Dear Carmel,

GREATER NOTTINGHAM ALIGNED CORE STRATEGY – CORE STRATEGY EXAMINATION
MAIN MATTERS AND QUESTIONS

We write on behalf of our Client, Tej Properties Ltd, in response to the above document. Our client has land interests in Toton Sidings, located in Broxtowe.

Our Client is a key stakeholders in the District, and welcomes the opportunity to engage in further discussions in relation to the Core Strategy for the Greater Nottingham area. Our Client’s representations to the Main Matters and Questions are set out within this letter and will be elaborated upon orally at the respective hearing sessions.

You will be aware that our Clients have made representations to the Core Strategy at all stages, most recently in April 2013 to the Core Strategy pre-submission changes Document. Our Client is disappointed to note that many of their comments made in relation to that document do not appear to have been taken into account in the submitted version of the Core Strategy and seek to quantify this in relation to the Inspectors questions and at the Examination in Public. This letter addresses the various parts of the Core Strategy that our Client has residual objections to, in accordance with the Inspectors questions as follows:

- Session 2 – The Spatial Strategy and housing Policy;
- Session 4 – The Green Belt;
- Session 6 – Transport.

Our Client’s residual concerns will be dealt with in the order listed above in the statements accompanying this letter.

Yours faithfully

Stuart Natkus
ASSOCIATE

Enc Responses to Main matters 2 and 4
Extract of the Broxtowe Borough Local Plan
Extract from the EA flood zone maps
THE GREATER NOTTINGHAM ALIGNED CORE STRATEGY

EXAMINATION IN PUBLIC

Inspector’s Questions Session 2 -

Tuesday 15 October 14.00

Written Statement by Barton Willmore on behalf of

Tej Properties Ltd

Session 2 - Strategy

1.0 Q5 - Does Policy 2 define the settlement hierarchy appropriately, and then identify sufficient and appropriate key sites which are critical to the delivery of the housing strategy over the plan period?

1.1 Concerns have always been raised on behalf of our client that the ACS does not provide detailed clarification on the boundary of the Main Urban Area, either in the text and/or on a plan. Although generic boundaries are provided and it has been confirmed that our clients land is adjacent to the Main Urban Area in order to provide clarity to future DPDs the boundary should be clarified further.

1.2 Policy 2 thereafter fails to deliver sufficient sites to deliver the strategy over the plan period by including insufficient strategic sites, despite having the evidence base available to promote additional sites now, for example land at Toton Sidings. Full details of this are provided in the response to questions 23, 24 and 25.

2.0 Q6 - Is the distribution of sites consistent with the first paragraph in Policy 2 which places emphasis on urban concentration with regeneration, or has there been a relaxation of the East midlands Regional Plan-based Policy? If so, has this change resulted in an unsustainable strategy?
2.1 With regard to the land in Broxtowe Borough Council it is considered that the distribution of sites is inconsistent with Policy 2 (1) as it promotes urban concentration with regeneration, yet in Broxtowe dismissed land at Toton Sidings (an urban extension of the MUA, regenerating previously developed land identified as a major developed site in the Green Belt) and proposes to bring forward a large Greenfield Green Belt site outside of the MUA. It is noted that this has followed consultation and site assessments, however given the key themes and aims of the Policy it is clear that Toton Sidings should be included in the Core Strategy rather than being left for future debate at the Allocations DPD consultation.

2.2 Given the level of new homes required it is noted that the Field Farm site may need to be included as a strategic allocation, however this should be alongside the land at Toton Sidings not in advance of the strategic urban extensions identified adjacent to the MUA on previously developed land.

3.0 Q7 – Is the strategic location at Toton supported by more than the HS2 station? Is there scope for more detail to be included in the ACS?

3.1 The land at Toton identified by the Council includes Our Clients land at Toton Sidings and adjacent land subject to a planning application for 695 new homes. However the Councils background papers, particularly with reference to the Green Belt focus on the land to the north of the Sidings. This land has previously been considered at length by the Council and was included in part as a Sustainable Urban Extension in previous versions of the Core Strategy, taken out at the request of Councillors, with minimal justification.

3.2 Extensive background work has been carried out on the site and justification provided by the landowners. The inclusion of the Site in an earlier version of the plan by officers demonstrates that justification exists and the suitability of the Site, as identified in the following pieces of evidence.

Appraisal of Sustainable Urban Extensions (June 2008)

3.3 This report was carried out by Tribal Urban Studio (the 'Tribal Report') and was published in June 2008. It aims to provide advice on the most suitable locations for Sustainable Urban Extensions adjacent to the Nottingham Principal Urban Area.
3.4 The summary and recommendations in respect of Toton Sidings (Tribal Report Reference: G3) states that:

“This site appears suitable for development on a number of criteria, subject to mitigation of the impact of the existing rail line that passes to the west of the site and the provision of a road spine with bus opportunities from north to south parallel to and east of the railway....

3.5 The site offers opportunities for sustainable transport... and brownfield development. It performs well on all five Green Belt criteria and has the potential for connection to services and facilities in Long Eaton town centre to the south....”

3.6 The Report concludes that the site “is judged to be suitable for residential-led mixed-use development”.

3.7 The site to the north east of our Client’s site (between Stapleford and Toton) is also assessed in the Tribal Report (Reference: G2). The Report concludes that site G2 is suitable for development and that a “safeguarded route for a sustainable transport corridor should be retained through the site so as not to prejudice future opportunities on other urban extension sites...”.

3.8 In addition to our comments above, it is noted that our Client’s site at Toton Sidings (SHLAA Site Reference: 358) is assessed as follows:

“Although the site is in the green belt it is identified in the Broxtowe Local Plan (2004) as a major developed site in the green belt indicating the potential for some redevelopment. Other constraints include flood zone and SINC, the former sidings use would require remediation and access to the site is only realistically possible through site 133 to the North of Toton. In the absence of development on site 133 this site is considered to be undeliverable and undevelopable within the plan period. The Tribal Study identifies the site as part of a wider sustainable location.”

3.9 Whilst our Client notes the constraints (flood risk and SINC) associated with the site, this is located on only a small part of the Site and it is strongly disagreed that the site is undeliverable and undevelopable within the plan period. Our Client has commissioned studies in relation to access, contamination, drainage and noise and the results of these have been fed into the Promotional Report that accompanied previous representations.
3.10 Contamination, drainage and noise are all considered to be issues that can be overcome through the implementation of suitable mitigation measures. In relation to access to the site, it is agreed that the entire site could not come forward without access through site 133 (G2). However, the access work that has been undertaken demonstrates that up to 80 dwellings could be delivered on the site via an access from Banks Lane. Future dwellings above this number could then be delivered from an access from site 133 (G2) when it comes forward. Our Client therefore believes that site 358 (G3) is deliverable within the plan period.

Reports to Cabinet of 12th July 2011 and 1st May 2012

3.11 These Reports of the Chief Executive to Cabinet for Economy and Regeneration sought to update the Cabinet on the Strategic Site Allocations required in the Core Strategy and the Publication of the GNACS respectively.

3.12 The Report to Cabinet of 12th July 2011 (the ‘July 2011 Report’) seeks the resolution of the Cabinet to identify and publish the site to the west of Toton Lane (Refs: G2 and 133) and Field Farm (Refs: H2 and 108) and preferred sites for allocation in the GNACS. The remainder of the identified strategic site (Our Clients land on the sidings) was not considered at this stage, despite the fact that both the Tribal Report and SHLAA assessed the site as suitable.

3.13 It is noted that the July 2011 Report contains a table (Table 3) setting out the results of the ‘Options for Consultation’ (2010). Whilst the land between Toton and Stapleford received the highest number of objections, this actually represented on 58% of all responses received, with the remaining 42% expressing support for that option. Conversely, 90% of responses to the Field Farm site were negative with only 10% expressing support. It is clear that the land between Toton and Stapleford is proportionally the most-supported of the options presented.

3.14 In contrast to the July 2011 Report, the Report to Cabinet of 1st May 2012 (the ‘May 2012 Report’) does include reference to Toton Sidings, and the fact that the Tribal Report identified it as suitable for development. The May 2012 Report does not then go on to assess the potential of the Toton Sidings site as an SUE and there do not seem to be any further references to the site, such that it appears that the site has been discounted without any explanation. Our Client is therefore concerned that the potential of Toton Sidings as and SUE has not been transparently assessed.
3.15 This has continued in the Councils background paper on the Green Belt where the sidings are dismissed as a result of flood risk, the SINC and noise. The flood zone is located on only the southern part of the Site and the SINC to the south east. These designations do not hinder delivery and represent a misinterpretation of the Site and the designations by the Council (a copy of the designations are included with these representations). Finally in terms of noise assessments have been carried out, which have been submitted to the Council confirming that noise is not an issue, however these are not even referenced in the report.

3.16 Evidence has been provided that development can be delivered across the whole of the strategic site, with an application lodged on part of the Site and an application being prepared on Our Clients land. The ACS should include the land as a mixed use development with reference to uses and the scale of development immediately, rather than leaving it until a later date through the Allocations DPD.

3.17 It is noted that HS2 is planned to be delivered on the Site, however flexibility should be included should this not occur, therefore as per our previous representations the detail of the text should be amended to the following,

A strategic location for growth in the vicinity of the proposed HS2 station at Toton, or in the event that the HS2 station is not confirmed in this location, a Sustainable Urban Extension (1295 homes).

4.0 Q8 - Do the table in Policy 2, para 3.2.8a and footnote 31 imply a shortfall against housing requirements in the five year supply? If so how can this be remedied?

4.1 The five year land supply should be calculated on an average delivery requirement per year over the lifetime of the plan period. Policy 2 seeks to reduce delivery in the early part of the plan in order to justify a five year land supply. Taking the overall housing figure and applying it to the length of the plan equates to 362 units per annum, totalling a five year requirement of 1810 homes.

4.2 Footnote 31 identifies that to determine the five year land supply this will be calculated by using the phased figures, as opposed to the average yearly requirement, which reduces the number of homes at the start of the plan. This approach is inconsistent with national policy and seeks to justify the limited release of land in the Core Strategy, giving further weight to the need to allocate more homes in strategic areas at an early stage.
4.3 Paragraph 3.2.8a acknowledges that the delivery of homes in the first five years is expected to be lower whilst delivery will increase in later years as a result of the release of strategic sites. This approach seeks to justify the release of a single site for 450 homes in the ACS, with no other land being allocated until 2015. This approach is not planning positively as identified in the Framework, the Council should therefore seek to release sufficient sites to meet the five year land supply, not reduce the five year land supply requirement based upon the number of allocations being released.

4.4 In order to remedy the issue the Council should release further strategic allocations through the ACS to deliver the requisite number of homes.

5.0 Q9 - What should be the appropriate buffer, based on the NPPFs thresholds and past housing delivery?

5.1 In relation to Broxtowe Borough the buffer should be set at 20% given the historical under delivery and the potential for under delivery in the next 5 years as identified in the ACS. Paragraph 3.2.8 of the ACS identifies that the housing target has only been met in three out of the last ten years, clearly showing persistent under delivery.

6.0 Q13 - Is the ACS sufficiently flexible overall allowing some headroom for the currently unpredictable delay or non delivery of some sites.

6.1 No. The ACS provides limited release of sites, with no mechanism for other sites coming forward in advance of the Site Allocations DPD, which is not anticipated until 2015.

6.2 Furthermore the land at Toton Sidings has been identified previously as suitable for mixed use housing led development and is included as part of the strategic site around the HS2 hub. The site without the hub is suitable for housing and has been demonstrated as deliverable, is previously developed and should be released for housing in advance of Green Belt and Greenfield sites. The site should not be restricted based on the HS2 route, which is not yet confirmed, therefore to provide flexibility the wording should be amended to read as follows,

A strategic location for growth in the vicinity of the proposed HS2 station at Toton, in Broxtowe with an appropriate mix of development to be determined in the Site Specific Development Plan Document or in the event that the HS2 station is not confirmed in this location, a Sustainable Urban Extension (600 homes)
7.0 Q23-25 - Are the sites named in Policy 2 the best options for growth? If not which sites should be included?

7.1 In accordance with our answer to Q7 it is considered that the strategic site at Toton is suitable and should be included, however it should be brought forward earlier through the ACS. Further to this it is considered that the text needs to accompany the identified boundary to include land at Toton Sidings owned by our client.

7.2 Significant work on the delivery of this site has been prepared and submitted to the Council, including masterplans and technical assessments, despite this the Council do not appear to have considered these and in the background report on the Green Belt include designations which are not impacted upon by the site to justify exclusion, such as flood risk and the SINC, which are located off the Site.

7.3 A copy of the promotional document for the Site was submitted previously and is appended to these representations for ease of reference.

7.4 Finally given the uncertainty of the HS2 route it is considered that the allocation should be reworded as follows to provide flexibility for delivery.

A strategic location for growth in the vicinity of the proposed HS2 station at Toton, in Broxtowe with an appropriate mix of development to be determined in the Site Specific Development Plan Document or in the event that the HS2 station is not confirmed in this location, a Sustainable Urban Extension (600 homes)
THE GREATER NOTTINGHAM ALIGNED CORE STRATEGY

EXAMINATION IN PUBLIC

Inspector’s Questions Session 3 -

Wednesday 16 October 09.30

Written Statement by Barton Willmore on behalf of
Tej Properties Ltd

1.0 Q2 - What is wrong with the two stage approach to Green Belt review and will it delay the development process?

1.1 Section 3(a) of Policy 2 highlights that 3,600 new homes are to be delivered in Broxtowe in or adjoining the existing built up area of Nottingham. This includes a strategic location and strategic allocation providing a combined total of 1,000 new homes, thereby leaving 2,600 new homes to be delivered in the plan period.

1.2 Given the large number of dwellings still required to be delivered and the number of sites identified as suitable within the Tribal Report of Sustainable Urban Extensions, it is considered that the Core Strategy as an overarching policy document should provide more strategic allocations, particularly given the large amount of background work carried out to date rather than deferring the issue to a later date.

1.3 The Tribal report carried out previously assessed the suitability of Strategic Urban Extensions and the impact upon the Green Belt, identifying the most appropriate Sites to be removed. Furthermore the Council have identified strategic locations for growth to be detailed in later documents. Given the level of work carried out to date, the identification of sites and the previous consultation it is considered that these sites should be brought forward now in order to assist growth.

1.4 Only one site is identified as a strategic allocation (Field Farm), which is envisaged delivering housing in the first five years of the plan, with all other strategic sites delivering after five years. This delay is a clear result of delaying the release of these sites to the
Allocations DPD, despite the evidence and acceptance they will be released in a further document. Despite an application being approved, this has been called in and is in outline form, it is likely that work will not commence on site in the first year of the plan and thereafter will only deliver between 30-50 per annum, therefore delivering a maximum of 200 homes in the first five years.

1.5 Paragraph 3.2.8a of the ACS identifies this issue by confirming that delivery is expected to be low in the first five years as a result of a need to wait for the strategic sites to come forward through later DPDs.

1.6 In order to comply with the Framework and be positively planned the ACS should seek to enable release of acceptable sites as soon as possible.
Environment Agency Flood Zone Map