

# Representations on Consultation Documents on Greenbelt, Site Allocation and Development Management Policies – Ken Mafham Associates on behalf of Greasley Parish Council, March 2015

## 1. Introduction

1.1 There are three aspects to the consultation and the amount of detail varies considerably. In our view the consultation exercise fails to identify the correct priorities between the three strands.

1.2 The assessment of the greenbelt boundaries is very detailed and the engagement of the local community with that review will involve a large amount of time and money for the Borough Council, Parish Councils and residents and amenity groups. In our view there is no clear case for a greenbelt review and the allocation of additional sites in the existing greenbelt adjacent to either Eastwood or Kimberley and so a detailed examination of boundaries is premature. We explain below why we think this is the case.

1.3 There is no pressing need to identify additional sites at a time that would pre-empt work on Neighbourhood Plans in Greasley and other areas. Housing land supply is not a reason for undue haste because the National Planning Practice Guidance makes it clear that the correct spatial unit for assessment of a five year supply of housing land is the Housing Market Area; in this case Greater Nottingham. The NPPG also makes it clear that even where a shortage is identified, release of greenbelt sites should not follow automatically. Finally there needs to be time to allow the effect of the new Government proposals for brownfield priority at a national level, the amendment of the General Development Order to allow change of use from office to residential without planning permission as well as the appointment of a specialist conservation officer in Broxtowe. All need to be considered and taken fully into account in the Local Plan

1.4 Conversely there are key policies in the “saved” 2004 Local Plan which have a limited shelf life and there is an urgent need to review the relevance and effectiveness of these. This is particularly the case regarding policies relating to the following:-

Employment Land

Design

Housing

Landscape and Recreation

Traffic and Transport

The consultation document goes some way towards this but it is a very difficult document to respond to, not least because it does not reproduce the existing wording of the policies concerned. Nor does it summarise the relevant policies in the Core Strategies which may need to be taken fully into account in any policy review.

## 2. Greenbelt

2.1 As we have said in our introduction there is no urgent need to review greenbelt boundaries around Eastwood and Kimberley at the present time. We can see from Table 2 that the “shortfall” in Brinsley and Awsorth is a higher proportion of the totals but there is no requirement to ensure a steady supply of housing land in these settlements of sufficient strength to justify a comprehensive greenbelt review that affects not only those settlements but also Eastwood and Kimberley. There is clear need in law to establish exceptional circumstances for greenbelt changes. The Borough Council will be aware that Calverton Parish Council and others have submitted a legal challenge to the Aligned Core Strategy on the grounds that, inter alia, the exceptional circumstances required to change greenbelt boundaries have not been established. Greasley Parish Council is not a party to this challenge although clearly the outcome could affect the future planning of Greasley Parish. We would submit that the Greenbelt Issues and Options Report does not consider whether such exceptional circumstances exist and so the proposed deletions including Zone 10 – Land East of Mansfield Road Greasley are not well founded.

2.2 We have not commented in detail on the review but we do have some criticisms of the approach in general. In particular in those areas such as Zone 10 in the Parish of Greasley there is no consideration of the potential for more active recreational use which is referred to in para 81 of the NPPF *“Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”* The Neighbourhood Plan would be the right vehicle for such proposals to be brought forward and we suggest that any detailed assessment of the value of the greenbelt in advance of the Neighbourhood Plan would be premature.

2.3 We are concerned at the importance that has been attached to the ease with which long term boundaries can be defended. In our view this is just one factor among many. We would also take issue with the way in which landscape is assessed. The various Assessment Zones are not visually self contained and development on any one of them would affect the appearance, integrity and heritage value of a wider area.

2.4 We have made our own assessment of Zone 10 correcting the methodological flaws set out above. This gives a score of 14 compared with the Broxtowe BC score of 9:-

Purpose/ Impact	Score / Assessment
<p><b>Check the unrestricted sprawl of settlements</b></p>	<p><b>4</b>            The assessment by Broxtowe BC is flawed for two reasons</p> <ul style="list-style-type: none"> <li>• It ignores the effect of development of the site on the wider landscape</li> <li>• The value of a disused railway line as a defensible boundary is over emphasised. The disused railway does not have heritage protection. It is simply a linear area of land bounded by hedges and presents no barrier to development and so could easily be incorporated into wider development proposals</li> </ul>
<p><b>Prevent neighbouring settlements from merging into one another</b></p>	<p><b>3</b>            We agree with the assessment that “Development of the site would result in a limited reduction in the gap between Brinsley and Eastwood.” However there would be the perception of a reduced gap between these two settlements (particularly in the West) as it would reduce the amount of ‘open space’ that was visible when travelling along Mansfield Road.            We disagree with the score implied by this assessment</p>
<p><b>Assist in safeguarding the countryside from encroachment</b></p>	<p><b>3</b> The development of the site would destroy valuable views of Eastwood Hall Park and of high ground to the West. Although this is an artificial landscape feature it is nonetheless valuable and could be made more so. Mansfield Road is not relevant to these effects and the Broxtowe assessment is misguided in this respect</p>
<p><b>Preserve the setting and special character of historic settlements</b></p>	<p><b>4</b> We strongly disagree with the assessment. The area is an important part of the setting of Eastwood Hall and its parkland curtilage. It is also close to the DH Lawrence Heritage Centre</p>
<p><b>Assist in urban regeneration</b></p>	<p>Agree, no score for any of the zones</p>
	<p><b>Overall Score 14</b></p>

### 3.Site Allocations

3.1 The need for additional sites is set out in the consultation document.

**Table 2 – Existing Land Availability reported in the 2013/14 Broxtowe SHLAA**

<b>Settlement</b>	<b>Core Strategy Requirement</b>	<b>Identified Supply</b>	<b>Shortfall</b>
Awsworth	350	104	246
Brinsley	150	41	109
Eastwood	1250	1084	166
Kimberley	600	451	149
Main Built Up Area of Nottm	3800	3443	357

3.2 The first point is that the figures in the Aligned Core Strategy for Eastwood and Kimberley are **up to** 1250 and 600 respectively. The consultation document is misleading on this point because it omits the reference to “up to” and does not consider the implications of that qualification. This means that there is no compulsion to meet the “shortfall”. If the shortfall for Eastwood was not met then more than 85% of the maximum target would be achieved.

### 3.3 Windfall Allowance

The basis of the very modest 100 windfall allowance over 14 years needs to be explained. Changes in the market for rest homes, filling stations and public houses as well as the freedom to change use from B1 office to residential without the need for planning permission all suggest the windfall estimate could be revised upwards. This is a topic which could be examined in the Neighbourhood Plan.

## 4. Development Management Policies

4.1 We see as a high priority the reassessment and redrafting of key policies currently in the 2004 Broxtowe Local Plan. We comment below on the following topics:-

Employment Land  
Housing  
Landscape and Recreation  
Design  
Traffic and Transport

At the present time the Borough Council is largely reliant on “saved” policies in dealing with these aspects of planning applications. Whilst policies may be “saved” this does not mean they will be given significant weight in appeals especially if they are out of date and not in accordance with the NPPF and the NPPG.

4.2 We note that the Issues and Options Report on Development Management Policies begins this process of reassessment but the report is obscure, lacks real depth and is not sufficiently transparent to encourage the public participation which is a key requirement of the NPPF.

4.3 Whilst the number of times a policy has featured in an appeal is noted in the consultation report the reasons why a policy has not been the subject of an appeal should be analysed. There needs to be a statement of the main successes and failures attributable to each policy.

4.4 The confusion is partly due to other strategies of the Borough Council which overlap with Local Plan policies. An example is the emerging Green Infrastructure Strategy. Greasley Parish Council has not been consulted on the scope and objectives of the Strategy. As a matter of principle there should be a clear dividing line between planning policy and other strategic documents and parish councils and members of the public should have a role in the production of these other strategies at least equal to their rights within the planning system. Unnecessary repetition and overlapping of policy documents should be avoided. Policies such as recreation and housing can only be partially implemented through development control and the Council's Capital Programme is a key vehicle which should be subject to full public participation. We note that Community Infrastructure Levy is shown on the diagram on page 2 of the consultation document. There is also a need for some strategy as to how to spend the additional resources in the form of the new homes bonus. Government policy is that part of these receipts are ring fenced to the locality in which they arise and the local community have a key role in deciding how the additional resources are spent. This is also an appropriate time to look again at Supplementary Planning Guidance. These are omitted from the table on page 2 of the consultation document and yet can have an important role in development control.

#### **4.5 Employment Land**

4.5.1. The ACS requires an additional 15 hectares of employment land in Broxtowe but sets out no policies on change of use from employment to residential. The Parish Council is fully committed to the development of the local economy but it does seem that the number of jobs provided in industrial land and buildings is falling whilst other locations such as recreational and retail centres and working from home are increasing in importance.

#### **4.6 Housing**

4.6.1 The ACS and the Local Plan 2004, with a target of 30% of affordable housing to be negotiated, leave scope for flexibility and there is a need for new policies that take account of variations in need and supply across the Borough. Meeting local housing need in small settlements such as Moorgreen are an important aspect of affordable housing. The NPPF at para 54 says *“In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing,”* Greasley Parish Council is well placed to identify such local needs in the context of a Neighbourhood Plan. Planning case law requires local planning authorities to consider the effect of planning obligations, especially affordable housing, on viability of affordable housing and other requirements. There is a need to consider how an appropriate balance can be struck between meeting affordable housing needs and satisfying other planning objectives such as open space provision, good design and road safety.

## **4.7 Landscape and Recreation**

4.7.1 There are no formal landscape designations in any of the development plan documents in Broxtowe. There is a need to consider the formal designation of additional areas of Mature Landscape and review any areas already designated. We consider that the review of development management policies is an appropriate time to consider whether the high quality of the landscape in the wider area around Kimberley and Eastwood, which has important historical associations as well as landscape value, should be given some form of designation. The NPPF at para 109 states *“protecting and enhancing valued landscapes, geological conservation interests and soils; “*. Whilst some aspects of value are technical matters the value of landscapes to the local community is important particularly in the light of para 1 of the NPPF that says *“local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.* “

4.7.2. We have referred above to the scope that exists for the more positive use of the greenbelt. This will involve a survey of the condition and use of public footpaths. This is something that can be considered in a Neighbourhood Plan.

4.7.3 Greasley Parish Council has responsibility for managing and maintaining some areas of open space in the parish and it is possible that they may have similar responsibilities for public open spaces provided as part of future mixed use developments. It is particularly important that the Parish Council are fully consulted as strategic and detailed policies emerge.

4.7.4 We welcome the references in the consultation document on Local Greenspace but there should be more emphasis on the role of the local community where appropriate through a Neighbourhood Plan. The NPPF para 76 says *“Local communities through local and neighbourhood plans should be able to identify for special protection, green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”*

## **4.9 Design**

4.9.1 There is little in the consultation document on design. Para 58 of the NPPF requires a local dimension to be incorporated. It refers to Local Plans and Neighbourhood Plans and says that development “*should respond to local character and history, and reflect the identity of local surroundings and materials*”.

4.9.2 Design is clearly not only a question of policies but also of the imaginative implementation of those policies. This in turn requires thorough consultation both by developers with members of the public at the pre-application stage and with the Parish Council as statutory consultees. A “one off” consultation will often not be appropriate because development proposals are subject to a process of change as a result of negotiations and as the views of consultees such as the Environment Agency, English Heritage and the Highways Authority become available. Developments outside of the boundary of Greasley Parish will have an effect on areas within the Parish and there should be full consultation on such developments.

## **5. Traffic and Transport**

We welcome the fact that a large proportion of the housing requirement for Eastwood and Kimberley is to be found within the urban area of these two settlements and we accept that in most cases the Parish of Greasley will not be directly affected. Nevertheless, the quantity of housing involved is large and the traffic implications for roads within Greasley significant. We made comments on this matter in the consultation exercise carried out in January 2014. These are still relevant and we reproduce them below, with minor modifications:-

### ***“7. Infrastructure***

*7.1 The previous Site Allocations document for Eastwood ( November 2013) in the section on page 5 dealing with infrastructure admits that there is still considerable work to be done on traffic modelling, educational needs and electricity supply. Until that work has been done it would be quite wrong for the current Site Allocations Document to commit to a maximum growth figure of 1250 dwellings.*

*7.2 Nuthall Island is already at capacity. Junction 26 is one of three entrances to Nottingham from the M1. Access from Junctions 24 and 25 will be seriously affected by development proposals at Clifton and Toton respectively . Poor access from the motorway network already affects the functioning of Greater Nottingham as a centre for business and this will only get worse if Nuthall Island is allowed to become even more congested as a result of inappropriately located housing development.*

*7.3 The Tribal Report Section for Direction J (Page 49) under Transport and Accessibility states :-*

*‘A610 Eastwood to Nottingham corridor in north of area but congested’.*

*‘Junction 26 would become more congested, particularly if development occurs in north of area; it is at or near capacity’.*

*This report was written in June 2008 and appears to have been totally disregarded in this*

connection

*7.4 The later Greater Nottingham Core Strategies Transport Modelling Final Report of November 2012 goes into much more detail and shows that key junctions on the A610 in the area namely at Giltbrook, M1 Junction 26 and Nuthall are already heavily congested (as defined by over-capacity traffic volumes) during morning and evening weekday peak periods. This situation, already familiar to residents of Greasley, is forecast to deteriorate further over time, even more so if the development intentions outlined in the current Site Allocations proposals are fully realised.*

*7.5 Added to the above circumstances are the current proposals by Ashfield District Council to provide up to 900 dwellings on the nearby Hucknall Airfield Site that are likely to feed further traffic onto the B600 via Watnall and thence add to the load on the A610 at the Nuthall roundabout junction.*

*7.6. We feel that the potential flood risk to sites north of Eastwood and West of Kimberley has not been investigated in sufficient depth and this is another reason for caution with respect to the allocation of any part of that area for housing”*

## **6 Flood Risk**

6.1 Since our above general reference to this topic in the previous January 2014 consultation, the question of flood risk has gained more local prominence. Witness the problems affecting Parish residents at Thorn Drive, Newthorpe, caused in the main by allowing development to outstrip the capacity of the existing infrastructure, coupled with a failure to recognise the implications of climate change. The Borough Council are fully aware that this has yet to be resolved and it would be unforgivable to allow similar situations to be created elsewhere.

6.2 With regard to the current proposals in Zone 10 – Land east of Mansfield Road – local residents report that the eastern part of this site has a long history of flooding - photographic evidence is readily available. At times of exceptional flow, water builds up in the nearby stream and is added to by over-land flows from the upland area to the north of the subject site.

6.3 NPPF para 102, states “*a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall*” And in para 103, “*when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere ...*”

6.4 It is abundantly clear that no proposals for this site can be contemplated unless these safeguards are in place and rigorously enforced.

## **7 Summary**

- The exceptional circumstances needed for the removal of areas around Eastwood from the greenbelt have not been established.
- The land supply justification for removal of parts of the greenbelt is marginal and falls well short of exceptional circumstances.
- For reasons 1 and 2 the detailed appraisal of greenbelt boundaries is premature but

in passing we feel that insufficient attention has been to the more active use of areas of the greenbelt adjacent to urban areas.

- The priority is the review of planning and other policies on the following topics.

Employment Land

Housing

Landscape and Recreation

Design

Traffic and Transport

Flooding

This should be done in full consultation with Greasley Parish Council and should be preceded by an “effectiveness review “ of existing policies, in full consultation with key “users” such as the Parish Council, local schools and resident/amenity groups.

Ken Mafham Associates

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Final Version