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Planning Policy  
Newark & Sherwood District Council  
Kelham Hall  
Newark  
Nottinghamshire, NG23 5QX

Dear Sirs

## **ALLOCATIONS & DEVELOPMENT MANAGEMENT OPTIONS REPORT**

We make these representations on behalf of our client, Harworth Estates, with respect to their site at the former Rufford Colliery.

As you will be aware, the site has a long planning history, and Newark and Sherwood District Council (NSDC) are currently considering an extant planning application (LPA Ref. 10/00429/OUTM) for a Business Park on the pit head area of the site.

You will also be aware that Secretary of States decision with respect to proposals for an Energy Recovery Facility on an adjacent site within the former Rufford Colliery landholding is currently subject to legal challenge in the High Court.

Having reviewed the Allocations & Development Management Options Report (Options Report) we are aware that it:

- seeks to allocate 18.5 Ha of new employment land within the Mansfield Fringe Area (MFA) in which the Rufford Colliery Site is located;
- seeks to allocate employment sites at the former Clipstone Colliery, and at the land West of Colliery Lane, Rainworth;
- considers the former Rufford Colliery Site to be unsuitable for employment development despite the current planning application for the business park.

However, the potential of the former Rufford Colliery site and its advantages over these sites are considerable, and we would welcome a dialogue with the Council prior to the next stage in the adoption process in which we would establish the site as the Preferred site for employment development within the MFA.

It is in this context that these representations are made.

### **The potential of the Former Rufford Colliery Site**

The former Rufford Colliery site has many merits which collectively provide it with the advantage over the Preferred sites within the MFA.

Firstly, the availability of the site presents a unique opportunity to provide a major source of employment in the MFA on a site which has previously provided substantial employment, and which also meets the strategic objectives of the recently adopted Core Strategy (and the Saved policies of the Newark and Sherwood Local Plan including policy E17).

The Core Strategy sets out its objectives for the MFA in Area Objective MFA01 which seeks to encourage the regeneration and redevelopment of former mining communities within the MFA by fully exploiting the Sherwood Growth Zone (SGZ).

Indeed, the former Rufford Colliery site is the only key development site which could deliver employment development served off the Mansfield Ashfield Regeneration Route (MARR) and within the part of the SGZ found within NSDC's administrative area. The MARR was purpose built to facilitate the development of key sites along its route, and in turn is the focus of the Sherwood Growth Zone.

In addition, no other site could provide so much employment within the MFA, or is as well placed to attract and accommodate all forms of employment development. In this respect, one of the site's advantages over other sites is that employment could be provided through a flexible phased approach (which may even extend beyond the current plan period). The former Rufford Colliery site would also provide flexibility in terms of the scale of employment it could provide in that it would provide a location for all forms of employment including those requiring large format buildings, and in terms of the nature of employment in that it is located sufficiently away from the residential receptors to provide a location for firms which require such locations or locations in attractive landscaped settings.

Amongst its other advantages, the site could also be accessed by rail and is therefore not only highly sustainable, but potentially significantly more attractive to potential employment uses than the other potential sites. This is especially so given that it could provide an attractive location to large format buildings such as required by large distribution and manufacturing firms and the lack of rail linked sites within the East Midlands Region<sup>1</sup>.

In addition, the site has the potential to be served by Combined Heat and Power (CHP) either through the ERF proposals or through a biomass plant. Again this gives the site a distinct advantage not just over competing sites in planning terms, but also in terms of its appeal to the commercial market. No other site within the MARR could make this provision without significantly reducing its developable area.

At the same time, one of the former Rufford Colliery site's major advantages over the other potential sites is its strategic central location within the MFA combined with its proximity to the MARR. Together, these advantages not only mean that the site is the most accessible site within the MFA, but that it would provide employment to the entire MFA rather than mainly to the community in which it is located. Other potential sites such as the former Clipstone Colliery site are much less accessible through road infrastructure and location, to the other communities within the MARR, and to the strategic highway network.

The site is nonetheless well located adjacent to the existing settlement of Rainworth, and within walking distances of the services and facilities which it offers.

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<sup>1</sup> Regional Spatial Strategy for the East Midlands, policy 21.

Of substantial weight, in the balance of considerations of any comparison of the potential sites is the significant benefit that the development of the business park would have in terms of the enhanced landscape restoration, and biodiversity transformation of the wider Rufford Colliery site which its development would secure. This transformation would be a significant enhancement upon that which would be achieved were the site's potential to be redeveloped as a business park not to be realised.

The site's redevelopment as a business park is entirely compatible with the former Rufford Colliery's landscape and biodiversity potential. The site would not have a significant adverse effect upon the 'would be' Special Protection Area (SPA) if it is ultimately designated. This is because appropriate habitat creation would off-set any harm.

In this respect, the Options Report<sup>2</sup> is incorrect to state that the ERF Inspectors Report concluded that the Business Park proposal, in combination with other projects, would be likely to have a significant adverse effect upon the 'would be' SPA. Indeed, the Inspector stated:

*"Offset land might also be provided to mitigate the effects of the proposed business park, and of the quarry extension, but details of such arrangements and the likely residual effects are unclear."*<sup>3</sup>

On this basis, he could not properly have come to such a conclusion. Moreover, the ERF Inspector did not even conclude that the ERF would be likely to have a significant adverse effect on the 'would be' SPA were it ever to be designated. The actual conclusion reached by the ERF Inspector was that he could not be certain that the ERF in combination with other projects would not have a significant adverse effect upon the 'would be' SPA if it were ever to be so designated.<sup>4</sup>

It is, therefore, incorrect to suggest that the Business Park would have a significant adverse effect upon the 'would be' SPA if it were to be so designated. It would, therefore, be unsound to rule out employment development on the former Rufford Colliery site on that basis.

Finally, the transformation of the wider former Colliery site with the landscape and biodiversity including an enhanced SPA delivered through the proposed Business Park would also be likely to lead to a significant improvement in the anti-social behaviour that continues to plague the wider site despite the substantial efforts of the land owner.

### **Comparison with the Preferred Sites**

When compared to the Preferred Sites for employment allocation within the service centers of the MFA (Land West of Colliery Lane (Ref. Ra/E/1), and former Clipstone Colliery (Ref. C1/MU1) the advantages of the former Rufford Colliery site are self evident.

The Options Report sets out the methodology for comparing sites. At Stage 3 of that methodology sites are assessed against criteria derived from Core Strategy Spatial Policy 9.

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<sup>2</sup> Allocations & Development Management Options Report, page 137

<sup>3</sup> ERF Inspectors Report , APP/L3055/V/09/2102006, paragraph 1138

<sup>4</sup> ERF Inspectors Report , APP/L3055/V/09/2102006, paragraph 1154

The assessment criteria are:

1. Be in, or adjacent to the existing settlement;
2. Be accessible and well related to the existing facilities;
3. Be accessible by public transport, or demonstrate that the provision of such could be viably provided;
4. Be the most sustainable in terms of impact on existing infrastructure, or demonstrate that infrastructure can be provided to address sustainability issues;
5. Not impact adversely on the special character of the area, including not impacting on important open spaces and views, all designated heritage assets including listed buildings or locally important buildings, especially those identified in Conservation Area Appraisals;
6. Appropriately address the findings of the Landscape Assessments and the conservation and enhancement actions of the particular landscape policy zone/zones affected.
7. Not lead to the loss, or adverse impact on, important nature conservation or biodiversity sites;
8. Not lead to the loss of locally important opens pace or, in the case of housing and employment , other locally important community facilities (unless adequately replaced);
9. Not be located in areas of flood risk or contribute to flood risk on neighbouring sites.

The Options Report scores the former Colliery Site against the criteria as follows:

Site	Spatial Policy 9 Criteria								
	1	2	3	4	5	6	7	8	9
Former Rufford Colliery	✗	?	✗	✓	✓	?	✗	✓	✓

However, for the following reasons the former Rufford Colliery Site should be assessed as follows:

**Former Rufford Colliery**

*1. Be in, or adjacent to the existing settlement;*

The site is adjacent to the settlement boundary of Rainworth.

*2. Be accessible and well related to the existing facilities;*

The site is highly accessible as it is served off the MARR which was built to assist regeneration.

The site is well related to the services and facilities available within Rainworth, being within easy walking distance (within 500m) of Rainworth District Centre.

*3. Be accessible by public transport, or demonstrate that the provision of such could be viably provided;*

The Framework Travel Plan which accompanies the planning application for the Business Park sets out that the needs of employees would be met by extending the bus service to the site.

*4. Be the most sustainable in terms of impact on existing infrastructure, or demonstrate that infrastructure can be provided to address sustainability issues;*

The site would be served from the purpose built MARR, and is potentially accessible by rail and potentially served by CHP.

*5. Not impact adversely on the special character of the area, including not impacting on important open spaces and views, all designated heritage assets including listed buildings or locally important buildings, especially those identified in Conservation Area Appraisals;*

The Environmental Statement which accompanies the Business Park assesses the impact of that development with respect to Landscape and Visual Impact, and Cultural Heritage.

With respect to both these issues, the ES assessed that the any adverse effect would not be significant.

*6. Appropriately address the findings of the Landscape Assessments and the conservation and enhancement actions of the particular landscape policy zone/zones affected.*

The allocation of the site for employment would lead to landscape enhancement over and above that which would otherwise be achieved on the site through the restoration conditions. There should be no concerns regarding the Create element of the Landscape Zone SH08 given the enhancement to landscape character of the area, and the lack of significant adverse effect on the wider landscape.

*7. Not lead to the loss, or adverse impact on, important nature conservation or biodiversity sites;*

The allocation of the site for employment would lead to a nature conservation enhancement, even taking account of the 'would be' SPA if it is ever so designated.

*8. Not lead to the loss of locally important openspace or, in the case of housing employment , other locally important community facilities (unless and adequately replaced);*

The allocation of the site for employment would lead to an improvement in the antisocial behaviour which currently plagues the site through unauthorised access.

9. Not be located in areas of flood risk or contribute to flood risk on neighbouring sites.

The site is located within Flood Zone 1.

In summary, the site should, therefore, be scored positively against each of the Stage 3 criteria derived from Core Strategy Spatial Policy 9.

Site	Spatial Policy 9 Criteria								
	1	2	3	4	5	6	7	8	9
Former Rufford Colliery	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

With respect to the Preferred Sites we note that the Council scores the sites against the criteria as follows:

Site	Spatial Policy 9 Criteria								
	1	2	3	4	5	6	7	8	9
Land West of Colliery Lane	<input checked="" type="checkbox"/>	?	?	?	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Former Clipstone Colliery	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	?	<input checked="" type="checkbox"/>	?	?	<input checked="" type="checkbox"/>

With respect to these scores we have a number of observations. Firstly, for both sites it is difficult to agree that either site is accessible.

Clipstone is a poor location for significant levels of employment related traffic given its poor access to the strategic highway network via B-roads which run through residential areas and the countryside a considerable distance from the strategic highway network. The accessibility of the former Clipstone Colliery compares poorly with that of the former Rufford Colliery site. The site should not be scored positively against this criterion.

The Land West of Colliery Lane site would be accessible from the MARR; however, the delivery of the site has to be in question given the difference in levels between the site and the MARR. If site access is possible it would take up a significant proportion of the site and would raise issues of viability, especially given that the site has not been developed despite having being available for so long. The assessment is therefore correct to question the site's accessibility.

With respect to the former Clipstone Colliery, we also understand that the Headstocks (a Grade II Listed Building) are proposed to be demolished to facilitate the sites development. The allocation of that part of the site on this basis would have an adverse effect on this designated heritage asset. The site should not, therefore, score positively in this regard.

The respective summary tables should, therefore, be amended as follows:

Site	Spatial Policy 9 Criteria								
	1	2	3	4	5	6	7	8	9
Land West of Colliery Lane	✓	?	?	?	✓	N/A	✗	✓	✗
Former Clipstone Colliery	✓	✗	✓	✓	✗	✓	?	?	✓

We also have a number of observations with respects to the final stage analysis made in relation to the former Rufford Colliery site, and the Preferred sites.

Firstly, with respect to the comments relating to the former Rufford Colliery site the following observations are made:

- The site does not have adverse topography and is not inefficient and awkward in shape. There are no technical constraints which would prevent the site being delivered for employment development. Indeed, a planning application has been submitted to the LPA for a business park proposal which demonstrates that the sites constraints can be readily overcome and viable business park would be delivered which would make an efficient use of the land within the site;
- The site is not separated from Rainworth, and is within easy walking distances of its services and facilities;
- There are no issues with respect to public transport which would be provided were the site to come forwards for employment;
- Employment development on the site would be entirely compatible with the landscape and nature conservation sensitivities of the site. Indeed, the sites development would lead to an enhancement in these respects, and would not have a significant adverse effect upon the 'would be' SPA were it ever to be designated, or any other nature conservation designation.

There is, therefore, no basis to conclude that the site is not suitable for an employment allocation.

With respect to the comments regarding the Land West of Colliery Lane, the following observations are made:

- There are issues associated with the provision of an access to the MARR given the difference in levels which may prove to be cost prohibitive to employment development given the sites developable area, and would in itself be likely to lead to a significant reduction in the sites developable area;
- The site's developable area is also likely to be reduced on account of that part of the site which is within Flood Zone 3. None of the former Rufford Colliery site is outside of Flood Zone 1 and it is, therefore, preferable for allocation;

- The site has a more realistic chance of being accessed to the south and would therefore relate well to the built up area of Rainworth. In this respect, therefore, the site would be preferable to some of the preferred housing sites which are presently located within the green belt. It would not, however, be appropriate to access the site to the south for employment purposes as this would lead to an unsatisfactory route for employment traffic to the strategic highway network through Rainworth;
- The sites current allocation as employment provides no basis for its continued allocation in accordance with policy EC2(h) of PPS4, especially as the prospect of it being delivered is questionable;
- The Options Report identifies that the site is only suitable should its access and potential impact on nature conservation be overcome. It would be unsound to allocate the site on this basis;
- With respect to nature conservation, given its relationship to the 'would be', SPA were it ever to be designated, employment development at the site would have the potential to have a significant adverse effect. Such effects would be unlikely to be overcome given the limited site area available or may potentially lead to a significant reduction in the site's developable area.

With respect to the comments regarding the former Clipstone Colliery site, the following observations are made:

- The site's mixed use nature is acknowledged, but the site has poor access to the strategic highway network via B-roads through a route of significant distance and through residential areas and the countryside. We note that the Employment Land Review makes the following comments on the site's accessibility:

*"Colliery sites such as Clipstone are in less favoured locations and will require infrastructure upgrades and are likely to form part of a mixed use development. The former Rufford Colliery benefits from close proximity to the MARR route, bringing advantages in terms of highways access."*<sup>5</sup>

*"Difficult topographical constraints, a poor quality site with a poor external profile. Issues with congestion, environmental constraints, access for HGVs and flood risk."*<sup>6</sup>

*"...only Clipstone Colliery, North of Ollerton Roundabout and South Airfield Farm have high congestion on the surrounding road network."*<sup>7</sup>

*"Clipstone Colliery also experiences several HGV restrictions and environmental designation constraints"*<sup>8</sup>

- The site is not suitable for employment on this basis of its poor accessibility, and would be more appropriately allocated for further residential development, open space and local retail;
- The site's developable area would in any event be reduced to take account of retaining the Headstocks, and mitigation against flood and nature conservation;
- With respect to flood, part of the site is outside Flood Zone 1 and, is therefore, less preferable than the Rufford Colliery site;

<sup>5</sup> East Midlands Northern Sub-Region Employment Land Review Final Report, page 81

<sup>6</sup> East Midlands Northern Sub-Region Employment Land Review Final Report, page 82

<sup>7</sup> East Midlands Northern Sub-Region Employment Land Review Final Report, page 78

<sup>8</sup> East Midlands Northern Sub-Region Employment Land Review Final Report, page 78



- With respect to nature conservation, in addition to the site's potential impact on local designations, given the site's proximity to the 'would be' SPA were it ever to be designated, it is unlikely that the site could overcome its indirect effects given the forms of development envisaged at the site (employment, residential, retail) without a significant reduction in the site's developable area.

In summary, the former Rufford Colliery Site has substantial potential, is clearly the most appropriate site for employment within the MFA, and importantly can overcome all of the issues relevant to its delivery, including landscape restoration and the 'would be' SPA, and would be able to deliver sufficient employment within the MFA, in a location that would be accessible to all the communities of the MFA.

The Preferred Sites identified by the Options Report are associated with constraints that they are unlikely to be overcome or would lead to a significant reduction in the employment land that they could provide.

On this basis, the former Rufford Colliery site should be the Preferred employment site in the MFA. We would, therefore, welcome a constructive dialogue before the next stage in the adoption process, in which we could advance the sites case, explain the implications of the issues raised, and address any concerns the Council may have.

In the meantime, should you have any questions please do not hesitate to contact me.

Yours aincerely



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