

April 2019 Hearing Statement for MDC's Local Plan Examination in Public

Main Matter 2 – Local Plan Vision, Issues and Objectives, spatial strategy, settlement hierarchy and the distribution of employment and housing land

MAIN MATTER 2 - QUESTION 3 - BACKGROUND:

1. Question 3 falls within the issue: *"Will the plan contribute to the achievement of sustainable development in the plan area (Policy S1)?"*
2. Question 3 asks: *"Is Policy S1 consistent with the NPPF and will it be effective in delivering sustainable development and informing proposals for new development?"*
3. Paragraph 15 of the 2012 version of the National Planning Policy Framework (NPPF) states that Local Plans should provide: *"...clear policies that will guide how the presumption [in favour of sustainable development] should be applied locally".*
4. The fifth principle raised in Labour's Publication Draft submission is relevant to the Mansfield Constituency Labour Party's response to Question 3.
5. The fifth principle set out in Labour's Publication Draft submission – summarised by MDC in **PD/74** (Paragraph 1.6) and **PD/87** (Policy H1, Housing allocations) – is that: *"Planning policies need to unambiguously ensure that inappropriate development will be refused, both to provide greater clarity to potential developers and to empower Planning Committees to reject unsustainable development."*
6. As far as is relevant, MDC's response to **PD/74** (Paragraph 1.6) states: *"In relation to the wording of the policies, they are written positively and are intended to be as clear / unambiguous as possible."*
7. As far as is relevant, MDC's response to **PD/87** (Policy H1, Housing allocations) states: *"It is considered that the wording of policies is clear."*

MAIN MATTER 2 - QUESTION 3 - COMMENTS:

8. In response to Question 3, we do not believe that **Policy S1** (Presumption in favour of sustainable development) would be effective in delivering sustainable development and informing proposals for new development. This is due to the failure in the wording of **Policy S1** and more broadly in the wording of other policies to clearly ensure that the Plan is framed not only to support sustainable development but also to reject unsustainable development, and more generally to make it sufficiently clear as to how the presumption in favour of sustainable development should be applied locally.

9. Policies that appear to inadequately set out how the presumption in favour of sustainable is supposed to be applied and/or that unsustainable development is to be rejected include policies **H2** (Committed housing sites), **H3** (Housing density and mix), **H6** (Specialist housing), **H7** (Houses in multiple occupation and bedsit accommodation), **IN1** (Infrastructure deliver), **NE1** (Protection and enhancement of landscape character), **NE2** (Biodiversity and geodiversity), **CC4** (River and waterbody corridors), **IN2** (Green infrastructure) and **IN6** (Designated local green space).
10. It is perhaps telling that MDC does not simply respond to our submission by stating that the Local Plan would indeed *"empower Planning Committees to reject unsustainable development"*. Instead, MDC's responses to **PD/74**, **PD/87**, **PD/88** (H3), **PD/90** (H6), **PD/91** (H7), **PD/92** (IN1), **PD/93** (IN2), **PD/94** (NE1), **PD/96** (NE2), **PD/98** (IN6), **PD/99** (CC4) and **PD/101** (H2) appear to be focused on stating that policies are *"written positively"*, *"positively worded"*, *"clear"* and/or *"appropriately worded"* which fail to meaningfully address the issues raised.
11. It is unclear what MDC mean by writing a policy 'positively', but if it means written in such a manner as to make it ambiguous as to when planning permission should be refused then this seems counterproductive to effectively promoting sustainable development and adequately informing proposals for new development.
12. Such an approach is unsound and inconsistent with not only national policy but the objectives and vision set out within the Local Plan itself.
13. Furthermore, such an approach raises concerns with respect to the Local Plan's compliance with various legal requirements that seek to ensure that potential adverse impacts of development are properly considered as part of the plan-making and decision-taking processes.
14. Similarly, it is unclear when MDC state that a paragraph or policy is said to be 'clear' or 'appropriately worded' what it is supposed to be clearly doing or why they think the wording is appropriately worded.
15. In essence, MDC are frequently unclear as to whether they are responding that they believe that the policy does what the Mansfield Constituency Labour Party has been calling for (and hence no changes are required) or, alternatively, that the paragraph of policy should not be implementing the relevant principles set out in the Mansfield Constituency Labour Party's Publication Draft submission (and hence no changes are required). MDC merely making it clear that they believe no change is required to the Local Plan does not make it clear why the Council believes that no change is required, and perhaps reflects a general failure by MDC to adequately consider the matters raised within our Publication Draft submission.

16. Furthermore, with respect to **PD/93** and **PD/96**, reference is made to how a planned green infrastructure SPD would help with the delivery of the policy. To the extent that the policy itself is inadequate to protect the natural environment from inappropriate development, it is not acceptable for the matter to be left to an as-yet-unadopted SPD.
17. Whilst further clarity and guidance can be provided in an SPD, the relevant principles need to be set out clearly within the policy itself. As its name itself suggests, a Supplementary Planning Document should provide additional detail to complement a robustly-worded policy rather than rectify a poorly worded policy.
18. Based on the above, the Mansfield Constituency Labour Party maintain that more needs to be done to ensure that the Local Plan is fit for purpose with respect to the issues raised within the fifth principle set out in our Publication Draft submission.

MAIN MATTER 2 - QUESTION 5 - BACKGROUND:

19. Question 5 falls within the issue: *"Is the spatial strategy, settlement hierarchy and distribution of housing, employment and retail development appropriate and justified by a robust and credible evidence base (Policy S2)?"*
20. Question 5 asks: *"Were alternative options for the level and distribution of development considered during the plan's preparation and is it clear why alternatives were discounted?"*
21. The first and fourth principles raised in Labour's Publication Draft submission are relevant to the Mansfield Constituency Labour Party's response to Question 5.
22. The first principle set out in Labour's Publication Draft submission – summarised by MDC in **PD/74** (Paragraph 1.6), **PD/88** (Policy H3, Housing density and mix), **PD/89** (Policy H4, Affordable housing) – was that: *"Provision of good quality Council-built and Council-run social housing needs to be at the core of the Local Plan's housing ambition to ensure that those such as low paid key workers can live and thrive in Mansfield. It is essential that the Plan fully addresses the need to provide appropriate housing and accommodation for those who are currently homeless and for the thousands of people who are on the Council waiting list."*
23. As noted in our Publication Draft Submission, policies relevant to our first principle include: **H1** (Housing allocations); **H3** (Housing density and mix); **H4** (Affordable housing); **H6** (Specialist housing); and **H7** (Houses in multiple occupation and bedsit accommodation). This principle is also relevant to the consideration of **Policy S2**.
24. Mansfield District Council's response to **PD/88** was that: *"Policy H3 provides appropriate guidance on the mix of homes to be developed. It is considered that the wording of policies is clear."*

25. Mansfield District Council's response to **PD/89** was that: *"Whilst Mansfield District Council builds its own affordable housing, the Local Plan needs to ensure that it includes provision for both affordable and market housing."*
26. The fourth principle set out in Labour's Publication Draft submission – summarised by MDC in **PD/74**, **PD/101** (Policy H2, Committed housing sites), **PD/102** (Paragraph 3.9) and **PD/103** (Paragraph 5.13) – is that: *"Housing targets need to be deliverable, as they will create a commitment against which the Council will be evaluated. The target included in the current Draft Local Plan is higher than average historic build rates, raising questions about the proposed target's sustainability and deliverability."*
27. As noted in our Publication Draft Submission, policies relevant to our fourth principle include: **H1** and **H2**; as well as **Paragraphs 3.9** and **5.13**. This principle is also relevant to the consideration of **Policy S2**.
28. Mansfield District Council's response to **PD/101** was that: *"Policy H2 identifies sites which have extant planning permission. The housing target has been set to increase the number of homes built over that of the long term average. It is considered that the policy is appropriately worded."*
29. Mansfield District Council's response to **PD/102** was that: *"The housing target has been set to increase the number of homes built over that of the long term average. The target of 325 dwellings per annum is also aligned with the number of homes required to deliver the D2N2 Strategic Economic Plan 2013."*
30. Mansfield District Council's response to **PD/103** was that: *"The housing target has been set to increase the number of homes built over that of the long term average. The target of 325 dwellings per annum is also aligned with the number of homes required to deliver the D2N2 growth strategy."*

MAIN MATTER 2 - QUESTION 5 - COMMENTS:

31. The Local Plan needs to ensure that there is sufficient affordable housing for local people to buy and rent. This means we need to build affordable homes and council houses, provide affordable rents that are accessible to our community, and build homes that local families can buy.
32. In response to Question 5 of Main Matter 2, the Mansfield Constituency Labour Party takes the position that alternative options for the level of development were not adequately considered during the plan's preparation and that it is not clear why alternatives were discounted.
33. In their response to **PD/74**, **PD/89**, **PD/101**, **PD/102** and **PD/103**, Mansfield District Council (MDC) does not adequately address the concerns we raised, e.g. regarding deliverability, and MDC does not set out a clear case for why they chose the housing targets that they did.

34. Whilst MDC cites the desire *"to provide a step change in housing delivery as required by the NPPF"*, they do not cite any specific paragraphs of the NPPF upon which they rely to justify the precise housing targets that they chose as opposed to a lower target that they could have chosen.
35. The only other justification that MDC cites is the *"D2N2 Strategic Economic Plan 2013"* (or the *"D2N2 growth strategy"*), but no analysis is provided to demonstrate that the Economic Plan, and the assumed level of economic growth for Mansfield anticipated in this historic Economic Plan, remain valid given the passage of time and any changes in circumstance which have occurred since that Economic Plan was published more than half a decade ago.
36. Furthermore, MDC does not appear to have given any consideration to the extent to which a lower level of buffer would be required if, as the Labour Party called for, the Council were to opt for a greater commitment to delivering a larger number of affordable and social housing themselves.
37. Councils have greater incentive than the private sector to develop as quickly as possible, rather than engage in 'land banking', due to the overriding objective to deliver for their residents. It is logical that the greater the Council's commitment to building Council housing, the greater the degree of certainty and thus the lesser the justification for MDC's chosen level of buffer. If the Council were to provide further evidence of their commitment to build Council housing then this could form part of the evidence base that would justify that Council houses are not only 'deliverable' but that Council houses are likely to be delivered.
38. We do not believe that lower housing targets (i.e. lower level of development) were adequately considered during the Plan's preparation, and it is insufficiently clear why such alternative levels of development were discounted at an earlier stage and not re-considered at a later stage due to the passage of time, changes in circumstances, and availability of new evidence.
39. Based on the above, the Mansfield Constituency Labour Party maintain that more needs to be done to ensure that the Local Plan is fit for purpose with respect to the issues raised within the first and fourth principles set out in our Publication Draft submission.

MAIN MATTER 2 - QUESTION 20 - BACKGROUND:

40. Question 20 falls within the issue: *"Is the approach to development in the countryside soundly based (Policy S5)?"*
41. Question 20 asks: *"Overall, will the strategic priorities and objectives deliver the plan's vision and is the spatial strategy and distribution of development soundly based? Are any main modifications necessary for soundness?"*
42. In relation to this question, our focus is on the element of the question which asks: *"is the spatial strategy and distribution of development soundly based"*.

43. The third principle raised in Labour's Publication Draft submission is relevant to the Mansfield Constituency Labour Party's response to Question 20.
44. The third principle set out in Labour's Publication Draft submission – summarised by MDC in **PD/74** (paragraph 1.6), **PD/97** (Policy HE1, Historic environment) and **PD/100** (Policy S5, Development in the countryside) – was that: *"It is vital to protect and enhance the environment, and more needs to be done to ensure that the Plan actually delivers net gains for nature and makes Mansfield a better place for people to live and work. This can support sustainable green tourism, making the most of Mansfield's location at the heart of historic Sherwood Forest."*
45. As noted in our Publication Draft submission, policies relevant to our third principle include: **IN2** (Green infrastructure); **NE1** (Protection and enhancement of landscape character); **NE2** (Biodiversity and geodiversity); **HE1** (Historic environment); **IN6** (Designated local green space); **CC4** (River and waterbody corridors); and **S5** (Development in the countryside).
46. MDC's response to **PD/97** was that: *"The Local Plan needs to be read as a whole."*
47. Mansfield District Council's response to **PD/100** was that: *"The Local Plan needs to be read as a whole and policy NE2 covers net gains for biodiversity, policy S5 allows for tourism and recreation uses within the open countryside."*

MAIN MATTER 2 - QUESTION 20 - COMMENTS:

48. In response to Question 20 of Main Matter 2, the Mansfield Labour Party takes the position that the approach to development in the countryside is not soundly based.
49. The Mansfield Constituency Labour Party's comments with respect to NE2 are set out in our Hearing Statement for Main Matter 3 (Questions 10 and 14). However, Question 20 of Main Matter 2 seems to be the most appropriate place to comment on the linkage between protecting the countryside and supporting green tourism. This linkage relates to our submissions **PD/97** and **PD/100** to **Policy S5**.
50. By simply stating in their response to **PD/97** that *"The Local Plan needs to be read as a whole"* MDC falls short of providing adequate reassurances that the Plan would actually deliver net gains for nature and make Mansfield a better place for people to live and work and that planning applications would be refused if they failed to do so.
51. In MDC's response to **PD/100** reference is made to how S5 *"allows for tourism and recreation uses within the open countryside"*. This statement falls well short of fulfilling the Labour Party's vision that, under the Plan, green tourism should be expected to make the most of Mansfield's location at the heart of Sherwood Forest in a manner that is respectful of protecting and enhancing the environment, delivering net gains for nature, and making Mansfield a better place for people to live and work.

52. The Plan as a whole does not do enough either to safeguard from unsustainable development locations for potential sustainable green tourism opportunities nor to ensure that tourism promotes and enhances sustainability and respects the natural environment and the countryside.
53. Simply '*allowing for tourism and recreation uses within the open countryside*' could be counterproductive to promoting green tourism, as not all tourism and recreation are environmentally sustainable and as not all tourism and recreation uses can be guaranteed to adequately respect the open countryside and the need to protect the tranquillity, biodiversity and other interests associated with both the open countryside and woodland sites within the open countryside.
54. There is, in effect, a careful balancing exercise that needs to take place to promote the right sort of activities at a sustainable scale, whilst discouraging activities that may bring short-term economic gains that are delivered at the expense of future generations (i.e. that are unsustainable by virtue of compromising the ability of future generations to meet their own needs) and that prevent or undermine other more sustainable opportunities.
55. Simply put, the Mansfield Labour Party does not believe that the spatial strategy is soundly based because we do not believe that the Local Plan, read as a whole, does enough to ensure that development, including development in the countryside, meets the needs of the present without compromising the ability of future generations to meet their own needs.
56. Based on the above, the Mansfield Constituency Labour Party maintain that more needs to be done to ensure that the Local Plan is fit for purpose with respect to the issues raised within the third principle set out in our Publication Draft submission.