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## Response on behalf of Bolsover Properties Limited to the Regulation 19 pre-submission draft Local Plan Consultation for the new Ashfield Local Plan

### **Response to the Preferred Options draft Local Plan Consultation (Regulation 19)**

- 1.1 This response has been prepared by Cerda Planning Ltd on behalf of Bolsover Properties Limited and Welbeck Estates Limited in response to the Regulation 19 Pre-Submission draft of the new Ashfield Local Plan 2023-2040.
- 1.2 The response to the Regulation 19 Consultation below is submitted in reference to three particular sites, in the Ashfield District Council area. They are:
  - Land to the south of Southwell Lane (adjacent to Welshcroft Close), Kirkby-in-Ashfield
  - Land to the southwest of Aerial Way, Hucknall
  - Woodland known as Coxmoor Plantation, Harlow Wood and Thieves Wood
- 1.3 Each site has its own planning history and is affected by different proposed policies and therefore each site is dealt with separately below.

#### **Land to the south of Southwell Lane, Kirkby-in-Ashfield**

- 1.4 Outline planning permission was granted on 29.05.2015 under reference V/2014/0530 for residential development. An extract of the Location Plan submitted as part of the application is shown for clarity:



- 1.5 Condition 2 of the outline planning permission required an application for approval of the Reserved Matters to be made within 3 years of the date of the permission.
- 1.6 A Reserved Matters application (V/2018/0333) for 60 dwellings was submitted to and made valid on 25.05.2018 in accordance with Condition 2 of the above outline planning permission:



- 1.7 This application for 60 dwellings is yet to be determined. As such, the outline permission is considered to be extant. The applicant who submitted the Reserved Matters application is no longer able to proceed with the application and therefore Bolsover Properties Limited are seeking permission to take the application forward on their behalf. Bolsover Properties Limited are a successful developer in the area and are keen to progress the Reserved Matters application for this site.
- 1.8 In addition, as part of the outline planning permission for Land off Wolsey Drive a number of off-site ecological works have been undertaken to improve the woodland to the south of the Southwell Lane site. This involved orchid and butterfly egg translocation in order to increase the level of biodiversity within the woodland. The works were undertaken as part of the s106 agreement relating to the development of the Wolsey Drive site.
- 1.9 This demonstrates a commitment from Bolsover Properties Limited not just to develop the site Southwell Lane site, but also to provide the improvements necessary to mitigate the impact of the development. In order to safely access the improved woodland the site needs to be developed in accordance with the Reserved Matters application so that the required standard of pedestrian access to the woodland can be provided. The grassland between the woodland and the Southwell Lane site will also be improved as part of the s106 agreement for Land off Wolsey Drive. This will be undertaken following that granting of Reserved Matters permission for the Southwell Lane site and will include the improved access to the woodland. It is a holistic proposal that will not only deliver

much-needed housing, but will also lead to the required improvements in open space and biodiversity sought by the Ashfield Local Plan 2023 to 2040.

- 1.10 The Ashfield Local Plan 2023 to 2040 shows the site covered by three policies; S1(a)(1): Spatial Strategy to Deliver the Vision, S10: Improving Transport Infrastructure and EV4(1): Green Infrastructure, Biodiversity and Geodiversity. Each of these policies is covered below in respect to the site, along with Policy H1: Housing Site Allocations, which should be applied to this site.

#### Strategic Policy S1: Spatial Strategy to Deliver the Vision

- 1.11 This policy identifies the site as being located within the Main Urban Area of Kirkby-in-Ashfield, which is where the largest scale of growth for the District is proposed. As such, the proposal to develop the site for housing is supported and therefore the policy itself is supported in respect of the proposal to develop the site for 60 dwellings.

#### Strategic Policy S10: Improving Transport Infrastructure

- 1.12 Within criterion d. this policy proposes improved connectivity in the District by creating a comprehensive network of high-quality pedestrian and cycle networks, including a new route connecting Hucknall to Kirkby and Sutton and Mansfield. This route is shown on the Policies Map as the Town Fund Cycling and Walking Route and runs north-south through the proposal site. This is a new designation and was neither in place during the consideration of the outline planning permission, nor is it part of the current live Reserved Matters application.
- 1.13 Whilst the aims and objectives of the policy are supported the proposed location of the footpath link shown on the Policies Map would cut straight across the proposed site which has been submitted for approval as part of Reserved Matters application V/2018/0333.
- 1.14 The layout under consideration as part of V/2018/0333 is not compatible with the north-south footpath link shown on the Policies Map. It is also queried whether this footpath link remains possible, as a recent development to the south of the above site, Millers Way, does not appear to enable a connection between the north and on to Millers Way.
- 1.15 There are proposed pedestrian links through the site submitted with application V/2018/0333 and in addition there is a footpath proposed to the east of the site, just west of the Counter Battery Services building. Therefore, it is suggested that the policy regarding this high-quality pedestrian and cycle network is amended to give some flexibility so that the current live planning application can help towards providing the network, but without having a detrimental impact upon the proposed layout as submitted.

#### Policy EV4: Green Infrastructure, Biodiversity and Geodiversity

- 1.16 This policy seeks to deliver, conserve and enhance Green Infrastructure. Whilst these objectives are supported the policy designation on the Policies Map covers the east and west of the site, which already benefits from outline planning permission for housing. The designation on the Policies Map should therefore be amended to remove this site

from the designation, particularly as it is previously developed land and the 60 dwellings proposed will help Ashfield District Council to meet its housing targets.

- 1.17 In addition, both the site to the immediate south is identified as Green Infrastructure, as is the woodland to the south of that. These areas to the south of the site subject to Reserved Matters application V/2018/0333 would benefit from being included within the Policy EV4 designation and this is supported. However, to include the northern parcel immediately adjacent to Southwell Lane could result in conflict with the extant permission and therefore given that the Council has previously considered this site suitable for housing, it would be beneficial to remove the area covered by application V/2018/0333 from the designation.

#### Policy H1: Housing Site Allocations

- 1.18 The site granted outline planning permission by application V/2014/0530 is not included within the Policy H1 housing allocations. The 60 dwellings proposed as part of live application V/2018/0333 will help towards Ashfield District Council's housing targets and as an extant permission it is considered that this site should be identified as a housing site under Policy H1. This is to give certainty in the new Local Plan that the site will come forward for housing and so that should ownership of the site change in future, for example, unacceptable uses for this site that would not help towards the District's housing requirements do not come forward.

- 1.19 Given that the site has an extant permission it is considered that the Council supports the site for housing and therefore, for the purposes of ensuring an accurate and detailed Local Plan it is proposed that this site is identified as a Housing Site Allocation in Policy H1 of the new Local Plan.

#### **Land to the southwest of Aerial Way, Hucknall**

- 1.20 Planning permission was granted in 2012 for land off Aerial Way under reference V/2009/0453 for a replacement football stadium with training pitch, ancillary club area, changing facilities, car and coach park, new employment units for B1, B2, and B8 uses and engineering works to reprofile existing ground contours. The permission was implemented and the home of Hucknall Town Football Club was constructed. The Layout Plan of this site is shown below for clarity:



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1.21 The permission was not fully implemented however, as the commercial units were never constructed. Whilst the vehicular access into the site was constructed the buildings were not built, but as the permission was lawfully implemented the permission for the buildings continues to be extant.

1.22 In the new Local Plan the site is impacted by policies S1(a)(1), S8, EM1(1) and EM2(1).

#### Strategic Policy S1: Spatial Strategy to Deliver the Vision

1.23 Strategic Policy S1 includes Hucknall, and thus the land to the southwest of Aerial Way, as part of the Main Urban Area to accommodate the largest scale of growth in the District. In respect of land to the southwest of Aerial Way this policy is supported.

#### Strategic Policy S8: Delivering Economic Opportunities

1.24 This policy states that the Council is committed to developing a sustainable, diverse and resilient economy and is seeking to provide 81 hectares of employment land over the plan period. Bolsover Properties Limited supports the aims and objectives of this policy and the content within it.

1.25 What may help to enhance the policy, given the need for flexibility with the land to the southwest of Aerial Way (and similar sites throughout the District), is if an additional criteria were to be added to the policy to confirm that supporting land uses that provide complementary services and facilities to such employment uses will be considered positively, where it can be demonstrated that a need for such facilities is required. For example, convenience stores, cafes, restaurants, takeaways, drive-through premises and similar uses required by the employees of the future businesses of the District.

#### Policy EM1: Business and Economic Development

1.26 This policy seeks to give significant weight to proposals for business development in the District and therefore the aims of the policy are fully supported.

1.27 In addition, in Paragraph 2 b) the policy states that sui generis uses will be acceptable where it can be demonstrated that the proposal is compatible with the predominant use. In addition, at Paragraph 2 d) it states that ancillary uses, including catering facilities, will be supported.

1.28 The policy is therefore considered to be positive as it will enable, where appropriate, alternative, supporting or ancillary uses to be provided within employment areas and thus the wording, particularly of the abovementioned paragraphs, is encouraged.

#### Policy EM2: Employment Land Allocations

1.29 Policy EM2: Employment Land Allocations identifies the site as EM2 H1, Aerial Way, Hucknall and states that uses for office, light industrial, research and development, general industrial and storage/distribution are acceptable.

1.30 Whilst the continued designation of this site for employment uses is welcomed and continues to be supported it is considered that uses solely focused on office/industry/storage uses limits the site's potential for development. The site is close



to a key junction of the A611 and B6009 roundabout and sits in close proximity to the football stadium. The area has also seen a lot of new housing growth in recent years and therefore additional employment uses for this site which would take advantage of its location close to the busy junction and football stadium should also be considered.

- 1.31 Uses such as drive-through restaurants, takeaways or other drive-through type businesses which rely on being situated close to busy junctions would ensure flexibility for new proposals for the site and would enable innovative solutions for the site to be brought forward. This would enable new businesses, facilities and services to be provided for the local area that would bring new employment opportunities without being overly restrictive to a limited range of employment use classes.

### **Woodland known as Caudwell Wood, Stonehills Plantation, Coxmoor Plantation, Harlow Wood and Thieves Wood**

- 1.32 This woodland is owned by Welbeck Estates Limited and is leased to the Forestry Commission for the purposes of operating tree plantations. The dominant species of trees in these plantations are therefore fast-growing non-native coniferous trees and the primary use of the woods are as plantations. Proposed policies EV4 and EV5 would therefore result in some conflict with the principal use of these plantations.

#### Policy EV1: Green Belt

- 1.33 This policy states that permission for any inappropriate development, which is, by definition, harmful to the Green Belt, should not be approved except in very special circumstances. Coxmoor Plantation, Little Normanshill Wood, Thieves Wood and Harlow Wood are all located within the Green Belt. The Green Belt boundary is not proposed to be amended in this area from the current boundary and therefore this policy is supported.

#### Policy EV4: Green Infrastructure, Biodiversity and Geodiversity

- 1.34 It is the intention of Policy EV4 to deliver, conserve and enhance a network of green corridors and assets across the District. In addition, this policy also seeks to achieve a 10% Biodiversity Net Gain for new developments. This policy designation covers Thieves Wood and Harlow Wood and is further strengthened by Paragraph 4 b), which states that development proposals on, or affecting, Local Wildlife Sites (LWSs) will not normally be permitted.
- 1.35 Both Thieves Wood and Harlow Wood are coniferous plantations leased to and managed by the Forestry Commission. The purpose of these plantations is that once the planted trees reach maturity they will be harvested for their timber and therefore their designation as an LWS is counterproductive to the reason the trees were planted for originally.
- 1.36 Whilst the new Local Plan does not designate LWSs, as that work is undertaken by the Nottinghamshire Biological and Geological Records Centre, the designation, which is non-statutory and thus has not been through the rigorous stages of consultation that the new Local Plan has, this designation is referred to in Policy EV4 and thus gives the non-statutory designation greater weight when determining planning applications.

1.37 It is therefore recommended that due to the purpose of both Thieves Wood and Harlow Wood their inclusion on the interactive Policies Map under Policy EV4 is removed.

#### Policy EV5: Protection of Green Spaces and Recreation Facilities

1.38 All of the five plantations referred to above which are leased by the Forestry Commission are included in the EV5 designation on the Policies Map. However, it is only Thieves Wood which is operated by the Forestry Commission as a woodland area for recreation and walking. The other wooded areas are far smaller and their main purpose is as plantations. The inclusion therefore of Caudwell Wood, Stonehills Plantation, Coxmoor Plantation and Harlow Wood is likely to undermine the policy, as areas of trees will be felled from time-to-time in those plantations and their primary use is not as green space but is instead as a plantation.

1.39 In addition, the majority of planting in these areas is of non-native coniferous species and their replacement with far more suitable native species would be advantageous to the natural environment. Bolsover Properties Limited has other land holdings within the surrounding area that may be far more suitable for replacement planting of the existing non-native coniferous trees with native deciduous tree species. The inclusion of all the above plantations, with the exception of Thieves Wood, would make such a positive step in future very difficult, contrary to the wider aims of replacing non-native tree species with more appropriate native species. As such only Thieves Wood should be included in the Policies Map designation for Policy EV5.

#### Other Considerations

1.40 The land to the immediate south of Thieves Wood and Harlow Wood lies within Gedling Borough Council's jurisdiction. Gedling Borough Council, as part of the Greater Nottingham Planning Partnership, is currently developing a new combined Local Plan for the Greater Nottingham Area. At Issues and Options Stage the Plan considers the area to the north of Ravenshead, south of Thieves Wood and Harlow Wood, for a housing allocation (G01). Whilst the combined Local Plan is still at early stages there could be a new housing allocation to the immediate south of Thieves Wood and Harlow Wood.

1.41 It is considered that were the Plan to be adopted this could put additional pressure on Thieves Wood and Harlow Wood to be used for leisure or recreation purposes or potentially other unsuitable uses (e.g. fly-tipping etc). The proposed policies should therefore be worded to ensure that residential growth outside of the District, but immediately adjacent to these woods, does not put unacceptable pressures, either financial or management, upon the landowner, Forestry Commission or Ashfield District Council.

#### **Conclusion**

1.42 Bolsover Properties Limited and Welbeck Estates Limited broadly supports the new Local Plan and is encouraged by the positive policies it contains. Bolsover Properties Limited has a number of sites across the District that will be affected by policies contained within the Plan, as outline above. In some cases, such as land to the south of Southwell Lane, Kirkby-in-Ashfield, it is the case that the policy could be improved and strengthened by referring back to the existing planning permission for the site.



- 1.43 With the site to the southwest of Aerial Way, Hucknall, the allocation of the site for employment purposes is welcomed, but further reinforcement of wording to enable ancillary uses supportive of employment would help to further strengthen the policy.
- 1.44 In respect of the plantations to the south of Mansfield it is accepted that they are perceived to play a role as green space and recreation and, in the case of Thieves Wood, they certainly do. However, allocating them specifically within the policy could cause conflict with policies of the new Local Plan in future, as the plantations are managed and timber is removed as part of the operation of the woods as plantations. As such, the inclusion of all five woodland areas in the Policies Map should be reconsidered.
- 1.45 Cerda Planning Ltd, on behalf of Bolsover Properties Limited and Welbeck Estates Limited, confirms that the new Local Plan is supported, but some small amendments to the policies identified above would ensure that the new Local Plan is a robust document throughout the plan period to 2040.

**Cerda Planning**  
**26<sup>th</sup> January 2024**