

CHAPTER 8: RECREATION & COMMUNITY FACILITIES

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation, July 2002.

Background

1. Since the close of the Inquiry, the Office of the Deputy Prime Minister (ODPM) has published the above guidance. It replaces PPG17: Sport and Recreation, published in 1991. A good practice guide, "Assessing Needs and Opportunities: A Companion Guide to PPG17" was published in September 2002.

Inspector's Conclusions

2. The 1991 version of PPG17 informed the RDDP and was similarly referred to during the Inquiry. In writing my report, I am obliged to consider the implications of new national planning guidance and in places I have referred to PPG17 (2002) in support of my conclusions. However, paragraph 4.10 of the good practice guide published alongside the replacement PPG makes it clear that there is no point in discarding existing policies and provision standards before new ones are available. It goes on to state that it would be sensible to review the impact and effectiveness of existing policies so as to build on the elements of them which have been the most successful. Furthermore, that this should be done on a cross-department basis and in consultation with the local community and developers.
3. I bear this advice in mind in writing my conclusions and recommendations.

Recommendation

4. I recommend that the Council's policies concerning open space, sport and recreation be revised to reflect PPG17 (2002).

Aims and Objectives

Paragraph 8.X (R417) Aims and Objectives

1. Nottinghamshire Wildlife Trust objected on the basis that aims should be included "to address provision of wildlife rich open space" (objection 601/4601). The objection was withdrawn on the understanding that an inquiry change would be made. The Council considers that a reference to wildlife rich open space is too detailed a matter for an aim, however it acknowledges that the Plan's overall strategic aims, as amended (paragraph 2.10), should be properly reflected in the aims of Chapter 8. (Summary of objs says: While we feel that the aims expressed in this section are laudable, we feel that there is a need for the local plan to address provision of open space, particularly wildlife rich open space for the residents of the borough. We recommend that that the council include aims to address provision of wildlife rich open space, which could follow the English Nature Guidelines on open space).
2. **The Council has recommended that, in paragraph 8.X (R417), the third aim is amended to read "protecting and enhancing urban and rural environments including their cultural, historic and natural heritage", and that an additional aim is added: "adopting the principles of sustainability".**

IC45

Inspector's Conclusions

1. I agree with the Council that addressing the provision of wildlife rich open space is too precise a matter to be incorporated in a strategic aim. I note that the NWT has since withdrawn their objection on the understanding that an Inquiry Change would be made. IC45 expands the third aim and inserts a further strategic aim so as to accord with those set out at paragraph 2.10 of the Strategy Chapter.
2. Although there is nothing wrong with the Inquiry Change itself which I support through my recommendation below, I have two points of concern about the general approach of repeating strategic aims within the topic chapters. Firstly, in some cases, the precise wording of some of the aims have been duplicated inconsistently which detracts from the clarity of the Plan. Secondly, bearing in mind that it should be read as a whole, it results in the repetition of paragraph 2.10 and does not accord with the Government's aspirations for producing succinct Plans.
3. I note that an objection from Sport England to paragraph 8.9, (1385/3607) which the Council have categorised as being conditionally withdrawn is absent from this part of the skeleton report supplied to me. Sport England wishes to see reference in Objective rc/c to the role of developer contributions. They comment that various housing policies make reference to such contributions and for consistency, a reference is necessary in this Chapter. I consider that developer contributions are too detailed an issue to be referred to in an objective. Furthermore, in the context of recreation and community facilities, they are already suitably dealt with elsewhere in the chapter, notably through Policies RC3, RC6 and RC9.

Recommendation

4. I recommend that the RDDP be modified in accordance with IC45.

RC1 Leisure Facilities

Objections

8.10		<i>Community, Education & Leisure Facilities</i>
1385	3608	Mr B Neville Sport England (East Midlands)
8.10 R418		<i>Community, Education & Leisure Facilities – Deletion of title and paragraph</i>
1111	4987	R418 Mr M Slattery Bilborough College FPDSavills
8.XX R419		<i>Leisure facilities – Addition of policy title and paragraph for new policy</i>
1111	4988	R419 Mr M Slattery Bilborough College FPDSavills

Summary of Objection Issues

8.10 Community, Education and Leisure Facilities

1385/3608: Sport England

1. The final sentence of paragraph 8.10 might be expanded to explain in more detail the 1999 parliamentary statement and how it links with the sequential test.
2. The paragraph should also indicate that community facilities may be appropriate outside town centres, e.g. at schools.

Council's Response:

3. The paragraph has been revised to explain the statement in more detail (revisions R418-419). The revised paragraph has the support of Sport England (representations 1646/5583 and 5578).
4. The revised policy no longer relates to community facilities. These are now dealt with by Policy RCX, which does not include a sequential test giving priority to town centres.

8.10 R418 and 8.XX R419

Community, Education and Leisure Facilities – Deletion of title and paragraph and addition of policy title and paragraph for new policy

1111/4987 and 4988: Bilborough College

5. No reasons given.

Council's Response:

6. The objection form refers to revisions R418 and R419, however, the accompanying comments do not refer to these revisions or the paragraph and policy to which they relate. The Council does not therefore consider that there is a sound reason for further revising the paragraph and policy.

Inspector's Conclusions

1. As suggested by Sport England, and as also initially raised by GOEM through an objection, which the Council have now categorised as being unconditionally withdrawn (1381/3557), it would be worthwhile to expand the text so as to explain in more detail the 1999 parliamentary statement and how it relates to the sequential approach. In response to this suggestion, the Council have deleted the original paragraph 8.10 (R418) and inserted an expanded replacement (R419). This is supported by Sport England.
2. However, I am concerned that through the use of the word "introduced" in the first sentence, R419 is slightly misleading. It would be more accurate for the revised text to make use of the description in the statement itself which is that it "adds to and clarifies" the guidance in PPG6, otherwise the importance of PPG6 is devalued. Furthermore, I consider that reference should be made to the other important aspect of the statement, which is that these principles apply equally to proposals to increase the floorspace of existing edge-of-centre and out-of-centre developments.
3. Sport England also highlights that community facilities may be appropriate outside town centres. The withdrawn objection from GOEM similarly stated that Policy RC1 unnecessarily applied the sequential test to community and education facilities. In response to these concerns, the Council have tailored Policy RC1 so that it only relates to leisure facilities and introduced a new policy concerning

community and education facilities. The Council explains that the new policy does not include a sequential test giving priority to town centres.

4. While I support the principle of splitting the original Policy RC1 in two, I am concerned that R419 and R421 mean that the sequential approach does not apply to any community and education facilities. This would be contrary to paragraph 1.15 of PPG6 which sets out that the sequential approach should apply to all key town centre uses that attract a lot of people. Paragraph 2.18 of PPG6 clarifies that key town centre uses include hospitals and higher education. Naturally, these fit into the category of “community and education” facilities.
5. To the Council’s merit, such a consideration was originally incorporated in the third sentence of paragraph 8.10 but obviously the wording was not particularly clear to either Sport England or GOEM. Therefore, I recommend changes to R419 and R421 below, which make it clear that the sequential approach would apply to certain community and education facilities. Inevitably, the Council will have to use its own judgement to determine the nature and scale of proposal that would constitute a key town centre use and that would be subject to the sequential approach.
6. Other concerns I have about the revisions are that the words, “Other community uses and institutions” in the fifth sentence of R419 implies that Policy RC1 still applies to some community facilities, when it is intended to only relate to leisure facilities. Furthermore, the sixth sentence of R419 unnecessarily repeats text contained within R421. I recommend below that these two sentences are deleted.
7. As noted by the Council, although Bilborough College’s objection forms refer to R418 and R419, the accompanying comments do not specifically relate to these revisions. The same can be said of the College’s objections to R420, R421, R422 and R424. The only specific comment they do make, which forms part of their objection to R423, relates to the new policy on community and education facilities and the suggestion of an additional criterion. They state that the purpose of this criterion, and the reason for their objections to the other revisions listed above, is to allow the college to achieve their aims without delay because of an overriding community need. Elsewhere in my report, notably under H2k, I have considered the college’s development aspirations. Other than the changes that I have already recommended, I do not consider that further revisions to the Plan are required. In any event, the Council have now categorised all of these objections from Bilborough College as being unconditionally withdrawn (1111/4986-92).

Recommendation

8. I recommend that the RDDP be modified by the first sentence of R419 being changed to read, “PPG6, added to and clarified by a parliamentary statement in 1999, requires that proposed leisure uses at edge-of-centre or out-of-centre locations should demonstrate the need for such facilities and that a sequential approach has been applied in selecting the location of sites. This also applies to proposals to increase the floorspace of existing edge-of-centre and out-of-centre leisure developments”.

I recommend the deletion of the fifth and sixth sentences of R419.

I recommend that the first sentence of R421 be changed to read, “This policy covers the provision of smaller-scale community and education facilities. This applies to most development within...”

I recommend that the following text be inserted at the end of R421, “Community and education facilities that attract a lot of people, such as hospitals and higher education facilities are defined as ‘key town centre uses’ in PPG6. In accordance with that guidance, they will be subject to the sequential approach outlined in paragraph 8.XX” (R419).

RC2 Community and Education Facilities: Safeguarded Sites

Objections

1106 2139
601 3014

Mr R Hepwood
Mr S Rufus

Miller Homes East Midlands
Nottinghamshire Wildlife Trust

Summary of Objection Issues

1106/2139: Miller Homes East Midlands (formerly Birch Plc)

1. “This paragraph implies that developers will be requested to provide appropriate community facilities to satisfy identified local need. Birch believe that this does not accord with Circular 1/96 (sic) which states that contributions should be directly related to the development proposed”.

Council’s Response:

2. Developers’ contributions to community facilities are dealt with in Policy RC3 rather than Policy RC2. The Council suspects that the intended reference is to Circular 1/97. As stated in the Council’s responses to objections to policy RC3 (Proof 162), there is nothing in that policy which contradicts Circular 1/97 and the Council intends to apply the policy in accordance with the guidance in the Circular.

601/3014: Nottinghamshire Wildlife Trust

3. Site e) should be deleted from the policy because of its linkage with housing and employment developments to which the Trust objects.

Council’s Response:

4. The Council considers that sites H2d, EM3c and H2I/EM2/EM3f are suitable for housing and employment development, for the reasons given in the Council’s responses to objections to those policies (proofs 028, 135 and 014). The Council therefore considers it appropriate for the associated school at site e) to continue to be allocated.

Inspector’s Conclusions

1. The comments made by Miller Homes East Midlands, (formerly Birch Plc) were actually made in respect of RC2g. Obviously they intended to refer to Circular 1/97. Miller Homes note that this paragraph implies that developers would be requested to provide appropriate community facilities to satisfy identified local

need. They are correct to point out that this does not accord with the guidance in Circular 1/97 which is that developers are only obliged to address, “needs arising from the development itself”. While this should lead me to recommend appropriate changes to the paragraph, I consider that the paragraph should be deleted in its entirety. This is because the introductory paragraph to RC2 explains that the policy relates to identified community facilities. The only housing allocation in the RDDP where the provision of associated community facilities has been identified is site H2l, (part of the local centre proposed under Policy S5). As I recommend that this proposal be deleted, RC2g no longer serves any purpose and thus should also be deleted.

2. The objection from the NWT concerns land safeguarded for a primary school at Watnall. I deal with those concerns along with those of other objectors under RC2e below.
3. In my consideration of objections to proposed housing allocation H2g, (Eastwood, West of Church Street) I support PIC10 which safeguards part of the site for a primary school to replace Eastwood Primary School. This reinstates the 1994 Broxtowe Local Plan designation. When the PICs were published, the County Council advised that around 1.6 hectares would be needed although the actual area would not be confirmed until a feasibility study had been undertaken. The Borough Council considered that as the extent of the land required was unknown, the whole site should be safeguarded under RC2. While I follow this approach, I conclude that the land, which is not required for the replacement school should be brought forward for housing. I stipulate that it should be laid out so that if the school site proves not to be needed, that it too may be also brought forward for housing.
4. In my consideration of objections to proposed housing allocation H2a, (Central Ordnance Depot, land off Swiney Way, Attenborough) I support the provision of a 1.4 ha site for a primary school and I conclude that the opportunity should be taken to plan and manage this facility so as to provide for community uses. Therefore, I make the recommendation below that this site be added to RC2 and identified under both the “Education sites” and “Community facilities” sub headings.

Recommendation

5. I recommend that the RDDP be modified by the addition of the following two education sites to Policy RC2; Eastwood: Church Street, 1.6 hectares to replace Eastwood Primary School. Attenborough: Land off Swiney Way, 1.4 hectares for primary school. I recommend that the Community facilities section of RC2 be modified by the addition of the following site: Attenborough: Land Off Swiney Way: The primary school under RC2x is to be planned and managed so as to also provide for community uses. I recommend that RC2g in the RDDP be deleted.

RC2a-g RC2 Community and Education Facilities: Safeguarded Sites

RC2a **Education sites: Kimberley**
1190 2800 Mrs S Greener

RC2b 1190 2804	Education sites: Knowle Lane / Swingate Mrs S Greener
RC2e 1006 1930	Education sites: Watnall Nuthall Parish Council Browne Jacobson Planning Unit Greasley Parish Council Andrew Thomas Planning
1155 2510	
260 528	Ms C Roberts
RC2g 1006 1933	Community facilities at Watnall Nuthall Parish Council Browne Jacobson Planning Unit

Summary of Objection Issues

RC2a Education Sites: Kimberley

1190/2800: Mrs S Greener

1. The site is in the green belt and highly visible from Newthorpe and Giltbrook. Development would contribute to narrowing of the “buffer zone” between Kimberley and Newthorpe/Giltbrook. The topography is unsuitable. School development should be restricted to the existing area of Gilthill School.

Council's Response:

2. The proposal for the new school is a long-standing commitment. The site was allocated for this purpose in the 1985 Local Plan (Policy LP72) and in the 1994 Local Plan (policy CO3d). The county education authority considers that the replacement of Gilthill Primary School is probably their highest priority after the schools that are currently in their capital programme and it supports the local plan proposal (representation 790/2064). The Council recognises that the site is within a particularly narrow, vulnerable and visually prominent green belt gap which should be protected from development unless there are exceptional circumstances. In the Council's opinion the long-standing and serious need for improved school facilities represents such exceptional circumstances. Considerable care would be taken with the design, levels and landscaping of the development in order to minimise its visual impact. The existing site is of insufficient size to provide the necessary quality and scale of facilities, and redevelopment of the existing site would necessitate the closure of the school for a substantial period.

Inspector's Conclusions

1. The RDDP proposes that site RC2a should be safeguarded so as to provide for the replacement of Gilthill Primary School. As emphasised by the objector, the proposed allocation, which sits above the existing school and playing field is a highly visible part of the Green Belt and would contribute to narrowing the gap between Giltbrook and Kimberley. In terms of Green Belt policy, exceptional circumstances would need to be demonstrated to justify altering the approved Green Belt boundary.
2. The Local Education Authority considers that replacing the primary school is one of their highest priorities and from my site visit I can appreciate why. Located to the rear, I observed that the school had already reverted to the use of temporary buildings. The objector's suggestion to restrict development to the existing extent of the school would be desirable but it would not provide the necessary scale and quality of new facilities. I also recognise that due to the dense character of surrounding development and the usual tight Green Belt boundaries, alternative opportunities in the immediate area that would be outside of the Green Belt are not

possible. Overall, I consider that the pressing need to expand the school, the confined nature of the existing site and the lack of suitable alternatives provide the exceptional circumstances necessary to justify altering the approved Green Belt boundary.

3. However, the existing school building has an attractive facade and positively adds to the street scene of this part of Giltbrook. I am unaware of the County Council's overall intentions but it would be a pity if this building were to be lost and could not be reused in some form for education or other purposes, such as residential. Indeed, in view of this contribution to the street scene, its reuse for some educational purposes should be considered.
4. Furthermore, the proposed replacement school, as identified on the Proposals Map, is on an elevated and exposed site and any buildings would be prominent in views from the west and the north. The boundary to the west is defined by a hedgerow but there is no boundary feature to the north. Due to this prominence, it is desirable to keep this area free from buildings and it should be preferably used as playing fields. Regrading would obviously be necessary for this to be practicable. If this area were confined to playing fields, it could remain in the Green Belt and the boundary would follow the southern edge of these playing fields. If there were to be buildings in this location, this area and the single property immediately to the east would need to be taken out of the Green Belt. I come to the firm conclusion that the new school buildings should largely be confined to the existing school playing fields because in views from Giltbrook valley, they would be screened by Gilt Hill Farm and have a better relationship to buildings on Gilt Hill.
5. For the sake of clarity, the designation RC2a on the Proposals Map should be modified to include the existing school and the existing playing field and that RC2a as defined in the RDDP should be used as new school playing fields and retained in the Green Belt. This should not preclude residential use of the existing school if that were to come forward as a windfall.

Recommendation

6. I recommend that the designation RC2a be modified to include the existing primary school building and the existing playing field and that RC2a as defined in the RDDP PM should be used as new school playing fields and retained in the Green Belt.

RC2b Education Sites: Knowle Lane/Swingate

1190/2804: Mrs S Greener

3. Development would use up valuable existing open space. The proposed replacement is in a much less prominent position for fund-raising events, fairs etc and is less well served by local roads.

Council's Response:

4. The proposals for the new school and the replacement playing fields are long-standing commitments. The sites were allocated for these purposes in the 1985 Local Plan (policies LP74

and LP75) and in the 1994 Local Plan (policies CO3e and CO3f). The county education authority considers that the replacement of Kimberley primary school is one of the highest priorities in the county and it has recently been allocated funding for the replacement under the New Deal for Schools initiative. Planning applications have been made (references 00/884 and 00/885); they have been the subject of consultation with local residents and permission for the replacement school and the playing field were granted on 23 April 2001 and 7 September 2001 respectively. The loss of open space will be compensated by the creation of new playing fields which will be within 120m of the existing site and which, in the Council's opinion, will have satisfactory and convenient access.

Inspector's Conclusions

1. This objection has been overtaken by events because when I visited site RC2b, the proposed school had already been constructed. As this proposal has now been implemented, I recommend below that it should be deleted from the Plan. I found that the site for the proposed replacement playing fields, RC2c, was in a less prominent position but would remain suitably accessible. In my view, fund raising events would not be unduly affected. However, at the time of my visit, there was no visible sign that the land in question was in use as playing fields. It was fenced off and appeared to be under the control of the water authority. I therefore conclude that RC2c should remain as an allocation in the Plan until such time that it is implemented.

Recommendation

2. I recommend that the RDDP be modified by the deletion of RC2b.

RC2e Education Sites: Watnall

1006/1930: Nuthall Parish Council

5. Site e) should be deleted from the policy because of its linkage with housing and employment developments H2l, EM2, EM3f.

Council's Response:

6. The Council considers that sites H2d, EM3c and H2l/EM2/EM3f are suitable for housing and employment development, for the reasons given in the Council's responses to objections to those policies (proofs 028, 135 and 014). The Council therefore considers it appropriate for the associated school at site e) to continue to be allocated.

1155/2510: Greasley Parish Council

7. There should be clearer guidance regarding the phasing of provision of educational facilities. The present wording introduces uncertainty in that it leaves such matters to the discretion of the Education Authority. Objection is also made on the basis of linkage with housing and employment development, to which the Parish Council objects.

Council's Response:

8. It would be inappropriate for Policy RC2 to include details of phasing, as in many cases the proposals are not related to other development proposals and in all cases the timing of their implementation will be dependent on the availability of funding. The reference to "present wording"

appears to be the wording of Development Brief H, which states that provision should take place “at an early phase in the development, as advised by the Education Authority.” In the Council’s opinion this gives clear guidance regarding the phasing of provision of educational facilities, and it is essential that decisions about phasing are based on the advice of the Education Authority. The Council considers that sites H2I, EM2 and EM3f are suitable for housing and employment development, for the reasons given in the Council’s responses to objections to those policies. The Council therefore considers it appropriate for the associated school at site e) to continue to be allocated.

260/528: Ms C Roberts

9. Loss of green belt, loss of agricultural land, creation of urban sprawl, urbanisation of Watnall and Greasley.

Council’s Response:

10. The objections relate to the proposed school as part of the overall proposed development. These objections are referred to in the Council’s responses to objections to policies H2I, EM2 and EM3f (proof 014).

Inspector’s Conclusions

1. The objections to the proposed primary school, including that from the NWT in the previous section, form part of general objections to major housing and employment allocations proposed at Watnall/Nuthall. In the earlier chapters of my report, I recommend that apart from employment development on land used as a coal stocking yard, (the southern part of site EM3f) that these allocations should be deleted. As the provision of the school was directly related to the major housing allocation and would not be implemented without it, it too should be deleted.

Recommendation

2. I recommend that the RDDP be modified by the deletion of RC2e.

RC2g Community Facilities at Watnall

1006/1933: Nuthall Parish Council

11. The objection is to any community facilities required in connection with site H2I at Watnall, because of the Parish Council’s objection to all development at this location. It is proposed that policy RC2g should be deleted “so that the land remains as Green Belt.”

Council’s Response:

12. The Council considers that site H2I is suitable for housing development, for the reasons given in the Council’s responses to objections to that policy. The Council therefore considers it inappropriate to delete the reference to associated community facilities. It would in any case be inappropriate to delete RC2g, as the Parish Council recommend, because this part of the policy relates to all other allocated housing sites in addition to site H2I.

Inspector’s Conclusions

1. As I have already noted under RC2 above, I recommend in Chapter 4 that site H2I should be deleted. As this was the only housing allocation in the RDDP where the provision of associated community facilities had been identified, (forming part of the local centre proposed under Policy S5) RC2g no longer serves any purpose. Consequently, I agree with the Parish Council that RC2g should be deleted.

Recommendation

2. I recommend that the RDDP be modified by the deletion of RC2g.

RC3 Developers' Contributions to Education and Community Facilities

Objections

8.16 *Developers' contributions to education & community facilities*

858 1546 Mr AR Pearson

8.16 R426 *Developers' contributions to education & community facilities - addition of reference to stage in the development programme*

1646 5584 R426 Mrs S Stowell Sport England (East Midlands Region)

RC3 *Developers' contributions to education & community facilities*

1113 2173 Hanson Family Trust
FPDSavills

1107 2143 Scottish & Newcastle
FPDSavills

1385 3609 Mr B Neville Sport England (East Midlands)

Summary of Objection Issues

8.16 Developers' contributions to education and community facilities

858/1546 Mr A R Pearson

1. Reference should be made to the need for a new community building for proposed housing sites H2a and H2b at the Ordnance Depot, Attenborough.

Council's Response:

2. As this is a general policy which relates to any proposed development, it would be inappropriate to refer to specific requirements for individual sites. Community facilities generally are dealt with by policies RC2 and RCX and the Council's views on the need for community facilities at the Ordnance Depot sites are given in its responses to objections to policies H2a and Appendix 2A (proofs 010 and 178).

Inspector's Conclusions

1. In my consideration of objections to proposed housing allocations H2a and H2b, I have already dealt with the issue of whether provision should be made for a new community building at either of these locations. While I do not support the allocation of a site for such a use, I recommend the safeguarding of a 1.4 ha site for a primary school where the opportunity should be taken to plan and manage the facility so as to also provide for community uses. However, as this does not

result in the need for consequential changes to paragraph 8.16, I do not recommend any modification to the Plan below.

Recommendation

- I recommend that no modification be made to the RDDP.

8.16 R426 Developers' contributions to education and community facilities - Addition of reference to stage in the development programme

1646/5584: Sport England

- The policy should require that the new infrastructure should be put in place and made available for use for the first of the new residents of any area. Revision R426 does not make this requirement.

Council's Response:

- The Council does not consider that it would necessarily be appropriate for an educational or community facility to be available for use before any dwelling were occupied. This may, however, be appropriate in some instances, whilst in others it may be appropriate for the facility to be available for use before the development was completed. A phased programme of provision may also be appropriate in some cases – for example, a certain number of classrooms at a new school may be needed before any houses were occupied, with a need for additional classrooms being triggered by the completion of a certain number of dwellings. The appropriate stage in the development programme at which provision should be made would therefore depend on the particular circumstances of each case and would form part of the negotiations to which the policy refers. To clarify this point, paragraph 8.16 has been revised to refer to the need for provision to be made at an appropriate stage in the development programme (revision R426).

Inspector's Conclusions

- I do not support Sport England's suggestion that new infrastructure, including sports and recreation provision, should be put in place before the first dwelling on a site is occupied. Such a requirement could prevent the development of a site from progressing in the most efficient manner. For example, I am sure that in certain cases, land reserved for recreation provision often provides a necessary "breathing space" in terms of providing storage for the likes of top-soil moved from elsewhere on the site or other materials and machinery. These would otherwise have to be transported on and off site, delaying progress and adding to costs. A potential side effect of this would be that it could reduce the overall ability of a site to contribute to such facilities, or other planning benefits. This would not be in the interest of future residents over a longer term. As highlighted by the Council, ultimately it will depend on the particular circumstances of each case and R426, which specifies provision "at an appropriate stage in the development programme", is to my mind a sensible way to proceed.

Recommendation

- I recommend that no modification be made to the RDDP.

RC3 Developers' contributions to education and community facilities

1113/2173 Hanson Family Trust

5. Requirements for contributions need to be proportionate to the actual requirement for additional facilities generated by the development.
6. The basis on which the requirements for education facilities have been calculated should be made clear in the relevant development briefs, with particular regard to site H2I at Watnall.

Council's Response:

7. The Council intends to apply the policy in accordance with the guidance in Circular 1/97. The Council recognises that contributions need to be based on careful assessments of requirements and discussions with the county education authority will continue in order to ensure that this will be the case. However the Council acknowledges that it would be appropriate to recognise that the need for facilities will be assessed on a site-specific basis.

IC46

8. **The Council has recommended that at the end of paragraph 8.16 the following sentence should be added: "Detailed requirements for additional educational capacity will be negotiated on a site-specific basis in consultation with the education authority". The Inspector is also invited to recommend that the third sentence of paragraph 8.16 (beginning "The type of facility ...") should be deleted.**
9. In general terms, whether a new development will generate a need for new or additional facilities will depend on the presence of primary school, within 2 miles, secondary schools within 3 miles and their capacity to take additional children. Projections are based on an average of 22 primary school children and 16 secondary school children per 100 dwellings.
10. With regard to the site at Watnall, a new primary school will be required which will have four classrooms and ancillary facilities initially and space for up to three further classrooms to be added later. A contribution to the improvement of secondary education facilities will also be needed, the details of which are currently under discussion with the education authority.

1107/2143: Scottish & Newcastle

11. Requirements for contributions need to be proportionate to the actual requirement for additional facilities generated by the development, in accordance with Circular 1/97.
12. The Maltings at Dovecote Lane, Beeston, which formed part of site H2e, is unlikely to provide family accommodation and should not therefore be subject to the policy.

Council's Response:

13. There is nothing in the policy which contradicts Circular 1/97 and the Council intends to apply the policy in accordance with the guidance in the Circular. The Council recognises that contributions need to be based on careful assessments of requirements and discussions with the county education authority will continue in order to ensure that this will be the case.
14. However the Council acknowledges that it would be appropriate to recognise that the need for facilities will be assessed on a site-specific basis. Inquiry Change IC46 is therefore proposed, as described above.

15. The Maltings no longer forms part of site H2e. However it would be inappropriate for any site to be excluded from the potential scope of the policy. Conversion of the Maltings might provide some family accommodation, whilst even a conversion to solely small flats would be likely to accommodate some children. If the site were to be redeveloped rather than converted, family accommodation may quite likely be involved. The policy makes clear that provision or contributions will be negotiated in cases where an identified need for additional capacity would result. This would have to be assessed in detail at the time of a planning application in consultation with the county education authority and, if the particular form of the proposed development meant that only a limited need for additional capacity would result, then the levels of contribution or provision could be assessed accordingly.

16. 1385/3609: Sport England (East Midlands)

The policy should require that the new infrastructure should be put in place and made available for use for the first of the new residents of any area.

Council's Response:

18. The Council does not consider that it would necessarily be appropriate for an educational or community facility to be available for use before any dwelling were occupied. This may, however, be appropriate in some instances, whilst in others it may be appropriate for the facility to be available for use before the development was completed. A phased programme of provision may also be appropriate in some cases – for example, a certain number of classrooms at a new school may be needed before any houses were occupied, with a need for additional classrooms being triggered by the completion of a certain number of dwellings. The appropriate stage in the development programme at which provision should be made would therefore depend on the particular circumstances of each case and would form part of the negotiations to which the policy refers. To clarify this point, paragraph 8.16 has been revised to refer to the need for provision to be made at an appropriate stage in the development programme (revision R426).

Inspector's Conclusions

1. I do not consider that Policy RC3 is attempting to compel developers to subsidise “pre-existing” community need as questioned by two of the objectors. It is sufficiently clear that it addresses the need for additional capacity arising from the development itself, which is in accordance with the guidance in Circular 1/97.
2. The Council accept that it could be clarified that detailed requirements in respect of educational capacity will be negotiated on a site-specific basis in consultation with the education authority. They have put forward IC46, which inserts such a sentence at the end of paragraph 8.16. IC46 also deletes the penultimate sentence of paragraph 8.16, which states that the type of facility required will be identified through development briefs. I can see that this sentence was overly prescriptive and so I support the Inquiry Change in its entirety.
3. In respect of calculating requirements, Hanson Family Trust appear to be seeking the level of precision that could only be achieved at the time of a planning application. A forecast of the likely number of children arising from any new community could not be achieved until then because the precise nature of the housing would need to be considered. Similarly, any calculation would need to take account of the existing capacity of nearby schools. It is something that will need to be assessed and negotiated when an application is submitted. The Local Plan, through the policies and development briefs, goes as far as it can do at this

stage in providing an indication of what might be expected. In terms of site H2I, this matter is somewhat irrelevant because I recommend in Chapter 4 that this allocation should be deleted.

4. As to the Maltings site, at this stage I do not accept that it should be treated as a special case in respect of the application of Policy RC3. The advice of PPG3 is to seek an appropriate mix of dwelling size, type and affordability in both new developments and conversions. Therefore, it is possible that the site could provide some family accommodation. Even if it entirely consisted of small units, it would be naïve to expect that these would not accommodate any children. Inevitably, as I have outlined above, whether the site should or should not contribute towards additional educational capacity will need to be assessed and negotiated at the time of a planning application.
5. Sport England’s objection raises the same issue as their objection to paragraph 8.16/R426, which I have dealt with above. For the reasons stated there, I do not consider that it should be a requirement for facilities to be provided before the first dwelling on a site is occupied.
6. In dealing with these objections to RC3, I have noticed that as presently worded, the first sentence of paragraph 8.15 does not make any sense. It also unnecessarily refers to community facilities which are dealt with in the following paragraph. I can only presume that this is an error that was mistakenly left over from earlier amendments to the Plan. I would suggest the following as replacement wording, “New development may generate a demand for education facilities which cannot be met within existing schools or planned improvements.” Furthermore, the use of the phrase “will require” in paragraph 8.16 is inconsistent with R246 and should state “will seek”.

Recommendation

7. I recommend that the RDDP be modified in accordance with IC46. I recommend that the first sentence of paragraph 8.15 be modified to read, “New development may generate a demand for education facilities which cannot be met within existing schools or planned improvements.” I recommend that the phrase “will require” in paragraph 8.16 be replaced with “will seek”.

RC4 Protection of Public Open Spaces

Objections

8.18			<i>Protection of public open spaces</i>	
716	2301		Mr J Stirland	Eastwood Community Action Group
8.18 R429			<i>Protection of public open spaces - Rephrasing of reference to character/quality</i>	
598	4457	R429	Mr I Brown	CPRE - Broxtowe Group
601	4602	R429	Mr S Rufus	Nottinghamshire Wildlife Trust
RC4			<i>Protection of public open spaces</i>	
1154	2351			W. Westerman Ltd

1381 3558
1385 3610

Mrs F Forgham
Mr B Neville

DPDS Consulting Group
Government Office for the East Midlands
Sport England (East Midlands)

Summary of Objection Issues

8.18 Protection of Public Open Spaces

716/2301: Mr J Stirland

1. The paragraph refers to the need for a longer term view of the implications of any loss of open space, however further land is being proposed for development in Eastwood despite playing field provision being below NPFA standards. Housing sites H2g and H2i should therefore be allocated for recreational use.

Council's Response:

2. The objector does not propose any revision to paragraph 8.18. His objections to sites H2g and H2i are addressed in the Council's responses to objections to those policies (proofs 007 and 088).

8.18 R429 Protection of public open spaces - Rephrasing of reference to character/quality

598/4457: CPRE - Broxtowe Group

3. The objection is to the removal of the phrase "environmental quality". The phrase "open nature or landscape character" should be replaced by "open character or environmental landscape quality".

Council's Response:

4. The Council acknowledges that the terminology in the reasoned justification should be consistent with that in the policy (as proposed to be amended by IC48 - see the Council's proof 043 regarding policy RC5) and therefore accepts that reference to "environmental quality" should be reinstated.
5. **The Council has recommended that the phrase "open nature or landscape character" should be replaced with the phrase "open character, environmental quality or landscape character".**

IC47

601/4602: Nottinghamshire Wildlife Trust

6. The phrase "or environmental quality" should be reinstated, so as to avoid reducing the consideration that needs to be given to the nature conservation value of open space.

Council's Response:

7. The Council acknowledges that the terminology in the reasoned justification should be consistent with that in the policy and therefore accepts that reference to "environmental quality" should be reinstated. An Inquiry Change (IC47) is therefore proposed, as described in the response to objection 598/4457 above.

Inspector's Conclusions

1. As noted by the Council, Mr Stirland's objection is not aimed at the content of paragraph 8.18 of the Plan but housing sites H2g and H2i. I therefore direct the reader to the conclusions and recommendations I have already made with regard to these sites within the Chapter 4 of my report. I can assure the objector that in assessing these sites, I have considered the existing and future needs of the Eastwood community for open space, sports and recreational facilities.
2. Both the CPRE and the NWT object to R429, which changed the reference in paragraph 8.18 from "open character or environmental quality" to "open nature or landscape character". They correctly point out that this removes consideration of the nature conservation value of open spaces. The Council have since put forward IC47 which changes the reference to "open character, environmental quality or landscape character". However, I consider that "open character, environmental and landscape value" is more encompassing. Such a change satisfactorily addresses the concerns of these objectors.

Recommendation

3. I recommend that IC47 be amended to read "open character, environmental and landscape value" and the RDDP be modified in accordance with this change.

RC4 Protection of Public Open Spaces

1154/2531 W Westerman Ltd

8. The wording of the policy is contrary to the provisions of PPG17, particularly in respect of the Pit Lane recreation ground, which should be relocated to the north of Stapleford Hill and redeveloped for housing in connection with the development of site H2j.

Council's Response:

9. The policy has now been combined with policy RC5. The objectors do not explain why they consider it to conflict with PPG17 and the Council does not consider that it does so. The Pit Lane recreation ground is a valuable and accessible local facility and the Council does not consider that there is any good reason why it should not be protected. Site-specific issues concerning site H2j are dealt with in more detail in the Council's response to objections to that policy (proof 027).

1381/3558: GOEM

10. The Government Office initially commented that RC4 was inconsistent with PPG17 and with RC5 (objection 1381/3558), whilst RC5 was 'negative, repetitious and confusing' and did not sufficiently closely reflect criteria set out in paragraph 42 of PPG17 (objection 1381/3559 - see the Council's proof 043 regarding the combined policy RC5). It recommended that the policies should be combined and reconsidered. With regard to the combined policy in the Revised Deposit Draft, the Government Office still considers it to be repetitious and confusing and still to not sufficiently closely reflect PPG17 (objections 1213/5173 and 1213/5174 - see the Council's proof 043 relating to the combined policy RC5). An alternative wording is proposed:

"The development of open spaces shown on the Proposals Map and listed in Appendix 9 will not be permitted except where:

- a) no local deficiency of formal or informal open space will result; or
- b) where such a deficiency will result, either an equivalent and equally accessible area is laid out and made available by the applicant for the same open space purpose; or

- c) it is demonstrated that redevelopment of a small part of the site will result in substantially enhanced sports and recreation facilities on the remainder of the site and that the development does not detract from the open character or environmental and landscape quality of the land”.

Council’s Response:

11. The policies have been combined as recommended. Part a) of the policy deals with the three criteria set out in paragraph 42 of PPG17. Part b) of the policy additionally refers to the issues of open character, environmental and landscape quality (subject to the minor rewording proposed in response to the Countryside Agency’s objection – see IC48 in the Council’s proof 043 relating to the combined policy RC5). These issues are considered to be particularly important in Broxtowe, many parts of which are heavily built-up and where open spaces have great value due to their openness and visual qualities, in addition to their recreational and amenity value. The references to these issues have the support (subject to minor re-wording) of organisations such as the Countryside Agency, the CPRE and the Nottinghamshire Wildlife Trust (representations 1363/5290, 5291; 598/4457, 4458, 4459; 601/4602). The Government Office has not clearly explained why it considers the policy to be confusing or unnecessarily repetitious. It is suggested that the second part of the opening sentence is repeated in criterion a), however this is not the case. It is noted that criterion b) is repeated in the last sentence, however this is necessary as criterion b) and the last sentence deal with different kinds of proposed development. The Council considers it appropriate for the policy to be “negatively” phrased due to the importance it attaches to protecting open spaces, and this approach is consistent with the similar emphasis in PPG3 (paragraph 53 etc). The Government Office’s proposed wording is not preferred because:
- it does not deal with proposals for the improvement of the recreational potential of the land or the provision of ancillary facilities (such as proposals solely for new changing facilities or play equipment);
 - in the Council’s opinion the effect on the open character or environmental and landscape quality should be taken into account in all cases and not merely in cases which satisfy criterion (c);
 - criterion (b) is presented as one of three alternative options, however in that context the use of the term “either” is incongruous.

1385/3610: Sport England (East Midlands)

12. The two policies should be combined so as not to differentiate between public and private spaces and so recognise that ownership is not a material consideration. Text should be added to say that, where replacement facilities are provided, they should be available for use before redevelopment occurs.

Council’s Response:

13. The two policies have been combined, as recommended (Revisions R430-R435). The Council considers that the appropriate timing for the provision of any replacement facilities may vary from case to case and should not therefore be specified in the policy.

Inspector’s Conclusions

1. I have already dealt with issues surrounding site H2j and the Pit Lane Recreation Ground sports pitch, which appears to be the main concern of the objection from W. Westerman Ltd, within Chapter 4 of my report. I recommend that the housing allocation and associated proposals, as it appeared in the RDDP, be deleted. However, rather than it being restored to the Green Belt as suggested by the Council, I recommend that it be designated as “White Land” (safeguarded land)

under Policy E11 drawn from the FDDP. I include the existing sports pitch within this designation.

2. Turning to the wording of Policy RC4, W. Westerman Ltd and GOEM noted that in the FDDP, it did not accord with the advice of PPG17 (1991) because paragraph 42 of that guidance sets out three criteria where development on playing fields may be acceptable. GOEM also pointed out that RC4 was inconsistent with the provisions of Policy RC5. The Council have since made changes through revisions R428-R335. This incorporates GOEM's suggestion of combining Policy RC4 and RC5, which concerned the protection of public open spaces and private open spaces respectively. As a consequence, this addresses the first concern raised by Sport England's which is that spaces should not be differentiated between in terms of ownership.
3. Nevertheless, there are further objections to these changes from GOEM who consider that the combined Policy is both repetitious and confusing. They suggest that the latter part of the opening sentence is repeated in criterion (a). Like the Council, I do not find that to be the case, but I do find that the same subject matter is repeated in the final paragraph. GOEM also note that criterion (b) is repeated in the final paragraph. The Council argues that this repetition is necessary because the last sentence deals with different kinds of proposed development, in particular proposals for the improvement of the recreational potential of the land or the provision of ancillary facilities. The Council criticises GOEM's suggested rewording of the policy for omitting such a consideration and I have some sympathy with that view.
4. However, the Policy could be made more succinct and I set out such a Policy below. This incorporates IC48 although I consider that "open character, environmental and landscape value" is preferable to "open character, environmental quality or landscape character" as was put forward in IC48. This inquiry change responded to an objection from the Countryside Agency, which the Council indicate has now been conditionally withdrawn (1363/3420).
5. I am conscious of the fact that the changes I recommend below will ensure that the Policy is in accordance with concerns raised in respect of PPG17 (1991) but that guidance has now been replaced by PPG17 (2002). However, as I have highlighted at the start of this Chapter, it would be inappropriate for me, in the light of PPG17 (2002), to recommend wholesale changes to policies concerning open space, sport and recreation within the Plan. This is something first for the Council to consider, in consultation with interested parties.
6. Turning to Sport England's second concern, namely that it should be made a policy requirement that where replacement facilities are provided, they should be available for use before redevelopment occurs. Paragraph 13 of PPG17 (2002) on replacement facilities, makes no mention of such a requirement. I note that the earlier Circular 1/97 states that developers should recognise the need to provide a replacement that is ready and available for use at the time of loss rather than at some unknown point in the future. However, this does not to my mind, make replacement provision at the time of loss a requirement but rather a desirable goal which should be sought as a first choice. Furthermore, it needs to read alongside the remainder of paragraph B13 which states that the priority should be secure the

most appropriate - not the easiest – substitute provision. It may not be possible to secure the most appropriate substitute provision at the time of loss. As reasoned by the Council, it will inevitably vary from case to case.

Recommendation

7. I recommend that Policy RC5 be modified to read:

“The development of open spaces shown on the Proposals Map and listed in Appendix 9, will not be permitted unless:-

- a. no local deficiency of formal or informal open space will result; or
- b. where such a deficiency will result, either an equivalent and equally accessible area is laid out and made available by the applicant for the same open space purpose or it is demonstrated that redevelopment of a small part of the site will result in substantially enhanced sports or recreation facilities on the remainder of the site; or
- c. the development relates to the improvement of the recreational potential of the land or provides ancillary facilities; and
- d. in all of the above cases, the development will not detract from the open character, environmental and landscape value of the land”.

RC5 Protection of Private Open Spaces

Objections

8.20		<i>Protection of private open spaces</i>	
716	2302	Mr J Stirland	Eastwood Community Action Group
RC5		<i>Protection of private open spaces</i>	
1165	2518		Siemens Properties Ltd Colliers Erdman Lewis
595	1142		Beeston Lads Club Antony Aspbury Associates
928	3981	Mr & Mrs Appleyard	
877	1675	Mr CB Argyle	
874	1672	Ms S Beales	
871	1670	Mr PJ Bentley	
115	133	Mr A Bradley	Strelley Village Parish Group
116	135	Mrs E Bradley	Strelley Village Parish Group
875	1673	Dr DP Clifford	
118	141	Mr MJ Cresswell	Strelley Village Parish Group
770	1423	Ms T De Graaf	
1381	3559	Mrs F Forgham	Government Office for the East Midlands
931	3989	Mrs ST Haslam	
935	3975	Mr S Ireland	
873	1671	Miss D Lewis	
881	1678	Dr P Milburn	
929	3972	Mr J Page	
880	1677	Mr MR Robbins	
878	1676	Miss K Ryan	

119	144	Mr PM Shouls	
936	3988	Mrs E Shouls	
117	138	Mrs D Stevenson	Strelley Village Parish Group
866	1668	Mr MW Stirland	
868	1669	Mr BW Whittle	Strelley Village Parish Group
882	1679	Mr T Winson	

RC5 R435 Protection of Private Open Spaces – Addition for consistency with clause b) of reference to landscape quality

1213 5174 R435 Mrs F Forgham Government Office for the East Midlands

RC5 R434 Protection of open spaces – Rephrasing of reference to amenity/character/quality

1213 5173 R434 Mrs F Forgham Government Office for the East Midlands

Summary of Objection Issues

8.20 Protection of Private Open Spaces

716/2302: Mr J Stirland

1. No specific comments are made in respect of paragraph 8.20, however the points made in respect of paragraph 8.18 can be assumed to apply (see the Council's proof 163 regarding policy RC4).

Council's Response:

2. The objector does not propose any revision to paragraph 8.18. His objections to sites H2g and H2i are addressed in the Council's responses to objections to those policies (proofs 007 and 088).

Inspector's Conclusions

1. As with Mr Stirland's objection to paragraph 8.18, this objection is not aimed at the content of paragraph 8.20 but housing sites H2g and H2i. Therefore, I again direct readers to the conclusions and recommendations I have already made with regard to these sites within the Chapter 4 of my report.

Recommendation

2. I recommend that no modification be made to the RDDP.

RC5 Protection of Private Open Spaces

1165/2518: Siemens Properties Ltd

3. The plan should identify potential for residential development on part of Siemens' Trent Vale, Beeston, playing fields (site Be(a)).

Council's Response:

4. After discussions the Council has reached agreement with Siemens that the proposals for new housing development at the Trent Vale sports ground should not be pursued and that other means will be sought to improve the existing sports facilities and bring the ground into publicly accessible uses. This is considered by the Council to be community benefit to which weight has been attached when considering the new employment development allocation on the main site. As a

consequence Siemens Ltd have conditionally withdrawn their objection in respect of Trent Vale Road.

595/1142: Beeston Lads Club

5. The boundary between the area proposed to be protected by policy RC5 at Queens Road, Beeston, and the adjacent area proposed to be developed for housing (site H2e) is arbitrary and is not based on physical features, the 'functional/operational characteristics' of the site, landscape or amenity reasons. None of the playing fields need to be retained in situ and the protected area should therefore be reduced to not more than one hectare.

Council's Response:

6. This issue is dealt with in the joint statement agreed by Broxtowe Borough Council, David Wilson Homes and Beeston Lads' Club, a copy of which is attached to this proof. IC94 in proof 023 formally proposes an enlargement to the housing allocation H2e which is to the satisfaction of all parties.

928/3981: Mr & Mrs Appleyard

877/1675: Mr C B Argyle

874/1672: Ms S Beales

871/1670: Mr P J Bentley

115/133: Mr A Bradley

116/135: Mrs E Bradley

875/1673: Dr D P Clifford

118/141: Mr M J Cresswell

770/1423: Ms T De Graaf

931/3989: Mrs S T Haslam

935/3975: Mr S Ireland

873/1671: Miss D Lewis

881/1678: Dr P Milburn

929/3972: Ms J Page

880/1677: Mr M R Robbins

878/1676: Miss K Ryan

119/144: Mr P M Shouls

936/3988: Mrs E Shouls

117/138: Mrs D Stevenson

866/1668: Mr M W Stirland

868/1669: Mr B W Whittle

882/1679: Mr T Winson

7. The objections refer to policy RC5, but the objections actually relate to policy RC7c, the former proposal for new playing fields at Bilborough Road, Strelley.

Council's Response:

8. The objectors do not propose any changes to policy RC5. (Policy RC7c is deleted in the Revised Deposit Draft).

1381/3559: GOEM

9. The Government Office initially commented that RC4 was inconsistent with PPG17 and with RC5 (objection 1381/3558 - see the Council's proof 163 regarding policy RC4), whilst RC5 was 'negative, repetitious and confusing' and did not sufficiently closely reflect criteria set out in paragraph 42 of PPG17 (objection 1381/3559). It recommended that the policies should be combined and reconsidered. With regard to the combined policy in the Revised Deposit Draft, the Government Office still considers it to be repetitious and confusing and still to not sufficiently

closely reflect PPG17 (objections 1213/5173 and 1213/5174, as noted below). An alternative wording is proposed:

“The development of open spaces shown on the Proposals Map and listed in Appendix 9 will not be permitted except where:

- a) no local deficiency of formal or informal open space will result; or
- b) where such a deficiency will result, either an equivalent and equally accessible area is laid out and made available by the applicant for the same open space purpose; or
- c) it is demonstrated that redevelopment of a small part of the site will result in substantially enhanced sports and recreation facilities on the remainder of the site and that the development does not detract from the open character or environmental and landscape quality of the land”.

Council’s Response:

10. The policies have been combined as recommended. Part a) of the policy deals with the three criteria set out in paragraph 42 of PPG17. Part b) of the policy additionally refers to the issues of open character, environmental and landscape quality (subject to the minor rewording proposed in response to the Countryside Agency’s objection – see below). These issues are considered to be particularly important in Broxtowe, many parts of which are heavily built-up and where open spaces have great value due to their openness and visual qualities, in addition to their recreational and amenity value. The references to these issues have the support (subject to minor re-wording) of organisations such as the Countryside Agency, the CPRE and the Nottinghamshire Wildlife Trust (representations 1363/5290, 5291, 598/4457, 4458, 4459, 601/4602). The Government Office has not clearly explained why it considers the policy to be confusing or unnecessarily repetitious. It is suggested that the second part of the opening sentence is repeated in criterion a), however this is not the case. It is noted that criterion b) is repeated in the last sentence, however this is necessary as criterion b) and the last sentence deal with different kinds of proposed development. The Council considers it appropriate for the policy to be “negatively” phrased due to the importance it attaches to protecting open spaces, and this approach is consistent with the similar emphasis in PPG3 (paragraph 53 etc). The Government Office’s proposed wording is not preferred because:

- it does not deal with proposals for the improvement of the recreational potential of the land or the provision of ancillary facilities (such as proposals solely for new changing facilities or play equipment);
- in the Council’s opinion the effect on the open character or environmental and landscape quality should be taken into account in all cases and not merely in cases which satisfy criterion c);
- criterion b) is presented as one of three alternative options, however in that context the use of the term “either” is incongruous.

Inspector’s Conclusions

1. The Council indicate that Siemens are no longer pursuing their objection seeking housing development on part of their Trent Vale sports ground. Consequently, they have not brought forward evidence to persuade me as to why designated open space/facilities for outdoor sport should be lost to an alternative use, namely housing. Furthermore, they have not demonstrated that what appears to be the piecemeal completion of residential development on the western side of South Road would be represent the most satisfactory form of development. In such circumstances, I can only conclude that the extent of the RC5 open space designation in the RDDP should remain unchanged.

2. With regard to the objection from Beeston Lads Club, during the course of the inquiry the Council reached agreement with the objector and other objectors on a revision to the boundary of site H2e. This was detailed in a joint statement and resulted in IC94 being put forward by the Council.
3. This change increases the housing allocation by approximately 0.5 ha through adjusting its north western boundaries. At the same time it secures substantial public benefits in respect of the remaining RC5 open space (Queens Road, Beeston), including the creation of an extra football pitch. The Council confirm that subject to the acceptance of IC94, Beeston Lads Club conditionally withdraw their objections. I fully consider and accept IC94 in my consideration of site H2e within Chapter 4 of my report. However, as this change affects the extent of an RC5 open space, I repeat below my recommendation that the RDDP should be modified in accordance with IC94.
4. A large number of the objections concern new playing fields at Strelley which were proposed in FDDP in association with housing development on the northern part of Bilborough College grounds, but deleted in the RDDP. As the playing fields were specifically the subject of Policy RC7c, and the objectors do not raise any issues about the provisions of Policy RC5, I deal with their concerns under Policy RC7.
5. I have already dealt with GOEM's objection about the wording of Policy RC5 in my consideration of Policy RC4.

Recommendation

6. That the RDDP be modified in accordance with IC94.

RC5 R435 Protection of Private Open Spaces - Addition for consistency with clause b) of reference to landscape quality

1213/5174: GOEM

11. See GOEM objection 1381/3559 above.

RC5 R434 Protection of Open Spaces - Rephrasing of reference to amenity/character quality

12. 1213/5173: GOEM

See GOEM objection 1381/3559 above.

13. The Countryside Agency objected on the basis that the phrase "landscape character" should be used in the policy (objections 1363/3420 and 1363/5290). These objections were withdrawn on the understanding that an inquiry change would be made. The Council accepts the desirability of a reference to "landscape character". It is also appropriate to ensure consistency with paragraph 8.18 of the reasoned justification (see IC47 and the Council's responses to objections 598/4457 and 601/4602 in proof 163 regarding policy RC4).

14. **The Council has recommended that, in section b) and the following paragraph, the phrase "open character or environmental and landscape**

IC48

quality” should be replaced with “open character, environmental quality or landscape character”.

Inspector’s Conclusions

1. I have already dealt with GOEM’s objections and the issue raised by the Countryside Agency in my consideration of Policy RC4.

Recommendation

2. See my recommendation under Policy RC4.

RC6 Open Space: Requirements for New Developments

Objections

RC6	<i>Open space: requirements for new developments</i>		
928 3982	Mr & Mrs Appleyard		
877 3976	Mr CB Argyle		
871 3983	Mr PJ Bentley		
115 3971	Mr A Bradley	Strelley Village Parish Group	
116 3985	Mrs E Bradley	Strelley Village Parish Group	
598 2628	Mr I Brown	CPRE - Broxtowe Group	
875 3993	Dr DP Clifford		
124 152	Mrs JL Cox		
118 3968	Mr MJ Cresswell	Strelley Village Parish Group	
931 3990	Mrs ST Haslam		
935 1736	Mr S Ireland		
873 3984	Miss D Lewis		
1385 3612	Mr B Neville	Sport England (East Midlands)	
929 3974	Mr J Page		
880 3977	Mr MR Robbins		
878 3991	Miss K Ryan		
936 1739	Mrs E Shouls		
119 3803	Mr PM Shouls		
117 3986	Mrs D Stevenson	Strelley Village Parish Group	
866 3969	Mr MW Stirland		
868 3970	Mr BW Whittle	Strelley Village Parish Group	
882 3979	Mr T Winson		

Summary of Objection Issues

1. Nottinghamshire Wildlife Trust objected to paragraph 8.23 on the basis that the paragraph should be amended to include reference to the need for the provision of wildlife-rich open space within all new developments (objection 601/3019). The objection was withdrawn on the understanding that an inquiry change would be made. The Council recognises the importance of wildlife features, together with landscape and amenity features, in the design of open space.
2. **The Council has recommended that, in the second sentence of paragraph 8.23, “maintaining important landscape features” is replaced with “creating, retaining and enhancing local landscape, ecological and amenity features”.**

IC49

RC6 Open Space: requirements for new developments

598/2628: CPRE - Broxtowe Group

3. In section (c), “retained or enhanced through the provision of the open space and children’s play areas” should be replaced with “preserved and consultation is carried out as to the best method of management and public access”.

Council’s Response:

4. The proposed reference to the need for features to be “preserved” would be weaker than the current phrase ‘retained or enhanced’. The proposed reference to consultation on management and access would be inappropriate for a policy as it would represent a statement of intent, contrary to Government Office advice, and it would not give clear guidance for development control purposes. Maintenance of open spaces is dealt with by policy RC9 and paragraph 8.32.

1385/3612: Sport England (East Midlands)

5. The threshold should be set at one dwelling rather than 1.5ha/45 dwellings, because:
- every new dwelling will have an incremental impact upon existing levels of under-provision;
 - if sites are parcelled up between different developers, each site may fall short of the threshold;
 - developers will seek to avoid the threshold, either by parcelling up sites into smaller units or by reducing the number of dwellings.

Council’s Response:

6. The Council considers that it would be unduly onerous for the threshold to be reduced to one dwelling, or to a figure less than 1.5ha/45 dwellings. However, the policy states that in considering the size of the development, account will be taken of any larger site of which it forms part. This will avoid the risks of sites falling short of the threshold, or of developers seeking to avoid the threshold.
7. Nottinghamshire Wildlife Trust objected on the basis that an extra criterion should be added to the policy, relating to features beneficial to wildlife and management (objection 601/3018). This objection was withdrawn on the understanding that an inquiry change would be made. The Council recognises the importance of wildlife features in the design of open space. However the proposed reference to management would be inappropriate for a policy as it would represent a statement of intent, contrary to Government Office advice, and it would not give clear guidance for development control purposes. Maintenance of open spaces is dealt with by policy RC9 and paragraph 8.32.

IC50

8. **The Council has recommended that an extra criterion should be added to read: “d) The design of any open space provision not used for formal recreational purposes will take into account possible provision of features beneficial to wildlife”.**

124/152: Mrs J L Cox

9. The objection is to the lack of firm proposals of community facilities, particularly at site H2a.

Council’s Response:

10. It would be inappropriate for community facilities to be referred to in policy RC6, which is dealing with a separate issue. Community facilities generally are dealt with by policies RC2 and RC3, and the specific question of community facilities at site H2a is dealt with in the Council’s response to objections to that policy (proof 010).

928/3982: Mr & Mrs Appleyard

877/3976: Mr C B Argyle

871/3983: Mr P J Bentley

115/3971: Mr A Bradley
116/3985: Mrs E Bradley
875/3993: Dr D P Clifford
118/3968: Mr M J Cresswell
931/3990: Mrs S T Haslam
935/1736: Mr S Ireland
873/3984: Miss D Lewis
929/3974: Mr J Page
880/3977: Mr M R Robbins
878/3991: Miss K Ryan
936/1739: Mrs E Shouls
119/3803: Mr P M Shouls
117/3986: Mrs D Stevenson
866/3969: Mr M W Stirland
868/3970: Mr B W Whittle
882/3979: Mr T Winson

11. The objectors refer to policy RC6, but the objections actually relate to policy RC7c, the former proposal for new playing fields at Bilborough Road, Strelley.

Council's Response:

12. The objectors do not propose any changes to policy RC6. (Policy RC7c is deleted in the Revised Deposit Draft).

Inspector's Conclusions

1. The NWT were correct to point out that paragraph 8.23 failed to consider the full range of open space uses. I understand that they have withdrawn their objection on the condition that an Inquiry Change would be made. The Council have put forward IC49, which replaces "maintaining important landscape features" in paragraph 8.23 with "creating, retaining and enhancing local landscape, ecological and amenity features". I support this change not only because it considers the full range of open space uses, but also because it ensures that the paragraph accords with the provisions of Policy RC6, especially RC6c.
2. I am unsure as to why the CPRE suggested that the words "retained or enhanced" in RC6c, should be replaced by "preserved". The Council's wording is clearly more desirable because it seeks an improvement on the existing situation wherever possible. As to the remainder of the CPRE's rewording of RC6c, I recognise that their main concern is that there should be consultation about future management and public access. The public will have the opportunity to discuss such matters with the Council and voice any concerns when a planning application for a proposed development is submitted. However, this does not need to be spelt out in a local plan policy. Indeed to do so would be contrary to Government good practice on the formulation of policies which is that they should not contain what would be considered as a "statement of intent" by the Council.
3. I understand Sport England's point that every new dwelling will have an incremental impact upon existing facilities. However, their suggestion of setting the threshold in the Policy at a single dwelling is impractical. The costs of administering such a requirement both to the Council and the applicant are likely to outweigh any reasonable contribution. In this respect, lowering the threshold to this level would be unduly onerous, as suggested by the Council.

4. However, I agree with Sport England that the threshold is currently set too high. I am particularly concerned that sites of between 1 ha and 1.5 ha would not be required to make provision for resulting open space requirements. Sites of this scale could significantly add to pressures on existing facilities. In these cases the Council should take the opportunity to seek to ensure that the needs arising from the development are addressed by the developer. It is for this reason that I consider the threshold should be lowered to 1 ha. To my mind this lower threshold would not be unduly onerous, as feared by the Council. I consider that incorporating a dwelling threshold as well as a hectareage threshold is unnecessary. In accordance with my conclusions in respect of Policy H5, such a threshold could become a deterrent to bringing forward sustainable small urban windfall sites and/or deter higher densities, both of which would run contrary to the Council's ambitions.
5. I do not support Sport England's idea that there may be sense in having a threshold beyond which direct provision becomes an option. I consider that it is desirable for the Policy to remain flexible to deal with this option on a case by case basis.
6. Sport England also raise concerns that developers may deliberately seek to avoid the threshold either by parcelling up sites into smaller units or by reducing the number of dwellings. The first of these matters is already addressed in the Plan through the introductory paragraph of Policy RC6, which states after the thresholds "taking account of any larger site of which it forms part". The second should not be possible through the application of Policy H6, which sets minimum densities for new residential developments.
7. The NWT suggests that a criterion should be added which states that "Any open space provision not used for formal recreational purposes is designed to include features beneficial to wildlife, which will be managed for this interest, and the public enjoyment of it." The Council has put forward IC50, which inserts such an additional criterion but by referring to "take into account possible provision of features beneficial to wildlife" it is less strongly worded than that suggested by the NWT. Nevertheless, I support the Council's wording because it reflects that in some cases it is desirable to design open spaces with other interests in mind, such as highway safety or crime prevention. The Council has also correctly omitted the reference to management which is more a "statement of intent" and should not form part of a development control policy. Overall, the Inquiry Change meets the main concern of the NWT's objection, which is to seek to improve the biodiversity of the borough.
8. Turning to Mrs Cox's objection, in my consideration of the objections to proposed housing allocations H2a and H2b, I have already dealt with the issue of whether provision should be made for a new community centre at either of these locations. While I do not support the allocation of a specific site for such a use, I recommend the safeguarding of a 1.4 ha site for a primary school where the opportunity should be taken to plan and manage the facility so as to also provide for community uses. However, as this does not result in the need for consequential changes to Policy RC6, which concerns the provision of open space, I do not recommend any modification to the Plan below.

9. As with Policy RC5, a large number of the objections concern new playing fields at Strelley which were proposed in the FDDP but deleted in the RDDP. As the playing fields were specifically the subject of Policy RC7c, and the objectors do not raise any issues about the provisions of Policy RC6, I deal with their concerns under RC7.

Recommendation

10. I recommend that the RDDP be modified in accordance with IC49 and IC50, and that the threshold in Policy RC6 be changed to “1 ha or more”.

RC7 New Playing Fields

Objections

RC7	New playing fields		
1218	2901		Nuthall Action Group
			Antony Aspbury Associates
1116	2369		Wimpey Homes
			Stoneleigh Planning Partnership
764	1413	Mrs JM Bradley	
881	1606	Dr P Milburn	
1385	3613	Mr B Neville	Sport England (East Midlands)
1159	2432	Mr C Welsh	
894	1639	Mrs J Whitley	
RC7c	New playing fields: Strelley		
928	3980	Mr & Mrs Appleyard	
934	1733	Mr P Appleyard	
877	1586	Mr CB Argyle	
874	1570	Ms S Beales	
871	1563	Mr PJ Bentley	
942	2408	Mrs KM Bosley	
116	136	Mrs E Bradley	Strelley Village Parish Group
115	132	Mr A Bradley	Strelley Village Parish Group
769	1420	Dr A Brenan	
875	1574	Dr DP Clifford	
118	142	Mr MJ Cresswell	Strelley Village Parish Group
933	2412	Dr RC Daniels	
932	2411	Mrs AB Daniels	
770	1422	Ms T De Graaf	
759	4029	Mr TA England	
930	2410	Mr B Haslam	RSPB
931	1729	Mrs ST Haslam	
935	1735	Mr S Ireland	
939	1745	JD Knight	
873	1568	Miss D Lewis	
937	1741	Sir P Mansfield	
768	1418	Mr I Mitchell	
929	3973	Mr J Page	
940	1750	TA Richards	
880	1594	Mr MR Robbins	
941	1752	Miss JA Russell	
878	1590	Miss K Ryan	
936	1738	Mrs E Shouls	
119	145	Mr PM Shouls	

114	4031	Ms BA Smith	
117	139	Mrs D Stevenson	Strelley Village Parish Group
866	1556	Mr MW Stirland	
767	1415	Mr KP Whitley	
868	1561	Mr BW Whittle	Strelley Village Parish Group
882	1607	Mr T Winson	

Summary of Objection Issues

RC7 New Playing Fields

1218/2901 Nuthall Action Group

1. The proposed playing fields at Watnall/Nuthall would have a “formal urban character” and would be “effectively urban development”.

Council’s Response:

2. It is intended that, as shown in Development Brief H, the playing fields will be incorporated within larger areas of open space, which will include informal play space together with woodland and other planting. However the Council recognises that the larger proposed development of which the playing fields form part will have a predominantly urban character. Objections relating to this larger development as a whole are considered in the Council’s responses to objections to policies H2I, EM2 and EM3f (proof 014). Nuthall Parish Council supports this playing field allocation as being an appropriate Green Belt use, subject to there being no material harm to local amenity and no inappropriate lighting (representation 1006/2087).

1116/2369 Wimpey Homes

3. Public open space should be allocated in connection with the objectors’ proposed housing allocation at site ST2.

Council’s Response:

4. The Council does not consider that site ST2 should be allocated for housing, for the reasons given in its response to representation 1116/2368 (proof 112), which promotes the development of this site. It would therefore be inappropriate for associated open space to be allocated in policy RC7.

1385/3613 Sport England

5. Insufficient land is allocated in view of the current shortage of playing fields. “The district is undoubtedly underprovided with playing fields [and] Technical Report No 5 illustrates this ... the required action is for the Borough Council to agree with Sport England the true figures [for actual levels of provision] and then to determine the impact upon protection policies and the need for new sites.”

Council’s Response:

6. As stated in Technical Report 5 (paragraphs 6.1 and 7.5), the Council’s preferred approach, consistent with its Sport and Recreation Strategy, is that the improvement of existing facilities is generally preferred to the creation of new facilities. The allocations proposed will however considerably increase the supply of playing fields in the borough. The objection suggests that the Council’s figures in the Technical Report for levels of provision are over-estimated due to the inclusion of school facilities, however care has been taken to ensure that school facilities have only been included where they are “as a matter of practice and policy available for public use”, in accordance with the NPFA’s definition.

1159/2432 Mr C Welsh

7. Playing fields may need to be allocated in connection with the objector's proposed housing allocations at nine inter-related sites associated with sites AC5 and AC6.

Council's Response:

8. The Council does not consider that these sites should be allocated for housing, for the reasons given in its responses to representations 1159/2419 and 1159/2425 (proof 092), which promote the development of these sites. It would therefore be inappropriate for associated playing fields to be allocated in policy RC7.

764/1413 Mrs JM Bradley

881/1606 Dr P Milburn

894/1639 Mrs J Whitley

9. Wrong use of green belt, sets precedent, spoils village, noise and pollution, loss of countryside.

Council's Response:

10. These objections refer to allocation RC7c. The allocation has been deleted in the Revised Deposit Draft by means of revision R438.

RC7c New Playing Fields, Strelley

930/2410 RSPB

11. Green Belt location, harm to birds.

Council's Response:

12. The allocation has been deleted in the Revised Deposit Draft by means of revision R438.

928/3980 Mr & Mrs Appleyard

934/1733 Mr P Appleyard

877/1586 Mr CB Argyle

874/1570 Ms S Beales

871/1563 Mr PJ Bentley

942/2408 Mrs KM Bosley

116/136 Mrs E Bradley

115/132 Mr A Bradley

769/1420 Dr A Brenan

875/1574 Dr DP Clifford

118/142 Mr MJ Cresswell

933/2412 Dr RC Daniels

932/2411 Mrs AB Daniels

770/1422 Ms T De Graaf

759/4029 Mr TA England

930/2410 Mr B Haslam

931/1729 Mrs ST Haslam

935/1735 Mr S Ireland

939/1745 JD Knight

873/1568 Miss D Lewis

937/1741 Sir P Mansfield

768/1418 Mr I Mitchell
929/3973 Mr J Page
940/1750 TA Richards
880/1594 Mr MR Robbins
941/1752 Miss JA Russell
878/1590 Miss K Ryan
936/1738 Mrs E Shouls
119/145 Mr PM Shouls
114/4031 Ms BA Smith
117/139 Mrs D Stevenson
866/1556 Mr MW Stirland
767/1415 Mr KP Whitley
868/1561 Mr BW Whittle
882/1607 Mr T Winson

13. The allocation should be deleted for various reasons.

Council's Response:

14. The allocation has been deleted in the Revised Deposit Draft by means of revision R438.

Inspector's Conclusions

1. The objection from Nuthall Action Group forms part of their general objections to major development proposed at Watnall/Nuthall. In my report, I recommend that apart from employment development on land used as a coal depot, (the southern part of EM3f) that these major development proposals should be deleted. As a consequence, RC7e should be deleted and I make such a recommendation below.
2. Wimpey Homes objection is directly related to their proposed housing allocation at Uplands Farm, Trowell. For the reasons I have stated in Chapter 4, made in response to their separate objection to Policy H2, I do not support such an allocation. Consequently, it would be inappropriate to allocate land for new playing fields adjacent to this omission site under Policy RC7.
3. Sport England suggests that Technical Report 5: Study of Outdoor Playing Space (CD21d) is flawed because it over-estimates the existing supply of outdoor sports facilities. They stress that to form part of the supply, facilities in the educational sector must meet the test in the NPFA definition that they are outdoor sports facilities which are as a matter of practice and policy available for public use. They believe that many of the schools listed in the report should not have been included. The Council have confirmed that care has been taken to ensure that facilities in the educational sector meet the NPFA definition and so the accusation that the report is flawed in this respect is unsubstantiated.
4. Sport England also emphasises that there is an existing undersupply of playing fields in the borough and the Council need to determine the impact of this upon protection policies and the need for new sites. Until the Council revises their policies and standards to take account of PPG17 (2002), I consider that they already have an appropriate protection policy in the form of Policy RC5, as I recommend it should be modified. In terms of the provision of additional playing fields resulting from new housing development, I have considered this issue in dealing with proposed housing allocations. In doing so, I have supported the

Council's Sport and Recreation Strategy in that the improvement of existing facilities is generally preferred to the creation of new ones.

5. As a result of this work, I recommend the allocation of new playing fields at Giltbrook, where there is an identified deficiency in local provision. This allocation is made in connection with my support in Chapter 10 for housing development on part of omission site Ea9, (Land north of A610, east of Newmanleys Road, Giltbrook). These new playing fields, along with new informal space allocated under RC8, largely comprise the former tip site allocated as "Derelict Land" under E28h in the RDDP. This, along with the playing fields proposed at Beeston Weirfields (RC7a) and Bramcote Sand Quarry (RC7b) will go towards increasing the general supply of playing fields in the borough. However, I am aware that paragraph 7.3 of CD21d notes that Beeston Rylands and Bramcote are the only two areas that already meet the standard for outdoor sport. Therefore, these two latter sites will not address deficiencies identified at the local level.
6. I note that there is also an objection from Awsworth Parish Council (1396/3664) seeking an increase in recreational facilities within the parish. The Borough Council have categorised this objection as being conditionally withdrawn and I assume that this is in response to PIC2 to delete proposed housing allocation H2d, (Newtons Lane, Awsworth).
7. Through the development of H2d, the Council did in fact propose to increase recreational facilities in Awsworth. The associated development brief sought the creation of a new equipped children's play area within the housing site as well as financial contributions to enhance existing formal sports facilities. New informal open space (RC8b) would also be created between the housing site and the Awsworth by-pass. However, in the absence of this allocation, which I recommend in Chapter 4 should be deleted and identified as "White Land" (safeguarded land) it is unlikely that in the short term recreational facilities in the Parish will be increased.
8. Mr Welsh's objection is directly related to his various proposed housing allocations on land north of Coronation Road, Cossall. For the reasons I have stated in Chapter 10, where I deal with these omission sites, I do not support any such housing allocations in this location. Consequently, it would be inappropriate to allocate land for new playing fields under RC7 within the boundaries of any of these sites.
9. A large number of the objections concern new playing fields at Strelley which were proposed in the FDDP, including objections which the Council have categorised as being conditionally withdrawn from the CPRE, NCC and Bilborough College, (598/2413, 599/1747, 1111/2166). In the RDDP, this proposal was deleted through revisions R438 and R440. The Council considered that alternative sports facilities, to replace those on proposed housing site H2k, could be provided elsewhere on the College Grounds within the City Boundary. In dealing with this proposed housing allocation in Chapter 4 of my report, I have supported this approach.
10. In considering objections to housing allocation H2j (Land north of Ilkeston Road, Stapleford and land east of Stapleford Road, Trowell). I recommend that this

housing allocation and associated proposals, as it appeared in the RDDP, be deleted. However, rather than being restored to the Green Belt as suggested by the Council, I recommend that it be designated as “Safeguarded Land” under Policy E11 drawn from the FDDP. As a consequence, RC7d should be deleted and I make such a recommendation below.

11. So as to be consistent with other Inquiry Changes and my resulting conclusions on them, I recommend rewording below which changes the phrase “open character or environmental and landscape quality” in criterion (b) to “open character, environmental and landscape value”.

Recommendation

12. I recommend that the RDDP be modified by the deletion of RC7d and RC7e, and the addition of “Giltbrook – East of Newmanleys Road”. I recommend that criterion (b) be modified to read, “Does not detract from the open character, environmental and landscape value of the land”.

RC8 Informal Open Space

Objections

8.29		<i>Informal open space</i>	
1331	3401		Defence Estates East, MoD
			GVA Grimley
601	3020	Mr S Rufus	Nottinghamshire Wildlife Trust
RC8		<i>Informal open space</i>	
1116	2371		Wimpey Homes
			Stoneleigh Planning Partnership
1154	2352		W. Westerman Ltd
			DPDS Consulting Group
1146	2313	Mr JJ Anthony	
164	246	Mr T Bennett	
124	153	Mrs JL Cox	
1138	2287	Mr DE Dearman	
1137	2278	Mrs JE Dearman	
1136	2268	Mr ID Dearman	
1106	2135	Mr R Hepwood	Miller Homes East Midlands
230	437	Mrs E Price	
260	530	Ms C Roberts	
601	3021	Mr S Rufus	Nottinghamshire Wildlife Trust
233	446	Mr CA Staniforth	
1159	2434	Mr C Welsh	
RC8b		<i>Informal open space - Awsworth, North of Newtons Lane.</i>	
1130	2230	Mr R Walters	Hallam Land Management
RC8k		<i>Informal open space at Watnall (Greasley) & Nuthall</i>	
1006	1925		Nuthall Parish Council
			Browne Jacobson Planning Unit
1178	2757		Metropolitan & District Developments Ltd.
			Shoosmiths Solicitors
1218	2902		Nuthall Action Group

598 3636 Mr I Brown
1130 2232 Mr R Walters

Antony Aspbury Associates
CPRE - Broxtowe Group
Hallam Land Management

Summary of Objection Issues

8.29 Informal Open Space

1331/3401: Defence Estates East, MoD

1. The paragraph should state that on identified sites the exact positioning of the informal space will be agreed at the detailed planning application stage.

Council's Response:

2. As with all local plan allocations, there is scope for minor variation between the precise boundaries of areas shown on the proposals map and development briefs and those proposed in planning applications. The final paragraph of each development brief (as revised) acknowledges this point by stating that the layouts shown may be subject to minor amendment. However, it is not expected that there will be significant variations from the boundaries shown on the proposals map and development briefs. It would therefore be inappropriate and unnecessary to emphasise the scope for variation by referring to it in the justification for this and other allocation policies.

601/3020: Nottinghamshire Wildlife Trust

3. With regard to the second sentence, it should not be implied that woodland is the only form of habitat creation which can meet the requirements of the Greenwood Community Forest. Also such landscaping should be considered as the norm rather than only adopted occasionally.

Council's Response:

4. The Council agrees that habitats other than woodland can be appropriate to meet the requirements of the Greenwood Community Forest. It considers that the wording of this reference to policy E21 should be consistent with the revised wording of the policy itself. The sentence has previously been amended, by revision R441, to make clear that such habitat creation will be the norm in all-appropriate cases.
5. **IC51 The Council has recommended that, in the second sentence of paragraph 8.29, the words "a woodland framework" are deleted and replaced by "an overall framework".**

Inspector's Conclusions

1. I consider that the issue raised by Defence Estates East, MoD about the level of divergence in the positioning of open space relates more to the development briefs than to paragraph 8.29. Therefore, I deal with their concerns later in Chapter 9.
2. With regard to the objection from the NWT, the Council has put forward IC51 which changes the reference in paragraph 8.29 from "a woodland framework" to "an overall framework". I consider that this suitably addresses the NWT's first concern that woodland is not the only form of habitat creation that can meet the objectives of the Greenwood Community Forest. Through R441, which changes the text from "certain cases" to "appropriate cases", the Council have already

addressed the second of the NWT's concerns that such landscaping should be considered as the norm, rather than only being adopted occasionally.

Recommendation

- I recommend that the RDDP be modified in accordance with IC51.

RC8 Informal Open Space

1116/2371: Wimpey Homes

- Public open space should be allocated in connection with the objector's proposed housing allocation at site ST2 (land east of Cossall Road, Trowell).

Council's Response:

- The Council does not consider that site ST2 should be allocated for housing, for the reasons given in its response to representation 1116/2368 (proof 112), which promotes the development of this site. It would therefore be inappropriate for associated open space to be allocated in policy RC8.

1154/2352: W Westerman Ltd

- The boundaries of the informal open space related to site H2j should be amended so as to result in "improvements to the overall Master Plan and some increase in the extent of the area available for development". An illustrative plan (dated 23.10.00) has subsequently been submitted, showing larger housing areas and informal open space to the north and east of these enlarged areas.

Council's Response:

- The open space needs to be considered in conjunction with all other aspects of the proposed development at site H2j. These issues are dealt with in detail in the Council's response to objections to that policy (proof 027). In brief, however, the Council considers that its proposals would provide an appropriate amount of informal open space in locations which are readily accessible to the existing and proposed housing and which would complement existing facilities at Pit Lane.

1106/2135: Miller Homes East Midlands (formerly Birch plc)

- The policy provides no guidance as to the level and extent of provision on each allocated site.

Council's Response:

- This guidance is given in the development briefs and on the Proposals Map.

601/3021: Nottinghamshire Wildlife Trust

- Sites b, f and k should be deleted from the policy because of their linkage with housing and employment developments to which the Trust objects.

Council's Response:

- The Council considers that sites H2d, EM3c and H2I/EM2/EM3f are suitable for housing and employment development, for the reasons given in the Council's responses to objections to those

policies (proofs 028, 135, 014). The Council therefore considers it appropriate for the associated open space at sites b, f and k respectively to continue to be allocated.

1159/2434: Mr C Welsh

14. Informal open space should be allocated in connection with the objector's proposed housing allocations at nine inter-related sites associated with sites AC5 and AC6, including sites DD11 and DD12.

Council's Response:

15. The Council does not consider that these sites should be allocated for housing, for the reasons given in its responses to representations 1159/2419 and 2425 (proof 092), which promote the development of these sites. It would therefore be inappropriate for associated open space to be allocated in policy RC8.

124/153: Mrs J L Cox

16. The objection is to the lack of firm proposals for community facilities, particularly at site H2a.

Council's Response:

17. It would be inappropriate for community facilities to be referred to in policy RC6, which is dealing with a separate issue. Community facilities generally are dealt with by policies RC2 and RC3 and the specific question of community facilities at site H2a is dealt with in the Council's response to objections to that policy (proof 010).
18. The following objectors all raise similar issues. Their objections and a joint response is presented below:

1146/2313: Mr J J Anthony

164/246: Mr T Bennett

1138/2287: Mr D E Dearman

1137/2278: Mrs J E Dearman

1136/2268: Mr I D Dearman

230/437: Mrs E Price

260/530: Ms C Roberts

233/446: Mr C A Staniforth

19. The objections are to the proposed informal open space as part of the overall proposed development at Watnall/Nuthall. Several also refer to the loss of the Moorgreen Showground.

Council's Joint Response:

20. Some of the proposed open space was proposed on the site of the Moorgreen Showground in the first Deposit Draft, however the showground is excluded from the proposed development in the Revised Deposit Draft. The other issues raised (loss of green belt, loss of agricultural land etc) relate to the development as a whole, not to the open space proposals specifically, and these issues are dealt with in the Council's responses to objections to policies H2l, EM2 and EM3f (proof 014).

Inspector's Conclusions

1. Wimpey Home's objection is directly related to their proposed housing allocation at Uplands Farm, Trowell. For the reasons I have stated in Chapter 10, where I deal with this omission site, I do not support such an allocation. Consequently, it would be inappropriate to allocate new informal open space adjacent to this site under Policy RC8.
2. Turning to the objection from W Westerman Ltd, I have already dealt with issues surrounding site H2j within Chapter 4 of my report. I recommend that the housing allocation and associated proposals, as it appeared in the RDDP, be deleted. However, rather than being restored to the Green Belt as suggested by the Council, I recommend that it be designated as "Safeguarded Land" under Policy E11 drawn from the FDDP. As a consequence, proposed new informal open space RC8i should be deleted and I make such a recommendation below.
3. Miller Homes East Midlands (formerly Birch Plc) suggest that Policy RC8 is unclear because it provides no guidance as to the level and extent of internal open space to be provided on each allocated site. As highlighted by the Council, this information is given in the development briefs and on the Proposals Map. For example, the development brief for the site of concern to them, H2d (which in Chapter 4 of my report I recommend should be deleted) specifically stated that within the site, provision should be made for an equipped children's play area.
4. With regard to the sites that the NWT object to, I consider two of these, RC8b and RC8k under separate sub-headings below. This leaves RC8f, which is related to proposed employment allocation EM3c (Soloman Road, Cossall). I consider separate objections to this site in Chapter 5 of my report and conclude that it should remain as an allocation. In considering omission site objections at Chapter 10 of my report, I also conclude that I see no reason why the new informal open space allocation RC8f, which would replace part of a disused ski-slope, should not be supported.
5. Mr Welsh's objection is directly related to his various proposed housing allocations on land north of Coronation Road, Cossall. For the reasons I have stated in Chapter 10, where I deal with these omission sites, I do not support any such housing allocations in this location. Consequently, it would be inappropriate to allocate land for new informal open space under RC8 within the boundaries of any of these sites.
6. Turning to Mrs Cox's concerns, in my consideration of objections to proposed housing allocations H2a and H2b, I have already dealt with the issue of whether provision should be made for a new community centre at either of these locations. While I do not support the safeguarding of a separate site for such a use, I recommend the allocation of a 1.4 ha site for a primary school where the opportunity should be taken to plan and manage the facility so as to also provide for community uses. However, as this does not result in the need for consequential changes to Policy RC8, which relates to new informal open space, I do not recommend any modification to the Plan below.
7. Some of the objections form part of general objections to major development proposed at Watnall/Nuthall, while others specifically refer to the loss of Moorgreen Showground through this development. In respect of the latter area,

the Council note that in the RDDP, the showground was excluded from proposed development. In my report, I recommend that apart from employment development on land used as a coal depot, (the southern part of EM3f) that these major development proposals should be deleted. Therefore, I recommend the deletion of all proposals associated with this development, including proposed new informal open space RC8k.

8. In Chapter 4, I recommend that part of omission site Ea9, (Land north of A610, east of Newmanleys Road, Giltbrook) should be allocated for housing development. In connection with this proposal, I also recommend the allocation of new informal open space. This largely comprises the former tip site allocated as “Derelict Land” under E28h in the RDDP. Consequently, I recommend such an addition to RC8 below.

Recommendation

9. I recommend that the RDDP be modified by the deletion of RC8i. I recommend the addition of “Giltbrook – East of Newmanleys Road” to RC8. (I make separate recommendations concerning RC8b and RC8k below).

RC8b Informal Open Space – Awsworth, North of Newtons Lane

1130/2230: Hallam Land Management

21. The amount of informal open space associated with housing allocation H2d should be reduced.

Council’s Response:

22. No reasons are given and no alternative area of open space is suggested. The substantial swathe of open space proposed is necessary to soften the appearance of the development, provide a suitable edge to the green belt, provide a recreational facility for local residents, contribute to the implementation of the Greenwood Community Forest and provide a suitable habitat for the frogs and toads common to the locality. The site is considered in more detail in the Council’s response to objections to housing allocation H2d (proof 028).

Inspector’s Conclusions

1. I have already dealt with issues surrounding proposed housing allocation H2d within Chapter 4 of my report. I recommend that the housing allocation and associated proposals be deleted. However, rather than being returned to the Green Belt as suggested by the Council, I recommend that it be designated as “Safeguarded Land” under Policy E11 drawn from the FDDP. I include the proposed new informal open space RC8b within this designation and therefore I recommend below that it be deleted.

Recommendation

2. I recommend that the RDDP be modified by the deletion of RC8b.

RC8k Informal Open Space at Watnall (Greasley) and Nuthall

1006/1925: Nuthall Parish Council

23. The proposed informal open space adjacent to the M1 should be deleted, even if the development allocations are retained, because it will be of little amenity value due to its location adjacent to the motorway, it “has the impact of spreading the development area northwards toward Long Lane” and it might be used for future development.

Council's Response:

24. The open space needs to be considered in conjunction with all other aspects of the proposed development at sites H2I/EM2/EM3f. These issues are dealt with in detail in the Council's responses to objections to these policies (proof 014). In brief, however, the proposals will involve a broad strip of at least 100m width adjacent to the M1, together with other substantial areas within the overall development site. It will soften the appearance of the development, provide a suitable edge to the green belt, provide major recreational facilities for local people, contribute to the implementation of the Greenwood Community Forest, protect local sites of ecological importance and protect future residents from noise and pollution from the motorway. Removing the open space adjacent to the M1 would have no effect on the proximity of development to Long Lane, as it would not be appropriate, for reasons of noise and pollution, for development to be located any closer to the motorway. Any proposed built development on land allocated for open space would be contrary to policy and would not be acceptable.

1178/2757: Metropolitan and District Developments

25. The proposed informal open space should be deleted because it is “in essence required to provide a landscape screen to an otherwise inappropriate development” and because it will be of little, if any, recreational value due to being a narrow corridor between primarily employment uses and the M1.

Council's Response:

26. The open space needs to be considered in conjunction with all other aspects of the proposed development at sites H2I/EM2/EM3f. These issues are dealt with in detail in the Council's responses to objections to these policies (proof 014). In brief, however, the proposals will involve a broad strip of at least 100m width adjacent to the M1, together with other substantial areas within the overall development site. It will soften the appearance of the development, provide a suitable edge to the green belt, provide major recreational facilities for local people, contribute to the implementation of the Greenwood Community Forest, protect local sites of ecological importance and protect future residents from noise and pollution from the motorway.

1218/2902: Nuthall Action Group

27. The proposed open areas are “effectively urban development”. The utility of the land will be severely constrained by its shape, its location between major urban development and the motorway, and by the need to protect the extensive areas of new planting in the early years until it has become well established. The provision for informal open space is therefore “wholly inadequate”.

Council's Response:

28. The open space needs to be considered in conjunction with all other aspects of the proposed development at sites H2I/EM2/EM3f. These issues are dealt with in detail in the Council's responses to objections to these policies (proof 014). In brief, however, the proposals will involve a broad strip of at least 100m width adjacent to the M1, together with other substantial areas within the overall development site. It will soften the appearance of the development, provide a

suitable edge to the green belt, provide major recreational facilities for local people, contribute to the implementation of the Greenwood Community Forest, protect local sites of ecological importance and protect future residents from noise and pollution from the motorway. The need to protect new planting need not prevent public access, as experience at Colliers Wood at the former Moorgreen Colliery has shown. In any case, substantial areas of open space are proposed within the site in addition to the areas adjacent to the motorway. The Council therefore does not accept the implication that the overall site boundaries should be expanded in order to provide more informal open space.

598/3636: CPRE – Broxtowe Group

29. The proposed open space should be extended to provide a buffer zone around the SINC at SK503460 (rear of 54 Main Road, Watnall).

Council's Response:

30. This SINC is in separate ownership and would not be accessible from the development site. In the Council's opinion a buffer zone is therefore unnecessary.

1130/2232: Hallam Land Management

31. The objection is to an area of land between New Farm Lane, the motorway and the dismantled railway being included in policy RC8k.

Council's Response:

32. No reasons are given for the objection. The land would form part of the proposed continuous swathe of open space and planting between the development of H2/EM2/EM3f and the M1 motorway and the Council therefore considers that it should remain in policy RC8k.

Inspector's Conclusions

1. The majority of these objections form part of general objections to major development proposed at Watnall/Nuthall. In my report, I recommend that apart from employment development on land used as a coal depot, (the southern part of EM3f) that these major development proposals should be deleted. As the allocation of new informal open space RC8k was put forward as a direct result of this proposed development, it too should be deleted and I make such a recommendation below.
2. The objection from Hallam Land Management is related to their other objections seeking the allocation of land north of Back Lane, (including part of RC8k) for housing or "White Land". I deal with these issues in Chapter 4 of my report.

Recommendation

3. I recommend that the RDDP be modified by the deletion of RC8k.

RC9 Contributions for Maintenance of Open Space

Objections

8.32 Contributions for maintenance of open spaces
601 3025 Mr S Rufus Nottinghamshire Wildlife Trust

RC9 Contributions for maintenance of open spaces
1154 2353 W. Westerman Ltd
DPDS Consulting Group
1135 2366 Mr I Moss House Builders` Federation

Summary of Objection Issues

8.32 Contribution for maintenance of open spaces

601/3025: Nottinghamshire Wildlife Trust

1. The following should be added to the paragraph: "Developers should also develop and agree a longer term strategy with the Council, and any other agencies as appropriate, to ensure that commitment for long-term management can be met."

Council's Response:

2. Paragraph B14 of Circular 1/97 states that payments for maintenance should be "time limited" and should not be required "in perpetuity". This guidance is not precise, however it implies that "longer term" maintenance should be the responsibility of the Council and paragraph 8.32 of the Plan acknowledges this. The paragraph makes clear that contributions will be negotiated for a period sufficient for the planting and landscaping to reach a reasonable degree of maturity. The policy has been amended by means of revision R442, to state that contributions should be for an "appropriate" period (which could be for more than five years if circumstances required), and also that it should be for a "specified" period (ie not "in perpetuity"). The Council therefore considers that the paragraph and policy goes as far as is reasonably possible in seeking to achieve management objectives whilst complying with the guidance of the Circular.

Inspector's Conclusions

1. Paragraph 8.32 makes it clear that the Council accept liability for the long-term maintenance of open spaces. Therefore, it would be inappropriate for a developer to be required to put forward such a long term strategy, as suggested by the NWT.

Recommendation

2. I recommend that no modification be made to the RDDP.

RC9 Contributions for maintenance of open spaces

1154/2353: W Westerman Ltd

3. Intentions and requirements should be clarified as they affect Field Farm, Stapleford (proposed housing site H2j). The policy is considered to depart from Circular 1/97 on the grounds that the areas of open space to which the policy relates are not "small" or "principally of benefit to the development itself rather than to the wider public."

Council's Response:

4. The policy relates to all developments and it would therefore be inappropriate for it to refer to a particular site, such as Field Farm. Circular 1/97 states that areas to which contributions might be negotiated should be "small" and "principally of benefit to the development itself" (Annex B, paragraph B14). These terms are not defined. However, the Government Office has scrutinised all policies and has objected to those which it considers to depart from government advice contained in Circulars or PPGs. It has raised no objection to this policy and the Council takes this as reliable authority for its opinion that the policy is consistent with the Circular. In the case of Field Farm, Development Brief F (as revised) refers to the provision of a single sports pitch and a limited amount of informal open space and planting. These areas can legitimately be described as "small", particularly in comparison to facilities in the vicinity such as Bramcote Hills Park and Wollaton Park. They will be between and adjacent to the proposed areas of housing and they will be most readily accessible to the new residents. In addition, PPG3 states that new housing developments should incorporate sufficient provision of open space and playing fields where such spaces are not already adequately provided within easy access of the new housing (paragraph 53) and the proposed housing would therefore be unacceptable without the open space. In this context the open space is, in the Council's opinion, clearly "principally of benefit to the development itself".

1135/2366: House Builders' Federation

5. The policy does not state that the Council will accept liability for long-term maintenance. Contributions should only relate to land that is of principal benefit to the development itself rather than to the wider public, in accordance with Circular 1/97. A private company may agree to maintain such land, in which case it will be a matter for the developer and the individual company to negotiate an agreement. An alternative policy based on those points is proposed, beginning "Where the Local Authority accept the long term maintenance liability ...".

Council's Response:

6. With regard to liability for long-term maintenance, the policy, as revised by revision R442, makes clear that contributions will be for an appropriate and specified time period only and paragraph 8.32 states that the Council will accept liability for long-term maintenance. It would therefore be inappropriate and unnecessary for this sort of "statement of intent", to which GOEM has objected in other draft policies, to be included within the policy.
7. With regard to compliance with Circular 1/97, the Government Office has scrutinised all policies and has objected to those which it considers to depart from government advice contained in Circulars or PPGs. It has raised no objection to this policy and the Council takes this as reliable authority for its opinion that the policy is consistent with the Circular.
8. With regard to private companies agreeing to maintain such land, in the Council's experience such agreements are rare, however any such agreement relating to the initial period of maintenance could be recognised in the level of contributions negotiated. Long-term maintenance, in the view of the Council and Circular 1/97, should be carried out by the Council. This will provide the necessary safeguard that long-term maintenance will continue to be carried out to a satisfactory standard. No change to the policy would therefore be appropriate.
9. With regard to the proposed alternative policy wording, as the objector has pointed out, and as made clear in Circular 1/97 and paragraph 8.32 of the Plan, the local authority should always accept the long-term maintenance liability.

Inspector's Conclusions

1. Before dealing with these objections, I note that paragraph 6.18 of the companion guide to PPG17 published in September 2002 defines what is meant by "developer

contributions” and “commuted sums”. As the Council in this case are talking about commuted sums rather than developer contributions, I recommend below that paragraph 8.32 and Policy RC9 are reworded to refer to this.

2. W Westerman Ltd suggest that the Policy departs from the advice of Circular 1/97 paragraph B14, which concerns maintenance (obligations), in a number of respects. Firstly, they highlight that there is scope in the application of the Policy for the Council to require payments in perpetuity. This would indeed be contrary to the advice of the Circular and the Council have addressed this matter through R442 which changes the Policy to state that commuted sums will be for “an appropriate specified time period”. Nevertheless, my further conclusions below have a direct bearing on the issue of time periods.
3. Secondly, the Circular states, “As a general rule, the planning authority should not attempt to impose commuted maintenance sums when considering the planning aspects of the development”. I do not consider that the Council are in any way attempting to do this. Such commuted sums will be subject to negotiation at the time of a planning application.
4. Thirdly, paragraph B14, refers to “small areas of open space”. The objector contests that the areas to which the Policy relates are not small. As noted by the Council, the reference to “small areas of open space” is undefined in the Circular and the type of open spaces to which the Policy relates could be described as small in comparison to the likes of Wollaton Park. I do not consider that this is a valid concern.
5. The fourth reason, which is also picked up by the HBF, is that paragraph B14 refers to maintenance contributions relating to areas principally of benefit to the development itself rather than to the wider public. The Policy, amended by R443, now concerns areas “which form part of the landscape design of developments”. In light of this, I fail to see how such maintenance contributions could not relate to areas that are principally of benefit to the development itself rather than to the wider public.
6. W Westerman Ltd also suggest that the intentions and requirements as they affect site H2j should be clarified. Notwithstanding the fact I support the deletion of this site, it would inappropriate for this to be done in such a generally applicable policy. Neither should this be done elsewhere in the Plan because as I have already stated above, it is something that will be negotiated at the time of a planning application.
7. The HBF raise concerns that although it is stated in paragraph 8.32, the Policy itself does not state that the Council will accept liability for long term maintenance. The Council respond that as this is already covered in paragraph 8.32, it does not need to be repeated in the Policy. However, they have already given the unmistakable impression in the Policy that they intend to accept the long term liability through R443. This adds the wording “to be dedicated to the local authority”. Hallam Land Management Limited object to this additional wording but do not provide any reasons why, (objection 1130/5017 which the Council state they mistakenly categorised as withdrawn). As the revision reflects in Policy form

what the Council intends while at the same time addressing the concerns of another objector, I do not consider that it needs further amendment.

8. As pointed out by the HBF, there is the possibility that a private company may agree to maintain such open spaces. While this may not be common in the Council's experience, it is in other parts of the country. This is usually a short term arrangement to cover the establishment of an open space because as pointed out by the Council, the Circular envisages that long-term maintenance is to be borne by the body or authority in which the asset is to be vested. Nevertheless, even if this scenario did arise as a result of negotiations, it is not something that needs to be specifically addressed in the Policy.
9. Reference to the establishment of open spaces above leads me on to a major concern I have about the Policy, which is related to the HBF's suggestion that such sums should relate to a maximum period of 5 years. The companion guide to PPG17 (Revised) draws a distinction between "Commuted Maintenance Sums" and "Commuted Establishment Sums". The former are appropriate when a developer hands over title responsibility for the long term maintenance to a local authority or a third party while the latter relates to sums covering the costs of establishing new areas of open space.
10. The first sentence of paragraph 8.32 states that the policy is about when open spaces are becoming established. Therefore, it could be concluded that it relates to establishment sums. However, certain aspects of paragraph 8.32 and RC9 imply that it also relates to maintenance sums. In particular, paragraph 6.25 of the companion guide states that commuted establishment sums will relate to a maximum of 5 years. In paragraph 8.32 however, the Council have chosen a minimum period of 5 years for maintenance. Paragraph 8 of Council Proof 167 also leads me to believe that the Council are looking towards maintenance sums.
11. In light of this, the Plan is not clear at present. The Council need to reconsider the precise nature of the sums they are seeking and whether it is commuted establishment sums, commuted maintenance sums, or both.

Recommendation

12. I recommend that in paragraph 8.32 and Policy RC9, references to "contribution" be changed to "commuted sum". I recommend that the Council reconsider the intention of Policy RC9. In particular, whether it relates to commuted establishment sums, commuted maintenance sums, or both.

RC10 Existing and Proposed Allotments

Objections

748	2395		David Wilson Homes North Midlands
			David Wilson Estates
601	3024	Mr S Rufus	Nottinghamshire Wildlife Trust

Summary of Objection Issues

748/2395 - David Wilson Homes North Midlands

1. The site safeguarded for allotments at Coach Drive, Eastwood, should be developed for housing as part of site Ea4.

Council's Response:

2. The Council considers that site Ea4 should not be developed for housing, for the reasons given in its response to objections 748/2394 and 1155/2480, which promote the site for development (proof 098).

601/3024 - Nottinghamshire Wildlife Trust

3. The policy should simply say that development will not be permitted.

Council's Response:

4. No reasons are given for the objection, however, the objection form expresses support for part c) of the policy. The policy gives a very high degree of protection, however, in the Council's opinion a total prohibition on development under any circumstances, as proposed by the Trust, would be excessively restrictive and would not serve a useful purpose.

Inspector's Conclusions

1. The objection from David Wilson Homes North Midlands is related to their other objections seeking the allocation of omission site Ea4 for housing development. In Chapter 10, I do not support such an allocation. Consequently, there is no justification to remove the RC10 designation safeguarding a proposed allotment site off Coach Drive, Eastwood.
2. Changing the Policy as suggested by the NWT so that development on existing and proposed allotments would not be permitted in any circumstances would be inappropriate. The Policy reflects Government guidance, now in the form of PPG17 (2002), which enables the development of allotments where they are found to be surplus to requirements or where substitute provision is to be made.

Recommendation

3. I recommend that no modification be made to the RDDP.

RC11 CEMETERY EXTENSIONS

Objections

RC11 Cemetery extensions

599 2691 Mr G Foster Nottinghamshire County Council

Summary of Objection Issues

599/2691: Nottinghamshire County Council

1. The proposal for Field Lane, Chilwell could destroy or detrimentally affect a Site of Importance for Nature Conservation (SINC 2/303), contrary to policy 3/7 of the Structure Plan which provides for the protection of SINCs unless it can be demonstrated that there is an overriding need for the development.

Council's Response:

2. The proposed cemetery extension at Chilwell is a long-standing commitment, as the site was allocated for this use in both policy LP77 of the 1985 Local Plan and policy RC11a of the 1994 Local Plan. The site would serve as an extension to the existing cemetery, which would be logical for management purposes, and there is no other land in the vicinity which could serve in this way. A recent report of the House of Commons Environment Transport and Regional Affairs Committee (reported in "Planning" magazine 6.4.01) has drawn attention to national shortages of cemetery space and has recommended that the need for local, accessible burial space should be addressed in development plans. Policy RC11a seeks to do this, in light of the fact that there is a substantial and imminent requirement for additional cemetery space in this part of Broxtowe. In the Council's opinion this constitutes the "overriding need" required to justify an exception to the Structure Plan policy. However, cemeteries can often be very valuable for wildlife in their own right and need not necessarily be incompatible with SINC status. The SINC concerned is a "herb rich sward" and it may well be possible to design the layout of the cemetery extension so as to preserve significant elements of this sward, as well as to create new features of wildlife value such as hedgerows.

Inspector's Conclusions

1. NCC has objected to the proposal to extend the cemetery at Field Lane, Chilwell (RC11a) because it would cover the Chilwell Ordnance Depot Paddock Site of Importance for Nature Conservation (SINC). This site has been designated for its unimproved grassland habitat, (a priority habitat in the County's Local Biodiversity Action Plan) and this example has been described as an herb rich sward. At the time of my site visit, it was being used for the grazing of horses. The County Council take the view that the proposal is contrary to SP Policy 3/7 which takes the stance that development should not be granted unless an overriding need for the development is demonstrated which outweighs the nature conservation interest of the site.
2. The Borough Council have identified that there is an imminent requirement for additional burial space in this part of the Borough. The possibility of extending the existing cemetery would be highly desirable from a managerial point of view, but as the County Council point out, it must be demonstrated that other sites have been considered. The Borough Council have confirmed that there is no other land in the vicinity, which could serve this purpose. In light of this situation, I find that the need outweighs the nature conservation interest of the site. Therefore, the proposal passes the tests of SP Policy 3/7.
3. NCC also challenges the Borough Council's statement that features of wildlife value could be protected and enhanced. They maintain that cemetery use and the

typical management of such areas would quickly destroy the interest of the site. However, like the Borough Council, I do not believe this has to be the case. The cemetery could be designed so as to preserve areas of unimproved grassland as well to create new features of wildlife value. Manicured monocultures, as found in some traditional cemeteries, do not necessarily have to be repeated.

Recommendation

- I recommend that no modification be made to the RDDP.

RC13 Caring Institutions

Objections

RC13	Caring Institutions	
1381 3560	Mrs F Forgham	Government Office for the East Midlands

Summary of Objection Issues

1381/3560: GOEM

- The relationship with policy H9 is unclear.

Council's Response:

- Policy H9 has now been combined with policy RC13, for clarity (revisions R257 and R447-450).

Inspector's Conclusions

- As highlighted by GOEM, in the FDDP there was some overlap and conflict between this policy and Policy H9, which concerned residential institutions and flats. This has since been rectified in the RDDP through the deletion of Policy H9 and amendments to Policy RC13, (R257 and R445-450).
- I also note that objections from NCC which sought the term "appropriate provision" instead of "adequate provision" in RC13 and "appropriate provision" instead of "sufficient space" in RC14 have been satisfactorily met by revisions R448 and R451 respectively. The Council have categorised these objections as being conditionally withdrawn (599/3002-3)

Recommendation

- I recommend that no modification be made to the RDDP.

RC15 Footpaths, Bridleways and Cycle Routes

Objections

214 390	Dr DL Hedderly
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Summary of Objection Issues

214/390: Dr D L Hedderly

1. The objection relates to footpath no. 14, within the proposed development at Watnall (site H2I).

Council's Response:

2. Policy RC15 is a general policy relating to all footpaths, bridleways and cycle routes and it would therefore be inappropriate to refer within this policy to one specific footpath. Footpath no. 14, and Dr Hedderly's concerns about it, are however, dealt with in the Council's response to his objection to policy RC17k (representation 214/389, proof 173).

Inspector's Conclusions

1. Dr Hedderly's objection is not directed at the provisions of Policy RC15, but the "greenway", which is the subject of RC17k, (west towards Main Road, Watnall). I deal with this objection, along with other similar objections, under Policy RC17k below.
2. I note that a representation from the County Council to RC15, (599/2714) states that the Policy is supported but it then lists a number of points that the Policy should address. The Borough Council states that they recorded this representation as an expression of support, in accordance with the County Council's stated preference. Nevertheless, they considered the additional points and in their opinion they would result in an inappropriate level of detail in the policy and the reasoned justification. I tend to agree with BBC.
3. However, I am concerned that BBC's development control intentions, expressed in the second sentence of paragraph 8.46, are not reflected in the Policy itself. Indeed, I find that the majority of RC15 reads more as a statement of intent. The policy is one that could be significantly improved upon. Despite these conclusions, as this issue has not been brought forward through a duly made objection, I make no associated recommendation below.
4. I note that the Countryside Agency also objects to RC15, (1363/3431). The same objection is lodged to Policies RC16-19, (1363/3496-99). The Council have categorised these objections as being conditionally withdrawn. The Countryside Agency suggests that the supporting text to Policies RC15-19 could be improved by reference to the particular economic benefits of recreation and tourism activities for rural areas. I endorse the Council's view that many policies will be of economic benefit to rural areas. If such references were to be included in the supporting text to all relevant policies, it would unnecessarily add to the length of the Plan and be contrary to the Government's aspirations for conciseness.

Recommendation

5. I recommend that no modification be made to the RDDP.

RC16 Long Distance Trails

Objections

143 187 Mr LR Hollingworth

Summary of Objection Issues

143/187 - Mr LR Hollingworth

1. Implementation of the trail would require demolition of unoccupied houses adjacent to Alandene Avenue and the provision of under-or over-passes for the motorway, the proposed spine road, Main Road and Newdigate Road and the resultant cost would be out of proportion to the usage of the trail. The lower part of the trail is unsuitable for cycles and is in a dilapidated state.

Council's Response:

2. The unoccupied houses have now been demolished and a section of the trail has been implemented in connection with a recent housing development on the land adjacent to Alandene Avenue. The trail already passes under the motorway and the Council does not consider that over-or under-passes for the spine road, Main Road or Newdigate Road would be necessary or appropriate. The reasoned justification acknowledges that not all sections of the routes will necessarily be suitable for cycles. Implementation of the trails will help to overcome any dilapidation. The trail has the support of both Nuthall Parish Council and the Nottingham Cycling Campaign PEDALS (representations 1006/2090 and 1105/2126).

Inspector's Conclusions

1. Mr Hollingworth's objection concerns Long Distance Trail RC16b and Greenway RC17b. He considers that the cost of demolishing unoccupied houses and providing under or over-passes of the M1, the Spine Road, Main Road Watnall and Newdigate Road would be out of proportion to the use of the route.
2. As noted by the Council, the unoccupied houses he refers to have since been demolished. Furthermore, the route already passes under the M1, and over or under passes of the other roads referred to would neither be necessary or appropriate. Therefore, the suggested cost implications raised in opposition to the route are unsubstantiated. Mr Hollingworth also emphasises that the part of the route from Newdigate Road school into Kimberley would not be suitable for cycles due to steps and has been allowed to fall into a dilapidated state. However, there is no reason why existing problems such as dilapidation or steps preventing easy cycle access could not be addressed in the future through the Council's stated support of enhancing such routes wherever possible.

Recommendation

3. I recommend that no modification be made to the RDDP.

RC17 Greenways Objections

RC17	Greenways	
598 2629	Mr I Brown	CPRE - Broxtowe Group
143 188	Mr LR Hollingworth	
1085 3994	Mr JM Tebbs	SABRHE
885 1611	Mr NL Topliss	

RC17k Greenways associated with Main Road, Watnall

1136 2269	Mr ID Dearman
1138 2288	Mr DE Dearman
1137 2279	Mrs JE Dearman
899 1653	Mrs A Fearnley
214 389	Dr DL Hedderly
502 4034	Mrs B Meadows
260 532	Ms C Roberts

RC17m Greenways: Watnall

1136 2271	Mr ID Dearman
1137 2280	Mrs JE Dearman
1138 2290	Mr DE Dearman
260 527	Ms C Roberts

RC17n Greenways: Common Lane to Long Lane, Watnall

1138 2289	Mr DE Dearman
1136 2270	Mr ID Dearman

Summary of Objection Issues

RC17 Greenways

598/2629: CPRE - Broxtowe Group

1. The following should be added to the policy: "The route of cycle paths will be designed to prevent destruction of wildlife habitat and existing water bodies will be preserved."

Council's Response:

2. In the Council's opinion this addition is unnecessary as the policy states that opportunity will be taken to enhance the environmental character of the greenways and that planning permission will not be granted for development which would harm their environmental or ecological value. The Notts Wildlife Trust supports the policy with particular reference to this latter point (representation 601/3022).

1085/3994 - SABRHE

885/1611 - Mr N L Topliss

3. Greenways should be established between Eastwood and Brinsley and from Eastwood towards the Erewash Valley through employment site EM3d.

Council's Response:

4. The Council acknowledges the desirability of a greenway between Eastwood and Brinsley, however it is not aware of any potential route which would have reasonable prospects of implementation.

The land between Eastwood and Brinsley is in private ownership and is not the subject of development proposals, which might be able to incorporate a greenway. There are in any case existing footpaths and bridlepaths to the east of Mansfield Road which link Eastwood and Brinsley (paths 4, 4A, 5, 6 and 12). The Revised Deposit Draft includes a greenway through site EM3d (revision R453) which has the support of SABRHE (representation 1589/5505) and others.

143/188 - Mr LR Hollingworth

5. Implementation of the greenway would require demolition of unoccupied houses adjacent to Alandene Avenue and the provision of under-or over-passes for the motorway, the proposed spine road, Main Road and Newdigate Road and the resultant cost would be out of proportion to the usage of the greenway. The lower part of the greenway is unsuitable for cycles and is in a dilapidated state.

Council's Response:

6. The unoccupied houses have now been demolished and a section of the greenway has been implemented in connection with a recent housing development on the land adjacent to Alandene Avenue. The greenway already passes under the motorway and the Council does not consider that over-or under-passes for the spine road, Main Road or Newdigate Road would be necessary or appropriate. The reasoned justification acknowledges that not all sections of the routes will necessarily be suitable for cycles. Implementation of the greenway will help overcome any dilapidation. The greenway has the support of both Nuthall Parish Council and the Nottingham Cycling Campaign PEDALS (representations 1006/2090 and 1105/2127).

Inspector's Conclusions

1. I do not agree with the CPRE's suggestion that Policy RC17 needs to state "The route of cycle paths will be designed to prevent destruction of wildlife habitat and existing water bodies will be preserved." As cycle paths are a form of "development" they will be subject to the terms of the policy. Namely, permission will be refused where they would harm the environmental or ecological value of the greenway.
2. SABRHE and Mr Topliss seek the provision of two new greenways from the north of Eastwood. The first towards Brinsley and the second towards the Erewash Valley. The latter of these has been met through R453, which proposes a greenway within proposed new informal open space (RC8g) to the east and north of employment site EM3d). As to the former, the Council are of the view that it would be inappropriate to propose such a greenway in the Plan because there is no reasonable prospect of implementing such a route. They point out that the land between Eastwood and Brinsley is in private ownership and a route would not come forward unless it formed part of a development proposal. As the Plan does not provide for such a development proposal, I accept their view that there is little likelihood of a route being implemented.
3. With regard to Mr Hollingworth's objection to greenway RC17b, as his objection equally related to Long Distance Trail RC16b, I have already dealt with his concerns under that earlier Policy.

Recommendation

4. I recommend that no modification be made to the RDDP.

RC17k Greenways associated with Main Road, Watnall

899/1653 - Mrs A Fearnley
214/389 - Dr DL Hedderly
502/4034 - Mrs B Meadows

7. The western part of this proposed greenway uses footpath 14, which runs adjacent to Nos 54-58 Main Road, Watnall. This footpath is narrow, the adjacent hedge needs regular maintenance to keep it open, cyclists cannot use it and it is “totally inappropriate for the far greater use that will be made of it when the proposed housing is built”. It should therefore be re-routed to the north, or alternatively the south to follow the route of the proposed new access road. A pedestrian refuge would be needed on Main Road.

Council's Response:

8. As a result of the reduced site area in the Revised Deposit Draft, this footpath/greenway will now skirt the northern edge of the proposed housing area, rather than passing through it. It is therefore now unlikely to attract large extra numbers of users. The Council accepts that the path is narrow and that the hedge requires maintenance, however this applies to very many footpaths and in the Council's opinion it does not represent a sound reason for seeking a diversion of an existing footpath, particularly when the alternative would provide a less direct route for walkers. A diversion to the north would now take the path outside the proposed development site, making it less likely to be feasible, whilst a diversion to the south, using the proposed new access road, would give a less attractive route for walkers. Cyclists will have new means of access via the new roads. The Council acknowledges that a pedestrian refuge would be needed and details would be established at the time of a planning application.

1136/2269 - Mr ID Dearman
1137/2279 - Mrs JE Dearman
1138/2288 - Mr DE Dearman
260/532 - Ms C Roberts

9. The objections are to the proposed greenway as part of the overall proposed development.

Council's Response:

10. The issues raised (loss of green belt, loss of agricultural land, etc) relate to the development as a whole, not to the greenway proposal specifically, and these issues are dealt with in the Council's responses to objections to policies H2I, EM2 and EM3f (proof 014).

Inspector's Conclusions

1. The first set of objections to greenway RC17k are that the current route of part of footpath No14, upon which the greenway is based, is inappropriate for the increased use that would result from the proposed development of adjoining land for housing. They suggest that it should be re-routed. The second set of objections relate to the proposed greenway as part of the overall development proposals in this area although Ms Roberts objection also concerns the additional pressure in general that would be placed on existing footpaths in the area due to further development.
2. Elsewhere in my report, I recommend that apart from employment development on land used as a coal depot, (the southern part of EM3f) that these major

development proposals should be deleted. My general approach towards the greenways associated with this development is that if their designation was wholly reliant upon the development proposals coming to fruition, then they too should be deleted, otherwise they should remain as proposals in the Plan. The same can be said of RC17m and RC17n which I deal separately with below, as well as RC17l, RC17o and RC17p that are similarly related to development proposals that I recommend should be deleted.

Recommendation

3. That if the designation of greenway RC17k was wholly reliant upon associated new development, then it should be deleted. If not, it should remain as a proposal in the Plan. That the same principle be applied to RC17l, RC17o and RC17p. (I make separate recommendations concerning RC17m and RC17n below).

RC17m Greenways: Watnall

1136/2271 - Mr ID Dearman

1137/2280 - Mrs JE Dearman

1138/2290 - Mr DE Dearman

11. The objections are to the proposed greenway as part of the overall proposed development.

Council's Response:

12. The issues raised (loss of green belt, loss of agricultural land, etc) relate to the development as a whole, not to the greenway proposal specifically, and these issues are dealt with in the Council's responses to objections to policies H2l, EM2 and EM3f (proof 014).

260/527 - Ms C Roberts

13. A paved walkway through an industrial/housing estate does not have the same psychological health benefits as a path through open countryside. The path will become "unpleasant due to litter and dog filth". Objections are also made on the basis of losses of green belt, agricultural land and countryside.

Council's Response:

14. The Council recognises that the footpath (no.18) on which the proposed greenway is based will not have the same ambience as at present. However it will provide an attractive route, as for the majority of its length it will run through, or adjacent to, public open space. It will not pass through industrial areas, it will merely skirt two short sections of them. It will still provide a convenient route into the open countryside to the east of the motorway. There is no reason to expect that the path, which is already hard-surfaced, will suffer unusual problems with regard to litter and dog dirt. The objector's other points relate to the development as a whole, not the greenway proposal specifically, and these issues are dealt with in the Council's responses to objections to policies H2l, EM2 and EM3f (proof 014).

Inspector's Conclusions

1. These objections relate to the proposed greenway as part of the overall development proposals in this area, although Ms Roberts objection also concerns the resulting change in the character of the existing footpath and the additional

pressure that would be placed on it due to use by the occupiers of the adjoining proposed development.

2. Elsewhere in my report, I recommend that apart from employment development on land used as a coal depot, (the southern part of EM3f) that these major development proposals should be deleted. My general approach towards the greenways associated with this development is that if their designation was wholly reliant upon the development proposals coming to fruition, then they too should be deleted, otherwise they should remain as proposals in the Plan.

Recommendation

3. I recommend that if the designation of greenway RC17m was wholly reliant upon associated new development, then it should be deleted. If not, it should remain as a proposal in the Plan.

RC17n Greenways: Common Lane to Long Lane, Watnall

1138/2289 - Mr DE Dearman

1136/2270 - Mr ID Dearman

15. The objections are to the proposed greenway as part of the overall proposed development.

Council's Response:

16. The issues raised (loss of green belt, loss of agricultural land, etc) relate to the development as a whole, not to the greenway proposal specifically, and these issues are dealt with in the Council's responses to objections to policies H2I, EM2 and EM3f (proof 014).

Inspector's Conclusions

1. For the purposes of clarification, I confirm that I recognise that Mrs Dearman's representations (1137) also relate to RC17n. By mistake, the Council did not provide a separate reference number for this objection.
2. All of the objections relate to the proposed greenway as part of the overall development proposals in this area. Elsewhere in my report, I recommend that apart from employment development on land used as a coal depot, (the southern part of EM3f) that these major development proposals should be deleted. My general approach towards the greenways associated with this development is that if their designation was wholly reliant upon the development proposals coming to fruition, then they too should be deleted, otherwise they should remain as proposals in the Plan.

Recommendation

3. I recommend that if the designation of greenway RC17n was wholly reliant upon associated new development, then it should be deleted. If not, it should remain as a proposal in the Plan.

RC18 Outdoor Recreation Pursuits

Objections

8.53 *Outdoor recreation pursuits*
1388 3628 Ms E Marshall Environment Agency, Lower Trent Area

8.54 *Outdoor recreation pursuits*
601 3027 Mr S Rufus Nottinghamshire Wildlife Trust

Summary of Objection Issues

8.53 Outdoor Recreation Pursuits

1388/3628 Environment Agency, Lower Trent Area

1. The following should be added:

“The Borough Council, in consultation with the Environment Agency, will need to be satisfied that the abstraction needs of golf course development, or any other recreational or tourism development with an irrigation requirement, can be met prior to planning permission being granted.”

Council's Response:

2. Consultation with the Environment Agency about irrigation requirements for relevant proposals would be carried out as a normal part of development control procedures and there is therefore no need to refer to the issue in the Plan. Applications for golf course developments and comparable outdoor recreational pursuits in Broxtowe have been very rare in recent years and the subject, in the Council's opinion, does not therefore merit special attention in the Plan.

Inspector's Conclusions

1. As noted by the Council, consultation with the Environment Agency about abstraction or irrigation requirements for proposals would be carried out as a matter of course in the dealing with a planning application. This procedural matter does not need to be stated in the Plan. The opportunity to achieve sustainable drainage systems, as sought by the Environment Agency, can be raised through such consultations.

Recommendation

2. I recommend that no modification be made to the RDDP.

8.54 Outdoor recreation pursuits

601/3027 Nottinghamshire Wildlife Trust

3. The following should be added:

“It is also important that no ecological features should suffer from fragmentation or deterioration as the result of such activity. Individual species using the area may be particularly vulnerable to inappropriate and unplanned use, and this should always be considered as part of any application.”

Council's Response:

4. In the Council's opinion these points are adequately dealt with by paragraph 8.55, which states that developments should not detract from the ecological value of the land, and by part b) of the revised policy, which states that developments should not detract from the environmental quality of the area. The proposed additions would give excessive weight to nature conservation interests, as they would imply that avoiding deterioration to ecological features, no matter how minor, should take precedence over providing recreational benefits, no matter how substantial. Policies E16-18, EXX and E22 provide protection for sites, species and features of recognised ecological importance.
5. The Countryside Agency objected on the basis that, in part (b), the phrase 'landscape quality' should be replaced with 'landscape character' (objection 1363/5292). The objection was withdrawn on the understanding that an inquiry change would be made. The Council accepts the desirability of a reference to 'landscape character'. The wording should also be consistent with other parts of the Local Plan.
6. **The Council has recommended that, in part b), the phrase "environmental or landscape quality" should be replaced with "open character, environmental quality or landscape character".**

IC52

Inspector's Conclusions

1. I agree with the Council that the additional text suggested by the NWT concerning fragmentation and deterioration of ecological features is adequately covered by paragraph 8.55 and RC18b. Policies in the Environment Chapter also provide appropriate protection for sites, species and features of recognised ecological importance.
2. In response to an objection from the Countryside Agency that criterion b) of RC18 should refer to "landscape character" rather than "landscape quality", the Council have put forward IC52. This amends criterion b) so as to refer to "open character, environmental quality or landscape character". Nevertheless, as I have previously stated, I prefer "open character, environmental and landscape value". In the same vein, the last sentence of paragraph 8.55 needs similar modification, therefore I make such a recommendation below.

Recommendation

3. I recommend that IC52 be modified to read "open character, environmental and landscape value". To ensure consistency, I recommend that the end of the last sentence in paragraph 8.55 be modified to read "open character, environmental and landscape value of the land".

RC19 Tourism Facilities Including Hotels

Objections

8.58	<i>Tourism facilities including hotels</i>		
1468 3965	Miss A Plackett	English Heritage East Midlands Region	
RC19	<i>Tourism facilities including hotels</i>		
1124 2223		Granada Hospitality Limited Weatherall Green & Smith	
1366 3511	Mr A Adams	Ministry of Agriculture, Fisheries & Food Farming & Rural Conservation Agency	
RC19 R458	<i>Tourism facilities including hotels - Addition of reworded policy for consistency with other policies</i>		
1366 5295	R458 Mr A Adams	Ministry of Agriculture, Fisheries & Food	
1363 5293	R458 Mr D Herd	Countryside Agency - East Midlands Region	

Summary of Objection Issues

8.58 Tourism facilities including hotels

1468/3965: English Heritage

1. "Reference might also be made to the industrial heritage relating to the textile and mining industries, including the Erewash Valley".

Council's Response:

2. Paragraph 8.58 summarises the main areas of tourism potential in Broxtowe and the Council does not consider that the proposed addition would be helpful.

Inspector's Conclusions

1. Referring to the industrial heritage in the area, as suggested by English Heritage would not improve on the operation of Policy RC19 and simply add to the level of background information. This does not accord with the Government's aim for Plans to be as succinct as possible.

Recommendation

2. I recommend that no modification be made to the RDDP.

RC19 Tourism facilities including hotels

1124/2223: Granada Hospitality Ltd

3. The policy should be amended to reflect the recognition in paragraph 8.59 that there is potential for business users as well as tourists.

Council's Response:

4. The Council acknowledges the validity of this point.
5. **The Council has recommended that, in the first sentence of policy RC19, the word "accommodation" should be replaced with the phrase "business and**

visitor based accommodation”1366/3511: Ministry of Agriculture, Fisheries and Food

6. The requirement for satisfactory access by public transport should be reserved only for facilities with the potential for significant visitor numbers.

Council's Response:

7. The Council considers that reference to “significant” visitor numbers would introduce an undesirable lack of clarity. However, it acknowledges that public transport accessibility should not be a requirement for small bed-and-breakfast facilities.

IC54

8. **The Council has recommended that, at the start of clause b) of policy RC19, the phrase “With the exception of small bed-and-breakfast facilities” should be added.**

RC19 R458 Tourism facilities including hotels - Addition of reworded policy for consistency with other policies1366/5295: Ministry of Agriculture, Fisheries and Food

9. The requirement for satisfactory access by public transport should be reserved only for facilities with the potential for significant visitor numbers.

Council's Response:

10. The Council considers that reference to “significant” visitor numbers would introduce an undesirable lack of clarity. However, it acknowledges that public transport accessibility should not be a requirement for small bed-and-breakfast facilities. An Inquiry Change (IC54) is therefore proposed, as noted in the response to objection 1366/3511, above.

1363/5293: Countryside Agency - East Midlands Region

11. In part (c), the phrase “landscape quality” should be replaced by “landscape character”.

Council's Response:

12. The Council accepts the desirability of a reference to “landscape character”. The wording should also be consistent with other parts of the Local Plan.

IC55

13. **The Council has recommended that, in part c) of policy RC19, the phrase “environmental or landscape quality” should be replaced with “open character, environmental quality or landscape character”.**

Inspector's Conclusions

1. As pointed out by Granada Hospitality Limited, paragraph 8.59 recognised the potential for business and tourist based accommodation but the policy only reflected the latter. The Council have acknowledged this error and put forward IC53 which replaces the reference to “accommodation” in RC19 with “business and visitor based accommodation”. I support this logical change.
2. MAFF consider that RC19b, which requires that “there is satisfactory access including by public transport...” should only be reserved for facilities with the potential for significant visitor numbers. In response, the Council have put forward IC54 which inserts at the start of RC19b “with the exception of small bed and breakfast facilities”. To my mind, neither differentiating in the policy between facilities with high and low visitor numbers, or omitting small scale bed and breakfast facilities would improve on the existing policy. The reference to “satisfactory access” in RC19b provides the necessary discretion to take account

of the scale and nature of the proposal so as to determine whether it should fail on the grounds of substandard access via public transport.

- In response to an objection from the Countryside Agency that RC19c should refer to “landscape character” rather than “landscape quality”, the Council have put forward IC55. This amends RC19c so as to refer to “open character, environmental quality or landscape character”. Nevertheless, as I have previously stated, I prefer “open character, environmental and landscape value”.

Recommendation

- I recommend that that the RDDP be modified in accordance with IC53. I recommend that IC55 be modified to read “open character, environmental and landscape value”.

RCx Proposed New Recreation and Community Facilities Policy

Objections

598	2632	Mr I Brown	CPRE - Broxtowe Group
598	2600	Mr I Brown	CPRE - Broxtowe Group
921	3017	Mrs N Harper	
75	3015	Mr D Harper	
1178	2755		Metropolitan & District Developments Ltd Shoosmiths Solicitors

Summary of Objection Issues

598/2632 - CPRE - Broxtowe Group

- Some forms of outdoor activities can cause problems to the local environment. The following policy on “potentially disruptive sports” should therefore be added:

“The provision of outdoor recreation pursuits will not be permitted within or adjacent to sites of wildlife importance or nature conservation interest”.

Council's Response:

- The subject matter of the proposed policy is already dealt with by policies RC18, E16, E17, E18 and EXX. Policy RC18 indicates that any proposed developments should not harm environmental quality, landscape quality or local amenity, whilst policies E16, E17, E18 and EXX protect SSSIs, SINCs, protected species and recognised habitats from harmful developments of whatever kind. In addition, the Council considers that the proposed policy would be unduly strict, as it would envisage the refusal of permission for proposed developments even if they would have no adverse effects on the sites of wildlife importance or nature conservation interest.

598/2600 - CPRE - Broxtowe Group

- The following policy on “wildlife corridors” should be added:

“The Council will define and protect a network of land and water based corridors of importance to nature conservation and local amenity, especially between and within built up areas of the borough. Any development which would damage the integrity and importance to wildlife of these corridors will not be permitted.”

Council's Response:

4. The proposed policy would be a rather vague "statement of intent" of the kind which has been discouraged by the Government Office as it would not provide clear guidance for development control purposes. In addition, PPG9 (Nature Conservation, paragraph 18) states that authorities should only apply local designations to sites of substantive nature conservation value, and take care to avoid unnecessary constraints on development. It would therefore be inappropriate to provide special protection for sites which do not meet the criteria for SINC status. The SINC system provides a clear and consistent basis for protection and, following the current review of SINC, it will do so on a county-wide basis. The review may well lead to the incorporation of additional sites along land and water based wildlife corridors, which would be protected by policy E17.

921/3017 - Mrs N Harper

75/3015 - Mr D Harper

5. A new footpath/cycle route should be created between Watnall (footpaths 1/18, proposed greenways RC17l/m) and the Bulwell/Blenheim area (Sellers Wood Drive/Dabell Avenue).

Council's Response:

6. The Council acknowledges the desirability of a footpath/cycle route between Watnall and Bulwell/Blenheim, however it is not aware of any potential route which would have reasonable prospects of implementation. The land concerned is in private ownership and is not the subject of development proposals which might be able to incorporate a footpath/cycle route.

1178/2755 - Metropolitan & District Developments Ltd

7. The Plan should recognise that there are several locations within the borough where potential exists for large scale recreational facilities to be brought forward in the form of country parks or other similar facilities. The following policy should therefore be added:
8. "The Borough Council will seek to encourage the provision of large scale informal recreation facilities within the Borough area where these can be appropriately located to provide facilities for [the] local population and are accessible by means of transport other than the private car linking into the network of long distance trails and greenways proposed in Policies RC16 and RC17".

Council's Response:

9. The subject matter of the proposed policy is already dealt with by policies RC18 and EM3c. Policy RC18 supports the provision of outdoor recreation facilities (of whatever size) subject to specified criteria, whilst policy EM3c proposes a specific site (at Soloman Road, Cossall) for a country park. In addition, the proposed policy would be a rather vague "statement of intent" of the kind which has been discouraged by the Government Office, with regard to Policy RC18 and others, as it would not provide clear guidance for development control purposes.

Inspector's Conclusions

1. I do not consider that a policy concerning potentially disruptive sports should be added to the Plan, as suggested by the CPRE. The two issues raised in their objection, namely the harm to nature conservation interests and harm to general amenity that may arise from outdoor recreation pursuits are already dealt with by RC18b and RC18c. Paragraph 8.53 refers to a range of activities, including a few that some people would consider are potentially disruptive sports and makes it clear that Policy RC18 applies to these.

2. The additional policy suggested by the CPRE concerning wildlife corridors would also be inappropriate. Firstly, it contains a statement of intent which following good practice guidance should not form part of a development control policy. Secondly, I note that a number of wildlife corridors are identified in CD61, however these are generally diagrammatic in form and would need to be refined and developed if they were to be shown on the Proposals Map.
3. Mr and Mrs Harper seek an extension to proposed greenways RC17I or RC17m so as to provide a footpath/cycle route linking Watnall to Bulwell/Blenheim. These two greenways are associated with major development proposed at Watnall/Nuthall. In the earlier chapters of my report, I recommend that apart from employment development on land used as a coal stocking yard, (the southern part of EM3f) these major development proposals should be deleted. In light of this, under Policy RC17, I recommend that if the designation of these greenways were wholly reliant upon the major development proposals coming to fruition, then they too should be deleted.
4. Even if the greenways were to remain, the Council are of the view that it would be inappropriate to propose an extension because there would be no reasonable prospect of implementing it. They highlight that the land in question is in private ownership and a footpath/cycle route would not come forward unless it formed part of a development proposal. While there was no such development proposal in the Revised Deposit Draft Plan, in Chapter 5 I recommend the allocation of employment omission site Nu1, South and West of Blenheim Industrial Estate. I conclude that in the development of this site, the opportunity should be taken to provide a greenway linking Blenheim Industrial Estate with existing footpaths 1/18 that form the basis for proposed greenways RC17I and RC17m. As suggested by the objectors, the provision of such a pedestrian/cycle route linking Watnall to Blenheim would be an obvious benefit to the area.
5. I do not agree with the suggestion of Metropolitan & District Development Ltd that an additional policy is required to enable the development of large scale recreation facilities. The Plan already enables such developments, subject to appropriate criteria, through Policy RC18.

Recommendation

6. I recommend that under the section "Routes associated with new development" in Policy RC17, the following new greenway be added "Westwards from Blenheim Industrial Estate".