

**Hearing Statement – Matter 7**

# **Broxtowe Local Plan**

On behalf of Harworth

November 2018



## I. Introduction

- I.1. This is a Hearing Statement prepared by Spawforths on behalf of Harworth in respect of:
- Matter 7: Toton Strategic Location for Growth
- I.2. Harworth has land interests in Broxtowe and has made representations to earlier stages of the Local Plan process.
- I.3. The Inspector's Issues and Questions are included in **bold** for ease of reference. The following responses should be read in conjunction with Harworth's comments upon the submission version of the Broxtowe Local Plan.
- I.4. Harworth has also expressed a desire to attend and participate in Matter 2 of the Examination in Public.

## 2. Matter 7 – Toton Strategic Location for Growth

### I. What evidence is there that the site will be available, sustainable, viable and deliverable within the plan period?

- 2.1. The Toton is a Strategic Location for Growth. Harworth are supportive of the general principles behind the Strategic Location for Growth but consider that Policy 3.2 as currently written is not **POSITIVELY PREPARED** or **JUSTIFIED**. To be positively prepared, the policy should be “*based on a strategy which seeks to meet objectively assessed development and infrastructure requirements*” and to be justified the policy should be the “*most appropriate strategy, when considered against the reasonable alternatives, based upon proportionate evidence*”.
- 2.2. Harworth consider that there is insufficient evidence to show that the Toton proposal is demonstrably deliverable. Harworth would have expected the Policy to be supported by a Masterplan Framework which was evolved alongside the policy to confirm the disposition of uses; the nature of infrastructure required; and a high level viability assessment. None of this supportive evidence is available. Without clear evidence of deliverability the ability to meet the requirements of the NPPF (2012) paragraph 47 in respect of the housing elements of the policy is undermined.
- 2.3. Harworth are specifically focussed upon the employment elements of Toton and also on the impact of the re-development upon existing businesses within the Policy area.
- 2.4. With regard to the employment elements, our Participant Statement for Matter 2 confirms that the ACS minimum industrial and warehousing requirement of 15 hectares has not been met within Policy 9 nor at the Toton site. Indeed the employment element of the Toton site is for an innovation village which will only come forward beyond the Plan period.
- 2.5. Harworth have commissioned AECOM to consider the impact on existing businesses of the Toton development and the AECOM Report is appended to our Matter 2 Participant Statement. The AECOM Report sets out the existing businesses that are already identified for displacement in the HS2 Assessments as a result of the HS2 rail alignments and works. It then goes on to assess the businesses that will be displaced by the Toton hub station. It concludes that in addition to significant non rail related businesses that need to be relocated; there is a need for 20-25 hectares of high quality land with rail access that will be required to

accommodate three separate businesses. It shows that these businesses will already be starting to plan their relocation as they cannot await the construction of the Toton hub bearing in mind the lead time to secure new rail related sites. The need to identify sites to accommodate these displaced rail related uses has therefore to be considered within this part 2 Local Plan and cannot wait until a Local Plan review. The Local Plan makes no provision for such relocation which must undermine the delivery potential of the Toton site.

2.6. There is also a need for significant infrastructure to deliver the Toton development. As the Local Plan is not clear on the disposition of uses, it is difficult to confirm its deliverability credentials. The Infrastructure Delivery Plan (September 2017) forms part of the evidence base of the Local Plan and states at Paragraph 4.31 that only the infrastructure required for the 500 homes to the north west of the site is included within [this] IDP. The A52 access will only be safeguarded. This does not provide a sufficient evidence base that the whole of the infrastructure for the whole site will be viable and deliverable.

2.7. In light of the above, there is insufficient evidence to show that the Toton proposal meets the objectively assessed needs of ACS Policy 4 in respect of industrial and warehousing requirements, or that it adequately assesses infrastructure requirements. On this basis it cannot be **POSITIVELY PREPARED**. There is also insufficient evidence to show that promoting Toton to meet the employment requirements of the ACS is the “*most appropriate strategy, when considered against the reasonable alternatives, based upon proportionate evidence*”. Harworth have a deliverable site at Bennerley that can provided rail-linked and/or rail-related development. The AECOM report set out how the site at Bennerley could come forward to meet the economic development needs in line with the requirements of both NPPF(12) and NPPF(18) for meeting the needs of the Borough and providing development opportunities to meet the needs of certain markets including storage and distribution and rail-linked requirements. The site at Bennerley is available, suitable and achievable and therefore developable.

## **2. Having regard to MM3, are the Key Development Requirements appropriate and justified?**

2.8. Our client considers that the changes to the Publication version of the Policy as identified at MM3 (and AM33-41), do not provide a **POSITIVELY PREPARED** or **JUSTIFIED** policy.

The 500 dwellings will be provided within the plan period subject to infrastructure requirements. However, the Publication version included a minimum level of B use floorspace (alongside other requirements) to be provided significantly beyond the Plan period. This has been removed and would in any regard fall outside of the Plan period. This revised approach also fails to set out an effective phasing strategy and does not provide for the employment requirements of the Local Plan as set out in the ACS.

**3. Should the scale of development at Toton be outlined in the Policy? How would the comprehensive development of the site, appropriate phasing and design principles be ensured? Is it sufficiently clear in the Policy how this would be achieved? What mechanisms are in place or proposed to achieve this? What work has been completed to date? How would all stakeholders be involved?**

- 2.9. Yes. The scale and delivery trajectory of development at Toton should be outlined in Policy. NPPF (2012) requires *“that sufficient land of the right type is available in the right places at the right time to support growth and innovation..”* (Para 7). The Core planning principles (No 3) require plans to respond positively to wider opportunities for growth and paragraph 19 confirms that *“planning should operate to encourage and not act as an impediment to sustainable growth”*. Paragraph 21 confirms that local planning authorities should *“support existing business sectors, ..... and, where possible, identify and plan for new and emerging sectors likely to locate in their area.”*. NPPF (18) confirms that *“planning policies and decisions should recognise and address the specific locational requirements of different sectors ..... and for storage and distribution operations at a variety of scales and in accessible locations”*. Paragraph 16 d) of the NPPF(12) states that Plans should, *“contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”*.
- 2.10. The Toton policy is unclear in respect of the amount and disposition of uses, overall delivery and phasing which raises deliverability concerns. The supporting text refers to three distinct areas of the site, but indicates that the boundaries are not set (indeed these are not identified on the Plans). The description of proposed uses and their location is also unclear.



- 2.11. The Policy should be amended to address the above concerns. As stated previously, Harworth supports the principles behind the Toton proposal, but in order that the Plan is sound, it requires clear and precise Policies that will deliver the overall Local Plan requirements and objectives.

**4. In the event of uncertainty or delay with the HS2 Project what would be the implications for bringing this site forward, in particular with regard to the delivery of housing in the plan period?**

- 2.12. If HS2 were delayed then this would impact upon the delivery of the innovation village which is predicated upon the new “Gateway” location created by HS2. Whilst the innovation village is only envisaged to come forward beyond the Plan period, any delay in HS2 would result in further delay in the innovation village.
- 2.13. Whilst a delay in HS2 may put back the final date for the relocation of existing occupiers within the Toton site, this would still mean uncertainty for existing businesses who may still seek to relocate.
- 2.14. Any HS2 delay would not however change the deficiency in the Local Plan in terms of the need to allocate land for a minimum 15 hectares of industry and warehousing.

**5. What progress has been made in securing and delivering the Infrastructure requirements for the site summarised in Appendix A of the ACS? Are there any unresolved issues? How would these be addressed? What would be the impact of any delay in the delivery of this necessary infrastructure? Are there any cross boundary issues and how would these be resolved?**

- 2.15. It is for the Council to clarify these matters as the IDP (September 2017) that forms part of the evidence base only considers the requirements for the 500 homes on the strategic site at Toton. Deliverability of the rest of the site is therefore unclear.

**6. In light of the above, is the delivery of dwellings on the site from 2019/20 as shown on the Housing Trajectory realistic?**

2.16. Our client has no comment to make in respect of this question.

### Proposed Change

2.17. To overcome the objection and address soundness matters, the following changes are proposed:

- The Strategic site at Toton needs to be supported by a Masterplan Framework which shows that it is demonstrably deliverable as a whole and in phases. This includes compatibility of uses and an identification of where displaced uses will go to.
- The Site Specific policy needs to be re-written to confirm the extent and disposition of uses and infrastructure requirements.
- The above will show that the minimum 15 hectares of industry and warehousing requirement cannot be met at Toton and hence a new allocation to meet that need should be identified.
- Harworth's site at Bennerley is an "omission site" which could meet the industry and warehousing requirements and to accommodate the relocation of the rail-linked/ rail related operators from the Toton development.