

Newark and Sherwood Allocations and Development Management DPD

Hearing Statement on behalf of Messrs R and G Mason, Mr D Taylor and Mrs W

Terry by Ian Baseley Associates

Matter 5 – Site Specific Issues

Nottingham Fringe Area

22 Do the policies include adequate and appropriate safeguards with regard to the potential effect of development on the Green Belt and flooding?

22.1 It is considered that the Council's approach set out in the Plan has been **overly restrictive** with regard to the potential effect of development on the Green Belt and potential flooding. This has caused substantial under provision in locations where it is most needed and re-distribution elsewhere within the District (primarily Newark) in conflict with the Core Strategy and the wider aims of the Council's Spatial Strategy.

22.2 Spatial Policy 4A of the Core Strategy specifically facilitates a review of the boundary of the Green Belt surrounding Lowdham in order to meet the housing requirement set by Spatial Policy.

22.3 Indeed, paragraph 4.30 of the Core Strategy explains that the SHLAA revealed that potential housing land supply was limited within existing settlement boundaries and therefore consideration will need to be given to

changing boundaries (i.e. releasing land adjoining settlement boundaries from the Green Belt) to meet the wider aims of the Spatial Strategy.

- 22.4 The Council's 'redistribute elsewhere' approach to compensate for the serious under-provision within Lowdham is also not consistent with the wider aims of the Spatial Strategy.
- 22.5 If the percentages set out in Spatial Policy 2 were only meant to be *broad-brush*, then they would have been stated as "approximately", "up to" or as a range (as is the case for employment land provision). They are not. The intention of the Core Strategy is to direct specific numbers of dwellings to specific settlements to address their specific needs, roles and functions.
- 22.6 To over-provide on sites in Newark is not an acceptable alternative as this comprises a completely different strategic and/or local housing market area and will do nothing to assist the '*Sustainable Communities*' strategy for Lowdham identified as a key part of the Spatial Strategy.
- 22.7 The acknowledgement in paragraph 4.30 of the Core Strategy regarding the limited scope of sites within existing settlement boundaries also casts sufficient doubt over the Council's suggestion in their 'Responses to the Inspector's Initial Questions' that "redevelopment of existing sites within the villages may still continue to contribute".
- 22.8 To make the Plan 'sound', so as to be consistent with the Core Strategy, **additional sites should be allocated to meet the housing requirements for Lowdham.**
- 22.9 This is particularly important where settlements (such as Lowdham) are presently tightly constrained by the Green Belt, as failure to allocate sufficient land within the Plan (hand-in-hand with the Green Belt Review) will necessarily limit the Council's ability to be flexible and/or to allocate

additional land in the future given the intended permanence of the [once reviewed] Green Belt boundaries from point of adoption of the Plan and the advice in the NPPF that: - Green Belt boundaries should be defined “in order to meet longer-term development needs stretching well beyond the plan period”; and that Councils should “satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period” (paragraph 85).

22.10 In the above connection, previous representations submitted on behalf of Messrs R and G Mason, Mr D Taylor and Mrs W Terry highly commended **land south of Southwell Road, Lowdham (site reference Lo/MU/1)** as a logical extension of the existing built-up area and long-term defensible boundary for the Green Belt in this location¹.

22.11 Indeed, this site was previously identified as one of the Council’s preferred allocations as a mixed use site comprising housing and allotments. The Consultation Responses Document (CRD) explains that the only reason the site was not carried forward to the ‘Publication’ stage of the Plan was on the basis that the Council were not convinced that the site could be developed without being at risk of flooding, causing flooding elsewhere or placing additional pressure on the existing sewer and drainage infrastructure.

22.12 Previous representations confirmed that that part of the site proposed for housing was located within flood zone 1. This is confirmed on the Environment Agency’s indicative flood plain map (which, it is understood, is updated approximately every 3 months to ensure accuracy) and in the Council’s SFRA² which confirms that 40% of the site does indeed fall within

¹ The CRD records that, “Two respondents felt that the envelope should not be extended around Lo/Ho/1 but the extension around Lo/MU/1 appears logical provided development of this site does not increase flood risk.”

² Refer to Site 34 at Appendix G to the Council’s Level 2 SFRA.

flood zone 1 where the principle of housing development is permitted in accordance with the advice set out in NPPF and its technical companion.

- 22.13 The planning merits of this site are detailed in our representations submitted in respect of the earlier consultation stages. Those representations referred to the land owner commissioning their own site-specific **Flood Risk Assessment** and this was completed and sent to the Council under separate cover [see Post Submission Document ADD22].
- 22.14 The landowners' own Flood Risk Assessment, the Environment Agency's online flood maps and the Council's Level 2 SFRA all confirm that 40% of the site (i.e. that part proposed for housing) is located within flood zone 1 – and therefore not at risk of flooding³.
- 22.15 It is therefore the case that there is no reason why that part of the site previously identified by the Council for housing cannot be delivered and developed for such having regard to local flood issues. This site would clearly assist in reducing the Plan's current shortfall of future housing land supply for Lowdham by a meaningful margin.
- 22.16 The site is free of any other constraints and is considered to be capable of being delivered confidently within the first five years of the plan period.
- 22.17 Reasonable alternatives are not considered to have been adequately tested and initial background documents (e.g. Newark and Sherwood Green Belt Study) do not appear to have been revisited/re-appraised to take into account of sites unearthed through the consultation process, or those previously identified, but discounted, and which needed to be subsequently re-considered).

³ At the time of writing, Lowdham and surrounding villages had in parts experienced severe flooding. Photographs attached to form **Appendix IBA1** show part of Lowdham in flood, whereas Site Lo/MU/1 is completely unaffected – further corroborating the conclusions of the SFRA and the landowners' site-specific FRA [Post Submission Document ADD22].

- 22.18 In the same connection, the Council has failed to have proper regard to the advice in their own SFRA with regard to site reference Lo/MU/1 and have not chosen to re-allocate the site as a mixed use allocation capable of accommodating 15 dwellings and securing the delivery of local allotment provision, notwithstanding the clear conclusions of the site specific FRA formally submitted to the Council to supplement our earlier representations.
- 22.19 All the evidence concludes that the site can be developed for the mixed use originally sought by the Council and there is therefore no reason why the Council should not have sought to re-instate the site within the Plan as one of the allocations for Lowdham, given the severity of the shortfall in available land to meet the housing requirements for this settlement and the limited future opportunities to accommodate growth owing to residual Green Belt and flood risk constraints.
- 22.20 The failure to identify site Lo/MU/1 in the Plan not only exacerbates the already woeful situation regarding shortfall of housing numbers in the village, but also leaves the village (and the Plan) lacking in terms of securing the necessary provision for new allotments – the only outstanding open space requirement for the village. The allocation of site Lo/MU/1 would necessarily secure the delivery and development of such provision within that part of the site falling within flood zones 2 and 3 where such a use is considered acceptable in accordance with the NPPF and its technical companion.
- 22.21 In addition, despite earlier representations confirming that an area of site X5(Lo) was also located within flood zone 1 and as such would, being located adjacent to the existing Peugeot Car Garage and occupying a primary road frontage, comprise suitable and available land to provide new employment land provision for the village, the Council has never seemingly

explored this opportunity any further directly with the landowners – instead favouring the option to make no additional employment land provision within the Plan whatsoever.

23 Would the scale, density and Greenfield location of allocated sites be appropriate and contribute to the sustainable development of the District?

23.1 No. Only the scale of housing set by Spatial Policy 1 of the Core Strategy would be considered to be appropriate and contribute to the sustainable development of the District as the Core Strategy makes it clear that this is required in order to meet the wider aims of the Sustainable Strategy.

23.2 Lowdham is identified as a Principal Village where 5% of principle village growth should be directed. This equates to a residual housing requirement of 61 new dwellings, 30% of which are expected to comprise affordable housing (provided on site).

23.3 The above levels of new housing growth were considered necessary during the preparation of the Core Strategy as part of the Council's '*Sustainable Communities*' strategy.

23.4 As there was limited opportunity (revealed through the SHLAA) to accommodate residual housing requirement within the existing built-up area – and owing to the fact that Lowdham is already tightly constrained on all sides by the Green Belt, the Council's Spatial Strategy and '*Sustainable Communities*' strategy must have been prepared in the knowledge that most, if not all, of the additional 61 dwellings would more than likely have to be accommodated on Greenfield land.

23.5 With the above in mind, it must surely follow that, had the allocation of Greenfield sites in Lowdham not been considered appropriate in terms of contributing to the sustainable development of the District, this would have been highlighted and or acknowledged in the Core Strategy with the housing provision figures for Lowdham being re-distributed elsewhere accordingly. The Core Strategy contains no such highlights or acknowledgements.

Nick Baseley

[1,636 words]

Appendix 1



Lowdham Cricket Field
Photograph taken 25 November 2012



Land off Southwell Road [Site reference Lo/MU/1]
Photograph taken on 25 November 2012