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30 January 2019

Our Ref 018/026/MJF
Your Ref

Dear Tom

**Broxtowe BC Part 2 Local Plan Examination
Post Examination Actions M2A5
on Behalf of Cauntton Engineering Ltd – Objector Ref 178 and
Foulds Investments and Whitehead Concrete Ltd – Objector Ref 1201**

Further to your email of 24 January, thank you for the opportunity to consider the above Further Action Document that was attached to the email. I comment as follows on behalf of Cauntton – Objector 178 and Foulds – objector 1201. Rather unhelpfully the individual paragraphs within this latest BBC document M2A5 do not benefit from numbering to ease respondent cross-referencing.

Background to the ACS

1. Cauntton Engineering Ltd and Foulds Investments Ltd suggest the first paragraph is wholly disingenuous since the entire proposition framework by which the Greater Nottingham Sustainable Locations for Growth Study was undertaken is set out within paragraph 1.1.2 and 1.3.7 of GB/02, clearly highlighting the sole emphasis was upon large scale housing delivery, with no consideration given by that exercise to the different dimension relating to employment land use. However reflective of the very broad brush nature of housing search undertaken by the study, paragraph 1.3.7 concludes that;

“It is likely that within the areas judged to be unsuitable for growth in this study, there will be small sites and infill sites which are suitable for housing.”

2. De facto it also follows that small sites for employment use are equally likely to be suitable, but which were not considered within such a strategic study, notwithstanding that the sole focus of GB/02 was for housing potential and one expressing considering employment requirements has not been undertaken as part of the Pt2 LP preparation exercise.
3. Within M2A5, reference to potential areas of search for housing growth at Awsworth on Page 57 is consequently spurious on a twofold basis, firstly the sole directive of the Greater Nottingham Sustainable Locations for Growth Study was to seek to identify suitable land for large-scale housing, and more pertinently as the prospect of employment use was not a constituent component of the assessment exercise and decision-making framework, it is a more pertinent factor that the Foulds Land is nevertheless in existing employment use. Such considerations were not factored into the assessment process and no validity can be ascribed or applied from document GB/02 to an employment land context.
4. The reference within the section denoting page 55 of the study identified potential for Eastwood to grow to the north is again solely derived from a consideration of potential growth from a housing perspective. No consideration has been given to the very specific requirements to accommodate the release of land from the GB for the expansion of existing businesses, such as Caunton, during the LP period. The plan is markedly deficient in this regard.
5. Similarly, the framing of the GB Review context, as discussed at the Examination and highlighted within the submitted Objector Hearing Statements demonstrates that entire LP preparation exercise was undertaken from a perspective directed solely towards that of meeting housing land releases. As a consequence it has not been prepared on Sound basis.

Background to the Part 2 LP

6. The referenced Sustainability Appraisal, CD/12, does not provide evidence as to the suitability of employment uses on particular sites in the borough as the entire LP assessment exercises undertaken for the search for alternative sites were demonstrably predicated by BBC purely upon the search for residential sites. Consequently such sites that were considered in these exercises were considered only in the context of their potential residential suitability rather than from an employment use potential.
7. The objectors do not wish to repeat the criticisms already made to the approaches taken by BBC towards the GB Review and the broad brush LVIA of Awsworth LS22 at pages 72-73 of LA/01 and Eastwood LS38 at pages 93-94 and of LA/02 by comparison with the site specific LVIAs submitted by the Objector. These have already been placed before Inspector both in written and oral form.

Sustainability Appraisal - Gin Close Way, Objector Site 1201

8. It is the Objector's recollection of the Hearing proceedings that the LPA was being tasked with establishing whether a Sustainability Appraisal had been prepared by the LPA pursuant to the preparation of the Submission Pt2 LP. It is the case that no Sustainability Appraisal was prepared in respect of this objection site by the LPA during the Pt2 LP preparation process, despite the objector making a series of representations regarding the site to each consultation stage of the plan preparation. The key point made by the Objector at the Examination was that the failure by the LPA to include such a consideration as part of the background analysis and associated documentation presented for the Examination by BBC highlights the paucity of the consideration of the wider existing employment and GB aspects that needed to be considered as part of the preparation process in order to make the LP Sound.
9. The Sustainability Appraisal that is included within document M2A5 in respect of the Foulds Land, Objector 1201, has been prepared after the fact and not as a constituent

part of the overall comprehensive LP preparation process that was subject to the Pt2 LP Examination. The Sustainability Appraisal in respect of the Gin Close Way Objector site 1201 presented within the Action M2A5 document has therefore been subsequently prepared from a defensive perspective by the LPA simply in order to seek to justify the stance taken by the LPA at the Examination.

10. The Objector notes the green and red graphics against assessment criteria within the Sustainability Appraisal for the Gin Close Way Foulds Site 1201. In respect of Criteria 11, Transport, the Objector considers it incredulous that the LPA chooses only to ascribe a “Moderate Positive” grading given the proximity of a bus stop and dedicated urban cycle path that are both located immediately outside the front entrance to the site. Similarly it is difficult to understand how Criteria 12, “Employment”, has only been ascribed to be a “Minor Positive” attribute given the site currently functions in providing employment, and similarly that of criteria 14, “Economic Structure”, is only ascribed as “Moderate Positive” given the existing employment uses that exist on the site despite the constraints to the flexibility of potential employment use within the site as a consequence of the Green Belt designation. Perhaps these lowly designations are reflective of the employment constraints imposed upon the site as a consequence of the GB designation. If, so, removal of the site from the GB would further increase the score for each criteria.
11. In respect of the subsequent written table, the LPA comments made under criterion 1, Housing, are circular and facile. The fact the site is considered by the LPA as not suitable for housing is treated as a “Minor Negative” in the table. The Objector considers this criterion should be ignored, in the same manner as a number of other criterion and indeed as is the case in the Sustainability Appraisal for the Caunton Objection site 178. Housing potential is considered to be wholly irrelevant given that no request has been made for the site to be considered for housing, but rather that it be allocated as an employment site with the existing GB designation removed.
12. Indeed, given the designation of the 1201 Objector’s site within the July 2018 Submission Pt2 LP and Proposals Map as now expressly being designated under Policy

9: Retention of Good Quality Existing Employment Sites, it is difficult to reconcile this supported action with the LPA comment now made within the subsequently produced Sustainability Appraisal M2A5 under the heading 1. Housing;

“However, by formally allocating the site for employment use, this would restrict the use of the site to employment uses.”

13. This is precisely what the LP Policy 9 designation seeks to achieve, so it is disingenuous of the LPA to in turn then criticize this use constraint. The Objector notes that under criterion 5, Social, the LPA comments that the site is located within reasonably close proximity to the village of Awsworth. Irrespective of the planning status which has driven this comment, it is the fact that the site operates functionally as an integral part of the village and indeed this is reinforced through the allocation of the site in conjunction with that on the east side of the A6096 as part of the Awsworth Policy 9 designation.

14. The Objector Notes that in respect of criterion 6, Biodiversity and Green Infrastructure, the LPA suggests that criteria 2, Green Infrastructure Corridors; “cross the site from east to west (one to the north and one to the south of the site)”. It is suggested to be 49.49m of 2.13 Langley Mill to Kimberley site and 88.91m of 2.8 Kimberley Cutting both crossing the site. Irrespective of whatever enthusiastic designation may have been made on a plan, it is a matter of fact, as demonstrated by the aerial photograph extracted from Google Maps included within the M2A5 Sustainability Appraisal, that the entire site is characterized by being devoid of vegetation and therefore cannot effectively function as a Green Infrastructure Corridor. The LPA comments in respect of this criteria are therefore somewhat fatuous.

15. The comment in the third paragraph of criterion 7, Environment and Landscape, highlights the ineffectual shortcoming of the broad brush LVIA approach chosen by the LPA towards consideration of potential sites within the Pt2 LP preparation process and as highlighted in paragraph 7 above,

16. In respect of criterion 8, Natural resources and Flooding, the LPA appear to have ignored the temporary nature of existing planning permissions applicable to the site, and also that a detailed FRA was submitted as part of the objector representations demonstrating that a significant area of the site is capable of development for employment purposes. Moreover, the aerial photograph is simply demonstrative of the manner in which the site is currently used and which is in turn reflective of the constraints placed upon potential uses and erection of buildings resultant from the GB designation.
17. Comments made by the LPA in respect of criteria 9, Waste, and 10, Energy and Climate Change, are purely speculative.
18. The comment made in respect of criterion 12, Employment, speculates on the possibility of an intensification of the employment related uses and increase in employment opportunities. However, in reality the potential for this is severely restricted as a consequence of the current GB designation and for which a review to secure removal of the GB designation has been consistently sought by the Objector as part of the representations made to this LP and consideration of which was not appropriately addressed by the LPA during the LP preparation process itself.
19. The Objector observes that the approach taken by the LPA towards the Sustainability Appraisal at Gin Close Way is as equally inconsistent as it is bizarre.

Sustainability Appraisal Land North of Lamb Close Drive, Objector Site 178

20. It is the Objector's recollection of the Hearing proceedings that the LPA was being tasked with establishing whether a Sustainability Appraisal had been prepared by the LPA pursuant to the preparation of the Submission Pt2 LP. It is the case that no Sustainability Appraisal was prepared in respect of this objection site by the LPA during the Pt2 LP preparation process, despite the objector making a series of representations regarding the site to each consultation stage of the plan preparation. The key point

made by the Objector at the Examination was that the failure by the LPA to include such a consideration of the objection site as part of the background analysis and associated documentation presented for the Examination by BBC highlights the paucity of the consideration of the wider existing employment and GB aspects that needed to be considered as part of the preparation process in order to make the LP Sound.

21. As with the Foulds Sustainability Appraisal discussed above, the Sustainability Appraisal for the Caunton objection site 178 has similarly been prepared after the fact as a defensive response following the Examination Hearing. The Sustainability Appraisal in respect of the Caunton Objector site 178 presented within the Action M2A5 document has therefore been subsequently prepared from a defensive perspective by the LPA simply in order to seek to justify the stance taken by the LPA at the Examination.

22. In respect of criterion 7, Environment and Landscape, Caunton notes with disappointment, the continued reliance by the LPA that is placed upon the AECOM LVIA conclusions drawn for the geographically larger site LS38. The objector contends that reference should be made to the site specific LVIA submitted by Caunton to assist the LPA preparation process. This Ian Stemp Associates LVIA document and Expansion Landscape Strategy 14-1135-001D demonstrates the very significant wider environmental benefits that can be delivered, in association with the proposed employment use, on part of the larger part of the objection site. It is most disappointing that the LPA has chosen to ignore this document. As a consequence the objector suggests that the “moderate negative” designation is wholly misapplied due to the inherent bias of the assessment process utilised by the LPA.

23. The objector considers that a close reading of the site specific Ian Stemp Associates LVIA reveals that there are “Major Positive” environment and landscape benefits that would accrue from the proposed release of the site from the GB and development of part of it for trailer storage associated with the Caunton Business.

24. The speculative comment made by the LPA in respect of criterion 9 “Waste” in questioning whether demolition of the existing Caunton Engineering existing building situated to the south on site would be necessary to facilitate access to the site reveals that the author of the Sustainability Appraisal has evidently not taken the time to familiarise themselves with the detailed proposals prepared and submitted by Caunton in support of their LP representations. This is most surprising and disappointing. Had that person done so, or indeed others auditing the proposed output of M2A5, they would have appreciated that the proximity of the proposed trailer storage and trial building erection area to the existing Caunton Plane building, and which is to be retained, is critical to not only providing the requisite required trailer storage and trial erection area for the business, but moreover this physical juxtaposition with the Plane building will significantly enhance the company workflow and competitive efficiency.
25. In respect of criterion 11, Transport, the details contained within the Doc 3 Caunton Site Expansion Landscape Strategy 14-1135-001D, and Ian Stemp LVIA, Fig 6 clearly reveals that the existing public footpath runs immediately within the eastern boundary of the site will benefit from the extensive landscape proposals associated with the development proposal. This will significantly enhance the recreational experience derived from this footpath by comparison with the existing experience.
26. In addition double handling within the overall Caunton manufacturing process will be eliminated through the introduction of the proposed trailer storage area. As a consequence, the objector would suggest that a more appropriate categorization for criterion 11, Transport, within the Sustainability Appraisal would be “Major Positive”.
27. In respect of criterion 12, Employment, given the very specific synergy of arguments advanced to justify the release of objection site 178 from the GB, it is most disappointing that the LPA chooses to simply ascribe the benefit as “Moderate Positive”, particularly given that the same Employment criteria has been ascribed as a “Major Positive” in the case of the sustainability appraisal for the Former Bennerley Coal Disposal Point. Given the crucial dimension of the new trailer storage and trial erection area to the future development of the Caunton Business in conjunction with the concurrent opportunity to

release the existing trailer storage land for the erection of business units, the objector considers the appropriate attribution within the table for this criteria should be of the highest order as “Very Major/Important Positive”.

28. The LPA comment in respect of criterion 12, Employment, is facetious in even giving consideration to the prospect of the land being used by another separate business. The entire raison d'être for the promotion of this site owned by Caunton through the LP seeking GB release is solely to fulfil its clearly identified expansion requirements that will occur within the plan period. Appropriate planning policy wording in the Pt2 LP would readily ensure that the site is only granted planning permission in order to facilitate these identified requirements and for no third-party business.
29. It is surprising that in response to criterion 13, Innovation, the second lowest table attribution of “Moderate Positive” is given despite the associated comment in the text for this criteria acknowledging that Caunton is a high-knowledge business and noting that allocation of the site would enable the company to expand its operations. Moreover, the business is an acknowledged employer of graduates and also provider of apprenticeships for local people. This rating seems in stark contrast to the “Moderate to Major Positive” attribution given in the comparative Sustainability Appraisal table for the Bennerley Coal Disposal Point and a far greater degree of uncertainty in this regard is associated with that site. Accordingly, given the greater comparative degree of certainty associated with the Caunton business, the Objector considers it entirely reasonable to ascribe a rating of “Major Positive” to this criteria within the table for the land adjoining the Caunton Engineering site.
30. The comment made in respect of criterion 14, Economic Structure, again reveals a failure to have read and understood the submitted supporting material and the crucial rationale for the land solely being released to fulfil the identified business requirements of the Caunton Engineering Business during the Pt2 LP period. The distance from the A610 is not a relevant factor, fundamentally because Nottinghamshire CC as Highway Authority having been consulted about the proposal has raised no objection to the

principle of the use of the land for trailer storage, and secondly because these trailers already originate from the Caunton Engineering business in any event.

31. The ascribing of criteria 14, Economic Structure, as only “Minor Positive” within the sustainability appraisal table for the Caunton site by comparison with the “Moderate to Major Positive” attribution within the comparative Bennerley Coal Disposal Point site reveals a marked insensitivity by the LPA towards acknowledging the need to nurture and encourage the growth of existing local businesses. In addition to its own business, Caunton also provides a significant multiplier benefit within the local economy. In contrast, according greater sustainability attributes to Bennerley Coal Disposal Point is predicated upon uncertainty and an unspecified potential economic development yet to be realised.

32. Reference to the Moorgreen Growth Masterplan Briefing of December 2015, referenced as Document 2 within the Appendix A letter appended to the Matter 2 Employment Hearing Statement, together with the Moorgreen Industrial Park Update of November 2018 provided as Appendix D to the Matter 2 Employment Hearing Statement both reveal that when reconfigured, the Caunton business and other new employment developments at Moorgreen Industrial Park could yield in the region of 200 additional jobs from that which existed in 2015. From this context, the Objector firmly believes that the benefit to the criteria 14, Economic Structure, should be “Major Positive”.

Summary

Within Action Document M2A5, there is revealed a marked failure by BBC to have correctly assessed the two sites at Gin Close way, Objection 1201, and that north of Caunton Engineering, Objection 1201, within the appropriate context during the preparation of the Pt2 LP and prior to the preparation of the Submission version of the LP. Both Sustainability Appraisals provided in M2A5 have been prepared after the fact following the Examination as a defensive responses by the LPA. Notwithstanding, there is also a demonstrable inconsistency of approach within M2A5 as discussed above. M2A5 has also demonstrated that the Council has doggedly ignored supporting material that has previously been submitted by the Objectors,

at previous stages of LP consultation resulting in an unhelpful inaccurate distortion in its analysis within M2A5.

These inconsistencies are highlighted within this response letter and to which it is requested that the Inspector has regard in considering the wider objections made by Objectors 178 and 1201 to the Pt2 LP.

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



CC. Simon Bingham – Chairman, Caunton Engineering Ltd
Chris Foulds – Foulds Investments Ltd, Whithead Concrete Ltd