

**BROXTOWE LOCAL PLAN PART 2**

**PUBLIC EXAMINATION**

**HEARING STATEMENT IN RESPONSE TO THE INSPECTOR'S  
MATTERS, ISSUES & QUESTIONS PAPER**

**RESPONDENT 1201  
WHITEHEAD (CONCRETE) LTD & FOULDS INVESTMENTS LTD  
RESPONSE TO MATTER 2**

**WHETHER THE APPROACH TO EMPLOYMENT PROVISION IS  
JUSTIFIED, EFFECTIVE AND CONSISTENT WITH THE NATIONAL  
PLANNING POLICY FRAMEWORK (NPPF) AND THE ALIGNED  
CORE STRATEGY (ACS)**

**PREPARED BY**

**Mark Flatman  
Managing Director**

**iPlan Solutions Ltd**



These responses on behalf of R. Whitehead (Concrete) Ltd and Foulds Investments Ltd (**Foulds**) made to the specific questions raised by the Examination Inspector should also be read in conjunction with the responses and associated appendices submitted by iPlan Solutions to the Publication Core Strategy dated 3 November 2017. To assist, this Letter is appended at **Appendix A**. It provides document reference numbering which has been used below where relevant documents are discussed further within this Hearing Statement.

The appendices appended to this Hearing Statement are scheduled as follows;

**Appendix A** Letter to Broxtowe BC, 3 November 2017

**Appendix B** BBC SHLAA Employment Site Review, 2016

**1) Is it sufficiently clear from the Plan how the ACS requirement of 34,000 m<sup>2</sup> of office and research floorspace and 15 ha of land for industrial and warehouse use is to be met? Which sites contribute to meeting this need?**

1.1 The ACS facilitates the ability for the Pt2 LP to exceed Policy requirement 4b) of 34,000 m<sup>2</sup> of office and R&D floorspace and d) requirement of 15 ha of land for industry and warehousing as both criteria are prefaced by the word;

**“minimum”**

1.2 Policy 2 deals with site allocations in the Pt2 LP, however paragraph 2.1 highlights the focus and perspective of the Pt2 LP being only towards dwellings as it expressly states;

**“Only sites that can accommodate 10 or more dwellings are included.”**

1.3 Policy 3 -7 only specifies sites for residential allocations.

- 1.4 There are insufficient employment site allocations during the plan period demonstrating that the plan has not been positively prepared and rendering it ineffective, inflexible and unsound.
- 1.5 Map 3 in the Pt2 LP identifies the existing Boots campus mixed use commitments within Broxtowe at Beeston but without any explanatory text to explain the context and delivery timescale.
- 1.6 Policy 3.1 includes provision of an unspecified level of subjectively “**small-scale employment development**” as the 11<sup>th</sup> bullet point of the key development requirements accompanying the 500 dwelling allocation at Chetwynd Barracks, but with no associated delivery timescale.
- 1.7 Policy 3.2 anticipates 18,000m<sup>2</sup> of employment space at Toton. As this is beyond the plan period it does not contribute towards the requirements of ACS Policy 2.
- 1.8 Beyond that noted above, iPlan Solutions has not been able to identify any specific meaningful employment land allocations or policies encouraging or allocating the provision of additional new employment development within the Pt 2 LP. Consequently it is unsound and starkly at odds with paragraph 3.4.1 of the ACS stating;

**“New employment development is vital to the growth  
of the plan areas economy.”**

**2 Will the sites allocated adequately provide for the different types and size of employment premises needed to support both established and start-up businesses in the borough?**

2.1 The ACS clearly envisages the constituent LPAs to provide a range of employment sites within their Pt2 LPs, as indicated in paragraph 3.4.6 which states;

**“To help promote and strengthen the role played by local economies serving communities around the conurbation, a range of suitable sites for new office-based development, and to a lesser extent industry and warehousing, will need to be a provided across the area..... It is likely that some existing businesses may need to relocate for reasons which include the long-term suitability of their premises, desire to expand or in order to diversify the nature of their operations, or to allow for regeneration and redevelopment. To meet these needs, new sites are required which can help meet regeneration needs...”**

2.2 Consequently paragraph 3.4.6 of the ACS, whilst focusing upon the provision of new office-based development, also acknowledges that industry and warehousing provision will need to be provided across the area. Paragraph 3.2 of the Pt2 LP states BBC considers exceptional circumstances require GB boundary amendments *to allow residential development*. No consideration has been given in the plan preparation process to comparable employment land requirements, despite this need being previously highlighted to BBC in **Docs 2, 3, 4 and 7** and as discussed in the iPlan Solutions response to Matter 11 of this Examination.

2.3 Whilst acknowledging the importance of brownfield sites as a source of economic regeneration, the Broxtowe Economic Regeneration Strategy, **EM/02**, acknowledges in Section 4 on page 16 of the document that;

**“If more brownfield sites are to be redeveloped then the Council needs to alter its approach to brownfield sites and act in a more proactive manner.”**

2.4 The subsequent BBC analysis in Section 4 of the strategy does not stand up to scrutiny given the absence of specific employment and brownfield regeneration employment allocations within the Pt2 LP. Indeed it is interesting that the perspective that the Council seeks to take towards brownfield economic regeneration is a blinkered assumption that such development should predominantly take the form of housing.

2.5 It is also the case that office space should not be universally focused to the southern part of the Borough and it is suggested that there is scope for smaller scale schemes well located to the transport network in the northern part of the Borough to provide a balance to the new employment opportunities and where 38% of the new residential development is to be focused. Indeed, the situation presented by the Foulds site is encapsulated within Section 4 of the Economic Regeneration Strategy where it is suggested that in addition to the specified locations within the ACS;

**“Much of this could be provided on designated sites but inevitably there will be a need for some in other locations. This should be developed on brownfield sites where possible which has the dual benefit of creating additional work space provision and jobs, was regenerating underutilised brownfield sites.”**

2.6 The response to Matter 11 and the preceding submissions made in the local plan process combine to demonstrate that the Foulds brownfield site to the north-west of Gin Close Way does not fulfil any Green Belt (GB) function and that being the case it is appropriate for the land to be removed from the GB in the Pt2 LP. In failing to provide certainty to Foulds through the release of the requested parcel of land from the GB to facilitate the appropriate

redevelopment of the site, **Doc 1 & Doc 7**, the plan is not positively prepared and is ineffective. This thereby prevents the plan being consistent with national policy to facilitate the economic role of the planning system as required by paragraph 7 of the NPPF, and the fourth bullet point of paragraph 21 to plan in a manner that supports the regeneration of previously developed brownfield sites such as that owned by Foulds.

**3 ACS Policy 4c) refers to the promotion of further office development in Beeston. It is required to meet the employment floor space requirements and if so how is it to be achieved?**

3.1 The bias of office allocations to the south of the borough needs a degree of counterbalance through the provision of B1 office provision to the northern part of the borough in order to deliver sustainable development overall. In doing so, this will match the split housing distribution with 38% of the new housing proposed to be directed to the northern part of the Borough.

**4 Does the plan make appropriate provision for the retention, expansion and development of a range of different types of employment sites and uses in the borough in accordance with national policy?**

4.1 Policy 4 of the ACS expects the economy of the LP area to be strengthened through the provision of floorspace **“across all employment sectors.”**

Criterion a) of Policy 4 requires LPAs to

**“provide a range of suitable sites for new employment that are attractive to the market especially in terms of accessibility, environmental quality and size, particularly where it will assist regeneration.”**

4.2 Policy 9 of the Pt2 LP proposes retention of good quality existing employment sites. Those specified at Policy 9 at paragraph 9.1 are not identified on the

Proposals Map and so the plan is not effective and has not been positively prepared so as to enable the reader to readily identify the location of these individual sites.

- 4.3 Gin Close Way is referenced as one of the 33 identified quality employment sites in policy 9. Criterion 3 of the policy theoretically would facilitate the release of land from the GB. If it is not, future development is constrained by the provisions of Policy 8, notably criterion 2 limiting the scale of new development and as discussed more fully in the Foulds response to Matter 11 in respect of the GB. This has advanced a cogent argument for the release of this land from the GB in order to facilitate regeneration of this underutilised site. It is entirely valid for the GB issue in respect of this site to be addressed within the Pt 2 LP.
- 4.4 Foulds has a reasonable expectation that having presented the case to successive LP and GB Review preparation stages conducted by BBC that a GB revision would be conducted leading to the express removal of the requested land from the GB as a specific allocation in the Pt2 LP in order to facilitate the effective redevelopment of the site. Consequently, the plan currently does not make appropriate provision for the flexible redevelopment of this existing employment site, particularly in accordance with the fourth bullet point of paragraph 21 of the NPPF 2012.
- 4.5 The justification for Policy 9 is explained in paragraph 9.1 of the Pt2 LP. Here it is explained that the assessment of employment requirements was undertaken and the findings *set out in the SHLAA 2015/2016*. This is contained in appendix 1 of that document comprising of a schedule of sites in the matrix disaggregated to indicate whether the site was to be considered as part of the SHLAA exercise, **Appendix C**. It is clear the exercise was solely undertaken from the perspective of determining *whether there was scope to release the employment the site for residential development*.

4.6 iPlan Solutions notes the Foreword of the Economic Regeneration Strategy 2015-2019, **EM/02**, stresses that;

**“Economic Development is a key priority for Broxtowe Borough Council and we all recognise the benefits a strong local economy is to the vitality and well-being of the locality.”**

4.7 Within the Vision under the sub-heading of ‘Jobs and Business Growth’, the Council states that it wishes to see more jobs, yet when presented with the opportunity to enable a site to deliver this and provide the enabling changes to planning policy, BBC has thus far been unresponsive.

4.8 iPlan Solutions considers it to be a significant shortcoming of the plan preparation process that the only substantive assessment in relation to employment land requirements needed by existing employers active within the local economy has been superficially derived from an assessment presented within a Strategic Housing Land Availability Assessment and which was undertaken with the sole objective of establishing whether employment sites were suitable *for release for residential development*. This is reflective of the residential-centric focus of the plan preparation and GB review process pursued by BBC. These shortcomings were previously flagged to BBC, **Docs 2, 3 & 4**. In this regard, as a consequence, the plan has not been positively prepared, is ineffective and unsound.

4.9 The release of the requested land from the GB for regenerative redevelopment would contribute to the performance of BBC’s statutory duty under section 39 (2) of the Planning and Compulsory Purchase Act 2014 to “...exercise the function [of plan-making] with the objective of contributing to the achievement of sustainable development”. The flawed approach towards assessing employment land requirements fails to do so and has been unlawful accordingly.



4.10 In order to promote sustainable development as the Statute requires – and to provide business certainty to Foulds -, it is requested that the Plan Inspector recommends a modification to the Pt2 LP removing the land shown on **Docs 6 & 7** from the GB and allocating it for employment use falling with use classes B1, B2 and B8.



FAO Steffan Saunders  
Head of Neighbourhoods and Prosperity  
Directorate of Legal and Planning Services  
Broxtowe Borough Council  
Council Offices, Foster Street  
Beeston, Nottingham  
NG9 1AB

03 November 2017

Our Ref        09/005/MJF  
Your Ref

Dear Steffan

**Broxtowe BC Publication Part 2 Local Plan  
Objections to Policies 2, 4 and 8  
on Behalf of Whitehead (Concrete) Ltd and Foulds Investments Ltd  
in respect of Land at Gin Close Way, Awsworth**

Further to the publication of the Part 2 Broxtowe Local Plan, I enclose objections on behalf of Whitehead (Concrete) Ltd and Foulds Investments Ltd in respect of the land owned by both companies at Gin close Way, Awsworth.

The documentation that is submitted is as follows;

- Policy 2-Site Allocations Objection Form
  - Policy 4- Awsworth Site Allocations Objection Form
  - Policy 8- Development in the Green Belt Objection Form
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1. Whitehead (Concrete) & Foulds Investments – Site Location Plan
  2. Response Submitted to Broxtowe BC Site Allocations Issues & Options Consultation 10 January 2014
  3. Letter to S Saunders – Greenbelt Assessment Framework, 19 September 2014
  4. Letter to S Saunders – Greenbelt Boundary review Consultation, 23 March 2015
  5. Broxtowe BC Employment & Retail Workshop Notes, July 2016
  6. Broxtowe BC Sept 2017 Publication Pt2 Local Plan Map 17 Showing Allocation of Objection Site for Employment Use
  7. Map 17 with Employment Allocation Proposal annotated
  8. Site LS22 Extracted from AECOM 2017 LVIA

Landscape and Visual Impact Assessment prepared by FPCR, April 2010

Transport Statement prepared by BWB Consulting, June 2013, comprising;

- a. Explanatory Letter to iPlan Solutions, 21 June 2013
- b. Transport Statement prepared by BWB Consulting Ltd
- c. Access Design NTW/284/001/Rev P2 Agreed in Principle by Nottingham County Council, 18 June 2013

Flood Risk Assessment documentation prepared by BWB Consulting Ltd, comprising;

- d. Employment Use FRA, Rev A, 21 July 2009
- e. Employment Use FRA, Rev B, 29 November 2010
- f. Revised Hydraulic Modelling Addendum (Oak Tree Motorhomes) rev A, 6 February 2013
- g. Revised Hydraulic Modelling Addendum(TK Gallagher) Rev A 6 February 2013
- h. BWB letter to iPlan Solutions, Flood Summary, 8 April 2014
- i. BWB letter to iPlan Solutions, FRA Plans, 2 June 2014
- j. Drawing NTW/2095/W01-P 1 @A3 - Modelled Flood Outlines, 2 June 2014
- k. Drawing in TW/2095/W03-P 2 @A1 - Potential Flood Depths, 2 June 2014

I confirm that I wish to participate at public examination.

Please confirm receipt of the objections and advise of the progress of the local plan, including when the representations are to be considered by the Council Planning Committee and also the arrangements for the public examination.

Should you wish to discuss any aspect of these objections, please do not hesitate to contact me.

Yours sincerely

This letter is sent electronically and therefore unsigned.  
If you would like a signed copy, please contact iPlan Solutions Ltd  
and one will be forwarded to you.

**Mark Flatman**  
**Managing Director**

Enc. Objection Documents as Specified within Letter on CD

CC. Chris Foulds



## Appendix 1:

### Summary of the employment site review 2016

Site Name	Existing Employment Allocation	Retain	Release in part	Release in whole
Chilwell Meadows Business Park Brailsford Way Attenborough	✓	✓		
Eldon Road Business Park Attenborough	✓	✓		
Beeston Business Park Technology Drive Beeston	✓		✓	
Padge Road Boulevard Industrial Park Beeston	✓	✓		
Lilac Grove Beeston		✓		
Boots Campus Lilac Grove Beeston			✓	
Evelyn Street Beeston	✓		✓	
Regent House Lower Regent Street Beeston				✓
The Poplars Beeston	✓	✓		
Simplex Knitting Co 164 Bye Pass Road Chilwell	✓	✓		
Chetwynd Business Park Regan Way Chilwell	✓	✓		
Main Road (Including Fernwood Drive Common Road and British Bakeries Ltd) Watnall	✓	✓		
Barrydale Avenue Beeston	✓			✓
Palmer Drive (Includes Bessell Lane) Stapleford	✓	✓		
Former Dyeworks Site West End Street Stapleford	✓	✓		
Sandiacre Road/Wellington Street Stapleford				✓
Pasture Road (Including Silicone Altimex) Stapleford	✓	✓		
New Road Stapleford	✓	✓		
Hickings Lane Stapleford	✓	✓		
New Road Industrial Estate Stapleford Road Trowell		✓		
Strelley Hall Strelley		✓		
Custom Upholstery Sidings Lane Bramcote				✓
Balloon Wood Industrial Estate Coventry Lane Bramcote		✓		
Eagle Mill Ilkeston Road Trowell		✓		
Cossall Industrial Estate Soloman Road Cossall	✓	✓		
Robinettes Lane Cossall	✓	✓		
Gin Close Way Awsworth	✓	✓		
Home Farm Nottingham Road Nuthall				✓
Phoenix Park Nuthall	✓	✓		
Giltbrook Industrial Park Giltway Giltbrook	✓	✓		
Amber Trading Estate Giltbrook	✓	✓		
Essentra Giltbrook Industrial Park Giltway Giltbrook	✓	✓		
Birch Park Halls Lane Giltbrook	✓	✓		
Newmanleys Road Eastwood	✓			✓
Microlise Engineering Ltd Farrington Way Eastwood	✓	✓		
Meadowbank Court Meadowbank Way Eastwood	✓	✓		
Nottingham 26 Eastwood	✓	✓		
Moorgreen Colliery Site Engine Lane Moorgreen Industrial Park Newthorpe	✓	✓		
Great Northern Road Eastwood				✓
Factory Lane (Including Wilmot Lane & Holly Lane) Chilwell			✓	