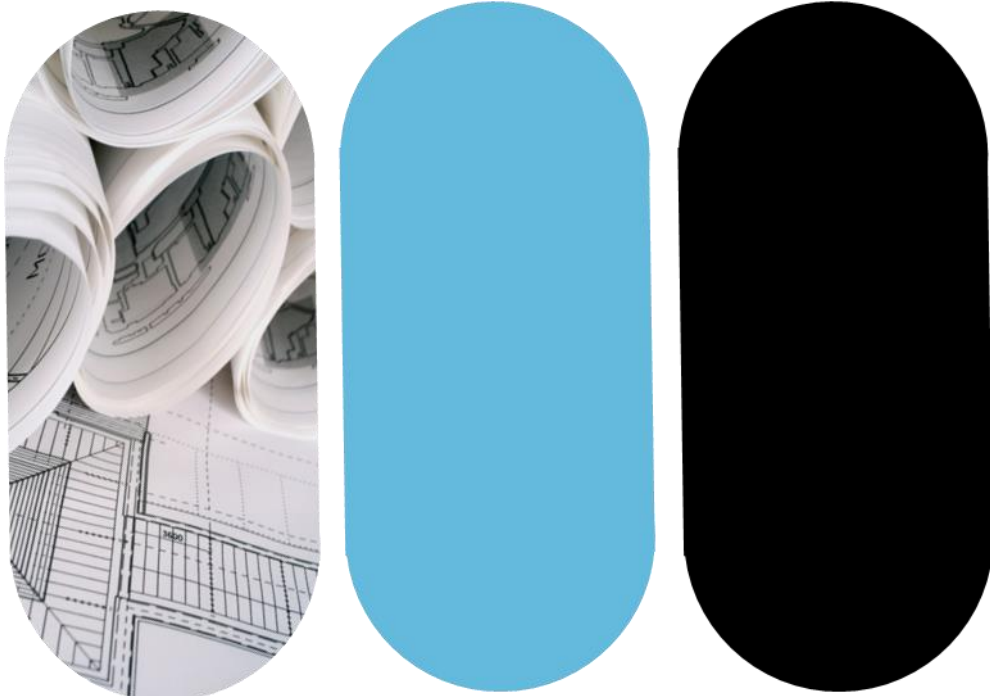


**WRITTEN STATEMENT IN RESPECT OF THE EXAMINATION OF  
THE MANSFIELD DISTRICT LOCAL PLAN 2013 - 2033 (APRIL  
2019)**

**MAIN MATTER 6 - WHETHER OR NOT THE PROPOSED  
HOUSING ALLOCATIONS ARE SOUNDLY BASED AND  
DELIVERABLE, WHETHER OTHER HOUSING POLICIES ARE  
SOUNDLY BASED AND WHETHER A 5 YEAR SUPPLY OF LAND  
CAN BE PROVIDED ON ADOPTION AND THROUGHOUT THE  
PLAN PERIOD**

On Behalf of Hallam Land Management Ltd



## 1. INTRODUCTION

- 1.1 This Written Statement is made on behalf of our client, Hallam Land Management Ltd, in respect of its interests in Land at New Mill Lane, Mansfield, as part of the forthcoming examination (EIP) of the Mansfield District Local Plan 2013-2033. The extent of Land at New Mill Lane is shown at **Appendix 1** of these representations.

## 2. MAIN MATTER 6 - WHETHER OR NOT THE PROPOSED HOUSING ALLOCATIONS ARE SOUNDLY BASED AND DELIVERABLE, WHETHER OTHER HOUSING POLICIES ARE SOUNDLY BASED AND WHETHER A 5 YEAR SUPPLY OF LAND CAN BE PROVIDED ON ADOPTION AND THROUGHOUT THE PLAN PERIOD

- 2.1 The representations made below follow the form of the specific questions raised in the Inspector's Matters and Issues paper for the Examination. Responses are provided to only those questions that are considered relevant.

### ***Issue – Is the housing site selection process based on a robust assessment against relevant criteria?***

*1. Is the site selection process for the housing allocations soundly based, including sustainability appraisal and the testing of reasonable alternatives? Is the site selection methodology based on an appropriate set of criteria?*

- 2.2 It is considered that the site selection process for the housing allocations lacks consistency and transparency, and is therefore not fit for purpose.
- 2.3 Our client has interests in 'Land at New Mill Lane, Mansfield'. This site, and adjoining parcels of land, comprised a draft allocation at all previous

stages of the plan preparation, however, was omitted from the Publication Draft version of the Local Plan. An outline planning application (reference 2017/0293/OUT) for circa 130 dwellings on the site is currently under consideration by the LPA. It is to our understanding that the site was subsequently removed as a draft allocation due to concerns over viability. At the time the decision was taken to deallocate the site, the affordable housing quantum on the application site was being challenged and a District Valuer (DV) judgement was pending. It is considered that this was what ultimately led the Council to deallocating the site from the Publication Version of the Plan. However, issues relating to viability have now been addressed in the application and a position on affordable housing with the DV and the LPA has been reached. As such, 'Land at New Mill Lane' should be included as a housing allocation in the Plan. This site is readily available in the short term if planning permission is approved. Further information on 'Land at New Mill Lane, Mansfield' is set out in paragraph 2.24 of these representations below.

- 2.4 Generally, our client feels there has been a complete lack of transparency and engagement throughout the site selection process.

*2. Are the reasons for selecting allocated sites and rejecting other clearly set out and justified?*

- 2.5 As noted above, we consider the reasons for selecting the allocated sites and rejecting others to not be entirely justified. We wholly disagree with the Council's decision not to take forward the allocation of 'Land at New Mill Lane' as a site for residential development.

*5. The following three questions apply to each of the sites proposed for housing as set out in the table below:*

#### **H1c Fields Farm, Abbott Road**

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*a. Is the amount of development proposed for each site justified having regard to any constraints and the provision of necessary infrastructure?*

- 2.6 This site is allocated for approximately 200 new homes. The Sustainability Appraisal Addendum (December 2018) recognises that there are potential effects upon biodiversity that would need to be assessed and managed, as would potential flood risk issues. It also identifies that the site is of high landscape value and has archaeological potential. It is considered that there is insufficient evidence to demonstrate that these issues can be overcome and that the identified constraints will not significantly impact upon the total capacity of the site.

*b. Are the development requirements for each site clear and is the development proposed for each site deliverable in the timescales envisaged in the delivery trajectory?*

- 2.7 The Housing Technical Paper Addendum (December 2018) suggests that the site will be able to deliver 30 homes on site by April 2023. There is no current planning application submitted on the site so it is considered that such delivery in the short term is unlikely. Preparation, submission and determination of a planning application is likely to take 18 months at best, which would mean consent being granted late 2020, assuming an application is submitted immediately. If the site is being promoted by a land promoter, then it is likely to take circa 8-10 months for the site to be sold to a house-builder, after which most house-builders then allow a period of 12 months to secure reserved matters consent; this would mean a start on site (following discharge of pre-commencement conditions) late 2022. As such, the completion of 30 units by April 2023 is unrealistic. Furthermore, the site is in potential competition with nearby sites including some with extant planning permission; these sites have the potential to slow sales rates from this site. Therefore, we suggest that the site won't start to deliver at the earliest until late 2023/early 2024.

*c. Are any further safeguards or mitigation measures necessary to achieve an acceptable form of development including in relation to:*

- ecology, biodiversity, green infrastructure and agricultural land;*
- landscape quality and character;*
- heritage assets;*
- strategic and local infrastructure including transport;*
- air and water quality, noise pollution, land stability and flood risk.*

2.8 It is understood that the site includes Grade 2 Agricultural Land and may have drainage issues associated with permeability. Mitigation measures will therefore be necessary to make this an acceptable form of development.

*d. Overall, would the site allocation be soundly based and are any main modifications necessary for soundness?*

2.9 It is considered that this site faces significant constraints and may not be deliverable or even developable within the plan period. Modifications on the projected timescales for delivery will be required for soundness, for reasons stated above.

#### **H1d Three Thorn Hollow Farm**

*a. Is the amount of development proposed for each site justified having regard to any constraints and the provision of necessary infrastructure?*

2.10 This site is allocated for approximately 188 new homes. As set out in the Sustainability Appraisal Addendum (December 2018), development on site has the potential to impact on biodiversity due to its proximity to Rainworth Lakes SSSI and Rainworth Dismantled Railway LWS. Further

evidence needs to be provided by the Council on these potential impacts, as mitigation measures may be required which could impact upon the total amount of dwellings achievable. Nearby SSSIs and LWS have the potential to sterilise areas of a site due to the need for planting buffers or habitat.

*c. Are any further safeguards or mitigation measures necessary to achieve an acceptable form of development including in relation to:*

- *ecology, biodiversity, green infrastructure and agricultural land;*
- *landscape quality and character;*
- *heritage assets;*
- *strategic and local infrastructure including transport;*
- *air and water quality, noise pollution, land stability and flood risk.*

- 2.11 The creation and maintenance of appropriate ecological buffers to Rainworth Lakes SSSI, Foul Evil Brook and local wildlife site located to the south will be necessary. It should also be noted that there is also a risk of surface water flooding (Sustainability Appraisal Addendum).

*d. Overall, would the site allocation be soundly based and are any main modifications necessary for soundness?*

- 2.12 As stated before, further evidence is required to ensure this allocation is justified and acceptable in planning terms.

#### **Land at Redruth Drive (H1e)**

*a. Is the amount of development proposed for each site justified having regard to any constraints and the provision of necessary infrastructure?*

- 2.13 This site is allocated for approximately 169 new homes. However, the
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Sustainability Appraisal Addendum indicates that the site only has capacity for 99 dwellings. This is because of the potential for negative effects upon landscape character, a loss of agricultural land and flood risk would need to be managed. This site is located in an area of concentrated run-off and there would a requirement for SUDs.

*b. Are the development requirements for each site clear and is the development proposed for each site deliverable in the timescales envisaged in the delivery trajectory?*

- 2.14 The site is projected to start to deliver housing in 2022/23. It is understood that an outline planning application was submitted in March 2019 for up to 169 dwellings (2019/0183/OUT). It should be noted that a previous permission (2011/0254/ST) lapsed and it is unclear why this approval was not built out. Further investigation into this matter is necessary, as this points towards concerns over the site's viability and ultimately its deliverability during the plan period.

*d. Overall, would the site allocation be soundly based and are any main modifications necessary for soundness?*

- 2.15 There are significant constraints that will delay delivery rates at Land at Redruth Drive, therefore we suggest that the site won't start to deliver anything within the first five years of the plan. Subsequently modifications will be necessary to make the delivery trajectory sound.

#### **H1f Former Rosebrook Primary School**

*a. Is the amount of development proposed for each site justified having regard to any constraints and the provision of necessary infrastructure?*

- 2.16 This site is allocated for approximately 134 new homes. The Sustainability Appraisal Addendum (December 2018) indicates some potential negative effects including a risk of surface water flooding. Flood

risk will need to be assessed, mitigated and managed and a small area of the site is potentially unstable land and should be avoided. All of this means that the amount of development proposed could be negatively affected.

*b. Are the development requirements for each site clear and is the development proposed for each site deliverable in the timescales envisaged in the delivery trajectory?*

- 2.17 The former Rosebrook Primary School is projected to deliver 25 dwellings on site by April 2024. It is understood that no planning application has yet been submitted on this site (as of April 2019). It should be stressed that there are significant constraints to developing the site including the whole of site being located within area with low permeability soils which may increase risk of surface water flooding. Therefore, we suggest that any housing delivered on this site is unlikely to be delivered in the timescales envisaged.

*d. Overall, would the site allocation be soundly based and are any main modifications necessary for soundness?*

- 2.18 It is unrealistic to propose that the site will start to be built out in 2023/24. There is no evidence underpinning this assumption, therefore modifications are required for soundness.

#### **H1o Ladybrook Lane/Tuckers Lane**

*a. Is the amount of development proposed for each site justified having regard to any constraints and the provision of necessary infrastructure?*

- 2.19 This site is allocated for approximately 33 new homes. It is understood that confirmation is needed that any legal consents required from the Secretary of State to sell the school playing fields have been secured (as stated in the Housing and Economic Land Availability Assessment -



Summary of Sites, 2018). This is a significant constraint relating to the availability of the land that has the potential to impact on the site's delivery.

*b. Are the development requirements for each site clear and is the development proposed for each site deliverable in the timescales envisaged in the delivery trajectory?*

2.20 The site is projected to deliver 13 new homes by April 2027. Although this is some way off, the lack of information surrounding the above-mentioned constraints makes it very difficult to rely on any delivery from this site in the plan period.

*c. Are any further safeguards or mitigation measures necessary to achieve an acceptable form of development including in relation to:*

- *ecology, biodiversity, green infrastructure and agricultural land;*
- *landscape quality and character;*
- *heritage assets;*
- *strategic and local infrastructure including transport;*
- *air and water quality, noise pollution, land stability and flood risk.*

2.21 It should be noted that there will be likely mitigation measures required in relation to flood risk which could also impact upon the rate of delivery.

*d. Overall, would the site allocation be soundly based and are any main modifications necessary for soundness?*

2.22 Owing to the lack of availability of the land for development, further information should be requested from the development team, otherwise the site would be deleted as an allocation.

### **H1m Land off Balmoral Drive**

*b. Are the development requirements for each site clear and is the development proposed for each site deliverable in the timescales envisaged in the delivery trajectory?*

- 2.23 This site is allocated for approximately 35 new homes. An outline application with all matters reserved (2015/0083/NT) is currently awaiting a decision. The application was submitted January 2015, it is understood that the decision is pending the signing of a S106 (Housing and Economic Land Availability Assessment - Summary of Sites, 2018). It is argued that there is no certainty that 35 dwellings will be delivered within the timescales proposed. The site appears to be promoted by a landowner and there is no evidence that there is even a Housebuilder on board. For such a small site, it is surprising that delivery timescales are so delayed (development is not expected to start on site until the 2024/25 period). The council should be cautious that this site may fail to deliver at all within the plan period.

### **Land at New Mill Lane, Mansfield**

- 2.24 We wholly disagree with the Council's decision not to take forward the allocation of 'Land at New Mill Lane' as a site for residential development.
- 2.25 An outline planning application (reference 2017/0293/OUT) for circa 130 dwellings is currently under consideration by the LPA at 'Land at New Mill Lane'. Thus, this site would be readily available in the short term if planning permission is approved.
- 2.26 The site was previously a draft allocation in the Consultation Draft (2016), referred to as Policy M3 (ae). The site made up part of a larger site (Land at Old Mill Lane), which was allocated for up to 516 homes in the Preferred Options document (2017) which stated that:

*‘The site makes a very positive contribution to housing provision and is within very close proximity to the primary road network. Access to services and facilities is broadly good, with the exception of health facilities. The scale of the site could support new/improved facilities. A small part of the site falls within a local wildlife site, but it’s well placed to secure enhancements to green infrastructure/ biodiversity and landscape character (pg. 21).*

- 2.27 It is to our understanding that the site has been subsequently removed as an allocation due to concerns over viability in relation to the infrastructure required. The site selection Technical Paper states that:

*‘Substantial junction improvements have been identified as required with a contribution from the three sites estimated at around £3.25 million or over £9,200 per dwelling; this contribution, together with the other infrastructure required, means the sites are considered unviable’ (pg.20).*

- 2.28 These representations seek to demonstrate that these issues relating to viability are in the process of being addressed and that subsequently ‘Land at New Mill Lane should be included as a housing allocation in the Plan. Importantly, unlike a number of sites referred to above, it has been demonstrated through the planning application process for the scheme that the site at New Mill Lane has no technical constraints to development and the site represents a wholly deliverable, developable and suitable site for allocation in the Local Plan. Put simply, it can make an important contribution towards the Council’s housing land supply.

### ***Sustainability***

- 2.29 The site is in a wholly sustainable location and provides a logical extension to the Mansfield Urban Area. In light of recent development on adjacent land, the proposal can successfully integrate itself into the surrounding townscape.

- 2.30 The site is well connected to the built up area of Forest Town which has an abundance of local facilities including a number of shops; restaurants & pubs, primary schools & nurseries, healthcare facilities and places of worship. It also has good access to frequent public transport services at Holly Road, circa 450m south east of the site.
- 2.31 Indeed, the Assessment of Locations for Additional Housing Land in Mansfield District May 2015 (AL AHL) identified the site as within Zone 13 and performs extremely well in terms of the site's proximity to Mansfield Town Centre or a District Centre (Sandlands) and exceptionally well in respect of proximity to a major employment site. The zone also performs well in respect of its proximity to a doctor's surgery/health centre, a number of primary schools, a secondary school and recreation/leisure/open space.
- 2.32 This is also reflected in comments made in the Site Selection Technical Paper which states that 'there is good access to the nearby industrial estate on Old Mill Lane and to shopping facilities located at Fulmer Close. Bus routes are located on Old Mill Lane and at Holly Road' (pg.20).

### ***Technical Issues***

- 2.33 The submitted planning application clearly demonstrates that residential development can certainly be delivered on this site. The accompanying technical reports submitted alongside the application demonstrate that there are no insurmountable technical issues in the development control sense that should prevent permission being granted.
- 2.34 The only two issues that caused a delay to the determination of the planning application were the securing of highway approval from NCC and discussions between the District Valuer (DV), the council and the applicant over viability (principally affordable housing contributions).

However, as of April 2019, NCC Highways have confirmed that they no longer have any objections to the proposals. The viability issue was resolved in late-2018 when agreement was reached between all parties on a slightly reduced quantum of affordable housing.

- 2.35 Importantly, and in respect of comments made in Matter 5 in relation to the Jubilee Way site, the Site Selection Paper identifies at paragraph 9.14 that, *“While the main access will be onto the same road as Land off Jubilee Way (the A6117), the site has a greater impact on the heavily congested A60 junctions.”* It is unclear how the Council know this as the comments made in respect of Jubilee Way and any highway improvements are ambiguous as noted above.
- 2.36 The Council are not demonstrating a **consistent approach** to plan making here – if this site is being deallocated due to viability concerns regarding highway improvements, it is highly likely that the Jubilee Way SUE will have the same viability issues, especially in light of the other improvements and mitigating factors that would need to be taken into account on the Jubilee Way site as identified above. In addition, it is noted in commentary in Matter 5 in respect of the Pleasley Hill SUE that the highway improvement costs associated with that site are much higher than those associated with New Mill Lane, yet the site is being progressed as a site allocation. This is highly concerning especially in light of the other technical considerations noted in respect of the Pleasley Hill site.
- 2.37 The submitted scheme at ‘Land at New Mill Lane’ provides direct access to New Mill Lane and also seeks to provide options for linkages with the parcel of land due south of the site.
- 2.38 The accompanying Transport Statement submitted in support of the planning application confirms that the required visibility splays are achievable and the development traffic increases would not have a

detrimental impact on the surrounding highway network in terms of capacity or highway safety.

2.39 It also confirms that the site is in as sustainable location and that that residents would have reasonable opportunities to travel by non-car modes within the existing infrastructure. The site has been designed to encourage pedestrian and cycle trips to the Sandlands District Centre via new and improved pedestrian and cycle access links connecting the application site with the adjacent David Wilson Homes development. This same pedestrian and cycle access link also links up with existing pedestrian and cycle links with the Maun Valley north of the site.

2.40 It is considered that the application should not be prevented or refused on transport grounds as the residual cumulative impacts of development are **not severe** as aligned with paragraph 109 of the NPPF.

#### ***Flood Risk and Drainage***

2.41 The application site is located wholly within Flood Zone 1 meaning it is suitable for residential development in flood risk terms. The Flood Risk Assessment and Drainage Strategy demonstrated that there are solutions for the drainage of the site which would not increase flood risk to the wider catchment area.

#### ***Ecology***

2.42 The Ecology report established that the site does not provide a particularly important “wildlife resource” and there are no ecological issues that would preclude or outweigh the benefits of development.

#### ***Open Space***

2.43 The submitted scheme proposes a good level of onsite open space. This includes a green infrastructure network of retained vegetation, new

landscape habitats of hedges and trees, provision of informal areas of Public Open Space and a new children's play area equating to a total provision of 1.68 hectares of land dedicated to landscape, GI, public open space, LEAP, and habitat, which represents a circa 36% of the overall site area.

### ***Landscape***

- 2.44 The Landscape and Visual Appraisal recognises that views of the development will be softened once the Green Infrastructure (GI) is established, reducing its overall effects to minor adverse. The overall effects may also be lessened further still when considered in the context of recent development, and the fact that development would be located adjacent to the built up area and the settlement edge.

### ***Loss of Agricultural Land***

- 2.45 The Agricultural and Soils Report identifies that the land cannot be regarded as the best and most versatile agricultural land and in the context of paragraph 10 of the NPPF it should be regarded as land with the least environmental or amenity value consistent with other policies in the NPPF.

### ***Economic Benefits***

- 2.46 The site will significantly boost the supply of housing and contribute to social needs through improving the choice and mix of housing and making financial contributions towards social, community and transport infrastructure that other smaller developments may not be able to viably deliver.
- 2.47 Most importantly, the proposal will generate economic benefits in the form of New Homes Bonus payments to Mansfield District Council which will provide significant benefits to the local community. The construction

of 130 dwellings, at an average Council Tax Band C, would result in payment of around £822,892 over six years to Mansfield District Council.

***Hallam Land Management***

- 2.48 It should also be recognised that the site is within single ownership, and is being promoted by Hallam Land Management who have an outstanding track record of delivering residential schemes across the country. Put simply, Hallam Land Management are fully committed to the scheme which is especially important when considered in the context of footnote 11 to paragraph 49 of the NPPF.

***Strategic Larger Allocation***

- 2.49 The layout plan submitted as part of the planning application seeks to provide a comprehensive scheme which provides access points to the more southerly land ensuring these parcels can be developed in the future. This will result in a wholly sustainable and deliverable development.
- 2.50 The whole of this strategic site provides an abundance of opportunities to link up with and enhance the Maun Valley trail. As noted in the Site Selection Technical Paper, the site has potential to *‘provide improved walking and cycling connections along and to the River Maun strategic GI corridor’* and help to create enhanced green corridor and new/enhanced wildlife corridors.
- 2.51 Whilst it is appreciated that the Council should consider the wider aspirations for this strategic site, the Plan should identify that ‘Land at New Mill Lane’ could come forward in the short term through a phasing strategy that would not jeopardise the delivery of a connected development on other parts of the wider site.
- 2.52 This would ensure that sites can be delivered quickly and independently



if opportunities arise. This is especially important when considered in the context of the Council's persistent past under delivery. This also provides the Council with the comfort that a joined up approach to the overall development of the area is safeguarded.

- 2.53 Notwithstanding this, Hallam Land Management have taken a proactive approach to ensuring the site can come forward as a whole for comprehensive development. Hallam Land Management are in regular contact with the other landowners for the wider site and Hallam Land Management have been party to a number of meetings between the three landowners and the Council in order to ensure that any delivery on their parcel of land would not jeopardise the delivery of the remaining parcels of land. This does not seem to be taken into account by the Council when they have made the decision to deallocate the site.

### ***Summary***

- 2.54 In summary we believe that 'Land at New Mill Lane' shown at **Appendix 1** should be included as a housing allocation within Policy H1 within the adopted Mansfield Local Plan as it will be integral to assisting the Council in meeting its identified objectives, vision and strategic priorities, and that the proposals will represent truly sustainable development.
- 2.55 It is important that the Council properly and carefully consider all options for development in order to ensure they allocate suitable sites for development which have an excellent prospect of being delivered. If the plan is adopted and the sites included become undeliverable, this is likely to lead to future housing land supply issues for the Council.

### ***Definition of deliverability***

- 2.56 Plans should be deliverable over the plan period, and in accordance with NPPF, need to identify a supply of deliverable and developable sites for housing. Underestimating housing numbers on deliverable or

developable sites means the Local Plan is in danger of being considered unsound.

2.57 It is acknowledged that the Mansfield District Local Plan will be assessed against the definition of 'deliverable' as set out in the superseded National Planning Policy Framework 2012. However any appeal made under section 78 of the Town and Country Planning Act 1990 will be assessed against the definition of 'deliverable' as set out in the new NPPF 2018.

2.58 A recent appeal (Appeal Ref: APP/W3520/W/18/3194926) made by Landex Ltd against the decision of Mid Suffolk District Council indicates that the burden of proof on what should be in the five year supply now rests with Local Planning Authorities. This appeal decision is provided as part of our Publication Draft representations (October 2018). The Inspector found that the Council had little to evidence completions from sites with outline planning permission within the 5 year period and subsequently removed nearly all of them from the Council's supply. The Inspector stated -

*"Sites with outline planning permission make up a very large proportion of the Council's claimed supply. The onus is on the Council to provide the clear evidence that each of these sites would start to provide housing completions within 5 years. I accept that there was clear evidence of what was necessary on one site provided in Mr Robert's evidence and so the 200 dwellings in respect of that site should be added to the Appellant's supply calculations. As for the other 1,244 dwellings with outline permission, the Council has not even come close to discharging the burden to provide the clear evidence that is needed for it to be able to rely upon those sites"* (para 68).

2.59 From this we can attain that any Inspector at future appeals will take a robust view on 'deliverability' as per the definition in the new NPPF 2018.

Therefore we recommend that additional sites are allocated (in order to buffer the Council's trajectory and provide further flexibility) which are deliverable and can make up part of the Council's 5 year supply. This approach will allow additional housing development to come forward in a manner that is dictated/controlled by Mansfield District Council rather than through speculative appeals.

## APPENDIX 1

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### SITE LOCATION PLAN



## SITE LOCATION PLAN

