

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78 (as amended)

Appeal by Bloor Homes against the non-determination of a planning application

Outline Planning Application for the construction of a residential development of up to 420 residential dwellings and associated open space and infrastructure (With some matters reserved). The proposed development is classified as EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 at Land West of Stapleford Lane, Stapleford, Nottinghamshire

Planning Inspectorate Reference: 6006412

Council Reference: 25/00371/OUT

CLOSING SUBMISSIONS ON BEHALF OF BROXTOWE BOROUGH COUNCIL

1. These closing submissions are made on behalf of Broxtowe Borough Council, and the position can be stated shortly. This is an appeal against non-determination. The Borough Council has not refused planning permission and has advanced no freestanding reason for dismissal of the appeal.
2. The Borough Council's Planning Committee resolved on 1 July 2026 that outline planning permission would have been approved subject to the removal of the objections from National Highways and Nottinghamshire County Council, the inclusion of appropriate conditions, and the completion of a section 106 agreement. That has remained the Borough Council's position throughout the inquiry.
3. The principle of residential development on the appeal site is supported. The site forms part of the Toton Strategic Location for Growth. The proposal would deliver up to 420 dwellings, including affordable housing, together with associated open space and infrastructure. The Borough Council does not advance any independent planning, design, landscape, ecology, heritage, drainage, residential amenity or planning policy reason for withholding permission.

4. At the opening of the inquiry, the outstanding matters were principally technical highways matters. Those matters were properly for National Highways and Nottinghamshire County Council. The Borough Council has not sought to give technical highways evidence, and has not sought to duplicate or supplement the evidence of those bodies.

5. Since the adjournment of the inquiry in August, the position has narrowed substantially. The updated Transport Statement of Common Ground records agreement that the appeal site at Toton West, considered in isolation, will not have a severe residual impact on the operation of the highway network. It also records agreement that the available cumulative evidence indicates that a transport solution capable of supporting the wider Toton allocation, together with Chetwynd Barracks, is likely to be achievable following implementation of the Toton Link Road and any necessary localised improvements.

6. The remaining issue has therefore become the mechanism by which the wider cumulative highways position is to be assessed and controlled. That mechanism is the proposed Strategic Highway Assessment and Mitigation Strategy, or SHAMS.

7. The Borough Council's concern in relation to the SHAMS has not been to revisit the technical modelling. That remains a matter for the highway authorities and the Appellant. The concern has been that any final mechanism should be clear, enforceable and capable of administration by the local planning authority, with proper consultation with the relevant highway authorities.

8. The Borough Council understands that the SHAMS mechanism is now agreed in principle as capable of addressing the previous highways objections. The Planning Statement of Common Ground records that, through the inclusion of an appropriate condition or obligation securing the SHAMS, planning permission should be issued. On that basis, and subject to the Inspector being satisfied as to the final wording of the SHAMS mechanism, the conditions and/or the planning obligations, the Borough Council does not resist the appeal.

9. The Borough Council's position remains that it is not necessary or appropriate for it to take any technical highways point which is not taken by National Highways or Nottinghamshire County Council. If those bodies are satisfied that their objections are removed or adequately addressed by the final SHAMS mechanism, the Borough Council is content to rely on that position.

10. The Borough Council is also ready to assist the Inspector on any remaining matters concerning the form of the conditions or the section 106 agreement. Its position is subject to any final legal tidying of those documents, and to the Inspector being satisfied that the relevant tests for conditions and planning obligations are met.

11. In summary, the Borough Council has maintained a limited and proportionate role in this appeal. The principle of development has been accepted. The Council has relied on the highway authorities in relation to technical highway matters. Those matters now appear capable of resolution through the SHAMS mechanism. Subject to the final form of that mechanism, and to the completion of the necessary conditions and planning obligations, the Borough Council does not resist the grant of planning permission.

12. Unless the Inspector requires further assistance, those are the Borough Council's closing submissions.

Sarah Clover

Kings Chambers

Birmingham

13 October 2026