

An alternate view on the issues raised in the “Field Farm Fact Sheet” prepared on behalf of Broxtowe Liberal Democrats by Cllr. David Watts, 14th April 2013

INTRODUCTION

Broxtowe Borough Council’s Development Control Committee resolved on 10th April 2013 to refer the application for planning permission to build up to 450 houses on Greenbelt land at Field Farm (Stapleford and Trowell) to the Secretary of State for Communities and Local Government, advising him that the Council is minded to approve the application. At the time of writing, the decision of the Secretary of State whether to confirm this decision or call for a public enquiry is still unknown.

Cllr David Watts published on 14th April a “Fact Sheet” in order to justify this decision on behalf of Broxtowe Liberal Democrats. Residents’ group Stapleford and Trowell Rural Action Group (STRAG) is releasing the present document in order to provide councillors and the public with an alternate view on the issues and situation, with implications for the future planning stages at Field Farm (public enquiry or full planning application) as well as for the overall Greater Nottingham Aligned Core Strategies, to be approved by the Council on 20th May for submission to the Government. Additional statements and documentation from STRAG can be found on our website, <http://e-voice.org.uk/strag/>.

Cllr Watts confounds and intermingles two sets of arguments. Much of what he says relates to the overall content of the draft Core Strategy. He has a right to his views on the housing numbers, the role of brown field sites in aggregate and whether the balance between Districts is correct. However, other parties have their views too. The way the system is meant to work is that the various other views are debated in a free and open forum before an independent inspector with appropriate experience and qualifications.

This is not just a planning technicality – it is a principle of English justice that runs through Courts and Tribunals of every type. A Public Hearing lasting several days with equal rights of representation for different points of view should be the way such decisions are made. This was most definitely not the case when Broxtowe Development Control Committee met on 10th April 2013, and ratified the recommendation to grant outline planning permission on Field Farm. This meeting was dominated by Cllr Radulovic, Cllr Watts and Cllr Robb bellowing at the Council Chamber for well over an hour. The two selected resident objectors, one of which was STRAG, each got a three-minute spot and no right of reply.

The first of the twelve planning principles enshrined in para 17 of the NPPF is that *“Decisions should be plan led, empowering local communities to shape their surroundings”*.

OUR RESPONSE

Our comments are presented under four headings:

- The policy and legal context: we demonstrate that it is misleading to affirm that the current planning legislation requires Broxtowe to sacrifice its Greenbelt in order to meet housing needs;
- The Core Strategy issues: we raise serious doubts that the proposed development at Field Farm will help alleviate the lack of affordable housing in the borough and we show that Broxtowe has not been giving sufficient priority to brownfield development, indeed is prejudicing it;
- The timing of the decision: we question why planning permission had to be granted now, pre-empting major aspects of the Core Strategy's independent inspection;
- The actual facts on the Field Farm site and on STRAG's position: we show that the development would not delineate defensible boundaries for the remainder of the Greenbelt and thus open the way for further encroachment on the open countryside; we also categorically refute allegations by Cllr Watts that STRAG supports development on the Greenbelt at Toton Lane or other sites.

THE POLICY AND LEGAL CONTEXT

Cllr Watts says at the top of page 2 *"All Councils are required by law to comply with the National Planning Policy Framework."*

The following quotations from the NPPF show this to be inaccurate:

Para 11. *"Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise."*

Para 13. *"The National Planning Policy Framework constitutes guidance for local planning authorities."*

This has to be right of course, because the NPPF consist of many policies and a balance has to be struck. The NPPF does not say housing land provision is more important than protection of the Greenbelt. There are Government Ministers who may think so but what they say from time to time cannot be given the same weight as the NPPF.

It is true that Government Ministers have urged planning authorities to provide housing land. Para 47 of the NPPF says *"Local planning authorities should use their evidence base to plan for the full, objectively assessed needs for market and affordable housing needs in their area, as far as is consistent with the policies in this Framework"*. This condition of the policy is not quoted by Cllr Watts or indeed by the officers; but it is there.

The Greenbelt is prominent among the policies in the Framework. This is what Eric Pickles said in 2010 when announcing the abolition of Regional Plans:

"Communities will no longer have to endure the previous government's failed Soviet tractor style top-down planning targets - they were a terrible, expensive, time-consuming way to

impose house building and worst of all threatened the destruction of the Green Belt.

Councils will now be free to protect Green Belt surrounding 30 towns across the country. The targets system forced them to redraw Green Belt boundaries and designate large areas of countryside for new development. Communities will now have the power to prevent encroachment on the Green Belt and decide themselves where they want to build."

Nick Boles, the Planning Minister, no 'Nimby' sympathiser by any stretch of the imagination, has made a sharp distinction between Greenbelt land and other forms of open countryside; see his interview on Newsnight last year: <http://www.bbc.co.uk/news/uk-politics-20510692>. He reiterated his points in his recent letter to Anna Soubry MP on 25th April 2013 as follows: *"Even where there is not an up-to-date Local Plan in place the presumption in favour of sustainable development would not apply where the impact of granting planning permission for development would significantly and demonstrably outweigh the benefits or where the specific policies in the Framework such as the Green belt, indicate that development should be restricted. Policy is therefore clear that neither unmet need nor the presumption in favour of sustainable development automatically override Green belt protection."*

THE CORE STRATEGY ISSUES

Homelessness

Among the points made by Cllr Watts at the April 10th meeting was the allegation that a failure to permit Field Farm now would contribute to homelessness. He refers to affordable housing in his fact sheet.

The record of Broxtowe BC in securing affordable housing is very poor. Between 1995 and 2007 the average number of affordable houses completed in Broxtowe was 20, just 4% of the assessed requirement. It could be argued that a planning permission for Field Farm provides an opportunity to improve the position. That is possibly true except that the wording of the Committee Report says that *"up to 80 affordable houses will be provided on the site."* There is a maximum figure but no minimum figure. This serious error was pointed out to the members of the Committee by STRAG. The Councillors could have taken action to remedy the mistake but they didn't.

Even 80 houses, if they were built, would amount only to 18%, not the 25% allegedly required by the Council, so the remainder would have to be built elsewhere. It should be recognised that the Developer's proposal is for a majority of large houses: his Design and Access Statement proposes 61% of four and five bedroom houses.

Brownfield sites

In our representations we gave details of six brownfield sites which the owners say can be brought forward in the 0-5 year time-scale. Whilst these would not of themselves provide all the capacity needed, they would be a more sustainable stop-gap than Field Farm. As far as we are aware, Broxtowe Borough Council hasn't been especially pro-active in supporting these development plans.

On the subject of Stanton Ironworks development proposals Cllr Watts wrote *“As Field Farm has now been approved it will be up to the developers wanting to build at Stanton to prove that their proposals can work with the extra traffic from Field Farm”*. **Isn't that a clear acknowledgement of the prejudice now caused to the development of brownfield land?**

THE TIMING OF THE DECISION

What we have to examine in detail is why the decision to grant outline planning permission had to be made on 10th April, not only pre-empting the hearing of the Core Strategy but also the Full Council Meeting now scheduled for May 20th. This meeting will revise the Core Strategy in light of the announcement of the HS2 link (following to the consultation which had just closed on 3rd April).

Cllr Watts refers to the possibility of losing appeals. The cost of appeal issue was raised at the Committee. It is open to the Council to take a legal opinion on such matters at any time for a few thousand pounds. It was not clear whether this had been done.

Westerman Homes, with a planning application already lodged, could have gone to appeal forthwith on a refusal of planning permission. The guidance from the Planning Inspectorate is that such an appeal would take 26 weeks to be decided. That would take us to October. It is highly unlikely that a decision would have been made on an application taken to appeal when a report on the Core Strategy was a matter of weeks away.

A freshly made application would have to provide the full range of information before it was registered. There could be no appeal until the application had been registered. This could have resulted in a 9 -12 month's time-scale.

It is arguable that some developers, such as the promoters of the Toton Lane site, are more likely to appeal as a result of the premature decision on Field Farm. In addition the Borough Council will have to be careful of a legal challenge if they did not treat applications on other sites according to the same criteria they used for Field Farm.

It would have been helpful if Broxtowe had in place an up-to-date Local Plan that had been properly debated. The duty to prepare such a Plan dates from the Planning and Compulsory Purchase Act 2004. So what has been going on for the last nine years? In 2013 what do we have as a result of the expenditure of hundreds of thousands of pounds of public money? A Borough Council whose only defence against aggressive developers is a Local Plan almost ten years out of date.

THE ACTUAL FACTS ON THE FIELD FARM SITE AND ON STRAG'S POSITION

Site topography

We have to recall that the identification of Field Farm as a “preferred site” is based on the so-called Tribal Sustainable Urban Extension study of 2008. A study which identified huge areas of Greenbelt land as suitable for development, assessing the landscape impact as

seen from a passing car on the highways and not considering the ecology once in a 190-page report. The Field Farm site was included as part of the so-called “H2 – North of Stapleford site” which extends all the way from Trowell Moor down to Ilkeston Road in the south and Coventry Lane in the east.

In this context we have to question Cllr Watts’ statement that *“it has a clear, defensible northern boundary along the railway line”*. Railway lines have not been recognised in the past as defensible borders. Also, the site is bordered by urban areas to the west (Trowell Road / Stapleford Road) and to the south (Ilkeston Road, Stapleford), but what about the east? The only development there is Mayfield Drive, which only protrudes half as far to the north as the planned development would. Even the map displayed at the beginning of the Developer’s Design and Access Statement clearly shows that one can only see the site as a “bowl” as far as the old farm building and the recent plantation. When the site was previously considered for development ahead of the Broxtowe Local Plan of 2004, only the land west of the old farm house was considered. Many objectors, including Stapleford Town Council and the Nottinghamshire Wildlife Trust, now requested that the land to the north-east of the plantation be excluded from the development, so as to provide some sort of defensible boundary, preserve all the trees protected under a Tree Protection Order, keep all the Grade 2 agricultural land found on the site as well as a significant part of the Grade 3a land identified. This would preserve the ecological corridor between the City (Wollaton Park) and the open countryside. This proposal, which would “cost” at most 100 dwellings, wasn’t discussed once in the officers’ report nor at the Development Control Committee Meeting.

The next two Greenbelt sites east, bridging Field Farm and Coventry Lane, and indeed also the playing fields to the east of Coventry Lane, are currently assessed in the SHLAA land availability survey as currently isolated from settlements but potentially suitable for development in combination with Field Farm. This would seem to imply that developing Field Farm is only the start of something bigger!

STRAG’s position on other Green Belt development

At this point we need to deal with the allegation that STRAG supports development in the greenbelt at Toton lane. The letter from STRAG to Councillors said this -

“We do not support the development of Greenbelt at Toton lane but it may well be that although areas there are unsustainable, they are less so than Field Farm.”

Cllr Watts interpreted these words as saying STRAG supported development at Toton. This misrepresents our position. In our representations to the Council in December 2012 (for all to see on STRAG’s website), we listed almost 50 sites, some Brownfield some Greenbelt currently scheduled for development in a later tranche of the Core Strategy or if policy changes. We calculated that if only 10 to 20% of their capacity was brought forward, an alternative for 1149 dwellings would be provided. We never advocated developing any specific site, simply suggested that spreading out development over many sites could be less destructive and also more productive in terms of delivery. We requested that the respective sustainability of the sites be determined at the public enquiry on the Core Strategy. This is still our position.

Stapleford and Trowell Rural Action Group (STRAG) with Ken Mafham Associates, 16th May 2013