



By email
23 August 2023

Chetwynd: The Toton and Chilwell Neighbourhood Plan
Planning Policy Team
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Dear Sir/Madam

East Midlands Development Company Response

Consultation on proposed amendments to Chetwynd: The Toton and Chilwell Neighbourhood Plan

Introduction and Summary

The East Midlands Development Company (EMDC) is grateful for the opportunity to provide representations on proposed amendments to Chetwynd: The Toton and Chilwell Neighbourhood Plan (the NP) and its accompanying Policies Map. This response follows on from EMDC's Regulation 16 representations on the draft Neighbourhood Plan (NP) in August 2022, and the Hearing Statement and oral statements made at the Hearing in November 2022.

EMDC remains committed to engaging proactively with the Chetwynd: Toton and Chilwell Neighbourhood Forum (CTTCNF) in preparing the NP. EMDC continues to be supportive of the NP, and as indicated in our Regulation 16 response and the discussions at the Hearing, EMDC considers that the NP's strategic ambitions are well-aligned with the Strategic Masterplan Supplementary Planning Document. EMDC's response to the latest consultation is made in that context.

The following sections set out EMDC's position on the proposed amendments to the NP, relative to its previous comments and the Examiner's November 2022 Post-Hearing Note. EMDC notes that many of its previous concerns have been addressed, and therefore welcomes the majority of the changes made to the NP. There are however a number of areas in which EMDC requests further changes to further address its previous comments, and better align with the Post-Hearing Note. These will ensure that the NP complies with the basic conditions set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended) – particularly basic condition 'e', for the NP to be in general conformity with the strategic policies in the Broxtowe Part 2 Local Plan (P2LP) 2019. This is crucial to reflect EMDC's primary interest in the NP – to ensure that developers and investors are clear about the proposals for the area, and the relationship of all relevant plans and policies.

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Adoption of the Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (SPD)

As acknowledged by the amended NP, the Toton and Chetwynd Barracks Strategic Masterplan SPD was adopted by Broxtowe Borough Council's Cabinet at its meeting on 7th February 2023. The SPD therefore now fulfils the various requirements of a strategic masterplan set out in Policies 3.1 (Chetwynd Barracks) and 3.2 (Toton) of the P2LP, and has established the flexible spatial framework for development within the area covered by the SPD. The adopted SPD is also therefore now a material consideration in the determination of relevant planning applications.

As EMDC's representations, the discussions at the Hearing and the Examiner's Post Hearing Note all anticipated that the SPD would shortly be adopted by Broxtowe Borough Council, its adoption does not have any material impact on the examination of the NP.

Comments related to EMDC's previous representations on the NP**The NP's acknowledgement of the strategic masterplan process**

EMDC set out in its Regulation 16 representations that the NP does not make sufficient reference to the strategic masterplan process – as required for Chetwynd Barracks and Toton by Policies 3.1 and 3.2 of the P2LP. The Examiner's Post-Hearing Note concurred that these policies and the Strategic Masterplan SPD should be referenced in the early sections the NP to provide important contextual information, and avoid inconsistency between the NP and SPD in order to secure clarity for development proposals.

EMDC therefore welcomes amendments to the NP, especially X9 and B32, which have added to the Introduction and Evidence and Analysis sections to better-acknowledge the SPD and highlight its recent adoption. However, the additions still do not appear to explain the role of the SPD as a foundation document for development within the area it covers (in terms of establishing the spatial framework), that it is a material consideration in decision making, nor explaining how it should be read alongside the NP. EMDC considers that the NP should be further amended to clarify and explain these matters. EMDC also continues to argue that it would be beneficial for Figure 25 from the SPD to be reflected in the NP to clearly depict the spatial framework for the area which has now been adopted, and reduce the perception of any divergence.

EMDC's Regulation 16 Representation also set out that the draft NP's references to the preparation of 'masterplans', an 'overarching masterplan' and 'secondary masterplans' could be confusing, and should be distinguished with definitions explained. The Examiner's Post-Hearing Note concurred with this view. EMDC welcomes the changes made to unambiguously refer to the Strategic Masterplan SPD throughout the NP.

It is noted that a new reference is made (amendment B29) to the 'Kefa masterplan' as evidence that has informed the plan, and that CTTCNF has published this masterplan on its website since the Hearing. There is significant variance between the diagrams within this document and the SPD, although this is not necessarily inappropriate given the status of the Kefa masterplan as background evidence. However, now that the NP makes additional reference to the Kefa masterplan, EMDC considers that the NP needs to make the status of the Kefa work clearer. This would include text alongside Figure 9.6 making it clear that this diagram is an extract from work that helped to inform the NP (rather than, for example, an indication of a policy requirement) and ideally also by referring

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to the Kefa work as ‘design evidence’ or similar rather than a masterplan, to avoid confusion with the Strategic Masterplan SPD.

Green Infrastructure and Movement Infrastructure Diagrams

EMDC set out in its Regulation 16 representations that NP Figures 9.1/13.2 should be amended to show green corridor widths which are consistent with the SPD and/or include the SPD’s Green Infrastructure Framework Diagram (Figure 21). EMDC would be supportive of the NP establishing additional detail beyond the SPD – but crucially, as set out in the Examiner’s Post-Hearing Note, the NP should avoid inconsistency with it.

EMDC notes that the amended NP green infrastructure diagram (Figure 9.1) is slightly less definitive than the previous version (modification B48), however the indicative green corridors continue to suggest wide corridors significantly beyond what is shown in Figure 21 of the SPD. The significance of these concerns is set out further below. EMDC continues to consider that the NP should use (and build-upon, if desired) the green infrastructure framework diagram from the SPD rather than implying an alternative approach, and EMDC would be pleased to support CTTCNF in facilitating this.

EMDC also highlighted conflict between NP Figures 9.2/14.2, NP Figures 9.3/14.1 and the SPD movement framework plan (Figure 23) in its Regulation 16 representations. Similarly, the judgement in the Examiner’s Post-Hearing Note that the NP should avoid inconsistency with the SPD applies. Whilst these diagrams are now shown to be indicative within the NP itself, they continue to depict specific and precise alignments. These are also shown definitively on the Policies Map.

Furthermore, the amendments now result in two potential alignments for a future tram extension at Toton being depicted. This worsens EMDC’s previous concerns that this aspect of the NP will create uncertainty for communities and developers. It would be acceptable for the NP’s supporting text to refer to aspirations to work with local partners to continue to explore optimal routing for a future tram extension, but maps and diagrams in the NP should reflect the movement framework plan (Figure 23) in the SPD and not show alternative routings. It is noted that one of the alignment options included in the Policies Map and amended Figures 9.3/14.1 runs diagonally across Toton Lane very close to Bardills Island, would run through land currently occupied by the George Spencer Academy school and through land associated with the water treatment works, contradicting other parts of the plan and adding an additional layer of uncertainty. As with green infrastructure, EMDC would be pleased to support CTTCNF in incorporating SPD Figure 23 into the NP as an alternative.

Relocation of George Spencer Academy – Paragraph 9.6, Figure 9.5 and Figure 10.1

EMDC set out in its Regulation 16 representations that, as extensive discussions with stakeholders have not established a clear position around need and plans to relocate George Spencer Academy, the NP should take the same approach to flexibility around future secondary education provision as the SPD. The Examiner’s Post-Hearing Note indicated that Policy LHC04 and Figure 10.1 should be amended to express the relocation of George Spencer Academy as an ambition only.

EMDC notes that the previous aspiration ‘zones’, which included a depiction of George Spencer Academy’s potential relocation, have been deleted and this amendment (B27) is welcomed.

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Additionally, EMDC welcomes amendments to Policy LHC04 which indicate that the expansion of the school would be supported, without reference to potential relocation.

Green Corridor Provision, Policies ENV03 and ENV04

EMDC expressed significant concern in its Regulation 16 representations that the NP seeks to set out requirements for green infrastructure through a different route to that required by the P2LP – the Strategic Masterplan SPD. This particularly focussed on the approach in Policies ENV03 and ENV04 to meet all of the P2LP’s open space requirements for Toton and Chetwynd Barracks through the provision of linear green corridors, i.e. without any contribution from other forms of open space provision. This resulted in very wide green corridors which would prevent the development quantum in Policies 3.1 and 3.2 of the P2LP from being delivered.

The Examiner’s Post-Hearing Note concurred with these concerns, stating that policies ENV03 and ENV04 should be modified to take a broader approach to meeting open space needs, and confirming that 75m wide green corridors would be excessively large and are not justified. EMDC therefore welcomes the significant amendment and simplification of these policies into one which no longer relies on green corridors to meet all needs (amendment D-A7).

Above, EMDC has expressed ongoing concerns around the continuing presence of a diagram (9.1) implying very wide green corridors, even if these are said to be indicative. This is particularly the case given the NP’s ongoing reference to the provision of an east-west accessible natural ‘green space’ to the south of the Toton site. As such, EMDC is concerned that the NP will continue to be interpreted by communities and developers as requiring something different to the adopted Strategic Masterplan SPD and in turn, the P2LP – which in combination require a linear wildlife corridor in this location which would not be as wide. EMDC strongly considers that, in line with comments made on the amended Figure 9.1 above, further clarifications need to be made to make the intentions of Policy ENV03 absolutely clear and avoid any unintended ambiguity around the scale of provision expected. In particular, EMDC asks that point 2a of revised Policy ENV03 refers to provision of ‘an east-west accessible linear green corridor along the southern boundary of the SLG...’.

Requirement for an Infrastructure Masterplan, Policy INF01

EMDC’S Regulation 16 representation queried the purpose of the ‘infrastructure masterplan’, required by NP Policy INF01, noting that the role of this would be unclear given that the P2LP requires the SPD to set out infrastructure requirements alongside the Infrastructure Delivery Plan (IDP). The Examiner’s Post-Hearing Note concurred with this view, and stated that Policy INF01 should either be clarified or deleted. EMDC therefore welcomes the confirmation of this change in the amended NP (B17), as well as the additional references made in this section of the plan to the role of the SPD.

Implications of the Integrated Rail Plan (IRP)

EMDC’S Regulation 16 representations were prepared relatively shortly after the publication of the Government’s IRP in late 2021, at a time where both the draft SPD and the draft NP referred to the proposed HS2 East Midlands Hub station at Toton. EMDC notes the amendments made to the NP in this context, including the references to a proposed National Rail station at Toton rather than any reference to the proposed East Midlands Hub Station. These changes are beneficial to aid the clarity of the NP.

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In addition, EMDC would welcome the inclusion of references in the NP to the role of EMDC in continuing to develop ambitious plans for Toton and Chetwynd Barracks, including the provision of new strategic transport infrastructure. Such references could also note EMDC's intention to continue to work with CTTCNF on these plans and proposals.

Comments arising from proposed amendments to the NP

The majority of proposed amendments to be made to the NP are considered by EMDC to be beneficial. However, there are a small number of areas where proposed amendments to the plan result in new issues that EMDC considers it necessary to comment on.

- Amendment B10 beneficially results in a new reference to the historic planning context at Toton, including the extant planning permissions. However, this is done without further commentary on the context around these, including the expectation that they will not be implemented. EMDC considers that these permissions should be referred to in the same manner as in the SPD (paragraph 2.11). It is also noted that the new text in the NP appears to replace any reference to the 2017 East Midlands HS2 Growth Strategy. Whilst HS2 will no longer serve Toton, this document and the vision within it remains central to the story of how plans for development at Toton have evolved – and EMDC is currently revisiting the strategy alongside local partners. EMDC therefore considers that reference to it, and to this evolving context, should continue to be made.
- Amendment D-B8 on page 37 refers to the potential role of EMDC in the delivery of development, as well as the emerging D2N2 Mayoral Combined Authority. However, this simply notes that both could have a role, and states that 'it is not clear how much influence' EMDC will have. This statement appears vague and unclear, and could result in the NP creating uncertainty for communities and developers. EMDC therefore considers that this new text needs to be revised. The 'about us' section of EMDC's website (<https://www.emdevco.co.uk/about-us/>) could be used to inform this, and EMDC would be pleased to work with CTTCNF to discuss final wording.

Conclusion

EMDC continues to strongly support CTTCNF's positive vision for the future development of Toton and Chetwynd Barracks. It is recognised that a significant amount of work has been undertaken to make a number of positive amendments to the NP following on from the examination hearing session in November 2022, and these are welcomed. However, there remain a small number of areas where EMDC considers that further amendments need to be made for the NP to provide absolute clarity and avoid conflict with the adopted Strategic Masterplan SPD and Part 2 Local Plan, and hence meet basic condition 'e' in Schedule 4B of the Town and Country Planning Act 1990.

Subject to these further amendments being made to address the remaining strategic-level conflicts, EMDC considers that the NP will provide a strong basis for the area's future development.

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Yours sincerely

[Redacted Signature]

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