

Planning Policy
Planning
Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU

1st July 2016

Dear Ms Gray,

Public Consultation
Local Planning Document: Publication Draft (Part 2 Local Plan) (May 2016)
Formal Representation of Linby Parish Council

1. Further to the Council's current consultation on the *Local Planning Document: Publication Draft (Part 2 Local Plan) (May 2016)*, hereafter referred to as the "Part 2 Local Plan 2016", Linby Parish Council **strongly object** to the publication draft for the following reasons.

Background

2. At paragraph 1.8 of the Part 2 Local Plan 2016, we are advised that this Local Planning Document has been subject to extensive pre-publication consultation, including the publication of an issues and options document for consultation in October 2013. Following this, a series of topic-based workshops were held during late 2014 and early 2015 involving, amongst others, Linby Parish Council. These workshops explored options and detailed policy wording and have influenced the content of the 'Publication Version' of this Local Planning Document.
3. At paragraph 1.9, we are advised that Gedling Borough Council (GBC) has continued to work closely with the other Councils in Greater Nottingham through the Joint Planning Advisory Board as part of its legal Duty to Co-operate. We are further advised that the Borough Council has co-operated with other bodies as required under the duty to co-operate. In so doing, the Council has sought to fulfil its statutory duty to co-operate in the formulation of the Part 2 Local Plan 2016, as required by law.
4. However, the duty to co-operate has not been fulfilled.

Duty to Co-operate

5. 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. It places a legal duty on local planning authorities to '*engage constructively, actively and on an ongoing basis*' to maximise the effectiveness of Local Plan preparation.¹ The duty to co-operate is a legal test that requires co-operation between local planning authorities and other public bodies. The Local Plan examination will test whether a local planning authority has complied with the duty to co-operate and the Inspector will recommend that the Local Plan is

¹ NPPG Reference ID: 9-001-20140306

not adopted if the duty has not been complied with and the examination will not proceed any further.²

6. Co-operation should take place throughout Local Plan preparation and it is important not to confine co-operation to any one point in the process. Local Planning authorities should bear in mind that failure to demonstrate compliance with the duty at the Local Plan examination cannot be corrected after the Local Plan has been submitted for examination.³
7. By way of background, GBC published the Greater Nottingham Aligned Core Strategies Part 1 Local Plan in September 2014 ('the Aligned Core Strategies 2014'). During the preparation of the Aligned Core Strategies 2014, the Council published a draft version for public consultation in which it originally proposed 600 houses on Land North of Papplewick Lane and 1,000 houses on land at Top Wighay Farm (1,600 houses in total). Both these sites lie on the boundary of Hucknall, within the neighbouring Ashfield District Council's administrative area.
8. During the Inspector's⁴ review of the Draft Aligned Core Strategies, she recommended to GBC that they should review the housing proposals on land adjacent to Hucknall to reduce infrastructure impacts on the area. Accordingly, GBC modified the Aligned Core Strategies by reducing the number of dwellings for Land North of Papplewick Lane from 600 to 300. In her July 2014 Report, the Inspector advised as follows:

Conclusions – Gedling. *Overall, the proposed modifications envisage significant additional development adjoining the main built-up area at Teal Close and Gedling Colliery/Chase Farm sites, and would **reduce** the number of new dwellings adjoining or near to Hucknall and in the key settlements. This would result in a shift in the split between main built up area of Nottingham/ other parts of Gedling from 39%/61% to about 55%/45%. The revised distribution would be more consistent with the aim for urban concentration with regeneration in Policy 2.*

9. As a result of the above, Policy 2(3)(b) of the Aligned Core Strategies 2014 allocates "up to 300 homes" on Land North of Papplewick Lane.
10. The Part 2 Local Plan 2016 proposes 'non-strategic' housing allocations.
11. Having regard to the above, the Parish Council is astonished to see that GBC without any prior consultation or notification is now proposing 120 additional houses on Land North of Papplewick Lane under **Policy LPD 64: Urban Area**. The site has now been given a new name – **Hayden Lane**⁵ – where it is explained [on page 149 at paragraph 3.15] that:

"This site lies adjacent to the sub-regional centre of Hucknall to the west of the North of Papplewick Lane site. The site would be expected to provide 36 affordable homes. As the site adjoins Ashfield District, careful consideration will need to be given to the impact on local infrastructure (including education and health) and most appropriate way to use contributions."

12. This is astonishing on two counts:
 - 1) Not only does the proposed provision of even more housing adjacent to Hucknall run contrary to the Inspector's recommendations to reduce (and not increase) the number of houses in this peripheral part of Gedling Borough; but
 - 2) More importantly the Council has summarily failed to comply with the duty to co-operation and to engage constructively, actively and on an ongoing basis with the

² NPPG Reference ID: 9-002-20140306

³ NPPG Reference ID: 9-012-20140306

⁴ Ms Jill Kingaby BSC (Econ) MSc MRTPI

⁵ Housing Site H10

Parish Council on this important matter during the Part 2 Local Plan 2016 preparation process.

13. The consequence is clear and irrefutable within the context of the Council's duty to co-operate. GBC has failed to fulfil its legal duty to co-operate in arriving at the proposals within the Publication Version of the Part 2 Local Plan 2016.
14. As outlined above, the NPPG advises that co-operation should take place throughout Local Plan preparation and it is important not to confine co-operation to any one point in the process. **Local Planning authorities should bear in mind that failure to demonstrate compliance with the duty at the Local Plan examination cannot be corrected after the Local Plan has been submitted for examination.**
15. The Parish Council feel rightly aggrieved at the way in which GBC has conducted itself in relation to the preparation of its Local Plan as a whole. The social and environmental impacts of the strategic development sites adjacent to Hucknall are felt most acutely by the residents of the historic villages of Linby and Papplewick, the scale of which is entirely disproportionate to the population of the villages, and the proposed development of the site at Hayden Lane would add yet further pressures on the local area. Indeed, this is expressly outlined in the wording and construction of **Policy LPD 64: Urban Area** where in relation to the Hayden Lane site it is stated that: *"careful consideration will need to be given to the impact on local infrastructure (including education and health)."*
16. In the above connection, whilst the Parish Council acknowledges that GBC has sought to allocate the Hayden Lane site for housing for reasons that the housing numbers allocated for the strategic housing land at Top Wighay Farm have been reduced to below 1,000, this in itself is an unreasonable proposition given the representations made by GBC to the Inspector at the time of her consideration of the soundness of the Aligned Core Strategies 2014.
17. At paragraph 90 of the July 2014 Report, the Inspector advised that:

"On deliverability, the Councils argued that with fewer than 1,000 dwellings at Top Wighay Farm, there would be insufficient return to make any additional contribution to Ashfield above the identified infrastructure requirements. Although an extension of NET services to Top Wighay Farm is no longer seen as essential to delivery at Top Wighay Farm, a Park & Ride site with improved bus services to Hucknall is likely to be required, as confirmed in CD/EX/35 Appendix A, and a range of other transport measures are sought from developers. With 1,000 dwellings there would be a good balance between housing and employment provision."
18. It is clear from the above that the Inspector's findings on the soundness of the Aligned Core Strategies 2014 was predicated on the basis that the Top Wighay Farm site would accommodate no fewer than 1,000 dwellings and this is the number of dwellings allocated for the site in the Adopted Aligned Core Strategies.
19. The Parish Council recognises that the current consultation is confined to matters of legal compliance, soundness and duty to co-operate.
20. Within the terms of the consultation, had GBC proposed the allocation of the Hayden Lane site before the Publication Version of Part 2 Local Plan 2016, the Parish Council would have had the opportunity to make representations on the proposal at the appropriate stage(s), including at the topic-based workshops held during late 2014 and early 2015.
21. However, in the event no such opportunity has been presented and the duty upon the Local Planning Authority to engage constructively, actively and on an ongoing basis has not been fulfilled.

22. In the above circumstances, the Parish Council is of the opinion that GBC has failed to comply with the duty to co-operate. The Local Plan examination will test whether the Local Planning Authority has complied with the duty to co-operate and the Inspector will recommend that the Local Plan is not adopted if the duty has not been complied with and the examination will not proceed any further.
23. It would appear that the only resolution at this stage of the Local Plan preparation process is to either withdraw the Part 2 Local Plan 2016 or to remove the proposed housing allocation site at Hayden Lane before the Local Plan examination.
24. We trust that the Local Planning Authority will give the above the due consideration that it requires.

General Comments

25. You rate a positive impact on health for the Hayden Lane Development, however, following discussions with the local CCG the surgeries are oversubscribed and when looking at the requirement for health it does not take into account the high morbidity rate in Hucknall compared to the rest of the borough.
26. I would also question the positive response re transport for the Hayden Lane site when it is a land locked site.
27. I would question why Glebe Farm and Spring Lane are not suitable for development because the reason given would comply with Hayden Lane – *unsustainable location, urban sprawl*
28. Re Point 10.2.3 – you state potential mitigation for traffic is “*conditions monitoring vehicle movements associated with the proposal and/ or limiting the operational hours*’. It is not clear how this will be achieved.

Yours sincerely,

Mrs Denise Ireland
For and on behalf of Linby Parish Council