



**Broxtowe
Borough
COUNCIL**

**CHETWYND: THE TOTON AND CHILWELL NEIGHBOURHOOD
DEVELOPMENT PLAN**

(2020 – 2040)

**REGULATION 19 OF THE NEIGHBOURHOOD PLANNING
(GENERAL) REGULATIONS 2012 (AS AMENDED)**

**SECTION 38A(4) OF THE PLANNING AND COMPULSORY
PURCHASE ACT 2004 (AS AMENDED)**

REGULATION 19 DECISION STATEMENT

BROXTOWE BOROUGH COUNCIL

MAY 2024

1.0 Summary

- 1.1 This Decision Statement has been prepared to meet the requirements of Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended). It sets out the Borough Council's decision to 'make' the Chetwynd: The Toton and Chilwell Neighbourhood Plan, under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended), following a successful referendum result on Thursday 2 May 2024.
- 1.2 This Decision Statement, along with the Chetwynd: The Toton and Chilwell Neighbourhood Plan, Policies Map and other supporting documents can be viewed on Broxtowe Borough Council's website at the following link:
<https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/chetwynd-the-toton-and-chilwell-neighbourhood-plan/>.
- 1.3 A paper copy of this Decision Statement and the Chetwynd: The Toton and Chilwell Neighbourhood Plan can be viewed during normal opening times (Monday –Thursday 9am – 5pm, Friday 9am - 4.30pm) at the following location:

Broxtowe Borough Council (Reception),
Council Offices,
Foster Avenue,
Beeston,
Nottingham,
NG9 1AB.

2.0 Background

- 2.1 Schedule 4B of the Town and Country Planning Act 1990 (as amended) places a statutory duty on the Borough Council to assist communities in the preparation of Neighbourhood Plans and to take the Plans through a process of examination and referendum. The Localism Act 2011 sets out the Local Planning Authority's responsibilities under neighbourhood planning.
- 2.2 The Chetwynd: The Toton and Chilwell Neighbourhood Forum was first designated on 9 March 2017. (The designation of the Neighbourhood Forum was extended for a further five-year period on 2 March 2022). The Chetwynd: The Toton and Chilwell Neighbourhood Area was designated on 9 March 2017. Broxtowe Borough Council approved the Neighbourhood Forum and Neighbourhood Area designations, following six-week consultations. A plan showing the Neighbourhood Area is shown as Plan A on page 7 of this Statement.

- 2.3 The Pre-Submission Draft Chetwynd: The Toton and Chilwell Neighbourhood Plan was made available for consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended), from 15 July until 20 September 2019.
- 2.4 The Borough Council screened the Neighbourhood Plan and determined that a Strategic Environmental Assessment (SEA) was likely to be required but that an ‘appropriate assessment’ under the Habitats Regulations (HRA) would not be. Screening opinions were sought from Natural England, Historic England and the Environment Agency. Natural England agreed with the Borough Council that a Strategic Environmental Assessment was likely to be required and so an appropriate Strategic Environmental Assessment was produced in relation to the Neighbourhood Plan. This formed a part of the formal submission to the Borough Council and this document can be viewed on the Borough Council’s website at the following link:
<https://www.broxtowe.gov.uk/media/9614/strategic-environmental-assessment-sea-produced-by-aecom-regulation-16.pdf>.
- 2.5 The Chetwynd: The Toton and Chilwell Neighbourhood Forum formally submitted the Chetwynd: The Toton and Chilwell Neighbourhood Plan to Broxtowe Borough Council on 24 November 2021. Broxtowe Borough Council held a consultation (in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)), on the Submission Draft of the Chetwynd: The Toton and Chilwell Neighbourhood Plan from 8 June until 5 August 2022.
- 2.6 An Independent Examiner (Jill Kingaby BSc (Econ) MSc MRTPI) was appointed by Broxtowe Borough Council to undertake the Independent Examination of the Submission version of the Chetwynd: The Toton and Chilwell Neighbourhood Plan.
- 2.7 The Independent Examination of the Chetwynd: The Toton and Chilwell Neighbourhood Plan included a public hearing, which was held on 10 November 2022 in the Council Offices of Broxtowe Borough Council.
- 2.8 Following this public hearing, extensive modifications were proposed to the Neighbourhood Plan and were agreed, in principle, by Broxtowe Borough Council and the Neighbourhood Forum. Due to the extent of the proposed amendments, and to ensure that no party would be at a disadvantage, the Borough Council invited further comments on the proposed amendments for a four-week period which ended on 25 August 2023 (although late representations were accepted by the Independent Examiner). Any individual or organisation that commented during the original Regulation 16 consultation was invited to comment on the proposed amendments. However, the period of this additional targeted consultation was published on the Borough Council’s website and the consultation was open for anyone or any organisation to respond to, regardless of whether they had previously made representations.

- 2.9 Two documents were produced to inform the additional targeted consultation. One was a 'Consultation Document', which set out some of the proposed amendments to the Neighbourhood Plan in 'track changes' and also listed the proposed new policies. Some of these had been amended or combined with other policies. The other document was an 'Explanatory Document', which set a schedule of the proposed amendments. These documents are available on the Borough Council's website at the following link: <https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/chetwynd-the-toton-and-chilwell-neighbourhood-plan/>.
- 2.10 The Independent Examiner stressed that she would not necessarily accept the amendments which had been proposed by the Neighbourhood Forum and Borough Council, and that instead she would first review any representations made by other parties to the targeted consultation, before coming to a view as to whether or not to recommend that these proposed amendments should form a part of the formal recommendations for 'proposed modifications' to be set out within her Report.
- 2.11 The Independent Examiner's Report was sent to Broxtowe Borough Council and the Chetwynd: The Toton and Chilwell Neighbourhood Forum on 17 January 2024.
- 2.12 The Independent Examiner's Report is available to view on Broxtowe Borough Council's website at the following link: <https://www.broxtowe.gov.uk/media/avolvh0h/chetwynd-ttcnp-examiner-report.pdf>.
- 2.13 The Independent Examiner concluded that, subject to the modifications recommended, the Chetwynd: The Toton and Chilwell Neighbourhood Plan would meet the Basic Conditions and other relevant legal requirements.
- 2.14 Broxtowe Borough Council (in liaison with the Chetwynd: The Toton and Chilwell Neighbourhood Forum) agreed that all of the modifications recommended by the Independent Examiner be incorporated within the revised Chetwynd: The Toton and Chilwell Neighbourhood Plan, in order for it to proceed to public referendum. This decision was made at the 6 February 2024 meeting of Broxtowe Borough Council's Cabinet.
- 2.15 Further information in relation to the 6 February 2024 meeting of the Borough Council's Cabinet is available to view on the Borough Council's website at the following link: <https://democracy.broxtowe.gov.uk/ieListDocuments.aspx?CId=229&MIId=3971> (Item 123.1).

2.16 At its 6th February meeting, Broxtowe Borough Council's Cabinet resolved that:

1. The Chetwynd: The Toton and Chilwell Neighbourhood Plan should be modified as proposed by the Independent Examiner.
2. Once modified as proposed by the Independent Examiner, it is considered the Neighbourhood Plan will meet the Basic Conditions and other legislative requirements.
3. The Chetwynd: The Toton and Chilwell Neighbourhood Plan should proceed to a referendum, with the extent of the area eligible to vote to be based upon the Chetwynd: The Toton and Chilwell Neighbourhood Area as shown within appendix 1 to the report.

2.17 A copy of the plan referred to within part 3 (appendix 1) of the above decision is included as Plan A within this Statement.

3.0 Decision and Reasons

3.1 A referendum was held on Thursday 2 May 2024. A majority of those who voted were in favour of the Neighbourhood Plan.

3.2 The results of the referendum were:

Question:

“Do you want Broxtowe Borough Council to use the Neighbourhood Plan for Chetwynd: Toton and Chilwell to help it decide planning applications in the neighbourhood area?”.

	Votes recorded	Percentage
Number of votes cast in favour of a Yes	3,606	83.98%
Number of votes cast in favour of a No	552	12.86%

The turnout was 36%.

3.3 Paragraph 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Local Planning Authority must 'make' a Neighbourhood Plan if more than half of those voting have voted in favour of the Plan.

3.4 The Borough Council is not subject to this duty if the Borough Council considers that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

- 3.5 The Borough Council does not consider that the Plan would breach, nor be otherwise incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 3.6 Accordingly, Broxtowe Borough Council resolved to 'make' the Chetwynd: The Toton and Chilwell Neighbourhood Plan at its meeting of the Full Council on 15 May 2024. Further information in relation to this meeting can be viewed on Broxtowe Borough Council's website at the following link: <https://democracy.broxtowe.gov.uk/ieListDocuments.aspx?CId=156&MId=5216>.
- 3.7 In accordance with the Regulations and the Borough Council's procedure, the Chetwynd: The Toton and Chilwell Neighbourhood Plan is 'made' and planning applications in the area must be considered against the Chetwynd: The Toton and Chilwell Neighbourhood Plan, as well as existing planning policy.

4.0 Further Information

- 4.1 If you have any questions or would like any further information in relation to the Chetwynd: The Toton and Chilwell Neighbourhood Plan or this Decision Statement, please feel free to contact the Borough Council's Planning Policy Team on 0115 917 3015 or via email at: policy@broxtowe.gov.uk.

Broxtowe Borough Council
May 2024

PLAN A: CHETWYND: THE TOTON AND CHILWELL NEIGHBOURHOOD PLAN AREA BOUNDARY

