

**CHETWYND: THE TON AND CHILWELL NEIGHBOURHOOD PLAN**

**TOWN AND COUNTRY PLANNING ACT 1990**

**PLANNING AND COMPULSORY PURCHASE ACT 2004**

**NEIGHBOURHOOD PLANNING ACT 2017**

**NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012**

**INDEPENDENT EXAMINATION – PUBLIC HEARING**

**WRITTEN STATEMENT BY BROXTOWE BOROUGH COUNCIL**

**NOVEMBER 2022**

## 1. Introduction

- 1.1. This Neighbourhood Plan (NP) area is unusual in containing two strategic allocations within the remit of the East Midlands Development Company, a local authority owned development company intended to become a development corporation, as well as the existing communities of Toton and Chilwell.
- 1.2. This has brought unique challenges and the Borough Council has sought to assist the Toton & Chilwell Neighbourhood Forum with the emerging NP throughout its preparation, providing office accommodation, administrative support and professional advice prior to submission.
- 1.3. Despite many positive aspects to the NP, the Borough Council considered it fell short of meeting some basic conditions and discussed its concerns with the Forum in order that they could be considered before the NP was submitted. The Forum chose not to amend the NP prior to submission.
- 1.4. Consequently, the Borough Council remains concerned that the NP fails to meet the basic conditions of (a) being appropriate having regard to national policies and guidance, (d) contributing to achievement of sustainable development and (e) being in general conformity with strategic policies for the area.
- 1.5. In respect of (a), National Planning Policy Framework (NPPF) paragraph 16 requires plans to (b) be aspirational but deliverable, (d) contain clear and unambiguous policies and (f) avoid duplication of local or national policies. Paragraph 34 requires policies not to undermine the deliverability of the plan.
- 1.6. In respect of (d), the Environmental Report contains no assessment of reasonable alternatives, such as a more flexible approach relying on the SPD in the strategic allocation areas, and identifies uncertainties and restrictions in the application of NP policies that could impact the robustness of the assessment.
- 1.7. In respect of (e), strategic policies for the area are listed in Table 2 of the Broxtowe Part 2 Local Plan (P2LP). The most relevant include Aligned Core Strategy (ACS) policies 1-4, 8, and 10-19, and P2LP policies 3.1, 3.2 and 32, general conformity with which is discussed below.

## 2. Recent Major Changes

- 2.1. The Government's Integrated Rail Plan (IRP) published in November 2021 cancelled the proposed High Speed 2 railway beyond East Midlands Parkway station, south of which it is now proposed to connect to the Midland Main Line. This means that a high speed railway station is no longer proposed at Toton.
- 2.2. The IRP still includes proposals for a regional station to connect to local and high speed rail, as well as tram and bus services, with the potential for this to be part-funded by development. The Borough Council advised the Forum to review the NP to reflect the updated situation.
- 2.3. In response to the regulation 16 consultation, which took place in the context of the changed international security situation, Homes England indicated that the Defence Infrastructure Organisation expects Chetwynd Barracks to be vacated by 2026, a similar timescale to that previously advised.
- 2.4. Whilst designed to provide a flexible framework, the draft Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (SPD) was re-considered and amended in light of the IRP and an application for Levelling Up Fund (LUF) grant was made for infrastructure proposed by it.
- 2.5. A delay in decisions on LUF grants and a request by the Forum for further discussions led the Borough Council to postpone adoption of the SPD. The Borough Council and EMDC remain committed to its adoption, not least as it provides the masterplan required by P2LP policies 3.1 and 3.2.
- 2.6. The SPD provides a flexible masterplan for delivery of the strategic allocations. The NP proposes but does not contain a masterplan. The NP as drafted needs to be more flexible to allow the adoption of the SPD and delivery of the strategic allocations, which it may prejudice unless amended.

### 3. Policy for Chetwynd Barracks

- 3.1. P2LP policy 3.1 is a strategic policy that requires a masterplan for delivery. NP paragraph 10.3 is inaccurate to state that P2LP mandates two masterplans for the area, with a secondary masterplan for Chetwynd Barracks. Some NP policies duplicate P2LP policy 3.1 and so fail basic condition (a) in respect of NPPF paragraph 16 (f). The overall number of policies (particularly HAS01-07) and some specific policies risk undermining viability and therefore the deliverability of P2LP policy 3.1 and so fail basic condition (a) in respect of NPPF paragraphs 16 (b) and 34, and basic condition (e).
- 3.2. Specifically, the deliverability and likely impact on viability of policies ENV03 (see 6.3), ENV04, LHC02 and EMP02 in respect of the area subject to P2LP policy 3.1 led the Borough Council to suggest deletion or replacement with equivalent aspirations in its regulation 16 representations. Crucially, the Forum's Basic Conditions Statement does not assess general conformity of all NP policies against all strategic policies, particularly P2LP policy 3.1.
- 3.3. Whilst INF03 and LHC01 are shown on the Policies Map as indicative, their text is at least in part prescriptive and therefore restricts the flexibility needed to lay out development and ensure residents have similar access to retail facilities and thereby fails basic condition (e) in respect of P2LP policy 3.1. Introducing flexibility to the text and possibly merging INF03 with INF04 will assist.

### 4. Policy for Development at Toton

- 4.1. ACS policy 2 'The Spatial Strategy' is a strategic policy identifying a Strategic Location for Growth (SLG) at Toton. P2LP policy 3.2 is a strategic policy that requires a masterplan for its delivery. NP paragraph 10.3 is inaccurate to state that the P2LP mandates two masterplans for the area, with a secondary masterplan for Chetwynd Barracks.
- 4.2. Some NP policies duplicate P2LP policy 3.2 and so fail basic condition (a) in respect of NPPF paragraph 16 (f). Again, the overall number of policies

(particularly HAS01-07) and some specific policies risk undermining viability and therefore the deliverability of P2LP policy 3.2 and so fail basic condition (a) in respect of NPPF paragraphs 16 (b) and 34, and basic condition (e).

- 4.3. Specifically, INF01, EMP01, EMP04, URB05 are shown on the NP Policies Map as applying to the P2LP policy 3.2 strategic allocation area. INF01 fails basic condition (e) by specifying the route of the tram extension where P2LP policy 3.2 requires this to be subject to a strategic masterplan. The Basic Conditions Statement does not assess general conformity of all NP policies against the strategic P2LP policy 3.2.
- 4.4. A partially implemented and therefore extant planning permission reference 12/00585/OUT with approved reserved matters for mixed use development excluding former Class B uses exists for land west of Stapleford Lane and would limit the extent to which INF01 (specific tram extension route) EMP01, EMP04 and URB05 (Innovation Campus) could be implemented.
- 4.5. Land north of the tram line other than the park and ride car park is in Green Belt. LHC04 would relocate George Spencer Academy and LHC06 would build a new Leisure Centre there and therefore fail to meet basic condition (e) as they are not in general conformity with the strategic ACS policy 3 'The Green Belt' as defined by P2LP policy 8.
- 4.6. A flexibly worded NP could provide local priorities to keep in mind when making layout and design decisions in respect of the strategic allocation under P2LP policy 3.2 and the SPD. As drafted, the NP is too detailed. As it would become development plan policy, this risks undermining the viability and deliverability of the allocation and its infrastructure. It therefore fails basic condition (a) in respect of NPPF paragraphs 16 (b) and 34, and basic condition (e).

## 5. Policy for Infrastructure / Getting Around

- 5.1. Whilst the routes identified under INF02 are shown on the Policies Map as indicative, no need has been identified to deliver a new north-south primary

access road between the A52 and A6005, which thus fails basic condition (a) in respect of NPPF paragraph 16 (b), and basic condition (e) in respect of P2LP policy 3.2. The SPD identifies a need for a route to connect the A52, the proposed railway station and the Chetwynd Barracks site but not A6005.

- 5.2. INF06 does not control development and so falls short of basic condition (a), in respect of NPPF paragraph 16 (f) requiring a clear purpose, whereas INF08 is not specific and risks duplicating other policy that is, failing basic condition (a), in respect of NPPF paragraph 16 (d) and (f).
- 5.3. The concept in paragraph 10.23, Figs 9.3 and 14.1 of better serving Stapleford with the NET extension may have merit, but INF01 fails basic condition (e) by specifying the route of the tram extension where P2LP policy 3.2 requires this to be subject to a strategic masterplan.

## 6. Policy for Environment

- 6.1. Designating Local Green Spaces (LGSs) under ENV01 and restricting tree work under ENV06 within the strategic allocation areas restricts the flexibility needed to ensure all new residents have similar access to green spaces and needed to lay out development. These policies thereby fail basic condition (e) in respect of P2LP policies 3.1 and 3.2. Instead, these could be identified as 'local preferences' within the strategic allocation areas.
- 6.2. P2LP policy 32 delivers the intent of ENV02 and ENV05, which therefore fail basic condition (a) in respect of NPPF paragraph 16 (f). ENV02 is ambiguous as to development it applies to and so fails basic condition (a) in respect of NPPF paragraph 16 (d). Deleting these will avoid this.
- 6.3. The last sentence of ENV03 is ambiguous in terms of its wording relating to the Strategic Location for Growth compared to the indication of its application on the Policies Map and too prescriptive. It therefore fails basic condition (a) in respect of NPPF paragraph 16 (b) and (d) and basic condition (e) in respect of P2LP policies 3.1 and 3.2. Deleting the last sentence of ENV03, merging it with

ENV04 and then making clear in the text (as it is on the Policies Map) that these are indicative will allow the required flexibility.

- 6.4. Not all development locations will allow for compliance with ENV08, which should be amended to include the text “where possible” or deleted.

## 7. Other Matters

- 7.1. Overall, landowners have identified that specific policies will restrict them from complying flexibly with existing strategic allocation policies.
- 7.2. The SPD produced jointly by the Borough Council and the East Midlands Development Company will provide a flexible framework, but risks being difficult to adopt or implement if the NP is not amended.
- 7.3. If the SPD is not fully implemented, then this will hamper the spatial strategy for the conurbation and limit the supply of housing, infrastructure and jobs.