

Comment on the Main Modifications proposed to the Aligned Core Strategy.

The consultation closes 5pm Wednesday 30 April 2014.

Submission on behalf of the following organisations:

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Comments on Modifications to the ACS for Broxtowe, Gedling and Nottingham City by Ken Mafham Associates on behalf of Barton in Fabis, Calverton, Gotham, Thrumpton and Woodborough Parish Councils, Calverton Preservation and History Society, STRAG and South Broxtowe 2020.

1. Introduction

1.1 These comments concern the modifications put out to consultation in March 2014. We attach the first page of a response form for admin purposes. **We have not used the pro forma because it is nether practical nor appropriate due to the length and integrated nature of what we wish to say.** The major modifications address changes in circumstances since the publication draft; namely the publication of the NPPF and the revocation of the Regional Plan for the East Midlands. They also reflect the matters discussed at the Hearing and responses to queries raised by the Inspector. This is particularly the case for Broxtowe BC in respect of Toton and Gedling BC in respect of Gedling Colliery. The focus of our representations is Main Modification 3, Main Modification 4, Main Modification 5, Main Modification 8, Main Modification 10, Main Modification 15, Main Modification 18 as well as the relevant sections of the justification. There is a quantity of detailed evidence in this presentation. We take the view that any criticism of the scope and content of the proposed modifications needs to be justified. It is also the case that our suggestion that statements on the implications of the revised NPPG was not taken up. It is our understanding of the legislation that so long as the PE is in progress, latest policy position must be taken into account.

1.2 The last session of the Hearing, in February of this year, related to a legal opinion submitted by the Home-builders Federation drawing attention to the Court of Appeal judgement in what is known as the Hunston case. The Session also discussed a legal opinion on behalf of the three LPAS. We did not submit a legal opinion, but we did make representations on legal matters. We do not believe that the modifications address all the issues raised by the Home-builders Federation and they address few, if any, of our concerns.

1.3 Although it was not referred to at the Hearing, the LPAs clearly have legal advice and ought to have been aware of the High Court judgement by Mr Justice Sitting *St Albans DC v SSCLG* [2010] J.P.L. 70.

1.4 Finally, the National Planning Practice Guidance has been revised since the modifications were made and so could not be taken into account by the LPAs in putting together the latest set of modifications, but should be taken into account by the Public Examination; we comment on the implications of the changes in these reps - although we are happy to submit them separately if that is more convenient. For the record we did suggest that submissions on the NPPG be invited and that suggestion was not taken up.

1.5 The quality and sincerity of the public consultations is something that we have commented upon in all of our representations on the ACS. We will not repeat the evidence for our view that the public consultation has been flawed but we will update our views. In order to elicit an informed response from the public we need to have a consolidated version of the Core Strategy. It is helpful to be able to see which parts have been added in since 2012 and this is possible by looking at the tracked changes. The schedule also provides what the three ACS consider to be a justification for these changes. What is missing is a single document that sets out what the three Districts now consider to be the right policy towards their Districts.

1.6 We have a specific and serious complaint regarding public consultation on the ACS for Broxtowe. Probably the most important modification was that which proposed a minimum of 500 homes at Toton. Senior Councillors from Broxtowe have publicly “blamed” the Inspector for the proposal. In the Nottingham Evening Post (9th of December 2013), Councillor David Watts, Councillor for Bramcote and Liberal Democrat leader for Broxtowe Borough Council stated that *“this is not a U-turn because that would imply that we had a choice in the matter”* and further that, *“the planning inspector said that we had to give a figure and 500 was the minimum we could get away with – it’s about damage limitation.”*

1.7 On January 14th (2013), from his Twitter account, Watts stated with regard to Toton that *“We had no plans to build here, the Govt [sic] inspector said we were wrong. We had no choice.”*

1.8 We have seen correspondence between Anna Soubry MP and the Inspector that totally refute these claims and we fully accept that as the true position. Misinformation by Senior Broxtowe Councillors will clearly have influenced the size and nature of the public's response to the proposal and so effectively subverts the consultation process and renders the ACS none legally compliant in that it does not implement the sections of the Planning Act and the NPPF that deal with public consultation. It is also clearly in contravention of the Aarhus Convention.

1.9 In addition to this fundamental point of process, the more detailed nature of the evolution of proposals for Toton is not in accordance with the latest view of Government on public consultation. In a statement to accompany the publication of the revised NPPG the Planning Minister said that LPAs *“do not have to allocate sites on the basis of providing the maximum possible return for landowner and developers.”* The lack of delivery on sites that are already given permission was also mentioned as a factor in determining a five year supply. In fact the Volterra, the main evidence base for the proposals for Toton, appears to use the Peveril Housing application as a starting point and a basis for their report.

1.10 All the evidence is that the driving force behind the Broxtowe ACS is a handful of ambitious and resourceful developers who have persuaded senior politicians as to the value of their proposals. Officers are instructed accordingly.

2. The revised National Planning Practice Guidance

2.1 The SHLAA carried out by the three Districts is central to the ACS because the results have a direct effect on the issue of redrawing greenbelt boundaries. In the body of these representations we offer an alternative view as to the sites identified in the SHLAA. The reality is that neither we nor the LPAs can be expected to identify precisely which sites might come forward during the Plan period; nor are we required to. The NNPG, in the first page dealing with SHLAA s, refers to broad locations. Para 27 of the NPPG says “Local Plans can pass the test of soundness where local planning authorities have not been able to identify sites or broad locations for growth in years 11-15 years period”

2.2 The ACS proposes that priority should be given to the development of brownfield and other sites within the PUA and this view was not seriously questioned during any of the Examination sessions. In these representations and in earlier submissions we argue that the SHLAA resource within the PUA of all three Districts and particularly in Nottingham City has not been a thorough exercise and, therefore, does not support the conclusion that it is necessary to resort to the development of sites in the greenbelt. We have offered evidence on this point most recently in our submissions on the HBF legal opinion. The points we made were not challenged by any of the LPAs at the Hearing Session. They were ignored. The SHLAA is highly relevant to the issue of whether exceptional circumstances exist to justify development in the greenbelt. The responsibility for duly considering the evidence submitted now rests with the Inspector.

2.3 Para 06 of the NPPG sets out a flow chart for the assessment process. This requires that where insufficient sites have emerged to meet the objectively assessed housing need then the LPA should return to the site / broad location assessment. There are three relevant points here:

- Where the Local Plan is at a crucial stage the SHLAA assumes a special importance.
- The reassessment needs to be both comprehensive and thorough. A simple shrugging of shoulders and reaching for the greenbelt doesn't cut it.
- Because the Local Plan is at an advanced stage, the reassessment has to be made with the objectives of the ACS in mind and, as we have said, the central policy is one of concentration and regeneration.

2.4 Para 11 of the NPPG emphasises that the SHLAA process needs to be pro-active; that constraints should not simply be accepted but the LPA “*test again the appropriateness of other previously defined constraints, rather than simply to accept them.*” This testing needs to be even-handed. The site assessment exercise part of the SHLAA process in Broxtowe and Gedling Boroughs seems to regard a greenbelt policy constraint as something that can easily be overcome – but minor difficulties of access, land ownership or some historic allocation of a site for employment uses are regarded as a permanent obstacle. This is a rather Alice in Wonderland interpretation of the NPPF. We

note the statement by the Homes and Communities Agency that they “*have worked with around 80 local authorities with some of the largest areas of brownfield land to assist them in producing Local Brownfield Strategies to inform their local development frameworks which has provided them with improved intelligence on the availability and deliverability of brownfield sites, how to address the obstacles to their development, and help prioritise and target future interventions.*”. We are not aware of such a strategy to cover the needs of Greater Nottingham or of any sustained attempt by the LPAs to persuade the Homes and Communities Agency to help them produce one. We take the view that the ACS is both unsound and not legally compliant. The deficiencies would reduce in importance if there was a brownfield priority policy and a commitment to an early review. One way or another, the ACS needs to go back to the drawing board so far as alternatives to greenbelt releases go. A Local Brownfield Strategy in co-operation with the HCA or an alternative agency, such as a planning and regeneration consultancy, should form part of that process.

2.5 The NPPG refers to the Register of Public Bodies Land. This is not the responsibility of the LPAs but it has to be said there is lots wrong with the Register, not least that it has not been updated since November 2012. A register that is eighteen months out of date is not fit for purpose and will not be used by the development industry.

2.6 Para 19 of the NPPG suggests that all types of housing requirement are considered in the assessment process “*These may include, but are not limited to: market housing, private rented, affordable housing, people wishing to build their own homes, housing for older people, or for economic development uses* “. The ACS has not disaggregated provision for the housing sectors in this way. Despite the fact that more than 50% of the objectively assessed housing need is for affordable housing, the whole SHLAA process has been oriented towards land needs for the market housing sector

2.7 One of the most important paragraphs of the revised NPPG is para 034 which says “*Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt.*” We accept that this does not mean that use of greenbelt is ruled out. What it does do is re-emphasise the importance that Government attaches to the greenbelt. We would draw attention once more to our view that the lack of a comprehensive greenbelt review by the three Districts renders the ACS legally non-compliant and unsound.

2.8 The revised NPPG also put paid to the idea that the only way to assess housing supply is by means of the “Sedgefield “method. We deal below with the question of whether there is a five year supply in the three authorities taken together. The NPPG is quite clear that the duty to co-operate refers to the assessment of a five year supply within the HMA.

2.9 Para 42 of the revised NPPG deals with employment sites and says “*Although there*

is no formal requirement for an annual update of employment (including retail, office, manufacturing) site allocations, they should be regularly reviewed . “The last major and comprehensive review of employment sites was undertaken in 2007 and the SHLAA assessments in 2013 refer to that study. This is clearly not what is intended by the NPPG and the ACS is unsound in this respect due to an outdated evidence base.

2.10 We must say that the failure to comprehensively review employment sites appears to be another example of an uneven approach by the LPAs. Had there been evidence that the needs for manufacturing and storage had risen sharply and that some sites previously thought suitable for housing were no longer available, so that additional greenfield sites had to be found, then the LPAs would have reviewed employment site provision in double quick time.

2.11 The publication of the revised NPPG was accompanied by a Ministerial Statement in which points to which the Government attaches particular importance were set out. The second of these reaffirmed the importance of the greenbelt. It was made clear that windfall sites can be counted over the whole plan period. The Minister emphasised the priority to be given to brownfield sites and emphasised that local authorities “*do not have to allocate sites on the basis of providing the maximum possible return for landowner and developers.*” The lack of delivery on sites that are already given permission was also mentioned as a factor in determining a five year supply. It should be said that this suggests allocating less land because of a lack of delivery rather than more land.

2.12 The most important point in the ministerial statement is the last one “*the duty to cooperate is not a duty to accept*”. The manner in which Rushcliffe BC were obliged to accept the consequences of the failure of the three LPAs to adequately examine brownfield resources within the PUA was unsound at the time in 2013. It is even more unsound in the light of the Ministerial statement.

2.13 The revision of the NPPG and the recent Ministerial Statement constitute a change in policy. Many of the decisions made by the Inspectorate on appeals and Local Plans over the last two years would not have been made in this context. The PE is still running. One way or another the ACS needs to be further modified to take account of the implications of these policy changes.

3. Alternatives to Greenbelt Release

3.1 Context

The purpose of this section of our representations is to consolidate, expand and update the various submissions we have made on the issue of brownfield capacity. Most of these are in the reps we submitted on the HBF legal opinion. The modifications were published a number of weeks after the submission of these and so the LPAs had an opportunity to

examine the suggestions made, query their basis and respond. They did none of these things. We have been advised by Counsel that where greenbelt releases are involved, the examination of brownfield resources needs to be particularly thorough. The High Court decision by Mr Justice Mitting is relevant, St Albans DC v SSCLG [2010] J.P.L. 70:

“Article 5.1 and Regulation 12(2) required that reasonable alternatives to the challenged policies be identified, described and evaluated before the choice was made.”

3.2 The extent to which the LPA has done this is a key issue and we have asked for details of the approach of Rushcliffe Borough Council and the three districts to the SHLAA. We asked the three LPAs to assess the approach to brownfield sites in relation to a base line in the form of the report “Tapping the Potential” produced by URBED for the ODPM. In our view this remains the best summary of best practice. In response we were simply referred to the methodology set out in the report Nottingham Core Housing Market Area SHLAA Methodology. That document dates from 2008 and has not been reviewed since. We are unclear as to what consultation took place when the methodology was first decided upon. We have certainly questioned the approach in the various stages of the Public Examination. Leaving issues of approach to one side, the key question is how the methodology was implemented.

3.3 The Hunston judgement and the requirement to balance housing requirements against environmental damage is a permanent part of the context for the SHLAA. We have objected to the use of minimum figures in Policy 2 because it makes nonsense of this balancing exercise. At the very least it should be made clear that developments over and above the “minimum” figure will have to pass a more demanding test in terms of environmental damage .

3.4 Many sites within the PUA put forward as part of the SHLAA process have been rejected by the three authorities. Each rejection puts greater pressure on the designated greenbelt. There is no sign that the process was carried out with the seriousness of the implications in mind. Similarly the amount of public consultation should have reflected this importance. The process lacks transparency. In Nottingham City three documents are involved: the draft of the LPPD, the Site Assessment document of Sept 2013 and the Land Availability Report of Dec 2013. The latter has no plans or detailed capacities. There are plans in the Site assessment Document but they are not cross referenced to the SHLAA. No lay person or non-specialist agency could possibly put themselves in a position to be able to make informed comments, on viewing the ACS, as to the size and make up the resource of sites within the PUA.

3.5 We have pointed out these shortcomings in the assessment of resources over the last year or two. With the Hunston decision in the background, the LPAs ought to have rectified them. That they have not done so renders the modified draft unsound in terms of a clear evidence-base, and not in legal conformity with statutory requirements for public

consultation.

3.6 There is no justification for the “tablet of stone” approach to urban capacity and no grounds for concluding greenbelt releases are the only way of meeting a housing requirement that we question in any event. In effect, the City Council have argued that their assessment of capacity in the PUA is their final word and that it is for Broxtowe, Gedling and Rushcliffe to make up any shortfall. This approach is contrary to the duty to co-operate as set out in the NPPG. In the past three years sites with a capacity of several thousand have come forward.

3.7 We have carried out some work of our own to:

- identify sites not identified by the LPAs
- re-assess the categorisation of sites included by the LPAs
- re-assess the capacity of sites identified by the LPAs
- make a revised estimate of the windfall allowances for the three authorities on the basis of local circumstances and the latest guidance in the NPPG.

3.8 The LPA Position

It is worth looking at how the brownfield resources of the three authorities was revised since the publication draft dated June 2012

Authority		Total brownfield plus windfall in June 2012 publication draft	Total brownfield plus windfall in Modified Submission Draft March 2014
Broxtowe borough		SHLAA in Nottm Urban area 1328 Windfall 300 Total 1628	SHLAA in Nottm Urban area 1613 Windfall 300 Total 1913 plus 550 Toton proposal 2463
Gedling Borough		SHLAA in Nottm Urban Area excl Gedling Colliery and incl only 400 for Teal Close 2649 Windfall 200 Total 2849	SHLAA in Nottm Urban Area 2407 Gedling Colliery 600 Teal Close 830 net increase 400 Windfall 208 Total 4045
Nottingham City		SHLAA 13131 ?? Windfalls 1240 Total 14371	SHLAA 17264 Windfall 1610 Total 15564 (with allowance for demolitions)

3.9 The main change has been in Gedling and we note that there have been compensatory changes in greenfield releases proposed in Bestwood, Calverton, Ravenshead and North of Papplewick Lane. In Broxtowe some 800 additional capacity has been identified and it is proposed to reduce the max figures for settlements such as Kimberley. In those two Districts it is clear is that the figures in the publication draft were way short of the mark suggesting that the SHLAA work that contributed to the figures for Broxtowe and Gedling and was not sufficiently robust.

3.10 Some of the sites that we are putting forward are vacant offices, pubs and filling stations. The SHLAA and other assessments of sites in the City of Nottingham were particularly weak in respect of such opportunities and this may have been due to the 0.5 hectare cut off point. The exercise we have carried out looks at suitability for all sectors of the housing need. Because of the approach of the SHLAA in the three Districts, insufficient attention is paid to the needs for affordable housing. Sites close to or within the Districts' centres and the City centre, or on busy public transport routes, are especially suitable for low income households, who may not have access to private transport.

3.11 Whilst it is true that an increased population over the plan period will increase the demand for the sort of uses detailed in 3.10; it is also true that user requirements have changed and there are significant developments in the pipeline, such as the expansion of the Victoria Centre, which will take up a major part of any increase in demand.

3.12 Insufficient Public Examination time has been set aside for detailed discussion of the SHLAA housing trajectories and that there was a tendency to accept criticisms from developers of the housing trajectory at face value; those made by Oxalis being a notable case in point. These issues were central to the greenbelt issue and should have been dealt with in a way that reflected their importance.

Capacity within the Principal Urban Area

A number of additional sources of housing supply have come to light since the submission draft of the Aligned Core Strategy was prepared. They have increased resource in the PUA. In net terms, these are set out below:

3.13 Broxtowe Borough

3.13.1 Broxtowe Borough has modified the submission of the draft of ACS proposals for Toton, recognising that Toton could provide a minimum of 500 houses. There have been and will be objections to that proposal and my own view is that 250 dwellings might be the maximum that can be accommodated. Nevertheless, as things stand additional capacity of at least 500 houses has been identified. We note that the Jan 13th report looks at the benefits that might stem from the Toton modifications in relieving pressure on the greenbelt

at Brinsley, Eastwood and Kimberley. In our view there are also good reasons to review the proposal at Field Farm.

3.13.2 The SHLAA Report for 2013 amends employment policies so as to release 15 sites in whole and 3 in part. The sites to be wholly released are set out below together with their capacity:

Manor Garage 365 Nottingham Road Toton	20dws
Regent House Lower Regent Street Beeston	22dws
Land at Former Barton Bus Depot Queens Road Chilwell	110dws
Sandiacre Road/Wellington Street Stapleford	28dws
Pinfold Trading Estate Nottingham Road Stapleford	50dws
Barrydale Avenue Beeston	30dws
Trowell Freight Depot Stapleford Road Trowell	33dws
Custom Upholstery Sidings Lane Bramcote	20dws
Balloon Wood Industrial Estate Coventry Lane Bramcote	80dws
Foundry Close Holly Lane Chilwell	20dws
Myford Machine Tools Wilmot Lane Beeston	81dws

3.13.3. We have not included employment site releases in Eastwood and Kimberley because these are already counted. The sites in the south of the Borough are additional to the known resource when Field Farm, the figures of 1400 for Eastwood and 600 for Kimberley were first put forward in the ACS. We have also taken into account a recent permission on appeal of a site at Hempshill Vale with a capacity of 116 dws.

3.13.4. We summarise below the additional capacity that has come to light since the submission of the Core Strategy.

Employment site releases in the south of the Borough	450 dws
Hempshill Vale permitted on appeal	116 dws
Balloon Woods	50 dws
Toton	500 dws
Windfall 2014 to 2023 (whole District)	540 dws
Total	1656 dws

3.13.5. We comment below on the lack of a robust assessment of brownfield resources in Nottingham City. A number of key areas are not examined. In relation to the overall figures set out in Policy 2 of the ACS the proposal at Field Farm is very small. All the evidence is that Broxtowe BC committed itself to the release of Field Farm at a very early stage and that far from being an inevitable and unfortunate consequence of the lack of sites elsewhere, the impression we have is that the decision to include Field Farm was the starting point and that the justification was worked backwards from the conclusion.

3.14. Gedling Borough

3.14.1 We suggest that the full capacity of Gedling Colliery at around 1100 be included as well as Bestwood Business Park. In addition, the omission of any allowance for windfalls before 2023 is indefensible on the evidence and on the latest policy position as set out in the revised NPPG.

Additional capacity at Gedling Colliery	500
Windfall sites 2016 to 2023	280
Increased densities on SHLAA sites	270
Additional capacity on SHLAA sites in or adj to The Principal Urban Area	350*
Total	1400

* The figure of 350 for additional sites in or adj to the PUA is a broad estimate. It includes the following employment sites as having potential in whole or in part

Employment sites

6/20 Bestwood Business Park Bestwood	180 dws
6/21 Arnold Lane, Carlton	164 dws
6/23 Carlton Road Carlton	37 dws
6/24 Sherbrook Road Prior Road Arnold	43 dws
6/25 Brookfield Road Rolleston Drive	284 dws

We have excluded any part of the New Farm site on the grounds that it should be looked as part of a comprehensive greenbelt review.

The employment sites total 700 dwellings. Several were recommended for release from the employment policy protection by the Nottinghamshire County Employment Land Study, recommendations which Gedling BC has chosen to ignore for reasons that are not clear. We feel a notional allowance of 350 from this source is a robust assumption.

3.14.2 The Inspector at the ACS Hearing queried the approach of Gedling Borough Council to Gelding Colliery; the modifications bring forward part of the site for housing within the Plan period. Our case is that there is no evidence to support the phasing of part of the site beyond the Plan period. Our understanding is that some 300 dws can be developed in advance of the GARR and so this could be phased in the period 2013 to 2018. This would have the advantage of improving the five year land supply

3.14.3. It is a matter of fact that the position regarding the funding of the Gedling Access Road has improved very significantly over the last twelve months and this is confirmed in a letter to Councillors sent out in Dec 2012. Despite this, no change was made to the role of the Gedling Colliery site.

3.14.4. We have been referred by Gedling BC to a statement made in September 2013 to the Hearing concerning the Gedling Colliery site. The position regarding funding and viability is summarised on page 4 and we note the following:

3.14.5. Against a projected cost of £32.4m, public sector funding of £32.8m has been identified made up of;

The Local Transport Board	£10.8m
Notts CC	£5m
HCA	£10m
Gedling BC	£7m

We note that the Local Transport Board requires a business case to be made. It has to be right that the business case can only be strengthened if it is shown that the road brings forward a large brownfield development and can only be weakened if the road brings no local benefits at all.

3.14.6. The current position seems to be that only a small contribution, if any at all, will be required from the developers. This moves the development from a case where especially heavy demands are being made of the developer to a case where especially light demands are being made on the developer. This should be recognised in the phasing of Gedling Colliery and we see no reason why it should not contribute 1100 dwellings across the Plan Period.

3.14.7. There may be a need to co-ordinate the timing of the various funding schemes but this would not be beyond the capabilities of the average local planning authority, let alone Gedling BC.

3.14.8. Although not central to our arguments, we are a little puzzled by the requirement that the developer makes land available for a park-and ride-site linked to a heavy or light rail interchange. The removal of all or part of this requirement would further improve the viability of the scheme. Further explanation and justification is required.

3.14.9. The main reason for the assumption in the publication draft the Aligned Core Strategy that Gedling Colliery will make no contribution to housing needs in the period of the Plan and for a modification that includes just over half the capacity of the site is the viability and deliverability of the scheme. No detailed evidence on this point was available for the Hearing on the Aligned Core Strategy but Calverton Parish Council has now been

able to get hold of two reports through the use of the Freedom of Information Act :-

- A report Nov 14th 2011 by Rider Levett and Bucknall to Gedling BC and the Homes and Community Agency on the financial viability of a development that included Gedling Colliery and part of Mapperley Golf Course
- A report dated Nov 22nd 2012 by EYE to Gedling Borough Council on the same subject

Before commenting on the detail of the two reports we make a number of general points. The first is that there has been a very significant change in the context so far as the availability of public funding is concerned. We have to assume that any further studies would have been made available under the same Freedom of Information Act request and so neither of the two reports can be taken as an evidence base for the position of Gedling Borough Council that, despite the improved funding situation, there are still sufficient doubts about the deliverability of Gedling Colliery to justify a limited contribution during the Plan period. The second point is that we fully recognise that the proposal in the Aligned Core Strategy excludes any part of the Golf Course. Nevertheless, the decision to exclude the Golf Course in itself needs to be justified.

3.14.10. The first report is the substantive document and the second is more by way of a second opinion. We note there was also a report in 2008 and that the Rider Levett Bucknall report incorporates some of the assumptions. The key section of the report is at para 16 and it is stated "*the intention now is that the cost of remediation and the Gedling Access Road will be borne by the private sector developer*" and that these costs will be incurred "*at an early stage of development*". Table 2 of the report sets out conclusions on viability and these are as follows;

The Gedling Colliery component has negative viability of around £42m

The Golf Course has positive viability of around £27m

The combined site has negative viability of £17m

The table at para 39 shows that lifting the burden of funding the Gedling Access Road from the developer makes each site profitable, both separately and in combination. The figures are:

Site	Net viability
Gedling Colliery	+£7.5m
Golf Course	+£50m
Combined Site	+£64m

In simple terms the Gedling Colliery site, currently in the Core Strategy, is viable on its own.

3.14.11. We see nothing in the report by EYE to put significant doubts against these conclusions. We fully support the comments they make on page three that the appraisal is "*work in progress*" and that "*these issues are not unusual*".

3.14.12. What needs to be done now is for the authors of both reports to be informed of the up-to-date position and to review their findings in the light of these. The cost of the Access Road also needs to be reviewed because at first sight it seems far too high. A failure to do this makes the evidence base for the approach to Gedling Colliery out-of-date and of doubtful relevance and this in turn affects the soundness of the Core Strategy and the Local Planning Document. This in turn affects the soundness of proposals for housing in rural settlements which are clearly less sustainable and which are only included because of the non-deliverability of Gedling Colliery. These proposals are contrary to the objective of urban concentration with regeneration set out in the ACS. The Inspector for the ACS has confirmed this in an interim note. In most cases, development in the greenbelt is involved, so we are looking for clearly explained exceptional circumstances. None have been provided.

So far as the Golf course is concerned, our point is that the Gelding Colliery site is viable without it. We argue that without a comprehensive greenbelt review the ACS is not legally compliant and that there are grounds for a legal challenge to any proposal to adopt an ACS without action to correct that flaw. The sustainability of the Golf Course should be examined in the context of a comprehensive greenbelt review.

3.15 Nottingham City

3.15.1. General Issues

The assessment of capacity in an urban area such as Nottingham is problematic at the best of times and we have some sympathy with the task facing for the City Council. In some areas such as major regeneration areas and the City Centre the ground has been covered but further work could have been done. The regeneration areas are presented as a series of small sites rather than a comprehensive Action Area Plan. In the City Centre, not enough work has been done appraising, financially and environmentally, the different options for mixed use sites such as The Victoria Centre and the Broadmarsh.

3.15.2. The position regarding the capacity of brownfield sites in the City is much more complicated. As a general comment we note that officers have not taken a pro-active role with regard to sites and this is borne out by the fact that only 50 or so of the brownfield sites, with a capacity of 700 dws, seen as deliverable are additional to pps, lapsed pps or allocations from the Local Plan.

3.15.3. We understand that the cost of the ACS to the three authorities since 2008/09 is around £900 000. We have a list of the consultancy studies commissioned and their cost. This is set out at Appendix Five. We see no "Urban Capacity" type study. Nor is there anything in the evidence base to indicate the City Council themselves carried out anything of this sort. The bulk of the effort seems to have gone into crunching the numbers so as to defend Policy 2 from the amenity lobby on one hand and from the home-builders on the other. In our view, the evidence base for the SHLAA resource put forward for the City is wholly inadequate; particularly in view of its relevance to establishing exceptional

circumstances for the release of areas of the greenbelt in Broxtowe, Gedling and Rushcliffe.

3.15.4. The main source for our assessment is the Housing Land Availability Report December 2013. That report divides sites between deliverable in a narrow housing land availability supply calculation sense and developable in a broader sense.

The City Council Position

The Dec 2013 SHLAA Report gives the following:

Deliverable	7727
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Developable	7927
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From the trajectory at the end of the modified ACS we find the following figures

Windfalls	1610
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Completions	1221
-------------	------

This gives grand total so far as Nottingham City Council is concerned of	18485
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3.15.5. The View of Ken Mafham Associates on the City's housing land resources

SHLAA sites

We see additional potential capacity in sites wholly or partly rejected by Nottingham City Council. Details are set out in Appendix One.

1161

Sites in the City Centre

So far as the City Centre is concerned, we have restricted ourselves to sites outside the primary shopping area. These form the following main areas:

- The Lace Market
- The Station area Canal side
- NTU Campus
- The Northern fringe consisting of Derby Road, Talbot Street

None of the "extra" sites in the LDDP identified by the City Council are in Nottingham City Centre. Given that the allocations are only three sites with a capacity of 330, we found this difficult to believe. The assumption has to be made that the officers have simply not looked. For Nottingham City Centre to expand to include the Railway Station and Transport Interchange, we would suggest that the assumption that opportunities come forward at 33% of the rate 2001 to 2013 would be appropriate. This would exclude Space

over the shops which we deal with separately.

A min of 500

Players

Players have announced the cessation of their operations in the City. This will release land. We estimate the following

Players Site Triumph Road 500

Players Lenton Lane 300

Windfalls

If one simply allowed the past rate of windfall sites, 200 pa, for the period 2015 to 2028 you get an allowance of 2600. 1000 more than the allowance made in the trajectory. This supports our estimate from the pilot areas.

Further evidence is provided by the contribution of small sites (less than 15 dwellings) in the Dec 2013 Land availability report . The details of our analysis are set out in Appendix Two but in summary small sites account for around 15% of deliverable, short term sites whereas they account for only 5% of longer term developable sites. There is no reason why the contribution should decrease in this. If we allow the same percentage through the Plan period small sites make an extra 800 dws; close to the additional, windfall allowance we are suggesting.

1000

Small sites in the Outer core additional to those listed in the March 2013 Housing Land Availability report

750 .

This is based on a pilot exercise in Sherwood, Carrington, Lenton and Radford. The results are set out in Appendix Four.

University Campus sites additional to those listed in the March 2013 Housing Land Availability

At the Clifton Campus the redevelopment of two surface car parks with an aggregate area of 2.5 hectares would accommodate approx. 300 dwellings at the sort of high density that would be appropriate. The sites would be highly sustainable in that they would reduce the need for students to travel.

We have identified surface car parks at Leen Gate that have an area of 2.5 hectares with scope for additional area. Again high density would be appropriate with a capacity of up to 300 dwellings well located for both the University of Nottingham Campuses and for the Queens Medical Centre

600 dws

Space Over Shops

500 dws

The details of our approach are set out in Appendix Three

3.15.6. Summary

NCC Estimate from Dec 2013 plus windfalls and completions
18594 (total figure will be reduced by an allowance for demolitions)

KMA additions as detailed above and in Appendices One to Four

Additional SHLAA	1161
City Centre	500
Players Sites	800
Additional Windfall Allowance	1000
Small sites in the Outer Core	750
Additional sites in University Campuses	600
Space Over Shops	500

Grand total 21697 (given reduction for est. demolitions) compared with a requirement of 17000.

Our assessment cannot be exact but is robust. If the LPAs can find good reasons why it is not broadly correct they need to set them down. If not, then the ACS in its current form is fundamentally unsound and the LPAS should either be sent back to the drawing board, as Rushcliffe BC were, or there should be a commitment to an early review and a policy that postpones any decision on release of greenbelt sites until that review has taken place.

3.16 The five year land position

3.16.1. In section 2 we dealt with the policy aspects of the requirement to identify a five year supply. In this section we deal with two issues. In the view of the LPAs is there currently a five year supply and secondly if there is not an adequate supply, does allocating greenbelt sites in the ACS help and if not, could this be a reason to postpone a decision on sites such as Field Farm until an early review of the ACS.

3.16.2 Broxtowe

The position of Broxtowe BC as set out in CD EX 15 is that if Field Farm is included and contributes 350 dws in the period 2013 to 2018 then there is between a 4.5 and 5.8 years

supply. We do not agree with the inclusion of Field Farm and even if we did the rate of delivery assumed is totally unrealistic and the lack of any comment on that point from Oxalis puts a very serious question mark against the objectivity and accuracy of the assessment they made.

3.16.3 If Field Farm is excluded the supply becomes between 3.75 and 4.9 years. This needs to be seen against the conservative estimate of supply in Nottingham City of 5.88 years. The surplus may seem small but it is in fact 800 dwellings compared with an annual requirement for Broxtowe of around 400 dwellings. The Nottingham surplus is a two year supply as calculated for Broxtowe. The NPPG is quite clear that the duty to co-operate refers to the assessment of a five year supply within the HMA.

3.16.4 Gedling

The updated Housing Land Availability Report at para 7 gives a land supply of 7.19 years supply if a 5% buffer is included. We have reservations about the inclusion in supply of 646 dwellings in Calverton; in our view a figure of 250 would be more reasonable for the period 2014 to 2019. We suggest that the balance could be made up by bringing forward that element of the Gedling Colliery proposal that is not dependent on the Gedling Access Relief road.

3.16.5 Nottingham

Para 14 of the Dec 2013 Report on Land availability states that the City has a 5.88 years supply.

4 Conclusion

The ACS is not legally compliant due to:

- the failure to separate the objective assessment of housing need
- the failure to carry out a comprehensive review of the greenbelt
- the failure to consider the different components of housing need and their land requirements

Regarding the last of these points, we provide in this submission evidence of additional capacity in the PUA as follows:

Broxtowe	1660
Gedling	1400
Nottingham	4697

This evidence, robust though not perfect, is sufficient to justify a fundamental review of Policy 2 of the ACS

Appendix One

Detailed Commentary on the December 2013 SHLAA Housing Land Availability Report for Nottingham City

There are three problems in assessing the adequacy of the SHLAA estimate in Nottingham City. The resource is expressed in the trajectory to the modified version of the submission draft. This seems straightforward until one looks to the footnote:

“Although the deliverable sites are those included in the Strategic Housing Land Availability Assessment (SHLAA), other sites may be identified in the course of the preparation of the Local Plan (Land and Planning Policies document). Likewise, the Local Plan preparation process may result in some of the SHLAA sites not being taken forward as allocations.”

The figures per annum for the SHLAA resource are set out with a high degree of precision and there must have been a detailed site by site assessment that fed into the production of the trajectory.

Any critique becomes problematic due to the fact that there are a number of drafts of the LPPD document. Sites are scheduled according to whether they were in the Issues and Option version, some sites are for non res. uses, some for mixed uses. What we need is a clear and comprehensive list of the housing sites that contribute to the totals in line 5 of the Nottingham City ACS trajectory. Where a site is proposed to be allocated for Mixed Use there needs to be an assessment of the contribution to housing. A map showing all the sites is essential. It is not clear to us the threshold for a suitable SHLAA site becoming an allocation in the LPPD. In addition the criteria for the LPPD seem unduly restrictive. In particular, sites have been excluded where:

- *There was no known developer / regeneration interest in taking the site forward*
- *The site was in the SHLAA / NLUD but was not a regeneration priority*
- *The site was in the SHLAA / NLUD but there was no recent developer interest*

We have sought clarification on some of these issues from NCC. In the meantime our main source for the back up to the SHLAA figures is the SHLAA itself. We then assess sites not in the SHLAA but included in the Issues and Options document. In this assessment we look at

Housing sites not taken forward to the preferred options doc, density of sites taken forward, contribution of Mixed Use sites

DS 4 Blenheim Lane

The land is currently allocated in the adopted Local Plan for employment. Our understanding is that the allocation of part of Blenheim allotments was made some years ago as a part of a save Raleigh Bikes Plan. What remains of Raleigh is now located at Giltbrook. The site is not particularly well located for employment uses, there seems to be no market demand; there are proposals at the Rolls Royce site Hucknall and at Toton that will provide for the market in a better way. We propose 5 hectares for residential and retaining 2.0 hectares for B1 to provide for local needs. There should also be a scheme to

improve the remaining allotments as part of a S 106 agreement. Capacity 150 dws

DS 25 Nottm Business Park South The 18 hectare site is suitable for housing and B1 business. To reflect the mixed use nature, we suggest a gross density of 20 dws / hectare, giving a capacity of 360 dws.

Broadmarsh DS 57 Add 2.0 hectares at 100 dws / hectare= 200. There is abundant evidence of demand for apartments in this part of the City, a wholly retail scheme is highly unlikely and a residential element would improve the viability of a refurbishment/ redevelopment scheme

MEDIPARK DS 78 . This is an underused site adjacent to the QMC. To allocate the site for employment is a wasted opportunity. The site is well placed to provide accommodation for students. We accept that there are active uses on the site and so we propose 25% = $0.9 \times 100 = 90$

DS 90 Beechdale Baths there is no evidence for retail demand to use the whole site and a smaller supermarket could form part of a mixed use scheme $2.03 \times 30 = 61$

DS 96 Jubilee Campus. The area is very large and a development of just 3 hectares @ 100 dws / hectare would give = 300

Total 1161

Appendix Two

The role of small sites in the SHLAA

We have calculated the number and capacity of sites in the various categories identified in the 2013 SHLAA Report. The figures are as follows

Under Construction

Type of site	Number of sites	Capacity
15 dws or more	9	524
Less than 15 dws	36	115 18%
Total	45	639

Planning Permissions

Type of site	Number of sites	Capacity
15 dws or more	36	2735
Less than 15 dws	136	491 15%
Total	172	3226

Allocations

Type of site	Number of sites	Capacity
15 dws or more	13	1409
Less than 15 dws	2	25 2%
Total	15	1434

Other deliverable

Type of site	Number of sites	Capacity
15 dws or more	31	1909
Less than 15 dws	60	295 15%
Total	91	2204

Developable

Type of site	Number of sites	Capacity
15 dws or more	45	7574
Less than 15 dws	128	398 5%
total	173	7972

On recent trends 15% will be small sites; another 800

Appendix Three Space over Shops

We have run a Space over the Shops project in conjunction with the University of York. There are four criteria

Levels of Demand in the Area

Technical Advice

The amount of potential space.

The type of household seeking accommodation

In our main submissions on Matter 2 Housing we drew attention to the high proportion of single person households. In a City where Universities are as important as they are in Nottingham this will enhance the effect.

So far as technical advice is concerned, the best way forward would be for the City Council to commission a consultancy study that included twelve or eighteen months technical advice on individual cases

The amount of potential space is:

- Radial Routes
- Within District Centres
- Within the City Centre

In terms of demand we would prioritise the following areas:

The City Centre

Allow 15% of vacant space

Lenton District Centre

Allow 10% of vacant space

Sherwood Centre

The City Centre

Allow 20% of vacant space

Hyson Green

Allow 10% of vacant space

Appendix Four

Redundant offices, public houses and hotels and small vacant sites in Nottingham core in such areas as Sherwood, Radford and Lenton

We have looked at the North-eastern Quadrant of the Inner Area. Appendix One lists the sites categorised in the Nottingham City SHLAA as deliverable in the same area. In a Brief examination of the same area we identified opportunities for additional sites with a capacity of 200 dws. We are supplying details to Nottingham City Council. This almost doubles the brownfield resource identified by the City Council if the Sandfield Centre is excluded. If the same is true of Lenton, the Meadows and Sneinton, we would be talking about another 800 or so additional capacity, equivalent to two Field Farms.

Carlton Road Library and ASDA approx 30 dws

The Grosvenor pub

Foxhall Business Centre speak Innes 0115 924 5243 20

Horse and Jockey Davids Lane 15

The Spot Arnold 15

Junction Cross Street and Mansfield Road 25

Bowling Greens goose fair roundabout; keep some develop rest. Good sheltered scheme
20

Police sports ground and Mansfield road 15

Beech Tree pub Beech ave 8

Guy Birkins Lace. Mixed use training and res 50. 0115 950 7577

Middlesex International Mount street 50 discount to 25

Indian Community Centre FFF conversion 15

B and H Plastics Radford Road by redev 15

Car Park opp the Lion Fisher Street

Torville Drive part the Middleton part Co op

The Hub pub Hucknall Road refurb and redev 0115 947 6236 18 humberts

Fern ave off Hucknall Road 8

sumac centre beech avenue 10

Carrington Lido Nottm bridge Club car park 6

St Johns Parish Hall 4 by conversion

lock up garages back of Co op Selkirk way 5

Clinton ave no 4 10 units Jones Land Wooton 0115 908 2120

4 Clinton ave 10 0115 908 2120 jomes Lang LSalas

outbuilding third ave redev 8 units

Wiverton Rd garage 6 by conversion redev