

Greater Nottingham - Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies Publication Version June 2012

Response of **Linby Parish Council & Papplewick Parish Council** to
Inspector's Matters, Issues and Questions

MATTER 1: THE DUTY TO CO-OPERATE AND OTHER LEGAL REQUIREMENTS (Q.1, 3 & 8)

Background

- .1 The representations made here, which build on earlier representations made to the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies on behalf of Linby Parish Council & Papplewick Parish Council ("the Parish Councils") are made specifically in respect of the policies and proposals relating to Gedling Borough, unless otherwise stated.

Questions 1 & 3

Reasoning

- .2 The Parish Councils are of the opinion that the ACS¹ document is neither sound nor legally compliant by virtue that the duty to co-operate has not been met.
- .3 Section 110 of the Localism Act inserts paragraph 33A (entitled "*Duty to cooperate in relation to planning of sustainable development*") in Part 2 of The Planning and Compulsory Purchase Act 2004 (Local Development) (as amended) and this came into effect in November 2011.
- .4 The NPPF provides guidance on the duty to consult and co-operate when formulating Local Development Frameworks. At paragraph 150, the NPPF states that Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of the local community. Paragraph 157 advises that "*crucially*" Local Plans should be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations, whilst at paragraph 178 we are informed that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities of housing and employment**. The Government expects joint working on areas of common interest to be **diligently undertaken** for the mutual benefit of neighbouring authorities. Paragraph 181 goes on to state that local planning authorities will be expected to **demonstrate evidence** of having **effectively cooperated** to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination.
- .5 There is also a legal requirement for the ACS to comply with the requirements of Gedling Borough Council's own Statement of Community Involvement. If it does not, the

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Inspector can rule that the Plan is not legally compliant and therefore not capable of adoption in its current form. In the case of Gedling Borough Council, its Statement of Community Involvement was adopted in October 2006. At paragraph 2.12, we are advised that the Council will consult with the local community, whilst in Appendix 4; ADC is identified as one of the specific statutory consultation bodies with which the Council is required to consult and cooperate.

- .6 Paragraph 3.2.11 of the ACS states that the locations of Sustainable Urban Extensions have been selected based on evidence and the findings of the Sustainability Appraisal and **informed by previous consultations**.
- .7 In light of the above, whilst GBC have consulted the Parish Councils of Linby and Papplewick in general terms, the Parish Councils have serious concerns about the level of meaningful consultation that has taken place with GBC during the preparation of the ACS. The Parish Councils earlier objection submitted in response to the Council's consultation on the ACS stated that: *"...both the Parish Councils of Linby and Papplewick have been left in the dark over these proposals and have not been involved in any level of discussion nor have we been consulted over any aspect of this Aligned Core Strategy."* Perhaps more importantly, despite wide ranging and sustained objection to the proposed allocation of the two SUE sites at Top Wighay Farm and land North of Papplewick Lane, GBC has simply "ridden roughshod" over these objections and continued to pursue the allocation of these sites in spite of the strength of local feeling within these communities. The Parish Councils are left wondering what the purpose of the consultation exercise was.
- .8 Furthermore, despite the impact of the development of the proposed SUE sites being felt most acutely by the residents of Hucknall, according to ADC, the residents of Hucknall were not included in the Gedling-wide resident consultation in respect of housing. This would appear to be in conflict with the requirements of GBC's own Statement of Community Involvement.
- .9 Furthermore, despite its inclusion as a statutory consultee and despite the fact that the proposed allocation of the two SUE sites at Top Wighay Farm and land North of Papplewick Lane (in addition to the Bestwood Strategic Location) would have greatest impact on the residents of Hucknall (and therefore ADC), GBC has failed to properly or fully consult with ADC during the preparation of the ACS to the extent that ADC has objected to the legal compliance of the ACS on the basis that the duty to co-operate has not been fulfilled.
- .10 In its formal consultation response to the latest round of consultations undertaken by Gedling Borough Council to the ACS, Ashfield District Council stated that: -

"...it has become increasingly apparent that the necessary discussions surrounding specific strategic site allocations in Gedling Borough but adjacent to Ashfield District have not taken place, particularly in relation to the impact of these potential developments on Ashfield's infrastructure and services and how these impacts can be mitigated."

Several requests have been made by Ashfield District Council to meet with Gedling Borough Council to discuss the potential future strategic site allocations in Gedling Borough, on the boundary with Ashfield District in Hucknall. These requests have not been met. Ashfield District Council considers it essential that the possible impacts of these proposals on Ashfield's infrastructure and services and any mitigation measures necessary should have been addressed prior to the commencement of this Publication consultation. The last meeting between officers from Gedling Borough Council and Ashfield District Council to discuss strategic cross boundary issues, prior to this consultation was on 10th November 2009. At this meeting Gedling's possible strategic sites and their potential impact on the Hucknall area were specifically discussed with Ashfield District Council stating that 'Members need to meet urgently to discuss the impact on Hucknall.

It is acknowledged that a meeting more recently has taken place between the Chief Executives and Leaders of Ashfield and Gedling Council's, however this did not discuss the impacts and possible mitigation measures required."

- .11 In light of the above, it would appear that the locations of the proposed SUE sites have not been *informed* by consultations. Indeed, they *fly in the face* of the objections raised by the Parish Councils, ADC and other consultees and the consultation exercise does not appear to have included the residents of Hucknall who will be most acutely affected by GBC's development proposals.
- .12 For these reasons, the Parish Councils are of the opinion that the ACS is not legally compliant with Section 33A of the Planning and Compulsory Purchase Act 2004 by virtue that it has failed in its duty to co-operate on cross boundary strategic priorities for housing and employment with ADC.
- .13 Consultation is not the same as co-operation. Constructive, active and on-going engagement has not taken place with ADC during the preparation of the ACS (contrary to the assertions made at para 5.1(e) of DC/REG/04). The concerns of ADC are well founded in the opinion of the Parish Councils. The duty to co-operate is incapable of being met now and therefore modified at examination. The failure of GBC to fulfil the duty to co-operate is therefore fatal to the ACS.

Question 8

Reasoning

- .14 The Parish Councils are of the opinion that the sheer extent of the impact of the proposed SUE sites at Top Wighay Farm and land North of Papplewick Lane on the conservation villages of Linby and Papplewick will fundamentally undermine any future Neighbourhood Plans for the area. The NPPF is clear that planning should empower local people and local communities to shape their surroundings in order to set out a positive vision for the area, but the development of the two SUE sites within close

proximity to Linby and Papplewick would undermine any positive vision that there would otherwise be for the area. In its current form, the ACS would not therefore aid the delivery of a meaningful neighbourhood plan.

Relevant hearing session: Week 1 – Tuesday 15th October: Day 1 (10am)²

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² Examination hearing session as per draft programme dated 22 August 2013