

# **Independent Examination of the Chetwynd: The Toton and Chilwell Neighbourhood Plan**

**Examiner: Jill Kingaby BSc (Econ) MSc MRTPI**

## **Post Hearing Note: Next Steps in the Examination**

**Tuesday 15 November 2022**

Following the hearing on Thursday 10 November 2022, I would like to thank the Neighbourhood Forum and all those who participated at the hearing session for the informed and constructive discussions that took place. I would particularly like to thank Broxtowe Borough Council for arranging and hosting the event, and for the provision of an excellent venue.

At this juncture, my thoughts on the next steps for the Chetwynd: The Toton and Chilwell Neighbourhood Plan (CTTCNP) Examination are set out below.

As I explained at the conclusion of the hearing session, I am unable to recommend that the Plan as submitted should proceed to a referendum and be made in its current form. Similarly, I am unable to recommend that a small number of discrete modifications would enable the Plan to progress swiftly towards a referendum and be made.

In my view, a range of substantive modifications will be required, and they will necessitate continuing liaison between the Neighbourhood Forum, Broxtowe Borough Council and a number of other stakeholders, in order to achieve closer agreement on the Plan's policies as well as its aspirations and plan for delivery. It is not my role to write or re-write the CTTCNP, but I am satisfied that substantive modification is needed, before I shall be able to recommend that the Plan can proceed. Critically, if satisfactory modifications are not put forward, I shall be obliged to recommend that the CTTCNP should not be taken forward.

As discussed at the hearing, and as described in many responses to the Regulation 16 exercise as well as in the written submissions to the hearing, the Neighbourhood Plan area is complex and is subject to some major changes outside its control. Key factors which make it difficult to take the Plan forward are as follows:

- Unusually for neighbourhood plans, the CTTCNP includes two areas subject to strategic allocations in Broxtowe Borough's Part 2 Local Plan (P2LP), namely Chetwynd Barracks and Toton Strategic Location for Growth;
- The Government's Integrated Rail Plan (IRP), published in November 2021, cancelled the proposed High Speed 2 railway through Toton. The IRP retained expectations for a regional railway station at Toton to

connect to high speed rail and local services. Nevertheless, the IRP introduces a degree of uncertainty as to the amount and type of new development which should be planned for in the Neighbourhood Plan area;

- Chetwynd Barracks was scheduled for disposal by the Ministry of Defence (MOD) in 2024, at the time the CTTCNP was submitted. That date was subsequently changed to 2026. Broxtowe Borough Council has queried whether the ongoing war in Ukraine might lead the MOD to retain the Barracks, and restrict future planned development.
- Policies 3.1 and 3.2 of the P2LP both state that "A Strategic Masterplan must be prepared" for the Toton Strategic Location for Growth and for Chetwynd Barracks, with which new development must be in general conformity. The Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (SPD) was produced in 2020, and following consultation, a final version is expected to be approved by Broxtowe Borough Council in December 2022. Then, the Masterplan will be an important material consideration when development management decisions are made. However, if the CTTCNP comes into force, it will form part of the Development Plan for this part of Broxtowe. In law, decisions on planning applications in Toton and Chetwynd should then be taken in accordance with the CTTCNP, rather than the SPD, if there were a disparity.

From the discussion at the hearing session and from reading the submitted written material, I consider that the CTTCNP should proceed in line with the following:

- In spite of the IRP decision against the HS2 station at Toton, Policy 3.2 of the P2LP allocates Toton as a Strategic Location for Growth and most parties at the hearing envisaged that new development would take place there in future. Frustration was expressed at the lack of progress to implement the extant planning permission, 12/00585/OUT, with approved reserved matters for mixed use development. The landowners are reportedly now trying to sell the site. Clearly, development at Toton may not take place immediately, but the CTTCNP runs to 2040, and I consider that it is appropriate to take an optimistic view towards the creation of a new local/regional rail station at Toton, and longer term mixed use development supported by infrastructure improvements.
- Although the date of disposal for Chetwynd Barracks was changed in November 2021, from 2024 to 2026, there is currently no indication that disposal will not go ahead. As the CTTCNP covers the plan period 2020 to 2040, I am satisfied that the ambition for additional housing, better connection with the surrounding area and supportive development in line with Policy 3.1 of the P2LP should be promoted.
- In my view, there should be ongoing discussion between the Neighbourhood Forum, Broxtowe Borough Council and other

stakeholders to minimise policy differences in the draft SPD and CTTCNP, so that effective planning decision-making can take place. Given the importance attached to the Strategic Masterplan in Policies 3.1 and 3.2 of the P2LP, the Neighbourhood Forum should aim to align with the SPD, even if the latter has had a shorter preparation period than the CTTCNP (2020 start compared with 2017) and has not yet been finalised.

A number of speakers at the hearing session urged the Neighbourhood Forum to make its policies less detailed and restrictive, to allow for more flexibility and take account of the fact that overly restrictive policies could prevent essential development by undermining viability. It was suggested that some policies were overly ambitious, and should be replaced with "aspirations". The role of key stakeholders eg. National Highways regarding points of access onto the A52, and Nottinghamshire County Council on the provision of additional school places across the Borough, need to be reflected in the wording of planning policy.

The CTTCNP should be modified so that references to the HS2 station at Toton are revised, and the current expectations for train services through the area explained. As discussed at the hearing, the Plan contains many references to "masterplans" which should be modified to give more clarity to readers. Broxtowe Borough Council's comment in its Regulation 16 response that the justification for a number of policies include additional policy requirements was echoed by others at the hearing, and I accept that a number of modifications should be made to remedy this.

I intend to give further guidance on necessary modifications to specific policies and sections of the Plan to the Forum in due course.

Jill Kingaby  
Examiner