



**Broxtowe
Borough
COUNCIL**

**CHETWYND: THE TOTON AND CHILWELL NEIGHBOURHOOD
DEVELOPMENT PLAN**

(2020 – 2040)

THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**THE NEIGHBOURHOOD PLANNING (REFERENDUMS)
REGULATIONS 2012 (AS AMENDED)**

**THE PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS
AMENDED)**

**THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS
2012 (AS AMENDED)**

**STATEMENT BY
BROXTOWE BOROUGH COUNCIL
IN ITS ROLE AS LOCAL PLANNING AUTHORITY THAT THE DRAFT
CHETWYND: THE TOTON AND CHILWELL NEIGHBOURHOOD
DEVELOPMENT PLAN
MEETS THE BASIC CONDITIONS**

BROXTOWE BOROUGH COUNCIL

MARCH 2024

1.0 Introduction

- 1.1 Following an Independent Examination, Broxtowe Borough Council has made the decision that the Chetwynd: The Toton and Chilwell Neighbourhood Development Plan (the 'Neighbourhood Plan') should proceed to a neighbourhood planning referendum.
- 1.2 This Statement has been prepared in order to meet the requirements of the Neighbourhood Planning (Referendums) Regulations 2012 (as amended), which require that certain 'specified documents' are made available for inspection in advance of Neighbourhood Development Plan referendums. One of these specified documents is:

'A statement: in the case of a draft neighbourhood plan, that the local planning authority are satisfied the draft plan meets those basic conditions and complies with the provision made by or under sections 38A and 38B of the 2004 Act'.

(Neighbourhood Planning (Referendums) Regulations 2012 (as amended): <https://www.legislation.gov.uk/ukxi/2012/2031>).

- 1.3 The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.
- 1.4 This Statement confirms that Broxtowe Borough Council, as the local planning authority, is satisfied that the Chetwynd: The Toton and Chilwell Neighbourhood Development Plan meets the basic conditions and all other relevant legislative requirements.
- 1.5 This Statement, along with the Independent Examiner's report, and other specified documents as set out within Broxtowe Borough Council's Information Statement, can be viewed on the Broxtowe Borough Council website at the following link: <https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/chetwynd-the-toton-and-chilwell-neighbourhood-plan/> and at other locations as set out within the Borough Council's Information Statement.

2.0 Background

- 2.1 The Chetwynd: The Toton and Chilwell Neighbourhood Development Plan has been prepared by the Chetwynd: The Toton and Chilwell Neighbourhood Forum over the past six years since the first designation of the Chetwynd: The Toton and Chilwell Neighbourhood Forum on 9 March 2017. (The designation of the Neighbourhood Forum was extended for a further five-year period on 2 March 2022). The Chetwynd: The Toton and Chilwell Neighbourhood Area was designated on 9 March 2017. Broxtowe Borough

Council approved the Neighbourhood Forum and Neighbourhood Area designations, following six-week consultations.

- 2.2 The Pre-Submission Draft Chetwynd: The Toton and Chilwell Neighbourhood Plan was made available for consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended), from 15 July until 20 September 2019.
- 2.3 The (Submission) draft of the Neighbourhood Plan and accompanying documents were formally submitted to Broxtowe Borough Council on 24 November 2021.
- 2.4 The Borough Council screened the Neighbourhood Plan and determined that a Strategic Environmental Assessment (SEA) was likely to be required but that an 'appropriate assessment' under the Habitats Regulations (HRA) would not be. Screening opinions were sought from Natural England, Historic England and the Environment Agency. Natural England agreed with the Borough Council that a Strategic Environmental Assessment was likely to be required and so an appropriate Strategic Environmental Assessment was produced in relation to the Neighbourhood Plan. This formed a part of the formal submission to the Borough Council and this document can be viewed on the Borough Council's website at the following link:
<https://www.broxtowe.gov.uk/media/9614/strategic-environmental-assessment-sea-produced-by-aecom-regulation-16.pdf>.
- 2.5 The Borough Council arranged a period of public consultation (the 'Regulation 16' consultation) between Wednesday 8 June and Friday 5 August 2022. The Borough Council subsequently submitted the Neighbourhood Plan for Independent Examination.
- 2.6 The Independent Examination was undertaken by Jill Kingaby BSc (Econ) MSc MRTPI. The Independent Examiner's Report was received by the Borough Council on 17 January 2024.
- 2.7 The Independent Examiner found that, subject to 43 proposed modifications (including groups of amendments), the Neighbourhood Plan meets the Basic Conditions and other requirements.
- 2.8 The Independent Examination of the Chetwynd: The Toton and Chilwell Neighbourhood Plan included a public hearing, which was held on 10 November 2022 in the Council Offices of Broxtowe Borough Council.
- 2.9 Following this public hearing, extensive modifications were proposed to the Plan and agreed, in principle, by Broxtowe Borough Council and the Neighbourhood Forum. Due to the extent of the proposed amendments, and to ensure that no party would be at a disadvantage, the Borough Council invited further comments on the proposed amendments for a four-week period which ended on 25 August 2023 (although late representations were accepted by the Independent Examiner). Any individual or organisation that commented during the original Regulation 16 consultation was invited to

comment on the proposed amendments. However, the period of this additional targeted consultation was published on the Borough Council's website and the consultation was open for anyone or any organisation to respond to, regardless of whether they had previously made representations.

2.10 Two documents were produced to inform the additional targeted consultation. One was a Consultation Document, which set out some of proposed amendments to the Neighbourhood Plan in 'track changes' and also listed the proposed new policies. Some of these had been amended or combined with other policies. The other document was an Explanatory Document, which set a schedule of the proposed amendments. These documents are available on the 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/>.

2.11 The Independent Examiner stressed that she would not necessarily accept the amendments which had been proposed by the Neighbourhood Forum and Borough Council, and that instead she would first review any representations made by other parties to the targeted consultation, before coming to a view as to whether or not to recommend that these proposed amendments should form a part of the formal recommendations for 'proposed modifications' to be set out within her Report.

2.12 The Independent Examiner's Report is available to view on Broxtowe Borough Council's website at the following link: <https://www.broxtowe.gov.uk/media/avolvh0h/chetwynd-tcnp-examiner-report.pdf>. A printed copy will be available for inspection at the offices of Broxtowe Borough Council, Foster Avenue, Beeston, Nottingham, NG9 1AB.

3.0 Decisions and Reasons

3.1 The Independent Examiner concluded that, subject to the modifications recommended, the Chetwynd: The Toton and Chilwell Neighbourhood Plan will meet the Basic Conditions and other relevant legal requirements. The Borough Council concurs with this view and has made the modifications proposed by the Examiner within her Report.

3.2 Broxtowe Borough Council (in liaison with the Chetwynd: The Toton and Chilwell Neighbourhood Forum) agreed that all of the modifications recommended by the Independent Examiner be incorporated within the revised Chetwynd: The Toton and Chilwell Neighbourhood Plan, in order for it to proceed to public referendum. This decision was made at the 6 February 2024 meeting of Broxtowe Borough Council's Cabinet.

3.3 Further information in relation to the 6 February 2024 meeting of the Council's Cabinet is available to view on the Borough Council's website at the following link: <https://democracy.broxtowe.gov.uk/ieListDocuments.aspx?CId=229&MId=3971> (Item 123.1).

3.4 At its 6 February 2024 meeting, Broxtowe Borough Council's Cabinet resolved that:

1. The Chetwynd: The Toton and Chilwell Neighbourhood Plan should be modified as proposed by the Independent Examiner.
2. Once modified as proposed by the Independent Examiner, it is considered the Neighbourhood Plan will meet the Basic Conditions and other legislative requirements.
3. The Chetwynd: The Toton and Chilwell Neighbourhood Plan should proceed to a referendum, with the extent of the area eligible to vote to be based upon the Chetwynd: The Toton and Chilwell Neighbourhood Area as shown within appendix 1 to the report.

3.5 A copy of the plan referred to within part 3 (appendix 1) of the above decision is included as Plan A within this Statement.

3.6 Further information in relation to the Cabinet decision is available to view on Broxtowe Borough Council's website at the following link:
<https://democracy.broxtowe.gov.uk/ieDecisionDetails.aspx?AllId=12731>.

3.7 The Borough Council has considered whether to extend the area in which the referendum is to take place, but agrees with the Examiner that there is no need to extend this area beyond the Neighbourhood Plan Area (as per 'Plan A' below).

3.8 To meet the requirements of the Localism Act 2011, a referendum to be held on 2 May 2024, will pose the following question:

“Do you want Broxtowe Borough Council to use the Neighbourhood Plan for Chetwynd: Toton and Chilwell to help it decide planning applications in the neighbourhood area?”

4.0 Further Information

4.1 This Statement is available to view 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/>.

4.2 If you have any questions or would like any further information in relation to the Chetwynd: The Toton and Chilwell Neighbourhood Plan or this Statement, please feel free to contact the Borough Council's Planning Policy Team on 0115 917 3015 or via email at: policy@broxtowe.gov.uk.

PLAN A: CHETWYND: THE TOTON AND CHILWELL NEIGHBOURHOOD PLAN AREA BOUNDARY

