IBSTOCK BRICK LIMITED

ROtherham Core Strategy
Public Examination

Matter 1 Statement

September 2013
Contents

Section 1  Introduction

Section 2  Matter 1

Section 3  Summary

<<<<>>>>>

Appendices

Appendix 1  Email to Andy Duncan, Planning Policy Manager, Rotherham Metropolitan Borough Council, dated 4 July 2013.

Appendix 2  Letter to Rotherham Metropolitan Borough Council dated 18 June 2013

Appendix 3  Letter to Rotherham Metropolitan Borough Council dated 25 February 2013

Appendix 4  Letter to Rotherham Metropolitan Borough Council dated 6 August 2012

Appendix 5  Emails to Andy Duncan, Planning Policy Manager, Rotherham Metropolitan Borough Council, dated 25 February 2012 and 19 December 2011
Section 1 Introduction

1.1 Ibstock Brick Limited ("IBL") is the operator of Maltby Quarry ("the site") which is an active clay extraction site located between Maltby and Hellaby in Rotherham.

1.2 The site in its entirety has been allocated as Green Belt (under reference LDF0411) within the Sites and Policies DPD, which along with the Core Strategy DPD and other supporting documentation will comprise the Rotherham Local Plan.

1.3 Planning permission for mineral extraction at the site exists until 2042. However, there are areas of the site, including the former Brickworks, which are available now to provide employment-generating land uses that will not compromise the existing, permitted operations in any way.

1.4 The proposed re-allocation of the site has been the subject of various letters of representation submitted during public consultation on the Core Strategy Development Plan Document ("CS") and Sites and Policies Development Plan Document.

1.5 Whilst the above mentioned Development Plan Documents ("DPDs") are invariably interlinked, only the CS has been progressed to public examination at this stage.

1.6 A number of matters, issues and questions have been published in connection with the examination to determine whether the CS meets the four tests of soundness set out in the National Planning Policy Framework ("NPPF"), these being that it is:

- positively prepared;
- justified;
- effective; and
- consistent with national policy.

1.7 This written statement has been prepared to demonstrate that the CS in its current form is not “sound” nor legally compliant, and a case for this is set out in the following sections.

1.8 Only the matter, issues and questions relevant to the site will be addressed to demonstrate that the CS is not sound. These matters are as follows:

- Matter 1 – Requirements, Vision Strategy, Objectives and Sustainability;
- Matter 4 – Infrastructure and Monitoring;
- Matter 5 – Employment, Economic Development and Town Centres;
- Matter 6 – The Built and Natural Environment; and
- Matter 7 – Dinnington, any other locations for Housing and Other Matters including Recreation, Leisure, Culture and Minerals.

1.9 In accordance with the examination requirements for written representations, there will be a statement dedicated to each of the above matters. Matter 1 is addressed in this statement.
Section 2 Matter 1

2.1 As highlighted in Section 1, only the matters relevant to the subject site will be addressed. This also applies to the individual issues and questions under each matter, which are addressed in turn below.

Question 1.1

2.2 Question 1.1 asks whether Rotherham Metropolitan Borough Council ("RMBC") has complied with its duty to cooperate. In this regard it is considered that RMBC has not complied with its duty to cooperate.

2.3 We have requested a meeting with the Planning Policy Manager on a number of occasions (i.e., in an email dated 4 July 2013 (refer to Appendix 1); in letters of representation dated 18 June 2013, 25 February 2013 and 6 August 2012 (refer to Appendices 2, 3 and 4 respectively); and in an email dated 25 February 2012 (refer to Appendix 5)) to discuss the points raised in our letters of representation and the development opportunities available at the site, yet no substantive response has been received from RMBC, giving any indication of a willingness to consider the proposals for the subject site.

2.4 In order to achieve the aims and objectives of the Core Strategy ("CS") a number of different development opportunities will need to be proposed, and engagement with key stakeholders such as IBL is crucial. This is essential if RMBC are to fulfil their duty to cooperate.

Question 1.5

2.5 This question asks whether the CS sets out the main characteristics of the Borough, including issues and opportunities.

2.6 In terms of opportunities for economic development, the CS identifies general opportunities; for example at paragraph 3.0.2 the 2008 national economic recession is cited as having a serious impact on Rotherham and as a result "it will be necessary to ensure that the borough once again continues to increase in prosperity through additional job creation, by encouraging growth in local businesses and attracting further inward investment."

2.7 The subject site clearly provides an area of opportunity; however in terms of a deliverable framework, timescales and guidance on how this relates to individual sites put forward for development, the policies of RMBC are somewhat lacking.

2.8 As highlighted in our previous representations on the CS, there is opportunity for part of the site to be developed for employment-generating land uses and there are a number of factors which make the subject site attractive and viable in this regard.

2.9 The subject site is situated immediately adjacent to an industrial estate, so employment-generating land uses would complement this. The subject site is additionally well-linked to the primary road network, with Junction 1 of the M18 being located within one mile of the site.

2.10 The subject site also forms part of the principal settlement of Maltby and is well situated to provide local employment opportunities for both Maltby and Hellaby, as well as further afield due to the excellent links with the primary road network and available public transport infrastructure, with buses to Sheffield and Rotherham running less than every ten minutes during the week. Land is available at the subject site in the short, medium and long term to
provide employment generating land uses (subject to appropriate design terms agreed with RMBC).

2.11 This case has been repeatedly put forward and we have asked to meet with RMBC on a number of occasions, but with no response. This is an opportunity to stimulate economic growth, but it is unclear how this and similar opportunities would fit into such a rigid framework. Targets have been set for employment development in each settlement; however specific sites have already been identified within the Draft Sites and Policies DPD.

Question 1.6

2.12 This question asks whether the vision and strategic objectives set out within the CS are realistic and achievable.

2.13 In response to this, it is considered that the vision and strategic objectives in respect of employment and economic growth are not realistic nor achievable.

2.14 Objective 1 states: “By the end of the plan period sufficient new homes and employment opportunities and a choice of development sites will be provided to meet the borough’s projected needs against locally-derived targets for house building and provision of employment land”.

2.15 A number of targets are set out at Chapter 5 of the CS. In respect of Maltby and Hellaby, a target of 5 hectares of new employment land has been identified (the target is 4 hectares within the Draft Sites and Policies DPD).

2.16 Six sites have been identified within the Draft Sites and Policies DPD to accommodate this, which provides little flexibility for other sustainable development opportunities identified over the Plan period such as that at the site. Furthermore, if one of more of these sites becomes unavailable, such as Maltby Colliery at more than 40 hectares, the target may be unachievable.

2.17 Coincidentally, proposals have recently been announced at Maltby Colliery that coal mine methane reserves will be used to generate electricity, thereby potentially removing this site as a prospective employment site. Flexibility within the CS in terms of other development opportunities is therefore required.

Question 1.7 and Question 1.8

2.18 These questions ask whether the CS adequately takes account of the NPPF and whether it has been positively prepared and meets objectively assessed development needs.

2.19 In response, the CS has been positively prepared in terms of what its vision and strategic objectives set out to achieve. However the CS, when considered along with the Sites and Policies DPD, is too inflexible with only a limited number of sites identified to meet employment needs and targets.

2.20 It is unclear how, with such rigid targets, new development opportunities (which do not form part of those sites already earmarked) will be realised, particularly when such opportunities can be demonstrated as being sustainable.

2.21 As highlighted in previous representations, IBL has received and continues to receive expressions of interest from third parties who have a realistic intention of establishing employment-generating land uses at the subject site, on what is existing Brownfield land that
forms part of an active mineral working. However, with such a rigid framework it is unclear whether such a sustainable development could be realised.

Question 1.10

2.22 This question asks whether any exceptional circumstances have been demonstrated to justify alteration to Green Belt boundaries and whether any additions or deletions should be made to Policy CS4.

2.23 Policy CS4 states that changes to the Green Belt will be considered in a number of locations, including principal settlements such as Maltby and Hellaby, in order to meet development needs within the Borough.

2.24 Within our previous representations we supported retention of the Green Belt designation for the wider Clay Pit, but sought release of part of the site (the former Brickworks and immediately adjacent land) from its Green Belt designation, as well as reallocation to provide employment land. This case was made on the basis of development potential for the site and its current Brownfield status as a former brickworks site.

2.25 A Green Belt review was undertaken by RMBC in April 2012 and the Parcel within which the site sits is Number 58. It is clear that the Review has not taken account of the fact that part of the site is Brownfield land and is available for development now. Instead, the full extent of the site plus more than 70 hectares of land to the north have been considered together as a means of ‘maintaining a gap’ between Maltby and Hellaby.

2.26 To reiterate previous points, IBL are only proposing that part of the site is released from the Green Belt and we support retention of the Green Belt allocation for the wider Clay Pit and land to the north. The “gap” between Malty and Hellaby would still be maintained.

2.27 Nonetheless, the CS makes only limited reference to the Green Belt Review, yet the Green Belt Review is the document that will determine what Green Belt land will be released and where. It is not clear whether there is any phased strategy or otherwise for any release of Green Belt land for development.

2.28 We would therefore question how well linked the CS is with supporting documentation. It appears that full responsibility for such a strategy is being left for the Sites and Policies DPD to address.

Question 1.12 and Question 1.20

2.29 These questions ask if the objectives of sustainable development have been balanced effectively. On a general level the CS does balance the objectives of sustainable development in terms of the vision and overriding objectives; however on a practical and site by site level, sustainable development is not sufficiently considered.

2.30 In the case of the subject site, this is well placed for employment generating uses and there are a number of factors which make it sustainable as highlighted at paragraphs 2.1.9. and 2.1.10.

2.31 The overall development approach is positive; however the development targets for each settlement are very rigid. The CS is also very poorly linked with the Sites and Policies DPD and what the CS fails to mention is that sites for development to meet these targets have already been earmarked, such that other development opportunities will effectively have limited chance of being realised. This is clearly unsustainable and the CS is misleading in its sustainable development credentials.
Question 1.17

2.32 This question asks whether the CS’s proposals to deliver sustainable growth are clearly articulated.

2.33 To reiterate previous points, the targets for growth and supporting policy are too rigid and will not accommodate new opportunities for development which sit outside those sites already proposed to be allocated within the Sites and Policies DPD.
Section 3 Summary

3.1 To summarise, we do not consider that the Core Strategy in its current form is sound or legally compliant.

3.2 RMBC has not fulfilled its duty to cooperate, in that we have repeatedly asked for meetings to discuss development options at the site in accordance with the Core Strategy’s vision, aims and objectives.

3.3 It is considered that although the Core Strategy vision is positive, it is, in conjunction with the Sites and Policies DPD, too rigid and inflexible to accommodate new development opportunities for economic growth.

3.4 There are also concerns that the evidence base is poorly linked with the Core Strategy. The Sites and Policies DPD is also poorly linked with the Core Strategy DPD.

3.5 We therefore urge the Inspector to consider each of these points before making a decision as to whether the Core Strategy is sound and legally compliant in order that the realistic development opportunities that exist at the subject site are not lost.