

**THE JOINT RESPONSE PREPARED AND AGREED BY BROXTOWE BOROUGH COUNCIL AND AWSWORTH PARISH COUNCIL TO THE INDEPENDENT EXAMINER'S LETTER OF 17 DECEMBER 2020 IS SET OUT BELOW.**

**Policy H4**

**1. Please direct me to the explanation of the term “small-scale”.**

- 1.1 The Borough Council suggests that the term ‘*small-scale*’ within this policy could refer to developments of one or two dwellings. The Borough Council is of the view that the Policy would not necessarily require that larger windfall developments would automatically be refused, however, the Borough Council is of the view that it would be more appropriate for the policy to be targeted towards a lower level of development.
- 1.2 The Parish Council acknowledges that the term ‘*small-scale*’ used in Policy H4 is not explicitly explained either in the plan policy or supporting text. Supporting text refers to a range of factors including ‘*scale*’. Policy H4 also cross-refers to Policy BED3: ‘*Design Principles*’ which intends that development proposals should respect the local character of Awsworth, having regard to a number of matters that would need to be taken into consideration such as scale, density, massing etc.
- 1.3 Its application in policy terms (to any residential windfall development proposals on unallocated sites) would rely on the details of the particular proposal. The meaning of the term ‘*small-scale*’ would therefore be the normally accepted meaning of the term i.e. ‘*of limited size, scope or extent*’. In practice, it is likely that this would be a combination of the size or extent of the site, the proposed number of dwellings and the individual and cumulative scale and impact of the development. It is considered that this could be helpfully clarified in supporting text.
- 1.4 The Parish Council is aware that not all Local Plans choose or are required to define the number of dwellings that would constitute ‘*small-scale*’ residential windfall development. Certainly, our expectation would be that this should only be a very small number. Should a specific number be deemed necessary, 1 or 2 dwellings as the Borough Council suggest would seem to be reasonable, especially if Policy 4 was only to apply within the Key Settlement Boundary (see Question 2 below). Such a definition could either be included within Policy H4 itself or in the supporting text.
- 1.5 The Borough Council would be happy for such a definition to either be included within Policy H4 itself or the supporting text.

**2. Please explain how this policy relates to the parts of the NPPF that relate to the protection of Green Belt Land and paragraph 79 which states planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of stated circumstances apply. Is it intended the policy should only apply within the Key Settlement boundary within the Neighbourhood Area shown on Figure 5?**

- 2.1 The Borough Council is of the view that Policy H4 should only apply within the '*Key Settlement Boundary*' and should not apply to land outside of this, designated as Green Belt. The Borough Council would be happy for the wording of the Policy to be amended to state: '*Small-scale residential windfall development proposals (for one or two dwellings) on land within the Key Settlement Boundary will be supported subject to the following: ...*'. The Borough Council further suggests that the Policies Map should be amended to include the '*Key Settlement Boundary*' and the Policy should be referenced appropriately. The Borough Council is of the view that the current reference to the policy on the Policies Map as a '*Plan-Wide Policy*' should be deleted. The Borough Council would be very happy to make these amendments to the Policies Map on the Parish Council's behalf. The Borough Council's key concern is that any policy should not give the impression that development in the Green Belt would be supported, other than that which would fall within '*Very Special Circumstances*', as defined by the NPPF.
- 2.2 The Parish Council acknowledge that were Policy H4 to be amended as suggested by the Borough Council (to apply only within the '*Key Settlement Boundary*' and the policy wording amended, either as they suggest, or using similar wording) this would helpfully be clear and precise for any proposals within Awsworth's main built area.
- 2.3 We also note the Borough Council's kind offer to make any consequent amendments to the Policies Map. Should this be required, the Parish Council would ask that the whole of the '*Awsworth Key Settlement*' be shown on the Policies Map, if possible, as this would be more helpful to the reader (even acknowledging that Figure 5 currently includes this information). It is recognised that boundaries in neighbouring areas of Cossall and Kimberley would have to be distinguished in some way from those inside the plan area. It is suggested that they could perhaps be shown in '*ghost*' outline and it made clear they are '*shown for information only*'.
- 2.4 The Parish Council would, however, point out that Policy H4 is intended to have plan-wide application as referenced on the legend to the Policies Map. The absence of a policy to consider new homes from unallocated (or windfall) development was considered to be an important omission. Considering the relatively small areal extent of the Neighbourhood Plan Area and the significant amount of growth that has been required and provided for over recent years (including the major new allocation on land west of Awsworth inside the bypass), it was considered important that any speculative proposals within the plan area should be considered against local (Neighbourhood Plan) policy.

- 2.5 In practice this would potentially be most likely to apply to sites outside but adjacent to the defined Key Settlement Boundary. However, it is acknowledged that in the Awworth context this would involve land designated as Green Belt where more stringent policy requirements already apply. To confirm that there is no policy intention either to conflict with the protection of Green Belt land or to allow isolated dwellings in the countryside. This could be made clear in supporting text if it was felt necessary. Were it decided that Policy H4 should apply only within the Key Settlement Boundary, the Parish Council would ask that consideration be given to ensuring that the local policy requirements set out at (a) – (e) would still apply to any development proposals involving land outside the Key Settlement Boundary, in addition to Green Belt policy considerations set out elsewhere.
- 2.6 Whether Policy H4 was to apply plan-wide or only within the Key Settlement Boundary, the Parish Council view is that, should a specific permissible number be deemed necessary, 1 or 2 dwellings (as the Borough Council suggest at Question 1 above) would seem to be reasonable, especially if Policy 4 was only to apply within the Key Settlement Boundary. Such a definition could either be included within Policy H4 itself or in the supporting text.

### **Policy BED3**

#### **3. Please direct me to the explanation of the term “where applicable” that appears in the final sentence.**

- 3.1 The Parish Council acknowledge that the term ‘*where applicable*’ is not explained. The intention of policy would therefore rely on the normally accepted meaning of the term i.e. where it applies – ‘*something that is applicable to a particular situation, is relevant to it or can be applied to it*’. The policy was originally intended to apply to all new housing development proposals. However, it was decided that it should also apply to non-residential development proposals, although it was recognised that not all of the policy requirements would necessarily be applicable to non-residential proposals, hence the inclusion of the term ‘*where applicable*’. This could be explained in supporting text.
- 3.2 However, were it decided that ‘*where applicable*’ should be deleted, the Parish Council suggests that the term ‘*where appropriate*’ might be used instead (consistent with the use of the term ‘*where appropriate*’ in the third part of the policy i.e. which does not require that all of the policy requirements listed should be provided, an acknowledgement that in some instances this would not be appropriate).
- 3.3 The Borough Council would be happy for the term ‘*where applicable*’ to either be retained and explained within the supporting text or be deleted from this part of the wording of the Policy.

## **Policy GI1**

**4. The policy includes the term “shown indicatively”. Paragraph 16 of the NPPF requires policies to be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. I am inviting comment on the possible use of the term “shown” which would meet this requirement.**

- 4.1 The Borough Council would support the deletion of the word ‘*indicatively*’ from the Policy, as suggested by the Independent Examiner.
- 4.2 The Parish Council would also support deletion of the word ‘*indicatively*’ from policy and use of the term ‘*shown*’, as suggested by the Independent Examiner.
- 4.3 As previously mentioned, the term ‘*indicatively*’ was intended to reflect the fact that the Green Infrastructure Corridors, necessarily shown in linear form, can vary as regards their width along the line of the route. The Parish Council suggest that this could helpfully be made clear in the supporting text.

## **Policy GI2**

**5. Are the boundaries of the landscape character areas identified in the Neighbourhood Plan identical to those set out in the Greater Nottingham Landscape Character Assessment and those referred to in Appendix 7 of the Broxtowe Part 2 Local Plan? If there are variations between the boundaries where is the justification for those variations set out?**

- 5.1 The Borough Council can confirm that the Landscape Character Areas, as shown on the Awsworth Neighbourhood Plan Policies Map, are identical to those referred to in Appendix 7 of the Broxtowe Part 2 Local Plan, and shown on the Borough Council’s interactive Part 2 Local Plan Policies Map.
- 5.2 The Parish Council note the Borough Council’s confirmation set out above.

**6. In what way does Policy GI2 provide an additional level of detail or distinct local approach to that set out in Policy 30 of the Broxtowe Part 2 Local Plan?**

- 6.1 The Borough Council is of the view that a greater amount of local detail could be provided within Policy GI2 to add to the justification for including such a policy within the Neighbourhood Plan, as set out within the Borough Council’s response to Question 7 below.
- 6.2 The Parish Council particularly welcomes the Borough Council’s comments at Question 7 (below), which is that it would be very reasonable for the Neighbourhood Plan Policy to include additional, more local-specific detail within Policy GI2. Also, that such additional, more local detail might also help to justify the inclusion of the policy within the Neighbourhood Plan, as it would provide

additional detail to that currently included within Policy 30 of the Broxtowe Part 2 Local Plan.

- 6.3 The Parish Council considered it important that the Neighbourhood Plan should seek to ensure that the acknowledged need to protect and enhance all of Broxtowe's landscapes is recognised and expressed at local Parish (i.e. Plan) level. Policy GI 2 is intended to give local expression to the relevant Local Landscape Character Areas, in terms of their specific relationship to Awsworth Parish and particularly the main built area. It was considered more helpful to residents and plan users to include relevant policy in the plan in relation to the local landscape areas found west and east of the village, which are important in their own right and to the local community.
- 6.4 We are pleased the Borough Council does not suggest that the policy should be deleted but that Neighbourhood Policy might reasonably include additional local-specific detail. The Parish Council would therefore request that careful consideration be given to how Policy GI 2 might be more appropriately and distinctly worded if this is deemed to be required. The Parish Council is happy to look at this aspect further in collaboration with the Borough Council.
- 6.5 However, were it to be concluded that the policy should be removed, the Parish Council would still wish to see the whole section on the Local Landscape Character Areas retained, including the current policy wording, even if this has to be expressed in the form of an essentially '*supportive statement*' rather than in strict land-use policy terms. Clearly, from the Parish Council's point of view, this would be a least-worst outcome.

**7. In commenting on the representations of other parties I have noted the Parish Council suggest the supporting text "might usefully be expanded to cross-refer to Policy E1 and explain the practical implications of Policy GI2". In that supporting text must not introduce elements of policy I am inviting comment on the possibility that Policy GI2 could itself include a provision that recognises that development proposals on existing employment use sites identified on the policies map may only offer limited potential to contribute to the quality and local distinctiveness of the landscape.**

- 7.1 The Borough Council would like to note that the entirety of the wider area covered by the employment uses referred to within these representations, both within and outside of the Parish Council boundary, is covered by the '*Babbington Rolling Farmlands*' Landscape Character Area (NC02) and is therefore protected by Policy 30 of the Broxtowe Part 2 Local Plan. Notwithstanding this, and in light of the fact that only a small part of this particular site is within the Awsworth Parish Council boundary, the Borough Council would not object to the wording of the Policy being slightly amended to acknowledge that there may be slightly less potential for development proposals on sites allocated for existing employment use within Awsworth Parish, as identified on the Policies Map, to be able to so fully contribute to the quality and local distinctiveness of the landscape.

- 7.2 The Borough Council is of the view that it remains important that the Local Character Area designation should still be considered by any potential developers and during the determination of any planning applications, and that any proposals should still seek to make a positive contribution to the quality and local distinctiveness of the landscape, whilst at the same time recognising that this may not always be possible due to potentially-conflicting planning policies.
- 7.3 The Borough Council's view is that it would be very reasonable for the Neighbourhood Plan Policy to include additional, more local-specific detail. Such additional, more local detail might also help to justify the inclusion of the policy within the Neighbourhood Plan, as it would provide additional detail to that currently included within Policy 30 of the Broxtowe Part 2 Local Plan.
- 7.4 The Parish Council agree with the Borough Council's view about the importance of considering the Local [Landscape] Character Area designation in connection with all development proposals. That is why Policy GI 2 starts with '*All development proposals within or affecting the setting of the Parish's local landscape character areas*', which would include development on an existing employment use site but would also apply to any proposal outside these defined employment areas should they arise.
- 7.5 The Parish Council particularly welcome the Borough Council's view that it would be very reasonable for Neighbourhood Plan Policy to include additional, more local-specific detail. This was the intention of Policy GI 2 and the reason for including local reference to '*the Parish's local landscape character areas*' and for more locally-specific references when describing the two types of Local Landscape Character Area found within the plan area (1. '*Erewash River Corridor*' - reference to '*the floodplain and fringe areas in the western part of the Parish along the east side of the River Erewash and south of the Gilt Brook*', and; 2. '*Babbington Rolling Farmlands*' - reference to '*2 areas (a) mostly comprising open farmland in the eastern part of the Parish but also (b) land west of A6096 Shilo Way, including Nottingham Canal, Naptha Wood and land northwards towards the A610*').
- 7.6 However, it is acknowledged that in striving to generally accord with the Part 2 Local Plan, the Neighbourhood Plan policy could perhaps have been expressed in an even more evidently locally-specific way. The Parish Council would much prefer to see the policy retained, even if this requires some further modification as regards how local specificity might best be reflected to make policy more clearly Awwsworth-specific.
- 7.7 To confirm, it is not the Parish Council's intention that supporting text should look to introduce elements of policy but rather can help to clarify (both in relation to Policy E1 and perhaps more helpfully the practical implications of Policy GI 2). It would be helpful were the policy to recognise that development proposals on existing employment use sites identified on the Policies Map may only offer limited potential to contribute to the quality and local distinctiveness of the landscape. In our view, supporting text might reasonably explain that such contributions are more likely to be possible and effective at or near the site's

boundaries, for example by way of associated landscaping proposals, which can help mitigate new development on the site and also make a valuable contribution to reinforce the local landscape outside it.

## **Policy TT2**

### **8. There are references to “in Awsworth village” and “in the village”. Could you please confirm the intended spatial application of the policy?**

- 8.1 The Parish Council intends Policy TT2 to be of plan-wide application, in so far as the first part of policy is concerned with new provision in the plan area. The second part of the policy refers more specifically to development proposals that would result in a reduction in (existing) car parking provision ‘*in Awsworth village*’ / ‘*in the village*’ i.e. within the main built up area.
- 8.2 The term ‘*Key Settlement Boundary*’ might usefully be applied to the second part of policy, which would allow the above terms to be deleted (and this boundary could also helpfully be shown on the Policies Map). The Parish Council therefore considers that the distinct two-part application of the policy should be recognised and retained. For example, suggestions have been made that a small visitor car park could be provided in connection with proposals to restore Bennerley Viaduct. Such new provision would be located outside the Key Settlement Boundary.
- 8.3 As regards the Borough Council’s response to Question 2 and their kind offer to make any consequent amendments to the Policies Map, should this be required, the Parish Council would ask that the whole of the ‘*Awsworth Key Settlement*’ be shown on the Policies Map, if possible, as this would be more helpful to the reader. It is recognised that boundaries in neighbouring areas of Cossall and Kimberley would have to be distinguished in some way from those inside the plan area. It is suggested that they could perhaps be shown in ‘*ghost*’ outline and it made clear they are ‘*shown for information only*’.
- 8.4 The Borough Council supports the Parish Council’s suggestions that the first paragraph of the policy should apply to the area of the entire Parish and the second paragraph should apply solely to the ‘*Awsworth Key Settlement*’. The Borough Council would be happy to make the necessary amendments to the Policies Map on behalf of the Parish Council.

**Broxtowe Borough Council & Awsworth Parish Council**  
**6 January 2021**