

FOREST TOWN COMMUNITY COUNCIL (FTCC)

April 2019 Hearing Statement for the Mansfield Local Plan
to supplement FTCC's original representations

MAIN MATTER 1

Duty to Cooperate (DtC) and Other Legal Requirements

Other Legal Requirements

Question 7 – Is it clear how the Sustainability Appraisal (S8a-d) and its Addendum (S9) influenced the plan's strategy and policies and how mitigation measures have been dealt with?

1. Despite having followed the process for many years, it is no longer clear to the Forest Town Community Council (FTCC) how the Sustainability Appraisal relates to the actual policies being proposed by Mansfield District Council (MDC) for the Local Plan.
2. In PD/48 (Policy IN9: *'Impact of development on the transport network'*) the FTCC raised our concern that there appeared to be a disconnect between what, for the purpose of the Sustainability Appraisal, a policy is supposed to do and what a plain reading of the policy wording itself might be understood to mean by Plan users.
3. FTCC does not believe that, to date, our concerns have been adequately addressed by MDC, and as such we continue to seek the changes requested in our previous submissions.
4. FTCC stands by our suggested modifications to Policy IN9 as set out in PD/48. FTCC maintains the view that where the Sustainability Appraisal operates on the basis that a policy would protect an interest (e.g. transport) or deliver a benefit (e.g. *"ensure that the transport network is not negatively affected by development"* [SE2a, Paragraph 6.44.12]) then the associated policy wording should be written in a manner that ensures that the policy is actually applied in accordance with the intentions set out in the associated entry of the Sustainability Appraisal.
5. When in PD/48 (IN9) FTCC raised these issues during the consultation, instead of addressing and resolving the discrepancies, the LPA merely stated that: *"The policy needs to be positively worded"* [Regulation 22 statement, A4:181]. FTCC finds MDC's response wholly inadequate, as MDC fails to engage with the discrepancy between the purpose of the policy as set out in the Sustainability Appraisal (which forms the basis of MDC's appraisal of the policy's anticipated impact) and the proposed wording of that policy within the Local Plan.

6. The FTCC believes that MDC's attempt at justification for failing to protect the relevant interest from adverse impacts of development on the transport network is indicative of the wider unacceptable approach adopted by MDC in the framing of many of its policies, which is to misunderstand the concept of 'positively prepared' as set out in NPPF 2012.
7. NPPF 2012 states that: *"Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development..."*
8. However, the Council seems to be interpreting the policy within the NPPF as if it meant that all planning policies are required to be permissive (rather than general or restrictive) by virtue of needing to be '*positively worded*', ignoring the need to ensure that development is "*consistent with achieving sustainable development*" and ignoring the need to ensure that the Plan would ensure that development proposals meet any and all objectively assessed infrastructure requirements.
9. To the extent that the objectively assessed 'infrastructure requirements' include requirements for appropriate road infrastructure, transport infrastructure and green infrastructure, it appears to FTCC to be illogical to rule out altogether any restrictive policies that may be needed to help prevent inappropriate development.
10. As an example of the term 'positively prepared' being used to mean more than just writing permissive policies, we cite an example which is familiar to the Inspector in the form of her comments at Paragraph 268 of the Inspector's recently released Report on the Examination of the Barnsley Local Plan (dated 14 December 2018) which states: *"...So that Policy GS1 has been positively prepared, the requirement for equivalent or better provision in cases where the loss of greenspace is justified should be strengthened and the process for assessing the quality and value of existing greenspace should be made clear"*.
11. The sort of policy envisaged by the Inspector for the Barnsley Local Plan would protect legitimate interests in the name of being genuinely 'positively prepared'. This seems to be precisely the sort of policy wording that MDC has expressly refused to adopt in order to protect such interests, with MDC's refusal to adopt such wording explained as a decision made by MDC in the name of being 'positively prepared', although MDC sometimes also refers to this as being 'positively worded' or 'written positively'.
12. It appears that MDC's overly narrow interpretation of the term 'positively prepared' has unnecessarily prevented Policy IN9, and other policies, from being written in a plain and straightforward manner that minimises uncertainty regarding the intent of the policy and how that policy is intended to operate.

13. If a policy which the Sustainability Appraisal says would seek to protect the transport operation cannot actually be used to refuse planning permission for development proposals that would negatively affect the transport network, then either the policy needs to change to reflect the Sustainability Appraisal or the Sustainability Appraisal needs to be updated to reflect how the policy can be expected to work in practice as part of the determination of a planning application.

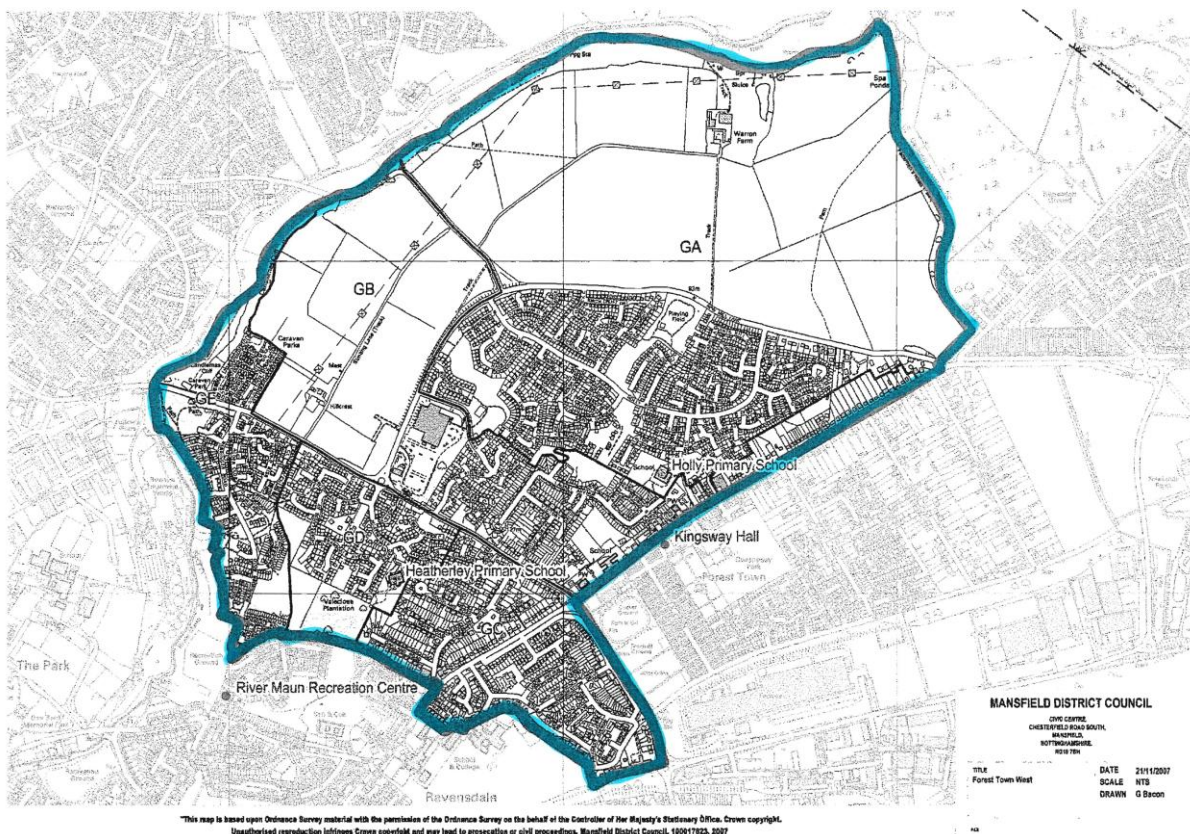
Question 8 – Does the Sustainability Appraisal test the plan against reasonable alternatives in terms of the scale of employment and housing development and its broad distribution as set out in the spatial strategy in Policy S2? What alternatives were considered and is it clear why they were discounted?

14. As noted in FTCC's representation PD/50 (Policy S2) and in numerous earlier representations, there are many who live in Forest Town, with its proud history as a separate village with its own distinct identity, who do not believe that Forest Town should simply be lumped together with other neighbourhoods into a single 'Mansfield Urban Area' for the purpose of the Local Plan.
15. FTCC believes that, despite recognising Forest Town as a "*distinct area*" in their 2018 Mansfield Today document [K6], MDC has failed to adequately and formally consider whether a lower rate of proposed housing development would be more appropriate for Forest Town given its distinct character and needs.
16. There have been various partial explanations given by a variety of Council Officers, both formally and informally, as to why Forest Town's needs have not been adequately considered, i.e. objectively assessed, in determining the broad distribution of development across the whole of the District.
17. One official explanation that was offered by Mansfield District Council was that: "*It is considered that Forest Town forms part of the Mansfield urban area. It would be difficult to establish Forest Town's own housing need as it does not follow established administrative boundaries. Even if it were possible it is highly likely that other areas of the Mansfield urban area would be unable to meet their need due to a lack of sites so would need to be exported.*" [S5 Consultation Statement: Regulation 22, A3:25, which sets out MDC's response to A3.7.6].
18. FTCC does not believe that it is correct for MDC to state that Forest Town "*does not follow established administrative boundaries*". The community of Forest Town was historically covered by two clearly-defined administrative wards, Forest Town East and Forest Town West, which were established after serious consideration to reflect local residents' sense of place and the historic village boundary.

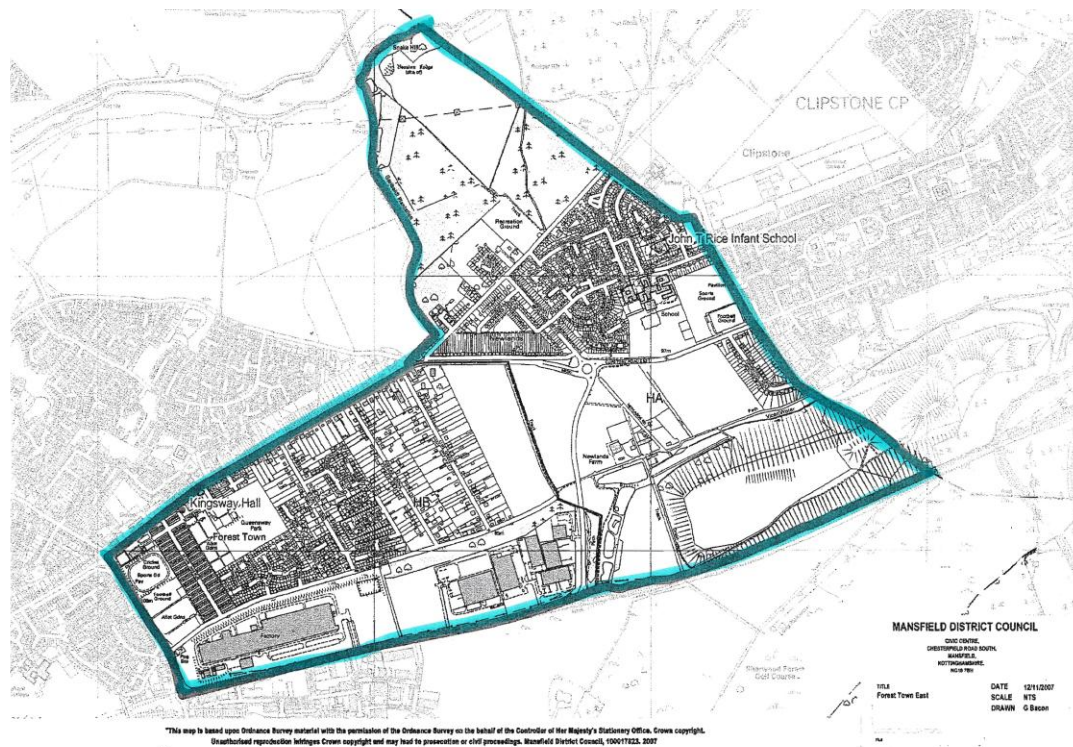
19. For example, the Local Government Commission for England's 'Future electoral arrangements for Mansfield in Nottinghamshire' report (December 1999) noted: *"...the District Council proposed including polling districts E and F from Ravensdale ward in the Forest Town area. It contended that the electorate in this area 'generally consider themselves to be part of neighbouring Forest Town'"*.

20. The Forest Town Community Council's map of Forest Town, based on Forest Town East and West, was considered and approved by Mansfield District Council when MDC granted formal 'Tenants and Residents Association' status to the Forest Town Community Council.

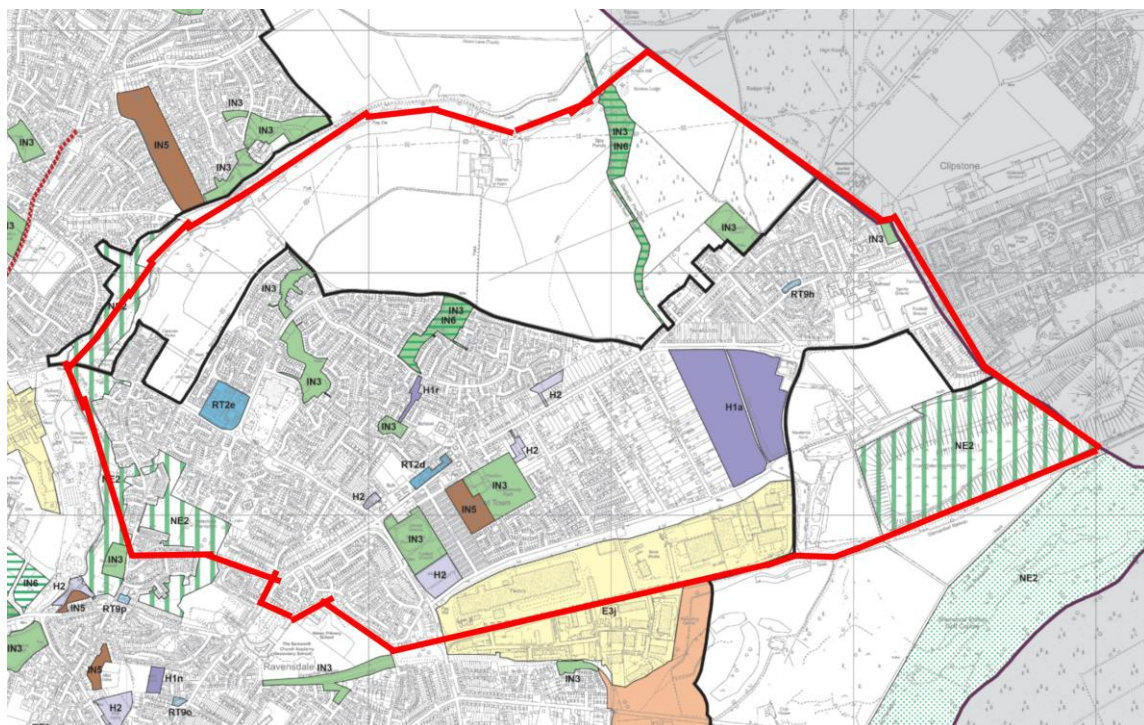
21. Map of Forest Town West portion of Forest Town (from the Forest Town Community Council's Tenants and Residents Association application approved by MDC):



22. Map of Forest Town East portion of Forest Town (from the Forest Town Community Council's Tenants and Residents Association application approved by MDC):



23. The historic wards of Forest Town East and West were 're-branded' to create the four contemporary current wards of Holly, Kingsway, Newlands, and Maun Valley. The boundary of these four wards constitute the administrative boundary of 'Forest Town'. A rough indication of the location of the combined boundary of these four wards with respect to the Local Plan Proposals Map is provided below:



24. This overlay shows that Forest Town covers both areas located within the countryside (in the north, north-east, north-west and south-west), and areas that act as a 'buffer' preventing coalescence of settlements.
25. With regard to the 'export' of housing from other parts of Mansfield to Forest Town (as cited in MDC's response to A3.7.6 quoted above), it should be clear that the concerns repeatedly expressed by residents at Forest Town Community Council meetings are reinforced rather than allayed by MDC's acknowledgement that a disproportionately high level of development is proposed for Forest Town relative to other parts of Mansfield.
26. One official explanation that was offered was that: *"Forest Town forms part of the Mansfield urban area as there is no clear break in settlements"* [S5, A4:77]. As noted above, there are in fact clear breaks in settlements around parts of Forest Town.
27. Yet another explanation, offered at a 'drop in session' by an MDC Planning Officer, was that the true reason that Forest Town's needs were not objectively assessed distinctly from those of the wider district was not for any valid planning reason, but simply as a cost saving measure, as it was cheaper for MDC to commission one single District-wide study, and/or to use existing studies and data sources covering a much wider area, because these were commissioned by or in conjunction with others.
28. In FTCC's view, MDC has repeatedly failed to compare their proposed Local Plan with one that was more sensitive to the differing needs of local communities such as Forest Town that are situated in the band around the Urban Area that could be better described as 'Semi-Rural' or 'Rural Fringe' or 'Urban Fringe'.
29. For this reason, FTCC does not believe that the Sustainability Appraisal actually tests the proposed Plan against reasonable alternatives in terms of the scale of employment and housing development and its broad distribution, and that the reasonable alternatives suggested by FTCC were never seriously considered and so it is not clear why they were discounted.
30. The Community Council's position is that studies relating to Forest Town's housing and infrastructure requirements should now be undertaken to constitute an objective assessment to inform the evidence base of either the Adopted Plan or the Plan's first Five Year Review.
31. Until such detailed objective assessments have been made regarding Forest Town's needs, we think it highly unacceptable for any 'Strategic Urban Extensions' to be allocated in or around Forest Town, or for any other allocations to be made that could result in coalescence of settlements or loss of countryside in and around Forest Town.

32. In light of the Community Council's representation PD/52 [Policy SUE2: '*Land off Jubilee Way*'], FTCC notes that whilst one proposed development in Forest Town is referred to as a 'Strategic Urban Extension' (SUE) this proposed allocation does not appear to arise in response to a clearly and objectively identified strategic need.
33. Given that these 'extensions' are not being relied upon for housing numbers, FTCC maintains that inadequate consideration has been given to the prospect of simply not allocating this (and indeed other) SUE site(s).
34. Therefore, in this respect too, FTCC maintains that the Sustainability Appraisal does not adequately test the proposed Plan against reasonable alternatives. In this case the reasonable alternative of not putting forward SUE2 was not adequately considered and therefore it remains unclear why it was discounted.
35. Furthermore, with regard to the strategic context of green infrastructure, inadequate consideration has been given to the extent to which the land at SUE2 should be protected from development to form part of the Strategic Green Infrastructure Network and to serve as part of a green wedge (or equivalent) to help preserve the integrity and identity of Forest Town (by preventing coalescence, etc.).
36. Such an approach would be consistent with Table 3.1 (Key issues) of MDC's Vision and Objectives Background Paper 2018 [SE6] which, under the Theme of 'Place' includes the following 'Key issue': *"there is a need to protect important strategic areas of open land which serve to maintain the separate identities of our settlements"*, and the following 'Opportunity / requirement': *"the Local Plan policies should protect important areas of separation and prevent coalescence"*.
37. A similar sentiment is set out in Table 2.1 of the Publication Draft of the Local Plan, where under the 'Place' theme an opportunity/requirement is stated to be that: *"the Local Plan policies should protect important areas of separation and prevent coalescence"*.
38. The Forest Town Community Council believes that there the areas of separation currently preventing coalescence of settlements around Forest Town are important, and so should be protected in line with the aforementioned statements from MDC.
39. In document S5 [A3.7.5] a FTCC representation on this topic is summarised as follows:
- "Forest Town Community Council objected as the difference between the urban area and urban fringe is not distinguished and green wedge policies in the 1998 Local Plan had helped maintain the separation of Forest Town from other settlements. They also considered that there has been a disproportionate amount of windfall in Forest Town and that this has had an adverse impact."*

40. Beneath this comment is MDC's response that:

"It is acknowledged that green wedge policies were included in the 1998 Local Plan. These included two sites in the Forest Town area. NE4c covered land between the Crown Farm Industrial Estate and Clipstone; and NE5a covered land between Old and New Mill Lanes. These sites are not being identified for development in the Local Plan Publication Draft and it is not considered appropriate to continue a green wedge policy".

41. The 1998 Local Plan includes saved Policies NE4 and NE5, which sets out two relevant principles:

"NE4 PLANNING PERMISSION WILL NOT BE GRANTED FOR ANY DEVELOPMENTS WHICH WOULD DETRACT FROM THE OPEN CHARACTER OF SENSITIVE GAPS BETWEEN SETTLEMENTS IN THE FOLLOWING LOCATIONS:-

"NE4(C) BETWEEN FOREST TOWN AND CLIPSTONE. 4.25.5 The open area south of Clipstone Road East helps prevent the coalescence of Forest Town and Clipstone. This open break will assume greater importance once the link road and other developments in this vicinity are commenced. It is important for the character and appearance of the area and indeed the perceptions and wishes of local people that the two settlements do not merge."

"NE5 PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENTS WHICH WOULD EITHER DETRACT FROM THE OPENNESS AND LANDSCAPE QUALITY OF THE FOLLOWING GREEN WEDGES OR UNDERMINE THEIR VALUE AS A RECREATIONAL AND WILDLIFE RESOURCE:-

"NE5(A) ALONG THE MAUN VALLEY. 4.25.8 This green wedge along the Maun Valley brings the countryside to within half a mile of the town centre. This area provides a valuable recreational asset as well as a wildlife resource close to the communities of Mansfield Woodhouse and Forest Town. It provides a valuable green area in an otherwise predominantly urban area."

42. FTCC believes that there remains a strategic need for policies to maintain an open break between Forest Town and surrounding areas, including for the very reasons enshrined in the existing Plan's saved policies, and the Community Council maintains that the Sustainability Appraisal fails to adequately consider the implications of this reasonable alternative in relation to the broad distributions of development.

43. As such, MDC proposes a 'strategic urban extension' without adequately and objectively considering the previous strategic role carried out by the land protected in the saved policies of the extant Local Plan, and this raises questions regarding the robustness of the Council's Sustainability Appraisal with respect to Policies S2 and SUE2.

44. FTCC does not believe that the Sustainability Appraisals adequately test the proposed Plan against the very reasonable alternative of maintaining the existing green wedge policy to prevent the coalescence of settlements, and that the Sustainability Appraisals does not provide a satisfactory explanation of why these alternatives were not pursued, despite repeated constructive suggestions put forward by the Community Council, e.g. in relation to the consideration of issues unique to 'urban/rural fringe' locations.
45. With regard to the scale and distribution of employment and housing development in and around Forest Town contained with Policy S2, FTCC maintains that the Sustainability Appraisal fails to adequately consider as a reasonable alternative the adoption of an approach that better protects and enhances the integrity and identity of Forest Town, and that MDC does not provide a satisfactory explanation of why these alternatives were not pursued.