Dear Sir / Madam

Please find attached Gladman Development’s Representations on the Rushcliffe Local Plan Part 2.

I hope that these are acceptable and if you require anything further, please do not hesitate to contact me.

Please could you acknowledge receipt of these representations at your earliest convenience.

Regards

Phill
Rushcliffe Local Plan Part 2: Land and Planning Policies

Publication Draft Consultation

June 2018
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EXECUTIVE SUMMARY

i. This representation provides the written representations of Gladman Developments Ltd (Gladman) on the Rushcliffe Local Plan Part 2: Land and Planning Policies Publication Draft (LLP2).

ii. Gladman specialise in the promotion of strategic land for residential development with associated community infrastructure and has been involved with the preparation of the Local Plan Part 1: Core Strategy (LPCS) and the delivery of residential schemes within the Borough.

iii. These representations concern the following main matters:
   - Duty to Cooperate
   - Sustainability Appraisal
   - Housing Needs
   - Green Belt Release
   - Site Allocations
   - Detailed Policies
   - Site Submissions

iv. Gladman have significant concerns regarding the allocation of Green Belt land in the LLP2. No assessment of local housing needs has been undertaken to support the draft allocations in the LLP2, including the allocations within Other Settlements identified in the LPCS. Without this key element of the evidence base, the vision and spatial strategy of the LPCS is undermined and the LPP2 is unjustified.

v. Gladman also have concerns with the level of flexibility in the strategy presented by the LLP2. The Plan provides around 9% contingency, which given the Council’s poor delivery record (especially in terms of strategic sites) is not considered sufficient. It is considered that given the issues of deliverability experienced in Rushcliffe, the flexibility factor should be towards the higher end of the 10-20% range recommended by the HBF.

vi. Whilst Gladman do not object to the release of land from the Green Belt in principle, it is not considered that the evidence provided by the Council in support of the LPP2 is sufficient to justify the decisions arrived at in this draft.

vii. When considering the allocation of sites for future housing development, national policy requires Councils to endeavour to maximise the use of sustainable, available and deliverable non-Green Belt sites. This is mirrored in criterion 7 of the LPCS. Due to the omission of available and sustainable sites in East Leake, Gladman consider that this requirement of the LPCS has not been met and the approach is therefore considered unsound.

viii. Further, as a number of sites in the plan do not seem to be suitable/available for development nor appear to perform well in terms of sustainability, it appears that only a cursory consideration has
been given to how land contributes to the five purposes of the Green Belt. This is not considered substantive and detailed as an in depth analysis of how each parcel of land contributes to the Green Belt has not been provided. Gladman’s concerns regarding the site selection process are evidenced in the Assessment of Housing Site Selection Process report produced on our behalf by GVA, included at Appendix 1.

ix. Gladman also raise concerns with the wording of several detailed policies within the plan and note that policies must be consistent with national policy in order be found sound. Blanket policies should be avoided and where possible and/or necessary, policies should include the necessary provisions for flexibility and assessment of harm.

x. Gladman submit three sites that are suitable, available and located beyond the Green Belt. Land at Lantern Lane, and Land at Stonebridge Drive in East Leake are sustainable development sites that are capable of delivering much needed housing in an appropriate location. Land at Abbey Lane, Aslockton is also considered a suitable location for development beyond the Green Belt. All three sites are capable of delivering significant benefits to the Borough without the loss of Green Belt land and therefore should be allocated in the LPP2 for residential development.
2 INTRODUCTION

2.1 Background

2.1.1 These representations are made by Gladman Developments Ltd. (Gladman). Gladman specialise in the promotion of strategic land for residential development with associated community infrastructure.

2.1.2 Gladman has considerable experience in the development industry across a number of sectors, including residential and employment development. From that experience, we understand the need for the planning system to provide local communities with the homes and jobs that are needed to ensure residents have access to the homes and employment opportunities that are required to meet future development needs of the area.

2.1.3 Gladman has been involved in contributing to the plan preparation process across England through the submission of written representations and participation at local plan examinations. It is on the basis of that experience that these representations have been prepared.

2.2 Context

2.2.1 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order to prepare a sound plan, it is fundamental that it is:

- Positively Prepared- The plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- Justified- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on a proportional evidence base;

- Effective- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- Consistent with National Policy- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
2.3 **Overview of Soundness**

2.3.1 Due to the issues raised through this submission, and summarised in Table 1 below, Gladman consider it necessary that we are given the opportunity to discuss our representations further at the Examination in Public.

Table 1: Summary of Policy Soundness

<table>
<thead>
<tr>
<th>Policy</th>
<th>Sound/Unsound</th>
<th>Test of Soundness</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Leake</td>
<td>Unsound</td>
<td>Justified</td>
<td>Insufficient evidence regarding sites and settlement capacity.</td>
</tr>
<tr>
<td>Radcliffe on Trent</td>
<td>Unsound</td>
<td>Justified</td>
<td>Inconsistent justification of exceptional circumstances.</td>
</tr>
<tr>
<td>Policy 6.1</td>
<td>Unsound</td>
<td>Justified</td>
<td>Insufficient evidence.</td>
</tr>
<tr>
<td>Policy 6.2</td>
<td>Unsound</td>
<td>Justified</td>
<td>Inconsistent with evidence.</td>
</tr>
<tr>
<td>Policy 7</td>
<td>Unsound</td>
<td>Justified</td>
<td>Inconsistent with evidence.</td>
</tr>
<tr>
<td>Policy 8.2</td>
<td>Unsound</td>
<td>Justified</td>
<td>Insufficient evidence.</td>
</tr>
<tr>
<td>Policy 9</td>
<td>Unsound</td>
<td>Justified</td>
<td>Insufficient evidence.</td>
</tr>
<tr>
<td>Policy 23</td>
<td>Unsound</td>
<td>Justified</td>
<td>Insufficient evidence.</td>
</tr>
<tr>
<td>Policy 11</td>
<td>Unsound</td>
<td></td>
<td>Insufficient flexibility to allow for sustainable development.</td>
</tr>
<tr>
<td>Policy 12</td>
<td>Unsound</td>
<td>Justified</td>
<td>Insufficient evidence.</td>
</tr>
<tr>
<td>Policy 13</td>
<td>Unsound</td>
<td>Justified</td>
<td>Insufficient evidence.</td>
</tr>
<tr>
<td>Policy 14</td>
<td>Unsound</td>
<td>Effective</td>
<td>Requires further clarity.</td>
</tr>
<tr>
<td>Policy 18</td>
<td>Unsound</td>
<td>Effective</td>
<td>Inappropriate criterion.</td>
</tr>
<tr>
<td>Policy 22</td>
<td>Unsound</td>
<td>Consistent with National Policy</td>
<td>Excessively restrictive and attempts to establish a blanket ban.</td>
</tr>
<tr>
<td>Policy 28</td>
<td>Unsound</td>
<td>Consistent with National Policy</td>
<td>Requires redrafting to reflect the guidance of the Framework.</td>
</tr>
<tr>
<td>Policy 33</td>
<td>Unsound</td>
<td>Consistent with National Policy</td>
<td>Local Green Space must not be an unnecessary constraint to development.</td>
</tr>
<tr>
<td>Policy 41</td>
<td>Unsound</td>
<td>Consistent with National Policy</td>
<td>Should reflect policies of the Framework and not be a blanket ban.</td>
</tr>
<tr>
<td>Policy 42</td>
<td>Unsound</td>
<td>Consistent with National Policy</td>
<td>Should not be a blanket ban on development that could sterilise minerals.</td>
</tr>
</tbody>
</table>
3 NATIONAL PLANNING POLICY

3.1 National Planning Policy Framework and Planning Practice Guidance

3.1.1 The Framework has been with us now for six years and the development industry has experience with its application and the fundamental changes it has brought about in relation to the way the planning system functions. The Framework sets out the Government’s goal to ‘significantly boost the supply of housing’ and how this should be reflected through the preparation of Local Plans. In this regard, it sets out specific guidance that local planning authorities must take into account when identifying and meeting their objectively assessed housing needs:

“To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.

- Identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements...

- Identify a supply of developable sites or broad locations for growth, for years 6-10, and where possible for years 11-15.” (Paragraph, 47).

3.1.2 The starting point of identifying objectively assessed housing needs is set out in paragraph 159 of the Framework, which requires local planning authorities to prepare a Strategic Housing Market Assessment (SHMA), working with neighbouring authorities where housing market areas cross administrative boundaries. It is clear from the Framework that the objective assessment of housing needs should take full account of up-to-date and relevant evidence about the economic and social characteristics and prospects of the area, with local planning authorities ensuring that their assessment of and strategies for housing and employment are integrated and take full account of relevant market and economic signals (paragraph 152).

3.1.3 Once a local authority has identified its objectively assessed needs for housing, these needs should be met in full, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so (paragraph 14). Local planning authorities should seek to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Adverse impacts on any of these dimensions should be avoided. Where adverse impacts are unavoidable, mitigation or compensatory measures may be appropriate (paragraph 152).

3.1.4 As the Council will be aware, the Government published its final suite of Planning Practice Guidance (PPG) on the 6th March 2014, clarifying how specific elements of the Framework should be interpreted when preparing Local Plans. The PPG on Housing and Economic Development Needs
in particular provides a clear indication of how the Government expects the Framework to be taken into account when Councils are identifying their objectively assessed housing needs. Key points from this document include:

a) Household projections published by Office of National Statistics should provide the starting point estimate of overall housing need.

b) Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic underperformance, infrastructure or environmental constraints.

c) Household projection based estimates of housing may need adjusting to reflect factors affecting local demography and household formation rates which are not captured by past trends, for example historic suppression by under supply and worsening affordability of housing. The assessment will need to reflect the consequences of past under delivery and the extent to which household formation rates have been constrained by supply.

d) Plan makers need to consider increasing their housing numbers where the supply of working age population is less than projected job growth, to prevent unsustainable commuting patterns and reduced local business resilience.

e) Housing needs indicated by household projections should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings.

3.1.5 The more significant the affordability constraints (as reflected in rising prices and rents, and a worsening affordability ratio) and the stronger other indications of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed, and the larger the additional supply response should be.

3.1.6 The total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the local plan should be considered in order that the required number of affordable homes are delivered.

3.2 **Housing White Paper- Fixing our broken housing market**

3.2.1 The Government published the Housing White Paper in February 2017 for consultation. Whilst it is a White Paper, it nevertheless represents a very clear direction of travel and clear indication of the Government’s intent. The Council will need to consider the emerging Plan against the points raised within the White Paper and monitor the progress of the consultation as the proposals materialise as potential reforms to the planning system.
3.2.2 The title of the White Paper makes apparent that the Government considers the housing market to be broken, it is also clear from the document foreword by the Prime Minister that the cost of housing is a key part of why the housing market is considered broken. In the foreword, the Prime Minister states:

“Today, the average house costs almost eight times average earnings- an all-time record.”

“In total, more than 2.2 million working households with below average incomes spend a third or more of their disposable income on housing.”

“We need to build many more houses, of the type people want to live in, in the places they want to live. To do so requires a comprehensive approach that tackles failure at every point in the system.”

3.2.3 The second foreword from the Secretary of State adds further to the Government’s thinking, particularly on the need to build new homes now. It states:

“This country doesn’t have enough homes. That’s not a personal opinion or a political calculation. It’s a simple statement of fact.”

“Soaring prices and rising rents caused by a shortage of homes in the right places has slammed the door of the housing market in the face of a whole generation.”

“That has to change. We need radical, lasting reform that will get more homes built right now and for many years to come.”

3.2.4 The White Paper outlines further potential reforms to the plan making process, OAN methodology, Green Belt considerations and housing delivery tests, amongst others. Gladman will refer to key aspects of the White Paper at relevant sections of this representation.

3.2.5 The reason for this housing crisis is that the country is simply not building enough homes and has not done so for far too long. The consensus is that we need from 225,000 to 275,000 or more homes per year to keep up with population growth and to start to tackle the years of undersupply.

3.2.6 Everyone involved in politics and the housing industry therefore has a moral duty to tackle this issue head on. The White Paper states quite unequivocally that ‘the housing shortage isn’t a looming crisis, a distant threat that will become a problem if we fail to act. We are already living in it.’

3.2.7 Tackling the housing shortage isn’t easy. It will inevitably require some tough decisions. But the alternative, according to the White Paper, is a divided nation, with an unbridgeable and ever widening gap between property haves and have-nots.
3.2.8 The challenge of increasing supply cannot be met by Government targets alone. It is vital to have local leadership and commitment from a wide range of stakeholders, including local authorities, private developers, housing associations, lenders and local communities.

3.2.9 The starting point is building more homes. This will slow the rise in housing costs so that more ordinary working families can afford to buy a home and it will also bring the cost of renting down. We need more land for homes where people want to live. All areas therefore need a plan to deal with the housing pressures they face.

3.2.10 Currently, over 40% of local planning authorities do not have a plan that meets the projected growth in households in their area. All local authorities should therefore develop an up-to-date plan with their communities that meets their housing requirement based upon an honest assessment of the need for new homes.

3.2.11 Local planning authorities have a responsibility to do all they can to meet their housing requirements, even though not every area may be able to do so in full. The identified housing requirement should be accommodated in the Local Plan, unless there are policies elsewhere in the Framework that provide strong enough reasons for restricting development, or the adverse impacts of meeting this requirement would significantly and demonstrably outweigh the benefits. Where an authority has demonstrated that it is unable to meet all of its housing requirement, it must be able to work constructively with neighbouring authorities to ensure the remainder is met.

3.2.12 Plans should be reviewed regularly and are likely to require updating in whole or in part at least every five years. An authority will also need to update their plan if their existing housing target can no longer be justified against their objectively assessed housing requirement.

3.2.13 Policies in Local Plans should allow a good mix of sites to come forward for development, so that there is a choice for consumers, places can grow in ways that are sustainable, and there are opportunities for a diverse construction sector including opportunities for SME housebuilders to deliver much needed housing.

3.2.14 In terms of rural areas, the Government expects local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the need to provide homes for local people who currently find it difficult to live where they grew up. It is clear that improving the availability and affordability of homes in rural areas is vital for sustaining rural communities, alongside action to support jobs and services. There are opportunities to go further to support a good mix of sites and meet rural housing needs, especially where scope exists to expand settlements in a way which is sustainable and helps provide homes for local people. This is especially important in those rural areas where a high demand for homes makes the cost of housing a particular challenge for local people.
3.2.15 Finally, the Government has made it clear through the White Paper that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people.

3.2.16 The White Paper is the cornerstone of future Government policy on fixing the broken housing market. It provides the direction of travel the Government is intending to take and is a clear statement of intent that this Government is serious about the provision of the right number of homes in the right places. The LPP2 therefore needs to consider these policy intentions now in order to ensure that it fulfils the Government’s agenda and provides the homes that local communities need.

3.2.17 Following the election, Sajid Javid re-iterated the Government’s intentions for boosting housing growth stating that he wants areas that have benefitted from soaring property prices to play their part in solving the housing crisis. Mr Javid pointed out that where property prices were particularly unaffordable, local leaders would need to take a long, hard and honest look to see if they are planning for the right number of homes. A consultation on a standardised methodology for calculating housing needs was released in September 2017. The Council will therefore need to consider the implications of this consultation going forward.

3.2.18 More recently, in October 2017, the Prime Minister reaffirmed the Government’s commitment to addressing the broken housing market by bringing forward measures to boost home ownership and housing supply, stating:

“I will dedicate my premiership to fixing this problem- to restoring hope. To renewing the British Dream for a new generation of people. And that means fixing our broken housing market.”

“For 30 or 40 years, we simply haven’t built enough homes. As a result, prices have risen so much that the average home now costs almost eight times average earnings. And that’s been a disaster for young people in particular.”

3.2.19 Furthermore, in a message to housebuilders, the Prime Minister indicated that:

“We, the Government, will make sure the land is available. We’ll make sure our young people have the skills you need. In return, you must do your duty to Britain and build the homes our country needs.”

3.2.20 The Autumn Budget 2017 brought further details of the Government’s commitment to building a Britain that is ‘fit for the future.’ A prominent feature of this is tackling the housing crisis with housebuilding featuring prominently amongst the Chancellor’s announcements, which included further confirmation that:

“The Government is determined to fix the broken housing market and restore the dream of home ownership for a new generation.”
3.2.21 The affordability of housing for young people is a key challenge for the Government, and whilst it is recognised that there is no ‘single magic bullet’ to solve the housing crisis, the Government is actively seeking to tackle obstacles standing in the way of first-time buyers. The Government sees a ‘big step up’ in new house building as an important element in its strategy to address the acute affordability problem and has set a goal to build 300,000 homes a year by the mid-2020s.

3.2.22 The vital importance of housing to the economic success of our cities and regions is also highlighted in the Government White Paper “Industrial Strategy: building a Britain fit for the future”, which was published in November 2017. This includes reference to the introduction of planning reforms that will ensure more land is available for housing, and that better use is made of underused land in our cities and towns. It also sets out the challenge to raise housing supply to 300,000 per year before the end of current Parliament. The Government wants to support places with ambitious and innovative plans to build additional homes where they are needed, and those which will support wider economic growth. Furthermore, the Government wants to support greater collaboration between Councils, a more strategic approach to the planning of housing and infrastructure, more innovation and high-quality design in new homes and the creation of the right conditions for new private investment.

3.3 Draft Revised National Planning Policy Framework

3.3.1 On 5 March 2018, the Government published a Draft Revised National Planning Policy Framework for consultation. Whilst it is at present, only a draft for consultation, the document provides a firm indication of the planning reforms ahead. As such, Gladman believe it is necessary for the Council to consider the emerging plan against the proposed revisions made in the draft revised Framework to avoid the Plan becoming out of date early on in the plan period and to encompass as many of the changes as possible so that the Government’s new agenda can be swiftly implemented.

3.3.2 In his speech launching the draft revised Framework, Housing, Communities and Local Government Secretary Sajid Javid set out the importance of reviewing the current system:

“An entire generation is being locked out of a broken housing market as prices and rents race ahead of supply. Reforming the planning system is the crucial next step to building the homes the country needs... This government is determined to fix the broken housing market and restore the dream of home ownership for a new generation. There is no magic silver bullet to this problem but we’re re-writing the rules on planning so we can take action on all fronts.”

3.3.3 The proposed revisions to the Framework are almost entirely focussed on housing, improving delivery to achieve the increased target of 300,000 homes per year set out by the Government along with significantly increasing affordable housing provision.

3.3.4 In order to achieve this national target of housing provision, Local Planning Authorities should clearly assess Local Housing Need through the Government’s standard methodology and should
take account of any unmet need from neighbouring areas. Development Plans should then, as a minimum, provide for this Local Housing Need, unless particular policies provide a strong reason for restricting the overall scale of development.
4 LEGAL COMPLIANCE

4.1 Duty to Cooperate

4.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation.

4.1.2 Whilst Gladman recognises that the Duty to Cooperate is a process of ongoing engagement and collaboration as set out in the PPG, it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard, the Council must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross boundary strategic issues. This is not simply an issue of consultation but a question of effective cooperation.

4.1.3 The need to positively plan to meet full housing needs across a HMA should not be underestimated. Whilst it is all too easy for the Duty to Cooperate to be seen as an administrative exercise, there is a fundamental social and economic need to ensure a supply of good quality housing to meet the housing and employment requirements across the wider area. This is a key issue that must be addressed properly through the plan making process.

4.2 Sustainability Appraisal

4.2.1 In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in local plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), SA is a systematic process that should be undertaken at each stage of the Plan’s preparation, assessing the effects of the Local Plan’s proposals on sustainable development when judged against reasonable alternatives.

4.2.2 The Local Plan should ensure that the results of the SA process clearly justify its policy choices, including the proposed site allocations and the approach taken to new growth when judged against ‘all reasonable alternatives’. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed and others have been rejected. The Council’s decision making and scoring should be robust, justified and transparent and should be undertaken through a comparative and equal assessment of each reasonable alternative. Too often the SA process flags up the negative aspects of development whilst not fully considering the positive aspects which can be brought about through new opportunities for housing development and how these can influence landscape issues, social concerns and the economy.
5 RUSHCLIFFE LOCAL PLAN PART 2: LAND AND PLANNING POLICIES PUBLICATION VERSION

5.1 Context and Overview

5.1.1 This section of the representation is made in response to the policies currently being promoted by the Council in the proposed publication version of the Rushcliffe Local Plan Part 2.

5.1.2 The Framework expresses the Government goal to significantly boost the supply of housing and how this should be reflected through the preparation of local plans.

5.1.3 The spatial vision for Rushcliffe, as set out in the Local Plan Core Strategy (LPCS) confirms:

“The expansion of existing communities has been undertaken in such a way that the quality of life of existing and new residents is maintained and where possible, enhanced. Other villages have experienced smaller levels of development in line with meeting local needs (especially affordable housing), supporting their communities, and maintaining their vitality, viability, and local distinctiveness… The principle of the Green Belt remains and it continues to shape new development, especially with regard to its key purpose of preventing coalescence between settlements.”

5.1.4 Policy 3 of the LPCS is clear that sustainable development will be confined to the main built up area of Nottingham (within Rushcliffe); and key settlements identified for growth. These include Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. In other settlements, with the exception of Newton and the redevelopment of the former RAF Newton, development will be for local needs only. The supporting text further states at paragraphs 3.3.16-3.3.17 that:

“Development elsewhere is Rushcliffe will be concentrated at the Key Settlements listed in the policy, again to assist in meeting sustainability objectives. With the exception of Bingham and Cotgrave, which have strategic allocations under Policy 3, the locations for development in other Key Settlements will be determined through the Local Plan Part 2: Land and Planning Policies Development Plan Document and relevant Neighbourhood Plans.

In other settlements, development will meet local needs only. Local needs will be delivered through small scale infill development or on exception sites (see Policy 8). Beyond this, where small scale allocations are appropriate to provide further for local needs, these will be included in the Local Plan Part 2: Land and Planning Policies Development Plan Document, including Neighbourhood Plans.”
5.1.5 It is clear from the above that the LPCS sets out a strategy which seeks to focus growth towards the main built up area of Nottingham and the Key Settlements identified for growth. Any further development in other settlements will be to meet local needs only. No assessment of local housing needs has been undertaken to support the draft allocations in the Local Plan Part 2 (LPP2) including the allocations within the other settlements identified in the LPCS. Without this key element of the evidence base, the vision and spatial strategy of the LPCS is undermined and the LPP2 is unjustified.

5.1.6 The LPP2 aims to support the delivery of the housing targets that were established through the LPCS. It is worth noting, that the LPP2 seeks to identify enough land to meet Rushcliffe’s housing target of 13,150 new homes between 2011 to 2028. However, Policy 3 of the LPCS clearly identifies that the housing requirement sets out a minimum target of 13,150 new homes to be provided for over the plan period 2011 to 2028 and it is important that this is not to be seen as a ceiling. Indeed, this is supported by paragraph 3.3.9 of the LPCS which makes clear that:

“The figures in the table are not upper limits to development or intended to restrict delivery if development is able to come forward sooner. Rather, they represent the anticipated rate of housing completions and will be used by the Council to determine the level of its 5 year supply deliverable housing sites prior to adoption of the Part 2 Local Plan.”

5.1.7 It is important to note that the LPCS Inspector indicated the need for a review of the LPCS if it becomes apparent that the objectively assessed need for housing is materially different from the OAN that was considered appropriate at the time. This would need to be carried out on a collaborative basis with partner local authorities across the Greater Nottingham Housing Market Area. From the evidence available, it is unclear whether the Council considered this issue in any detail before embarking on the preparation of the LPP2 or reviewed this decision as the LPP2 was being prepared.

5.1.8 The Council has identified that the strategic sites which were identified in the LPCS have taken considerably longer to deliver than was originally envisaged. The Core Strategy allocates 7,650 dwellings to the Principal Urban Area.

5.1.9 This has led to a shortfall in housing land supply and a lack of delivery against previously identified targets. Given this, it is considered essential that the LPP2 provides flexibility and suitable contingencies to ensure the identified development needs both in the short term and across the Plan period.

5.1.10 Work undertaken as part of the Local Plan Part 2 has demonstrated that additional land to accommodate the unmet delivery from the SUEs and the remaining PUA requirement cannot be met on the edge of the PUA or as extensions to the SUEs. Therefore, the Council has had to assess the suitability of sites elsewhere across the Borough to meet this need which are not in conformity with the original spatial strategy set out in LPCS Policy 3.
5.1.11 The Council should therefore over-allocate against its housing requirement to ensure that it is able to meet or exceed the minimum level of housing that is required. This approach will ensure that any delays that may be experienced in the delivery of more difficult to deliver strategic sites or the identified regeneration areas can be supported by a wide range of sites that have the ability to provide additional housing numbers in the shorter term. Greater flexibility should therefore be provided within the LPP2 to ensure that development opportunities in sustainable locations such as the Key Service Centres can be brought forward.

5.1.12 The Council appear to be alive to this issue and have provided some flexibility in the housing supply identified in the Plan. Based on the housing requirement set out in the LPCS of 13,150 dwellings over the Plan period, the trajectory set out in Appendix B shows an estimated total delivery of 14,388 dwellings up to 2028. This is around a 9% contingency which, given the Council’s poor delivery record, especially in terms of the large scale strategic sites, is not considered sufficient. Based upon research undertaken by the Home Builders Federation, a flexibility factor of between 10% and 20% should be included in Local Plans to ensure at least the minimum level of requirement is delivered. It is considered that, given the issues of deliverability experienced in Rushcliffe, the flexibility factor which should be included in the LPP2 should be towards the upper end of this range.

5.1.13 Gladman therefore consider that the Council should identify additional housing sites, outside of the Green Belt and in the sustainable Key Settlements to provide this additional flexibility.

5.2 **Green Belt**

5.2.1 Section 3 of the LPP2 identifies a number of sites on which the housing requirement will be met. A total of 21 sites are identified, giving a minimum total capacity of 2,700 dwellings. 20 of these sites concern land currently designated as Green Belt. The LPP2 therefore proposes that over 2,600 dwellings are to be provided on land that is currently Green Belt.

5.2.2 Paragraph 79 of the Framework emphasises that the Government attaches great importance to Green Belts. In paragraph 83, the NPPF states that:

> “Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.”

5.2.3 Paragraph 84 goes on to state that:

> “when drawing up or reviewing Green Belt boundaries, local planning authorities should take into account the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green
5.2.4 The Government’s commitment to the protection of the Green Belt is also a key element in the White Paper, where at paragraph 1.39 it states:

“Authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements.”

5.2.5 Therefore, it is clear that in considering the allocation of sites for future housing development, national policy requires Councils to endeavour to maximise the use of sustainable, available and deliverable non-Green Belt sites in order to ensure that removal of land from the Green Belt is minimised.

5.2.6 In fact, criterion 7 of Policy 4 in the LPCS sets out that when reviewing Green Belt boundaries, consideration will be given as to whether there are any non-Green Belt sites that are equally or more sustainably located to cater for development needs within the Borough. Gladman consider that, in the preparation of the LPP2, this criterion of the LPCS has not been followed making its approach unsound.

5.2.7 In assessing the five purposes of Green Belt, the Nottingham Derby Green Belt Review (2006) establishes that the overall rating of land against the five purposes of Green Belt was considered as follows; 1-10 indicating that a site would have low importance, 11-20 the site would have medium importance and 21-30 the site would have high importance. However, the methodology in the Green Belt Review intended to inform and support the LPP2 assessed a site’s contribution to Green Belt using the following score system:

<table>
<thead>
<tr>
<th>Score</th>
<th>Green Belt Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-10</td>
<td>Low</td>
</tr>
<tr>
<td>11-15</td>
<td>Low-Medium</td>
</tr>
<tr>
<td>16-20</td>
<td>Medium-High</td>
</tr>
<tr>
<td>21-25</td>
<td>High</td>
</tr>
</tbody>
</table>

5.2.8 It is clear that the Council has divided the Part 2(b) Green Belt Review into four categories for the purpose of providing a detailed review of the Nottingham Derby Green Belt within Rushcliffe. However, this disaggregation is considered at odds with the broad assessment and may inadvertently lower the value of a parcel of land to categorise it as a ‘low-medium’ contribution when it would score a ‘medium’ contribution against the previous assessment. This is considered to be an inconsistent approach and not justified.
5.2.9 Whilst Gladman do not object to the release of land from the Green Belt in principle, it is not considered that the evidence provided by the Council is sufficient to justify the decisions arrived at in the LPP2. Indeed, to pass such a high bar in terms of demonstrating ‘exceptional circumstances’, the evidence which underpins Green Belt release must be substantive and detailed. In this regard, it appears that only cursory consideration has been given to how land contributes to the five purposes of the Green Belt as opposed to an in depth analysis of how each parcel of land functions as part of the Green Belt.

5.2.10 The Government’s fundamental approach to Green Belt is that all reasonable non-Green Belt options should be considered before Green Belt is proposed for amendment. This is set out clearly in the Planning Practice Guidance. It is clear on the evidence supporting the LPP2, that in the case of Rushcliffe, this has not occurred.

5.2.11 A number of sites promoted for allocation in the Plan also do not appear to be suitable and/or available for development and several also appear to perform poorly in terms of sustainability. Therefore, it is considered that the Council’s site selection process and conclusions it has reached in terms of removal of land from the Green Belt are not justified and are consequently unsound.

5.2.12 A full analysis of the site selection process is included in the report produced by GVA on our behalf which can be found in Appendix 1.

5.3 Site Allocations

East Leake

5.3.1 Gladman consider that the approach taken by the LPP2 to limit further development opportunities in East Leake to sites with existing planning consent is unsound. Whilst is it acknowledged that current planning consents exceed the figure identified in the adopted LPCS for East Leake, this figure was only ever intended as a minimum figure.

5.3.2 Given that the Council is seeking to allocate additional sites through the LPP2 to meet the housing requirements and to make up the shortfall in delivery which has occurred on the strategic sites, all potential sustainable settlements should have been assessed to ascertain if any additional sites were suitable, available and deliverable, especially where these sites sat outside of the Green Belt.

5.3.3 In addition, Gladman have concerns with the following statement which is contained in Paragraph 3.25 of the LPP2:

“It is considered that it would be unacceptable to identify further land at East Leake for housing development over the plan period. To do so would put at risk the Core Strategy’s focus to locate development within or adjacent to the main urban area of Nottingham. There are also concerns over East Leake’s capacity to
support and assimilate additional housing at this time and the affect that any further development would have on the character of the village.”

5.3.4 It is considered counter-intuitive that additional growth in East Leake would undermine the Core Strategy’s focus to locate development within or adjacent to the main urban area of Nottingham when the LPCS clearly sets out an approach for development to be located adjacent to the main urban area of Nottingham and the Key Service Centres.

5.3.5 The LPP2 also presents a strategy which seeks to release sites from the Green Belt and to allocate sites in settlements that are considered less sustainable than the Key Service Centres. As East Leake is the only Key Service Centre which sits completely beyond the Green Belt, it is imperative that all available development options in this location are explored before land is proposed to be released from the Green Belt or development is proposed in less sustainable locations. Additional development in East Leake would therefore support the LPCS’s aim to focus development in Key Service Centres.

5.3.6 The Council have so far failed to identify a suitable and deliverable strategic allocation for development in and adjacent to the main urban area of Nottingham that has delivered. The LPCS allocates 7,650 to the PUA but through LPP2, it is acknowledged that only 5391 are expected to be built at the 3 SUEs on the edge of Nottingham against their expected delivery of 7,000. The additional 650 requirement for the PUA in Policy 3 accepts that there are no suitable sites on the edge of Nottingham. Based upon the Council’s figures, there is a 2,259 unit shortfall against the requirements of Policy 3. Given the LPCS sites have not yet begun to deliver, the delivery rates are overly ambitious. There is a significant risk that the requirement of 250 units per is not going to be met.

5.3.7 Further, the trajectory contained at Appendix B of the LPP2 assumes all the sites are going to deliver as full planning permissions from April 2020. This is considered to be unrealistic.

5.3.8 Thus, it is considered that the immediate shortfall from the failure of these strategic sites to deliver must be accommodated in Key Service Centres, and primarily beyond the Green Belt.

5.3.9 Furthermore, no robust evidence has been presented to support the claim that East Leake does not have the capacity to support additional housing growth, nor is there any evidence that suggests less sustainable settlements are capable of accommodating additional growth. The sustainability of settlements was confirmed in the Housing Site Selection Report which states at paragraph 5.4 that the identified settlements:

“…do not provide for a full range of facilities as is the case at West Bridgford and the key settlements, the basic level of facilities (e.g. schools; shops) that are available were deemed capable of potentially supporting a relatively limited level of housing growth without compromising the strategy set out in the Core Strategy for distribution of new housing.”
5.3.10 The evidence contained in the Identification of Additional Settlements Background Paper (2017) provides only a brief summary of the potential of these settlements to support additional growth based on services and facilities available. It does not assess the capacity of these services in detail and does not provide an assessment of local housing need.

5.3.11 Therefore the conclusion reached by the LPP2 that East Leake cannot accommodate further development is considered to not be justified, as our analysis has indicated that additional housing in East Leake would not compromise nor conflict with the spatial strategy and there is no evidence to suggest that the services and facilities are not capable of supporting additional growth. Moreover, the conclusions are not supported by any evidence that suggests the provision of housing in East Leake would harm the character of the village.

**Radcliffe on Trent**

5.3.12 The LPCS sets a target of a minimum of 400 new dwellings within the Green Belt in or adjoining Radcliffe on Trent. However, the LPP2 allocates sites in Radcliffe on Trent to deliver 920 new homes which includes removing additional sites from the Green Belt.

5.3.13 The Council state at Paragraph 3.45 that in order to accommodate additional housing growth in Radcliffe on Trent a new primary school may be needed as well as a new medical facility. However, to generate the pupil numbers which are required to sustain a new primary and to generate sufficient developer contributions to cover the costs of a new school, upwards of 1,000 homes are required at the edge of Radcliffe on Trent.

5.3.14 This approach seems to be seeking to solve a problem that the LPP2 itself has created, subsequently justifying exceptional circumstances for release of land from the Green Belt, partly on the need to provide the new school.

5.3.15 This directly contradicts the approach taken in East Leake, where the lack of educational capacity is used by the Council as a reason for limiting any further sustainable growth in the settlement despite the fact that the site at Kirk Ley Road / Rempstone Road, East Leake which has extant planning permission includes land for a new primary school. Unless all the funding to deliver this school is already secured, then additional funding will be required to ensure that the current capacity issues at the existing school are addressed. Thus, the Council will require additional housing growth in East Leake to ensure that sufficient developer contributions are secured to deliver the school and sufficient pupil numbers are generated to make the school viable.

5.3.16 This is precisely the argument made by the Council to justify significant additional growth being directed by LPP2 towards Radcliffe on Trent, which as discussed previously, also involves additional significant Green Belt release.

5.3.17 It is therefore our contention that the Council’s position with regards to this issue is irreconcilable and calls into question the exceptional circumstances being used to justify additional Green Belt
release in Radcliffe on Trent when other, non-Green Belt options in the Key Service Centres deliver similar benefits but don’t involve Green Belt release, such as at East Leake.

**Ruddington**

**Policy 6.1: Housing Allocation- Land West of Wilford Road**

5.3.18 The supporting text confirms that land west of Wilford Road, Ruddington is within Flood Zones 2 and 3 and the supporting text of the Preferred Housing Sites consultation document states that it is ‘within the strategically important northern area of Green Belt’. Although the proposed number of dwellings has reduced from 180 to 130, there is no evidence to suggest that given the above constraints, the site can accommodate 130 homes.

**Policy 6.2: Housing Allocation- Land South of Flawforth Lane and Policy 6.3: Housing Allocation- Land Opposite Mere Way**

5.3.19 The Green Belt review states that the removal of land opposite Mere Way ‘would constitute a significant intrusion beyond the A60, which is a robust strategic boundary’ and that ‘the settlement edge is not prominent, and the land is open countryside.’ The site also scores well against two purposes of Green Belt which demonstrates the significance of the site’s function as part of the Green Belt. However, land south of Flawforth Lane also crosses the strategic boundary of the A60. This seems to be contrary to the assessment for the previous site which establishes that the removal of a site beyond the A60 would lead to a significant intrusion to the open countryside.

**Cropwell Bishop**

**Policy 7: Housing Allocation- Land East of Church Street**

5.3.20 This proposed allocation is located to the east of the settlement and scored 5 against unrestricted sprawl of settlements and 4 against assisting in safeguarding the countryside from encroachment in the Green Belt assessment. The allocation of land to the east would have a significant impact on the Green Belt and would adversely affect the rural setting of the village.

**East Bridgford**

**Policy 8.2: Housing Allocation- Land South of Butt Lane**

5.3.21 After reviewing the Council’s SHLAA and Green Belt Review, it does not appear that the site has been considered in either of these documents. The removal of Land from the Green Belt needs to be justified by exceptional circumstances and we consider that such circumstances have not been evidenced in relation to this site.

**Gotham**

**Policy 9: Housing Allocation- Land East of Gypsum Way/The Orchards**
5.3.22 This allocation does not appear to be well related to the existing settlement. Furthermore, the supporting text omits the fact that there is a Grade II Listed barn within the adjacent bus depot. The lack of recognition that a Grade II listed building will be impacted as part of the allocation demonstrates the inadequacy of the assessments.

**Bunny**

Policy 23- Redevelopment of Bunny Brickworks

5.3.23 The village of Bunny is not considered in the CSLP to be an ‘Other Village’ suitable for a limited level of housing development. This proposed allocation was previously identified for employment in the 1996 Local Plan and is now being considered for a mixed-use development. The site does not appear to have been assessed in the Green Belt Review and comprises a largely undeveloped parcel of land adjacent to the existing brickworks. The site is not adjacent to the village of Bunny, is in an unsustainable location in the Green Belt and is considered to be unjustified as a mixed-use allocation.

**Aslockton**

5.3.24 Aslockton lies to the East of Nottingham outside of the Green Belt. Aslockton benefits from a number of services and facilities which meet the day to day needs of residents and has the significant benefit of railway station with a direct hourly link into Nottingham in the peak hours and a journey time of around 20 minutes. It is therefore considered that because of its sustainable links to Nottingham and given it lies outside of the Green Belt, the settlement can accommodate additional housing growth in a sustainable manner to help meet the needs of the borough.

5.3.25 As such, Gladman are promoting land at Abbey Lane, Aslockton for development. Further details can be found in section 6.

5.4 **Detailed Policies**

Policy 11- Housing Development on Unallocated Sites within Settlements

5.4.1 Gladman support the decision to not include rigid settlement boundaries and to consider each proposal in the context of its relationship with the physical edge of the settlement. However, we object to part 3 of the policy as it is very restrictive and would not allow for the flexibility required should the plan fail to deliver the housing requirement.

5.4.2 Paragraph 3.111 sets out that developments which do not extend beyond the identifiable settlement boundary are considered within settlement. However, Local Plans should be flexible and adaptable to rapid change. Should the Council struggle to maintain a rolling 5-year housing land supply, the policies of the Local Plan should be flexible enough to allow sustainable sites to come forward for development to help meet the shortfall in supply. The justification set out in Paragraph 3.111 would preclude this.
There are sufficient safeguards in the other detailed policies of the Plan to prevent inappropriate development from coming forward and therefore it is considered that the final sentence of Paragraph 3.111 is deleted.

Policy 12 - Housing Standards

Policy 12 sets out that new housing development of more than 10 dwellings should meet Building Regulations Standard M4(2) for 20% of dwellings, with developments of more than 100 dwellings requiring at least 1% meeting Requirement M4 (3)(a). The Written Ministerial Statement of 25th March 2015 confirms that the optional new national technical standards should only be required through Local Plans if they address a clearly evidenced need and where the impact on viability has been considered. It is therefore important that the Council has undertaken a local assessment which evidences the need for the adoption of Building Regulation Standard M4(2) and M4 (3)(a). The Council do not seem to have undertaken such an assessment.

Policy 12 also requires new housing to be designed to meet higher water efficiency standards of 110 litres per person per day. Again, the Written Ministerial Statement of 25th March 2015 confirms that the optional new national technical standards should only be required through Local Plans if they address a clearly evidenced need and where the impact on viability has been considered. The Housing Standards Review also set out that reduced water consumption rates should only be applied in water stressed areas. Given that the area only suffers moderate water stress, the approach to this policy is not justified.

Policy 13 - Self Build and Custom Housing Provision

Policy 13 requires housing developments providing 10 dwellings or more to provide land for self-build and custom build dwellings to help meet identified local demand. Whilst the concept of Self Build and Custom Build Housing is supported, Gladman have concerns regarding Policy 13 as it is written as the inclusion of plots on large scale sites does not add to the supply of houses overall (it merely changes the housing mix from one product to another). It is also difficult to assess how it will be implemented given issues around working hours, site access, health and safety etc. that are associated with large scale development sites. The percentage of provision on sites should also be determined on detailed evidence of need which the Council appears not to have produced and the provision of these plots should also be subject to viability testing.

Policy 14 – Specialist Residential Accommodation

Gladman support Policy 14 as it seeks to encourage the development of specialist accommodation for older people including both extra care and sheltered accommodation.

However, we object to Criterion C as we are unsure how the impact of a proposal on existing health care facilities can be evidenced. This provides an unclear policy which is difficult to implement and should be avoided. Therefore, Criterion C should be deleted.
Policy 18- Surface Water Management

5.4.9 Gladman consider that Criterion D relates to detailed design and not to Surface Water Management and therefore should be deleted from the Policy.

Policy 22 – Development in the Countryside

5.4.10 Gladman object to Policy 22 on the same grounds as Policy 11.

5.4.11 Footnote 9 of the Framework sets out the types of policies that the Government consider to be restrictive. These include:

“sites protected under the Birds and Habitat Directive (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion”.

5.4.12 Although this list is not exhaustive it is clear that local landscape designations, intrinsic value of the countryside, the character of areas, green gaps etc. are not specifically mentioned as constraints by the Framework. The fact that these are not restrictive constraints has been confirmed by the Secretary of State in recent decisions where he confirmed that Valued Landscape is not a restrictive constraint in terms of footnote 9 of the Framework.

5.4.13 Gladman therefore objects to Criterion 1 because it is not in conformity with the Framework as it seeks to establish a blanket protection of the Countryside and fails to engage the planning balance exercise where impact on the landscape and countryside is one consideration. Criterion 1 should therefore be reworded to better reflect the guidance set out in the Framework.

Policy 28- Conserving and Enhancing Heritage Assets

5.4.14 Paragraphs 132 to 134 of the Framework relate specifically to designated heritage assets and highlight that the more important the asset the greater the weight that should be attached to it. The policies in the Local Plan therefore need to make such a distinction so as to ensure they are consistent with the Framework.

5.4.15 The Framework states that if the harm to a heritage asset is deemed to be substantial then the proposal needs to achieve substantial public benefits to outweigh that harm. If the harm is less than substantial, then the harm should be weighed against the public benefits of the proposal including securing its optimum viable use. The policies in the Local Plan should therefore make a distinction between the two tests included in the Framework for designated heritage assets to ensure they are sound.

5.4.16 Paragraph 135 of the Framework relates specifically to non-designated heritage assets and the policy test that should be applied in these cases is that a balanced judgment should be reached
having regard to the scale of any harm and the significance of the heritage asset. Once again, policies in the Local Plan need to reflect this guidance.

5.4.17 Consequently, Policy 28 should be redrafted to better follow the guidance set out in the Framework as set out above.

**Policy 33 – Local Green Spaces**

5.4.18 Any Local Green Space should be compliant with Paragraph 77 of the Framework. The Council should assess all Local Green Spaces to ensure that they are consistent with this advice and to ensure that they do not place an unnecessary constraint upon the delivery of housing to fully meet the housing needs of the borough.

**Policy 41 – Air Quality**

5.4.19 Gladman object to Policy 41 as it should be drafted based on paragraph 124 of the Framework. This states that planning decisions should ensure that any new development in Air Quality Management Areas (AQMAs) should be consistent with the local air quality management plan. This does not represent a blanket ban on development in AQMAs and when considered alongside paragraph 109 of the Framework, which states that the planning system should prevent development causing unacceptable levels of air pollution, it is clear that a policy which seeks to avoid any adverse impacts on air quality cannot be framework compliant.

**Policy 42 – Safeguarding Minerals**

5.4.20 Paragraph 143 of the Framework states that in preparing Local Plans, Local Planning Authorities should set out policies to encourage the prior extraction of minerals, where practicable and feasible, if it is necessary for non-mineral development to take place.

5.4.21 A blanket policy that seeks to refuse development where it is demonstrated that minerals will be sterilised is therefore contrary to this guidance as an exercise should be carried out to assess whether it is practicable and feasible to extract the mineral before a decision can be made on the application.
6 SITE SUBMISSIONS

6.1.1 Gladman have suggested in the representation that the plan has failed to suitably explore all available sites beyond the Green Belt.

6.1.2 Therefore, Gladman are supporting that additional alternative site allocations should be made in the LPP2 that are not within the Green Belt yet are still in sustainable areas. This will contribute to the 5-year housing land supply and reduce the amount of Green Belt land being lost. The sites are located in sustainable locations, beyond the Green Belt and are available, achievable and deliverable.

6.2 Land at Lantern Lane, East Leake

6.2.1 Gladman have land interests at Land off Lantern Lane, East Leake. A location plan can be found at Appendix 2.

6.2.2 An outline application for up to 195 dwellings was submitted in December 2016 (reference 16/03119/OUT). A second application was submitted in October 2017 (reference 17/02292/OUT). An appeal against the refusal of 17/02292/OUT by Rushcliffe Borough Council is currently pending.

6.2.3 Notwithstanding the remaining reason for refusal (focused around conflict with the spatial strategy), Gladman believe the site can deliver the following benefits:

- Structural landscape planting, retention of and positive management of key landscape features;
- 5.87ha of formal and informal open space equating to over 45% of the gross site outline application area. The site has been carefully designed to respond positively and sympathetically to its built and environmental context and the character and appearance of the surrounding area;
- Provision of a new Natural Play Area set within public open space;
- Improved connectivity with informal links connecting public open spaces, play areas and the existing public right of way (East Leake FP27) with adjoining open space;
- Improvements to the local economy and increased footfall to the existing businesses of East Leake;
- A mix of housing types and sizes to meet strategic needs of the local housing market, including family and affordable housing. This will demonstrably support and secure the current and future vitality of the local area enabling people to access the housing market locally rather than being forced to move away due to a lack of available housing;
- Significant areas of planting to provide green infrastructure, including benefits in ecology and biodiversity. Habitat creation measures will ensure net biodiversity is retained and enhanced with hedgerows and green corridors;
- Highway improvements including access arrangements from Lantern Lane; and
- A comprehensive surface water drainage scheme.

**6.3 Land at Stonebridge Drive, East Leake**

6.3.1 Gladman also have land interests at Land off Stonebridge Drive, East Leake. A location plan is included in Appendix 3.

6.3.2 Gladman believe that this site offers a real opportunity to residents of the local community and the wider area to meet identified housing needs and deliver further improvements to the public realm.

6.3.3 Gladman are currently exploring the development options of the site to provide a comprehensive development scheme and would welcome the Council’s input with this regard.

6.3.4 Gladman have previously submitted representations for the consideration of this site as a potential housing allocation, both at Further Options and Preferred Options stage.

6.3.5 The Site Selection Interim Report confirms that that site (EL11) is not constrained by significant biodiversity, heritage, flood risk or highways access issues but questions the deliverability of the site as ‘no representation has been received from the landowner or promotor, therefore delivery is uncertain.’ Gladman question the lack of consideration of EL11 given the representations previously submitted by Gladman demonstrate that deliverability of the scheme. The confirmation of previous submission is included at Appendix 4.

**6.4 Land at Abbey Lane, Aslockton**

6.4.1 In addition to the two sites at East Leake, Gladman also have land interests in Land at Abbey Lane, Aslockton. A location plan is included in Appendix 5.

6.4.2 Gladman believe that this site offers a real opportunity to residents of the local community and the wider area to meet identified housing needs and deliver further improvements to the public realm.

6.4.3 Gladman are currently exploring the development options of the site to provide a comprehensive development scheme and would welcome the Council’s input with this regard.
7 **BACKGROUND PAPERS**

7.1 **Housing Site Selection Report**

7.1.1 We object to Table 3.1 ‘Anticipated housing land supply at 1 April 2019’ because it uses an annualised housing target between 2019 and 2028 instead of using the stepped trajectory set out in Policy 3 of the Core Strategy.

7.1.2 Against the stepped trajectory, which is the only trajectory set out in policy, the Council are unable to demonstrate a 5 year housing land supply as set out below.

**CALCULATION AGAINST PHASED POLICY 3 CORE STRATEGY REQUIREMENT (2019 TO 2024)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Annual Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/12</td>
<td>250</td>
</tr>
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<tr>
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<td>470</td>
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<tr>
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</tr>
<tr>
<td><strong>Total Requirement 2011-2019</strong></td>
<td><strong>4150</strong></td>
</tr>
</tbody>
</table>

**Delivery Shortfall against requirement 2011-2019 = 607 dwellings**

<table>
<thead>
<tr>
<th>Year</th>
<th>Annual Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019/20</td>
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<tr>
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<tr>
<td>2023/24</td>
<td>820</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6020</strong></td>
</tr>
</tbody>
</table>

**Requirement + backlog + buffer (20%)**

(6020 + 607) x 1.2 = 7952

**Projected Supply**

7467 dwellings

**Five Year Supply 2019-24**

4.7 years (485 dwellings undersupply)

7.1.3 We consider that the 5-year housing land supply should be calculated against the trajectory set out in Policy 3 of the LPCS and not an annualised figure of 1000 dwellings per year. We consider that this is the correct way to proceed because despite what is said in the supporting text of the LPCS at
paragraph 3.3.9 the content of the policy is quite clear and it does not support an annualised approach after the adoption of LPP2. Supporting text should only be used to provide clarity on the content of a policy and not to fundamentally change the delivery of the Spatial Strategy.

7.1.4 The above calculations outline that using the correct trajectory set out in Policy 3 of the LPCS that the LPP2 currently fails to provide a 5 year housing land supply and needs to identify more sites to ensure a 5 year supply is met.
8  CONCLUSIONS

8.1.1 Having considered the LPP2, Gladman are concerned about a range of matters including housing needs, Green Belt release, site allocations and detailed policies.

8.1.2 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order to prepare a sound plan, it is fundamental that it is:

- **Positively Prepared**- The plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- **Justified-** the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on a proportional evidence base;

- **Effective-** the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- **Consistent with National Policy-** the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

8.1.3 Gladman have significant concerns regarding the allocation of Green Belt land in the LLP2. No assessment of local housing needs has been undertaken to support the draft allocations in the LLP2, including the allocations within Other Settlements identified in the LPCS. Without this key element of the evidence base, the vision and spatial strategy of the LPCS is undermined and the LPP2 is unjustified.

8.1.4 Gladman also have concerns with the level of flexibility in the strategy presented by the LLP2. The Plan provides around 9% contingency, which given the Council’s poor delivery record (especially in terms of the strategic sites) is not considered sufficient. It is considered that given the issues of deliverability experienced in Rushcliffe, the flexibility factor should be towards the higher end of the 10-20% range recommended by the HBF.

8.1.5 Whilst Gladman do not object to the release of land from the Green Belt in principle, it is not considered that the evidence provided by the Council in support of the LPP2 is sufficient to justify the decisions arrived at in the draft Plan.

8.1.6 When considering the allocation of sites for future housing development, national policy requires Councils to endeavour to maximise the use of sustainable, available and deliverable non-Green Belt sites. This is mirrored in criterion 7 of Policy 4 of the LPCS. Due to the omission of available and
sustainable sites in East Leake and Aslockton, Gladman consider that this requirement of the LPCS has not been met and the approach is therefore considered unsound.

8.1.7 Further, as a number of sites in the plan do not seem to be suitable/available for development nor appear to perform well in terms of sustainability, it appears that only a cursory consideration has been given to how land contributes to the five purposes of the Green Belt. This is not considered substantive and detailed as an in depth analysis of how each parcel of land contributes to the Green Belt has not been provided. Gladman's concerns regarding the site selection process are evidenced in the Assessment of Housing Site Selection Process report produced on our behalf by GVA, included at Appendix 1.

8.1.8 Gladman also raise concerns with the wording of several detailed policies within the plan and note that policies must be consistent with national policy in order be found sound. Blanket policies should be avoided and where possible and/or necessary, policies should include the necessary provisions for flexibility and assessment of harm.

8.1.9 Gladman submit three sites that are suitable, available and located beyond the Green Belt. Land at Lantern Lane, and Land at Stonebridge Drive in East Leake are sustainable development sites that are capable of delivering much needed housing in an appropriate location. Land at Abbey Lane, Aslockton is also considered a suitable location for development beyond the Green Belt. All three sites are capable of delivering significant benefits to the Borough without the loss of Green Belt land and therefore should be allocated in the LPP2 for residential development.

8.1.10 Therefore, Gladman do not consider that the LPP2 can be considered sound in its current form.
APPENDIX 1: ASSESSMENT OF HOUSING SITE SELECTION, GVA
Rushcliffe Local Plan Part 2 (Land and Planning Policies)

Assessment of Housing Site Selection Process

June 2018
Contents

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Appendices

Appendix 1 Site Location Plans
Appendix 2 Key Diagram Core Strategy

Prepared By: Stephanie Eastwood, Principal Planner and Craig Alsbury, Senior Director
Date: June 2018

For and on behalf of GVA Grimley Limited
1. **Introduction**

1.1 Rushcliffe Borough Council (“the Council”) is in the process of producing a Local Plan Part 2: Land and Planning Policies development plan document (“the Plan”). This has been progressed through Issues and Options, Further Options and Preferred Options stages to Publication. The Publication (Regulation 19) version of the Plan was released in May 2018 and the Council has set 28 June 2018 as the deadline for receipt of representations under Regulation 20.

1.2 Amongst other things, the Plan proposes a number of site allocations for housing development. These are intended to ensure that the Council satisfies the new dwellings requirement specified in the Rushcliffe Borough Local Plan Part 1: Core Strategy (adopted December 2014) (“the Core Strategy”).

1.3 Gladman Developments Ltd (“Gladman”) is promoting three sites for allocation in the Plan, two of which are on the edge of East Leake and one which is on the edge of Aslockton (see Site Location Plans at Appendix 1). East Leake is one of the Borough’s ‘Key Settlements’ and is the only ‘Key Settlement’ that is not surrounded / constrained by Green Belt. Aslockton is one of the more sustainable ‘Other Settlements’ and one of only four such ‘Other Settlements’ which are located beyond the Green Belt.

1.4 The Gladman sites both lie to the immediate east of the settlement. One is located to the north and west of Lantern Lane and the other is off Stonebridge Drive. Both comprise farmland and are in the open countryside.

1.5 In addition to promoting the sites through the Plan-making process, Gladman is also seeking to obtain outline planning permission for the development of the Lantern Lane site. It initially applied for planning permission for a scheme of 195 dwellings in December 2016 (Ref. 16/03119/OUT). That application was refused in May 2017 and Gladman subsequently lodged an appeal against that refusal. A second application was submitted for a slightly amended proposal in October 2017 (Ref. 17/02292/OUT) but this was also refused. A second appeal was then lodged and the first was withdrawn. This second appeal has been heard at Public Inquiry earlier this month.

1.6 Neither site is proposed to be allocated in the Plan and Gladman is concerned that their omission gives rise to issues in respect of soundness. Gladman will be making representations in respect of the Publication version of the Plan but is keen to have an independent professional view of:

   a) the approach that the Council has taken to selecting sites for allocation for housing development in the Plan; and

   b) whether its approach, and the conclusions that it has reached, are Core Strategy and NPPF compliant and, therefore, sound.

1.7 GVA is instructed to provide this independent professional view.

**Approach and Structure of Assessment**

1.8 To make robust findings in respect of soundness, we have reviewed all relevant Plan documents and all relevant elements of the Council’s evidence base, stretching back to some of the evidence that it gathered for Core Strategy purposes in 2010. However, we have focussed our attention on the evidence that it has compiled and the consultation documents that it has issued since 2014. This review has, therefore, extended to the following:

- Accessible Settlements Study (2010)
- Local Plan Part 1: Core Strategy, December 2014
- Strategic Housing Land Availability Assessment (2015)
- East Leake Neighbourhood Plan, November 2015
- Draft Sustainability Appraisal Scoping Report, January 2016
1.9 Each document has been examined in the light of the relevant provisions of the Core Strategy, the NPPF and the NPPG, with a particular focus on the Council’s over-arching spatial strategy, national and local Green Belt policy and Government policy and guidance on the identification of deliverable and developable development sites.

1.10 In Sections 2-6 below we provide a brief overview of the planning policy context within which the Plan is being prepared and then describe (i) what the Council appears to have done at each stage of the Plan-making process and (ii) highlight where we consider the Council to have made errors or where it has taken an approach that is unsound. In Section 7, we draw together our analysis and make overall findings on the soundness of the Plan as it currently stands. As will be seen, we consider that the Council has made a number of fundamental and fatal errors and, as a consequence, is promoting a pattern of development that is unsustainable, unjustified and unsound. Accordingly, Gladman is right to be concerned.
2. **Policy Context**

**Part 1 Local Plan (Core Strategy)**

2.1 The Council adopted its Core Strategy in December 2014. Amongst other things, it defines the amount of new housing and employment development that needs to be delivered within the Borough in the period 2011-2028 and establishes a spatial strategy that is designed to ensure that this growth is accommodated in a sustainable way.

2.2 These two important elements of the Strategy are covered under Policy 3. This states that sustainable growth will be achieved by adopting a strategy which focuses on “urban concentration” and the regeneration of Greater Nottingham. With that in mind, it goes on to establish a settlement hierarchy as follows:

- the main **built-up area** of Nottingham;

- the **Key Settlements** of:
  - Bingham;
  - Cotgrave;
  - East Leake;
  - Keyworth;
  - Radcliffe on Trent;
  - Ruddington;

- **Other Settlements**, not shown on the Key Diagram ([Appendix 2](#)) and excluding Newton and RAF Newton

2.3 Policy 3 requires that the Council delivers a ‘minimum of 13,150 new homes’ in the plan period and that these be distributed as follows:

- ‘Approximately 7,650 homes’ in or adjoining the main built up area of Nottingham with ‘around’ 7,000 dwellings to be delivered within the three Sustainable Urban Extensions (SUE) of:
  - South of Clifton (around 3,000 homes);
  - land off Melton Road, Edwalton (around 1,500 homes); and
  - East of Gamston/North of Tollerton (around 2,500 homes by 2028 and up to a further 1,500 homes post 2028).

- ‘Approximately 5,500 homes’ beyond the main built up area of Nottingham, as follows:
  - North of Bingham (**around 1,000 homes**);
  - Former RAF Newton (**around 550 homes**);
  - Former Cotgrave Colliery (**around 470 homes**);
  - In or adjoining East Leake (**a minimum of 400 homes**);
  - In or adjoining Keyworth (**a minimum of 450 homes**);
  - In or adjoining Radcliffe on Trent (**a minimum of 400 homes**); and
  - In or adjoining Ruddington (**a minimum of 250 homes**).

2.4 In the Borough’s ‘Other Settlements’, the Core Strategy allows only for development that meets local needs.
2.5 Table 3 of the Core Strategy indicates the rate at which the Council expects new housing to be delivered through the Plan period. This is as follows:

<table>
<thead>
<tr>
<th>Year Period</th>
<th>2011 to 2013</th>
<th>2013 to 2018</th>
<th>2018 to 2023</th>
<th>2023 to 2028</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>13,450</td>
<td>500</td>
<td>2,350</td>
<td>6,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4,100</td>
</tr>
</tbody>
</table>

All years are financial years, April to March. Numbers are rounded to the nearest 50.

2.6 Paragraph 3.39 of the Core Strategy states that the Council will apply the above figures to its housing land supply calculations (as a stepped requirement) in the period prior to adoption of the Plan. The ‘back end loading’ in Table 3 reflects the Borough’s reliance, for housing land supply, on the three SUEs listed in Policy 3 and the time that the Council expected it to take for these developments to begin delivering homes.

2.7 Paragraph 3.3.16 of the Core Strategy states that “with the exception of Bingham and Cotgrave”, which have strategic allocations under Policy 3, the locations for development in other ‘Key Settlements’ will be determined through the Plan and relevant Neighbourhood Plans.

2.8 Paragraph 3.3.17 re-affirms that, in ‘Other Settlements’, development will “meet local needs only” and will comprise small scale infill or development on exception sites. However, it also states that where “small scale allocations are appropriate to provide further for local needs” these will be included in the Plan and Neighbourhood Plans.

2.9 The Core Strategy notes that the minimum requirements for the settlements of East Leake, Keyworth, Radcliffe on Trent and Ruddington are in addition to those sites identified as “suitable” and “deliverable” in the April 2013 Strategic Housing Land Availability Assessment (SHLAA) update.

2.10 Policy 4 of the Core Strategy is concerned with the Green Belt and requires the Nottingham Derby Green Belt to be retained and only be altered in ‘exceptional circumstances’. However, it adds that inset boundaries will be reviewed or created through the Plan to accommodate development requirements until 2028 and that consideration will be given to the identification of safeguarded land to meet longer term development needs beyond the plan period.

2.11 Policy 4 goes on to state that the following settlements shall remain washed over by the Green Belt:

- Barton in Fabis
- Bassingfield
- Clipston on the Wolds
- Holme Pierrepont
- Normanton on the Wolds
- Othorpe
- Kingston on Soar
- Ratcliffe on Soar
- Saxondale
- Stanton on the Wolds (part of)
- Thrumpton.

2.12 Part 7 of the Policy states that, when reviewing Green Belt boundaries, consideration will be given to whether there are “any non-Green Belt sites that are equally, or more, sustainably located to cater for development needs within the Borough” before making alterations to the Green Belt.

**East Leake Neighbourhood Plan**

2.13 The East Leake Neighbourhood Plan was made in November 2015. Insofar as new housing is concerned, it refers to the 400 dwelling minimum specified in the Core Strategy but then asserts that planning permission had already been granted for “way in excess” of this. Moreover, it goes on to assert that allowing further housing would put undue pressure on existing services and highlights what it refers to as three urgent and critical infrastructure issues. These are:
• a shortage of primary school places;
• a health centre that is over-subscribed and no longer fit for purpose; and
• an overloaded sewerage system.

2.14 Accordingly, it identifies a need for a new primary school, a new health centre and increased drainage capacity.

2.15 Policy H1 in the Neighbourhood Plan states that any dwellings over the 400 minimum specified in the Core Strategy will only be supported where it is demonstrated that the provision of improved infrastructure can be delivered in time to serve the needs created by the proposed development. It then goes on to state that conditions, planning obligations and S106/CIL contributions will be sought and used to manage the phasing and occupation of new dwellings. It also states that a further review of infrastructure will be undertaken by the Council as part of its work on the Plan to mitigate any impacts associated with new homes proposed over and above those that already have planning permission.

The National Planning Policy Framework

2.16 Underpinning the NPPF, and described as the ‘golden thread’ running through both plan-making and decision-taking, is a presumption in favour of sustainable development. This reflects a desire for the planning system to positively and proactively support sustainable economic growth rather than act as an impediment. Paragraph 14 describes how the presumption should be applied in respect of both plan-making and decision-taking. For plan-making this means:

• local planning authorities should positively seek opportunities to meet the development needs of their area;

• Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;
  - or specific policies in the Framework indicate development should be restricted

2.17 The footnote to paragraph 14 lists Green Belt as one of the policies in the Framework that indicate development should be restricted.

2.18 Insofar as housing is concerned, the NPPF requires local planning authorities to ‘boost significantly’ the supply of new homes by:

• using their evidence base to ensure that their Local Plan meets the full, objectively assessed need for market and affordable housing in their housing market area, as far as is consistent with the policies set out in the Framework;

• identify and annually update a supply of specific deliverable sites, sufficient to provide 5 years’ worth of housing with an additional buffer of either 5% or 20% depending on how well they have delivered housing in the past;

• identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible 11-15; and

• for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five year supply of housing land to meet their housing target.
2.19 The footnote to paragraph 47 states that:

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

2.20 It goes on to state that:

“To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”

2.21 In paragraphs 79 – 92, the NPPF sets out the Government’s policies on protecting Green Belt land. It begins by making it clear that the Government attaches great importance to Green Belts and asserts that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

2.22 At paragraph 83, the NPPF states that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan and, at that time, authorities should consider Green Belt boundaries having regard to their intended permanence in the long term. At paragraph 84, it goes on to state that:

“When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.”

2.23 The Government's policy on defining new Green Belt boundaries is set out in paragraph 85. This states that, amongst other things, local planning authorities should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

2.24 Paragraph 151 of the NPPF states that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development.

2.25 Paragraph 158 requires LPAs to use a proportionate evidence base and that Local Plans are based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.

2.26 Paragraph 157 of the NPPF requires Local Plans should:

- “plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;…"
- allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;...”
2.27 Paragraph 182 of the NPPF states that the role of the Inspector is to assess whether a Local Plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. It establishes four tests of “soundness”, as follows:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

**Observations on Policy Context**

2.28 It is clear from the above that:

a) the Council is required, in the Plan, to identify sufficient deliverable and, if necessary, developable housing sites to satisfy the Core Strategy housing requirement and maintain a rolling 5 year supply of deliverable housing sites through the Plan period;

b) the Government attaches great importance to Green Belts and insists that Green Belt boundaries are altered only in exceptional circumstances. Moreover, it requires local authorities to consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. In other words, it requires local authorities to consider its non-Green Belt options before it resorts to altering Green Belt boundaries. The Government also requires local authorities to ensure that their approach to Green Belt is consistent with the Local Plan strategy;

c) the Council has a clear spatial strategy that, beyond the SUEs, recognises only the built up area of Nottingham and the Borough’s ‘Key Settlements’ as appropriate locations for growth;

d) East Leake is the only ‘Key Settlement’ that lies entirely beyond the Green Belt; and

e) whilst the Neighbourhood Plan asserts that there are infrastructure issues within East Leake, it also indicates that these may be addressed or the impact of additional development mitigated through the use of planning conditions and appropriate planning obligations.
3. Issues and Options

3.1 The Council consulted on ‘Issues and Options’ in the period January to March 2016. Its consultation document was accompanied by:

- a Draft Sustainability Appraisal Scoping Report; and
- a Draft Green Belt Review (Part 2B).

Draft Sustainability Appraisal Scoping Report

3.2 The purpose of the draft Sustainability Appraisal Scoping Report was to decide the scope, and level of detail provided in the Sustainability Appraisal that the Council was to commission. It articulated the Council’s view on:

- the information required to determine the scope of the appraisal;
- the key sustainability issues affecting the area; and
- the framework against which the effects of the Plan should be assessed.

3.3 The draft SA Framework identified at the scoping stage was based on that utilised for the purposes of Core Strategy preparation. The Council considered that this would be appropriate on the basis that, it said, the key sustainability issues in the Borough had not changed significantly since its adoption.

3.4 The Scoping Report clearly set out the context for the Appraisal, the Council’s objectives and the objectives of the Assessment, the proposed approach to the assessment and the relevant sustainability issues facing the Borough. Accordingly, it met the requirements of the relevant legislation.

Draft Green Belt Review (Part 2B)

3.5 The draft Green Belt Review (Part 2B) followed a Stage 1 Strategic Green Belt Review and a detailed review of the Green Belt boundary on the edge of the urban area of Nottingham which was undertaken for Core Strategy purposes. The Part 2B Report stated that it’s purpose was to:

- define the new inset boundaries for those villages that are to be inset from the Green Belt;
- review current inset boundaries to correct any minor errors or issues; and
- review in detail the inset boundaries of the ‘Key Settlements’ of Bingham, Cotgrave, Keyworth, Radcliffe on Trent and Ruddington to identify land to meet the housing requirements and consider long term requirements.

3.6 The review of the Green Belt boundaries around the ‘Key Settlements’ was undertaken on a two-stage basis. These comprised:

1. a strategic review of broad areas of land around the ‘Key Settlements’ according to identifiable defensible boundaries; and
2. a detailed review of parcels of land within the broad areas.

3.7 For Stage 1 Officers used their local knowledge and judgement to define the parameters of the review. For Stage 2, parcels were identified based on sites promoted in the SHLAA. This included all of those sites categorised in the SHLAA as “could be suitable if policy changes” together with certain adjacent sites that were categorised as “undeliverable” or “undeliverable”.


3.8 The broad areas and parcels were assessed against the five purposes of Green Belt as defined in NPPF paragraph 80 and, for the parcels, the Report confirms that consideration was given to the presence of defensible boundaries in accordance with NPPF paragraph 85.

3.9 The Council developed a series of assessment criteria and a ‘scoring matrix’ for each Green Belt Purpose. Scores for each purpose ranged from 1-51. The Council interpreted the scores, as follows:

<table>
<thead>
<tr>
<th>Score</th>
<th>Green Belt Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-10</td>
<td>Low</td>
</tr>
<tr>
<td>11-15</td>
<td>Low-medium</td>
</tr>
<tr>
<td>16-20</td>
<td>Medium-high</td>
</tr>
<tr>
<td>21-25</td>
<td>High</td>
</tr>
</tbody>
</table>

3.10 The Report indicates that even if a site has a low score overall it may have a higher value if it performs particularly well against one Green Belt purpose. We return to the finer detail of the Green Belt Review later.

**Strategic Housing Land Availability Assessment (2015)**

3.11 The SHLAA 2015 noted that the South of Clifton SUE and East of Gamston/North of Tollerton SUE were delivering more slowly than anticipated in the housing trajectory in the Core Strategy. Moreover, it went on to indicate that some 750 of the dwellings planned in the SUEs would not be delivered as expected in the Plan-period.

3.12 Notwithstanding this, the trajectory in the SHLAA indicated that, subject to the Council allocating sufficient land to meet the minimum Core Strategy requirements at Keyworth, Ruddington and Radcliffe on Trent (no additional allowance was made for East Leake due to the number of permissions already granted) a total of 13,547 dwellings would be delivered in the period to 2028 (slightly in excess of the minimum requirement of 13,150).

**Issues and Options Document**

3.13 Part 2 of the ‘Issues and Options’ document dealt with Housing Development and was divided into sub-sections which reflected the Council’s settlement hierarchy.

**Main Urban Area**

3.14 The ‘Issues and Options’ document re-affirmed that Policy 3 of the Core Strategy is underpinned by a strategy of urban concentration and regeneration which means that when identifying sites for housing development preference will be given to sites within and around the main urban area of Nottingham, or areas that can benefit from extra development to bring disused sites into use or to help support or provide new services.

3.15 The ‘Issues and Options’ identified four housing site options within the main urban area and sought views whether these should be allocated for development in the Plan. However, it is not clear how the Council decided which sites to include as options as the 2015 SHLAA appears to identify a number of other ‘suitable’ sites in the main urban area, none of which were referenced at the ‘Issues and Options’ stage.

3.16 The document went on to note that, when the Core Strategy was prepared, the Council had not identified any sites that it considered to be suitable for release from the Green Belt around the main urban area (besides the SUEs) and asserted that this remained the Council’s view. However, again, it is not clear how the Council reached this conclusion as the SHLAA identified one site (Ref. 639 ‘Simkins Farm’), as potentially suitable for housing, adjacent to the main urban area.

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1 The minimum score for the 5th purpose (i.e. to assist in urban regeneration) is 3.
3.17 In the light of the provisions of Policy 3 of the Core Strategy, it seems to us that these additional sites should have been identified as ‘options’ at the Issues and Options stage.

**Key Settlements**

3.18 The ‘Issues and Options’ document noted that the Core Strategy had already allocated sites for major housing development at Bingham and Cotgrave and so identified no further options within or adjacent to either of these settlements. This, on the face of it, appears to have been a reasonable conclusion to reach bearing in mind that the Core Strategy requires the development of around 1,000 and 470 homes at these settlements and not a minimum of 1,000 or a minimum of 470.

3.19 The document went on to note that the Core Strategy sets a “minimum” target for new homes at the settlements of East Leake, Keyworth, Radcliffe on Trent and Ruddington and that the role of the Plan is to allocate the sites needed to meet the Core Strategy requirements.

3.20 At East Leake, the document noted that permission had been granted for eight greenfield sites around the village which were expected to deliver a total of around 800 dwellings. Therefore, it said, the minimum target had already been exceeded by around 300 homes. The sites with planning permission at the ‘Issues and Options’ stage were as follows:

<table>
<thead>
<tr>
<th>Site Location/ Name</th>
<th>SHLAA Ref.</th>
<th>Planning Permission Reference</th>
<th>No. dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>EL1 North of Lantern Lane</td>
<td>579</td>
<td>12/01821/OUT</td>
<td>170</td>
</tr>
<tr>
<td>EL2 East of Meeting House Close</td>
<td>582</td>
<td>13/02228/OUT</td>
<td>150</td>
</tr>
<tr>
<td>EL3 Meeting House Close</td>
<td>541/ 428</td>
<td>13/01263/FUL</td>
<td>61</td>
</tr>
<tr>
<td>EL4 East of Kirk Ley</td>
<td>382</td>
<td>12/01840/OUT</td>
<td>287</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14/01927/VAR</td>
<td></td>
</tr>
<tr>
<td>EL5 Micropropogation Services</td>
<td>761</td>
<td>14/02616/OUT</td>
<td>24</td>
</tr>
<tr>
<td>EL6 Woodgate Road</td>
<td>427</td>
<td>14/02313/FUL</td>
<td>80</td>
</tr>
<tr>
<td>EL7 Former Rabbit Farm</td>
<td>762</td>
<td>14/00357/FUL</td>
<td>28</td>
</tr>
<tr>
<td>EL8 The Heavens</td>
<td>766</td>
<td>15/00704/REM</td>
<td>14</td>
</tr>
<tr>
<td><strong>Total No. Homes With Planning Permission</strong></td>
<td></td>
<td><strong>814</strong></td>
<td></td>
</tr>
</tbody>
</table>

3.21 In the light of the extent to which the Council had planned to deliver beyond the minimum requirement for the settlement, it concluded that there was “no need” to identify any further land for development here in the Plan period. It went on to say that to do so would:

“put at risk the Core Strategy’s focus to locate development within or adjacent to the main urban area of Nottingham.”

3.22 However, this statement was without explanation, justification or evidence. Moreover, it was wrong and, as a consequence, was misleading. Clearly, allowing additional development at East Leake would not compromise the stated strategy of the Council. Indeed, it would accord with it and, moreover, would accord with Core Strategy and Government policies in respect of Green Belt.

3.23 The document also noted that there were “concerns over East Leake’s capacity to support further development at this time and the affect that any further development would have on the character of the village.” However, again, this statement was completely without explanation, justification or evidence.

3.24 At the other Key Settlements (all of which are located within the Green Belt), the ‘Issues and Options’ Document confirmed that no permissions had been granted for housing and went on to identify a number of ‘site options’ for consideration in each village.
3.25 In Keyworth it identified three site options which were designed to meet the minimum requirement of 450 homes. It noted that these had been identified as ‘preferred allocations’ in the emerging Keyworth Neighbourhood Plan. However, the ‘Issues and Options’ document also noted that the Neighbourhood Plan had not been progressed because it is not possible for Neighbourhood Plans to alter Green Belt boundaries and the identified options required such policy changes. The document also invited views on other sites identified in the 2015 SHLAA.

3.26 In Radcliffe on Trent a total of 10 sites were identified around the edge of the village. Most of these are sites that were categorised as ‘potentially suitable if policy changes’ in the SHLAA. However, one site (Ref. 374/RAD9) was categorised as ‘non-deliverable or developable’ in the SHLAA, therefore, it is not clear why these sites were included in the document.

3.27 A total of 10 sites were also identified on the edge of Ruddington. The majority of these were categorised as ‘potentially suitable if policy changes’ in the SHLAA. However, a number (353/RUD8, 431/RUD6, 712/RUD4, 208/RUD9&10) were categorised as ‘non-deliverable or developable’ in the SHLAA. It is not clear why these sites were included in the document.

3.28 The Issues and Options also sought views on whether any other SHLAA sites within the ‘Key Settlements’ should be allocated for development.

*Other Settlements*

3.29 The ‘Issues and Options’ document noted the Policy 3 categorisation of ‘Other Settlements’ and so indicated that the Council did not expect to allocated any sites for development in such locations.

*Green Belt*

3.30 Section 3 of the document dealt with the Green Belt. It identified a series of minor amendments that the Council proposed to make to the inset boundaries of villages to correct minor errors and ensure that the boundaries remain logical. It also identified proposed ‘inset’ boundaries for those villages that the Core Strategy stated should be ‘inset’ from the Green Belt. Finally, the document sought views on whether the Plan should make provision for safeguarded land.
4. **Further Options**

4.1 After ‘Issues and Options’, the Council moved on to ‘Further Options’ and consulted on these in the period between January and March 2017. The purpose of this consultation was to seek views on:

- further issues relating to housing development; and
- a number of additional housing options at a wider range of settlements, including the villages of Cotgrave, Cropwell Bishop, East Bridgford, Gotham, Sutton Bonington and Tollerton (all but one of which is an ‘Other Settlement’ in Core Strategy terms).

4.2 Alongside the ‘Further Options’ document, the Council published the PART 2 (b) [Detailed Review of the Nottingham-Derby Green Belt within Rushcliffe] Assessment of Additional Sites in Key Settlements and Other Villages.

**PART 2 (b) Green Belt Assessment of Additional Sites in Key Settlements and Other Villages**

4.3 The PART 2 (b) Assessment of Additional Sites in ‘Key Settlements’ and ‘Other Villages’ essentially comprised an addendum to the Part 2(b) Green Belt Review which the Council consulted on at the ‘Issues and Options’ stage. It:

a) provided an assessment of the Green Belt performance of certain additional sites that had been identified by site promoters around Ruddington, Radcliffe on Trent and Cotgrave in response to Issues and Options consultation. Each was tested against the same criteria as those employed for Issues and Options purposes; and

b) considered the Green Belt performance of a number of sites around the ‘Other Villages’ of Cropwell Bishop; East Bridgford; Gotham; and Tollerton which had been identified in the 2016 SHLAA.

4.4 The Assessment did not include a strategic review of broad parcels of land around the ‘Other Villages’ (as per the assessment undertaken in respect of the ‘Key Settlements’). The Council asserted that such an assessment was not necessary because the size of the settlements reduced the likelihood that the removal of land around the villages would affect strategic Green Belt issues. It is not clear how the Council reached this conclusion or, indeed, what it meant by it. Certainly, there was no evidence in the Assessment to justify or even support the making of such a conclusion.

**Further Options**

4.5 The ‘Further Options’ document, like the 2015 SHLAA, noted that the Borough’s strategic housing sites were taking longer to deliver than the Council had expected and that they would not, therefore, deliver in accordance with the Core Strategy trajectory. Indeed, by this point, the trajectory at Appendix A of the Further Options document forecast shortfall from the SUEs had increased from 750 to 1,250 dwellings in the Plan-period.

4.6 Notwithstanding this, the Council’s trajectory indicated that if its proposed allocations made provision for the delivery of an additional 1,100 new homes (the combined minimum needed at Keyworth, Radcliffe and Ruddington) it would deliver 13,026 dwellings overall in the Plan-period, just 124 dwellings short of the minimum specified in the Core Strategy.

4.7 However, the document also looked at the short-term land supply situation and noted that even with allocations capable of delivering 1,100 homes, the Plan would still fail 900 dwellings short of a 5 year supply on adoption. Therefore, the Council concluded that it needed to identify enough land for around 2,000 new homes (i.e. the 1,100 identified in the CS and 900 to address the 5 year issue).

4.8 Based on the trajectory at Appendix A of the ‘Further Options’ Document, the allocation of land for 2,000 dwellings was expected to result in the delivery of something in the order of 13,926 dwellings in the Plan-
period (776 dwellings over the minimum Core Strategy requirement). However, the Council also noted that further delays in respect of the strategic sites could cause the size of the housing land shortfall to increase beyond the 1,000 dwellings then forecast and so, in the ‘Further Options’ document it sought additional views on how this might be addressed.

4.9 So far as we can tell, the Council at this stage undertook no 5 year land supply calculations over the entire Plan-period to 2028.

4.10 Again, the ‘Further Options’ document contained a series of sub-sections based around the Borough’s settlement hierarchy as follows.

Main Urban Area

4.11 The Council identified four potential sites for allocation in the urban area. However, it continues to have ignored or overlooked a number of other ‘deliverable’ or ‘developable’ sites included in the SHLAA. Again, it is not clear why these were not identified as potential options.

4.12 The Council dismissed the idea of extending the SUEs on the basis that this would be unlikely to speed up the rate at which new housing is delivered. It also ruled out sites on the edge of West Bridgford and Clifton, either because these were unsuitable or, again, because they would have comprised extensions to existing SUEs. It was right, in our view, to do so.

4.13 It then turned its attention back to sites on the edge of the urban area and identified a single additional site option. This was the Simkins Farm site referred to earlier. We have found no evidence of there having been any other suitable sites adjacent to the main urban area at this point in the process.

Key Settlements

Bingham

4.14 The ‘Further Options’ document noted that the Core Strategy had allocated land to the north of Bingham for around 1,000 homes but that it made no further provision for development in or around the settlement. In addition, it noted that the only direction in which the settlement could grow further is to the north (beyond the strategic allocation) and, like the sites around the main urban area SUEs, this land wouldn’t deliver housing quickly enough to satisfy the Borough’s needs in the Plan-period. Accordingly, the ‘Further Options’ document made no proposals for additional development at Bingham. On the basis of the available evidence, this seems to us to have been appropriate.

Cotgrave

4.15 The ‘Further Options’ noted that the Core Strategy has already allocated the former Cotgrave Colliery site for around 470 homes and, again, that it made no provision for any development beyond that. Notwithstanding this, the ‘Further Options’ document stated that it may be necessary for Cotgrave, as a ‘Key Settlement’, to accommodate more housing development to address the SUE issue. It proceeded to note that the village “may” be able to support some extra housing development over the coming years although further improvements to local facilities (e.g. schools, the doctors’ surgery) may be necessary in order to enable more development to take place. Moreover, it went on to identify 12 site options around Cotgrave. This included all of the sites that had been categorised as potentially suitable in the 2016 SHLAA.

4.16 We have several concerns about the approach that the Council took to Cotgrave at this stage. These are:

   a) the Council’s Accessible Settlements Study (2010), which was prepared in support of support of the Core Strategy, identified Cotgrave as the worst performing of the ‘Key Settlements’ in the Borough in terms of its accessibility to services;
b) the provision of additional housing at Cotgrave was then and still is at odds with the adopted spatial strategy;

c) the decision to promote the idea of additional housing allocations at Cotgrave was not properly explained, it was not justified and was not evidenced (the Council produced no new evidence at this stage on the sustainability credentials of the settlement or its relative sustainability when compared, say, with other locations in the Borough including locations beyond the Green Belt).

4.17 Accordingly, the decision to identify additional housing options at Cotgrave was unsound.

East Leake

4.18 The ‘Further Options’ repeated what had been said at the ‘issues and Options’ stage about committed developments and concluded that there is “limited justification at this time to identify any further land at East Leake for housing development.” It also added that allowing further development at East Leake could put at risk the Core Strategy’s requirement to focus development within or adjacent to the main urban area of Nottingham and repeated the Council’s points about the settlement’s capacity to support further development. Again, this was all without explanation, justification or evidence. At no point, so far as we can tell, did the Council even entertain, let alone test, the possibility of identifying the Gladman sites as options for consideration. This, in our view, was a fundamental flaw in the Council’s approach.

Keyworth, Radcliffe on Trent, Ruddington

4.19 The ‘Further Options’ noted that the Core Strategy set a minimum requirement for development in and around the villages of Keyworth, Radcliffe on Trent and Ruddington and noted also that there were no committed schemes in any of these settlements [Note: the Local Plan Monitoring Report (2016) indicated that a number of planning permissions had been granted for a small number of dwellings in the villages. It is not clear why these were ignored]. The documents went on to note that in light of the forecast shortfall in the amount of land available for housing development over the next few years, it may be necessary for the villages to accommodate more homes than the specified minimum. It also stated that it would become clearer as development proposals become more certain what new or improved services and facilities are required to support new housing in the villages. This of course contrasts markedly with the approach taken in East Leake where infrastructure capacity had been regarded as a reason to restrict development.

4.20 The Council’s decision to promote the idea of directing further housing to ‘Key Settlements’ in the Green Belt in preference to ‘deliverable’ sites at equally sustainable but non-Green Belt settlements (without appropriate evidence) was at odds with both Core Strategy and national Green Belt policy. Accordingly, it was fundamentally flawed and, therefore, unsound.

4.21 The ‘Further Options’ document sought views on a total of 14 sites around the village of Keyworth, 12 around Radcliffe and 14 around Ruddington. This included all sites identified in the 2016 SHLAA as “could be suitable if policy changes”.

Other Settlements

4.22 The ‘Further Options’ document stated that the Council now believes that a number of the ‘Other Settlements’ may need to accommodate some level of new housing on greenfield sites in order to help address the Borough’s housing land supply issues in the short term. The Council’s reasoning for this was that “it is doubtful that” the Plan will be able to allocate enough suitable land at the main urban area of Nottingham and at the ‘Key Settlements’ to deliver a sufficient number of new homes quickly enough to meet the shortfall (caused by the delays within the SUEs). However, there was no evidence provided at the ‘Further Options’ stage to demonstrate that all potentially suitable options at the ‘Key Settlements’ had been identified and assessed before the Council had turned its attention to the less sustainable ‘Other Settlements’.
4.23 The document went on to note that planning permission has recently been granted for the development of up to 75 new homes on a site to the south of Abbey Lane, Aslockton. Consequently, the Council concluded that this site was already set to contribute to the supply of land for housing and so it should be allocated. However, the Council added that it would not be sustainable, based on existing services and infrastructure provision, for any further greenfield sites to be identified for housing development at Aslockton or Whatton.

4.24 It did, however, identify the following villages as potentially suitable to accommodate a limited level of housing development on greenfield sites:

- Cropwell Bishop;
- East Bridgford;
- Gotham;
- Sutton Bonington; and
- Tollerton.

4.25 The Council stated that whilst these villages do not offer the range of facilities that are available at West Bridgford and the ‘Key Settlements’, the “basic level of facilities” that are available are deemed capable of potentially supporting a “relatively limited” level of housing growth without compromising the spatial strategy. However, yet again, the Council’s assertions were not underpinned by any analysis or evidence.

4.26 All but one of the above ‘Other Settlements’ (Sutton Bonington) is within the Green Belt and only Gotham is proposed to be inset from the Green Belt in the Core Strategy.

4.27 The Council identified a number of site options at each village. Each of the options had been included in the 2016 SHLAA and all but one had been categorised as “could be suitable if policy changes”. However, one of the potential ‘further options’ at East Bridgford (Ref. 379 / EBR9) was assessed as “Not deliverable or developable” due to concerns regarding access. It is not clear why this site was considered as a ‘reasonable alternative’ for the delivery of housing as its allocation would not be ‘effective’ in ensuring the delivery of housing.

4.28 Again, the decisions taken by the Council at this stage were at odds with Core Strategy and NPPF policies on Green Belt. In addition, however, they were at odds with the adopted spatial strategy which made it clear that the ‘Other Settlements’ will only accommodate developments that meet local needs and the Council’s approach was not at all based on satisfying needs arising in the small villages. Accordingly, the Council’s approach in respect of the ‘Other Settlements’ was unsound.
5. **Preferred Options**

5.1 The Council consulted on ‘Preferred Options’ between October and November 2017. The Preferred Options document was accompanied by the following:

- Identification of Additional Settlements Background Paper, February 2017
- Housing Site Selection Interim Report, September 2017
- Rushcliffe Green Belt Review PART 2 (b) (Detailed Review of the Nottingham-Derby Green Belt within Rushcliffe – Rural Towns and Villages), September 2017
- Housing Options Interim Sustainability Appraisal Report, September 2017
- Sequential Test for the Preferred Housing Sites
- Housing Site Options Heritage Assets Assessments

**Identification of Additional Settlements Background Paper, February 2017**

5.2 At the ‘Preferred Options’ stage a report was produced which aimed to identify which of the ‘Other Settlements’ would be most suitable, in sustainability terms, to accommodate additional housing.

5.3 The report suggested that the allocation of “small and medium sized sites” for residential development on the edge of Rushcliffe’s ‘Other Settlements’ may increase the Local Plan’s flexibility and assist in identifying a 5 year supply of deliverable homes in the light of the shortfall that had arisen due to delayed delivery of the SUEs.

5.4 The report was based on: the conclusions of the Greater Nottingham Accessibility Study (2010) and the Greater Nottingham Sustainable Locations for Growth Study (2010); and a further assessment of existing community services and facilities as at 2017 (e.g. primary schools, doctor’s surgeries, recreational facilities, shops and post offices), proximity to employment opportunities and access to services elsewhere by non-motorised or public transport.

5.5 The Assessment followed a four stage process which consisted of:

1. Initial screening of unsuitable locations (i.e. villages without any local services or community facilities (beyond a village hall and/or public house) or where no land has been promoted for development. A total of 51 villages were narrowed to 15 during this stage;

2. A second screening to remove settlements without a primary school and local convenience store / post office (or equivalent) because these facilities were considered “essential community facilities that are expected to be easily accessible by walking or cycling. If absent from the village, new residents would be largely be reliant on the private car to access these essential facilities daily.” Of the 15 villages only 9 were taken forward;

3. The 9 ‘Other Settlements’ were identified as those with easy access to a basic level of facilities (school, convenience shop, public house and village hall). The villages identified were:

   - Aslockton
   - East Bridgford
   - Sutton Bonington
   - Bunny
   - Flintham
   - Tollerton
4. A more detailed analysis of the facilities available in these settlements, reviewing the evidence prepared to support the preparation of the Core Strategy to reach conclusions as to whether the allocation of new housing in the villages would be ‘sustainable’.

5.6 The Assessment concluded that, whilst not providing for a full range of facilities, the existing community services and facilities in Cropwell Bishop, East Bridgford, Gotham, Sutton Bonington and Tollerton and/or their accessibility by foot, bicycle or public transport to services elsewhere “may enable” the settlements to accommodate some additional residential development, without compromising the distribution of development as required by the adopted Core Strategy.

5.7 So far as we can tell, there was no assessment of infrastructure ‘capacity’ or any assessment of the relative sustainability of the Borough’s settlements. These ‘gaps’ in the Council’s analysis are serious and significant.

**Housing Site Selection Interim Report (Sept 2017)**

5.8 The Council’s Site Selection Interim Report summarised the Council’s site selection methodology, which it described as follows:

**Identification of ‘Reasonable Alternatives’**

The ‘Reasonable Alternatives’ were identified through the 2016 SHLAA and sites put forward at the ‘Further Options’ stage. Sites were taken forward from the SHLAA where they were located within or adjacent to the built up area of Nottingham, the ‘Key Settlements’ and the ‘Other Settlements’ identified in the ‘Identification of Additional Settlements Paper’ (2017). Isolated sites were not included.

The vast majority of sites considered as ‘Reasonable Alternatives’ were those assessed as “suitable if policy changes” in the SHLAA and occasionally sites which were ‘deliverable’ and ‘non-deliverable or developable’ sites where constraints could be addressed or impacts outweighed by benefits. A total of 112 reasonable alternatives were identified.

**Information Gathering**

A range of evidence was gathered in respect of each site in relation to a number of planning matters, including evidence base documents produced to support the preparation of the Core Strategy (e.g. SHLAA, Green Belt Review, SFRA, LVIA, Heritage Assessment, Sustainability Appraisal etc.).

In addition, advice was sought from relevant consultees and infrastructure providers to assess the impact of the development of the ‘reasonable alternatives’ on services and infrastructure.

The evidence gathered was presented in a series of ‘site schedules’ which included a summary of the key considerations.

**Assessment of whether sites ‘could’ be allocated**

Officers assessed each site in isolation to determine whether there were any ‘showstopper’ issues identified which would prevent the site from being considered suitable for development.
Assessment of whether sites ‘should’ be allocated

Officers undertook a comparative assessment of the sites being considered in each settlement. In reaching a judgement on which sites should be allocated the site selection interim report states that Officers had regard to a number of factors including:

- the settlement’s position in the hierarchy;
- the minimum housing target in the Core Strategy;
- the relative size of the settlement and its ability to ‘assimilate’ new development;
- capacity of local services and infrastructure;
- degree of harm (heritage, landscape, Green Belt);
- highways impacts;
- accessibility to sustainable transport;
- likely housing delivery rates; and
- any cumulative impacts.

5.9 Paragraph 5.6 of the Report suggested that additional sites needed to be identified at the ‘Other Settlements’ to address the identified shortfall from the delayed delivery of the SUEs on the basis that it is “not possible” to allocate enough suitable land in the main urban area or ‘Key Settlements’ alone to deliver the requirement in the Core Strategy. However, the Report presented no evidence to support this conclusion. On this basis, the Council’s conclusion was ‘unjustified’.

5.10 The Report provided only a very short summary of the judgements that had been made by and did not provide clear reasons for the ‘selection’ and ‘rejection’ of each reasonable alternative site. It is not clear from the very short summary provided how each of the factors identified in the site schedules were taken into account and weighed in this assessment of relative merits and judgements made.

5.11 There is a general lack of transparency in respect of Stages 3 and 4 of the process with an apparent ‘gap’ in the analysis and judgements made in terms of whether sites ‘could’ and ‘should’ be allocated for housing. Therefore, it is difficult to understand how and why the Council made particular judgements about certain sites and whether these are ‘justified’.

5.12 The Report also suggests that sites have been assessed in an inconsistent manner. Whilst all sites are considered against the same set of considerations, there are inconsistencies in the way that certain factors are taken into account. Therefore, it is impossible to say that the conclusions of the site selection process are justified. Examples of such inconsistencies include:

- primary education capacity is identified as an issue at both East Leake and Radcliffe on Trent. However, at East Leake this is used as a reason to restrict further development whereas at Radcliffe on Trent additional development is seen as a means of increasing education capacity in the village;
- a number of different measurements are used for site ‘accessibility’ in different settlements (i.e. some use distance measurements and others use walking/travel time) this makes it impossible to compare sites consistently and establish which are the most accessible;
in some cases the need for access to be taken from a Highways England ‘trunk road’ appears to be considered a ‘showstopper’ while in others it is not (e.g. RAD05a and RAD08); and

in some cases ‘availability’ (i.e. a lack of landowner representations) is identified as a reason not to allocate sites (e.g. EL11), however, on other sites this is not considered a constraint to allocation (e.g. EBR08 ad RAD06).

5.13 There is also inconsistency in terms of the coverage of the evidence. For example, the former Bunny Brickworks site (BUN01), whilst washed over by the Green Belt, was not included in the Council’s Green Belt Review. Similarly, site RAD13 was not assessed in the Landscape and Visual Impact Assessment (LVIA) which is inconsistent with the approach to other non-Green Belt site options (e.g. those around East Leake) which are considered in the LVIA. No justification is provided for this in the Council’s Site Selection Interim Report.

5.14 The Report suggests that the Council’s 2017 Sustainability Appraisal forms part of the evidence for the Council’s site selection process. However, the Appraisal is not referenced in the site schedules or in any of the summary text which describes the judgements made by the Council in identifying its ‘Preferred Options’.

5.15 Another significant ‘gap’ and issue with the Council’s site selection process is that it does not explain how the Council has reached the conclusion that the identified shortfall could not be addressed in full at the ‘Key Settlements’ and ‘Main Urban Area’. This is a major oversight and means it is impossible to conclude that the Council’s proposed strategy is ‘justified’.

5.16 It also does not explain how the Council has reached the conclusions it has in terms of the scale of development considered appropriate at the ‘Other Settlements’ and provides no analysis of how the proposed re-distribution of housing in the Borough would impact on the spatial strategy.

5.17 The Report does not provide any clear and consistent evidence in relation to the number of new commitments and completions in each of the settlements since the adoption of the Core Strategy. It does not, therefore, provide clarity of the ‘residual’ housing requirements in the relevant settlements. It also does not make it clear whether the Council is seeking to allocate sites that are deliverable or developable.

5.18 As a result of inappropriate and unjustified judgements made by the Council at the earliest stages of the plan-making process, a critical step in the site selection process has been missed. At no point is a comparison is made between the relative merits and sustainability of the site options across the Borough as a whole to ensure that the most sustainable, non-Green Belt sites are identified first to address the shortfall before turning to Green Belt sites in equally and less sustainable locations. The Site Selection Report acknowledges this stating that a comparative assessment of sites was simply undertaken within each settlement.

5.19 This is another major flaw in the process which means that it is impossible for the Council to demonstrate that the ‘preferred options’ are ‘justified’ (i.e. the most reasonable strategy when considered against reasonable alternatives). The narrow approach of simply comparing sites within settlements fails to consider other ‘reasonable alternatives’ at potentially more sustainable locations elsewhere in the Borough.

Rushcliffe Green Belt Review PART 2 (b) (Detailed Review of the Nottingham-Derby Green Belt within Rushcliffe – Rural Towns and Villages), September 2017

5.20 This document contained no new information or analysis. It simply combined the assessments undertaken at the ‘Issues and Options’ and ‘Further Options’ stages.

5.21 Whilst the overall approach taken to the review by the Council is logical, we have identified a number of concerns about the extent of the review and the way that strategic parcels and sites were assessed. These include:
- site BUN01 is not considered in the review when, for the reasons set out above at paragraph 5.13, it should have been;

- the assessment of sites appears to be very simplistic;

- there were clearly errors in the assessment of individual sites, for example, GOT05a is assessed as performing a very minor role in preserving the setting and special character of historic towns on the basis that there are no heritage assets within or near to the site which would be affected by the removal of the land from the Green Belt. However, the Site Selection Interim Report (2017) identifies that there is a designated heritage asset in close proximity to the site which could be affected;

- there were errors in the identification of strong, defensible boundary features where such features do not exist (e.g. RUD01 see paragraph 7.6);

- the review concluded that sites KEY01 and KEY02 perform a ‘strategic’ Green Belt function in preventing further merging of Keyworth and Stanton on the Wolds. However, these small settlements have already merged. Therefore, it is not clear how the sites would perform a ‘strategic separation’ function. These sites were ‘rejected’ in the site selection process primarily due to the conclusion reached with regard to Green Belt importance;

- there were inconsistencies in the assessment of sites (e.g. at RUD13/ RUD/M the Council concluded that its removal would constitute a significant intrusion beyond the A60, which is a robust and strategic boundary, but for RUD05 / RDU/K intrusion beyond the A60 is not identified as an issue);

- there was a failure to recognise the lack of strong, defensible boundaries in the assessment of sites (e.g. CBI05 is identified as performing at ‘low’ Green Belt value, however, the Council clearly identify that it has no physical boundary that would check urban sprawl); and

- the review did not include a strategic assessment of broad parcels of land around the ‘Other Settlements’. The Council’s reasoning for this incoherent and unjustified.

5.22 Had the Council dealt with the above matters appropriately, it may well have reached different conclusions at the Preferred Options stage and / or earlier stages.

**Housing Options Interim Sustainability Appraisal Report, September 2017**

5.23 The Housing Options Interim Sustainability Appraisal Report (SA) assessed a series of ‘reasonable alternatives’ for new housing including the spatial distribution of housing and individual housing sites. The site options and spatial approach to distribution were considered against an updated ‘Sustainability Appraisal Framework’.

5.24 The ‘Sustainability Framework’ identified a series of ‘decision making criteria’ and ‘questions’ for the assessment of sites and options. However, it did not make it clear how these criteria and questions were consistently applied and how they resulted in the scoring that appears in the document (i.e. what would constitute ‘major’ negative, ‘minor’ positive etc. for each criteria). This is a major failing.

5.25 In addition, there are numerous inconsistencies in the way that ‘reasonable alternative’ housing sites were assessed. For example, sites EL12 and 14 are both located in Flood Zone 1 with small areas of high and low surface water flood risk. However, one of the sites scored ‘0’ (i.e. neutral) and the other scored ‘-‘ (minor negative). In Cropwell Bishop, there are two sites which are expected to deliver approximately 70 dwellings but one site scored ‘+’ and the other scored ‘++’ against the ‘Housing’ objective. It is not clear why. There also appear to be a number of inconsistencies in the way that sites were assessed against the ‘Natural Resources’ criteria.

5.26 The SA considered four ‘reasonable alternative’ options for the overall strategy of housing distribution, as follows:

- Option 1: Increased growth at the ‘Key Settlements’ in excess of the minimum targets identified in the Core Strategy, no additional development at the third tier settlements
• Option 2: Increased growth at the third tier of settlements with the same level of growth at ‘Key Settlements’ as proposed under Core Strategy

• Option 3: Increased development distributed between the ‘Key Settlements’ and third tier of settlements.

• Option 4: The ‘do nothing’ approach. (i.e. growth at the scale proposed under the Core Strategy (1,100 homes) and concentrated purely on the ‘Key Settlements’)

5.27 Option 1 scores the best overall in the SA against the objectives identified. However, ‘Option 3’ is the strategy which the Council proposed to adopt in its ‘Preferred Options’.

5.28 It then went on to assess ‘reasonable alternatives’ for the scale of distribution at ‘third tier’ settlements (i.e. the ‘Other Settlements’). It assesses four growth scenarios at each village:

• No growth
• Low growth (around 50 dwellings)
• Medium growth (around 100 dwellings)
• High growth (around 200 dwellings)

5.29 It is not clear from the evidence how these ‘reasonable alternatives’ were identified as ‘realistic options’ for the ‘Other Settlements’. This is a further shortcoming.

5.30 The SA then proceeded to consider ‘reasonable alternatives’ for the scale of distribution of housing at the ‘Key Settlements’ assuming the following ‘growth levels’:

• Core Strategy minimum targets
• 25% increase in the Core Strategy minimum target
• 50% increase in the Core Strategy minimum target
• 100% increase in the Core Strategy minimum target
• 125% increase in the Core Strategy minimum target

5.31 Again, it is not clear how the ‘growth level’ options were identified as ‘reasonable alternatives’. Moreover, the SA stated that further development in Bingham and East Leake was not considered ‘reasonable alternatives’ on the basis that: 1) East Leake already had planning permission for in excess of 800 dwellings; and 2) Bingham has a Strategic Allocation to the north of the settlement for in excess of 1,000 homes.

5.32 The failure to include East Leake as a ‘reasonable alternative’ to accommodate additional housing at such an early stage in the plan-making process is a fundamental flaw in the SA. The Planning Practice Guidance states that ‘reasonable alternatives’ should be “realistic and deliverable”. The evidence presented by the Council at the ‘Further Options’ stage does not demonstrate that additional housing development at East Leake would be ‘unrealistic’ or ‘undeliverable’. It ought, therefore, to have been considered as a reasonable alternative in SA.

5.33 The SA finally went on to assess a range of ‘reasonable alternative’ sites in and adjacent to the ‘Main Urban Area’ and ‘Key Settlements’ (excluding Bingham and East Leake). Again, the SA should have included an assessment of ‘reasonable alternatives’ at East Leake.

Sequential Test for the Preferred Housing Sites

5.34 This paper set out the Council’s assessment of the Sequential Test and Exception Test for the proposed development allocations identified in its ‘Preferred Options’. The conclusions it reached appear to be sound in all respects, save where it dealt with site RUD01. This is a site which falls partly within Flood Zone 2 and partly within Flood Zone 3. Therefore, in order for it to be deemed suitable for housing development, the Council must be able to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
5.35 The Council asserted in its Sequential Test document that the development contemplated in respect of RUD01 could not be relocated to reasonable alternative site within Flood Zone 1 or 2. It added that alternative sites are limited and are either located in less sustainable locations (impacting on heritage assets) or would have a greater impact on the Green Belt. Accordingly, the Council considered that the sequential test was satisfied. However, its assessment and application of the sequential test was bad. There plainly are alternative sites that are suitable, available and achievable for housing development in areas with a lower probability of flooding (the Gladman sites at East Leake are but two examples). As a consequence, the Council has failed to discharge its responsibilities in respect of the sequential test and its conclusions in respect of site RUD01 (and other sites as a consequence) are unsound.

Housing Site Options Heritage Assets Assessments

5.36 This document was, we assume, intended to evidence how the Council had assessed its Preferred Options for heritage impacts. However, if this was indeed its purpose, it falls woefully short of what is required.

5.37 The document stated that the first step in the Council’s analysis was an ‘Assessment of Heritage Significance’. Yet no such Assessment is provided. It is neither clear how significant the relevant heritage assets are, what contribution setting makes to their significance, and / or what form of contribution the Preferred Options sites make to setting and therefore significance. Instead it simply identifies designated and non-designated heritage assets within or adjacent to the site options. This part of the document therefore fails to accord with the requirements of paragraph 169 of the NPPF.

5.38 The document then states that it goes onto assess the ‘impact’ or ‘potential harm’ arising from the development of the ‘Preferred Options’. However, the assessment presented in the document is extremely basic, uses inappropriate language to categorise harm, and presents conclusions that are unclear and without obvious justification or evidence.

5.39 In the light of the fact that heritage impacts have plainly been a factor in the site selection process, the weaknesses in this document give rise to yet more serious concerns.

Preferred Options

5.40 The ‘Preferred Options’ document repeated the housing delivery issues arising out of the SUEs and re-affirmed that the Plan needed to allocate land sufficient to accommodate at least 2,000 new homes. However, in the light of its concerns about the SUE issues persisting, and the Council falling further behind in terms of housing delivery, it concluded also that it needed to allocate yet more land in order to provide an appropriate buffer. However, it did not specify how the ‘buffer’ had been calculated or upon what evidence it was based.

5.41 Ultimately, the Council proposed to allocate a total of 31 sites as follows:

<table>
<thead>
<tr>
<th>Settlement</th>
<th>Proposed Allocation Site</th>
<th>No. Dwellings</th>
<th>Core Strategy Requirement</th>
<th>Green Belt/ Non-Green Belt</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Main Urban Area</strong></td>
<td><strong>Site WB01 - Abbey Road Depot</strong></td>
<td>Approx. 50 dwellings*</td>
<td>Around 650</td>
<td>Non-Green Belt</td>
</tr>
<tr>
<td><strong>Key Settlements</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Colgrave</strong></td>
<td><strong>Site COT01 – Land Rear of Mill Lane/Old Park</strong></td>
<td>Around 170 dwellings</td>
<td></td>
<td>Green Belt</td>
</tr>
<tr>
<td></td>
<td><strong>Site COT09 – Land South of Hollygate Lane (1)</strong></td>
<td>Around 180 dwellings</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Site COT10 – Land South of Hollygate Lane (2)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Site COT11a – Land South of</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>Site Description</td>
<td>Housing Units</td>
<td>Land Use</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------------------------------------</td>
<td>---------------</td>
<td>----------------------------</td>
<td></td>
</tr>
<tr>
<td>Hollygate Lane</td>
<td>Hollygate Lane (3a)</td>
<td>Around 350</td>
<td>Minimum 400</td>
<td></td>
</tr>
<tr>
<td>East Leake</td>
<td>Site EL01 – North of Lantern Lane</td>
<td>170*</td>
<td>Non-Green Belt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site EL02 – East of Meeting House Close</td>
<td>150*</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site EL04 – East of Kirk Ley</td>
<td>300*</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site EL05 – Micropropogation Services</td>
<td>24*</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site EL08 – The Heavens</td>
<td>14*</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>658*</td>
<td>Minimum 400</td>
<td></td>
</tr>
<tr>
<td>Keyworth</td>
<td>Site KEY4a – Land off Nicker Hill</td>
<td>Around 150 homes</td>
<td>Green Belt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site KEY8 – Land between Platt Lane and Station Road</td>
<td>Around 190 homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site KEY10 – Land south of Debdale Lane</td>
<td>Around 190 homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site KEY13 – Hillside Farm</td>
<td>Around 50 homes</td>
<td>Minimum 450</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>Around 580</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radcliffe on Trent</td>
<td>Site RAD01 – Land north of Nottingham Road</td>
<td>Around 150 homes (plus an element of employment)</td>
<td>Green Belt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site RAD02 - Land adjacent Grooms Cottage</td>
<td>Around 50 homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site RAD03 – Land off Shelford Road</td>
<td>Around 400 homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site RAD05a – Land north of Grantham Road</td>
<td>Around 140 homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site RAD06 – 72 Main Road</td>
<td>Around 5 homes</td>
<td>Non-Green Belt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site RAD13 – The Paddock, Nottingham Road</td>
<td>Around 75 homes*</td>
<td>Minimum 400</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>Around 820</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ruddington</td>
<td>Site RUD01 – Land to the west of Wilford Road (south)</td>
<td>Around 180 homes</td>
<td>Green Belt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site RUD05 – Land south of Flawforth Lane</td>
<td>Around 50 homes</td>
<td>Minimum 250</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Site RUD13 – Land opposite</td>
<td>Around 170</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Mere Way homes

<table>
<thead>
<tr>
<th>Site RUD11 – Old Loughborough Road</th>
<th>Around 10 dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>Around 410</td>
</tr>
</tbody>
</table>

### TOTAL Key Settlements

<table>
<thead>
<tr>
<th><em>total less sites with planning permission or sites which do not otherwise contribute to addressing the shortfall (e.g. non Green Belt land in the settlement boundary)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>2,818</td>
</tr>
</tbody>
</table>

### Minimum 1,100

### Other Settlements

#### Cropwell Bishop

<table>
<thead>
<tr>
<th>Site CBI02 – Land north of Memorial Hall</th>
<th>Around 90 homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site CBI05 – Land east of Church Street</td>
<td>Around 70 homes</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Around 160</td>
</tr>
</tbody>
</table>

#### Green Belt

#### East Brigdford

<table>
<thead>
<tr>
<th>Site EBR06 – Closes Side Lane (west)</th>
<th>Around 20 homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site EBR07 – Closes Side Lane (east)</td>
<td>Around 20 homes</td>
</tr>
<tr>
<td>Site EBR08 – Land to the north of Butt Lane</td>
<td>Around 15 homes</td>
</tr>
<tr>
<td>Site EBR10 – Land south of Butt Lane</td>
<td>Around 45 homes</td>
</tr>
<tr>
<td>TOTAL</td>
<td>Around 100</td>
</tr>
</tbody>
</table>

#### Green Belt

#### Gotham

<table>
<thead>
<tr>
<th>Site GOT5a – Land east of Gypsum Way/The Orchards</th>
<th>Around 100 homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>0</td>
</tr>
</tbody>
</table>

#### Bunny

<table>
<thead>
<tr>
<th>Bunny Brickworks - BUN01</th>
<th>Mixed use with around 100 homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>0</td>
</tr>
</tbody>
</table>

#### Green Belt (PDL)

#### Flintham

<table>
<thead>
<tr>
<th>Former Islamic Institute - FLI01</th>
<th>85 dwellings*</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>0</td>
</tr>
</tbody>
</table>

#### Non-Green Belt

### TOTAL Other Settlements

<table>
<thead>
<tr>
<th><em>total less sites with planning permission or sites which do not otherwise contribute to addressing the shortfall (e.g. non Green Belt land in the settlement boundary)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>545</td>
</tr>
</tbody>
</table>

### TOTAL ALLOCATIONS

<table>
<thead>
<tr>
<th><em>total less sites with planning permission or sites which do not otherwise contribute to addressing the shortfall (e.g. non Green Belt land in the settlement boundary)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>3,413</td>
</tr>
</tbody>
</table>

5.46 As the Table indicates, the Council was proposing, at this stage, to allocate sites with planning permission and sites without planning permission. Moreover:
a) all of its proposed allocations (apart from some of those which had planning permission or were already accounted for in the existing supply) were within the Green Belt; and

b) the proposed allocations in the ‘Other Settlements’ (apart from some of those which had planning permission or were already accounted for in the existing supply) were expected to contribute 460 new dwellings – 18% of the residual.

5.47 Given the way in which local and national Green Belt policies are designed to operate, and the very clear spatial strategy within which the Council was required to promote the Plan, these statistics are extraordinary.

**Main Urban Area**

5.48 The ‘Preferred Options’ document stated that there were a number of sites within West Bridgford that had been considered for allocation but that the Abbey Road Depot site (WB01) is the only one yet to secure planning permission. It confirmed that the site is previously developed and proposed to allocate it for approximately 50 dwellings. However, it noted that the site will not contribute to addressing the shortfall as it is already accounted for in the Council’s forward supply. Notwithstanding the fact that planning permission has been granted in respect of this site, it is far from clear whether it is available or achievable and so capable of helping the Council to address its housing delivery issues in the short term.

5.49 The Site Selection Report confirmed that three other sites were considered in the Main Urban Area (WB02, WB03, WB04) but that, as all had planning permission by the ‘Preferred Options’ stage, it would not be appropriate to allocate them in the Plan.

5.50 The ‘Further Options’ document sought views on the suitability of the ‘Simkins Farm’ site at Adbolton Lane, West Bridgford. However, at the ‘Preferred Options’ stage the Council concluded that heritage assets present on site rendered it unsuitable for development. There do not appear to have been any other ‘potentially suitable’ sites identified adjacent to the main urban area in the 2016 SHLAA. However, there were a number of other ‘deliverable’ and ‘developable’ sites identified in that document and, as indicated earlier, and it is not clear from the evidence base why these were not identified as potential options.

5.51 The Council reaffirmed its earlier assertion that there would be no merit in extending the SUEs and so this was not considered further.

5.52 There were no other sites under consideration adjacent to the main urban area at this time.

**Key Settlements**

5.53 The ‘Preferred Options’ proposed to allocate a number of greenfield, Green Belt sites around a number of the ‘Key Settlements’. In a number of cases, the Council proposed to exceed the minimum requirements by some margin. What it continued to fail to do was demonstrate that it had properly considered all non-Green Belt options (including the options around East Leake) before pressing on with proposed alterations to the Green Belt boundary.

**Bingham**

5.54 The Council continued to maintain that it would not be appropriate to promote further land releases at this time.

**Cotgrave**

5.55 The Council suggested that the key constraint to development at Cotgrave is educational infrastructure. However, the Local Education Authority (LEA) had indicated that up to 350 additional new homes could be accommodated without impacting adversely on educational infrastructure and the Council concluded that

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2 Cotgrave (by 350 dwellings), Radcliffe on Trent (by 420 dwellings), Keyworth (by 130 dwellings) and Ruddington (by 160 dwellings).
a further 350 would be sustainable and would not unduly affect the town’s ‘character’ or ‘quality of life’. However, it produced no evidence to support this assertion, save that provided by the LEA.

5.56 The 12 site options identified at the ‘Further Options’ stage were reduced to 4 at the ‘Preferred Options’ stage. The Council estimated that these had the capacity to accommodate the 350 dwellings referred to above.

5.57 As indicated earlier in this Assessment, the Core Strategy makes no provision for development at Cotgrave. Accordingly, the Council’s ‘Preferred Options’ for this settlement were in direct conflict with the adopted spatial strategy. Moreover, this was a conflict that was not adequately explored / justified.

5.58 Whilst the ‘Preferred Option’ sites all performed well in the Council’s Sustainability Appraisal, and were assessed as having a ‘low’ value in Green Belt terms in the Green Belt Review, the Council continued to fail to demonstrate that there were ‘exceptional circumstances’ justifying amendments to the Green Belt boundary around the settlement.

5.59 In addition, sites COT9, 10 and 11a are each within separate landownerships but are identified as a single allocation to be developed comprehensively. We have seen no firm evidence of these sites being available and achievable in NPPF terms (i.e. a landowner commitment to work jointly to deliver a comprehensive scheme).

East Leake

5.60 The ‘Preferred Options’ document proposed the allocation of five sites around East Leake, each of which had planning permission (Ref. EL01, EL02, EL04, EL05 and EL08). No additional allocations were proposed for the reasons given at the ‘Issues and Options’ and ‘Further Options’ stages and, so far as we can tell, there was no further assessment undertaken in respect of the settlement’s capacity for growth.

Keyworth

5.61 The Core Strategy housing requirement for Keyworth is a minimum of 450 new homes. However, in its ‘Preferred Options’ the Council stated that it believed that Keyworth could sustain around 580 dwellings.

5.62 The Council noted that the LEA had indicated that pupil demand for primary school places from up to 580 dwellings could be accommodated but that existing schools had no capacity beyond this. The Council concluded that the development of around an additional 580 homes would be sustainable and would not unduly affect the village’s character or local quality of life. Again, no evidence was presented to substantiate these assertions, save that provided by the LEA.

5.63 Fourteen alternative site options were assessed at Keyworth through the ‘Further Options’ stage. Of these, four were selected as the Council’s ‘Preferred Options’. The combined capacity of these sites was estimated to be 580 dwellings. Three of the sites were also proposed for allocation in the emerging Neighbourhood Plan.

5.64 All of the Council’s ‘Preferred Option’ sites were within the Green Belt. Whilst they were each attributed either a ‘low’ or ‘low to medium’ Green Belt value in the Green Belt Review we have, as indicated earlier, concerns about the quality of the Review and note that, had the Review been conducted in a more robust manner, it may have generated different results. Again, the ‘Preferred Options’ document does not grapple with the need to demonstrate exceptional circumstances, including the need to properly test all non-Green Belt options available to it before promoting alterations to the Green Belt boundary.

5.65 In addition we note that the Council identified KEY8 as a ‘Preferred Option’ in spite of it being referred to as “questionable from a sustainability standpoint” in its Housing Site Selection Interim Report. It is not clear why this site was selected ahead of others.
Radcliffe on Trent

5.66 The Core Strategy housing requirement for Radcliffe on Trent is a minimum of 400 dwellings. The Council noted that a “critical issue” influencing housing numbers in this settlement is primary school capacity and the LEA had indicated that there is no scope to expand existing schools. It also stated that 1,000 new homes would be required in the village in order to support the delivery of a new school. So far as we can tell, the 1,000 figure has not been evidenced.

5.67 Notwithstanding this, and notwithstanding that the Council has used school capacity as a reason for resisting further growth at East Leake, it identified six ‘Preferred Options’ sites around Radcliffe, with a combined estimated capacity of 820 dwellings. This, on the face of it, is significantly more growth than the existing educational infrastructure can handle but short of what is needed to enable the Councils to deliver an additional school.

5.68 All of the Council’s ‘Preferred Options’ are in the Green Belt except for RAD13 which is already outside the Green Belt. Again, there was no exploration of exceptional circumstances in respect of Radcliffe and, as indicated earlier, it is unclear how sites were selected / de-selected.

5.69 In addition, the Council’s Site Selection Interim Report identifies access issues in respect of RAD05a and it is not clear whether, as a consequence of this, the site is deliverable or developable. Moreover, there appear to be inconsistencies in the way that access constraints have been evaluated by the Council. For example, it was concluded that access could not be taken from a trunk road as a matter of principle in connection with site RAD08 whereas this was not considered a ‘showstopper’ for RAD05a.

5.70 We note that the owners of RAD06 have not been promoting the site for allocation and it is not clear, therefore, whether the site is “available”.

5.71 There are a number of ‘Preferred Options’ sites which are in close proximity to A52 and a railway line. However, the Council’s Site Selection process does not appear to have had regard to noise or air quality issues and the impact that these might have on site capacity and place making.

5.72 The Site Selection Interim Report indicated that site RAD13 was not considered in the Council’s LVIA. This appears to be an oversight which ought to be addressed. This is inconsistent with the approach taken in relation to other non-Green Belt sites in East Leake which were all considered in the LVIA. The Council cannot take a fair and consistent approach to site selection when not all sites are considered consistently in the evidence base on which it is based.

Ruddington

5.73 The Core Strategy housing requirement for Ruddington is a minimum of 250 new homes. However, the Council concluded at the ‘Preferred Options’ stage that it has the ability to sustain around 410 dwellings, having regard to the capacity of local services and the availability of suitable sites for development. Again, however, there has been no evidence presented to justify this assertion.

5.74 A total of 16 alternative site options were assessed in Ruddington and four were selected as ‘Preferred Options’ with a combined capacity estimated at 410 homes. All sites are within the Green Belt and whilst each has been assessed as a ‘low to medium’ Green Belt value in the Green Belt Review, there is no examination in the ‘Preferred Options’ document, or in the supporting evidence, of the exceptional circumstances that need to be demonstrated in order to justify such releases.

5.75 In addition, and as indicated earlier, we are not convinced that the Council has satisfied the Flood Risk sequential test in respect of RUD01. We also note that that site includes a playing field which is designated as an Asset of Community Value and that the Site Selection Interim Report suggests that the development of the site has the potential to have significant impacts on the operation of junctions around the village centre. These factors are likely, it seems to us, to impact on the site’s deliverability.
5.76 There may also be issues with RUD05 and RUD13, both of which are located adjacent to the Ruddington Conservation Area and have the potential to harm the significance of this designated heritage asset. For the reasons given earlier, we are not satisfied that the Council has properly assessed the likely heritage impacts of its Preferred Options and note that its Site Selection Interim Report suggests that neither site is constrained at all by heritage assets. This cannot be correct.

Other Settlements

5.77 By the ‘Preferred Options’ stage, the Council had concluded that it might be appropriate to accommodate between 100 and 200 dwellings in certain of the ‘Other Settlements’ depending on:

- the overall size of the settlement;
- local character;
- conservation considerations;
- the availability of suitable sites for housing; and
- the size and configuration of sites.

5.78 As indicated earlier, we have a number of concerns about the Council’s decision-making in respect of the ‘Other Settlements’ which, amongst other things, appears not to have been underpinned by a full and proper assessment of the alternatives, an assessment of local needs, a full and proper assessment of the comparative merits of the site options or even a full and proper assessment of the non-Green Belt options available in the ‘Other Settlements’.

5.79 In addition, we have a number of concerns about certain sites that the Council identified as ‘Preferred Options’. These are as follows:

- CB105 – this site is located immediately adjacent to a sewage treatment works yet there does not appear to have been an appropriate assessment of the potential of this to impact adversely on any proposed development. Moreover, the Green Belt Review notes that the site has no defensible boundary to the east;
- EBR08 – the Site Selection Interim Report indicates that no representations have been received in respect of this site since 2010. Therefore, it is not clear whether the site is available for residential development. In addition, the Green Belt Review indicates that the site has a weak northern boundary and is considered to make a relatively important contribution to checking unrestricted sprawl;
- EBR06 and 07 – these sites are identified as having weak boundaries to the north and east. In addition, the sites are located adjacent to / in very close proximity to a Conservation Area and have the potential to impact on its setting;
- EBR10 – the Green Belt Review indicates that this site has no eastern boundary and makes a relatively significant contribution to assisting in safeguarding the countryside from encroachment and preserving the setting and special character of historic towns;
- GOT5a – this site does not relate well to the existing settlement (it is surrounded to the north and south by open agricultural land). Moreover, the site is close to a listed barn (although the Green Belt Review indicates that there are no heritage assets near to the site and so scores it ‘1’ against preserving the special character of historic towns); and
- BUN01 – Bunny is not one of the ‘Other Settlements’ identified as suitable for additional housing in the ‘Additional Settlements Background Paper’ given the lack of available services and reliance on private car for access to services and facilities in Ruddington and Nottingham. Moreover, the site is in a relatively isolated position to the south of the village. The site is also not assessed in the Council’s Green Belt Review. Whilst part of it may be “previously developed” the vast majority is open and undeveloped.
6. Publication Draft

6.1 The Council is currently consulting on its Regulation 19 ‘Publication Draft’. The consultation will run until 28th June 2018.

6.2 The Publication Draft is accompanied by the following documents:

- Housing Site Selection Report (April 2018)
- Rushcliffe Green Belt Review (Part 2b) Addendum (April 2018)
- Local Plan Part 2 Infrastructure Delivery Plan (2018)
- Housing Allocations Sequential Test (2018)
- Heritage Assets Assessment (2018)

Sustainability Appraisal Report Publication Draft

6.3 The SA brings together the analysis undertaken during previous stages.

6.4 It assesses the Plan’s objectives and development management policy ‘reasonable alternatives’ against the SA Framework. It then goes on to summarise the assessment of the options considered for the distribution of housing in the Borough.

6.5 The SA notes that East Leake was not assessed as a ‘reasonable alternative’ on the basis that planning permission has already been granted in and around the settlement for over 1,200 new homes (although, as before, it continues to contain assessments of the East Leake sites in its appendices). Therefore, it examines the same set of ‘reasonable alternatives’ as the ‘Housing Options Sustainability Appraisal Report’ and provides a very brief explanation of the options that have been taken forward in the ‘Publication Draft’. Our concerns about the fact that the options lack justification, and about the failure to include East Leake as a ‘reasonable alternative’, remain.

6.6 The SA then goes on to consider the site options at the ‘Other Settlements’ (or third tier settlements) and the ‘Key Settlements’. The SA clarifies that a number of additional sites identified at the ‘Preferred Options’ stage have been assessed and considered (e.g. EBR11, 12 and 13 and SUT01). However, it is not clear from the SA whether all site options have been ‘re-assessed’ since the Council produced its ‘Housing Options Interim Sustainability Appraisal Report in September 2017. That said, inconsistencies between Table 6.1 (which summarises the assessment of site options in the Interim SA Report) and subsequent tables (which relate to the options in each settlement) indicate that a number of the sites have been re-assessed against certain criteria. The most obvious example is in Ruddington where a large number of sites options which were formerly scored ‘-‘ in respect of ‘Natural Resources’ now score ‘- - ‘. However, it is not clear why or how the scores have been modified.

6.7 There are other unexplained inconsistencies within the SA. These include:

a) Site EL14 was previously scored ‘+’ for ‘Health’ but is now only scored ‘0’ despite providing opportunities to provide accessible open spaces. It is not clear why this score has been reduced and the approach taken here is inconsistent with the way in which other sites have been assessed where they have been scored ‘+’ in circumstances where there would be no adverse impact on health equality and opportunities for the provision of new open space or connections to open spaces could be provided (e.g. at Radcliffe on Trent);

b) Sites GOT5b and GOT6 are both identified as having a capacity of 120 dwellings. However, ‘GOT5b’ is scored ‘+++’ for ‘Housing’ and GOT6 is only scored ‘+’;
c) RUD09 and RUD10 are both scored ‘- -’ against the Natural Resources criteria despite being ‘Grade 3’ agricultural land and sharing a similar assessment to other sites scored ‘-’; and

d) the issues in respect of the way in which ‘Flooding’ has been assessed remain.

6.8 In addition, the SA still does not contain an assessment of the relative sustainability of sites across settlements. In other words, it compares sites within settlements but does not rate sites on a Borough-wide basis.

6.9 In the light of the foregoing, we remain concerned about the SA and its ability to contribute in robust manner to the site selection process.

**Housing Site Selection Report (April 2018)**

6.10 The Housing Site Selection Report simply notes the changes that have been made to the sites portfolio since the ‘Preferred Options’ stage and describes where the evidence base has been updated. As a consequence of it not having changed fundamentally, our concerns about it as a piece of evidence remain.

6.11 In addition, however, we note that this version of the Report suggests that no representations were received from the owner of site EL11 on the matter of ‘availability’. However, Gladman submitted representations at the ‘Preferred Options’ stage which clearly confirmed that the site is available for development.

**Rushcliffe Green Belt Review (Part 2b) Addendum April 2018**

6.12 The Green Belt Review Addendum assesses the Green Belt value of additional sites promoted during the ‘Preferred Options’ stage. These include:

- East Bridgford EBR/I Land at Brickyard Lane
- East Bridgford EBR/J South of Closes Side Lane
- East Bridgford EBR/K North of Butt Lane

6.13 It also includes an assessment of the former Bunny Brickworks which is assessed as having a low-medium value in Green Belt terms.

6.14 However, the report does not re-visit any other sites and so the overwhelming majority of our concerns about the Review remain.

**Local Plan Part 2 Infrastructure Delivery Plan**

6.15 The purpose of the IDP is to identify infrastructure required to meet the spatial objectives of, and support the growth required by the development plan. The first part of the IDP provides a topic based overview which summarises the key issues in each settlement and the second part contains site specific assessment of the Council’s proposed allocations.

6.16 Under the various topic headings, the IDP reports relatively few major issues although notes the following:

a) the need for some localised reinforcement of the sewerage network;

b) the need for some localised reinforcement of energy infrastructure (lead-in times for which may be an issue);

c) there are no flood related showstoppers for the proposed allocations although surface water flood risk has been identified as a key risk by consultees;

d) there is a need for improvements to health infrastructure in a number of the Borough’s settlements and, therefore, a need for developer contributions. Pooling limits are being reached in certain locations and
so the Council is looking to include health infrastructure in its CIL Regulation 123 list, thereby enabling the CCG to draw down funds from a health ‘pot’ for its most pressing requirements. In respect of East Leake, the IDP summarises the position as follows: The existing facility is sub-standard and over-capacity given the recent housing developments and further housing permissions. The facility is a shared use facility that also contains the library. The facility is incapable of extension or adaptation given its CLASP design and constrained site. The building is one of the top priorities to replace. The search for a suitable site for a new facility is proving challenging to the CCG. However, the IDP makes no reference to this being a barrier to growth and concludes by noting that there are capacity constraints across the Borough.

e) the LEA is undertaking a further assessment of school capacity (modelling further into the future than its standard approach allows) but the data currently available indicates that there are issues at a number of the Borough’s primary schools and all of its secondary schools are operating at capacity. Some schools are capable of being extended and others are not. In cases where existing schools cannot be extended, the LEA has either identified a site for a new school or is in the process of trying to do so. In respect of East Leake, the IDP states that: Given the size of the sites and the footprint of the existing buildings, it would be difficult to expand any further existing provision. The LEA is undertaking further detailed work in order to secure a school site within the village. Other alternative schools within the vicinity of East Leake are Costock Primary and Bunny Primary. In the short term these schools may provide a less optimal option.

6.17 The site specific assessments confirm that none of the sites examined are without infrastructure challenges, although these vary in terms of their significance. All but one of the sites (a proposed allocation for 5 dwellings) give rise to issues in respect of education and health infrastructure. Only one site is assessed in East Leake (Land North of Rempstone Road). There is no suggestion in the IDP that infrastructure presents an insurmountable obstacle to the development of this site and where infrastructure pressure may arise (e.g. in respect of education and health), these can be mitigated through works funded by developer financial contributions.

6.18 The conclusions reached in the IDP are clearly at odds with the way in which East Leake was assessed at the start of the plan-making process and provides no evidence of the settlement not being able to accommodate additional growth.

**Housing Allocations Sequential Test (2018)**

6.19 There is no additional information of relevance contained within this version of the Sequential Test Report and so our concerns about the way in which the Council has conducted its testing of site RUD01 remain.

**Heritage Assets Assessment (2018)**

The Heritage Assets Assessment has been updated to include the additional sites identified during the ‘preferred housing sites’ consultation. However, the Council has not modified its approach or added to its analysis and so all of the concerns expressed earlier in this Report remain.

**Publication Draft Plan**

6.20 The Publication Draft states that, as at March 2017, the Plan needs to provide enough land to accommodate at least 2,000 new homes in order to (i) deliver the 13,150 dwellings required by the Core Strategy by 2028 and (ii) ensure that a minimum ‘five-year supply’ of housing sites is maintained throughout the Plan Period.

6.21 As it did at ‘Preferred Options’ stage, the Council also notes that if there are further delays to the delivery of new homes within the existing strategic allocations, then these will have to be delivered elsewhere. Accordingly, it repeats the need for a ‘buffer’ to guard against the adverse effects of further SUE slippage.

6.22 The Publication Draft proposes to allocate 23 sites with a combined capacity of 3,010 homes. The proposed allocations sites are as follows:
<table>
<thead>
<tr>
<th>Settlement</th>
<th>Proposed Allocation Site</th>
<th>No. Dwellings</th>
<th>Core Strategy Requirement</th>
<th>Green Belt/ Non-Green Belt</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Main Urban Area</strong></td>
<td>-</td>
<td>-</td>
<td>Around 650</td>
<td>-</td>
</tr>
<tr>
<td><strong>Colgrave</strong></td>
<td>Policy 2.1 Land rear of Mill Lane/The Old Park (formerly COT01)</td>
<td>Around 180 dwellings</td>
<td></td>
<td>Green Belt</td>
</tr>
<tr>
<td></td>
<td>Policy 2.2 Land South of Hollygate Lane (formerly COT09, COT10 and COT11a)</td>
<td>Around 190 dwellings</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>Around 370</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>East Leake</strong></td>
<td>Policy 3 Land North of Rempstone Road, East Leake</td>
<td>235*</td>
<td></td>
<td>Non-Green Belt</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Minimum 400</td>
<td></td>
</tr>
<tr>
<td><strong>Keyworth</strong></td>
<td>Policy 4.1 Land off Nicker Hill (formerly KEY4a)</td>
<td>Around 150 homes</td>
<td></td>
<td>Green Belt</td>
</tr>
<tr>
<td></td>
<td>Policy 4.2 Land between Platt Lane and Station Road (formerly KEY8)</td>
<td>Around 190 homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy 4.3 Land south of Debdale Lane (KEY10)</td>
<td>Around 190 homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy 4.4 Hillside Farm (KEY13)</td>
<td>Around 70 homes</td>
<td></td>
<td>Minimum 450</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>Around 600</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Radcliffe on Trent</strong></td>
<td>Policy 5.1 Land north of Nottingham Road (formerly RAD01)</td>
<td>Around 150 homes (plus 5 hectares employment)</td>
<td></td>
<td>Green Belt</td>
</tr>
<tr>
<td></td>
<td>Policy 5.2 Land adjacent Grooms Cottage (formerly RAD02)</td>
<td>Around 50 homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy 5.3 Land off Shelford Road (formerly RAD03)</td>
<td>Around 400 homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy 5.4 Land north of Grantham Road (formerly RAD05a and RAD05b)</td>
<td>Around 240 homes</td>
<td></td>
<td>Minimum 400</td>
</tr>
<tr>
<td>Location</td>
<td>Policy Numbers and Locations</td>
<td>Homes</td>
<td>Planning Category</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>------------------------------</td>
<td>-------</td>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td>Ruddington</td>
<td>Policy 5.5 72 Main Road (formerly RAD06)</td>
<td>Around 5 homes</td>
<td>Non-Green Belt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy 5.6 The Paddock, Nottingham Road (RAD13)</td>
<td>Around 75 homes</td>
<td>Non-Green Belt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>Around 920</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy 6.1 Land to the west of Wilford Road (south) (formerly Site RUD01)</td>
<td>Around 130 homes</td>
<td>Green Belt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy 6.2 Land south of Flawforth Lane (formerly RUD05)</td>
<td>Around 50 homes</td>
<td>Green Belt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy 6.3 Land opposite Mere Way (formerly RUD13)</td>
<td>Around 170 homes</td>
<td>Minimum 250</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>Around 350</td>
<td>Minimum 250</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL Key Settlements</td>
<td>2,475</td>
<td>Minimum 1,100</td>
<td></td>
</tr>
<tr>
<td></td>
<td>*minus sites with planning permission</td>
<td>2,240</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other Settlements</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cropwell Bishop</td>
<td>Policy 7 Site CBI05 – Land east of Church Street</td>
<td>Around 70 homes</td>
<td>Green Belt</td>
<td></td>
</tr>
<tr>
<td>East Brigford</td>
<td>Policy 8.1 – Land Between Butt Lane and Closes Side Lane (formerly EBR08 and land to the north)</td>
<td>Around 80 homes</td>
<td>Green Belt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy 8.2 Land south of Butt Lane (formerly EBR10)</td>
<td>Around 45 homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>Around 125</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gotham</td>
<td>Policy 9 Land east of Gypsum Way/The Orchards (formerly GOT5a)</td>
<td>Around 70 homes</td>
<td>Green Belt</td>
<td></td>
</tr>
<tr>
<td>Sutton Bonington</td>
<td>Policy 10 Land North Of Park Lane, Sutton Bonington (formerly SUT1)</td>
<td>Around 80 homes</td>
<td>Non-Green Belt</td>
<td></td>
</tr>
<tr>
<td>Bunny</td>
<td>Policy 23 Bunny Brickworks (formerly BUN01)</td>
<td>Mixed use with around 100 homes</td>
<td>Green Belt (PDL)</td>
<td></td>
</tr>
<tr>
<td>Flintham</td>
<td>Policy 24 Former Islamic Institute (formerly FLI01)</td>
<td>Around 90 dwellings*</td>
<td>Non-Green Belt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL Other Settlements</td>
<td>Around 535</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>*minus sites with planning permission</td>
<td>Around 445</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL ALLOCATIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>*minus sites with planning permission</td>
<td>3,010</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,685</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
6.29 The trajectory at Appendix B of the Publication Draft confirms that there have been 2,089 completions in the plan period to 2016/17. It forecasts a total of 9,239 completions (i.e. at the strategic allocations, on sites with planning permission, sites identified as suitable in the SHLAA and other infill and changes of use in broad areas). This generates a residual requirement of 1,822 new dwellings in the plan period.

6.30 The Publication Draft makes allocations for a total of 3,010 dwellings. This would, on the face of it, result in a ‘buffer’ of 1,188 dwellings (equivalent to 9%).

6.31 The trajectory on which the need for allocations is based assumes very high (and probably overly optimistic) delivery rates will be achieved on the strategic allocation sites. Indeed, it assumes that five strategic sites will deliver in excess of 900 dwellings per annum in each of three years (2021/2022 - 2023/2024) in the plan period, in a relatively confined geographical area.

6.32 For these reasons, there appears to be a significant risk that the numbers identified in the trajectory will not be achieved. Therefore, the ‘buffer’ identified might assist, to some extent, in providing necessary flexibility if the strategic allocations under deliver. However, there does not appear to be any evidence to justify the scale of the buffer identified and, therefore, whether it provides sufficient flexibility given the reliance on the delivery of a small number of strategic allocations. This is particularly important in a Green Belt authority where accurate, up to date and robust evidence is required on these matters.

6.33 Only two of the proposed allocations are beyond the Green Belt. Moreover, 7 of the proposed allocations are within ‘Other Settlements’ and account for 16% of the approximately 2,700 dwellings provided for in the Plan.

**Main Urban Area**

6.34 The ‘Publication Draft’ states that it has been decided that it would not be appropriate to extend the strategic sites. It also confirms that no new sites within or on the edge of main urban area of Nottingham have been identified as suitable for allocation. The Council has produced no new evidence on this for the purposes of the Publication Plan.

**Key Settlements**

**Bingham**

6.35 There are no allocations proposed in or around Bingham and, so far as we can tell, no further examination of Bingham’s ability to accommodate additional growth.

**Cotgrave**

6.36 The ‘Publication Draft’ carries forward the two sites identified at the ‘Preferred Options’ stage albeit with a small increase in site capacity of around 10 dwellings per site. It is not clear why this change has been made. There has been no new evidence prepared in respect of site selection in Cotgrave for Publication purposes.

**East Leake**

6.37 The Publication Draft states that planning permission has already been granted for 9 greenfield developments around the village with a combined capacity of approximately 1,000 new homes. It makes one proposed allocation, at Rempstone Road (a site which has planning permission) but then again asserts that to direct further housing to East Leake would put at risk the Core Strategy’s focus on the main urban area. It also repeats concerns over East Leake’s capacity to support and assimilate additional housing and the affect that any further development would have on the character of the village.

6.38 The Site Selection Topic Paper adds to this, stating it would be “unacceptable” to identify further land at East Leake for housing development over the plan period. In particular, it notes that the LEA has identified that local primary schools have no capacity or potential for expansion in order to accommodate further housing
growth beyond what already has planning permission. However, as indicated earlier, this is at odds with what is said in the IDP. In addition, it is at odds with what is said in Policy 3 of the Plan which relates to the proposed allocation at Rempstone Road and acknowledges that "if required" a serviced site within the north of the allocation should be provided for a new primary school. It is noteworthy that this has already been secured by way of a Section 106 Obligation. We return to this later.

**Keyworth**

6.39 The Publication Draft carries forward the sites selected at the ‘Preferred Options’ stage with only a minor change to increase the capacity of KEY13 by 20 dwellings. The Council has produced no new evidence in respect or Keyworth.

**Radcliffe on Trent**

6.40 The Publication Draft carries forward the sites selected at the ‘Preferred Options’ stage but proposes to extend RAD05a, thereby increasing its capacity by 100 dwellings. The Plan justifies this by asserting that the additional dwellings would support the delivery of a primary school and allow an existing point of access onto the A52 to be utilised. The site was originally split into two and only site RAD5a proposed for allocation in order to:

   “mirror the pattern of development to the south of the A52 and to avoid intrusion into the Green Belt and perceived merging of Radcliffe with Upper Saxondale.”

6.41 Notwithstanding this, it is not clear from the Site Selection Topic Paper whether a suitable access can be achieved and whether, therefore, the site is deliverable. Policy 5.4 of the Plan is also not clear in its requirements for significant landscaping adjacent to the A52 and so it is impossible to judge whether the adverse impacts identified in relation to the site RAD05 are capable of being satisfactorily mitigated.

6.42 The proposed allocation at Shelford Road (Policy 5.3) is required to deliver a serviced site or sites for a new one form entry primary school and medical centre. The Plan explains that if the increased demand arising from development in the village can be met without requiring a new school or medical centre, the land required under Policy 5.3 can be developed for other uses. However, on the basis that site RAD03 is a Green Belt site it is not clear how the Council will be able to demonstrate ‘exceptional circumstances’ for the release of this land on the basis that, in the circumstances described, it will not be required for development.

**Ruddington**

6.43 The only change from the ‘Preferred Options’ at Ruddington is the proposed reduction in the capacity of site RUD01 from 180 to 130 dwellings. This reduction has arisen because Sellors playing field has now been excluded from the allocation on the basis that it is not available for development. The Council has not produced any new evidence in respect of Ruddington.

**Other Settlements**

6.44 The Publication Draft makes a series of changes to the proposed allocations at the ‘Other Settlements’. These are as follows:

- it omits site CB102 in Cropwell Bishop (90 dwellings). The Council’s Site Selection Topic Paper states that there is “no need” for the village to accommodate 160 new homes;

- it proposes to extend site EBR08 to include sites EBR11 and ER12, which were identified at the ‘Preferred Options’ stage, and to omit sites EBR06 and EBR07. It states the allocation of EBR08, EBR11 and EBR12 as one comprehensive site (for 80 dwellings) would enable a new access to be created between Closes Side Lane and Butt Lane. However, the Council’s Green Belt Review Addendum (2018) identifies that site EBR12 has an incomplete and partly ‘open’ eastern boundary. Moreover, the Publication Draft proposes that EBR08, 11 and 12 are developed as a single allocation. However, the sites are in different ownership and we have seen no evidence of a landowner commitment to work jointly to deliver a comprehensive scheme;
• it proposes to reduce the capacity of GOTSa from 100 to around 70 dwellings due to the exclusion of the bus depot site which the Council has concluded is unavailable;

• it proposes to allocate SUT1, a non-Green Belt site in Sutton Bonington, for around 80 dwellings. It confirms that the site was promoted at the ‘Preferred Options’. No sites were identified at Sutton Bonington previously because the LEA had advised that there was no capacity at Sutton Bonington Primary School. However, the Council states that there is no evidence to support the LEA’s assertions. This appears to be reflected in the IDP; and

• it proposes the allocation of the former Bunny Brickworks site for mixed use development including 100 dwellings. The majority of our concerns in relation to this site remain. However, the Council has now included an assessment of the site in its Green Belt Review Addendum. This confirms that the site is disconnected from the settlement and that its development would intrude into the open countryside. The Review also acknowledges that some of the site has started to ‘naturally regenerate with grasses and scrub’. It is questionable, therefore, whether the site can reasonably be categorised as ‘previously developed’. 
7. **Other Relevant Matters**

7.1 There have been two recent appeal decisions in the Borough that have explored and reached conclusions on matters that are relevant to the site selection process. These concern land within East Leake and Ruddington. In addition, and as referred to at the very beginning of this Report, one of the Gladman sites has been the subject of an application for planning permission (and is now the subject of an appeal). This also has generated information and analysis that is relevant.

### Rempstone Road, East Leake

7.2 This appeal concerned the site that is now proposed to be allocated in the Plan. The appeal was allowed in November 2017 and planning permission was granted for a development consisting of up to 235 dwellings, a primary school and associated infrastructure (Ref. APP/P3040/W/17/3178343).

7.3 In assessing the proposals, the Inspector recognised that the number of homes with planning permission in East Leake far exceeds the ‘400’ required by the Core Strategy but noted that the Core Strategy requirement is a minimum and there is nothing in Policy which prohibits a larger number of dwellings from being delivered. Moreover, whilst the Inspector noted that the large concentration of homes at East Leake would be a “divergence” from the Core Strategy he concluded that the site would not represent a significant departure from the spatial strategy because “East Leake is a Key Settlement to which development is to be directed after the main urban areas around Nottingham” and the Council has not identified any available sites around Nottingham, other than the SUEs, which have been slow to deliver.

7.4 Indeed, the Inspector concluded that East Leake is a settlement which is expected to grow in recognition of its relative sustainability and that the development of 235 homes would not be at odds with, or undermine, the overall strategy.

7.5 In addition, the Inspector dealt with the matter of school capacity in East Leake. In doing so, he concluded that “no formal investigation had been carried out as to whether further capacity could be made available to accommodate” the development. Therefore, the Inspector was unable to conclude that the schools in the village are unable to accommodate additional housing and that there was “simply no evidence … draw such a conclusion”.

7.6 However, he went on to note that:

> “The LEA recognises the statutory duty on it to provide school places for school aged children and explained that if capacity was not available at the schools in the village, provision would have to be made elsewhere. This could involve extension of an alternative school outside the village, using the contribution secured, or by providing transport for pupils to another local school with capacity. Whilst this may not be a desirable option for the Council or local people, school provision could be made and there is no evidence that future residents would be disadvantaged by such an approach.”

7.7 The Inspector also noted that even if schools were at capacity “alternative options are clearly available” and this position was supported by the Council at the Hearings.

7.8 The Inspector also noted that the legal agreement “makes provision for the transfer of land to the Council for a new primary school.” Therefore, even if it is not possible for existing schools to be extended there is land is clearly available in the village, with outline planning permission, for a primary school which could provide additional capacity for pupils generated by development in the village.

7.9 Therefore, the position presented in terms of the capacity of education infrastructure in the village of East Leake, the primary reason for restricting further development in the village, is inaccurate and not evidence based.
North of Asher Lane, Ruddington

7.10 This appeal concerned site RUD07 (Ref. APP/P3040/W/17/3185493). The appeal was allowed in May 2018 and planning permission granted for 175 dwellings.

7.11 RUD07 was rejected at ‘Preferred Options’ stage because, amongst other things, the Council considered that it was likely to give rise to severe adverse highway impacts. However, the Inspector at appeal found that a suitable access could be achieved and that the development of the site would not result in any severe adverse effects. This, of course, begs the question of how robust the Council’s assessments were at the ‘Preferred Options’ stage (and before).

7.12 The Inspector went onto consider whether ‘very special circumstances’ existed, justifying inappropriate development in the Green Belt. In doing so, the Inspector noted that site RUD07 was the site with the lowest Green Belt value in the Council’s Green Belt Review. He also considered the merits of RUD07 relative to the Council’s ‘Preferred Options’ in the village. He noted that:

- RUD01:
  - is more prominent than RUD07 in landscape terms;
  - has no defensible boundary (despite the Council’s Green Belt Review concluding that it had a strong defensible boundary);
  - would narrow further the ‘strategically important’ narrow gap between West Bridgford and Ruddington (as identified in the Green Belt Review); and
  - is at risk of flooding (sequential test misapplied due to conclusion reached with regard to highways constraints of RUD07).

- RUD05 and RUD13:
  - are disconnected from the heart of the village, with relatively poor accessibility compared with RUD07;
  - are located to the east of the A60 which acts as a considerable physical and visual barrier to development on the eastern side of the village (the Council’s Green Belt Review in respect of RAD13 indicates that this would be a ‘significant intrusion’ beyond a robust and strategic boundary, however, the assessment of RUD05 contradicts this);
  - would not follow the historic morphology of the village; and
  - have no strong or defensible boundaries, merely field hedges.

7.13 On this basis, the Council’s assessments at ‘Preferred Options’ stage were fundamentally flawed.

Gladman Application

7.14 Gladman is also seeking to obtain outline planning permission for the development of the Lantern Lane site. It initially applied for planning permission for a scheme of 195 dwellings in December 2016 (Ref. 16/03119/OUT). That application was refused in May 2017.

7.15 Gladman subsequently lodged an appeal against that refusal. A second application was submitted for a slightly amended proposal in October 2017 (Ref. 17/02292/OUT) but this was also refused.
7.16 The Decision Notice confirms that there were only two reasons for refusal which are summarised as follows:

1. conflict with the adopted spatial strategy, adverse impacts on rural setting and adverse impacts on access to services; and

2. it has not been demonstrated that suitable access to serve the development can be provided or that the traffic generated by the proposed development would not result in an unacceptable increase in danger to the users of the highway due to the use of the access.

7.17 A second appeal was then lodged and the first was withdrawn. This second appeal has been heard at Public Inquiry earlier this month.

7.18 The Statement of Common Ground confirms that the only matters not agreed between the parties relate to the reasons for refusal set out above.

7.19 The Appellant’s Statement of Case confirms that their view that the proposals are not in conflict with the housing distribution strategy and that evidence will be adduced during the Inquiry to demonstrate that the adverse impact on East Leake’s rural setting would not be significant and that the proposed peripheral open space and high quality landscaping will assist in the transition between built development and countryside, providing a softer settlement edge.

7.20 The Statement also clarifies that discussions between the appellant and Nottinghamshire County Council are on-going in relation to the access proposals. It also confirms that it is Gladman’s view that a safe and suitable access can be achieved and there are no material or severe highway impacts associated with the proposed residential development.

7.21 The Committee Report relating to the appeal proposals and draft Statement of Common Ground also confirm that the LEA has raised no objection to Gladman’s proposals for the residential development of the Land North of Lantern Lane, East Leake for 195 new homes\(^3\) subject to a financial contribution towards additional capacity at primary and secondary schools.

7.22 Moreover, an email from the LEA to Rushcliffe Borough Council on 19th April 2018 confirms that the contribution sought towards primary education would be put towards the provision of a new school on the land made available by the Rempstone Road and Persimmon developments. Therefore, education capacity is clearly not a reason for restricting development at East Leake.

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\(^3\) 17/02292/OUT which is currently being considered at appeal.
8. Assessment and Conclusions

8.1 The Rushcliffe Local Plan is being compiled in two parts. Part 1 is the Core Strategy. This was adopted in December 2014. Part 2 of the Plan is being prepared now and, amongst other things, is required to make site allocations that:-

a) are sufficient in scale and number to ensure that a total of 13,150 new homes are built in the Borough in the period 2011 to 2028; and

b) deliver a pattern of developments that is consistent with the spatial strategy described within Policy 3 of the Core Strategy and other national and local policies as relevant.

8.2 The adopted spatial strategy is one that is focused on urban concentration and underpinned by a two tier settlement hierarchy which consists of:-

a) the main built up area of Nottingham; and

b) ‘Key Settlements’ identified for growth (Bingham, Cotgrave, East Leake, Keyworth, Radcliffe On Trent and Ruddington).

8.3 In ‘Other Settlements’, the strategy indicates that development will be for local needs only.

8.4 The strategy goes on to state that the majority of new homes (approximately 7,650) are to be accommodated within three SUE’s allocated in the Core Strategy.

8.5 The ‘Key Settlements’ are required to accommodate the balance (approximately 5,500 dwellings) and, for each of the ‘Key Settlements’ identified for growth, the strategy indicates that they are either required to deliver a minimum amount of development or “around” a certain number of dwellings. East Leake, Keyworth, Radcliffe on Trent and Ruddington are set minimum requirements and Bingham, RAF Newton and the former Cotgrave Colliery site are required to deliver “around” a certain amount of development.

8.6 This distinction is important, as are the numbers specified in the Core Strategy for each settlement which, when added together, do not make 5,500 (they make 3,520). This tells us that, when the Core Strategy was adopted, the Council had in mind:-

a) certain ‘Key Settlements’ expanding by about a certain amount, but probably not much more than that; and

b) other ‘Key Settlements’ accommodating at least a certain quantum of development and hopefully considerably more than this in order to deliver the 5,500 or so dwellings that the spatial strategy requires across the ‘Key settlements’ as a whole. The supporting text to Policy 3 underscores this by noting that the minimum requirements specified in the strategy are in addition to sites that had been identified as suitable and deliverable in the 2013 SHLAA.

8.7 Also important is the fact that the Core Strategy envisaged the green belt boundaries around inset settlements being amended to accommodate the development required in the plan period. Indeed, Policy 4 of the Core Strategy made specific provision for this. However, Policy 4 also made it clear that the boundaries of the Green Belt will only be altered in ‘exceptional circumstances’ and, when reviewing Green Belt boundaries, consideration will need to be given to whether there are any non-Green Belt sites that are equally or more sustainably located to cater for development needs in the Borough. In this context, it is noteworthy that, as things currently stand, East Leake is the only ‘Key Settlement’ that is not surrounded wholly or partly by Green Belt. It is also relevant to note that there are in excess of 25 ‘Other Settlements’ that lie beyond the Green Belt.

8.8 The requirements of Policy 4 echo the Green Belt policies contained within the NPPF.
8.9 The Core Strategy and the NPPF provide a very clear policy framework for Part 2 of the Local Plan and the approach that the Council should have taken to compiling it. However, the Council has deviated from the path laid out by the Core Strategy and the NPPF in several important respects.

8.10 On the basis of the documents produced by the Council, it is clear that early in the plan-making process, it noted that the SUE’s were not progressing as expected and were unlikely, therefore to deliver anything like the 7,650 dwellings required by the Core Strategy by 2028. At that point, it should have asked itself whether it needed to review its spatial strategy as it was clearly showing signs of failure. However, it did not, and instead, proceeded to try and produce a plan that mitigates the housing delivery issues caused by the SUE’s, in addition to providing for the non-SUE housing requirements specified in the Core Strategy. Ultimately, it has done so, it seems, without due regard to key planning policy objectives/requirements and without, along the way, gathering the evidence that is needs to demonstrate that its decision-making and its proposals are sound.

8.11 The first, and perhaps the most significant error on the Council’s part was to dismiss East Leake as a settlement to which additional development might be directed (over and above then commitments). That decision seems to us inexplicable. East Leake is a ‘Key Settlement’ that lies beyond the Green Belt. It is identified as a location for growth in the Core Strategy and all of the sites promoted in and around the settlement score well in the Council’s sustainability appraisal. Indeed, on any reasonable analysis they score better than the majority of the sites that the Council has eventually gone on to allocate.

8.12 We note that concerns were expressed at the ‘Issues and Options’ stage about infrastructure capacity in East Leake but it was incumbent on the Council, given its spatial strategy and the requirements of Policy 4 of the Core Strategy, to investigate this properly and to test whether additional capacity could be built into the settlement on the back of additional development. However, there is no evidence of this having ever been done. Of course, ways have been found to accommodate additional development through grants of planning permission, including very recently on appeal when a range of relevant considerations were tested by an independent inspector and appropriate provision made for essential infrastructure.

8.13 It seems perverse to us that the Council has ultimately produced a plan that:-

a) proposes significant erosion of the Green Belt; and

b) proposes significant levels of development adjacent to small villages, contrary to the provisions of the spatial strategy, when there is land available for development beyond the Green Belt adjacent to one of the Borough’s most sustainable settlements.

8.14 This alone must render the plan unsound.

8.15 However, our analysis of the approach that the Council has taken to compiling the plan has highlighted other issues that, individually and collectively indicate that the Plan is flawed. These include:-

a) the failure of the Council to evidence the “targets” that it eventually built into the plan at the ‘Preferred Options’ and Publication stages for each of the settlements;

b) no clear evidence has been provided to demonstrate that the proposed allocations will be sufficient to ensure that the Council is able to maintain a five year supply of deliverable housing land throughout the Plan period;

c) the failure of the Council to provide evidence to justify the scale of the ‘buffer’ identified in the Publication Draft and, therefore, the robustness of the scale and quantum of allocations proposed;

d) a lack of evidence that the Council has looked to settlements (i.e. ‘Key Settlements’ and ‘Other Settlements’) beyond the Green Belt before settlements in the Green Belt when allocating sites;

e) a failure to robustly assess the ‘capacity’ of settlements to accommodate additional housing;
f) the absence of analysis of how the proposed allocations would impact on the adopted spatial strategy in the Core Strategy;

g) the fact that assessment has been undertaken of the relative sustainability of the ‘Key Settlements’ to accommodate additional housing;

h) the absence of an assessment of the relative merits and sustainability of sites on a Borough-wide basis;

i) a lack of transparency in the analysis and judgements made in terms of whether sites ‘could’ and ‘should’ be allocated for housing;

j) a lack of clarity on whether the Council is seeking to allocate sites that are ‘deliverable’ or ‘developable’ or both;

k) errors and a lack of robustness in the baseline technical evidence (e.g. the Heritage Assets Assessment, Green Belt Review and the Housing Sites Sequential Test);

l) errors in the assessment of individual sites in the Site Selection Report and Sustainability Appraisal;

m) inconsistencies in the assessment of sites and judgements made in the Site Selection Report and the Sustainability Appraisal; and

n) a failure to correctly apply national policy and guidance (e.g. in the application of Sequential Test and the achievement of sustainable patterns of development).

8.16 On this basis, we conclude that the Council’s site selection process and the conclusions that it has reached are not:

- **Positively prepared** – not based on a strategy which seeks to meet infrastructure requirements arising from development;

- **Justified** – the site selection process has resulted in proposed allocations which do not represent the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- **Effective** – a number of the proposed allocations identified are unlikely to be ‘deliverable’ (i.e. suitable, available or achievable) in the plan period (i.e. ineffective in delivering the housing requirement); and

- **Consistent with national policy** – the site selection process identified proposed allocations which would not result in the delivery of sustainable development in accordance with the policies in the Framework.

GVA

June 2018
Appendix 1
Site Location Plans
APPENDIX 2: EAST LEAKE, LANTERN LANE LOCATION PLAN
AREA MEASUREMENTS FOR INDICATIVE PURPOSES ONLY.

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No dimensions are to be scaled from this drawing.

All dimensions are to be checked on site.

Area measurements for indicative purposes only.

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Sources: Ordnance Survey.

LEGEND

Application boundary (14.08ha)

Land under applicants control (10.57ha)
APPENDIX 3: EAST LEAKE, STONEBRIDGE DRIVE LOCATION PLAN
APPENDIX 4: PREVIOUS SUBMISSIONS OF EAST LEAKE, STONEBRIDGE DRIVE
4.2  **Land off Stonebridge Drive**

4.2.1  Gladman also have land interests at land off Stonebridge Drive, East Leake. A location plan can be found at appendix 2 of these representations.

4.2.2  Gladman believe that this site offers a real opportunity to residents of the local community and the wider area to meet identified housing needs and deliver further improvements to the public realm.

4.2.3  The site offers the real opportunity to provide a comprehensive residential development that will include market and affordable housing to meet identified housing needs, public open space and other material benefits associated with its development.

4.2.4  The site is approximately 5.54ha and comprises of three agricultural fields. The site is bounded to the north by playing fields, beyond which lies Lantern Lane. The sites eastern and southern boundaries are defined by mature hedgerows and interspersed mature trees. To the sites western boundary the site is defined by mature trees, existing residential development off Stonebridge Drive and playing fields.

4.2.5  Gladman are currently exploring the development options of the site to provide a comprehensive development scheme and would welcome the Council’s input in this regard.