



The Planning Inspectorate

Report to Broxtowe Borough Council

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an Inspector appointed by the Secretary of State
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Planning and Compulsory Purchase Act 2004
(as amended)
Section 20

Report on the Examination of the Broxtowe Part 2 Local Plan

The Plan was submitted for examination on 31 July 2018

The examination hearings were held between 4th and 13th December 2018

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Abbreviations used in this report

ACS	Broxtowe, Gedling and Nottingham City Aligned Core Strategies
GBR	Green Belt Review
Ha	Hectares
HS2	High Speed Two
LNR	Local Nature Reserve
LWS	Local Wildlife Site
JPAB	Greater Nottingham Joint Planning and Advisory Board
LPP2	Broxtowe Part 2 Local Plan
MM	Main Modification
MOD	Ministry of Defence
NPPF	National Planning Policy Framework (the Framework)
NET	Nottingham Express Transit
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SHLAA	Strategic Housing Land Availability Assessment
SoCG	Statement of Common Ground
SuDS	Sustainable Urban Drainage System

Non-Technical Summary

This report concludes that the Broxtowe Part 2 Local Plan (LPP2) provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Broxtowe Borough Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases, I have amended their detailed wording and added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Amendments to Policy 3.1 Chetwynd Barracks and the justification text to require the preparation of a Strategic Masterplan and revisions to the development requirements.
- Alterations to Policy 3.2 Land in the vicinity of HS2 Station at Toton and the justification text to require a Strategic Masterplan and provide clarity on the expectations within and beyond the plan period.
- Amendments to the requirements for development on a number of the allocated sites in order that the plan is justified and effective.
- Changes to Policy 7.2 Land south of Eastwood Road, Kimberley to reduce the capacity of the site in the interests of securing sustainable development and high-quality design.
- Deletion of Policy 7.3 Builders Yard, Eastwood Road, Kimberley due to deliverability issues.
- Rewording of Policy 23 and the justification text to ensure the management of development affecting heritage assets is effective and consistent with national policy.
- Amendments to Policy 27 and its justification text to ensure the designation of Local Green Space and the management of development within them is consistent with national policy.
- Alteration to Policy 28 to include the areas of green infrastructure unsuitable to be designated as Local Green Space.
- Amendments to the Housing Trajectory to include updated information.
- Deletion of the requirement for self-build and custom homes in Policy 15 to ensure the policy is justified and effective.
- Clarification of the Council's approach to the provision of Gypsy and Traveller sites in Policy 16 in the interests of effectiveness and consistency with national policy.
- A range of other alterations to development management policies necessary to ensure they are justified, effective and consistent with national policy.
- The addition of an appendix to set out which policies in the existing development plan are superseded.

Introduction

1. This report contains my assessment of the Broxtowe Part 2 Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised NPPF was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The Broxtowe Part 2 Local Plan 2018-2028 (LPP2) submitted at the end of July 2018 is the basis for my examination. The submission version includes a number of proposed modifications put forward by the Council to address representations to the publication version of the plan. As these were not subject to public consultation prior to submission, I have considered them as part of the examination process.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form MM1, MM2, MM3 etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal and Habitats Regulation Assessment of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises two plans, one for the north of the borough and one for the south as set out in CD/05 and CD/06.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These include the deletion of the Eastwood Road Builders Yard, Kimberley (Policy 7.3); the altered site boundaries for land east of Coventry Lane (Policy 3.3) and land south of Kimberley including Kimberley Depot (Policy 7.1); the removal of Local Green Space designations at Bramcote Hills and Bramcote Ridge, Burnt Hill, Bramcote, Catstone Hill Ridge, Strelley, Stapleford Hill and Windmill Hill, Stapleford and the inclusion of these sites as green infrastructure assets (Policy 28). These further changes were published for consultation alongside the MMs.
7. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed.

Assessment of Duty to Co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the LPP2's preparation.
9. There is a history of joint working and cooperation between the Councils that make up the Greater Nottingham area; Broxtowe, Erewash, Gedling, Rushcliffe and Nottingham City. The preparation of the Broxtowe, Gedling and Nottingham City Aligned Core Strategies (ACS) was part of this process overseen by the Greater Nottingham Joint Planning Advisory Board (JPAB). A number of officer groups meet on an ongoing basis to discuss cross boundary issues and to ensure the continued coherent strategic planning of the area.
10. The strategic issues facing the borough include the Green Belt, housing and employment provision, the HS2 Hub at Toton as well as highways and infrastructure matters.
11. The Council sits on the East Midlands HS2 Strategic Board chaired by Nottingham City Council. This body provides strategic political guidance for the delivery of HS2 with the aim of maximising the economic benefits to the region. The Council is also represented on the Hub Station Delivery Board and other supportive officer groups. Proposals for the HS2 Hub Station at Toton have progressed through this joint working.

12. The Council's Duty to Cooperate Compliance Statement, CD/23, sets out in detail all the bodies the Council has cooperated with in addressing strategic issues. It outlines a number of outcomes including the shared spatial strategy of urban concentration with regeneration across the Greater Nottingham Housing Market Area and the preparation of joint evidence documents. These include the Nottingham Core Housing Market Area Assessment, the South Nottinghamshire Gypsy and Traveller Accommodation Assessment [GTAA], the Employment Land Forecasting Study, and the Greater Nottingham and Ashfield Green Belt Assessment Framework. It also refers to the positive engagement with regard to the formulation of development and policy requirements.
13. The Duty to Cooperate has been challenged on the basis that there has been no assessment of the scope to increase housing land supply in Nottingham City thereby avoiding the need for further Green Belt release in Broxtowe. However, strategic housing matters were addressed in the ACS. Furthermore, in line with the Duty to Cooperate, discussions were held with other authorities in the Greater Nottingham Housing Market Area through the JPAB. The evidence demonstrates that consideration was given to a range of alternative strategies before the Council concluded that Green Belt release would be necessary.
14. Overall, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Background

15. The Broxtowe Local Plan has been prepared in two parts. Working with Gedling and Nottingham City Councils, an aligned and consistent planning strategy for this part of Greater Nottingham was prepared and adopted in September 2014. The Aligned Core Strategies (ACS) forms the Part 1 Plan and sets out the spatial vision for the Borough up to 2028. It contains strategic policies and guidance on how the anticipated level of development can occur in a sustainable way. It also describes in broad terms where the new homes, jobs and infrastructure will go.
16. Part 2 of the Local Plan contains allocations and development management policies to conform with the ACS. Its purpose is to provide a clear local framework to secure positive development to enhance the borough. This includes the allocation of sufficient sites in the right locations to align with the spatial strategy and meet the housing needs identified in ACS Policy 2 and a review of the Green Belt to facilitate the delivery of strategic locations for growth as necessary. Furthermore, the Part 2 Plan seeks to improve town and district centres and provide increased access to open space whilst protecting the historic and natural environment.

Main Issues

17. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified six main issues upon which the soundness of the Plan depends. Under these

headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the LPP2 is consistent with the spatial strategy in the ACS in terms of the overall scale and distribution of housing it makes provision for and its approach to the release of land from the Green Belt.

18. The ACS in Policy 2 sets out a minimum number of 6150 new homes to be delivered in Broxtowe by 2028. The Policy also sets out a spatial distribution concentrating new homes in the main built up area of Nottingham, and then in the Key Settlements identified for growth namely Awsworth, Brinsley, Eastwood and Kimberley.
19. The LPP2 as submitted makes provision for 6,950 homes in the borough over the plan period. This figure has been updated by the Council to 7,512 dwellings, which includes 300 windfalls, following discussions with developers about the capacity of the strategic sites. This represents a figure 22% above the ACS requirement. The scale of housing proposed would therefore be sufficient to meet the minimum strategic requirement.
20. In terms of the distribution of new homes, the revised housing capacity proposed in LPP2 would significantly exceed the minimum figure of 3,800 dwellings for the main built up area by 1329 dwellings. In Awsworth and Brinsley, there would be a minor surplus in delivery, however, in Eastwood and Kimberley, there would be a shortfall of around 18% and just over 17% respectively.
21. The ACS is clear that most of Broxtowe's housing provision is to be met to the south of the borough within or adjoining the main built up area of Nottingham. However, it is recognised that some housing provision in the north of the borough is important to ensure that such settlements can expand to meet their growing needs. The ACS requires a minimum number of homes in the main built up area, which the LPP2 would exceed and an 'up to' figure for the remainder of the borough. Therefore, outside the main built up area, a delivery figure below the stated number in the ACS would be consistent with the policy expectation. Accordingly, I am satisfied that the spatial distribution of homes proposed in the LPP2 would generally accord with the ACS.
22. The long-established Nottingham Derby Green Belt is very tightly drawn around the built-up areas. The ACS recognises that non-Green Belt opportunities to expand the areas settlements are very limited and therefore establishes that, at the strategic level, exceptional circumstances require the boundaries of the Green Belt to be reviewed in order to meet the development requirements of the borough defined in the ACS.
23. ACS Policy 3 also sets out a sequential approach for reviewing Green Belt boundaries. This gives priority firstly to land within the development boundaries of the main built up area of Nottingham, Key Settlements for Growth and other villages, secondly to other land not in the Green Belt, and thirdly to Green Belt adjacent to the boundaries of the main built up area of Nottingham, Key Settlements and other villages.

24. The application of this approach is demonstrated in the Council's Site Selection Document, as discussed below under Issue 2. This confirms that commitments and proposed allocations in the urban areas of the borough and on developable opportunities on other land not in the Green Belt, would be insufficient alone to meet the ACS housing requirement. The amendment of Green Belt boundaries and the release of land from the Green Belt within Broxtowe as part of the LPP2 is therefore necessary to meet the housing needs of the borough to 2028 and beyond.
25. The LPP2 makes provision for more homes than is needed to meet the minimum ACS requirements. However, the Council's Housing Trajectory illustrates a reliance on a number of large sites coming forward in 2020/21 to 2024/25, for example at Toton and land east and west of Coventry Lane. There is a risk that the delivery of these sites may be delayed to later in the plan period or even beyond. There is also concern that the rate of delivery of these sites and others may be lower than anticipated.
26. It is therefore important that the Plan provides sufficient flexibility to deal with any unanticipated shortfall. I consider below under Issue 2 the deliverability and developability of the proposed allocations and whether there are exceptional circumstances to justify the alteration of Green Belt boundaries in each case. However, in the context of NPPF's expectation to significantly boost the supply of housing and support growth, as well as the need to reduce the risks to delivery over the whole plan period, the proposed level of housing supply above the ACS housing requirement and the principle of Green Belt land to support this provision in the LPP2 is justified.

Conclusion on Issue 1

27. Subject to **MM2**, the LPP2 is consistent with the ACS in terms of its housing requirement and the distribution of housing. The approach to the release of Green Belt land is justified.

Issue 2 – Whether the process for selecting residential sites is robust, whether the sites are justified, deliverable and developable and the Key Development requirements are justified, and whether exceptional circumstances have been demonstrated for the removal of sites from the Green Belt.

Site selection

28. The Council's Site Selection document outlines the process undertaken to identify proposed allocations in the LPP2. The ACS was the subject of a Legal Challenge. The judgment focused on the interaction between Policies 2 and 3 of the ACS and the search sequence to be used to identify sites focussing first on the main built up areas. The judgment sets out an approach that the Council should take when determining whether Green Belt boundaries should be amended. This includes the assessment of the acuteness of need, constraints on supply, difficulties in achieving sustainable development without Green Belt development, harm to the Green Belt and the extent to which the harm can be ameliorated. The Council have followed this approach.

29. The Issues and Options consultations focussed on keeping Green Belt amendments to a minimum and maximising the potential of sites in the urban area. Site selection was supported by the 2017/18 SHLAA, the Green Belt Review and the Sustainability Appraisal which was informed by a series of detailed design reviews and a landscape character appraisal. I am satisfied that the site selection process has been thorough and proportionate, with decisions on preferred sites adequately justified.

Green Belt Review

30. In February 2015 the Greater Nottingham Councils of Broxtowe, Gedling and Nottingham City together with Ashfield District Council, published a Green Belt Assessment Framework. This document established a common means of assessing the purposes of the Green Belt to help the Councils reach a view on whether specific areas of land could be considered for release.
31. In the same month, Broxtowe Borough Council published a Green Belt Review (GBR) generally consistent with the above Assessment Framework. In total 49 zones across the borough were assessed. The Toton Strategic Location for Growth was assessed separately as well as sites on the boundary with Ashfield and Nottingham City Administrative areas. Each zone was assessed against the five purposes of the Green Belt and a score given reflecting the performance against each purpose.
32. The broad zones considered vary in size. Where a zone has no or poor defensible boundaries or a visual disconnect with the settlement, any Green Belt release would be unjustified. In these circumstances, it would be unnecessary to assess smaller land parcels.
33. In the case of other zones, for example Zone 4 in Brinsley and Zone 2 in Awsworth, the GBR makes recommendations for the least harmful part of the zone to be taken forward having regard to the relationship with the settlement and the presence of defensible boundaries. In so doing, the Review has where appropriate provided a finer grained assessment.
34. The assessment of sites has followed a systematic and objective approach following a clear assessment framework. Inevitably judgments need to be made about how to sub divide land. I am satisfied that the review has been undertaken consistently and the scoring is a fair representation of the value of sites to the Green Belt. There is no clear evidence before me to indicate that the overall conclusions of the review would have been any different if the scoring had been based on alternative areas.
35. Concern has also been raised that, except for the release of Green Belt at Toton, the GBR does not specifically consider Green Belt boundary changes to provide for economic development. The purpose of the GBR was to consider the release of land to meet all development needs of the borough over the plan period. This included employment as well as other uses. As explained later in my report, I conclude that employment land needs can be met without the need to release further Green Belt land.

Allocated Sites

36. I assess below the deliverability of each of the allocated sites in turn and consider whether their respective development requirements are appropriate and justified.
37. Each allocation includes a Key Development Aspiration to mitigate highways impact on the wider road network to ensure congestion is not made worse than currently exists. Whilst I accept this forms an aspiration not a policy requirement, the aspiration to not make congestion worse, is not justified and conflicts with paragraph 32 of the NPPF. In order to ensure the effectiveness of the Plan and consistency with the NPPF, the respective MMs for each allocation amend this wording to state the aspiration that sustainable transport measures will be fully utilised to reduce the reliance on the car and that residual cumulative impacts on the highway network should be mitigated to ensure that they are not severe.

Policy 3.1 - Chetwynd Barracks

38. Chetwynd Barracks forms a Ministry of Defence (MOD) site covering approximately 91.5 hectares. It comprises a number of military buildings, staff housing, a firing range, playing fields and car parking areas. The site has heritage interest with a Listed Memorial to workers of the National Filling Factory No. 6 as well as a number of other non-designated heritage assets. The site is expected to deliver 500 homes over the plan period from 2023/24.
39. Concern has been raised about the availability of the site and whether it could realistically deliver 100 homes per year from 2023 onwards. Following the hearings, it was announced by the MOD that the final vacation and disposal of the barracks would be put back from 2021 to 2024. It is anticipated that the first phase of delivery would come forward on the relatively undeveloped western section of the site which has few constraints. This could still be achieved from 2023 onwards, despite the delay in the site being vacated.
40. A significant amount of technical work has already been undertaken to bring the site forward. A Garden Communities Bid has been made in partnership with the Neighbourhood Forum, the County Council, the site owner, the Local Enterprise Partnership and the Council to assist the comprehensive delivery of the whole site. Located within the main built up area, the site performs well in terms of the Sustainability Appraisal (SA) and no viability issues have been identified. The necessary infrastructure to bring the site forward can be delivered concurrently with the development.
41. It is essential, in order to ensure the comprehensive development of the site, that a masterplan be prepared to guide its development. This would require continued consultation and engagement with all stakeholders including the Neighbourhood Forum. **MM3** is necessary to ensure the preparation of a Strategic Masterplan and the subsequent delivery of the site to ensure the policy is positively prepared and effective. Consequential changes to the justification text are also necessary for clarity to explain the process for the preparation of the Masterplan and the delivery of development on the site. The modification also addresses the need to provide the necessary

infrastructure to deliver the site at a rate and scale to meet the needs of the proposed development. This ensures the policy would be effective.

42. A number of technical documents prepared by the site promoter and a concept masterplan suggest that the site has an overall capacity for 1500 dwellings, rather than the 800 stated in the policy. These documents demonstrate that any impacts from an increase in the number of dwellings on the site can be addressed through high quality design at the planning application stage. I am satisfied that an increase in the site capacity is justified to make the most efficient use of this part brownfield site in the urban area and to make a greater contribution to meeting housing needs beyond the plan period. **MM3** increases the capacity of the site accordingly. The modification also requires the integration of the proposed development with the existing MOD residential accommodation on the site, in the interests of effectiveness.
43. Concern has been raised about connectivity and the highway infrastructure to serve the site, in particular the requirement for the provision of a north-south link to the Nottingham Express Transit (NET) Tram Park and Ride site. The site promoter has expressed concern regarding the need for and the deliverability of the link road as it requires land within the allocation in control of a third party. The north-south link forms an aspiration of the East Midlands HS2 Growth Strategy in order to deliver sustainable development. Whilst acknowledging the land ownership issues, it is justified that the route of the link road be safeguarded so that the ability to provide this connection is positively facilitated by the development. **MM3** amends the Policy 3 accordingly to ensure the plan is positively prepared and effective.
44. The modification requires the highways infrastructure for the site to be considered in conjunction with the requirements for the Toton Strategic Location for Growth and the wider area. This is justified so that the cumulative impacts of development on the strategic and local highway networks can then be appropriately addressed. The modification also clarifies the expectation with regard to walking and cycling routes through the site and connecting to other recreational routes and nearby facilities in the interests of effectiveness.
45. The policy is unclear about the retention and enhancement of existing green infrastructure on the site such as playing fields, mature trees, woodland including Hobgoblin Wood and their future management. In addition, the policy lacks clarity in terms of the provision of sustainable drainage. **MM3** rectifies these deficiencies to ensure the policy is effective.
46. Concern has been raised about the location of proposed facilities within the site such as the primary school. In addition, following a representation from the Health Authority, the requirement for a medical centre has been demonstrated. **MM3** clarifies that this provision would be located to the south east corner of the site close to the playing pitches and sports facilities.
47. The Policy requires the provision of small-scale employment floorspace and a small retail/service centre within the site. The policy is unclear about how much employment and retail floorspace would be anticipated. **MM3** provides further guidance in the justification text for effectiveness.

48. The modification also clarifies the expectation with regard to the retention and reuse of the existing military buildings on the site and where this is not possible the incorporation of the existing building footprints into the development layout. This requirement is moved from the Key Development Aspirations Section to within the policy for reasons of effectiveness.

Policy 3.2 Land in the vicinity of the HS2 station at Toton (Strategic Location for Growth)

49. Policy 2.3a) iii) of the ACS allocates a strategic location for growth on land east and west of Toton Lane including Toton Sidings in the vicinity of the proposed HS2 station at Toton. The ACS specifies that the allocation should include a minimum of 500 homes with the appropriate mix of this and other uses to be determined in the LPP2.
50. The East Midlands HS2 Growth Strategy was produced by local partners including the Local Enterprise Partnership in September 2017 and contains a long term non statutory development framework for the Toton area. The framework envisages a mix of uses around a station hub, with employment (including the Toton Innovation Campus), residential, transport interchange, green infrastructure and supporting community facilities including retail creating a self-sustaining community. Governance arrangements have been put in place with the Toton Delivery Board reporting to the East Midlands Strategic Board and associated officer groups.
51. The purpose of Policy 3.2 is to release just over 153 hectares of land from the Green Belt to facilitate this mixed-use proposal. The Inspector examining the ACS was satisfied that the potential for land at Toton to help meet the requirements for housing and mixed-use development in the borough constituted the exceptional circumstances to release the site from the Green Belt. Its potential to maximise the economic benefits from the proposed HS2 station reinforce the case for changing the Green Belt boundary at this location.
52. The site is part greenfield and part brownfield located adjoining the main built up area of Nottingham, the focus for new development in the borough. It includes agricultural land, existing railway sidings, a small number of existing homes, a scrap yard, a sewage treatment works and the NET Park and Ride site. The site has strong defensible boundaries with the tram line and the A52 to the north, the River Erewash and an existing tree belt to the west, the built-up areas of Toton to the south and Chilwell to the east. Whilst the allocation is extensive, the development of land at Toton would not undermine the fundamental Green Belt purpose of separating Derby and Nottingham, a matter recognised by the ACS Inspector. There is some potential for the merging of Toton and Stapleford however this would be mitigated by the A52 and the provision of green infrastructure within the development.
53. Large parts of the allocation are open in character and its development would impact on the openness of the Green Belt. However, bearing in mind the economic opportunities associated with the HS2 and the significant contribution the site would make to housing in the borough within and

beyond the plan period, I consider that the benefits outweigh the harm to Green Belt openness.

54. The East Midlands HS2 Growth Strategy 2017 provides a Development Framework for the Toton Strategic Location for Growth and an indication of the overall capacity of the site. In the interests of effectiveness and to ensure that the LPP2 is positively prepared, **MM4** clarifies that the site has an overall capacity of around 3000 homes, with delivery extending beyond the plan period.
55. There is an extant outline planning permission in place for a mixed-use development of 500 homes, a convenience store, education floorspace, a day nursery, pub restaurant, an 80-bed care facility, and the provision of a plot for a medical centre on land to the west of Toton Lane. Reserved matters permission for phase 1 of the development, 282 dwellings, was granted in February 2018.
56. The development of these first 500 homes is not dependant on the HS2 proposal or the associated infrastructure. The infrastructure required to bring the homes forward is the subject of a section 106 agreement on the outline approval and I have no evidence to suggest that it cannot be implemented as part of the development.
57. Policy 3.2 sets down a number of key development requirements for the site firstly within the plan period and then beyond. With regard to development within the plan period, **MM4** amends the housing delivery figure to provide for a range between 500 and 800 homes. This provides greater flexibility. The modification also removes the density requirement to enable a design led approach to the development.
58. The policy lacks clarity on the nature and extent of employment uses, the scale of retail provision, the green infrastructure expectations and infrastructure provision for the site. In the interests of effectiveness, **MM4** outlines these requirements. It also requires that development does not prejudice the construction of the access to HS2 or the further build out of the Innovation Campus in the interests of effectiveness. The modification also amends the justification text to refer to the extant outline planning permission and to clarify that there are no obstacles to its implementation within the plan period.
59. Beyond the plan period, it is necessary that a Strategic Masterplan be prepared for the site to ensure a comprehensive coordinated development. **MM4** sets out this requirement and amends and expands the justification text accordingly to ensure the policy is positively prepared, justified and effective. The modification also sets out a number of amendments to the Key Development Requirements. These relate to the scale of further retail and community facilities on the site, the nature and extent of employment and residential uses, the highway and transport expectations including the flexibility for a pedestrian route either over or under the station, the green infrastructure requirements, remediation, flood and surface water mitigation delivery expectations and infrastructure provision. These amendments, as well as consequential changes to the justification text, are necessary to ensure the policy is positively prepared, justified and effective.

60. A representor has suggested that the plan for Toton is not ambitious enough and that the site could be extended to include land to the east of Toton Lane. An extension of the allocation would require further Green Belt release beyond that proposed in the submitted LPP2. I have no evidence before me of exceptional circumstances to demonstrate that this is required. The allocation is for a site of just over 153 hectares. It has significant potential for further development beyond the plan period which would help to meet the long-term needs of the borough, provide for HS2 and meet the economic aspirations of the wider region.

Policy 3.3 Bramcote (East of Coventry Lane)

61. This site is largely greenfield comprising the former playing fields of Bramcote School. Immediately to the south of the allocation lies the Brethren Meeting Hall site with associated car parking and access. It is proposed to include this site in the allocation increasing the site area from 16.6 hectares to 18.9 hectares. The site promoter has prepared a masterplan for the site and has demonstrated that the expanded site, together with a more efficient layout and increased density, could provide approximately 500 dwellings on the site, rather than the 300 set out in the policy.
62. The site is predominantly in the ownership of Nottinghamshire County Council who along with the minority landowner are keen to bring the site forward in order to provide the funding for a new secondary school. The increased site capacity would improve the overall viability of the scheme. It would also make efficient use of the previously developed Brethren Meeting Hall site, which would not be appropriate to be included in the proposed Local Green Space designation of Bramcote Hills and Bramcote Ridge to the south. (I consider this proposed designation later in my report). I am satisfied that the increase in the area of the site and the number of dwellings that could be built is justified. **MM5** increases the capacity of the site accordingly.
63. The expanded site is bounded to the north by the railway line and to the west by Coventry Lane. It adjoins the urban area of Bramcote to the east and to the south, the site is contained by Bramcote Ridge. Overall it makes a limited contribution to Green Belt purposes.
64. The Housing Trajectory envisages the site contributing to the 5-year housing land supply. delivering homes from 2020/21. Despite there being no current planning permission in place, I am satisfied from the delivery assumptions in the SoCG, the evidence of the commitment of the County Council for the delivery of the school, and the fact that the site is in one the strongest market areas in the borough, that housing completions would begin on site within 5 years.
65. Together with the allocation for land west of Coventry Lane (Policy 3.4), there would be an increase in built form between Stapleford and Bramcote, resulting in a moderate reduction in the size of the gap between the settlements. However, a degree of separation would remain due to the presence of intervening open land including the playing field to Bramcote School. A suggestion for an area of green space within the site to provide a visual and defensible break between built development was put forward by the Bramcote Neighbourhood Forum at the hearings. I consider that this

would not be necessary as the development requirements stated in the respective policies (Policy 3.3 and 3.4) require landscaping and green infrastructure. This provision would assist to maintain the visual break in built development between the two settlements.

66. The policy makes no reference to the provision of cycle routes or where such routes could link into the surrounding networks. **MM5** requires the necessary provision in order to promote non-motorized means of transport. The modification also clarifies that the access to the site from Coventry Lane should form a single junction which also serves the adjacent site to the west of Coventry Lane. The above modifications are necessary to ensure the policy is effective.
67. Concern has been raised about the current lack of public transport to serve the site and the nearby allocation to the west of Coventry Lane. **MM5** amends the policy and justification text to require the enhancement of bus routes adjacent to and within the site, supported by development contributions secured at the planning application stage. This is necessary to encourage sustainable transport options and make the policy effective.
68. The policy fails to ensure that the use of the existing sports facilities at Bramcote School or the leisure centre would not be prejudiced by the development. **MM5** provides the necessary safeguards in the interest of effectiveness.
69. Modifications to the justification text are also required to clarify the delivery mechanisms for the school, the aspiration for a replacement leisure centre, and the intention that land to accommodate the school and leisure centre would be removed from the Green Belt. **MM5** addresses these matters to improve the effectiveness of the policy.
70. A negative impact of bringing this site forward, relates to the potential loss of part of the Bramcote Moor Grassland Local Wildlife Site (LWS) to the south of the allocation. The Nottinghamshire Biological Records Centre has determined that the area of most significance is restricted to the south west corner of the LWS. Based on the evidence before me, I am satisfied that any loss could be mitigated through compensatory provision either within the site or on land to the south of the allocation. **MM5** amends the justification text accordingly so that the policy is justified and effective.

Policy 3.4 Stapleford (west of Coventry Lane)

71. This site is part greenfield part brownfield and covers approximately 12.2 hectares. It is allocated for 240 homes. The site is bounded to the north by the railway line, Coventry Lane to the east, Stapleford Hill to the south and a housing development at Field Farm to the west.
72. The need to release this site from the Green Belt at this time has been questioned. It was suggested at the hearing that one option would be for the site to be safeguarded for future development, its release to be considered further in the forthcoming review of the ACS. I am satisfied from the evidence before me that the site is needed to contribute towards the current

housing needs of the borough. The site makes a limited contribution to the five purposes of the Green Belt and has defensible boundaries.

73. The submitted Statement of Common Ground (SoCG) confirms the willingness of the landowners to see the site come forward. The Key Development Requirements of the policy can be met, the site is viable and there are no impediments to site delivery. Despite there being no current planning permission in place, I am satisfied from the evidence, including the technical work already undertaken by the site promoter to demonstrate the sites suitability and lack of constraints to development, that housing completions would begin on site within 5 years.
74. **MM6** is necessary to ensure the site is served by a single junction which also serves the site to the east of Coventry Lane (as per Policy 3.3 above) and that reference is made to cycling provision on surrounding roads with linkages to the redeveloped school and the adjoining development on the other side of Coventry Lane. The modification also includes the necessary amendment to the policy and justification text to make provision for bus routes adjacent to and within the site. These alterations and additions are required to ensure the policy is justified and effective.

Policy 3.5 Severn Trent, Beeston

75. This former sewage treatment works forms a brownfield site located in the urban area. It lies north of the Beeston Canal which provides an attractive southern boundary. **MM7** is necessary to reduce the number of homes to be built on the site from 150 to 100 in recognition of updated information from the site owner about the amount of land available for development.
76. The current access to the site is through the existing sewage works to the north from Lilac Grove. This is a long unattractive route. **MM7** clarifies that the vehicle access should only be onto Lilac Grove but that this could be achieved either from exiting Severn Trent land or from the access road to the Boots site to the east. This is necessary to ensure the policy is effective.
77. It is envisaged in the Housing Trajectory that the site would not start delivering new homes until the end of the plan period, 2026/27. This reflects the constraints to the site coming forward, including access and contamination. I have borne in mind that there is a willing landowner, confirmed by the SoCG, and that the delivery timeframe is towards the end of the plan period. I have no evidence to lead me to the conclusion that the site would not be developable at the point envisaged.
78. The policy omits to ensure that green infrastructure is managed in perpetuity and that existing hedgerows should be retained and incorporated into any landscaping scheme. **MM7** remedies these shortcomings in the interest of effectiveness. It also clarifies that the pedestrian and cycle bridge linking to the canal towpath should be provided unless it can be demonstrated that it is not required.
79. In order to protect the living conditions of future residents on the site, **MM7** requires an adequate buffer between the residential development and the waste recycling centre and the sewage treatment works and clarifies the

requirement to mitigate noise from the adjoining sports pitches. The above amendments are necessary to ensure the policy is effective.

Policy 3.6 Beeston Maltings

80. This previously developed urban site covers approximately 1.7 hectares and is allocated for 56 dwellings. It forms a residual part of a larger 2004 Local Plan Housing Allocation. It is currently occupied by a car repair garage which would need to be relocated for the site to be developed.
81. I acknowledge that the site has had the potential for development for some time and has not come forward. However, it is located in Beeston, one of the strongest housing market areas in the borough and adjoins an established residential area. There is a willing landowner and I am advised that recent pre application discussions have taken place. I recognise that there are challenges to the development of the site, including contamination and noise issues with the site's proximity to the railway line. However, I have no evidence before me to suggest that, subject to appropriate mitigation, the site would not be viable or developable.
82. **MM8** provides clarity about walking and cycling routes through the site and their connection to the wider network and the expectations for green infrastructure alongside the railway line. This modification is necessary in the interests of effectiveness.

Policy 3.7 Cement Depot, Beeston

83. This brownfield site of just over a hectare in area is owned by Network Rail and located immediately north east of Beeston station. The landowner has been involved in pre application discussions and is actively promoting the site. **MM9** increases the capacity of the site from 21 homes to 40 dwellings to maximise the efficient use of the land. The timescale for delivery of the 40 homes proposed, 2023/24, appears realistic.
84. The proposed walking and cycling route links through the site to the railway station provide the opportunity for the provision of an off-road section of the National Cycle Network route 6 which runs close to the site. **MM9** amends the policy to add this requirement in the interests of effectiveness.
85. The green infrastructure requirements are also clarified in **MM9** to outline the expectation that soft landscaping should act as a wildlife corridor along the railway line. This is necessary to ensure the policy is effective.

Policy 3.8 Land fronting Wollaton Road, Beeston

86. This small 0.1-hectare site located close to Beeston Town Centre forms an area of hardstanding currently used by a temporary vehicle car wash. There appears to be no impediment to its delivery. I consider there is a realistic prospect for the site to deliver 12 homes in 2023/24 as envisaged. It is unclear in the heritage requirement of the policy which Listed building is being referred to. Furthermore, the requirement to respect its setting is inconsistent with the NPPF which requires the preservation or enhancement of a heritage asset. **MM10** modifies the policy accordingly.

Policy 4.1 Land west of Awsworth

87. The LPP2 proposes to remove the site from the Green Belt and allocates it for the construction of 250 homes. The site bounds the existing village to the east, Newton Lane to the south, the bypass to the west and Park Hill to the north. It makes a limited contribution to the purposes of the Green Belt and is well contained with strong defensible boundaries.
88. Whilst previously raising concern to a new junction off the bypass, the highway authority has confirmed following further work, that they are satisfied that an access at this point can be delivered safely. Secondary access is to be achieved from Newtons Lane and Barlow Drive North.
89. **MM11** makes several amendments to the Key Development Requirements in the policy and the justification text to ensure clarity and effectiveness. These relate to the location and direction of pedestrian and cycle routes, specifying the Great North Path as a Green Infrastructure Corridor as well as clarification on the direction of walking and cycling through the site and the expectation about public transport enhancement. Additional requirements are added regarding the retention of hedgerows, the protection and mitigation of any impacts on the Common Toad and the maintenance or enhancement of the setting of the Grade II Listed Bennerley Viaduct.
90. The site promoter has confirmed in the SoCG that the site is available and that there are no significant infrastructure or environmental constraints to development. It was also confirmed at the hearing that work has commenced on preparing a planning application and consultation has taken place with the Parish Council and a public exhibition has been held in the village. Despite there being no current planning permission in place, I am satisfied from the evidence that housing completions would begin on site within 5 years.

Policy 5.1 Land east of Church Lane, Brinsley

91. The LPP2 proposes to remove this 4.2-hectare site from the Green Belt and allocates it for the construction of 110 dwellings. The housing trajectory envisages that the site will deliver homes over 3 years between 2020/21 and 2022/23 thereby contributing to the 5-year housing land supply.
92. The site lies adjacent to the northern end of the Headstocks Local Nature Reserve (LNR) and the associated local wildlife sites including the Headstocks LWS and Brinsley Brook Grassland Local Wildlife Site (LWS). There is also Saints Coppice woodland to the east of the site. It has been contended by many representors that the allocation of this site would lead to harm to the biodiversity value of these nearby sites through increased recreational pressure.
93. With regard to the Headstocks LNR, there is a Management Plan in place for the site. Notably in considering the issue of fragility, the Plan states that the site is not considered highly fragile as it contains habitats that can tolerate some pressure. No objections on ecology grounds have been made by Natural England or Nottinghamshire County Council Ecology. Whilst the site and adjoining wildlife areas are clearly valued by the local community, with

continued management, I have no substantive evidence before me that the allocation of the adjacent site for housing would result in unacceptable harm to the LNR.

94. The landscape and visual impact of the proposed housing on the Headstocks LNR, has been assessed in the Council's Landscape and Visual Impact Assessment. This concluded that there would be no negative impact. I am satisfied that with appropriate mitigation, there would be no unacceptable landscape or visual impacts from the allocation.
95. The policy requires the provision of a sustainable urban drainage system (SuDS) on land to the south of the allocation in the same land ownership. I consider it appropriate that additional planting be provided around it to minimise the visual impact of the development. Additional landscaping in this position would also help to reinforce and retain the open vista between the Headstocks and the Grade II* Listed St James the Great Church. **MM12** adds this requirement to the policy and amends the justification text in the interest of effectiveness. The modification also provides for a new Inset map to add clarity in this regard. There is insufficient justification for the SuDS scheme to be publicly accessible, bearing in mind the lack of connectivity to and from this feature. The modification deletes this requirement.
96. Concern has also been raised with regard to highway safety issues, particularly for those persons residing in or visiting the Care Facility next to the site. The site access would be located close to bends in the road and to a pedestrian crossing. These features would have some effect in terms of traffic calming and slowing down vehicle speeds. The Highway Authority has raised no concerns with the allocation from a highway perspective. I am satisfied that with the application of Policy 17 of the LPP2 which requires a high standard of design including the provision of a safe and convenient access, that the allocation would not have an unacceptable impact on highway safety. **MM12** amends the justification text to provide clarity on the requirement for further sustainable transport measures to ensure the policy is effective.
97. With regard to public transport, **MM12** clarifies that bus routes should be enhanced both to and within the site and adds to the justification text to explain the expectations of the development. This ensures the policy is effective.
98. In order to be consistent with the NPPF, **MM12** replaces the word 'preserve' with 'conserve' the setting of St James the Great Church in the heritage requirement of the policy.
99. There is significant local opposition to this allocation. I am aware that the Council undertook an additional consultation to seek views on an alternative site to the north of Cordy Lane in February 2017. Sustainability Appraisal (SA) of the alternative site was also undertaken to assist in the consideration of the most appropriate location for development. I am satisfied that the evidence demonstrates the proposed allocation is the most appropriate when assessed against the alternatives.

100. The allocation lies on the eastern edge of the village and is contained by the recreation ground to the west, Brinsley Brook to the east, Cordy Lane to the north and open fields to the south bounded by existing hedgerows. In the GBR it performed marginally better than the alternatives, having defensible boundaries and lesser impact in terms of the five Green Belt purposes. I am satisfied that enhanced planting would provide a long-term defensible boundary to the weaker southern edge of the site. In light of the above, and the overriding need for housing, I consider that exceptional circumstances exist to remove this site from the Green Belt.
101. The developer has secured a legal interest in the site and there are no unresolvable infrastructure constraints or viability issues. Having regard to the SoCG and the evidence of the site promoter at the hearing, whilst the site does not have planning permission, I am satisfied that the delivery of homes on the site will begin in the next 5 years.

Policy 6.1 Walker Street, Eastwood

102. This predominantly brownfield site is located within the urban area of Eastwood. It is owned by Nottinghamshire County Council and contains the site of the former Lyncroft Primary School. This is now vacant following the building of a replacement school on the northern part of the site.
103. The allocation is for 200 dwellings. In the interests of effectiveness to provide flexibility for the type of housing to be delivered on the site having regard to viability, the requirement for the provision of 30 extra care units is no longer justified. **MM13** (Policy 6 – Eastwood site allocation) and **MM14** (Policy 6.1 - Walker Street, Eastwood) amend this policy requirement.
104. The site is being actively promoted by the landowner and a grant of £1million has been obtained from the Land Release Fund to prepare the site for development and fund new road infrastructure. Whilst there is no planning permission in place, I am satisfied from the SoCG and the time limitations for delivery of homes imposed on the grant funding, that housing completions on the site would contribute to the 5-year housing land supply.
105. It is envisaged that the site should be accessed by two or more access points on different road frontages, taking account of the terraced nature of the site. In the interests of effectiveness, **MM14** amends the justification text to set out that the matter of access would be addressed as part of a future planning application and that multiple access points also forms a Key Development Aspiration.
106. **MM14** updates the policy with regard to the completion of the replacement primary school. It also provides clarity on the expectations about walking and cycling routes through the site and the provision of green infrastructure. This ensures the policy is effective.
107. Concern has been raised about the potential for increased flooding. **MM14** requires the provision of SuDS to the northern edge of the site. It also requires that the development does not increase the risk of flooding elsewhere in order to be consistent with the Framework and in the interest of effectiveness.

108. Following consultation from the Nottingham West Clinical Commissioning Group, a requirement for a community hub including a health facility on the site has been identified. **MM14** adds the requirement for 0.4 hectares of land at the south west corner to meet this need.

Policy 7.1 Land south of Kimberley, including Kimberley Depot

109. This mixed brownfield and greenfield site includes the Council's Depot and is partly located within the Green Belt. It is allocated for 105 dwellings. As the Kimberley Caravan site to the north has become available, it is proposed to extend the site to the north and include this area within the allocation. This part of the site is not in the Green Belt. The enlargement of the site is justified to make an efficient use of previously developed urban land and contribute towards housing supply. **MM16** increases the capacity of the site from 105 to 118 as a result of the inclusion of this additional land.

110. The part of the site in the Green Belt is bounded by the urban area of Kimberley to the north including the Kimberly Caravan site, the Kimberley Dismantled Railway Line LWS and the A610 to the south west, and woodland to the south east. It is well contained and makes a limited contribution to the purposes of the Green Belt.

111. There are concerns about the deliverability of the site due to the need to relocate the existing operational uses. The Council has outlined a programme for bringing the site forward including discussions with Erewash Borough Council for a shared facility leading to a sale of the site in Autumn 2022. The housing trajectory envisages the completion of housing on the site towards the latter end of the plan period, 2024/25. This would give time for issues to be resolved. Based on the evidence before me I consider that there is a realistic prospect of the site coming forward in the timeframe envisaged.

112. The policy is unclear about the expectation for green infrastructure and associated footpath connections. **MM16** adds the requirement for a new section of the Great Northern Path to run through the site and the need to ensure that the development mitigates any negative impacts on the LWS at the southern boundary and also that the future management of the LWS is secured. This ensures the policy is justified and effective.

113. The policy lacks clarity about the enhancement of bus routes to or within the site. In the interests of effectiveness, the modification amends the policy and the justification text to outline that the development would be expected to provide a financial contribution to secure such enhancements.

114. No unresolvable constraints to development have been identified and both landowners are supportive of the allocation.

Policy 7.2 Land south of Eastwood Road, Kimberley

115. This 1.1-hectare site located in the urban area was previously allocated for housing development in the 2004 Local Plan. It comprises a residential property with grazing land to the rear. The LPP2 proposes to allocate the site for 40 dwellings to be delivered in 2021/22.
116. Whilst I acknowledge that the site, despite being allocated some years ago, has not been developed, there is no evidence before me to suggest that the site is not deliverable. There are no impediments to development and there is a willing landowner.
117. In terms of green infrastructure, the policy is unclear as to the expectations of development. In the interests of effectiveness, **MM17** requires that a new section of the Great Northern Path be provided in a green infrastructure connection through the site.
118. The site is an irregular shape with a finger of land to the south of 27-49 Eastwood Road. The modification requires that this section of the site forms green infrastructure recognising its more limited development potential. This raises concern about whether the remaining site area would be able to deliver 40 homes. A high-density scheme would not be in keeping with the character of the town, especially as the site is on the edge of the built-up area. Accordingly, I consider that the site capacity should be reduced. The Council's Strategic Housing Land Availability Assessment (SHLAA) 2017/18 assumes a default density of 30 dwellings per hectare. **MM17** reduces the number of homes to be built on the site from 40 to 25. This ensures the policy is justified and effective.
119. The policy is unclear about the expectations for the enhancement of bus routes to or within the site. **MM17**, in the interests of effectiveness, clarifies the policy and the justification text to outline that the development would be expected to provide a financial contribution to secure such enhancements.

Policy 7.3 Eastwood Road Builders Yard, Kimberley

120. This brownfield site, located within the urban area of Kimberley, is contained on all sides by existing residential development. It was formerly allocated for housing in the 2004 Local Plan. It comprises a number of garages and a former builder's yard and is allocated for 22 dwellings to be delivered in 2023/24.
121. This forms a challenging site with contamination and remediation issues. It is also in multiple ownership and is in a poorer market area of the borough raising viability concerns. As a result, I am not persuaded that the site would be deliverable or developable in the plan period.
122. **MM15** (Policy 7 - Kimberley Site Allocations) and **MM18** (Policy 7.3 - Eastwood Road Builders Yard) delete the allocation from the plan in the interests of effectiveness.

Housing Trajectory and 5 Year Housing Land Supply

123. The SHLAA 2017/18 provides analysis of build rates on a number of sites, providing average build rate data. This evidence supports the Council's assumption that on larger sites over 50 dwellings, a delivery of around 50 homes per developer per year would be achievable. I am satisfied that the delivery rates outlined in the housing trajectory are reasonable and that the LPP2 would assist in ensuring a rolling 5-year supply of deliverable housing land.
124. The anticipated delivery on several of the allocations requires revision following consideration of lead in times, build out rates and advice from site promoters. **MM19** makes the necessary amendments to the housing trajectory for effectiveness. **MM2** is also necessary to revise Table 3 of the LPP2 to update the proposed housing supply figures to reflect the changes to site capacities discussed above and ensure the Plan is positively prepared and effective.

Conclusion on Issue 2

125. There has been a robust process of site selection. The allocations put forward in the LPP2 are deliverable and developable and subject to the MMs outlined above, the Key Development Requirements are justified. The ACS recognised the need to release land from the Green Belt to meet the housing needs of the borough. For those site allocations located within the Green Belt, I am satisfied that in each case, the need for housing, the lack of alternatives in sequentially preferable locations outside of the Green Belt and their limited impact on the openness and purposes of the Green Belt constitute exceptional circumstances to justify the alteration of the Green Belt boundaries.

Issue 3 -Whether the approach to employment provision and town and district centres is justified, effective and consistent with national policy and the ACS.

Employment

Overall provision

126. Policy 4 of the ACS requires that in Broxtowe, 34,000 square metres of office/research development floorspace be provided as well as a minimum of 15 hectares (ha) of land for new and relocated industrial and warehouse uses. In addition, the ACS promotes significant new economic development as part of sustainable urban extensions including land in the vicinity of HS2 Toton and at the Boots site which straddles Broxtowe and Nottingham City Council areas.
127. The Council is seeking to provide 32.7 hectares of employment floorspace in LPP2. This is made up of existing major commitments at Mushroom Farm, Eastwood (23.4 ha), Beeston Business Park (3.5 ha) and Aero Fabrications, Eastwood (3.5 ha), cumulatively providing around 30.4 ha. It is appropriate to take account of these commitments in the overall supply as they form new developments which will contribute to the employment needs of the borough

in the plan period. This leaves a shortfall of 2.7 hectares. This is anticipated to be provided on the Boots, Beeston site (2ha manufacturing floorspace), Toton (4.5 ha, 18,000 square metres of mainly office development), Chetwynd (3.75 ha, 15,000 square metres of office uses) and through conversions of underused town and district centre units (1.25 ha office uses).

128. The above sources amount to approximately 11.5 hectares resulting in an exceedance of the ACS requirement for both office/research floorspace and industrial/warehouse uses. This overprovision provides a degree of flexibility if the employment allocations on sites such as Toton and Chetwynd are delayed. I am satisfied that based on the evidence, adequate provision is made in the LPP2 to meet the employment requirement of the ACS.
129. It is unclear from the text of the LPP2 how the employment requirement is to be met through existing commitments and proposed allocations. **MM2** provides clarity to ensure the plan is justified and effective.

Employment policies

Policy 9 Retention of good quality existing employment sites

130. Policy 9 seeks to retain good quality existing employment sites in order to maintain the economy and retain local jobs. In the interests of effectiveness, **MM21** clarifies that once completed, committed employment sites will be protected under this policy.

Town and District Centre Uses

Retail provision

131. The Broxtowe, Gedling, Nottingham City and Rushcliffe Retail Study 2015 identified that there was limited convenience or comparison retail floorspace capacity in Broxtowe. Any surplus capacity should be directed to Beeston, the only designated town centre in the borough, followed by the other district and local centres subject to market demand.
132. Phase 1 of Beeston Town centre redevelopment has been completed. The second phase of 'The Square' is allocated for a mixed-use retail led development including residential uses in Policy 11 of the LPP2. **MM23** increases the number of homes to be constructed in this development from 100 to 132 to accord with the planning permission granted. The modification also ensures that development provides an active frontage at ground floor to maintain the vitality of the town centre. This is necessary for effectiveness.
133. The policy makes no provision for safe and attractive pedestrian and cycle links to the surrounding area. It also fails to secure public realm improvements to enhance the setting of the conservation area and quality of adjacent open space. Furthermore, it is unclear about the green infrastructure and open space expectations for development. **MM23** rectifies these shortcomings in the interest of effectiveness.
134. The LPP2 proposes the contraction of Eastwood, Stapleford and Kimberley District Centre boundaries. The Beeston Town Centre boundary is contracted

to the west and south west and extended to the north east. These revisions provide more compact centres and encourage other uses at ground floor, including residential in areas no longer within the respective boundaries. The Retail Study 2015 confirms that these minor amendments would not result in unmet retail need. I consider that the revisions proposed are justified and consistent with national policy in maintaining the vitality and viability of these centres. **MM25** amends the Inset map for Kimberley District Centre as it is incorrect and does not illustrate the boundary changes proposed.

Town Centre and District Centre Policies

Policy 10 Town Centre and District Centre Uses

135. Policy 10 provides guidance on Town Centre and District Centre uses, aiming to achieve a balance between maintaining retail function and allowing flexibility for centres to accommodate a mix of uses. Part 1b) i) and ii) of the policy permits main town centre uses other than Use Class A1 retail uses at ground floor, provided certain percentages for different uses are not exceeded. Based on the evidence, I consider that an amendment to part 1b) i) of the policy is necessary to maintain the vitality and viability of town centres. **MM22** amends the policy accordingly.

136. Part 1b) iii) of the policy requires a main town centre use within a Town or District Centre to submit an impact assessment to demonstrate there would be no adverse impact on the vitality and viability of the centre. This would be inconsistent with paragraph 26 of the NPPF which only requires an impact assessment for proposals outside of town centres. **MM22** therefore deletes this requirement. Part 1c) of the policy is not effective as it is unclear what would constitute 'reasonable steps' to secure the use of upper floors. In order to remedy this shortcoming, the modification adds further guidance in the justification text.

Policy 12 Edge of Centre A1 retail in Eastwood

137. Policy 12 relates specifically to the existing Morrisons site on the edge of the District Centre of Eastwood, whilst Policy 13 provides policy guidance for main town centre uses in any edge of centre and out of centre location. **MM24** is necessary for effectiveness, to explain that Policy 12 applies to limited alterations and extensions to the existing Morrisons store. For all other development outside the identified site, Policy 13 would apply. The modification also provides clarity on what is meant by limited alterations and extensions for effectiveness.

Policy 13 Proposals for main town centre uses in edge of centre and out of centre locations

138. It is unclear in Part 1b) of Policy 13 how proposals would demonstrate that they would be located in an area of deficiency and what criteria may be used to assess if they met local needs. **MM26** provides an explanation in the interests of effectiveness and to provide clarity to a decision maker.

139. The NPPF in paragraph 26 sets a 2500 square metre threshold for the requirement for an impact assessment for out of centre retail, office and leisure developments. It also however allows for locally set thresholds.

Policy 13 sets out a local threshold of 500 square metres. Evidence to justify this is set out in the 2015 Retail Study.

140. Paragraph 016 of the Planning Practice Guidance Ensuring the vitality of town centres, sets out criteria which are important to consider in setting a local threshold. The retail study whilst considering the scale of new retail commitment and retail trends does not assess all of these criteria. I am therefore not satisfied that a locally set threshold is justified. **MM26** deletes the local threshold and replaces it with the default threshold of 2500 square metres set out in national policy. The modification also amends the associated justification text.

Policy 14 Centre of Neighbourhood Importance (Chilwell Road/High Road)

141. Policy 14 is ineffective as it is unclear as to what is meant by the 'inefficient use of upper floors' of premises in the Centre of Neighbourhood Importance. **MM27** provides an explanation in the interest of effectiveness.

Conclusion on Issue 3

142. Subject to the MMs outlined above, I consider that the approach to employment provision and town and district centres in the LPP2, is justified, effective and consistent with the NPPF and the ACS.

Issue 4 – Whether the LPP2 makes appropriate provision for Gypsy and Traveller Sites, having regard to the evidence of need and the ACS.

143. The South Nottinghamshire Gypsy and Traveller Accommodation Assessment 2014-2029, which covers the areas of Broxtowe, Gedling, Nottingham City and Rushcliffe was published in January 2016. It identified a need of 2 pitches for Broxtowe for the period 2014-2029. Policy 9 of the ACS requires sites to be allocated in the LPP2 to meet the identified need.

144. Planning Policy for Traveller Sites (PPTS) requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. No sites are allocated in the Plan. Instead Policy 16 aims to identify suitable sites in the existing built up area by 2019. The Council have provided a detailed timeframe for the identification of a site/ sites and the preparation and adoption of a Supplementary Planning Document.

145. I am satisfied on the evidence before me that the Council is committed to undertaking this work by the end of 2019. I am aware that a similar approach has been adopted in the Gedling LPP2. Bearing in mind the small number of pitches required to meet the need over the plan period, I am satisfied that the approach put forward by the Council would be a reasonable and pragmatic way to meet the boroughs needs. Although the LPP2 does not allocate a site/sites, it commits the Council to making provision by the end of 2019. I am satisfied that this would achieve the aims of national policy in the PPTS and comply with the ACS. **MM29** is necessary to outline the Council's proposed way forward in the interests of effectiveness.

Conclusion on Issue 4

146. In conclusion, subject to the above MM, I consider that the LPP2 makes appropriate provision for Gypsy and Traveller Sites, having regard to the evidence of need and the ACS.

Issue 5 – Whether the approach to the provision of affordable housing, housing size, mix and choice is justified, effective and consistent with national policy and the ACS.

147. Policy 15 of the LPP2 provides policy guidance on a number of issues including affordable housing; the mix of house size, type, tenure and density; the provision of accessible and adaptable homes; and self-build/custom homes.

148. Policy 8.5 a) of the ACS sets a 30% affordable housing target for Broxtowe. Policy 8.6 provides for a local variation in affordable housing requirements and states that the mix and threshold for affordable housing would be set out in the LPP2.

149. Policy 15 of the Plan takes account of the different housing sub market areas in the borough. Development in the weaker sub markets such as Stapleford and Eastwood, generally having a lower viability and therefore less scope to contribute to affordable housing at the higher level.

150. Part 1 of the policy requires 30% or more affordable housing on the newly allocated sites in Awsworth, Bramcote, Brinsley, Stapleford and Toton as well as on any site in the Green Belt comprising more than 10 dwellings. Part 2 of the policy states that newly allocated sites in Kimberley should provide 20% or more affordable housing.

151. The site west of Coventry Lane (Policy 3.3) is in Stapleford but despite being located in a weaker housing sub market is required to provide 30% affordable housing. The Nottingham Core Viability Update Study 2013 and the updated Whole Plan and Community Infrastructure Levy Viability Assessment 2018 conclude that large sites create their own market enhancing viability. Although Stapleford is a weaker housing sub market, I am satisfied that the viability evidence for large sites supports a 30% affordable housing requirement for this site.

152. Part 3 of the policy requires affordable housing contributions from other sites of more than 10 units at different rates depending on which sub market area the site is located. The 2013 viability evidence only tested schemes of 20 units whilst the later 2018 assessment tested schemes of 1, 15 or 25 units. I accept that there is a lack of evidence to demonstrate scheme viability specifically at the 10-unit threshold. However, the policy only requires the higher 30% affordable housing contribution for other development sites in Beeston. The 2013 report found this area to be the better sub market area, generating robust residual values up to and beyond 30% affordable housing. This was confirmed in the 2018 assessment for all schemes from a single dwelling to larger developments except for apartments. I am therefore satisfied based on the evidence that part 3 of the Policy is appropriate and justified in this regard.

153. In order to build in flexibility on a site by site basis, part 4 of the policy accepts a lesser amount of affordable housing where reduced viability can be demonstrated through a financial appraisal. This provides a degree of flexibility. In the interests of clarity and effectiveness, **MM28** makes it clear that viability assessment will also apply to the requirements for accessible and adaptable homes.
154. Part 3 of the policy also sets out a requirement for affordable housing contributions for C2 uses. The 2018 viability evidence however suggests that such schemes are not viable. This requirement is therefore unjustified. **MM28** removes this Use Class from the policy.
155. Concern has been expressed with regard to the inclusion of the phrase 'or more' for the provision of affordable housing. Whilst I accept that the evidence does not test viability above 30%, there may be some sites where a greater contribution could be viable. **MM28** adds to the justification text to explain the policy expectation in this regard, that a higher contribution would not be expected but would be acceptable. I consider this is necessary for effectiveness.
156. There is concern that the policy does not make sufficient provision for housing for the elderly. **MM28** expands part 6 of the policy to make reference to meeting the needs of all residents in the borough and all age groups (including the elderly). Having regard to the aging population in the borough, this modification is justified and effective. It also adds to the justification text to make it clear that dementia friendly housing, supported living or other forms of homes for the elderly would be supported.
157. The modification also amends the justification text to provide clarity on the meaning of 'size' in the policy, that it relates to the number of bedrooms in a dwelling. This ensures the policy is effective. **MM28** also revises the justification text to provide examples of where exceptional circumstances referred to in part 5 of the policy may justify off site affordable housing provision and to provide further guidance with regard to housing mix and tenure requirements in part 6 of the policy. These amendments are necessary to ensure the policy is justified and effective.
158. Part 8 of Policy 15 requires the provision of 5% self-build or custom homes in development of more than 20 dwellings. This requirement however is unjustified. There is insufficient evidence in the Self Build register to demonstrate such a demand in the borough. **MM28** therefore deletes this part of the policy and associated justification text.

Conclusion on Issue 5

159. Subject to the MM outlined above, I am satisfied that the approach to the provision of affordable housing, housing size, mix and choice is justified, effective and consistent with national policy and the ACS.

Issue 6 - Whether the relevant development management policies are justified, effective and consistent with national policy and the ACS.

160. Not every policy is discussed in this section. Where policies are not mentioned, I consider them to be sound and it is unnecessary to comment on them. I shall discuss the policies that require modification to make them sound in turn.

Policy 1 Flood Risk

161. Policy 1 provides a range of criteria which must be met by development in areas at risk of any form of flooding. In the interests of effectiveness, **MM1** clarifies that development may be permitted in areas protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent standard of protection.

162. The policy does not clearly distinguish between the requirements for maintaining greenfield and reducing brownfield surface water runoff rates or make reference to the use of sustainable urban drainage systems. **MM1** is therefore necessary to address this issue and make the policy effective. The modification also amends the justification text to provide clarity on the policy expectation for flood resistance and resilience mitigation.

Policy 8 Development in the Green Belt

163. Whilst the LPP2 is being examined against the 2012 Framework, any future planning applications for development within the Green Belt would be determined against the 2019 Framework. **MM20** is necessary to ensure the policy is effective in referring to the relevant paragraphs of the 2019 Framework.

164. Part 3 of the policy states that the health and wellbeing benefits of a change of use to outdoor sport and recreation would constitute 'very special circumstances' which clearly outweigh the 'by definition' harm to the Green Belt. Firstly, whilst not actually stating so, the policy infers that a such a change of use of land forms inappropriate development, which it does not. Secondly it misinterprets paragraph 144 of the 2019 Framework in terms of when 'very special circumstances would exist. In order to ensure consistency with national policy, **MM20** deletes this section and the associated justification text.

165. The MM also provides clarity in the justification text on how increases in volume would be assessed. It also clarifies the definition of original building in the NPPF for effectiveness.

Policy 17 Place-making, Design and Amenity

166. The Framework in paragraph 17 highlights design as one of the 12 core principles stating that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy 10 of the ACS supports this objective and requires standards of design, sustainability and place making to be set out in Part 2 Local Plans.

167. In order to reflect national policy and ACS Policy 10, Policy 17 should refer to achieving safe and convenient access and the encouragement of walking and cycling. **MM30** is necessary to make an appropriate amendment to ensure the LPP2 is effective.
168. Concern has been raised about the requirement of part 3 of the policy. This expects major development on sites released from the Green Belt, comprising 10 or more dwellings, to score 9 or more greens in the 'Building for Life 12' design tool.
169. Having regard to the core planning principles and section 12 of the Framework, I am satisfied that the principle of using a design tool to demonstrate high quality design is justified. It is however unclear how part 3 of the policy would be applied and what evidence would be required to show that a proposal meets the required standard. **MM30** expands the justification text to explain that evidence should be provided to show where poorer quality solutions are unavoidable because of particular scheme circumstances or constraints. This ensures the policy is justified and effective.
170. The policy is also unclear in respect of householder development and the expectations with regard to annexed development and other structures which may cause risk to pedestrians or road users by reducing visibility for drivers entering or leaving a driveway. **MM30** addresses these deficiencies in the interests of effectiveness.
171. A further modification to the justification text in **MM30** is necessary to provide examples of low-cost measures to benefit wildlife eg insect houses and to explain the Council's approach to enforcement. These modifications add clarity for developers and decision makers.

Policy 20 Air Quality

172. This policy aims to tackle the issue of air quality, which forms a significant issue in the borough due to nitrogen dioxide emissions from vehicles using the M1 and A52. The policy does not explain what are considered to be 'reasonable steps' to provide effective alternatives to modes of transport other than the car. The expectation with regard to electric charging points is also unclear. **MM31** is necessary to provide this guidance. This would ensure the policy is effective and to give clarity to a decision maker.

Policy 23 Proposals affecting Designated and Non-Designated Heritage Assets.

173. Policy 11.2 of the ACS states that LPP2 will set out further details about conservation and enhancement of the historic environment.
174. Policy 23 aims to do this, but it is not consistent with the Framework. Part 2 of the policy provides a different balancing exercise for developments causing harm to the significance of designated heritage assets. Part 3c) of the policy seeks to 'preserve and enhance the character and appearance of an asset'

rather than 'conserve and enhance'. **MM32** is therefore necessary to rectify these shortcomings.

175. The modification also adds to the justification text to identify other local heritage assets in the interest of effectiveness.

Policy 24 The Health and Wellbeing Impacts of Development

176. This policy seeks to reduce health inequalities by requiring that a Health Impact Assessment Checklist be completed for developments of a certain scale. It also provides guidance on hot food takeaways within 400m of a school.

177. The Policy does not however explain how its requirements could be met. **MM33** is required to explain how an applicant can demonstrate compliance with an appropriate healthy eating scheme such as the Healthy Options Takeaway (HOT) Merit Scheme operated by the Council. This ensures the policy is justified and effective.

Policy 26 Travel Plans

178. Policy 26 requires all major developments of 10 or more dwellings to prepare a travel plan. A modification to the justification text is necessary to clarify that the policy relates to all large sites and that the level of detail required for a travel plan would be proportionate to the size and scale of the development proposed. **MM34** is required to ensure the policy is effective.

Policy 27 Local Green Space

179. The NPPF in paragraph 76 states that local communities through local and neighbourhood plans should be able to identify for special protection, green areas of particular importance to them. It goes on to say that by designating land as Local Green Space, local communities will be able to rule out new development other than in very special circumstances. Paragraph 77 sets out criteria for the designation of areas of Local Green Space.

180. With the exception of the field off Cornwall Avenue, Beeston Rylands, the designation of the other areas of land identified in this policy do not meet the above NPPF criteria. This is because they form extensive tracts of land and are more than local in character. Furthermore, they are located in the Green Belt, thus designation would not afford them any greater protection. The field off Cornwall Avenue is reasonably close to the community it serves, local in character, not an extensive tract of land and demonstrably special to the local community. I am therefore satisfied that there is justification for the designation of this piece of land as a Local Green Space.

181. **MM35** amends the policy and justification text accordingly, deleting all the other identified sites to ensure the policy is consistent with the Framework, justified and effective. The areas deleted from this policy are more appropriately added to Policy 28 as green infrastructure assets.

Policy 28 Green Infrastructure Assets

182. Policy 28 of the LPP2 seeks to prevent harm to green infrastructure assets and to secure their enhancement if development proposals would lead to increased use. However, the policy does not make reference to the loss of such assets and therefore lacks effectiveness. In order to address this shortcoming and to ensure the protection of such assets in line with national policy, **MM36** is required. The modification also revises the justification text to make it clear that replacement facilities or alternative provision could be a benefit which may outweigh any harm to a green infrastructure asset. This ensures consistency with the Framework and effectiveness.
183. Part 1 of the policy provides a list of green infrastructure assets. As discussed above, areas of land deleted from Policy 27, which are not justified as Local Green Space, are added to this policy. **MM36** makes the required amendment.
184. The need for financial contributions in accordance with the Broxtowe Green Space Standard to ensure the provision and maintenance of playing pitches is inappropriate in this policy. **MM36** makes the necessary deletion in the interests of effectiveness. An additional modification is required for clarity to explain that the recreational routes listed are long distance strategic routes.

Policy 31 Biodiversity

185. National planning policy expects the planning system to minimise impacts on biodiversity and provide net gains where possible. Policy 31 does not adequately reflect this objective or sufficiently build on the approach in the ACS.
186. In part 2c) of the policy, reference should be made to section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 to make the policy effective. These are UK priority species and habitats which should be protected. Furthermore part 3 of the policy is not consistent with the Framework as it only refers to harm and not to the significant harm or loss to a biodiversity asset. **MM37** addresses these issues to ensure Policy 31 is consistent with national policy and the ACS.

Policy 32 Developer Contributions

187. This policy aims to strike an appropriate balance between ensuring that infrastructure requirements to make development acceptable in planning terms are met without compromising the viability of development. **MM38** is required to expand the policy and add to the justification text in order to ensure that all relevant matters are covered by the policy. It also ensures that the infrastructure contributions sought are assessed in accordance with the Nottinghamshire County Council Contribution Strategy.
188. A further addition to the justification text is necessary to explain how playing pitch space and green space contributions will be assessed. The above modifications ensure that the policy is justified, effective and that its expectations are clear to a decision maker.

Conclusion on Issue 6

189. In summary, subject to the MMs referred to above, the development management policies of the plan are justified, effective and consistent with national policy and the ACS.

Public Sector Equality Duty

190. In reaching the conclusions above, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010. The policies of the plan, including the design and housing policies make provision for the disabled, take account of age and address the needs of other protected groups, including the provision of gypsy and traveller accommodation. I do not consider that my findings will impact negatively on anyone with a relevant protected characteristic in respect of the matters addressed by Section 149 of the Act.

Assessment of Legal Compliance

191. My examination of the legal compliance of the LPP2 is summarised below.

192. The Local Plan has been prepared in accordance with the Council's Local Development Scheme.

193. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement and the Regulations.

194. Sustainability Appraisal has been carried out on the submitted Plan and the MMs and is adequate.

195. The Habitats Regulations Assessment Report November 2018 sets out why an Appropriate Assessment is not necessary for the LPP2. Natural England agrees. The changes proposed as part of the MMs do not alter this conclusion.

196. The Local Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change e.g. Policy 19: Pollution, Hazardous Substances and Ground Conditions and Policy 20: Air Quality.

197. The Local Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations with one exception. **MM39** provides a new Appendix 1 setting out a schedule of policies superseded by the LPP2 as required by the Regulations.

Overall Conclusion and Recommendation

198. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

199. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Broxtowe Part 2 Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Helen Hockenhull
Inspector

This report is accompanied by an Appendix containing the Main Modifications.