

Matter 2/Representor 66/RPS for Harworth Estates

1. Introduction

- 1.1 This statement sets out the responses of Harworth Estates to the Inspectors' Matters and Issues for Examination at Hearings with respect to the Newark and Sherwood Allocation and Development Management Development Plan Document (ADM).
- 1.2 This statement therefore provides comments in response to the questions and issues raised by the Inspector and elaborates upon the representations previously raised during public consultation and in our responses to those documents.
- 1.3 The site relevant to Matter 2 is a 12Ha site at the former Rufford Colliery, Rainworth within the Mansfield Fringe Area (ADM Ref. X5(RA)).

2. Matter 2 – General Issues

2.1 Inspectors Question 3:

“Is the Plan consistent with the Core Strategy and is it capable of meeting its objectives?”

- 2.2 Our concern is that the submitted ADM will not meet the Core Strategy's (CS) objectives with respect to employment and may not meet the objectives with respect to market housing and affordable housing.
- 2.3 The CS sets out two area objectives for the Mansfield Fringe Area (MFA) with respect to employment. The first is to encourage the regeneration and redevelopment of the former mining communities by, *inter alia*, fully exploiting the Sherwood Growth Zone. The second is, *inter alia*, encourage economic growth complementary to Mansfield Role as Sub Regional Centre, support the Sherwood Growth Zone, and to increase self-sufficiency.

- 2.4 As submitted the ADM will not meet these objectives. Firstly, the majority of the proposed employment would be outside of the Sherwood Growth Zone (SGZ) (12Ha at Clipstone, 1 Ha at Blidworth and only 5.5Ha at Rainworth within the SGZ) despite the deliverability (availability, suitability and viability) of the former Rufford Colliery site which is the most appropriate site within the MFA and is within SGZ. Indeed, it is served off the Mansfield Ashfield Regeneration Route (MARR) which is the focus of the SGZ. In this context, even if site Ra/E/1 is delivered, the objective of fully exploiting the SGZ simply cannot be met.
- 2.5 Secondly, for the reasons set out by Savills in Appendix 1, the sites development for employment will not be viable. Accordingly, it would not be delivered, and therefore, not only will the SGZ not be fully exploited it will not be exploited at all.
- 2.6 Similarly, the site at the former Clipstone Colliery (CI/MU/1) is also not considered to be viable as submitted for allocation. Again, it will therefore not be delivered. This means that almost all the employment envisaged within the ADM will not be delivered and the objectively assessed employment needs identified by the CS will not be delivered.
- 2.7 Thirdly, the CS's objective with respect to housing development is to encourage sustainable housing. In addition, the Council has to meet the objectively assessed need of market housing and affordable housing in accordance with the NPPF. In these respects the Council's Residential Viability Assessment shows that none of the sites which are allocated for development within the first five years are viable, even assuming that affordable housing will not be delivered. It is understood that the Council's approach to this is that in practice landowners/developers will have to take less return in order to ensure that the sites come forward, and that there is evidence that this is how the local market works. To an extent we do not disagree with this. However, the Council should show what level of return landowners/developers would be likely to have to take on the proposed housing sites before they become unviable. Without this evidence it is less than certain as to whether any of these sites would be likely to come forward. The landowner/developer return has to be reasonable otherwise the sites will not come forward.

Inspectors Question 4:

“Is the Plan based on a sound process of sustainability appraisal including testing of reasonable alternatives, and does it represent the most appropriate strategy in the circumstances?”

- 2.8 No. The Sustainability Appraisal does not fairly assess the sites within the MFA against its own criteria. Using the criteria a revised SA has been prepared for the three main sites within the MFA (i.e. the Preferred Sites, and the former Rufford Colliery site) at Appendix 2. This clearly shows that the former Rufford Colliery site when fairly assessed against the criteria compares favourably against both the SA assessment of the sites and against our revised assessment of all three sites.
- 2.9 Furthermore, the Council’s site selection process did not fairly consider the former Rufford Colliery site against the selection criteria. As a consequence of this it was identified as ‘not considered suitable’ whereas for the reasons set out in our Representations (See Appendix 3) the site should have been identified as a ‘preferred site’.
- 2.10 In detail the selection process had 5 criteria which discounted sites from further consideration by rendering them ‘not considered suitable’. With respect to the the Council’s assessment of the former Rufford Colliery site we make the following points:
1. Sites which are not in or adjacent to the settlements where allocation will occur
- 2.11 In this respect the Council scored the site negatively, and effectively discounted it from further consideration. It commented that the site is *“separated from the current settlement envelope and is removed from services and facilities.”* On this basis the site was effectively rendered unsuitable.
- 2.12 We do not accept this assessment for a number of reasons. Firstly, we acknowledge that the site is not within the settlement of Rainworth. However, we do not accept that the site has to be adjoining or abutting the settlement boundary to be considered adjacent– it merely has to be adjacent. This implies a degree of separation i.e. such as to be within the vicinity of the settlement boundary but not necessarily adjoined to

or abutting it. In any event, the site adjoins the public highway which adjoins the settlement boundary.

- 2.13 Furthermore, our approach reflects the policy of the Regional Strategy (RS) (which remains part of the development plan) upon which the Core Strategy is founded and must by general compliance with. The RS through Policy 7- Regeneration of the Northern Sub-area, and Northern Sub Regional Strategy Policy 3 requires development to be in or around settlements or along the MARR.
- 2.14 Moreover, the question has to be raised of the circumstances in which there would be no deliverable sites within or adjoining the settlement boundary. If the Council's interpretation is correct and appropriately applied, this would mean that there would insufficient suitable sites for employment within the MFA given that the proposed employment allocations RA/E/1 and CI/MU1 are not deliverable. Therefore, the ADM could not possibly comply with the Core Strategy and as such, could not be 'sound'.
- 2.15 For the reasons set out at Appendix 1 we submit that the Council's preferred sites for employment within the MFA are not deliverable.
- 2.16 For the reasons set out within our previous Representations (see Appendix 3) and other Hearing Statement's we submit that the former Rufford Colliery site is suitable for employment development in the context of the Core Strategy (and the RS) and forms part of the more appropriate strategy for employment in the MFA than that submitted by the Council.

2. Sites which are wholly within Flood Zone 2 and 3

- 2.17 The former Rufford Colliery site is entirely within Flood Zone 1. The Council correctly score the positively in this respect.

3. Sites which have a significant negative impact on nationally and internationally important nature conservation sites

- 2.18 In this respect the Council scored the site negatively. It commented "*There are also significant issues in terms of the impact on nature conservation and biodiversity that development would have. The recent Secretary of State's decision regarding the*

Energy Recovery Facility at the Colliery site considered that the effect of the scheme in combination with other plans and projects would be likely to be significant and that this potential harm to the integrity of the Woodlark and Nightjar Habitat weighed significantly against the proposal. In addition there are a number of SINCS within and surrounding the site.”

2.19 The above scoring is incorrect and the statement without foundation. Details of this are set out in the Representations previously made (see Appendix 3). In particularly the Councils assertions with respect to the Rufford ERF decision letter in this regard are incorrect. In summary, the following points need to be made:

- a) Most importantly, the Inspector should be aware that the SPA referred to is not designated nor is it a pSPA. It does not therefore benefit from Habitat Regulations at this stage. Indeed, we submit that there is has to be considerable doubt as to whether the ‘would be’ SPA will ever attain pSPA status. As such, it would not be proper for potential impacts upon it to be taken into account in selecting sites for the ADM. Notwithstanding this, even if it were ever to attain pSPA/SPA status, the impact of the 12Ha of employment advocated at the former Rufford Colliery could be accommodated, if needs be, through offsetting within the wider Rufford Colliery landholding (which is a significant size area of circa. 562 acres). For this reason, the ‘would be’ SPA is actually a positive constraint for the former Colliery site because it is the only potential employment site within the MFA that would be able to overcome the issue and deliver employment. There is, therefore, no reason to score the former Rufford Colliery site negatively on account of the ‘would be’ SPA. Indeed, we note that this issue has not prevented the Lindhurst development securing planning permission from Mansfield District Council, despite being subject to the same issue.

- b) Furthermore, the site advocated for development at Rufford Colliery is 12Ha. Notwithstanding this there is a planning application submitted to the Council accompanied by Environmental Statement (a copy of which can found on disk at Appendix 4) for employment on a 26.39Ha in which the 12Ha employment allocation would fall within. With respect to ecology, the Ecology Chapter concludes:

“8.9.2 The proposed development recognises the potential disturbance and displacement of birds including Woodlark and Nightjar. The compensation in relation to noise and lighting is such that the effect would be neutral.

8.9.3 As a result of the proposed habitat restoration and creation, the overall effect will be a minor enhancement of the biodiversity of the Rufford area including in populations of Woodlark and Nightjar. With the extended period of maintenance and management of the heathland habitat created, this will increase to a moderate benefit”

- c) The Rufford ERF proposal is no longer proposed and the site advocated for a Business Park which the Inspector referred to is in any event reduced from the 26.39Ha to 12Ha. Accordingly, the overall effects would in any event be less than those considered by the ERF Inspector, and more easy to provide compensation for any harm identified.
- d) Importantly, for the ADM and the site selection process, the two preferred employment sites within the MFA would also be subject to the same ‘would be’ SPA restriction. However, neither of these sites would have the necessary land available to offset harm should it be required. Despite this, both these sites are scored better by the Council with neither site assessed as being ‘not suitable’.
- e) With respect to the Council’s comments with respect to SINC’s (a local nature conservation designation) we point out that neither the site area subject to the planning application nor the ADM for the Rufford Colliery is within a SINC as claimed by the Council. However, both the Council’s preferred sites for employment within the MFA are adjacent to such designations.

4. Sites would have a significant negative effect on a national heritage asset

- 2.20 In this respect the Council correctly scores the former Rufford Colliery site positively. The site is, therefore, not discounted on this point.
- 2.21 We note, however, that Council is uncertain in this respect in regard to the former Clipstone Colliery site. Given this constraint is so important that it has been given the status of rendering sites unsuitable for development, we submit that this is not robust.

If this is of such critical importance to the Council, a view should be reached based on objectively assessed evidence (perhaps based in the Rochdale Envelope approach). This is even more so given the Councils negative scoring with respect to the former Rufford Colliery site with regard to nature conservation in spite of the evidence to the contrary, and the lack of any actual designation.

5. Sites below 0.3 Hectares

- 2.22 Clearly none of the sites are below this threshold.
- 2.23 In summary, the former Rufford Site should not have been discounted by the site selection methodology. The site also scores more favourably against both Core Strategy Policy 9 and the SA as we have set out.
- 2.24 For the reasons set out in our Representations, the site is the most appropriate site for employment within the MFA, and the strategy we propose is the most appropriate strategy for the MFA.

Inspectors Question 5:

“Is the Plan deliverable having regard to viability of allocated sites and the requirements of development management policies?”

- 2.25 For the reasons set out in Appendix 1, the proposed employment sites RA/E/1 and CI/MU/1 are not viable.

Inspectors Question 6:

“Is there sufficient flexibility to cope with changes to individual sites which might render them undeliverable for the purposes envisaged by the plan?”

- 2.26 We submit that the proposed employment allocations RA/E/1 and CI/MU/1 within the MFA are not viable and therefore will not be delivered. This would mean the vast majority of the objectively assessed employment needs of the MFA would not be met. In contrast, employment development at the former Rufford Colliery site would not only represent the most appropriate site for employment within the MFA but



would also be viable and deliverable. Accordingly, we respectfully request that the former Rufford Colliery site (12Ha) is allocated for employment.

2.27 Notwithstanding our arguments, should the Councils proposed allocations for employment within the MFA (RA/E/1 and CI/MU/1) be found to be deliverable and otherwise 'sound', we submit that in light of our evidence at Appendix 1 there must be at the very least significant doubt about their deliverability. Accordingly, we propose that the former Rufford Colliery should be identified as an alternative employment site should it later be conceded within the plan period that the neither RA/E/1 nor CI/MU/1 are indeed viable for employment, and should be developed for residential. In this respect the former Rufford Colliery site should at the very least identified as safeguarded land for employment. This would provide the flexibility required in the event that neither allocation (RA/E/1 and CI/MU/1) proves to be deliverable.

Inspectors Question 7:

“Are appropriate arrangements in place to ensure proper monitoring of the plan?”

2.28 No comment.