

The Chief Executive
Broxtowe Borough Council

Room 406
Temple Quay House
Temple Quay
Bristol BS1 6FA

June 2003

Dear Sir

Between the 2nd October 2001 and the 30th April 2002 I held an inquiry in the Beeston Town Hall into objections to the Broxtowe Local Plan Review. I held a pre-inquiry procedural meeting on the 3rd July 2001. The dates on which the inquiry sessions were held are listed in Appendix B. I made several inspections of the Plan Area before, during and after the inquiry and all objection sites have been visited. I was accompanied on some visits by Council officers and objectors, when requested. (Appendix I).

The Deposit Local Plan Review and the Objections

The Deposit Draft Plan was placed on deposit in January 2000. Some 3991 objections were received, some of which were later withdrawn. The Revised Deposit Local Plan was placed on deposit in January 2001 when 2514 further objections were received, some of which were later withdrawn either conditionally or unconditionally. In May 2001, the Council published Proposed Changes to the Revised Deposit Draft Plan (CD4) and placed them on deposit. These resulted in 60 counter objections and 180 representations of support. I was asked by the Council to consider these alongside the original objections to the Deposit Plans. The Council also put forward Inquiry Changes (CD118b) throughout the Inquiry, which elicited further comments and I have also considered these in reaching my conclusions and recommendations. All objections and statements of support are included in the introductions in my Report and a full list of representations to the Deposit Plans and to the Proposed Changes is included in Appendix H (CD30). A chronology of the main events is given in Appendix A.

It was clear prior to the Pre Inquiry Meeting that a number of objections to the Revised Deposit Draft Local Plan were not confined to the proposed Revisions themselves but embraced matters in the First Deposit Draft Plan. However, the Councils did not reject these, as they were entitled and encouraged to do under the regulations, but accepted them as being duly made and they subsequently responded to them. Having drawn this to their attention, the Council, notwithstanding the regulations, requested me to deal with all the representations that were listed in the Combined Schedule of Representations (CD30). It is for the Council alone, not for me, to decide what are duly made objections. My responsibility, as agreed with the Council at the Pre Inquiry Meeting, was therefore to consider those representations that were put before me. This added to the time and work involved due to the need to consider the many objections to the Deposit Draft Plan that were satisfied by the Revisions made in the Revised Deposit Plan. This also led, on one occasion, to the Council attempting to turn away an objection in respect of a proposed housing site Ki1 at Kimberley. I ruled that I knew of no provisions that allowed me to reject an individual objection that had already been accepted by the Council.

A fair number of the objections were duplicated. This may have been prompted by a belief that the number of objections rather than the arguments advanced is persuasive. This led to extra work for the

LPA and for the Inquiry. However, most objectors heeded the Inspector's advice at the Pre Inquiry Meeting to combine their cases wherever possible and generally there was little duplication during the Inquiry itself.

Arrangement of my Report

The Councils classified all objections to the Deposit Draft Plan by Chapter and within Chapters by paragraphs and policies in sequence. They classified representations to the Revised Deposit Draft Plan by Revision Numbers eg R100 and representations to the Pre Inquiry Changes by PIC Numbers eg PIC1.

Skeleton Report

I was persuaded to adopt a Skeleton Report supplied by the Council as the basis for my Report. The order and content of this is entirely the responsibility of the Council. I have not altered it in any material way even where it may contain errors. I have only deleted unnecessary duplications and have re-positioned a small number of topics within a Chapter to achieve a more logical sequence. It is unclear why some potential development sites are included in Chapter 4 when the majority are contained in Chapter 10. However, I have not altered this. I have not amended the lists of objectors to accord with CD30 or with the individual objections themselves. However, it is the individual objections (forms/statements) that I have worked from and responded to in my conclusions and recommendations. Objectors and supporters listed in CD30 should be assured that all their material points have been considered in reaching my conclusions, whether or not they figure in the Council's list of objections in the introduction to each Policy/Proposal. Where objections were withdrawn conditionally, the condition involved was in most cases unclear. I therefor dealt with the substantive objection. Generally, if one of the sources: CD30, the objection forms or the Skeleton Report indicated there might be an outstanding objection, then I dealt with that before me.

My responsibility is therefor confined to those sections of my Report headed Background, Conclusions and Recommendation.

The Skeleton Report created numerous problems and contrary to the prior expectations extended rather than saved reporting time. Regrettably, awaiting it and dealing with its problems, delayed submission of my Report by about two months. The Skeleton Report produced random variations in the text settings and fonts of my sections and perhaps more critically in paragraph numbering. Despite my best endeavours, some problems remained intractable and some may reappear due to an instability in the system. There may be instances of duplicate and missing paragraph numbers, which may cause confusion. However, I assure the reader that my conclusions are complete and in the correct sequence. I am in consequence, disappointed in the standard of presentation that resulted. It was not one that I would have chosen.

As requested, I have not set out cases for the objectors and the Council. The summaries of these in the Skeleton Report are entirely the work of the Council and were intended to provide a context for my conclusions and recommendations. It is to be hoped that the reader, at least, finds this useful. My conclusions however, were based upon the objections forms themselves and on additional statements of evidence supplied by objectors and the Council, from the Round Table discussions and from the evidence

adduced at the Inquiry itself. Lists of documents submitted by the Councils and objectors are included in Appendices F and G respectively

For the most part, I refer in my conclusions to objectors, their arguments and points only as far as it is necessary to explain my conclusions. I have included the major points arising from inquiry sessions, as this is their only record. I have given the same consideration to all objections whether they were made in person at the inquiry or only in writing. I have generally not mentioned those in support of the Plans, although I have taken them into account in reaching my conclusions.

I make a recommendation in respect of each group of objections to a particular Chapter, Paragraph, Policy, Proposal and Proposed Change. I make my recommendations in respect of the Revised Deposit Draft Plan, as this is the current base. A recommendation that “no modification should be made to the RDDP” applies only to that particular matter under consideration. I refer in my Report to Proposed Changes and Inquiry Changes by their respective numbers. They are reproduced in full in the Council introductions and may also be found in CD11 and CD118b.

A Glossary of abbreviations used in this Report follows this preamble together with a list of the principal contents of the Report and a list of appendices.

After the close of the inquiry the government published PPG17 Revised and a Draft Revision of RPG8. My conclusions take these into account where appropriate. It will be necessary for the Council to take into account any further relevant government policies and decisions issued after the receipt of my Report.

Thanks

On behalf of myself and all parties to the inquiry, I wish to express my gratitude for the invaluable contribution made by the Inquiry Programme Officer, Sarah Rudman. Her efficiency, adaptability, easy manner, hard work and long hours were essential to the effective running of the inquiry and I know that she was greatly appreciated by all parties as well as by myself. She was also of great assistance to me in preparing the appendices to my Report. I would thank the Council and the staff at the Town Hall for the excellent facilities and the help they provided for myself and for the inquiry sessions. I would also like to thank all those participating in the inquiry for their assistance. Their co-operation helped to promote an effective and friendly inquiry.

Summary of Principal Conclusions and Recommendations

General

My function is generally limited to objections and counter objections. Some Policies and Paragraphs to which no objection was made may require modification to ensure internal consistency within the Plan. Unless this has been brought specifically to my attention, I leave it to the Council.

A number of objectors sought alterations, which do not alter the application of the Plan in any fundamental manner. Some preferred their own terms, or wished to see further elaboration. In general, I have resisted such changes where the Plan is clear, concise and soundly based. In this case, the Council is entitled to express the Plan in their own terms and I have resisted change that I regard as being largely for

its own sake and which would add unnecessary length to an already long document. Examples are to be avoided in Policies. They are unnecessary, selective and can create misunderstanding.

I have generally resisted calls to include cross-references to other Policies in the Plan as this would extend a long document unnecessarily and could be misleading. The Plan has to be read as a whole and I recommend that this be made clear in the Introduction. The government advises that development plans should be kept simple and concise and avoid undue detail and elaboration.

I resist calls for more flexible Policies. Policies should be clear in their intent but should be applied with regard to other material considerations. It is unnecessary and tedious to spell this out in every Policy. The provisions of the Act apply in any case and there is a clear recourse available where they are not.

The objections covered a wide range of interests. Some sought more restrictive Policies, other more liberal or flexible ones. Some sought fewer allocations for housing and employment land, others sought more or different allocations. The housing and employment land requirements arise very largely from the needs and demands of local people in and around the conurbation. It is understandable that existing residents are anxious about changes in their local environment, although the voice of those in need of a home is rarely heard.

New housing development has to go somewhere in the Borough. I thus have given little weight to objections that new development increases crime levels, detracts from the neighbourhood, devalues property prices and others that might be expected to arise wherever new housing is located, unless there are special local circumstances. Some argued that the opinions of local residents should prevail in the interest of democracy. However, the statutory planning system provides for consideration of all objections by an independent Inspector, appointed by the ODPM. I base my conclusions upon the application of government and regional policy, on the Structure Plan, the Guiding Principles of the Local Plan and on general planning principles. I have explained the reasons behind my conclusions and recommendations in my Report.

A great deal of time and effort was expended on the preparation and examination of Transport Assessments. The level of detail was often excessive for this stage in the planning process when all that need to be determined is whether the site can be suitably accessed and that the traffic generated can be reasonably accommodated on the transport network, with or without some improvements. I had few doubts in most cases that it could. The Transport Assessments were based upon those for planning applications and were designed to demonstrate no worsening of conditions, with or without improvements. However, at the Local Plan stage some assessment is appropriate as to whether such conditions should be accepted or whether allocations should be made elsewhere where better conditions prevail. However, development has to be accommodated somewhere and there are few locations that are not subject to some degree of traffic congestion at peak times.

I set out below a brief **summary** of the main points that arise from my conclusions and recommendations Chapter by Chapter.

Chapter 1: Introduction

I generally support the Revised Plan and the Proposed Changes. In particular IC96 on implementation and monitoring and IC118, which stresses that the Plan should be read as a whole.

Chapter 2: The Strategy

I support the Plan's Guiding Principles, Strategic Aims and Locational Principles with some minor modifications. I generally resist calls for further elaboration, for an environmentally led Plan and a keynote Policy. It is for the decision taker to resolve any conflicts that arise.

I support Policies K1, K2 and K3 subject to some minor clarification of the former two. I support Policy K5. Although I prefer sustainable allocations outside the Green Belt to sites within, I recommend in later Chapters a small number of housing and employment allocations that serve only limited Green Belt purposes. I see no land use planning basis to prefer a small number of large deletions to a larger number of smaller ones. I support the removal of Eastwood Hall and Hall Park from the Green Belt.

I support Policies K6, K7 and K8 with some minor modifications but reject calls for additional policies and supporting text.

Chapter 3: The Environment

I recommend some change to the Aims and Objectives to account for other important factors. I support Policies E1, E2, E3, E4 and E7 subject to alterations set out in Inquiry Changes and minor changes in terminology to better reflect statutory duties. I support, with three exceptions, minor changes to Green Belt boundaries not affected by allocations as set out in CD21. I support Inquiry Changes to Policy E8 and recommend the identification of three major existing developed sites in the Green Belt at Trowell Motorway Service Area, Bramcote Hills School Campus and at Toton Sidings, along with some reference to PPG2 Annex C in the supporting text.

I recommend minor changes to Policy E9 to make its intentions clearer and Policy E10 subject to Inquiry Change 13. I support Policy E12.

I accept the case for identifying safeguarded land and recommend the re-introduction of Policy E11. Elsewhere, I recommend that sites H2d, H2j and ST3 be removed from the Green Belt and identified as safeguarded land in view of their limited value to Green Belt purposes and their sustainable locations.

I support one minor revision to the Protected Open Area at St John's College to better reflect ground conditions. I support the Prominent Landscape Areas For Special Protection and Mature Landscape Areas for their important contribution to the local environment.

I support Policies E16, E17, E18, E19 and E20 subject to some minor rewording contained in Inquiry Changes. I support a new Policy to protect important archaeological remains and changes to Policy E21 so as to conform to Circ 1/97. I support Policies E22, E23, E24, E25, E26, E27 and E33 with some minor clarifications. I recommend changes to some of the after uses of derelict land sites listed in Policy E28 and that hazardous installations should be listed in Policy E30 and an Appendix. I reject calls for Policies on brownfield land, windfarms, local listed buildings, rights of way, wildlife corridors, access to watercourses, a Local Biodiversity Action Plan, Ancient Woodlands and Countryside Character Areas, although I recommend some changes to the supporting text. I resist calls for the Plan to provide more environmental information. I support an extension of Policy E5 to cover demolition and change of use of listed buildings and a new Policy for the enhancement of nature conservation generally.

Chapter 4: Housing

With one minor exception I support the Plan's aims and objectives. I support the Council's latest estimates of windfall developments, conversions, vacancy rates and the contribution of existing commitments and resist calls for a flexibility allowance and variations in the Plan period. Whilst supporting the Council's aim for the prior development of brownfield sites not only within Broxtowe but Nottingham City, I conclude that the most appropriate approach is through a sensitive new phasing policy, rather than any shortfall in Plan allocations. I endorse individual committed sites.

I support Plan allocations H2a, H2c, H2f, H2h, H2k, H2x, H2X, DD7 and DD8 and an enlarged H2e and H2i. I recommend the allocation of the Maltings, Beeston and part of H2g for housing development. I reject objections seeking housing allocations on sites DD3, DD5, DD1, DD2, DD4 and H2new at Trowell, Eastwood/Brinsley and Giltbrook.

I support objections to the strategic mixed development proposals at Watnall/Nuthall and recommend the deletion of allocation H2l. I recommend in Chapter 4 and Chapter 10, compensatory new allocations on other sites that have much less impact upon Broxtowe's Green Belt, B&MV agricultural land, landscape, other environmental resources and strategic transport issues.

I support the removal of sites H2d and H2j from the Green Belt but recommend their allocation as safeguarded rather than housing land.

I recommend a new Phasing Policy with two phases distinguishing generally between brownfield/other special sites and most greenfield sites.

I support Policy H3 subject to a lower threshold and Policy H4 subject to IC140. I support Policy H5 subject to a lower and simpler threshold. I support Policy H6 and reject calls for lower densities from some and higher ones from others. I support Policies H7, H8, H9, H10, H11, H15. I reject calls for a new Policy from Railtrack.

Chapter 5: Employment

I support the aims and objectives and resist calls to alter and extend these, except for EM/a. I clarify the basis of the employment land provision. As this already includes a large margin for flexibility, I resist calls to extend it. I support existing commitments EM1a, EM1d, EM1g. I also support the re-instatement of EM1j. I reject a phasing policy for employment allocations.

As in Chapter 4, I support objections to the large mixed use proposals at Watnall/Nuthall and recommend the deletion of allocation EM2 for which I find no need at this time in view of the scale of business park development that has taken place and the new opportunities on brownfield land that have emerged mainly in Nottingham City. I support allocation EM3a and the provision relating to B1a uses, EM3b and EM3d. I support objections seeking the allocation of EM3e for bulky goods retailing and the allocation of an adjoining re-development site by way of compensation. I recommend the deletion of the two northern parts of allocation EM3f mainly on Green Belt, agricultural and landscape grounds. However, I support the allocation of the southern part of EM3f in view of its limited impact and its current use. By way of

compensation, I support in Chapter 10, the allocation of site Nu1, in view of its limited impact on the environment and its sustainable location.

I support EM4 and EM6. I support the identification of Toton Sidings as a major existing developed site in the Green Belt subject to Policy E8 and the criteria of Annex C to PPG2 to facilitate the SP proposals for its development as a rail freight terminal.

Chapter 6: Transport

I recommend changes to the supporting text to update the position on the Nottingham Express Transit and the M1 Multi Modal Study. I resist calls to elaborate on the objectives. I support concerns that new development should bear the costs of dealing with its resulting travel demands. I also sympathise with achieving a better balance between provisions for public and private transport. I support Policy T1 subject to some modifications to achieve compliance with Circ 1/97. However, I resist proposals to include the County Council's Interim Transport Planning Statement as it currently stands as its basis and operation have the hallmarks of a development levy or tariff which the government in July 2002 decided not to pursue. A more refined version of the ITPS might be published as Supplementary Planning Guidance in due course.

I support Policies T2 and T3 subject to the references to a Park & Ride site at Watnall being deleted and a P&R facility in the A52 corridor being added along with a reference to PPG13. I support Policies T4, T5, T6, T7, T8 and T9 subject to some clarification of the supporting text. I recommend the deletion from the Proposals Map of road schemes for allocations H2d and H2l/EM2/EM3f. I support Policy T11 but not Appendix 4. I resist calls for further policies and text.

Chapter 7: Shopping & Town Centres

Contrary to the advice in PPG6, the Plan was not based on an up-to-date retail needs survey. The reliance on the Greater Nottingham Retail Study (GNRS), which was not published until after the close of the Inquiry in April 2002, did not provide the information anticipated and offers little guidance on Broxtowe's shopping centres. I support the need for additional bulky goods floor space in Eastwood/Kimberley and in the absence of town centre or edge of centre sites, I recommend that a site at Giltbrook, be allocated as the most sustainable available option. A prospective developer would still have to demonstrate quantitative need for the particular kind or kinds of goods proposed to be provided for and that a sequential search had been undertaken in respect of possibilities for developing constituent disaggregated parts. I resist calls for two small extensions to Kimberley Town Centre.

Chapter 8: Recreation & Community Facilities

I support splitting Policy RC1 in the RDDP. I recommend safeguarding part of site H2g for a primary school to replace Eastwood Primary School, but express concern that this is still not programmed after so many years. I support the provision of a site for a primary school on housing allocation H2a, which should be planned and managed to also provide for local community activities.

I reject claims that Policy RC3 compels developers to provide for pre-existing community needs. I support combining Policies RC4 and RC5 but with some clarification of wording. I conclude that the

threshold in Policy RC6 was set too high and should be lowered to 1 ha but reject a threshold of a single dwelling as impractical. I conclude that the Council should reconsider Policy RC9 to clarify the nature of the sums they seek.

I support the Council's strategy of improving existing facilities rather than creating new ones, although I recommend the allocation of extensive new playing fields at Giltbrook on a former landfill site (Ea9).

Chapter 9: Appendices

I recommend some changes to the development brief for allocations H2a, H2k and EM3d. I recommend the deletion of briefs for allocations H2d, H2j and H2l/EM2/EM3f to reflect my other recommendations.

I recommend the deletion of Appendix 4 and the substitution of new joint parking guidelines or if these have yet to be agreed their subsequent inclusion in Supplementary Planning Guidance. I set out my consideration of Technical Reports 1 and 5.

Chapter 10: Other Potential Development Sites

I support housing allocations on objection sites Ac1, Ea7, Ea9, Ea13 Kic, Ki1, Ki5 Ki6 and Ki7 to make up for the deleted allocation H2l at W/N. The majority of the new provision is on land outside the Green Belt much of it brownfield or degraded land. Many of these will require the pro-active support of the Council to facilitate their completion within the Plan period. The few Green Belt sites I support fulfil little Green Belt purpose and are otherwise sustainable. I support the removal from the Green Belt of objection sites NUa and ST3. I support the allocation of objection site Nu1 for employment purposes to make up for the deletion of part of allocation EM3f. Otherwise, I reject allocations on the other objection sites put before me.

Footnote

Overall, I believe that the Plan as recommended for modification fulfils its primary purpose, which is to provide a clear guide to the land use policies for the Borough which meet the requirements of the Structure Plan, Regional Guidance and government policy. It may not please everyone but it represents my view of an appropriate balance between the competing claims that arose through the Plan process.

A copy of this letter has been sent to the Office of the Deputy Prime Minister and to the Government Office for the East Midlands.

Yours faithfully

John Bagshaw FRTPI MIHT FRSA
Inspector

