

Annex: Proposed Scope of the Potential Modifications to Chetwynd: The Toton and Chilwell Neighbourhood Plan (CTTCNP)

INTRODUCTION – How the Neighbourhood Plan fits into the planning system

Paragraph 1.5, in my view, needs to distinguish between “general conformity with the strategic policies of the development plan for the area” and having “regard to national policies and advice contained in guidance issued by the Secretary of State.” These are two separate tests for the CTTCNP to meet, in order to satisfy the Basic Conditions for neighbourhood planning.¹ Paragraph 1.5 should be modified to describe them accurately.

Not until Page 42 (paragraphs 9.9 & 9.10) does the CTTCNP refer to Policies 3.1 Chetwynd Barracks, and 3.2 Land in the vicinity of the HS2 Station at Toton (Strategic Location for Growth) of the Broxtowe Local Plan Part 2 (LP P2). These, in my opinion, should be referenced at an early stage in the CTTCNP, as they provide important contextual information. Sections A and B of the CTTCNP with “a description of the Area today” and “the issues and opportunities that have influenced the vision” should acknowledge that Policies 3.1 & 3.2 contribute to existing character, and will shape the future character of the Area.

Both Policies 3.1 and 3.2 of the LP P2 state that a Strategic Masterplan must be prepared for Chetwynd Barracks and for land allocated at Toton Strategic Location for Growth, to take forward development of these areas. Broxtowe Borough Council, with support from the East Midlands Development Company and collaboration with Nottinghamshire County Council, neighbouring local authorities and Chetwynd: The Toton and Chilwell (CTTC) Neighbourhood Forum, has produced the Toton and Chetwynd Barracks Strategic Masterplan as a draft Supplementary Planning Document (SPD). The latest version, September 2022, is at an advanced stage albeit after preliminary consideration at Council Cabinet on 8 December 2022, no decision is to be taken by full Council to adopt it as yet. It therefore remains an emerging document.

The CTTCNP, once made and adopted, would constitute part of the development plan for the plan area, and its policies would be used to determine planning applications. It would be ranked above any SPD, but an adopted Toton and Chetwynd Barracks Strategic Masterplan SPD would carry weight as a material consideration in determining planning applications. Given (i) the requirements for masterplan(s) in the LP P2; (ii) the extent of collaboration between relevant stakeholders to produce the Strategic Masterplan SPD; and (iii) its closeness to adoption, I consider that the CTTCNP should avoid inconsistency with the draft

¹ See Paragraph 8(2) of Schedule 4B of the 1990 Town and Country Planning Act (as amended).

SPD, to secure clarity and facilitate good decision-making on major development proposals.

The early part of the CTTCNP should include a reference to the Toton and Chetwynd Barracks Strategic Masterplan SPD, and describe its potential role when Broxtowe Borough Council takes planning decisions. This will provide clarity and information for those proposing development in the Area, and for other readers and stakeholders.

Sections 2, 3, 4 and 5 of the CTTCNP

These sections: A sense of place, A sense of history, Toton and Chilwell today, and Key characteristics, are very informative and provide a helpful context, ahead of the Vision, Framework for the future, and Neighbourhood Plan policies. However, in my view, for readers from outside the area, it is difficult to understand where many of the named places and features are located.

I consider that new or modified maps are needed to assist readers, possibly as follows:

- A new map showing some if not all the existing major features in the Neighbourhood Area. Paragraphs 2.2 & 2.3, 2.5, 2.6, 3.8, 3.10 & 3.11, 5.3 & 5.6 refer to numerous points of interest which are not mapped.
- A second new map showing key transport facilities ie. the A52, Bardill's Island, Stapleford Lane, the A6005, the NET tram line etc. should also be considered.
- Modification of Figure 2.1, to add names to a few of the places mentioned in paragraphs 2.5 & 2.6.
- A third new map of the CTTCNP area, showing the LP P2 allocations at Toton and Chetwynd Barracks, the extent of the Green Belt, the Erewash Valley and Toton Railway Sidings, to aid understanding of the strategic planning policy context.

Stone Planning Services Limited pointed out that Figure 4.3 does not identify Green Belt correctly, and fails to mention the Toton Strategic Location for Growth. Modifications should be made to address these points, and show the areas with extant planning permission for housing clearly, in my view.

In addition, text of the CTTCNP should refer to the extant planning permission, 12/00585/OUT, for mixed use development including up to 500 homes on land to the west of Toton Lane, Stapleford. Approval for reserved matters (17/00499/RES) for 282 houses has also been granted. Even if the site is not delivering new houses and other development in the short term, the permissions are an important material consideration. Further detail of these permissions should, in brief, be added to the CTTCNP.

Section 6. The Changing Face of our Area

Modifications will be needed throughout the CTTCNP to take account of the Government's changes to policy on HS2, and in particular to Section 6.

Section 9. The Vision for the Neighbourhood Area

The vision for a new north-south access primary road to ease traffic congestion before significant further homes are built should be re-worded to reflect the latest evidence.

I note that the transport authorities (not planning authorities) would be responsible for the provision of a new road, and their support is crucial. National Highways, in its response to the Regulation 16 consultation exercise for the CTTCNP, expressed concern that the proposed new north-south access road would be located too close to the A52's junction at Bardill's roundabout, which itself suffers from capacity restraints. Delivery of the new connection to the A52 could have "a detrimental impact on journey times, reliability of the SRN (strategic road network) to serve both local and long distance trips, as well as highway safety". I note that the emerging SPD also puts forward a new road east of Bardill's roundabout to Stapleford Lane, and informs that funding sources are being investigated.

I consider that the vision statement regarding a new north-south access should reflect the most up-to-date evidence of traffic movements and forecasts, and the outcome of discussion between Broxtowe Borough Council, the Neighbourhood Forum, Nottinghamshire County Council and other highway authorities, regarding the feasibility of a new north-south access road. Those discussions should also cover the point that possible alignments of a new access road shown in the CTTCNP may be impractical because of the topography of the area.

Secondly, the expectation in the CTTCNP of a new access road being provided before further homes are built could, in my opinion, undermine the viability and deliverability of future sustainable development. This wording should also be modified.

Paragraphs 10.15 to 10.19 of the CTTCNP provide guidelines on the provision of a new North-South Primary Access Road. These should be modified so that regard is had for the above concerns about deliverability, and the outcome of discussion with the transport authorities and key stakeholders.

Paragraph 9.17 states that a new north-south primary access road "must be included as part of any masterplan" for Chetwynd Barracks. This should be modified, in my view, to give flexibility and enable the delivery of sustainable development.

Paragraph 10.16 and Guideline 05; and Policy INF02; should also be modified, for similar reasons.

A Focal Point for the Community, Page 35

This should be modified to state that the vision is ideally for a plaza-style neighbourhood shopping centre in close proximity to the WW1 Memorial Gardens, so that variations will not be ruled out. Figure 9.4 should be described as "indicative" to enable some flexibility for future development proposals for Chetwynd Barracks, and to ensure viability.

Achieving the Vision

Page 40 should be modified so that it focuses on the Yellow and Blue Zones ie. Chetwynd Barracks and Toton Strategic Location for Growth. Paragraphs 9.4-9.5 should be reworded accordingly, and have regard for the Character Areas described in Section 4 of the emerging SPD.

The bullet points under **Community (Yellow Zone)** should be described as aspirations or ambitions for future new development at Chetwynd Barracks, to be secured where practical and viable. This is important to give some flexibility, especially as the NP runs to 2040.

The **Commercial/Innovation Campus (Blue Zone)** paragraph should be modified to make allowance for the Government's Integrated Rail Plan and cancellation of the HS2 route through Toton. However, as there is a strong likelihood of a new local/regional rail station at Toton, I consider that the aims underpinning the bullet points should be retained, albeit as aspirations or ambitions in order to allow for some flexibility in future new development.

The paragraph **Leisure/Education (Green Zone)** should follow the yellow and green zone paragraphs, and the wording be modified. As was made clear at the examination hearing session for the CTTCNP, relocation (or not) of the George Spencer Academy would be a decision for Nottinghamshire County Council as the education authority. The authority will take into account secondary school provision and needs for new school places across a wide area. Also, the case for development in the Green Zone which is Green Belt, to provide a new school and leisure centre, needs to be addressed. The bullet points should be rewritten as ambitions requiring further investigation in a modified paragraph.

East Midlands hub station (Rose zone): This paragraph should be reviewed, and modified to reflect the IRP decision regarding the HS2 station at Toton.

Figures 9.1, 9.2 & 9.3 should be reviewed and inconsistency with Figures 21 & 23 of the emerging SPD avoided. Stone Planning Services Limited's concern that there is no evidence to support a revised tram route, as illustrated on Figure 9.3 and subsequent figures, needs to be addressed.

Framework for the Future

Paragraph 9.9 should be modified to include a reference to the emerging Strategic Masterplan SPD, especially as paragraph 1.5 of the SPD mentions collaboration with the CTTC Neighbourhood Forum in its Plan preparation. In addition, paragraphs 10.3 to 10.5 should be modified to make clear that the Borough Council's emerging SPD is designed to meet the requirements of LP P2's Policies 3.1 and 3.2 for masterplanning.

Paragraph 9.11 referring to HS2 should be modified to reflect present circumstances.

Paragraphs 9.22 & 9.23 should be modified to allow for the possibility that Building 157 might not be retained and re-purposed in the future. If economic assessment demonstrated that the building could not be re-used in a viable way in the foreseeable future, there might be a case for demolition. Whilst not encouraging this, the CTTCNP could include some flexibility by promoting retention and re-use, "where practicable and viable". Aspiration 04 should include additional wording such as "where feasible" at the end of the first sentence. Paragraph 10.41 should be modified to state that the scope for re-using Building 157 will be investigated and, where feasible, implemented; to give greater flexibility.

Guidelines and Aspirations

I have already mentioned the need to clarify the role of the emerging SPD in setting out masterplans for Chetwynd Barracks and Toton, following from Policies 3.1 & 3.2 of the LP P2.

Guidelines 01 & 02 state what "masterplans" should achieve. In view of the emerging SPD, I consider that this could confuse readers and convey the impression that the CTTCNP is making requirements for the SPD. In my view, the wording should be modified to read something on these lines "Proposals for major development should, where possible/relevant/practical, ...".

Guideline 03 The practicality and feasibility of de-culverting Moor Brook was questioned in the Regulation 16 responses. Modified wording should include the caveat that the works will be undertaken as long as it is practicable and feasible.

Figure 10.1 should be modified to remove the reference to HS2, and to make clear that the "relocated school" and "new leisure centre" are aspirational only. The figure should also be assessed for consistency with the Plan's Policy Map.

Guideline 04 This should be modified to refer to proposals for major development as some "individual developments" may be unrelated to transport and travel.

Paragraphs 10.15, 10.18, 10.29, 10.39 and others refer to "masterplans" in a general sense which, in my opinion could confuse readers, especially as the

Strategic Masterplan SPD nears adoption. Paragraph 10.16 refers to a Chetwynd Barracks masterplan. The wording in all the above, and elsewhere in the CTCNP, should be modified, in my opinion, to refer to "proposals for major development" or similar. Paragraph 10.20 should be modified to replace "Masterplanners" with "Those proposing major development" or similar.

Paragraph 12.6 of the Plan makes a reference in red text to "any", or "new development" meaning development of 10 or more homes, as per the National Planning Policy Framework (NPPF). The NPPF definition of major development relates to development where 10 or more homes will be provided or the site has an area of 0.5 hectares or more. For non-residential development, additional floorspace of 1,000sqm or more, or a site of 1 hectare or more constitute major development. I consider that the full definition of major development should be added to the Glossary, Appendix 1, with a cross-reference in place of paragraph 12.6, which should be deleted. Then, all references to "any or new development" should be modified throughout the Plan to read "major development". This is necessary because small developments eg. housing extensions should not be expected to meet the conditions and financial contributions frequently sought from major development.

Guideline 07 should refer to major development in the penultimate sentence for the reasons given above. Because significant new housing, employment and other built development is key to Chetwynd Barracks and Toton, I consider that the last sentence should be extended to read "replace any trees and woodland, where practical and feasible."

Guidelines 08 & 09 relating to the relocation of George Spencer Academy and a New Leisure Centre. Modification is needed in my view: Some supporting text should be added to explain that these aspirations will only be achieved with the support of the education authorities and other (leisure centre) stakeholders. Also, the location in the Green Belt could inhibit future provision, and should be referenced.

Plan Policies

Policy ENV01 identifies seven sites and Figure 13.1 shows them as Local Green Space candidates. The NPPF enables local and neighbourhood plans to designate Local Green Spaces which satisfy three conditions. Having read the background evidence to the CTCNP which supports the designation of the seven green spaces and having seen the Spaces on my site visit, I am satisfied that the sites named in Policy ENV01 meet the conditions ie.

- a) are in reasonably close proximity to the communities they serve;
- b) are demonstrably special to their local community, and hold a particular local significance, for example because of their beauty, historic significance,

recreational value (including as a playing field), tranquillity or richness of their wildlife; and

c) local in character/not extensive tracts of land.

Therefore they should be designated in the CTTCNP. Policy ENV01 should state that they “are” and not “will be”. The last sentence of the policy should be deleted, as Local Green Spaces can only be designated when plans are produced or formally reviewed. Figure 13.1 should remove the word “candidates” from the title, and should clearly show the boundaries of all seven sites. The justification text should be modified to remove the expectation of additional designations being made ‘on the hoof’ in future.

Policy ENV02 should be modified to refer to “Major” development. Having regard for Community Infrastructure Level (CIL) requirements, the phrase “or is likely to increase” should be removed from the first sentence. The justification text should be modified in view of the IRP, with no HS2 station at Toton. In addition, the justification should be modified so that it does not read as additional policy requirements.

Policy ENV03 should be modified bearing in mind the consultation response from East Midlands Development Company, asserting that the approach is inconsistent with the LP P2 and emerging SPD. The policy focuses on green corridors when other types of open green space could be appropriate at Toton. The justification includes additional expectations of developers which, if retained, should be included in the policy. The justification includes dimensions, notably 75m and 80m wide corridors, for which the reasons are unclear and which seem excessively large. They could undermine the viability and deliverability of major development, as sought by the LP P2 and emerging SPD. Both the policy and text should be modified, in my view.

Policy ENV04 should be modified to replace “the relevant masterplan” with “proposals for major development” or similar. The justification text includes policy requirements, and should be modified so that policy and justification are separate with correct coverage. The expectations of land take for green corridors and the detail regarding dimensions are, in my opinion, too much. Modifications should be made to allow more flexibility and ensure that delivery of sustainable development is not inhibited.

The further justification for ENV03 and ENV04 provides useful information including data from the Forestry Commission. However paragraphs 3 & 4 on Page 62 imply that large areas of land should be set aside for woodland, notably between Toton Fields and Hobgoblin Wood. I consider that this is a laudable aspiration, but it should not prevent sustainable development at Toton and Chetwynd Barracks. I note that the emerging SPD provides useful information from the Environment Act 2021, including references to Nature Recovery Strategies and net biodiversity gains of at least 10%. The text on Page 62

should be modified to allow some flexibility, so that major built development can be achieved as in the LP P2, in Toton and Chetwynd Barracks, alongside the protection and recovery of woodlands and biodiversity. Table 13.1 should be reviewed and updated if necessary as it refers to "HS2 construction".

The Forum should review **Policy ENV05** and consider whether it adds to Policies 17, 31 and 32 of the LP P2. Policies in the Neighbourhood Plan should not repeat those in the adopted Local Plan.²

Policy ENV06 should, in my view, be modified to reflect the fact of planning law that no trees covered by Tree Preservation Orders (TPOs) should be removed. The meaning of "mature", "veteran and ancient" trees is unclear so that the policy, as written, would be difficult to apply.

Policy ENV07 and the justification text should refer to "Major" development. The references to "candidate" areas and TPOs should be deleted, so that the policy is not overly restrictive.

Policy ENV08 should refer to "major" development, and suitable modification of policy and text should clarify the meaning of "positive impact on connectivity". As the Neighbourhood Plan cannot affect development beyond the Neighbourhood Plan Area boundary, it might assist if the policy referred to connection with green spaces at the area boundary.

Policy INF01 should be modified so that inconsistency or duplication with Broxtowe Borough Council's Infrastructure Delivery Plan, and the emerging SPD, is avoided. There needs to be clarity as to who would provide the evidence base and manage its implementation.

Policy INF02 should also be modified as the case for a new north-south primary access road and its location is still being debated. It is unclear who should be "required" to provide the road, and how it would be funded. The emerging SPD includes a section on Highway Network (Page 51) and on Infrastructure Delivery (Page 72), which could assist modification of this and subsequent INF policies.

Policies INF03 & 04: Broxtowe Council queried who would be responsible for implementing these policies, and noted that highway design is a matter for Notts County Council. Modified policies could include "Major development proposals should contribute to the provision of ..." and "where practical and feasible".

Policy INF05: The justification text includes policy elements, and should be modified. Dealing with traffic congestion and pollution is a matter for the County Council as highway authority, rather than the CTTCNP.

Policy INF06: The policy goes beyond planning matters and should be deleted, especially as a HS2 station at Toton is not expected. Whilst local authorities

² NPPF, Paragraph 16 f).

(notably Notts County Council) might create residents' parking zones or no parking areas, it would be inconsistent with national planning policy for the CTTCNP to do so.

Policy INF07: The policy should refer to "major" development, and encourage new or re-routed bus services, where practical. The justification text arguably includes an additional policy requirement, to provide a bus gate at Chetwynd Road, Chilwell. When considering modification of this policy and text, a reference to the need for discussion with Broxtowe Borough Council and bus service providers, as well as some flexibility in decision-taking, should feature.

Policies INF08 & 09: I suggest modifying INF08 to refer to "major" development, and rewrite the unclear wording "adequate levels of parking", and "actual versus theoretical parking requirements". Policies INF08 & 09 could be combined to confirm that reducing travel demand (not simply accommodating large numbers of parking spaces) is an aim.

Policy HAS01 seeks clarity as, it contends the policy and justification text could be interpreted differently on tenure mix. I am uncertain as to the meaning of the policy's second sentence. Whilst the Forum's consultation and evidence gathering demonstrates that more small homes are needed, it is unclear why the present proportion of owner occupied, affordable rented and market rented homes is featured in the policy? The justification text could make reference to Policy 15 of the LP P2 which addresses housing size, mix and choice, with which Policy HAS01 should achieve general conformity.

Policy HAS02: Broxtowe Borough Council argued that it is unclear where the mix of housing types and sizes is outlined, and queried when the "variation" to the housing mix would be considered. I consider that the policy should be re-assessed, and probably modified, following discussion with the Council.

Policy HAS03 & 04: Avison Young for Homes England and Defence Infrastructure Organisation (DIO) argued for either deletion or cross-reference to the NPPF, Paragraph 154b, for the first policy; and the deletion of the second policy, as it would be unreasonable for developers. The Forum should consider these points and whether the policies should be modified to give more flexibility.

Policy HAS06: Having regard for comments made by Broxtowe Borough Council, I consider that it is helpful for the CTTCNP to set out the requirements of Building Regulations, but question whether they should be included in a planning policy. It could be more appropriate to include this as supporting text, and add the point that refurbishment schemes may not be able to achieve compliance.

Policy HAS07 This should be modified to refer to developers of "major schemes" or similar. It could also seek to minimise on-site construction times through Modern Methods of Construction (MMC) techniques, as well as other

means where appropriate, to provide flexibility. Discussion with Broxtowe Borough Council should be held to ascertain the accuracy of the numbers in the justification text for new homes and workplaces.

Policies URB01 & 03: Broxtowe Borough Council proposed modifications to policies and texts (i) to take account of the fact that balconies could cause overlooking of neighbours; (ii) to clarify whether “10 or more units” would be clearer wording; and (iii) add some of the justification text to policy. I consider that modifications should be made.

Policy URB04: I consider that it is unclear how developers are expected to meet clause b), and this should be deleted or modified. Clause a) could also include a reference to Building for a Healthy Life, as sought by Homes England and DIO. The Forum should consider whether the proposed new reference would strengthen the policy and lead to high standards of design in new developments.

Policy URB05: The last paragraph of the supporting text could be perceived as policy, and the earlier reference to East Midlands Hub Station could benefit from an update. The Forum should consider the scope for modification here.

Policy LHC01: Broxtowe Borough Council pointed out inconsistencies between this policy and **Policy EMP05** regarding the provision of retail centres. I consider that, either the two policies should be merged, or the policy wording modified to avoid uncertainty for readers and users of the Plan.

Policy LHC02: The last sentence of the policy, in my view, could be overly restrictive, as there may be cases where some replacement or rebuilding is necessary to achieve sustainable development and general conformity with Policy 3.1, clause 7 Heritage of the LP P2. The last paragraph of the justification includes a “policy requirement”, and should be modified. At the examination hearing session, it was stated that Broxtowe Borough Council does not maintain a local list of heritage assets and the CTTCNP’s list, in my opinion, carries less weight than those maintained by local planning authorities. However, I fully support the thrust of the policy to protect and enhance where appropriate the area’s heritage assets, and commend the work undertaken to identify heritage assets, as in Appendix 2. A brief explanation as to the source of this list of assets would assist readers. It could also be useful to make reference to Figure 14 of the emerging SPD, which shows six features of built heritage holding a degree of historic interest at Chetwynd Barracks.

Policy LHC04: The local education authority, Notts County Council, is responsible for managing future increases in pupils, and identifying cases where developer contributions would be appropriate to fund growth in schools. The policy should be modified to make this clear, and not to imply that the Academy alone is to develop plans for expansion and possible re-location. The proposed re-location site is in the Green Belt and Broxtowe Borough Council queried whether the proposed amendment to Green Belt boundaries had been properly

considered and been subject to appropriate public consultation. This matter should be discussed further with Broxtowe and Notts County Council, and the policy and its justification modified accordingly.

Policy LHC05: The Borough Council noted that no site/location for a new primary school is mentioned, and commented that only Chetwynd Barracks, and not the Strategic Location for Growth at Toton, is referenced in the justification text. I note that Policy 3.2 of the LP P2 refers to inclusion of a primary school at the expanded or relocated George Spencer Academy. The emerging SPD, Page 74, indicates that a new primary school will be required by 2028 which could be located at Chetwynd Barracks, and a second thereafter within the preferred location of Toton North. Modification to Policy LHC05 should be considered, following discussions with Broxtowe and Notts County Councils.

Policy LHC06: This like LHC04 requires further consideration of Green Belt policy. I agree with Broxtowe Borough Council that it is unclear whether this is simply an aspiration rather than a policy. If it is policy, it should be clear from whom delivery is expected eg. would the landowner identify a provider to build the leisure centre; would major development proposals across the Plan area be expected to make funding contributions? Sport England queried the evidence base for the policy, queried its consistency with the emerging SPD, and referred to work on the replacement of Bramcote leisure centre. The policy and justification require modification to address these points and achieve clarity.

Policy LHC07: Homes England & DIO advised that the Playing Pitch Strategy referenced in the justification is now outdated. Is there a case for adding a reference to more recent data?

Policy LHC08: The justification text includes requirements which should be included in the policy. There is a possible discrepancy between the requirement of 1x250sqm allotment plot per 100 homes, and 1x250sqm per 200 residents. The policy and text should be modified to clarify the standard required, and ensure that this should apply only to major development, unless it would be demonstrably unfeasible.

Policy EMP01: The justification text arguably should be included in the policy. Reference to a map showing the location of the Innovation Campus would assist.

Policy EMP02: Evidence at the examination hearing indicated that the retention of Building 157 could compromise the viability and deliverability of major development at Chetwynd Barracks. I consider that some flexibility is necessary and added wording such as "where feasible and viable" should be considered.

Policy EMP03: Broxtowe Borough Council commented that some justification could assist readers of this policy. The CTTCNP's Appendix IV, Evidence Base, refers to the CTTC Chetwynd Barracks Design Code, which in my view could assist with a modification to add justification text.

Policy EMP04: Broxtowe Borough Council expressed concern that an MMC “factory”, as referenced in the justification could potentially cause noise, vibration, pollution and HGV movements which would be harmful to neighbouring occupiers. I consider that the wording should be modified to prevent such detrimental effects.

Policy EMP05: The inconsistency with Policy LHC01, as described above, should be addressed, and modifications made.

The Policies Map I agree with Homes England and DIO that this is very difficult to read. In view of the modifications to the Plan’s policies which I consider are needed to the submitted CTTCNP, the Policies Map will require an update. The specific points made by Homes England and DIO should be considered and the case for showing some features as “preferences” or “aspirations”, when producing a modified Map.

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19 December 2022