

Nuthall Neighbourhood Plan - Decision Statement

The Neighbourhood Planning (General) Regulations 2012 (as amended) – Regulation 18 (2)

1. Summary

- 1.1 The draft Nuthall Neighbourhood Plan has been examined by an Independent Examiner, who issued her report on 2 October 2018. The Examiner has recommended a number of modifications to the Plan and that, subject to these modifications being accepted, it should proceed to referendum. Broxtowe Borough Council has considered and decided to accept all of the Examiner's recommended modifications and, therefore, agrees to the Nuthall Neighbourhood Plan proceeding to a referendum within the Parish of Nuthall.
- 1.2 This Decision Statement will be available on the Council's website and the main Council Offices in Beeston.

2. Background

- 2.1 In June 2014 Nuthall Parish Council, as the qualifying body, successfully applied for its parish area to be designated as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012 (as amended). The Parish of Nuthall was designated as a Neighbourhood Area on 17 September 2014 following a 6 week consultation.
- 2.2 Nuthall Parish Council undertook the pre-submission consultation of its Neighbourhood Plan between 3 December 2016 and 31 January 2017, in accordance with (the Plan) Regulation 14. This included notification to the Schedule 1 Consultation Bodies. An amended submission draft Neighbourhood Plan was then submitted by the Parish Council to the Borough Council on 17 January 2018. The Submission Plan was subsequently publicised by the Borough Council and representations were invited from the public and other stakeholders. The period for representations to be made closed on 20 April 2018.
- 2.3 The Borough Council appointed an independent Examiner; Jill Kingaby BSc (Econ) MSc MRTPI, to examine the Plan and to consider whether it meets the 'Basic Conditions' and other legal requirements, and whether it should proceed to referendum. On 31 July 2018, the Neighbourhood Plan was submitted for independent Examination.
- 2.4 The Examiner completed the examination of the plan and the Examiner's Report was published on 2 October 2018. The Examiner concluded that, subject to the implementation of the policy modifications set out in the report, the Plan meets the prescribed Basic

Conditions and other statutory requirements and that it should proceed to referendum.

- 2.5 Having considered all of the Examiner's recommendations and the reasons for them, the Borough Council has decided to make the modifications to the draft Plan, as set out at Appendix A, in order to ensure that the Plan meets the Basic Conditions and other legal requirements.

3. Decisions and Reasons

- 3.1 The Examiner has concluded that, with the inclusion of the modifications recommended, the Plan will meet the Basic Conditions and other relevant legal requirements. The Borough Council concurs with this view and has made the modifications proposed by the Examiner, as set out in Appendix A. Deleted Text is shown as struck through and additional text is shown as bold italics, unless otherwise indicated.
- 3.2 As the Plan, with these modifications, as set out on Appendix A meets the Basic Conditions, in accordance with the requirements of the Localism Act 2011, a referendum will now be held which will ask the question: *'Do you want Broxtowe Borough Council to use the Neighbourhood Plan for Nuthall to help it decide planning applications in the neighbourhood area?'*
- 3.3 The Borough Council has considered whether to extend the area in which the referendum is to take place, but agrees with the Examiner that there is no need to extend this area beyond the Neighbourhood Plan area (the Parish of Nuthall). The referendum will be held in the Parish of Nuthall on Thursday 13 December 2018.
- 3.4 I declare that I have no private interest in respect of this matter that would prevent me from making this decision.

Signed: 

Date: 5/11/2018

Appendix A: Modifications and Examiner recommendations to the draft Nuthall Neighbourhood Plan

Throughout the table, specific changes that are required are displayed as follows:

- Text in ***bold italics*** identifies new text to be added to the Plan
- Text with a ~~strike through~~ identifies text to be deleted
- Regular text in the Modification column represents existing text and also instructions for changes which have been given by the Examiner

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 5	<p>Vision and Objectives</p> <p>Move the contents of this page to the end of page 18, so that it follows the section Nuthall Present/ Future Challenges.</p> <p>Objective 2. Add a new sentence to the end of this objective: <i>New development should protect and enhance the local environment, green and open spaces, trees and ancient woodland.</i></p> <p>Key residents concerns ... in any proposals. <i>In order to address residents' key concerns, and contribute to the achievement of sustainable development, any proposals for future housing development must take into consideration their likely impact on traffic levels and transport infrastructure in the Parish, on the health and wellbeing of the local community, and on the quality of the countryside. The Neighbourhood Plan supports sustainable economic growth and prosperity in the Parish to meet the needs of local businesses.</i> Broxtowe Borough Council and its Planning Department ...</p>
PM2	Page 7	<p>The Church would have been as regarded as ...</p> <p>Second paragraph: (including Nuthall Lodge, <i>and</i> Nuthall House, Hempshill Hall)...</p>
PM3	Page 13	Add a new end paragraph as follows:

		<p>Maps 4 and 5 show the designated Nuthall Conservation Area and listed buildings, and the non-designated but local interest buildings. Broxtowe Borough Council provides data on local interest buildings, which are maintained and updated by Nottinghamshire County Council, and published on the Heritage Gateway.</p>
PM4	Pages 15 and 16	<p>Last paragraph on Page 15:</p> <p>The main road, Nottingham Road, links (as shown on Map 7) and contributing to severance of the local communities in East and West Nuthall. The large volumes of traffic on the M1 and A roads through Nuthall are a source of noise and air pollution, with Nottingham Road/ Back Lane designated as an Air Quality Management Area. If the HS2 proceeds ...</p> <p>The working population sits comfortablyVery close by, 2 Business Parks on the eastern borders of the Parish but within the City of Nottingham including Phoenix Park provide sizeable job opportunities. There is no other industry in Nuthall, ...</p> <p>The travel to work ratio therefore is relatively high, meaning that a high proportion of local people travel out of the Parish to work on a daily basis and a small proportion of people from elsewhere go to work in Nuthall. and in combination with Nuthall's role as a through route to all destinations, there is this gives rise to a major peak-time traffic problem.</p>
PM5	Page 17	<p>Map 7: Transport connections within the Parish</p> <p>Modify the Map so that all roads, currently shown as Primary road or A road, have the same classification and colour.</p>
PM6	Page 18	<p>Modify the fourth paragraph as follows:</p> <p>No sites are allocated for new housing development in the Nuthall Parish, but a housing commitment on land adjacent to Hemshill Hall is expected to provide 116 new homes. There are no</p>

		brownfield sites in the Nuthall Parish itself <i>available for major development</i> , but the old
PM7	Page 19	<p>Policy 1: New Housing</p> <p>New housing including changes of use to housing within</p> <ol style="list-style-type: none"> i. The necessary infrastructure and/or measures to deliver more sustainable transport usage is provided ... ii. There are no <i>adverse</i> environmental issues <i>effects</i> or other land use designations <i>conflicts with planning policy</i> which indicate iii. The development ... iv. The development ... v. For development of 5 or more homes, a minimum of the houses <i>the units</i> should be designed to cater for the needs of elderly residents or those with limited mobility, <i>subject to viability and the requirements to provide affordable housing.</i> vi. The loss ... <p>There is a need.... within the Parish. There are not the same issues in relation to a lack of affordable housing...elsewhere in Nottinghamshire. <i>The adopted Part 1 Local Plan (policy 8.5) sets a target for new affordable housing provision in Broxtowe of 30%. Nuthall is included in the Kimberley housing sub-market within Broxtowe, where the emerging Part 2 Local Plan seeks 20% or more affordable housing on sites of more than 10 units (Policy 15). Housing development proposals which are unable to satisfy the criteria in this policy, as well as deliver some affordable housing, should provide a viability assessment to demonstrate why such a scheme would not be deliverable.</i></p> <p><i>Nuthall includes a housing commitment for 116</i></p>

		<p><i>new dwellings to be provided on land adjacent to Hempshill Hall. Broxtowe's Strategic Housing Land Availability Assessment (SHLAA) indicates that there is a good supply ...</i></p> <p><i>Major development proposals (for 10 or more dwellings) should be accompanied by a Transport Statement or Transport Assessment which demonstrates (possibly through a Travel Plan) how future residents will be encouraged to use sustainable transport modes, notably public transport, cycling and walking, and/or electric powered vehicles.</i></p> <p><i>Regarding environmental effects, much of the land in Nuthall lies in the Green Belt. Protected wildlife sites, the Conservation Area and listed buildings are among the other special features which should not be harmed by the provision of new housing.</i></p>
PM8	Page 20	<p>Policy 2: Nuthall Village Centre</p> <p>Modify criterion to read:</p> <ul style="list-style-type: none"> i. The development is of a scale should not exceed 250-280 square metres. iv. Where physical alterations ... in a positive way to (ie. preserve or enhance) the character.....
PM9	Page 22	<p>Policy 4: New and Enhanced Green Infrastructure Network Open Spaces</p> <p>Subject to ...</p> <ul style="list-style-type: none"> iii. Provision of new open spaces, recreational areas, routes to connect green infrastructure appropriate for cyclists areas of population within the Parish. iv. The conservation of ancient woodland, mature trees and hedgerows, the creation of new woodland areas, and the planting of new trees. v. The creation of new wetlands, ponds, wildflower meadows, green lanes and field margins, and the enhancement of existing ones, and vi. The provision of features to provide net gains

		<p><i>for wildlife such as bat/bird boxes, urban drainage ponds and swales and native species planting.</i></p> <p><i>New allotments should be sited on land appropriate for plant-growing, within easy walking distance of residential areas.</i></p> <p><i>Nuthall includes the Sellers Wood Site of Special Scientific Interest and other local wildlife sites, as shown on Map 9, along with the Basil Russell Playing Fields and other areas of open space and woodland. It is important for the future health and wellbeing of local people, as well as for the natural environment, that green infrastructure is appropriately conserved and enhanced.</i></p> <p>It is particularly important for cycling and walking.</p> <p><i>In the longer term, possible funding should be sought to mitigate and compensate for damage to and loss of wildlife habitats from development of the HS2 railway.</i></p>
PM10	Page 23	<p>Map 9: Existing Green Infrastructure Network playing pitches, open spaces, and woodland in the Parish</p> <p>Show Sellers Wood (SSSI) and other local wildlife sites.</p> <p>Show existing public rights of way available to pedestrians and cyclists across the countryside in the Parish.</p>
PM11	Page 24	<p>Policy 5: Design and the Historic Environment</p> <p>Add criterion iii:</p> <p><i>Design of all new development and its construction should minimise the creation of waste, using recycled materials wherever possible. At the construction stage and when in operation, new development should provide for the disposal of waste in a sustainable fashion.</i></p> <p>Add the following supporting text immediately after</p>

		<p>Policy 5:</p> <p><i>Developers should ensure that their proposals meet the requirements of Policy 10: Design and Enhancing Local Identity of the adopted Part 1 Local Plan for Broxtowe, and subsequent policy to promote good design in the Part 2 Local Plan.</i></p>
PM12	Page 27	<p>Local Aspirations</p> <p>Below the four criteria and existing supporting text, add the following:</p> <p><i>Initiatives to promote greater use of public transport, cycling and walking, and traffic management measures across the wider area, provide a starting-point for the development of a strategy to ease congestion around J26.</i></p> <p><i>The aspiration for a Country Park reflects the aim to protect and enhance the local landscape character of Nuthall with its green and open spaces, ancient woodland, mature trees and wildlife habitats, so that they can be appreciated by local residents and visitors to Nuthall.</i></p>
PM13	Pages 29 -31	<p>Appendix 1: Supporting Background Evidence</p> <p>Paragraph below the graph: Dwelling type breakdowns</p> <p><i>At the time of writing, the Kimberley housing sub-market which includes Nuthall is expected to provide up to 600 new homes by 2028. This target was set in the adopted Part 1 Local Plan for Broxtowe (the Aligned Core Strategy); some 451 have been approved Kimberley Brewery. Further agreement is permissions are expected to be granted to the balance of requirements to provide up to 600 units on an infill basis</i></p> <p><i>SHLAA</i> Insert the following before the existing 2 sentences:</p> <p><i>The Strategic Housing Land Availability Assessment (SHLAA) is a catalogue of sites within the borough (gathered through a number of sources) which are assessed on their ability to accommodate housing</i></p>

		<p><i>and the timescale at which housing delivery may be achieved.</i></p> <p><i>The SHLAA is a key piece of evidence used by the Borough Council to inform the choices of sites to consider for allocation. The assessment of each site is made irrespective of the level of housing provision that is needed (i.e. there are more sites in the SHLAA than needed to meet the housing requirement). Therefore, the inclusion of any site in the SHLAA does not guarantee that either planning permission will be granted or that the site will be allocated for residential development.</i></p> <p><u>Public Transport</u></p> <p>For public transportCounty and national averages. Nuthall is well served by frequent of the Parish. Buses operate every 10 minutes between Nottingham and Eastwood with extensions to Heanor, Ripley or Alfreton every 20 minutes. Hourly bus services between Derby and Hucknall run through Nuthall, and trams operate every 7 minutes into the city from Phoenix Park on the eastern edge of Nuthall. There is a Tram terminus ... coal mine to Nuthall.</p> <p>However, the public transport to a hospital</p> <p><u>Recreational Facilities</u></p> <p>Last paragraph:</p> <p>CO2 emissions, recycling rates deprived area'. <i>This is due to sub-standard air quality and the lack of green landscape in particular around junction 26 of the M1 motorway. The main cause of sub-standard air quality is emissions from cars.</i></p>
PM14	9, 14, 23 & 26	Add Borough boundary to the legend of Maps 3,6,9 & 10.