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# **Report on Cossall Neighbourhood Plan 2022 - 2037**

**An Examination undertaken for Broxtowe Borough Council with the support of Cossall Parish Council on the March 2023 submission version of the Plan.**

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## **Main Findings - Executive Summary**

From my examination of the Cossall Neighbourhood Plan (the Plan/CNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Cossall Parish Council;
- The Plan has been prepared for an area properly designated –Cossall Neighbourhood Plan Area, as shown on Map 1 of the Plan;
- The Plan specifies the period to which it is to take effect, 2022 - 2037; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### **Cossall Neighbourhood Plan 2022 - 2037**

- 1.1 Cossall is a small village and parish located about 7 miles west of the City of Nottingham and 1 mile east of Ilkeston. The River Erewash forms the south-western boundary of the Cossall Neighbourhood Plan Area (CNP Area). Most of the CNP Area comprises arable farmland and open fields and lies within the designated Green Belt. In 2011, the Census recorded that 605 people lived in 245 households in Cossall. Cossall village at the centre of the CNP Area has a historic core which constitutes a Conservation Area and includes six listed buildings/structures. Cossall Industrial Estate sits alongside Coronation Road, which leads westwards to the built-up urban area of Ilkeston with its railway station (nearby, but outside the CNP Area). The Industrial Estate also has easy access to Junction 26 on the M1 motorway. Nottingham Canal, now disused but constituting a Local Nature Reserve, winds its way down the western side of the CNP Area, and is bordered by north-south pathways for pedestrians and cyclists, as well as horse-riders. The northern part of the CNP Area, from Cossall Marsh, is crossed by Awsworth Lane, which is fronted by suburban housing. Newtons Lane and The Glebe, on the northern border with Awsworth, include relatively intensive residential development. The predominantly rural eastern side of Cossall is traversed by Robinettes Lane, with the Robinettes Site of Special Scientific Interest (woodland with

acidic grassland), as shown on Map 2 in the Plan. Robinettes Lane also gives access to the Mabey UK Hire Depot, a construction engineering business.

- 1.2 After a Parish Council meeting in September 2017, every home in the Parish was sent a leaflet indicating that a neighbourhood plan was being considered. People were asked whether they thought the preparation of a neighbourhood plan was desirable and, if so, whether they would volunteer as participants in a steering group. A positive response resulted in the formation of the CNP Steering Group (the NPSG), with a mix of residents and Parish Councillors. The NPSG has worked over the succeeding years to produce the submission Neighbourhood Plan, in March 2023.

### The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Cossall Neighbourhood Plan by Broxtowe Borough Council, with the agreement of the Cossall Parish Council and its NPSG.
- 1.4 I am a chartered town planner and former government Planning Inspector, with prior experience examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the submission Plan.

### The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
  - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:

- it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development'; and
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
  - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### The Basic Conditions

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>1</sup>; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of

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<sup>1</sup> The existing body of environmental regulation is retained in UK law.

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 The Development Plan for this part of Broxtowe Borough Council, not including documents relating to excluded minerals and waste development, is the Part 1 Greater Nottingham Aligned Core Strategy 2014 and the Part 2 Broxtowe Borough Council Local Plan 2019.
- 2.2 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF). This is accompanied by the Planning Practice Guidance (PPG) which offers guidance on how this policy should be implemented. All references in this report are to the latest iteration of the NPPF<sup>3</sup> and the accompanying PPG.

### Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including:
- the draft Cossall Neighbourhood Plan 2022 - 2037, March 2023;
  - Map 1 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, January 2023;
  - the Basic Conditions Statement, March 2023;
  - the Strategic Environmental Assessment/Habitats Regulations Assessment Screening Report, prepared by Broxtowe Borough Council, March 2023;
  - the Cossall Design Codes and Guidance, June 2022;
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the request for additional clarification sought in my letter dated 29 August 2023 and the responses dated 3 September and 6 October 2023 from the NPSG.<sup>4</sup>

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<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

<sup>3</sup> A new version of the NPPF was published during the examination on 5 September 2023. It sets out focused revisions (to the previously published version of 20 July 2021) only to the extent that it updates national planning policy for onshore wind development. As such, all references in this report read across to the latest 5 September 2023 version.

<sup>4</sup> View at: <https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/cossall-neighbourhood-plan/>

## Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 24 August 2023 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

## Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

## Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

# 3. Procedural Compliance and Human Rights

## Qualifying Body and Neighbourhood Plan Area

- 3.1 The Cossall Neighbourhood Plan has been prepared and submitted for examination by Cossall Parish Council, which is a qualifying body for an area that was designated by Broxtowe Borough Council in December 2017. The Cossall Parish Council administrative boundary was revised on 1 April 2023, however the designated area for the purposes of the Neighbourhood Plan remains unaltered (i.e. it continues to reflect the administrative Parish boundary immediately prior to 1 April 2023).<sup>5</sup>
- 3.2 It is the only Neighbourhood Plan for Cossall and does not relate to land outside the designated Neighbourhood Plan Area.

## Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2022 to 2037.

## Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement advises that the Steering Group was set up in 2018, with 5 Parish Councillors and 5 other interested residents. The NPSG sought to consult residents and businesses at every stage of plan

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<sup>5</sup> More discussion on this matter is covered in paragraphs 4.4 and 4.5 below.

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formation, in order to reflect the opinions of everyone living or working within the Plan Area. Surveys of (1) residents and (2) businesses were carried out in 2019 to guide the Plan and help formulate planning policies. Leaflets/questionnaires were submitted to all households and businesses and were made available on the Parish Council's website. 36% of households completed the questionnaire, and 38% of all known businesses. The Consultation Statement indicates that results from the questionnaires were carefully analysed on a topic-by-topic basis, to guide the forthcoming Plan and its emerging policies. Construction of the CNP continued throughout the Covid pandemic, with virtual meetings and leaflets sent by post rather than hand delivery, where necessary.

- 3.5 A leaflet containing the CNP's proposed vision and objectives, derived from opinions expressed by residents and businesses, and with an invitation to provide comments, was made available in January 2022. A pre-submission draft CNP was produced and made available for consultation, in accordance with Regulation 14 of the Neighbourhood Plan Regulations, from 20 September to 1 November 2022. A leaflet, to advertise a drop-in exhibition, was prepared in September 2022, circulated to all parties and exhibited on all Parish Council noticeboards. Responses to the Regulation 14 survey questionnaire were accepted either on paper or online. The drop-in session in October 2022 attracted 35 attendees, and a total of 40 responses to the survey were received. The Consultation Statement indicates that responses were assessed in detail in relation to all the Plan's policies. Responses from statutory agencies and other organisations were scrutinised.
- 3.6 The submission CNP, which is the subject of this examination, includes amendments which were made following receipt of the Regulation 14 responses. Consultation on the draft CNP took place between 30 May and 14 July 2023, in accordance with Regulation 16. Broxtowe Borough Council received 16 responses, which I have read and taken into account in my examination. I am satisfied that the consultation process has met the legal requirements i.e. procedural compliance, and has had regard to the advice in the PPG on plan preparation and engagement.

### Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

### Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.<sup>6</sup>

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<sup>6</sup> See section 61K of the 1990 Act.



## Human Rights

- 3.9 The CNP Basic Conditions Statement states, at paragraph 1.38, that the Neighbourhood Plan has had regard to, and is compatible with, the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. I recognise that great care was exercised throughout the preparation and drafting of the CNP, to ensure that the views of the whole community were embraced and to avoid unintentional negative effects on particular groups. Broxtowe Borough Council has not stated that the Plan would breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment, I see no reason to disagree.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by Broxtowe Borough Council, which found that it was unnecessary to undertake SEA. The CNP was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. I have read the SEA/HRA Screening Report prepared by Broxtowe Borough Council (dated March 2023) and note that consulting bodies including Natural England agreed with the Council's conclusions. I also support the conclusions of the Borough Council that the making of the CNP would not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

### Main Issues

- 4.2 Having regard for the submission CNP, the consultation responses, other evidence, and the site visit, I have approached the assessment of compliance with the Basic Conditions as two main matters:
- General issues of compliance of the Plan, as a whole; and
  - Specific issues of compliance of the Plan policies.

### General issues of compliance

- 4.3 The CNP begins with a Foreword by the Chair of the Neighbourhood Plan Steering Group, which states that the Plan sets out a clear vision for 15 years, focusing on the issues that matter to the community and providing a framework to ensure that new development will contribute to achieving the vision. The Foreword, in my view, provides a succinct summary of the vision and the key issues for Cossall, providing a helpful and instructive introduction to the Plan. I do, however, consider that item 4, relating to traffic and road safety, requires some re-wording, so that it will be consistent with national planning policy and not give misleading information about the legitimacy of neighbourhood planning to manage traffic and driver behaviour. **PM1** should be made so that the Basic

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Conditions are satisfied. In addition, Awsworth Parish Council suggested, in its Regulation 16 Consultation response, that the status and publication date should be made clear on each page of the CNP, with either a Header or Footer, to help users of the Plan. In order that the final CNP will be distinguishable from earlier drafts, or the current submission document, and will contribute to sustainable development, I support this proposal, and recommend **PM2** accordingly.

- 4.4 Map 1 shows the CNP Area, as designated, and paragraph 10 explains that the boundary is that of the Parish boundary prior to 2023. Awsworth Parish Council, in its Regulation 16 consultation response, suggested that the map should be updated to reflect recent Parish boundary changes and show where land has been removed from Cossall Parish. In response, the NPSG confirmed that the Neighbourhood Plan Area was designated in December 2017, and is contiguous with the boundary for the Awsworth Neighbourhood Plan, which has already been made. The Neighbourhood Plan boundary for this Plan for Cossall is that which has been legally designated and remains unaltered. However, the titles to Maps 1 and 2 should be modified, as in **PM3**, to omit the word "Parish", in order to avoid confusion following the recent change to Parish boundaries.
- 4.5 Furthermore, a new Map 1a should be inserted, to show Cossall Parish Boundary from 1 April 2023, as I recommend in **PM3**. This modification includes a footnote and new paragraph ahead of paragraph 11, to indicate how the revised boundaries for Cossall Parish relate to Awsworth and Strelley Parishes. These revisions are based on those put forward by the Parish Council and NPSG in response to my queries, on 3 September 2023.<sup>7</sup> I recommend extending the new paragraph 11 with a reference to the need to co-operate with Awsworth and Strelley Parishes in future when implementing the CNP. **PM2** shows how modifications should also be made to text in the Foreword and sections 1-8 to reflect the boundary changes. Similar modifications should also be made to wording in the remainder of the Plan before it proceeds to adoption, to refer to the CNP Area rather than Cossall Parish, and to the NPSG rather than the Parish Council. I recommend that **PM2** & **PM3** be made for clarity about the current Parish boundaries and CNP Area, and to contribute to the achievement of sustainable development.
- 4.6 Sections 1 to 8 of the CNP provide helpful information about the relationship of the Plan to national and local planning policy; the timeframe and commitment to review the CNP every 5 years; and important supporting evidence for plan production including the Cossall Design Guidance and Codes (AECOM) 2022. Map 2 shows Broxtowe Borough Council's planning policies relevant to Cossall. Map 2 also includes, among other things, the approved planning application for 250 dwellings, of which 50 dwellings will be within the CNP Area, as well as the

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<sup>7</sup> See the NPSG response of 6 October 2023:  
[https://www.broxtowe.gov.uk/media/42bf41u0/3-agreed-additional-text-and-plans-october-2023\\_redacted.pdf](https://www.broxtowe.gov.uk/media/42bf41u0/3-agreed-additional-text-and-plans-october-2023_redacted.pdf)

permission granted in June 2021 for 64 dwellings and a change of use to a country park, at the former dry ski slope, once Cossall Colliery. Section 3 recognises the importance of consultation and engagement to producing a successful neighbourhood plan, and this theme is taken forward in Sections 6 and 7, which set out the Community Vision and Community Objectives.

- 4.7 Section 4 gives a cross-reference to Appendix A which describes a number of community projects and actions which are not part of the Neighbourhood Plan but will be supported by the CNP Steering Group.<sup>8</sup> A brief account of Cossall's history, its relationship to the city of Nottingham, and 2011 Census results (605 people in 245 households) in Section 5, provide useful contextual information for readers of the Plan. As long as **PMs 1, 2, & 3** are made, I conclude that sections 1-8 of the CNP provide an informative and clear introduction to the Plan and meet the Basic Conditions for neighbourhood planning.
- 4.8 Sections 9 to 19 of the CNP address the issues arising from the Community Vision and Objectives, and puts forward 11 policies, each of which I address in the next section of my report. Section 9 begins with Sustainable Development, explaining the concept as defined in the NPPF, and then focusing on the environmental subjects relevant to Cossall, before addressing economic wellbeing and social progress. In view of the significant amount of open countryside in the Cossall Area, I consider that the structure of sections 9-19 is appropriate. Table 1 in Section 9 highlights Overarching Principles from the Cossall Design Guidance and Codes Report, in respect of heritage assets, environmental designations and open space, Green Belt and proposed public open space, as well as topography and flood risk. I appreciate the importance of all these topics to Cossall. The Design Guidance and Codes Report 2022 is a commendable and comprehensive document, underpinned by good baseline evidence and consistent with the NPPF, in particular its section 1: Achieving well-designed places.
- 4.9 Section 20 of the CNP concerns Implementation, and explains the role of Broxtowe Borough Council, the Parish Council and other parties, with a cross-reference to Appendix A: Community Projects. Section 21 Monitoring and Review explains that monitoring of the Plan will take place in future, with a review of the Plan 5 years after it has been made. This is helpful information for readers and users of the CNP. In view of the recent change to Parish boundaries, I consider that modifications should be made to paragraphs 192 - 196, to commit to ongoing consultation and collaboration with neighbours, notably Awsworth Parish Council. In order to meet the Basic Conditions, **PM10** should be made. Appendices B-E contain good quality photographs of key views, footpaths and bridleways, listed buildings/structures and buildings nominated for local listing, as well as the Cossall Design Guidance and Codes 2022. These are supportive of policies and text in the main body of the Plan. The Appendices should be

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<sup>8</sup> This reflects the advice in the final paragraph of PPG Reference ID: 41-004-20190509.

helpful for readers and users, and they enhance the appearance of the CNP. I conclude that, as long as the above **PMs** are made, the structure, overall content and form of the CNP satisfy the Basic Conditions.

#### Plan policies – specific issues of compliance

- 4.10 Policy 1 Sustainable Development sets a number of requirements for new development, beginning with criterion 1 which limits future new development to that considered appropriate in the Green Belt, unless promoted through a site allocation in the Part 2 Broxtowe Borough Local Plan. In view of the extent of Green Belt land in Cossall, the requirement is fully justified, in my opinion. Criterion 2 requires development proposals to accord with the Overarching Design Principles and Design Codes in the Cossall Design Guidance and Codes 2022, which are described in the supporting text and Appendix D. Compatibility with the character, appearance and amenity of the part of Cossall Parish in which a particular site is located is also required. Reference is made to Maps 2, 3 and 4, which illustrate where nature conservation sites, Significant Green Gaps and Key Views are located. Proposals should safeguard heritage assets, incorporate measures to promote walking and cycling, and access to public transport, where applicable; be directed to low flood risk zones, and include Sustainable Drainage Systems (SuDS), where applicable.
- 4.11 I saw from my site visit that the landscape and character of Cossall is very varied and recognise that the detail in Policy 1 is necessary for the achievement of good quality development. The policy is supported by clear and informative text to assist readers and users of the Plan. I propose a modification to criterion 2.e), to add the words “where practicable”, as not all small developments will be able to promote walking and cycling in their design and layout. **PM4** would secure this modification and should be made so that Policy 1 contributes to the achievement of sustainable development.
- 4.12 Criterion 2.f) of Policy 1 is followed by a footnote, referring to Severn Trent’s response to the Regulation 14 exercise. At Regulation 16 stage, Severn Trent expressed support for Policy 1 2.f), and proceeded to emphasise the need to encourage water efficiency, SuDS, blue-green infrastructure and biodiversity, etc. Severn Trent advised that, when specific on-site development details are available, the developers should get in touch with them at the earliest possible stage. A Developer Enquiry email link is put forward, and I consider that this could usefully be referenced in the CNP, to contribute to sustainable development. I propose that this link be added to the footnote below Policy 1, as in **PM4**. Nottinghamshire County Council Flood Risk Management Team also commented on the CNP but stated that it should only be consulted on major developments with respect to surface water drainage, so sought no modifications to the Plan.
- 4.13 Section 10 and Policy 2 are titled Protecting Landscape Character. The supporting text advises that the Neighbourhood Plan Steering Group

found, from its survey work, that over 90% of residents appreciate the natural environment of Cossall. The text supporting Policy 2 also refers to Broxtowe's Local Plan Part 2 which was underpinned by the 2009 Landscape Character assessment. 7 Significant Green Gaps, based on further survey work and analysis by the NPSG are then described and shown on Map 3. Key Views have also been identified by the NPSG as shown in Map 4, with photographs in Appendix B. A design code for Woodlands, Trees and Hedgerows, taken from the Cossall Design Guidance and Codes 2022, is also referenced on Page 23, along with Policy 2. I am satisfied that, overall, Policy 2 is supported by well-researched information about the local landscape, woodland and biodiversity.

- 4.14 Significant Green Gaps (2.b) in Policy 1) are described on Pages 18-19, and shown on Map 3, Page 20. Paragraph 70 explains that the spaces have an open and undeveloped character and meet one of three criteria: a) form a visual break between settlements; b) reinforce the loose grained rural character; and c) have boundaries which follow physical features on the ground, taking account of the need to accommodate the Local Plan's development requirements. In view of the restrictions which national and Local Plan policy impose on development in the countryside in general, and Green Belt land in particular, I have considered whether the Significant Green Gap designation is necessary. I note that the 7 proposed Gaps are all adjacent to existing built-up areas, and arguably will strengthen the case against "urban sprawl".
- 4.15 Mulberry Land, which is promoting land to the east and west of Shilo Way, opposes the designation of Significant Green Gap 3, arguing that the site is very sustainably located for extensions to the existing employment area along Coronation Road. Mulberry Land contends that Gap 3 is within an urbanised area, some distance from the settlement of Cossall, so that it does not serve a visual break between settlements, nor does it take account of the development requirements of the Local Plan. In response to my query about the concept of Significant Green Gaps, which do not feature in national policy or the Broxtowe Local Plan, Cossall Parish Council drew my attention to their use in other districts of Nottinghamshire, as well as Lincolnshire and Leicestershire, where neighbourhood plans have been made. I am satisfied that the concept of Significant Green Gaps can be retained in the CNP. However, as I saw at my site visit, Gap 3, with major roads on its western and southern boundaries, and proximity to the Coronation Road industrial area, differs in appearance from the other proposed gaps. In my opinion, it is less open and lacks the loose grained rural character displayed by the other areas. I am not satisfied that Gap 3 forms a significant visual break between settlements and propose that it is removed as a Significant Green Gap from Table 3 and Map 3. This does not signal my support for Mulberry Land's aspiration for an extension to the existing employment area. Any decision on that matter should be taken by Broxtowe Borough Council, who would have regard for the land's existing designation as Green Belt. I consider that **PM5** should be made so that Policy 2

encourages the promotion of sustainable development and has regard to national planning policy and thus meets the Basic Conditions.

- 4.16 Section 11 of the Plan is: Protecting and Enhancing Blue and Green Infrastructure and Biodiversity. Paragraph 78 notes that Broxtowe's Local Plan Part 2 defines green infrastructure as a "network of living multi-functional natural features, green spaces, rivers, canals and lakes that link and connect villages, towns and cities". Table 4 of the CNP identifies the features in Cossall which are mentioned in the Local Plan's Green Infrastructure Strategy, and Map 5a shows Areas of Nature Conservation Value. Paragraph 79 states that the network of canal towpaths, bridleways and footpaths make the Parish a green lung for residents and the wider population. Map 5b shows Cossall Canal Walk, following the former Nottingham Canal, which was being enjoyed by walkers at the time of my site visit. I recommend that Map 5b be modified, so that the compass point on the top right corner is displayed correctly, as in **PM6**, to assist readers and users of the CNP.
- 4.17 Derbyshire County Council welcomes the positive support which the CNP gives to maintaining existing footpaths, towpaths and bridleways. In its Regulation 16 consultation response, it submitted plans showing where footpaths from Ilkeston connect to Cossall, on the west side of the Neighbourhood Plan Area. I agree with the County Council that text should be added to paragraph 89 to confirm that Footpaths 31 and 11 in Cossall, and shown on Map 5d, enable cross-boundary movement and active travel. New arrows at the western boundary edge of Cossall should confirm that access into Derbyshire can be achieved. **PM7** will strengthen Policy 3a Protecting and Enhancing Blue and Green Infrastructure and should be made for the achievement of sustainable development.
- 4.18 Policy 3b Protecting and Enhancing Biodiversity provides detailed information for developers, beginning with the requirement that proposals should provide a net biodiversity gain. I am satisfied that the policy is consistent with Chapter 15 of the NPPF, Conserving and enhancing the natural environment subject to two recommended modifications. Firstly it should be clarified that there is a requirement for a minimum of 10% biodiversity net gain (in accordance with the Environmental Act 2021). Secondly I note it requires development to incorporate SuDS in line with Government policy and the expectations of Severn Trent. Broxtowe Borough Council's Green Infrastructure Strategy 2015-30 is referenced in the supporting text, but I consider that criterion 1.i) of Policy 3b should be modified to confirm that it is Broxtowe Borough's Green Infrastructure Strategy. These revisions will be achieved by **PM8**; Policy 3b will then meet the Basic Conditions.
- 4.19 Section 12 Local Green Spaces explains that two sites will be designated by Policy 4, as described on Page 35 and illustrated on Map 6. I am satisfied that the CNP is consistent with paragraphs 101 to 103 of the NPPF, in particular that the two sites meet the conditions for designation set out in paragraph 102. Policy 4 therefore meets the Basic Conditions.



- 4.20 Cossall village, at the centre of the Neighbourhood Plan Area, on elevated land and with a distinctive history, has Conservation Area status. Section 13 of the CNP explains that further protection is given to the area south of the village, shown on Map 7, by the Article 4 Direction relating to agricultural development. Cossall village includes 6 listed buildings/structures, also shown on Map 7, and the NPSG has undertaken further work to identify additional buildings and structures of significant local historic and/or architectural merit. Map 8 and Appendix F show their location and characteristics/appearance. Policy 5 states that the locally valued heritage assets are put forward for inclusion in Broxtowe Borough Council's local list. Policy 5 also refers to the Design Code: Heritage Assets (HA) which forms part of the Cossall Design Guidance and Codes 2022. I consider that Policy 5 with the supporting text and illustrations should provide good guidance for developers and secure the protection and enhancement of Cossall's heritage assets. Policy 5 satisfies the Basic Conditions and is in general conformity with Policy 11: The Historic Environment of the Aligned Core Strategy and Policy 23 of the Broxtowe Part 2 Local Plan.
- 4.21 Chapter 12 of the NPPF: Achieving well-designed places states that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Section 14 of the CNP indicates that the NPSG has embraced this ambition and seeks to ensure high quality design, particularly on the two major developments scheduled to take place in Cossall. The Cossall Design Guidance and Codes underpins Policy 6 of the CNP and seeks that developers should demonstrate accordance with it. This is consistent with paragraph 129 of the NPPF. Policy 6 covers all aspects of building design, expects regard to be had to a site's location, welcomes innovative approaches to achieve low-carbon homes, and advises on the retrofitting of heritage properties/features. In broad terms, I support the thrust of section 14 of the CNP.
- 4.22 However, paragraph 126 and criterion 1 of Policy 6 arguably conflict, as the text excludes householder extensions from needing to take account of the design codes, whereas the policy relates to all development. Where householder extensions alter building lines, rooflines or add new materials, I consider that they should be subject to Policy 6. I therefore propose that the reference to householder extensions is deleted, and that the first sentence in paragraph 126 should be amended to refer to "development which would include new building or extensions to buildings or alter the entrances and spaces/boundary treatment around buildings".
- 4.23 Secondly, criterion 3 of Policy 6 seems to me to be restrictive, as some development sites may be positioned between roads and areas of public open space. Main entrances would commonly need to face the road. I therefore propose that criterion 3 should include the words "where practicable". I recommend these two modifications to the wording of Policy 6 and supporting text, as in **PM9**, to secure clarity for users of the Plan and for the achievement of sustainable development.

- 4.24 The CNP does not propose new housing development, but acknowledges the housing allocation on land adjoining Awworth, and the planning permission for housing on the former dry ski slope, south of the industrial site. As section 2 of the CNP indicates, these sites could add 114 (50 + 64) new homes and create major new development in the area, in addition to any limited development on windfall sites. In this context, it is appropriate for section 15 of the CNP to put forward evidence relating to existing housing mix and household composition, as well as an analysis of the type of new housing, including affordable housing, needed and likely to be provided in Cossall over the Plan period. Policy 7: A mix of housing types, states that new housing development should deliver housing sizes and types which directly reflect needs, based on evidence provided by the Borough Council. I am satisfied that this is in general conformity with Policy 15 of the Part 2 Local Plan.
- 4.25 Section 16 Maintaining Local Employment highlights the two existing major sites at Cossall Industrial Estate and Robinettes Lane, and other businesses including Trinity Farm. Some 40 businesses were surveyed in 2019 when the CNP was being prepared, leading to responses from 15. Mulberry Land argued that revisions to the Plan were needed to enable the economic benefits of employment land growth in the area to realise their full potential. Employment growth for future generations is crucial, to ensure that communities remain vibrant and sustainable. Whilst I support Mulberry's proposed modification to remove Significant Green Gap 3, I do not propose that land is designated for employment use. I consider that Policy 8 is appropriately supportive of the sustainable growth of existing businesses and is in general conformity with Broxtowe Borough's Local Plan policy for the retention of good quality existing employment sites and protection of the Green Belt. Policy 8 also supports new dwellings which can facilitate homeworking, where compatible with a residential area, which should contribute to sustainable development, in my view. I conclude that Policy 8 should be retained, as written, and therefore meets the Basic Conditions.
- 4.26 Section 17 Enhancing the Provision of Community Facilities includes Map 9, which shows that Cossall has only a limited number of such facilities. The supporting text advises that major retailers, health care providers, leisure facilities, other shops and places to eat are found in nearby Ilkeston and at Giltbrook Retail Park. Awworth Parish Council indicated that there are a number of community facilities in the wider area, notably Awworth, including schools, which are not mentioned in the CNP. However, I consider it unnecessary for the CNP to specify what facilities are available outside its area. Awworth Parish Council also expressed support for new community facilities to be included in the site allocation for new development in Awworth, referenced in paragraph 168, and advised that the Awworth Neighbourhood Plan Policy H1 supported the provision of a new convenience store there. I consider that Policy 9 of the CNP, which aims to enhance the provision of community facilities, is appropriate for Cossall, aligns with the aims of Awworth Parish Council and meets the Basic Conditions.



- 4.27 Cossall is a rural area between Ilkeston and Nottingham and, as stated in paragraph 171 of the CNP, the majority of roads in Cossall are through roads. Figure 3 from Cossall Design Guidance and Codes shows the road hierarchy, and the bendy character of the primary road network, much of which is medieval in origin. I accept that Cossall's residents are more reliant on the private car for journeys to work, education, shopping and social purposes than residents in neighbouring urban areas. Existing residents, workers in the area and new residents in the planned new sites will most likely contribute to increased traffic volumes in the plan period. In addition, proximity to the M1 motorway and north-south railway line will, as now, cause high vehicle movements through Cossall.
- 4.28 Section 18 of the CNP describes the current arrangements, with Maps 10a and 10b identifying points of traffic control and traffic hot spots. The Cossall Design Guidance and Codes' overarching design principles for traffic and transport planning are then set out. These focus on encouraging active travel and safety for all users of the transport network. Policy 10 Traffic Management requires (where appropriate to its scale, nature, and location) that development takes into account the overarching design principles, and ensure that the major housing development off Newtons Lane includes access and egress arrangements which will give safety to pedestrians. It is stated that design of the access point should give priority to pedestrians and cyclists. The following text describes an aspiration to improve safety for non-vehicular travellers (horse-riders, walkers and cyclists) at the traffic hot spots, and to support improvements to the area's limited bus services. Policy 11 addresses Car Parking on Church Lane, and states that any infill development on a specified area through the village should provide adequate off-street parking. From my site visit, I understand the need to prevent on-street parking on this part of Church Lane, to prevent congestion and road accidents.
- 4.29 Pedals (Nottingham Cycle Campaign) suggested that the CNP needed a separate recognition of the cycling routes close by. I note that Maps 5b, 5c and 5d are focused on footpaths and bridleways. However, Page 28 refers to Actions identified in the Green Infrastructure Strategy (Broxtowe Borough Council). Under Areas for Improvements is the Canal towpath in Cossall, which is described as available for cyclists on a permissive basis. There is recognised to be a need to look for improvements to the connectivity of the network. The Cossall Design Guidance and Codes is mentioned in paragraph 90, and the section addressing non-vehicular movement seeks enhancement of quality and safety in the cycling environment, with better connectivity. Policy 10 and Aspiration 1 also recognise the need for traffic management which will improve the environment for cyclists. It is stated that the "Parish Council" will work with Borough and County Councils to progress the aspiration. Whilst I agree that the CNP could have provided more information about the network for cyclists across the Cossall Area, and how it connects to neighbouring areas, I am satisfied that the Plan is sufficiently supportive of more active travel, which includes cycling, and meets the Basic Conditions for neighbourhood planning on this topic.

- 4.30 I note the comments from Awsworth Parish Council giving support for Aspiration 1 Highway Improvements and seeking close monitoring and joint working with the CNP Steering Group to achieve the best outcome for the Newtons Lane/Awsworth Lane junction. Overall, I am satisfied that sections 18 and 19 of the CNP are based on a fair and detailed analysis of Cossall and its transport infrastructure, and that the policies have regard to national policy (Chapter 9: Promoting sustainable transport of the NPPF). Sections 18 and 19 should contribute to the achievement of sustainable development.
- 4.31 I conclude that Policies 1 to 11 are appropriate for the future planning of Cossall and are underpinned by good evidence. Close attention has been given to the opinions expressed in the consultation exercises by local residents and other interested bodies. I conclude that, providing the modifications I have recommended above are made, the policies meet the Basic Conditions for neighbourhood planning.

## 5. Conclusions

### Summary

- 5.1 The CNP has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Cossall Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### Overview

- 5.4 The CNP is the result of a significant amount of hard work by the Parish Council and the Steering Group, notably for the six years since 2017 when the CNP Area was designated. I commend those who have produced the Plan for the substantial amount of work undertaken to collect detailed

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background evidence, notably for production of the exemplary Cossall Design Guidance and Codes 2022. It is also clear that the Plan has been prepared following close consultation and engagement with the local community. The submitted CNP has a sound structure; its vision, objectives and policies are clear to read, and well-illustrated with appropriate maps and photographs. The CNP, following its adoption, should contribute to the future wellbeing of Cossall's environment and community.

*Jill Kingaby*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 4	<p><b>Foreword</b></p> <p>4. Policies <del>will address</del> <b>Concerns</b> about the increase ..... weight limits. <b>will be investigated and monitored.</b> The Parish Council will work closely with Nottinghamshire <b>County and Broxtowe Borough Councils' transport and highways</b> planners to improve road safety .....</p>
PM2	<p>All Pages</p> <p>Page 4</p> <p>Page 6</p> <p>Page 8</p> <p>Page 10</p> <p>Page 11</p> <p>Page 12</p> <p>Pages 14-76</p>	<p>Extend the header, which reads "Cossall Neighbourhood Plan" at the top of each page so that it includes the month and year of the Plan.</p> <p>Points 4, 6 &amp; 8 – <b>NPSG</b> not Parish Council.</p> <p>Paragraph 19 – <b>CNP Area</b> not Cossall Parish.</p> <p>Paragraphs 23, 24 &amp; 26 – <b>CNP Area</b> not Parish.</p> <p>Paragraph 29 – <b>NPSG</b> – not Parish Council.</p> <p>Paragraphs 37,38 &amp; 40 – <b>CNP Area</b> not Cossall Parish.</p> <p>Community Vision – delete three references to Cossall Parish, and replace with <b>CNP Area</b>.</p> <p>Community Objective 4 – the Parish <b>CNP Area</b> landscape ....rural setting of the Parish <b>Area</b>. Modify references to "the Parish" in a similar way in Community Objectives 5, 6, 8, 10 &amp; 12.</p> <p>Paragraph 46 – <b>NPSG</b> not Parish Council.</p> <p>Key principles 1 and 2b. <b>NPSG</b> not Parish Council.</p> <p>Modify all references to Parish Council, Cossall Parish and the Parish, referring instead to the <b>NPSG</b> or <b>CNP Area</b>.</p>

PM3	Pages 5 and 7	<p>Modify the headings of Maps 1 &amp; 2 to read:</p> <p>Map 1 Cossall <del>Parish</del> Neighbourhood Plan Area.</p> <p>Map 2 Cossall Parish <b>Neighbourhood Plan Area</b> showing Borough Policies that apply.</p> <p>Modify the key to Map 2 first item – Parishes <b>Neighbourhood Plan Area</b>.</p> <p>Insert a new <b>Map 1a Cossall Parish Boundary from 1 April 2023</b>.<sup>9</sup></p> <p>Add the footnote:</p> <p><b><i>The CNP does not seek to affect the implementation of the site allocation which is now wholly in Awsworth, and the effect of the boundary realignment does not materially affect the planning policy approach in the CNP.</i></b></p> <p>Add new sentences before paragraph 11<sup>10</sup>:</p> <p><b><i>Map 1 shows the Parish boundary that applied when the CNP was designated in December 2017. In 2023 the Parish Boundaries of Cossall, Awsworth and Strelley were amended. The new boundary for Cossall Parish is shown at Map 1a. North of Newtons Lane the orange area, primarily comprising the site of the former White House Farm, was removed from Cossall and added to Awsworth. This area forms the southern part of the major housing allocation for 250 new homes. The green area, comprising the larger part of The Glebe with more than 50 existing houses, was removed from Awsworth and added to Cossall. The larger green area on the east is the boundary change with Strelley Parish where a section of open countryside was adjusted to be in Cossall parish.</i></b></p>
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<sup>9</sup> [https://www.broxtowe.gov.uk/media/42bf41u0/3-agreed-additional-text-and-plans-october-2023\\_redacted.pdf](https://www.broxtowe.gov.uk/media/42bf41u0/3-agreed-additional-text-and-plans-october-2023_redacted.pdf)

<sup>10</sup> See footnote 9 above.

		<b><i>The boundary changes mean that the Parish Councils and their Neighbourhood Plan Steering Groups will need to co-operate to secure harmonious delivery of their Neighbourhood Plans.</i></b>
PM4	Page 16	<p><b>Policy 1 Sustainable Development</b></p> <p>Criterion 2. e) incorporate measures which would promote walking and cycling .... development <b><i>where practicable</i></b>;</p> <p>Extend the footnote below Policy 1 as follows:</p> <p><b><i>Severn Trent encourages developers to get in touch at an early stage, and details as to how to submit a Developer Enquiry can be found at <a href="https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiries/">https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiries/</a></i></b></p>
PM5	Pages 18-20	<p><b>Table 3 Significant Green Gaps</b></p> <p>Delete Number 3.</p> <p><b>Map 3 Significant Green Gaps</b></p> <p>Delete Gap 3.</p>
PM6	Page 27	<p><b>Map 5b Cossall Canal Walk</b></p> <p>Modify the compass point to show that the top of the map faces East, not North.</p>
PM7	Pages 29 & 30	<p><b>Paragraph 89</b></p> <p>Add a new sentence to the end:</p> <p><b><i>Cossall is connected to the bridleways and footpaths of Derbyshire to the west, notably by way of Footpaths 11 and 31, as shown on Map 5d.</i></b></p> <p><b>Map 5d. Footpaths and Bridleways</b></p> <p>Modify the map to confirm that Footpaths 31 and 11 in Cossall cross the Area boundary to connect with onward footpaths in Derbyshire, by adding west-facing arrows.</p>
PM8	Pages 32 & 33	<p><b>Policy 3b Protecting and Enhancing Biodiversity</b></p>

		<p>1. Proposals should provide <b>a minimum 10%</b> net biodiversity <b>net</b> gain. Enhancement measures.....</p> <p>i) linking the grassland habitats as identified in the <b>Broxtowe Borough Council</b> Green Infrastructure Policy ...</p>
PM9	Page 43 & 44	<p><b>Paragraph 126</b></p> <p>As Cossall Parish now benefits ....all development (other than householder extensions) <b>which would include new buildings or extensions to buildings, or alter the entrances and spaces/boundary treatment around buildings</b> demonstrating how .....</p> <p><b>Policy 6</b></p> <p>3. Developments adjoining public open space should, <b>where practicable,</b> arrange main building facades ....</p>
PM10	Page 60	<p><b>Paragraph 192</b></p> <p>There are several areas of activity ..... shaping Cossall Parish <b>Neighbourhood Plan Area</b> in the months .....</p> <p>b) Investment in .....of the Parish <b>Neighbourhood Plan Area.</b></p> <p>d) The role of the <b>Cossall</b> Parish Council, <b>in collaboration with Awsworth Parish Council and other neighbouring Parish Councils when cross-boundary issues are raised,</b> in delivering the projects .....</p> <p>e) .....The Parish Council <b>Neighbourhood Plan Steering Group</b> will also look to Borough and County Council investment programmes .....</p> <p>Paragraph 194. The impact .... will be monitored by Cossall Parish Council <b>Neighbourhood Plan Steering Group</b></p> <p>Paragraph 196. Any amendments to the Plan ....local residents, <b>neighbours notably</b></p>

		<b><i>Awsworth Parish Council</i></b> and other statutory stake holders .....
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