

INDEPENDENT EXAMINATION OF THE NUTHALL NEIGHBOURHOOD PLAN

EXAMINER: JILL KINGABY BSc (Econ) MSc MRTPI

[REDACTED]
Clerk to Nuthall Parish Council

[REDACTED]
Broxtowe Borough Council

Examination Ref: 01/JK/NNP

10 August 2018

Dear [REDACTED]

NUTHALL NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Nuthall Neighbourhood Plan (the Plan) for examination, I would like to clarify some initial procedural matters.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed.

2. Further Clarification

I have a number of initial questions seeking further clarification, which I have set out in the Annex to this letter. These questions are addressed to the Nuthall Parish Council, except for question 15 which is also addressed to the Local Authority with a view to securing a combined commitment. I would be grateful if a written response can be provided by 24 August 2018.

When I have received a response to these questions, I will write again giving further details of the examination timetable, letting you know when I will be carrying out my site visit and giving my decision on the question of whether the examination can be conducted solely by the written representations procedure or whether, as requested, a hearing session will also be necessary.

In the interests of transparency, I ask that a copy of this letter and any responses to my questions are placed on the Local Authority and Parish Council websites.

Thank you in advance for your assistance.

Your sincerely

[REDACTED]

Examiner

ANNEX

From my initial reading of the Nuthall Neighbourhood Plan and the supporting evidence, I have a number of questions for the Parish Council (and question 15 is also directed at the Local Authority). I have requested the submission of responses within two weeks of receipt of this letter, but an earlier response would be welcome.

Questions Arising from the Representations

The 21 responses to the Regulation 16 consultation exercise raise a number of points. It would assist my examination if the Parish Council would give me its views on many of these, as set out below. This will enable me to have a better understanding of the different sides of the arguments on important issues, and give me greater clarity.

1. Historic England, in its Regulation 16 consultation response, recommended further liaison with a number of bodies to provide details on designated heritage assets and locally-important buildings, as well as archaeological remains and landscapes in the Parish. Designated and non-designated assets are mapped on Page 9 of the Neighbourhood Plan. Please would the Parish Council advise what is the basis for defining the “Local Interest Buildings”; also, do they feature on records held by Broxtowe Borough Council or Nottinghamshire County Council?
2. Natural England drew attention to the Site of Special Scientific Interest (SSSI) at Sellar’s Wood, and offered advice on Green Infrastructure. Nottinghamshire Wildlife Trust also sought amendments to Policy 4 to make it more ambitious in respect of a Green Infrastructure network, and achieving gains for wildlife. Should the Neighbourhood Plan be amended, having regard for these comments?
3. Highways England suggested that Policy 1 should include a requirement that development proposals be subject to an appropriate Transport Statement or Transport Assessment. Having regard for the National Planning Policy Framework (NPPF)¹, section 4. Promoting sustainable transport, and the adopted Aligned Core Strategy, Managing Travel Demand, would the Parish Council support this proposed amendment?
4. Highways England also commented that Phase 2b of HS2 is expected to have a significant impact on the Neighbourhood Plan area. Pages 14 onwards of the submitted Neighbourhood Plan provide additional information about the likely impact of HS2 development. This includes an expectation that 2 working farms would be severely affected, and a number of houses demolished. What is the source of these data? A reference to sources to understand how far planning for the new train line has reached, might be helpful in the Plan.

¹ I am examining the Plan against the NPPF and Planning Practice Guidance (PPG) published in 2012. A revised NPPF was published on 24 July 2018. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214, which provides ‘The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019’. A footnote clarifies that for neighbourhood plans, ‘submission’ in this context means where a Qualifying Body (QB) submits a plan to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). Therefore, all references unless otherwise stated are to the March 2012 NPPF and its PPG.

5. In addition, should the Plan acknowledge, as consultees have suggested, that (i) development of HS2 may encourage new development and necessitate a review of Green Belt policy in the future², and/or (ii) employment land needs may change over the Plan period with the development of HS2?
6. The Woodland Trust supports Policy 4 but argues that the Plan should also ensure that development conserves mature trees and hedgerows. It put forward a number of proposed changes to strengthen the approach to protecting trees and securing new planting. What is the Parish Council's response to this?
7. Nottinghamshire County Council wrote in support of a reference to developer contributions to provide supportive bus services and transport infrastructure, as it could "afford a higher probability of successfully negotiating for future development funding". Should the section of the Plan covering public transport be enhanced as suggested by the County Council? Also, should more information be given about the role of community transport?
8. Nottinghamshire County Council also requested an amendment to Map 7, so that all A roads in the County have the same classification. Does the Parish Council support this?
9. Greasley Parish Council proposed clarification as to the Core Strategy's requirement for the Kimberley area to provide up to 600 new homes over the Plan period (to specify what area is covered by Kimberley), and to explain what is a SHLAA. What is the Parish Council's view?
10. Does the Parish Council have any other comments to make on the Regulation 16 responses? For example, does it wish to make additional references in the Plan to trams, or comment on the proposed housing site south of 121 Kimberley Road?
11. Should Page 7, which indicates that Hempshill Hall was demolished, be modified?

Questions Arising from the Plan

In addition, my initial reading of the Plan has raised some questions on which I would appreciate a response from the Parish Council, as follows.

12. Policy 1: New Housing Criterion v. seeks a minimum of 20% of new homes in developments of 5 or more units to be for elderly residents or people with limited mobility. Is the 20% figure underpinned by factual evidence and, if so, what is it?
13. Policy 8 of the Aligned Core Strategy and Policy 1 of the emerging Broxtowe Local Plan Part 2 expect new housing development to include a proportion of affordable housing. Nuthall is included in the Kimberley housing sub-market where some 20% or more of new housing should be affordable. Even though Appendix 1 of the Plan indicates that the affordability ratio (median house prices to median income) is below the average for England, it also states that house prices are in line with the Nottinghamshire average. The Aligned Core Strategy seeks to build 30% of new housing as affordable. Please would the Parish Council explain why the Neighbourhood Plan's Policy 1 is silent on the matter of providing affordable housing?

² It should be noted that in the revised NPPF, published July 2018, paragraph 136 advises that where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

14. Policy 2: Nuthall Village Centre sets a standard for new retail and business development not to exceed 250sqm. What is the justification for this?
15. Having regard for HS2, and questions 4 & 5 above surrounding the likely impact of major rail infrastructure development on Nuthall, is there a case for adding a short section to the Neighbourhood Plan committing the Parish Council and Local Authority to Monitor and Review its content? Whilst I recognise there is no requirement to review or update a neighbourhood plan, there is a statutory requirement that local plans must be reviewed at least every 5 years³. The Nuthall Neighbourhood Plan addresses a time period of considerable uncertainty due to the planned changes to the rail system. There is a significant risk that the Neighbourhood Plan may become out of date. If the Neighbourhood Plan policies conflict with revised policies in any updated local plan for the area, then in such cases, the more recent plan policy takes precedence⁴. Careful monitoring and, if necessary, review of the Neighbourhood Plan would allow for some future flexibility as the HS2 project moves forward, and enable the Neighbourhood Plan to remain both robust document and prevent it being undermined by any revised local plan policies. Are the Parish Council and Local Authority willing and able to make a combined commitment to such a modification, to undertake to monitor, manage change, and possibly review the Neighbourhood Plan in the future? I recognise this lies in the margins of my remit in assessing the Basic Conditions and recommending modifications, but it would seem to me, nonetheless, to be a very important issue given the considerable work that has been invested in producing this draft Plan to date.
16. Bottom of Page 16 – It is stated that the “the travel to work ratio is therefore relatively high”. Does this mean that the majority of residents who are in employment travel out of the Parish to their place of work, and not many people commute inwards to work?
17. Maps 9 and 10 show black and white hatched lines. Should these be explained in the keys to the maps?
18. The last paragraph on Page 35 states that some 23% of Nuthall’s population is “in the most environmentally deprived area”. What does this mean, and how does the Plan seek to address the deprivation in future?

³ Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

⁴ See PPG Reference ID: 41-084-20180222