

## **BROXTOWE LOCAL PLAN PART 2 EXAMINATION**

### **MATTERS, ISSUES AND QUESTIONS**

#### **MATTER 1 Legal Compliance and Duty to Cooperate.**

**Issue: Has the Plan been prepared in accordance with the legal and procedural requirements and has the duty to cooperate been met?**

##### **1a) Duty to Cooperate**

1. In preparing the Plan, has the Council complied with the requirements of the Duty to Cooperate with prescribed bodies regarding cross boundary strategic matters?
2. Does the Council's Duty to Cooperate Statement adequately demonstrate that the duty has been met?

##### **1b) Other legal and procedural requirements**

3. In preparing the Plan has consultation been undertaken in accordance with the Council's adopted Statement of Community Involvement and the consultation requirements in the Regulations<sup>1</sup>?
4. Do the scope, content and timescale for the preparation of the Plan accord with the Council's latest Local Development Scheme?
5. Has the formulation of the Plan been based on a sound process of sustainability appraisal (SA)? In particular :
  - a) How has the SA informed the preparation of the Plan at each stage and how were options selected/rejected?
  - b) Has the SA had sufficient regard to the implications of Minerals Safeguarding and Consultation Areas?
6. Is the plan legally compliant with respect to Habitats Regulations<sup>2</sup> and any requirement for appropriate assessment?
7. Has the preparation of the DMP complied with Part 2 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Plan) (England) Regulations 2012 in all other respects?

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<sup>1</sup> Regulation 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

<sup>2</sup> Conservation of Habitats and Species Regulations 2010 ( as amended )

## **Matter 2 Employment**

**Issue: Whether the approach to employment provision is justified, effective and consistent with the National Planning Policy Framework (NPPF) and the Aligned Core Strategy (ACS).**

1. Is it sufficiently clear from the Plan how the ACS requirement of 34, 000 sq m of office and research floor space and 15 hectares of land for industrial and warehouse uses is to be met? Which sites contribute to meeting this need?
2. Will the sites allocated adequately provide for the different types and size of employment premises needed to support both established and start-up businesses in the borough?
3. ACS Policy 4 c) refers to the promotion of further office development in Beeston. Is this required to meet the employment floorspace requirements and if so how is it to be achieved?
4. Does the Plan make appropriate provision for the retention, expansion and development of a range of different types of employment sites and uses in the borough in accordance with national policy?

## **Matter 3 Town Centre and District Centre Uses**

**Issue: Whether the approach to retail provision is justified, effective and consistent with the NPPF and the Aligned Core Strategy.**

1. Do the thresholds for A1 uses reflect the current situation in relevant centres and are they based on robust evidence? Do they achieve an appropriate balance between maintaining the retail function in centres and allowing flexibility to accommodate a range of other uses?
2. Bearing in mind part 2 of Policy 10 deals with upper floors, is part 1c) necessary to make the policy effective?
3. What evidence is there to support the alterations to the Town Centre boundary of Beeston and the District Centre boundaries of Eastwood, Kimberley and Stapleford? On what basis have the new boundaries been defined?
4. Is Policy 13 justified, effective and consistent with national policy? What is the evidence to justify the local floor space threshold? What is the basis for the thresholds at which impact assessments will be required and are they appropriate and justified by the evidence?
5. Is the gross floorspace for an individual unit within the Centre of Neighbourhood Importance defined in Policy 14 justified by the evidence?

Similarly is the residential threshold of 30% appropriate and justified by the evidence?

6. Is Policy 12 regarding edge of centre retail in Eastwood effective and justified?
7. ACS Policy 6 identifies Stapleford as a centre in need of enhancement or to be underperforming and that Part 2 plans will be used to enhance their vitality and viability. What does the Plan propose in this regard?

#### **Matter 4 Housing Delivery, Trajectory and Land Supply**

**ISSUE: Whether the approach to the provision of housing is justified, positively prepared, effective, deliverable and consistent with the NPPF and the Aligned Core Strategy.**

1. Does the Plan provide sufficient deliverable housing sites to meet the housing requirements of the borough to 2028? Does it accord with the spatial distribution set out in the ACS?
2. Does the Plan provide sufficient choice and flexibility of sites to meet current and future housing needs?
3. Should the housing sites denoted as Housing Commitments on the Policies Map form allocations in this Plan?
4. Is the Housing Trajectory realistic? Are the assumptions with regard to delivery and build out rates justified by the available evidence?
5. The Trajectory illustrates a shortfall of delivery in the early stages of the Plan period but a much higher annual delivery towards the latter stages. Is there a need for a flexible approach to maximise delivery in the early years of the Plan? Is a delivery of over 1000 dwellings per year in 2020/21 – 2023/24 realistic and achievable bearing in mind past delivery rates and the local housing market?
6. If allocated sites do not come forward as anticipated, in particular the sustainable urban extensions, does the Plan adequately set out potential contingency measures? Is sufficient consideration given to monitoring and triggers for review?
7. What is the current position with regard to five year housing land supply? Is the methodology for the calculation of the 5 year housing land supply appropriate? In particular should the buffer also be applied to the shortfall?
8. How have site densities been determined? Are they reasonably accurate?

9. How are windfall sites defined? Is the windfall allowance included in the supply trajectory appropriate having regard to the historic rate of windfall delivery in the borough? Should windfalls be included in the early years (ie. the first 2 years) of the supply calculation?
10. Based on the available evidence is the lapse rate appropriate?

## **Matter 5 Housing Size, Mix and Choice (Policy15)**

**ISSUE: Whether the approach to the delivery of housing is justified, effective and consistent with national policy in the NPPF.**

### **i) Affordable housing**

1. The ACS in Policy 8.5a sets down an affordable housing requirement of 30% for Broxtowe. What evidence is there to support the local variations proposed in Policy 15?
2. Is it sufficiently clear what would form 'an exceptional circumstance' to justify off site provision of affordable housing referred to in part 5 of the policy?
3. In part 6 of the policy is it sufficiently clear whether the reference to 'house size' relates to number of bedrooms or to minimum floor areas set down in the Nationally Described Space Standards?

### **ii) Accessible and Adaptable dwellings**

4. What local evidence is there to support the requirement for 10% of dwellings in development of 10 or more units to comply with M4 (2) of the Building Regulations? What would be the impact on viability?

### **iii) Self-build/custom build**

5. Is the requirement for 5% of dwellings in schemes over 20 units to form serviced plots for self-build or custom build justified by the evidence? What level of demand is indicated by the Council's Register? How has scheme viability been assessed?

### **iv) Viability**

6. Having regard to the requirement for affordable housing, accessible homes and self-build/custom build on larger schemes, what is the evidence that cumulatively such provision would maintain scheme

viability? In particular in the weaker sub market areas of Eastwood and Stapleford, where a reduced affordable housing requirement is proposed, what evidence is there to demonstrate scheme viability would be maintained? In a similar way to affordable housing, should a proposal for lesser provision of accessible homes and self-build/custom build also be accompanied by a viability assessment?

## **Main Built Up Area Site Allocations**

*In responding to the questions on site allocations the Council should identify and address specific key concerns raised in representations e.g. in terms of adverse impacts, delivery etc*

**ISSUE: Whether the proposed site allocations are justified, effective and consistent with the Framework and the ACS.**

### **Matter 6 Chetwynd Barracks**

1. What evidence is there that the site will be available, sustainable, viable and deliverable within the plan period?
2. Having regard to MM2 are the Key Development Requirements appropriate and achievable?
3. How would a comprehensive development of the whole site be ensured? Is it sufficiently clear from the policy how this would be achieved? How would all stakeholders be involved?
4. How have the recommendations of the Opun Design Review September 2016 informed the policy?
5. What are the site constraints, potential impacts and infrastructure requirements of the allocation and how would these be addressed? Do they create uncertainty for the delivery of the site as envisaged in the Housing Trajectory?
6. MM2 proposes an addition to the Key Development Requirements that the highway infrastructure must be considered in conjunction with the requirements for the Toton Strategic Location for Growth. What joint working/engagement arrangements are in place to progress this? What work has been done so far? Are there any significant unresolved issues? If the Toton site is delayed would there be an impact on the delivery of highway infrastructure for this site?

## **Matter 7 Toton Strategic Location for Growth**

1. What evidence is there that the site will be available, sustainable, viable and deliverable within the plan period?
2. Having regard to MM3, are the Key Development Requirements appropriate and justified?
3. Should the scale of development at Toton be outlined in the Policy? How would the comprehensive development of the site, appropriate phasing and design principles be ensured? Is it sufficiently clear in the Policy how this would be achieved? What mechanisms are in place or proposed to achieve this? What work has been completed to date? How would all stakeholders be involved?
4. In the event of uncertainty or delay with the HS2 Project what would be the implications for bringing this site forward, in particular with regard to the delivery of housing in the plan period?
5. What progress has been made in securing and delivering the Infrastructure requirements for the site summarised in Appendix A of the ACS? Are there any unresolved issues? How would these be addressed? What would be the impact of any delay in the delivery of this necessary infrastructure? Are there any cross boundary issues and how would these be resolved?
6. In light of the above, is the delivery of dwellings on the site from 2019/20 as shown on the Housing Trajectory realistic?

## **Matter 8 Other Main Built Up Area Site Allocations**

Policy 3.3	Bramcote (East of Coventry Lane)
Policy 3.4	Stapleford (West of Coventry Lane)
Policy 3.5	Severn Trent (Lilac Grove)
Policy 3.6	Beeston Maltings
Policy 3.7	Beeston Cement Depot
Policy 3.8	Wollaton Road, Beeston

## **Matter 9 Other Site Allocations**

Policy 4.1	Land west of Awsworth
Policy 5.1	Land East of Church Lane, Brinsley
Policy 6.1	Walker Street, Eastwood
Policy 7.1	Land South of Kimberley, including Kimberley Depot
Policy 7.2	Land South of Eastwood Road, Kimberley
Policy 7.3	Eastwood Road Builders Yard, Kimberley

### **The following questions apply to Matters 8 and 9.**

1. Is there evidence that the development of each allocation is suitable, available, sustainable, viable and deliverable?
2. What is the expected timescale and rate of development? Is this realistic?
3. Having regard to the respective Main Modifications, are the Key Development Requirements appropriate and justified? How significant are the Key Development Aspirations to achieve a sustainable development? Should they be Requirements for eg measures to mitigate highways impact?
4. What are the site constraints, potential impacts or infrastructure requirements of the allocation and how would these be addressed?
5. How have the Open Design Reviews informed the respective policies?
6. Where a site is to be released from the Green Belt, have the exceptional circumstances for releasing the site from the Green Belt been demonstrated? Would the release of the site prejudice or conflict with the purposes of the Green Belt?

## **Matter 10 Gypsies and Travellers**

**ISSUE: Whether the approach to Gypsy, Traveller and Traveling Showpeople's provision is justified, effective, and consistent with national policy in both the NPPF and Planning Policy for Traveller Sites**

1. Does the Plan make appropriate provision for Gypsy and Traveller Sites having regard to the need identified in the South Nottinghamshire Gypsy and Traveller Accommodation Assessment?
2. What work has been undertaken to date to identify appropriate sites? The Policy states that provision will be made by 2019. Is this realistic?

## **Matter 11 Green Belt**

**ISSUE: Is the approach taken to review and protect the Green Belt justified, effective and consistent with national policy in the NPPF.**

### **a) Site allocations in the Green Belt**

1. Is the Green Belt review consistent with national policy in the NPPF and PPG's and with the sequential approach set down in Policy 2 of the ACS?

### **b) Development in the Green Belt**

2. Does Policy 8 make appropriate provision for the protection of the Green Belt in line with national policy? Specifically is part 3) of the policy justified and consistent with the NPPF?

## **Matter 12 Development Management Policies**

**ISSUE: Are the relevant policies justified, effective and consistent with national policy**

*In responding to the questions on specific policies the Council should identify and address specific key concerns raised in representations and refer to suggested modifications to overcome issues of soundness.*

## **Policy 1 Flood Risk**

1. What evidence is there that the requirement to achieve a 30% reduction in surface water runoff in part 4 of the policy is justified and achievable?



### **Policy 17 Place Making, Design and amenity**

1. Is this policy justified and effective?
2. Is the requirement to score green on 9 out of 12 Building for Life 12 criteria appropriate and justified? Does it go further than the recommendations in this design guide?
3. Is part 4 of the policy relating to householder development as proposed to be modified (MM26) effective? Would it be sufficiently clear to an applicant what would be required in design terms?

### **Policy 20 Air Quality**

1. Is it sufficiently clear what the 'reasonable steps' would be to meet the requirement of part 1 of the policy? What is the relationship between this part of Policy 20 and the requirement for a Travel Plan in Policy 26?
2. Is part 2 of the policy effective and sufficiently justified? Is there an inconsistency between the policy and the supporting text? Is it clear how a significant deterioration in air quality would be measured and assessed?

### **Policy 23 Designated and Non-Designated Heritage Assets**

1. Having regard to Section 12 of the Framework, what is the justification for the impact of development on designated and non-designated assets to be assessed on the same basis?

### **Policy 24 The Health Impacts of Development**

1. Is it sufficiently clear in part 1c) of the policy what sort of developments would be considered to be likely to have a significant impact on health and wellbeing? Would a threshold be appropriate?
2. On what basis does Policy 24 require takeaway uses within 400m of a secondary school to comply with an appropriate healthy eating scheme? Is this justified by the evidence?

### **Policy 26 Travel Plans**

1. Is the threshold for preparation of a Travel Plan in this policy justified by the available evidence?

### **Policy 27 Local Green Space**

1. Is the basis for assessing, selecting and rejecting Local Green Space objective, consistent, and justified with robust evidence?
2. Is the policy effective to manage development within a Local Green Space in line with paragraph 78 of the Framework?
3. Is the wording of the Policy 27 consistent with national policy in particular paragraph 74 of the Framework?

### **Policy 28 Green Infrastructure Assets**

1. Does the Plan make appropriate provisions for the protection of open space in accordance with national policy, specifically paragraph 74 of the Framework?
2. Are there any deficiencies in provision that should be addressed in the Plan?

### **Policy 30 Landscape**

1. Does the Plan provide appropriate protection to areas of locally valued landscape?
2. Are the character areas as defined supported by robust evidence? Are any amendments justified?

### **Policy 31 Biodiversity Assets**

1. Having regard to MM33, is the policy effective, justified and consistent with national planning policy? Should part 2 of the policy refer to other impacts besides the increased use of Biodiversity Assets?