfully

[Redacted Signature Block]

Details

Agent	
Please provide your client's name	
Your Details	
Title	
Name	
Organisation (If responding on behalf of an organisation)	Active Notts (previously Sport Nottinghamshire)
Address	
Telephone Number	
Email Address	
Would you like to be contacted regarding future planning policy consultations?	Yes
If you wish to comment on more than one issue you will need to submit a form for each representation.	

Policy relates to

Please specify what your comment relates to					
Policy number	Page number	Policy text/ Paragraph number	Policies Map	Sustainability Appraisal	Other (e.g. omission, evidence document etc.)
17: Place-making, design and amenity	pg 111 & 154				There is an omission in the content detailed in the following sections: Policy 17 and or 27 – Local Green Space should be inclusive of the Ten principles identified in Sport England's Active Design Guide, the TCPA Guidance on Healthy Living Environments.

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

Question 2

Question 2: What is the issue with the Local Plan?	
Do you consider this paragraph or policy of the Local Plan to be:	
2.1 Legally compliant	Yes
2.2 Compliant with the duty to co-operate	No
2.3 Sound	No

Question 3

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	No
It is not effective	No
It is not positively prepared	No
It is not consistent with national policy	Yes

Additional details

<p>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.</p>	<p>Policy 17 Place-making, design and amenity & Policy 27 Local Green Space</p> <p>The content currently captured in Policy 17 and 27, should be inclusive of the Ten principles identified in Sport England's Active Design Guide https://www.sportengland.org/media/3964/spe003-active-design-published-october-2015-high-quality-for-web-2.pdf , the TCPA Guidance on Healthy Living Environments https://www.tcpa.org.uk/healthy-environments . This would consider the wider use of these environments for Activity for All, Walkable Communities and Connected Walking and Cycling Routes which would support the following priorities identified in the document outline:</p> <p>The SCS Priorities;</p> <ul style="list-style-type: none"> - Health Living - The environment <p>The Core Strategy Spatial Objectives:</p> <ul style="list-style-type: none"> - iv "the provision of innovative and efficient shopping, leisure, tourism" - viii "improving access to culture, sport and leisure"
---	--

Question 4

Question 4: Modifications sought	
<p>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.</p>	<p>Policy 17 and/or 27 –</p> <p>Development Proposals "for developments to be inclusive of the Ten principles identified in Sport England's Active Design Guide, the TCPA Guidance on Healthy Living Environments"</p> <p>Justification – Nottinghamshire Health & Spatial Planning Policy and the two outlined above</p> <p>Monitoring – would need to be identified locally</p>

Question 5

Question 5: Public Examination Attendance	
<p>If your representation is seeking a modification, do you consider it necessary to participate at the public examination?</p>	No
<p>If you wish to participate at the public examination, please outline why you consider this to be necessary</p>	

Planning Policy
Broxtowe Borough Council
Council Offices
Foster Ave
Beeston
Notts NG9 1AB

3rd November 2017

Dear Sir/ Madam

Comments on Publication Version Part 2 Broxtowe Local Plan

Thank you for the opportunity to comment on the Broxtowe Local Plan Part 2 (publication version).

Whilst recognising the need for housing provision and economic investment in Broxtowe, we have significant concerns about whether the scale of growth proposed during the plan period is necessary or sustainable.

We do not currently have resources to submit each comment on a separate form but to help with your collation of responses our comments are broadly set out by policy number, as requested on the response form (question 1). Where appropriate, we have also indicated if we query the 'soundness' of the plan, as per question 2 and 3. After putting forward our comments we have submitted suggested modifications, as per question 4 of the response form.

Our comments on individual policies are set out below:

Policy 3 Main built up area site allocations

For the reasons provided at 3.1 and 3.2 we generally support the Spatial Strategy approach. We do, however, have substantive concerns about the scale of some of the allocations. We do understand that allocation sites would not necessarily be built up in their entirety and land within the allocation boundary would potentially be set aside for Green Infrastructure (GI) provision and related requirements. However, we think that seeing sites with large red-line boundaries might be potentially confusing and of concern to many of the other consultees - certain local community groups and individuals have contacted us about their concerns about potential loss of greenfield and wildlife sites.

Policy: 3.1 Chetwynd Barracks: 500 homes (within the plan period)

If this site is to be allocated, we very much support the 'key development requirement' to "*Retain and enhance Green Infrastructure corridors around the eastern and northern areas of the site*".

Some parts of the site have developed significant habitat value. These include Hobgoblin Wood and the adjacent Chilwell Ordnance Depot Local Wildlife Site (LWS) which is located outside the redline boundary. Both areas should be protected during construction phase and be retained within GI with their management secured and paid for in perpetuity by the developer. Focusing new built development on the previously developed parts of the site whilst converting and reusing existing buildings, roads and infrastructure wherever possible would allow for a more sustainable form of development to be achieved.



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Modification sought

Include a clear statement confirming that Hobgoblin Wood, other woodland area, mature trees and grasslands will be retained and their long-term management will be secured in perpetuity.

Policy: 3.2 Toton (Strategic Location for Growth): 500 Homes

Toton sidings is at the very centre of the Erewash Valley Living Landscape area, where many partners including Broxtowe Borough Council are investing in extending and improving habitats and GI to achieve Broxtowe Borough Council's Biodiversity and GI targets.

We therefore **object** to this site as a strategic location for growth. Not only would it lead to the loss of a substantial area of Green Belt, resulting in the merging of Chilwell and Stapleford, it would cause a well-defined wildlife corridor between the Erewash Valley and Wollaton Park (via Bramcote Village and Beeston Fields golf course) to be lost. This corridor is identified as primary corridor 1.2 and secondary corridors 2.12 and 2.23 in the Broxtowe Green Infrastructure Strategy and the land between the two secondary corridors will also, in effect, function as a single wide corridor.

We cannot see how transport issues can be addressed in a location already suffering from severe congestion and where other large-scale developments are planned for the current plan period, i.e. 500 homes in connection with the Chetwynd Barracks redevelopment.

We need to point out that part of this land, especially the northern and eastern part of the sidings, are within floodplain and are at high risk of flooding. Therefore, there should be a presumption against development of these parts of the site. Also, if substantive measures are not put in place (e.g. flood storage), development of such a large parcel of land could increase risk of both fluvial and surface water flooding in adjacent areas, especially within Toton and parts of Long Eaton.

Whilst we don't support the principle of development on Green Belt and the scale of the proposed development, we welcome inclusion of open space: *"Minimum of 16ha Open Space, to incorporate Green Infrastructure of sufficient width and quality to provide attractive and usable links between Hobgoblin Wood in the east and Toton Fields Local Wildlife Site in the west and the Erewash Canal, which will blend with a high quality built environment."*

However, we would expect to see the quantity of 'informal' open space (wildlife habitat) specified in the policy wording. In the absence of this, we are concerned that:

- a). the 16ha minimum could be taken up with 'formal' open spaces, such as sports pitches, play areas etc,
- b). the open spaces would be sited in areas subject to high levels of disturbance, such as along paths, road verges etc, which will never develop high wildlife value,
- c). areas of open spaces will be too narrow to usefully function as wildlife habitat (our comments on policy 27 and our recommendation for 50 metre wide buffer are relevant to this).

We are also concerned about the loss of such a large extent of brownfield land in the sidings, which has regenerated to woodland. New open space wildlife sites cannot be recreated easily and will take many years to develop a level of wildlife value equivalent to what will be lost from the sidings, if achievable at all.

Modification sought

Removal of the allocation. If Broxtowe Borough Council is minded to allocate then all LWS habitat should be removed from the allocation, as it might never be possible to recreate habitats of the same value. Clarification that the 16ha minimum will comprise a significant amount of informal open space (wildlife habitat), including a 50m wide habitat corridor.

Policy: 3.3 Bramcote (East of Coventry Lane): 300 Homes

If the entire site is to be developed, this allocation would result in the loss of a LWS – Bramcote Moor Grassland, which we would strongly **object** to.

LWSs are defined areas identified and selected locally for their substantive nature conservation value. Their selection takes into account the most important, distinctive and threatened species and habitats within the county. They therefore comprise many of our best remaining flower-rich meadows, ancient woodlands, ponds, swamps, fens and mires and provide a home to many of our native plant and animal species, including many rare, declining or protected species. These sites can be of SSSI quality or can be even more important than SSSIs for wildlife. We therefore consider protection of this network of sites to be of the utmost importance.

Should the LWS be lost, we would consider the policy unsound as it is not consistent with local (Policy 17 of ACS) and national policy (NPPF para 118).

Modification sought

Inclusion of a sentence stating that the LWS will not be developed or removal of LWS from the allocation boundary. If the LWS would be retained, it would also need to be adequately buffered and work would be required to make the site more robust, as it will be subject to greater footfall post any development. Future management of the LWS should also be secured.

Policy: 3.4 Stapleford (West of Coventry Lane): 240 Homes

The 'key development requirements' include *"provide enhanced Green Infrastructure corridors linking urban areas of Nottingham to the east with Bramcote and Stapleford Hills, Bramcote Park, Boundary Brook, Pit Lane Wildlife Site, Nottingham Canal and Erewash Valley Trail"*.

Whilst we **object** to this allocation because we consider it is encroaching significantly into the surrounding countryside and that local needs have been met by the adjacent Fields Farm site, achievement of a strong corridor is very important. We also agree with the last point of the 'key development requirements', that the cemetery and Stapleford Hills should be adequately buffered, forming a strong and robust habitat corridor linking to Bramcote Moor Grassland LWS.

Modification sought

Removal of allocation. Clarification as to the extent of the corridor, so the site isn't over developed. The adjacent Field Farm Development is mentioned in the location description but we think this policy needs to offer some guidance in terms of how GI linkages will be provided between the two sites.



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Policy: 3.5 Severn Trent (Lilac Grove): 150 Homes

The 'key development requirements' states that the 150 homes will be located towards the north of the site, which appears to be on the former Severn Trent works, and that access will only be from the north (Lilac Grove).

We are hopeful this means the land at the end of Cornwall Avenue will remain undeveloped. It also talks about 'soft landscaping' along the canal and the importance of "Green Infrastructure" corridors. The field at the end of Cornwall Avenue is an important buffer to the Beeston Canal, which itself is a Local Wildlife Site and this should form part of the "Green Infrastructure" and remain undeveloped and long-term management of GI needs to be secured.

Modification sought

Clarification of the extent of GI, confirmation that fields along the Beeston Canal will not be developed and that long-term management of GI will be secured.

Policy: 3.6 Beeston Maltings: 56 Homes

Transport corridors can provide essential wildlife habitat. For instance our sister Wildlife Trust in Yorkshire is promoting a project to maximise their value, which is supported by the Humberhead Levels Nature Improvement Area. Given the apparent lack of buffer on the south of the railway line, we would strongly recommend some form of green link be provided along the southern development boundary.

Modification sought

Provision of green infrastructure link along the railway line under the 'key development requirements'.

Policy: 3.7 Beeston Cement Depot: 21 Homes

Transport corridors can provide essential wildlife habitat. For instance our sister Wildlife Trust in Yorkshire is promoting a project to maximise their value. We would strongly recommend some form of green link be provided along the southern development boundary.

Modification sought

Provision of green infrastructure link along the railway line under the 'key development requirements'.

Policy 4 Awsworth Site Allocation

A substantial population of common toad (Local Biodiversity Action Plan Priority species and NERC Act species of principal importance in England) was known to be present in the vicinity of the allocated site. We are aware that toad tunnels, which we understand have not been maintained, were installed underneath the Awsworth Bypass, to allow toads to migrate between breeding habitat (Nottingham Canal) and fields on the opposite side of the new bypass. Potentially, the fields subject to this allocation still provide terrestrial habitat for common toad, should they still occur. We would recommend surveys for common toad and other wildlife, possible reinstatement of toad tunnels (if required). Due to it's greenfield nature and strong hedgerow network, we think the land could provide habitat for many other species.

Common Toad is considered a biodiversity asset under policy 31, as they are a species of concern in the Notts Biodiversity Action Plan.

Should this species be subject to further adverse impacts, we would consider the policy unsound as it is not consistent with local (Policy 17 of ACS) and national policy (NPPF para 118).

Modification sought

We would wish to see removal of this allocation. If the allocation is to remain, provision of substantial green infrastructure, incorporation of existing hedges and retention of some meadows (quantity defined) and protection of common toads, should they still occur.

Policy 5 Brinsley Site Allocation

We would have preferred to have seen the alternative site included (option 2) rather than this one (option 1) for the reasons provided in our response to the Brinsley Alternative Site Consultation February 2017:

“Option 1 is located immediately adjacent to Brinsley Headstocks Local Nature Reserve and associated Local Wildlife Sites, Brinsley Brook Grassland LWS (5/2302) and Brinsley Headstocks LWS (5/3405), which are identified for their botanical interest. The wildlife value of Brinsley Headstocks, which has been well recorded, may be harmed by any substantial increases in recreational use, which would be inevitable if Option 1 is taken forward.

The LNR and adjacent land is considered locally by members of the Friends Group and others who carry out regular birdwatching locally, as being more valuable for birds. This is certainly likely because the LNR itself supports more structural diversity in its habitats, with areas of woodland, plantation, hedges alongside meadows and the Brinsley Brook. These features are largely lacking from land within Option 2, which is predominantly arable. The LNR currently has good, strong habitat connectivity along the brook and to Saints Coppice to the north, which could be adversely affected by built development if Option 1 is taken forward.

Option 1 contains areas of permanent grassland whereas the majority of land within option 2 is mainly arable, which contains no known botanical interest is less valuable in wildlife terms, apart from hedges which we would like to see sensitively retained within any development”.

Local residents have reported that the fields in the vicinity of the Brinsley allocation included in the current consultation support a number of wintering farmland bird species. We are also concerned about possible hydrological impacts on the Brinsley Brook. As this allocation is within the catchment for the watercourse there is the potential for adverse impacts on the ecology of the brook due to increased runoff rates, contamination (directly or indirectly, via any new drains) etc.

Modification sought

Replace this site allocation with ‘option 2’.

Policy 6 Eastwood Site Allocation

Walker Street Eastwood is an important Green Space in the centre of Eastwood. Whilst we welcome retention of ‘Canyons’ as open space, we would wish to see Green Infrastructure/ habitat corridors enhanced throughout the site.

Modification sought

Include a commitment to provide GI links across the wider site.



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Policy 7.1 Land south of Kimberley Depot

We find proposals to develop the exiting built up part of the site acceptable but are concerned about the impact on wildlife arising from loss of surrounding farmland and plantation woodland. Kimberley Disused Railway, on the southern boundary, is a LWS and important wildlife corridors, which should be adequately buffered from any development.

Modification sought

If this allocation is to remain, we would like to see a statement about extent of developable area, ideally limiting it to the existing built up part of the site. It is important that the allocation is sensitive to, and secures future positive management of the LWS.

Policy 7.2 Land south of Eastwood Road Kimberley

We consider this is an important area of remnant fields on the edge of urban area which, when considered with the adjacent woodland, is an important wildlife corridor. We would be concerned about inclusion of the site as an allocation.

Modification sought

Site to be excluded.

Policy 17 Place-making, Design and Amenity

We **support** the inclusion of 1(n – p):

*“n). Incorporates ecologically sensitive design, with a high standard of planting and features for biodiversity; and
o). Uses native species of trees, shrubs and wild-flower seeds in landscaping proposals; and
p). Integrates bat and/or bird boxes into the fabric of new buildings”.*

Modification sought

Under n) adding reference to following:

- green walls,
- brown and green roofs,
- ecologically designed / focused suds schemes,
- features to assist permeability for wildlife through the built environment (e.g. gaps under fences for hedgehogs).

Under p) adding a reference to insect houses.

The policy should raise future responsibilities and funding mechanisms for management of habitats / informal open spaces. The developer should cover the costs for management of habitats in perpetuity, so that it does not fall to Broxtowe Borough Council to pay for this.

Policy 19 Pollution, Hazardous Substances and Ground Conditions

Sub section 1b). *“Lighting schemes unless they are designed to use the minimum amount of lighting necessary to achieve their purposes and to minimise any adverse effects beyond the site, including effects on the amenity of local residents, the darkness of the local area and nature conservation (especially bats and invertebrates)”.*

We **support** inclusion of point in relation to darkness and nature conservation.

Policy 27 Local Green Space

We strongly **support** this policy and welcome inclusion of the sites listed. Protection of the sites around Bramcote Hills Park and wood, Stapleford Wood and the Bramcote Schools (section 3 relating to land east and west of Coventry Lane) is welcome, as these are very important wildlife sites with historic / cultural interest.

In terms of policy wording, we are concerned about inclusion of 'exceptional circumstances' clause, as this will undermine the policy protection.

Paragraph 28.2 states, "*The greatest opportunities for enhancing the corridors will come through development, and the Council intends to work with developers to create and maintain new spaces and to improve connectivity. The details of these opportunities for enhancement will depend on the characteristics of the corridors concerned*".

Development certainly creates opportunities for enhancing corridors but we would question whether it creates the 'greatest opportunities'. Many of the corridors are in the rural landscape, not through areas allocated for potential development and significant opportunities exist through working with existing landowners and farmers, in relation to improving existing Rights of Way or strengthening important landscape features and wildlife habitats, such as hedgerows, woodlands and field margins.

Green infrastructure corridors need to be of a reasonable, specified width to be viable; otherwise they will fail to function in ecological terms. Without specified widths there is the danger the corridors will be narrow as developers will naturally seek to maximise the size of the new built development. We have carried out some research on what is considered viable widths of green corridors. In summary:

- "Corridors should be preserved, enhanced and provided, [.....], as they permit certain species to thrive where they otherwise would not. Corridors should be as wide and continuous as possible" (Dawson, 1994).
- 50m buffers [are] recommended for developments in the Local Plans of both Wakefield & Darlington Councils to protect local wildlife sites and / or river corridors.
- A 50m width allows corridors to function as a 'multi-purpose network', as defined in NECR 180, so that it includes attributes that are valuable to people, i.e. biodiversity alongside amenity, footpaths, cycleways, sustainable drainage, microclimate improvement, heritage [etc.]
- Quadrat Scotland 2002 (Appendix 1). For connectedness, to be defined as 'high' (on scale high, medium, low), the corridor needs to be at least 50m wide for more than 50% of the corridor

References

- Dawson, D. 1994. Are Habitat Corridors Conduits for Animals and Plants in a Fragmented Landscape? A Review of the Scientific Evidence. English Nature Research Reports
- Wakefield Consultation on spatial strategy: Wakefield Council Spatial Policy Areas
- Darlington consultation on draft housing allocations: Darlington Council Housing Allocations report
- Natural England Commissioned Report NECR180 (2015). Econets, landscape & people: Integrating people's values and cultural ecosystem services.



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- Quadrat Scotland (2002) The network of wildlife corridors and stepping stones of importance to the biodiversity of East Dunbartonshire. Scottish Natural Heritage Commissioned Report

Modification sought

Removal of “*except in very special circumstances*” from the final sentence of the policy wording.

State that development provides opportunities for enhancing corridors, but remove (development) ‘provides *the greatest*’.

State that corridors must be at least 50 metres wide to be considered beneficial and viable for wildlife.

Policy 28 Green Infrastructure Assets

We strongly **support** this policy and welcome that “*Development proposals which are likely to lead to increased use of any of the Green Infrastructure Assets listed below, as shown on the Policies Map, will be required to take reasonable opportunities to enhance the Green Infrastructure Asset(s)*”.

Policy 29: Cemetery extensions

We **support** this policy and welcome that the potential biodiversity value of new proposed cemeteries has been recognised in the supporting text.

Policy 31: Biodiversity Assets

In terms of defining biodiversity assets, 1b “*Priority habitats and priority species (as identified in the Nottinghamshire Local Biodiversity Action Plan and section 4.5 of the Green Infrastructure Strategy)*”, whilst we welcome inclusion of the reference to Nottinghamshire LBAP, we consider that the definition of biodiversity assets is missing the following:

1. Any reference to UK priority species and habitats (formerly called UK BAP priority species and habitats). Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 identifies these and they may be found both within or outside designated sites. Priority species correspond to those identified under Section 41 of the NERC Act as species of principal importance for the conservation of biodiversity in England and have to be considered under planning policy.

2. Any reference to protected species. This is different from priority species list (although some priority species may also be protected).

Due to lack of reference to S41 species and habitat NERC Act and Biodiversity Duty, Legally protected species we consider the policy is not sound as it is not consistent with local (Policy 17 of ACS) and national policy (Biodiversity paras).

Modification sought

Inclusion of a reference to NERC Act (species and habitats of principal importance) and legally protected species.

We also consider there is a requirement for a Biodiversity SPD to help protect Broxtowe’s important nature sites, habitat and species and would like to see a commitment to produce one made in the LPP2 main document. A Biodiversity SPD would also help the council to secure its aspirations set out in the Green Infrastructure Strategy and Nature Conservation Strategy.

Policy 32: Developer Contributions

We welcome that financial contributions may be sought for biodiversity for applications of 10 or more houses and therefore **support** the policy in this respect.

In terms of question 5 on the response form (participation at public inquiry), if we have resources available at the time of the hearings, we would be happy to attend public examination sessions. In any case, we are happy to be contacted by the Planning Policy Team regarding future consultations and would welcome email correspondence in connection with this and future consultations.

Please do not hesitate to contact me should you have any further queries.

Yours sincerely

[Redacted]
[Redacted]
Nottinghamshire Wildlife Trust



**Nottinghamshire
Wildlife Trust**

[Redacted]
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Broxtowe Part 2 Local Plan



Broxtowe
Borough
COUNCIL

Agent



Please provide your client's name

The British Land Company Plc

Your Details

Title	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> :
Name	<input type="text"/>
Organisation (if responding on behalf of the organisation)	WYG
Address	<input type="text"/>
Postcode	<input type="text"/>
Tel. Number	<input type="text"/>
E-mail address	<input type="text"/>

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

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

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

Please tick here



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

For more information including an **online response** form please visit:

www.broxtowe.gov.uk/part2localplan

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

Please return completed forms to:

Planning Policy, Legal and Planning Services, Foster Avenue, Beeston, Nottingham NG9 1AB

For more information: Tel: 0115 917 3452, 3448, 3468 or 3015 E-mail: policy@broxtowe.gov.uk

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

Document	Policy number	Page number	Policy text/ Paragraph number
Part 2 Local Plan	Policy 1: Flood Risk		
	Policy 2: Site Allocations		
	Policy 3: Main Built up Area Site Allocations		
	Policy 4: Awsworth Site Allocation		
	Policy 5: Brinsley Site Allocation		
	Policy 6: Eastwood Site Allocation		
	Policy 7: Kimberley Site Allocations		
	Policy 8: Development in the Green Belt		
	Policy 9: Retention of good quality existing employment sites		
	Policy 10: Town Centre and District Centre Uses		
	Policy 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		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	✓
It is not effective	
It is not positively prepared	
It is not consistent with national policy	

Your comments

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

Policy 17 (design)

BL object to Policy 17 Part 1 on the basis that it is unduly prescriptive and it is considered that the Greater Nottingham Joint Aligned Core Strategy Part 1 Local Plan Policy 10 provides a sufficient policy framework for the consideration of design-related matters. Notwithstanding that reference is made to the provision of further design guidance in the Part 2 Local Plan, it is not considered necessary to convolute the Part 2 Local Plan with such an unnecessary level of prescriptive detail.

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.

Question 4 Modifications Sought

Policy 17 (Place-making, design and amenity)

~~"1. Comply with the principles of good design and other policies of this plan : For all new development, permission will be granted for development which, where relevant:~~

- ~~a) Integrates into its surroundings; and~~
- ~~b) Provides, or is close to, community facilities; and~~
- ~~c) Has good access to public transport; and~~
- ~~d) Creates a place with a locally-inspired or otherwise distinctive character; and~~
- ~~e) Takes advantage of existing topography, buildings and landscape features; and~~
- ~~f) Creates well-defined streets and spaces; and~~
- ~~g) Makes it easy to find your way around; and~~
- ~~h) Encourages low vehicle speeds; and~~
- ~~i) Provides sufficient, well-integrated, parking; and~~
- ~~j) Provides attractive, clearly-defined and safe private and public spaces; and~~
- ~~k) Provides adequate external storage and amenity space; and~~
- ~~l) Ensures a satisfactory degree of amenity for occupiers of the new development and neighbouring properties; and~~
- ~~m) Enables convenient use by people with limited mobility; and~~
- ~~n) Incorporates ecologically sensitive design, with a high standard of planting and features for biodiversity; and~~
- ~~o) Uses native species of trees, shrubs and wild-flower seeds in landscaping proposals; and~~
- ~~p) Integrates bat and/or bird boxes into the fabric of new buildings; and~~
- ~~q) Ensures that the development would not prejudice the satisfactory development of a larger area.~~

~~2. Applicants for housing developments of 10 dwellings or more will be required to submit a design and access statement which includes an assessment of the proposals against each of the 'Building for Life' criteria (see Appendix 5).~~

~~3. In the case of major development on sites released from the Green Belt as part of this Local Plan, or the Aligned Core Strategy, or for any site within the Green Belt comprising 10 or more dwellings the development will be required to score 9 or more 'greens' in the Building For Life 12 or equivalent.~~

~~4. In the case of householder development (including extensions, outbuildings and boundary treatments):~~

- ~~a) All such development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene;~~
- ~~b) Two-storey side extensions should avoid a terraced or cramped effect;~~
- ~~c) Dormers should not dominate the roof;~~
- ~~d) Any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties;~~
- ~~e) Fences and walls should not cause risk to pedestrians or road users"~~

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 Borough Council

Part 2 Local Plan (Publication Version)
Written Representations

On behalf of J McCann & Co (Nottingham) Ltd

November 2017

Quality Control

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1 Introduction and Executive Summary

- 1.1 This statement of written representations is prepared by Planning and Design Group (UK) Ltd and made on behalf of our client J McCann & Co (Nottingham) Limited in response to Broxtowe Borough Council's consultation on the emerging Part 2 Local Plan (Publication Version).
- 1.2 We welcome the opportunity to respond to this stage of consultation on the Local Plan and recognise the critical importance of establishing an appropriate, legally compliant and sound policy framework for Broxtowe at this point of Local Plan process. As such our comments are structured around relevant policy areas and focus on the soundness and legal compliance of the emerging Local Plan document.
- 1.3 These representations have direct regard to land proposed for allocation to the west of Coventry Lane for up to 240 dwellings through Policy 3.4 Stapleford (west of Coventry Lane) of the emerging Part 2 Local Plan.
- 1.4 We make these representations in the context of seeking to work with the Council both now and in the future to ensure that an effective and deliverable plan for Broxtowe is achieved.
- 1.5 In summary, we find a large number of the proposed modifications sound and warrant our support. Notwithstanding some concern about the wider trajectory of housing land supply, we fully support and welcome the allocation of land to west of Coventry Lane as a sustainable housing site. This allocation will provide enhanced land owner and developer assurance moving forward to deliver the site and in turn boost the housing supply in Stapleford and Broxtowe. This is in the interest of producing a sound and effective Local Plan which delivers on the Spatial Strategy of the adopted 2014 Aligned Core Strategy.
- 1.6 We do hold concern over certain areas of policy wording which relate particularly to the delivery and implementation of housing development. However, we consider that these concerns can be addressed by amends and additions to assure their justification and overall soundness.

2 Policy 2: Site Allocations

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

3 Policy 3.4: Main Built up Area Site Allocations, Stapleford (west of Coventry Lane)

- 3.1 The defined Main Built-up Area (MBA), which includes Stapleford and adjoins Nottingham, is designated as a very sustainable location for housing growth in the spatial hierarchy of the Aligned Core Strategy. Therefore, the MBA as a whole is allocated a distributed target to deliver 3,800 dwellings as a part of Broxtowe's overall identified housing need. The prompt delivery of these dwellings will be critical in addressing the overall need for housing in Broxtowe.
- 3.2 The need for all forms of new housing across the country is well documented and is supported in the 2012 National Planning Policy Framework ('NPPF'). It indicates that providing the housing supply to meet the needs of current and future generations is a key aspect of sustainable development and the plan making process.
- 3.3 In light of this housing need across Broxtowe and the MBA the allocation of land to the west of Coventry Land through Policy 3.4 is considered **sound** as the site will effectively and positively contribute to the delivery of new homes.
- 3.4 We welcome the allocation and identification of the site as a sustainable allocation for the delivery of up to 240 dwellings. The site is positively identified for its ability to provide enhanced Green Infrastructure corridors, improve pedestrian and traffic flows alongside providing a tranquillity buffer between Stapleford Hill and the crematorium.
- 3.5 Policy 3.4 also states that '*this allocation has significant housing and health objective benefits with only a very minor green objective disbenefit*'. Furthermore, the Site Selection Document Main Report (2017) in support of the emerging Part 2 Local Plan identifies that the site as '*one of the most sustainable sites to be allocated when compared to reasonable alternatives*' and notes the sites excellent performance in in the Sustainability Assessment exercise.
- 3.6 We also note that the proposed trajectory of housing supply for the MBA represents, positively, a high proportion of site allocations. This includes land to the west of Coventry Lane. As such less reliance is placed on SHLAA sites which, although reflecting an indicative trajectory of housing supply, do not offer the same level of specificity and

deliverability as site allocations. We refer also in this instance to Table 4: Housing Trajectory on p.75 of the Part 2 Local Plan.

- 3.7 The Part 2 Local Plan is required to act as the delivery tool for Broxtowe's adopted spatial growth strategy and as such site allocations form an essential part of this. In all 14 housing sites are allocated in the MBA area delivering a total of 2,729 dwellings. This reflects an effective and significant 72% contribution to the 3,800 dwellings required across the MBA.
- 3.8 Site allocations act to reduce the level of more speculative development proposals and work in the interests of pursuing a robust, plan-led approach to the housing delivery. In the absence of this approach site delivery is liable of becoming more *ad hoc* in nature, which then presents the risks of ongoing shortfalls in the delivery of new dwellings.
- 3.9 The current deficit in housing land and delivery shortfall across Broxtowe makes this context and need for housing more pressing. This is highlighted in the most recent SHLAA document which states that the Council can only evidence 3.6 years' worth of housing land supply for the period April 2017 and March 2022. In addition, and to be factored into the five-year housing land supply position, is the current delivery shortfall of 956 dwellings, prompting the addition of a 20% buffer. The allocation of land to the west of Coventry Lane will therefore directly support the delivery of housing against this shortfall in turn make a significant contribution to the delivery of a sound Part 2 Local Plan.

4 Policy 15: Housing Size, Mix and Choice

- 4.1 Paragraph 8 of Policy 15 is considered **unsound** as it is unjustified in the current regulatory and evidence context. Specifically, the paragraph states that:

'For developments of more than 20 dwellings, at least 5% of provision should be in the form of serviced plots for self-build or custom-build, and/or custom-build homes by other delivery routes.'

- 4.2 Whilst the associated Self-build and Custom Housebuilding 2016 regulations have brought about requirements on Local Authorities to maintain an active register of interested parties there is no necessity to mandate a certain proportion of self or custom-build plots at a site level. Instead the register should act as a general indicator of demand for subsequent appropriate action or negotiation with relevant interested parties, supported by appropriate Local Plan policy leads.

- 4.3 In relation to this guidance states that:

'Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources... when preparing their Strategic Housing Market Assessment to understand and consider future need for this type of housing in their area.' (paragraph: 011 reference ID: 57-011-20160401)

- 4.4 Currently the Council display little clarity of understanding behind the 'at least' 5% self and custom-build policy stipulation on sites of over 20 dwellings. For example, neither the latest SHLAA or AMR documents display analysis or conclusions drawn from a publicly available register. This is as per related guidance:

'Relevant authorities are encouraged to publish, in their Authority Monitoring Report, headline data on the demand for self-build and custom housebuilding revealed by their register and other sources. This can support development opportunities for self-build and custom housebuilding by increasing awareness among landowners, builders and developers of the level and nature of demand for self-build and custom housebuilding in the local area.' (paragraph: 012 reference ID: 57-012-201707208)

- 4.5 Given the current lack of evidenced justification and the emphasis on the need to support, not mandate, self and custom-build housing where appropriate the current policy wording should be amended to assure soundness. The change is suggested below:

'For developments of more than 20 dwellings, a provision for serviced self-build or custom-build, and/or custom-build homes by other delivery routes will be supported where evidence indicates local demand to the site.'

5 Policy 17: Place-making, Design and Amenity

- 5.1 Paragraph 3 of Policy 17 is considered **unsound** on the basis that all Building for Life (BfL) material has been withdrawn for planning guidance purposes and therefore stipulated reference to BfL is not a justified. The relevant paragraph states that:

'In the case of major development on sites released from the Green Belt as part of this Local Plan, or the Aligned Core Strategy, or for any site within the Green Belt comprising 10 or more dwellings the development will be required to score 9 or more 'greens' in the Building for Life 12 or equivalent.'

- 5.2 Given the wholly unjustified nature of this paragraph we suggest its entire deletion to assure that Policy 17 is sound. Reference to wider design principles in the policy will still assure a high-quality development across Broxtowe.

6 Policy 32: Developer Contributions

- 6.1 The current nature of Policy 32 is considered **unsound** on the basis it will not be effective in its current form. Whilst the principle of developer financial contributions is entirely sound in delivering the social and environmental infrastructure required by the Local Plan, this should be based on all relevant viability information. We consider that this includes developer viability appraisals which offer a detailed insight into site and development specific viability. Therefore, providing an open position of planning contribution negotiations where appropriate.
- 6.2 Related guidance (paragraph: 004 reference ID: 10-004-20140306) outlines that the grounding principles for understanding viability should include judgements made on all available evidence and a collaborative approach is also promoted, explicitly involving developers and landowners. This is in the interests of understanding development scheme deliverability and viability in an appropriately transparent context.
- 6.3 Guidance also states that whilst viability appraisals at a site level may not always be appropriate an understanding of site specific related viability is important. Outlining that:

'Where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.' (paragraph: 016 reference ID: 10-016-20140306).

- 6.4 Therefore, in the interests of promoting a greater understanding of viability and creating a more effective policy we suggest adding reference to the submission of viability appraisals. With wording in an additional paragraph to the effect of:

'Financial contributions will be sought and established through a process of negotiation including, where appropriate, reference to a submitted viability appraisal.'

7 Conclusion

- 7.1 As outlined within this statement we consider that there are areas of the emerging Part 2 Local Plan that contain a number of sound proposals that warrant our support. Particularly in relation to current site allocations in the interests of delivering the defined Spatial Strategy and the specific allocation of land to the west of Coventry Lane through Policy 3.4.
- 7.2 However, we have highlighted where some elements of proposed planning policy are considered unsound and should be amended accordingly through the examination process. This is particularly in relation to policy areas linked the delivery and implementation of housing development. As such their amendment will be important in assuring the rapid adoption of the Part 2 Local Plan and subsequently boosting the supply of much needed housing in Broxtowe.

Planning and Design Group (UK) Limited

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

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

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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.

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- 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 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]
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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]

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 2
	Policy 3: Main Built up Area Site Allocations		Policy 3
	Policy 4: Awsworth Site Allocation		Policy 4
	Policy 5: Brinsley Site Allocation		Policy 5
	Policy 6: Eastwood Site Allocation		Policy 6
	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			
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.

See attached Statement

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Question 5: Public Examination Attendance

If your representation is seeking a modification, do you consider it necessary to participate at the public examination?

Yes, I wish to participate at the public examination

√

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 Borough Council
Lawrence Avenue
Eastwood
NG16 3LD

By email to: policy@broxtowe.gov.uk

Dear Sir or Madam,

Re: Broxtowe Local Plan Part 2

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

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

Local Plan Part 1

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

Local Plan Part 2

Site Allocations

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

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

Five year housing land supply

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

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

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

Policies

Policy 15: Housing Size, Mix and Choice

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

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

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

Policy 17: Place-making, Design and Amenity

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

Policy 22: Minerals

¹ PPG Reference ID: 3-035-20140306

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

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

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

Policy 27: Local Green Space

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

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

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

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

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

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

Conclusions

Gladman have highlighted a number of concerns through these representations. This includes the lack of non-strategic allocations and the inconsistent approach with regards to several policies with the requirements of the Framework. Gladman believe that further allocations are required to ensure the borough’s housing needs are met in full and that an appropriate trigger mechanism is required to ensure that remedial action will be taken should monitoring indicate that the Plan is not enabling the level of development that is required to meet the needs of the area.

Gladman also take this opportunity to request that we are afforded the opportunity to participate at the public hearing sessions at the Examination in Public to discuss the issues raised.

Yours faithfully,

