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Our Ref:
Your Ref:
Date: 29th September 2023



**Broxtowe
Borough
COUNCIL**

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Sent by Email and Post

Dear Ms Kingaby,

CHETWYND: THE TOTON AND CHILWELL NEIGHBOURHOOD PLAN INDEPENDENT EXAMINATION

REPRESENTATIONS RECEIVED TO THE CONSULTATION OF THE PROPOSED MODIFICATIONS

The Borough Council has received eight responses to the consultation of the proposed modifications to the Chetwynd: The Toton and Chilwell Neighbourhood Plan. These were submitted by the following organisations and individuals:

- Arup on behalf of EM DevCo
- Avison Young on behalf of Homes England / DIO
- Environment Agency
- Historic England
- Nottinghamshire County Council
- Oxalis on behalf of Bloor Homes
- The Coal Authority
- Members of the Public (1 response)

These responses can be viewed on Broxtowe Borough Council's website at the following link: <https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/chetwynd-the-toton-and-chilwell-neighbourhood-plan/>.

Broxtowe Borough Council and the Chetwynd: The Toton and Chilwell Neighbourhood Forum have discussed these responses and would like to make the following comments and observations on the representations received.



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Arup on behalf of EM DevCo

The Borough Council and Neighbourhood Forum would like to thank Arup and the East Midlands Development Company (EM DevCo) for their comments and general support for the proposed modifications to the Neighbourhood Plan.

In relation to references to the 'Kefa Masterplan' within the Neighbourhood Plan, the Borough Council and Neighbourhood Forum would be happy to clarify the references, removing the term 'masterplan', as appropriate. It is considered that this should also address representations made by other parties as well.

The Borough Council and the Neighbourhood Forum are of the view that it is not necessary to include specific plans or diagrams from within the Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (SPD) within the Neighbourhood Plan. These plans have not been produced by the Forum or local community and their inclusion within the Neighbourhood Plan is not considered to be appropriate.

Some respondents (including EM DevCo) have objected to the (proposed) revisions to Figure 9.1 (modification B48) on the grounds that the 'indicative' and 'blurred' markings showing the Green Infrastructure corridors are 'too wide'. The Borough Council and Neighbourhood Forum are of the view that this plan does not need to be further amended as it is very clear that the plan is 'indicative' only and accordingly does not form a part of the Policies Map. It would appear that Homes England and the DIO have not objected to this revised plan within their joint representations prepared by Avison Young.

EM DevCo has objected to the inclusion of two potential routes for the (potential) extension of the NET tramway to the west of the existing Toton Lane Park and Ride site. Nottinghamshire County Council has raised similar concerns. The Borough Council and Neighbourhood Forum would be happy to delete both potential routes from the Policies Map, whilst retaining both possible options on plans within the main part of the Neighbourhood Plan. The Borough Council and Neighbourhood Forum are of the view that this would be an appropriate concession.

In relation to proposed modification B10, the Borough Council and Neighbourhood Forum are of the view that it would not be appropriate to speculate on the intentions of landowners and developers, and as such an entirely factual summary of the different planning permissions has been prepared, consistent with the Independent Examiner's instruction in relation to this matter.

In relation to proposed modification D-B8, the Borough Council and Neighbourhood Forum are of the view that it would not be appropriate to include additional detail about the emerging development corporation within the Neighbourhood Plan, at this stage, as the enabling legislation has not yet been passed into law and so details could still change. The Neighbourhood Plan is principally a planning policy document produced by the local community, rather than the emerging development corporation. Any parties with an interest in EM DevCo are able to refer to the organisation's website for further information.

Avison Young on behalf of Homes England and the DIO (Defence Infrastructure Organisation)

Avison Young has made a considerable number of representations on behalf of its clients, Homes England and the DIO, although the Borough Council and Neighbourhood Forum have principally commented on those representations which directly relate to the latest consultation (i.e. in relation to the proposed modifications) and those that are of the most concern to the Borough Council and Neighbourhood Forum, and not necessarily those which had already been made earlier at the Regulation 16 consultation stage. Avison Young's representations on behalf of Homes England and the DIO would appear to indicate that their clients would like as few policy requirements to apply to the Chetwynd Barracks site as possible. Whilst neither the Borough Council nor the Neighbourhood Forum would intend that the policies for this important site should be over-complicated, some policy requirements will be essential to ensure high quality development, which will help to ensure that the vision of the local community can be realised.

A number of the representations made by Homes England and the DIO relate to the Toton and Chetwynd Barracks Strategic Masterplan SPD. It is clear that the organisations have concerns about this document. However, it is important to note that this SPD has been adopted by the Borough Council.

The Borough Council and Neighbourhood Forum would however be happy to make a limited number of minor amendments to the text of the Neighbourhood Plan to clarify that the SPD is supplementary to the Local Plan and not to the Neighbourhood Plan and to clarify that the adopted SPD did not specifically inform the Neighbourhood Plan's policies, albeit that there have been ongoing discussions between the Neighbourhood Forum, Broxtowe Borough Council, Nottinghamshire County Council, East Midlands Development Company and other stakeholders throughout the process of its development.

The Neighbourhood Forum would like to clarify that, contrary to the representations of Homes England and DIO, the Forum was not opposed to the Toton and Chetwynd Barracks Strategic Masterplan SPD. It had concerns in relation to the way that amendments were shown and procedural issues, but it did support the adoption of the document. Notwithstanding this issue, the Borough Council and Neighbourhood Forum feel that the focus should now be on the Neighbourhood Plan, rather than revisiting parts of the SPD, which has since been adopted by the Borough Council.

The Borough Council and Neighbourhood Forum very strongly disagree with some of the representations made by Homes England and the DIO. Firstly, it is considered that the approach of including 'aspirations' following the 'justification text' within the Neighbourhood Plan is a perfectly acceptable approach to take (this relates to representations received to proposed modification D3 and others throughout the document). This approach is replicated within many Neighbourhood Plans (an example within Broxtowe Borough is the Awsworth Neighbourhood Plan (<https://www.broxtowe.gov.uk/media/8816/awsworth-neighbourhood-plan-adopted-final-s.pdf>), which has been 'made' (adopted) by the Borough Council). By definition it is clear that these 'aspirations' do not form part of the 'formal' policies of the

Neighbourhood Plan, and our understanding is that this approach is widely taken within other Neighbourhood Plans across the country. The Borough Council and Neighbourhood Forum are of the view that neither Development Management Officers nor potential applicants would be likely to misunderstand this approach. The Borough Council and Neighbourhood Forum therefore strongly object to the requests made by Homes England and DIO throughout their representations for various aspirations to be deleted.

Both the Borough Council and Neighbourhood Forum are of the view that it is inappropriate for landowners, developers, other authorities or organisations or their agents to instruct a Neighbourhood Forum as to what its 'vision' should be. The 'vision' is that of the Neighbourhood Forum and local community and it is not considered to be appropriate for other parties to dictate what this should be or should include.

Both the Borough Council and Neighbourhood Forum have very significant concerns about the representations made by Homes England and the DIO in relation to the proposed Chetwynd Barracks Playing Fields allocation within part (2) of (the proposed modification to) Policy ENV01 of the Neighbourhood Plan (proposed modifications D-A2 and D7). The suggested modification to protect the playing fields differently to their original Local Green Space designation was proposed in order to allow Homes England and the DIO greater flexibility in relation to the location of the playing fields within the Chetwynd Barracks site, and not to question the rationale for such fields. Notwithstanding the additional flexibility which the Borough Council and Neighbourhood Forum were prepared to offer in relation to this facility, it is imperative to clarify that this field is 'very special' to the local community, and in the view of the Borough Council and Neighbourhood Forum, its inclusion as Local Green Space would be entirely consistent with the criteria for designating Local Green Space. Both the Borough Council and Neighbourhood Forum are deeply disappointed that Homes England and the DIO appear, through these representations, to be 'positioning' themselves to attempt to argue that the playing fields may no longer be required and so (presumably) could potentially be developed for housing or other uses instead.

The only options for this policy which would be acceptable to the Borough Council and Neighbourhood Forum would be for this policy to remain as prepared by the Borough Council and Neighbourhood Forum within the 'proposed modifications' to the policy, or were the Independent Examiner to consider that this would not be an appropriate option or would not be consistent with the 'basic conditions', then the Borough Council and Neighbourhood Forum would like to withdraw this part of the proposed modification and for this site (i.e. the Chetwynd Barracks Playing Fields) to instead be protected through a Local Green Space designation within the first part of Policy ENV01 and for the second part of the policy to be deleted accordingly, as originally proposed by the Neighbourhood Plan.

The Borough Council and Neighbourhood Forum are of the view that, whilst there is currently not an adopted schedule of non-designated heritage assets within the Borough, it is accepted practice for Neighbourhood Plans to protect non-designated heritage assets through a Neighbourhood Plan policy (proposed modification D-A44). Within Broxtowe Borough, the adopted Awsworth Neighbourhood Plan has protected a number of buildings and other structures accordingly and our understanding is that such an approach is replicated elsewhere across the country.

The Borough Council and Neighbourhood Forum would also like to make the following additional comments and observations on the representations made by Homes England and the DIO:

- In relation to proposed modification X10 and elsewhere in the representations, a definition of 'Local Centres' can be added within the glossary to the Neighbourhood Plan.
- In relation to proposed modification B2, there is no '4,500' housing figure set out within planning policy for the combined Toton Strategic Location for Growth and Chetwynd Barracks sites at this point in time. A figure will need to be included within the (emerging) Greater Nottingham Strategic Plan, but that figure has not yet been finalised. The only figure currently in local policy for Chetwynd Barracks is (an allocation of) '500 homes' (with the 'capacity' for 1,500 overall), as specified within Policy 3.1 of the Broxtowe Part 2 Local Plan. Policy 3.2 of the Part 2 Local Plan refers to an allocation of '500 – 800 homes' (with an overall 'capacity' for about 3,000 homes) at the Strategic Location for Growth at Toton.
- In relation to proposed modification B37, the Borough Council and Neighbourhood Forum would like to note that the sentence which Avison Young's representations on behalf of Home England and the DIO refer to as being proposed for deletion is in fact not being proposed for deletion within the proposed modifications to the Neighbourhood Plan. A typing error would instead be corrected (i.e. 'A6005' would be deleted and replaced with 'Swiney Way').
- The Borough Council and Neighbourhood Forum object to the proposed changes suggested by Homes England and the DIO to the wording within proposed modification B53, in particular to the additional text which states 'where that is fully justified'. The additional wording suggested might also have unintended consequences for the remaining 'Infrastructure / Getting Around' (INF) section policies.
- In relation to proposed modification D-A5, the definitions of different types of trees are included within the glossary. The definition of 'mature' has been added to the glossary following the public hearing; the definitions of 'ancient' & 'veteran' were in the original version.
- In relation to proposed modification D10 and other proposed amendments, the Borough Council and Neighbourhood Forum would be happy to make formatting amendments to the Neighbourhood Plan after other changes have been agreed.
- The Borough Council and Neighbourhood Forum would be happy to clarify the 'green and blue infrastructure standards' referred to within part (1) of proposed Policy ENV03 (proposed modification DA-6). This could be included within the justification text. Similar representations were also made by other parties including Oxalis on behalf of Bloor Homes.
- In relation to proposed modifications D-A7 and D-A8, the Borough Council and Neighbourhood Forum are of the view that the additional and amended text suggested by Homes England and the DIO is unnecessary.
- In relation to proposed modification D-A20, the Borough Council and Neighbourhood Forum are of the view that the additional text suggested by Homes England and the DIO is unnecessary.

- The Borough Council and Neighbourhood Forum are of the view that the proposed changes and additional text suggested by Homes England and the DIO in relation to proposed amendment D-A24 are also unnecessary.
- In relation to proposed modification D-A32, the Borough Council and Neighbourhood Forum would like to clarify that it would be for a Development Management Officer to make a judgement as to whether a design is sufficiently innovative or creative and for the members of the Borough Council's Planning Committee to consider whether they agree with this assessment if and when an application comes before them.
- In relation to proposed modification D-A16, the Borough Council and Neighbourhood Forum would object to the proposed additional wording suggested by Homes England and the DIO.
- In relation to proposed modification D-A18, the Borough Council and Neighbourhood Forum would be happy to provide additional text, perhaps within the justification text, to clarify parts of the policy.
- In relation to proposed modification D-A11, the Borough Council and Neighbourhood Forum would like to advise that evidence was gathered from members of the local population during the various stages of community consultation. This can be clarified within the justification text.
- In relation to proposed modifications D17 and D-A10, the Borough Council and Neighbourhood Forum strongly disagree with the arguments that Homes England and the DIO have made and are of the view that the retention of Policy INF01 is necessary.

Oxalis on behalf of Bloor Homes

In relation to proposed amendments B49 / D19, the Borough Council and Neighbourhood Forum observe that as the title of the plan includes the word 'indicative', it is considered unnecessary to again repeat this within the 'key' to the plan.

The Borough Council and Neighbourhood Forum are of the view that the additional text proposed by Bloor Homes for Policy HAS04 is unnecessary. Similarly, the proposal to change the wording within Policy URB05, part 3, to 'could' is again not needed, although the Borough Council and Neighbourhood Forum would be happy to be guided by the Independent Examiner in relation to these matters. The Borough Council and Neighbourhood Forum would like to note that this policy applies to all of the Strategic Location for Growth to the west of Toton Lane (within the Forum Area) and not to just 'Toton South'.

In relation to proposed modification B27, it should be noted that the area of land referred to by Bloor Homes is currently designated as 'Green Belt', and therefore the Neighbourhood Plan cannot allocate this land at this stage in the process.

In relation to the comment made by Bloor Homes concerning the proposed modifications D-A50 (Policy LHC06) and D-A53 and D-A54 (Policy EMP01) 'as shown on the revised Policies Map', it should be noted that these policies apply to all of the Toton SLG site, as shown on the Policies Map, and it is considered that the proposed additional text is unnecessary.

The Borough Council and Neighbourhood Forum do not have any specific comments to make on the remaining representations at this time.

I hope this information is helpful. Please do not hesitate to contact me if you would like any further information or assistance or clarification in relation to this letter.

Many thanks.

Yours sincerely,

Tom Genway MRTPI
Senior Planning Policy Officer