

INDEPENDENT EXAMINATION OF CHETWYND: THE TOTON AND CHILWELL NEIGHBOURHOOD PLAN

EXAMINER: Jill Kingaby BSc (Econ) MSc MRTPI

Mr David Lovett
Vice Chair of the Toton and Chilwell Neighbourhood Forum

Tom Genway
Senior Planning Policy Officer
Broxtowe Borough Council

Examination Ref: 02/JK/T&CNP

Via email

17 October 2022

Dear Mr Lovett and Mr Genway

CHETWYND: THE TOTON AND CHILWELL NEIGHBOURHOOD PLAN EXAMINATION

Further to my procedural letter of 6 September 2022, I now write in relation to my site visit to the Neighbourhood Plan Area; the convening of a Public Hearing; and to set out further some Examiner questions for the Neighbourhood Forum (to be dealt with outside the scope of the proposed hearing through written responses).

1. Site Visit

I intend to undertake a site visit in the **week commencing 7 November 2022**, prior to the Public Hearing (see 2. Below). Whilst the Neighbourhood Forum (the Forum) has kindly offered to provide a representative to accompany me, I have decided in the interest of impartiality that my site visit to the area should be undertaken principally unaccompanied, as is the usual practice. However, in order to access the relevant Ministry of Defence (MOD) land at Chetwynd Barracks, I understand I will need to be accompanied by an MOD security representative. The IPe Office Team has been in touch with Broxtowe Borough Council (the Council) regarding the necessary arrangements, which should be finalised shortly.

2. Public Hearing

I have previously advised that I am minded to hold a hearing session to address matters raised in certain representations. Having now received the responses to my initial questions, I can confirm that I intend to convene a hearing session on **Thursday 10 November 2022 at 10.00am, to be held at the New Council Chamber, Broxtowe Borough Council, Council Offices, Foster Avenue, Beeston NG9 1AB.**

I have annexed the following documents to this letter relating to the holding of the hearing sessions as follows:

Document 1: Agenda for the Hearing Session

The Agenda set out the topics I would like to discuss at the hearing session and the specific points I would wish to cover under each topic.

Document 2: Explanatory Note for the Hearing Session

This Explanatory Note, to be read alongside the Agenda, seeks to provide some context for the topics I have raised in my Agenda and the reasoning behind my convening this hearing session.

Document 3: List of Parties to be invited to Participate

I would be grateful if the Council would issue invitations to participate at the hearing session to each party listed in Document 3.

I am aware that my Agenda makes reference to the representations of additional parties, not listed in Document 3, albeit I do not consider that their attendance at the hearing session is a necessity. Nonetheless, I suggest any relevant publicity for the event (see below) should make clear that further requests to participate at the hearing sessions should be made via the Council in the first instance. Whilst there is no legal 'right to be heard', it should be noted that this is a public event and any person may attend should they wish to observe.

Document 4: Guidance to Parties Participating in the Hearing Session

I expect those participating to follow the guidelines I have set out in Document 4 to ensure the efficient and fair running of the hearing session. I would be grateful if the Council can arrange for the provision of suitable desk name plates for the participants and to provide a register on the day of those attending.

You will note in Document 4 that I have also indicated that I will accept short written statements from those I wish to participate at the hearing session, subject to the very clear parameters I have specified. I have set a deadline of **3 November 2022** for the receipt of the statements, which should be sent to the Council.

Please note that the Council should give formal notice of the hearing by way of appropriate publicity **at least 21 days** in advance of 10 November 2022 (in accordance with standard practice and excluding Bank and Public Holidays).

3. Further Examiner Questions

I have set out in the Annex to this letter seven additional questions for the Forum. These may be dealt with by way of a written response from the Forum in discussion with Broxtowe Borough Council. These are not intended to be matters for discussion at the hearing session.

In terms of timing, I am content to receive a written response(s) to these questions after the hearing session has been held. This approach will provide the Forum with an opportunity to incorporate any additional written clarification in their response(s), such as I may request at the conclusion of the hearing session on the separate, additional topics to be discussed.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Forum and Council websites.

Thank you in advance for your assistance.

Your sincerely

Jill Kingaby

Examiner

ANNEX

As noted in section 3 of my letter, the following questions may be dealt with by way of a written response(s) from the Forum, in discussion with Broxtowe Borough Council. These are not intended to be matters for discussion at the hearing session and I am content to receive a response(s) after the event has been held. All of the questions below flow from the requirement to satisfy the Basic Conditions.

1. Paragraph 1.5 arguably confuses two of the “Basic Conditions” for neighbourhood plans (NPs), set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. The wording could be modified to resolve this. Do you agree the CTTC NP could explain more precisely that there is a requirement to (1) “have regard to national policies and advice contained in guidance issued by the Secretary of State”; and (2) “be in general conformity with the strategic policies of the development plan for the area”?

2. Section 6 of the CTTC NP – The Changing Face of our Area – provides helpful contextual information naming “Three substantial developments” that are planned, namely Toton Strategic Location for Growth; East Midlands Hub Station; and Chetwynd Barracks. However, it is not until paragraph 9.9 on Page 42 that the Broxtowe Local Plan, with which the CTTC NP must be in general conformity, is mentioned. Paragraph 9.10 highlights Local Plan Policy 3.1 Chetwynd Barracks, and Policy 3.2 Strategic Location for Growth (SLG), which are detailed and important policies for the future of the CTTC NP area. Notwithstanding the need for modifications related to the Integrated Rail Plan, the CTTC NP should describe the wider planning context more clearly, and set out the expectations of Policies 3.1 and 3.2 of the Broxtowe Local Plan, at an early stage of the CTTC NP. This is necessary because these clearly underpin the Vision for future development in the area, and demonstrate that the CTTC NP has been prepared in general conformity with the strategic policies of Broxtowe Local Plan. Could the CTTC NP be modified accordingly?

3. The “General Comments” in Broxtowe Borough Council’s Regulation 16 response to the CTTC NP address a number of important topics. What is the Forum’s response on each one in paragraphs 2.1 to 2.8?

4. The “Comments on Specific Policies” in the Council’s response raise some important points and make a strong case for modifying the wording of some policies and supporting text. I consider that the Forum and Council should discuss and reach agreement as to whether modifications should be made in each case. Modified wording should ensure that the policies will be sufficiently clear for use in development management decision-making, so that they contribute to sustainable development.

5. First Plan for DB Cargo UK Ltd owns and operates land at Toton Sidings, and is concerned that new development might impede its operations, as sensitive users might not be supportive (eg residents require low noise levels). Should the CTTC NP include some text to provide reassurance that the commercial operations will not be compromised? If so, what wording should be added?

6. Derbyshire County Council proposed that a policy to safeguard Dark Skies could be added to the CTTC NP. What is the Forum’s view?

7. In view of the proposed developments at Toton and Chetwynd, is there a case for “cycling and walking proofing”, and more information on cycle accessibility in the CTTC NP, as proposed by a Regulation 16 respondent? How, if at all, should the CTTC NP be modified?