

**TOWN AND COUNTRY PLANNING ACT 1990  
SECTION 78 APPEAL**

**BLOOR HOMES LIMITED**

**LAND WEST OF STAPLEFORD LANE,  
STAPLEFORD, NOTTINGHAM, NG9 6JG**

**ALYN NICHOLLS BA (Hons) MRTPI  
PROOF OF EVIDENCE ON PLANNING MATTERS**

**On behalf of  
NOTTINGHAMSHIRE COUNTY COUNCIL and  
NATIONAL HIGHWAYS LIMITED**

**PINS Reference: 6006412**

**3 August 2026**

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## STATEMENT OF EXPERIENCE

My name is Alyn Nicholls, I hold a Bachelor of Arts Honours degree in Urban and Regional Planning and I am a Chartered Member of the Royal Town Planning Institute. I have 46 years' experience practicing as a town planner. I started my career in 1979 with a major planning consultancy. I rose in that business to become a full equity partner. I left that business in November 1990 to form my own consultancy practice.

My experience has embraced a very broad range of planning work having been involved in development management and policy formulation. My clients included landowners, housebuilders and developers, end users, local planning authorities, other agencies, parish councils, residents' groups and individuals. I have experience of dealing with proposals for large scale residential development.

I visited the Site and surrounding area for the purposes of preparing my evidence.

My Evidence has been prepared in accordance with the guidance and professional code of conduct to the Royal Town Planning Institute. I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge, I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Alyn Nicholls

Chartered Town Planner

## 1. INTRODUCTION

- 1.1. My evidence is concerned with an appeal by Bloor Homes Limited (“the Appellant”), against the failure of Broxtowe Borough Council (“BBC”), to determine an outline application for residential developments on land west of Stapleford Lane, Stapleford, Nottingham (“the Site”). The Site is part of the Toton Strategic Location for Growth (“the Toton SLG”), allocated in the Development Plan.
- 1.2. The Application was validated on 20 May 2025. The description of development states that planning permission is sought for up to 420 dwellings with associated open space and infrastructure. Access is for determination as part of the Application. All other matters are reserved for subsequent approval. The Proposed Development is classified as Environmental Impact Assessment Development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The appeal against the failure of BBC to determine the Application was made on 13 March 2026.
- 1.3. I note that BBC Planning Committee considered the Proposed Development at its meeting on 7 July 2026. The recommendation of the Interim Chief Executive was that planning permission would have been approved subject to the removal of objections from both National Highways and Nottinghamshire County Council (NCC) and subject to the inclusion of conditions and the signing of a Section 106 Agreement<sup>1</sup>.
- 1.4. The only issue in this appeal is the impact of the Proposed Development on the highway network when considered cumulatively with other sites within the Toton SLG and the neighbouring Chetwynd Barracks Strategic Allocation (“the Chetwynd Barracks SA”) and what mitigation is necessary to make the Proposed Development acceptable.
- 1.5. The Inspector’s Post-Case Management Conference Note dated 15 June identifies three issues:
  - a. The effect of the proposal on the safe operation of the highway network, including cumulative impacts;
  - b. Whether the proposal would make appropriate provision for infrastructure; and

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<sup>1</sup> The Committee Minute is attached at Appendix 1.

- c. The overall planning balance, having regard to the development plan and any proposed benefits.
- 1.6. My evidence provides a planning context for the highway issues raised above and which are addressed in the evidence of Jan Witko on behalf of Nottinghamshire County Council in its capacity as Highway Authority. My evidence is also relevant to the evidence of National Highways. The individual sites within the strategic allocations for development at Toton and Chetwynd Barracks will have a cumulative impact on a highway network which is already under stress<sup>2</sup>. The potential cumulative impacts need to be identified at the outset to ensure the necessary mitigation is delivered to enable housing to come forward and avoid prejudicing later phases within the allocations. The most important Development Plan policies require such an assessment, but even if they did not, having regard to National Policy and the desirability of creating conditions to enable the delivery of the strategic allocations, this is an appropriate approach given the obvious interconnected relationships between sites and their potential impacts on a highway network where there is acknowledged to be existing problems.
- 1.7. However, if the highway requirements identified in policy and reflected in the position of the Highway Authority and National Highways, are satisfied, there is no reason planning permission should not be granted.
- 1.8. I have seen the draft Statement of Common Ground, dated March 2026, produced by Pegasus Planning on behalf of the Appellant. This provides a description of the Site and the surrounding area and a record of the planning history of the site.
- 1.9. My evidence therefore focusses on the planning policy context, particularly the requirements of relevant policies for the development of the Toton SLG:

Section 2: The Planning Context

Section 3: The Most Important Planning Policies;

Section 4: Comments on the Appellant's Statement of Case

Section 5: Assessment and the Planning Balance

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<sup>2</sup> I explain later in my evidence that the need for improvements to the M1 corridor was identified in the East Midland Plan (RSS), More recently, paragraph 4.45 of the GNSP Infrastructure Delivery Plan states that key parts of the strategic road network experience capacity and congestion problems. The A52 between the A46 and Junction 25 of the M1 Motorway is identified in this context.

1.10. The following appendices form part of my evidence:

Appendix 1: Draft minute of the BBC Planning Committee on 7 July 2026.

Appendix 2: GNSP Examination, Matter 5, Hearing Statement of the Appellant

Appendix 3: GNSP Examination, Matter 5, Statement of Common Ground  
between the Appellant and BBC

Appendix 4: ACS, extract from the Examiner's Report

Appendix 5: LP Part 2, extract from the Examiner's Report

Appendix 6: GNSP Examination, Matter 5, Hearing Statements of other  
Participants.

## 2. THE PLANNING CONTEXT

2.1. I have noted that the Site forms part of the Toton SLG which is identified in the Development Plan. The Development Plan comprises the Greater Nottingham (Broxtowe, Gedling and Nottingham), Aligned Core Strategies Part One Local Plan (the ACS), (2014); the Broxtowe Part Two Local Plan (LP Part 2) (2019); and Chetwynd - the Toton and Chilwell Neighbourhood Plan (2024) ("the Neighbourhood Plan"). A new strategic plan, the Greater Nottingham Strategic Plan ("the GNSP")<sup>3</sup> is being prepared and is presently being examined following submission to the Secretary of State in December 2025<sup>4</sup>.

2.2. In short, Toton SLG is identified as a location for growth in the ACS and the allocation is made in the LP Part 2. The identification of the Toton SLG and the allocation anticipated the provision of a station at Toton on the Eastern link of HS2. The ACS also identified a requirement for investment in the highway infrastructure to accommodate the proposed growth. During the preparation of the LP Part 2, the Ministry of Defence announced that the nearby Chetwynd Barracks was surplus to requirements. Chetwynd Barracks is identified as a strategic allocation for housing in the LP Part 2. Policies for Toton SLG and Chetwynd Barracks SA require a coordinated approach to the necessary highway improvements.

2.3. The LP Part 2 required a Strategic Masterplan to provide a joined-up, collaborative, cohesive and proactive approach for the planning and implementation of Toton SLG and Chetwynd Barracks SA. Broxtowe approved the Masterplan as a Supplementary

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<sup>3</sup> The GNSP covers the administrative areas of Broxtowe, Rushcliffe and Nottingham City.

<sup>4</sup> The hearing sessions of the Examination ended on 23 July 2026.

Planning Document in February 2023 (“the Masterplan SPD”). By this time, HS2 Phase 2, including the Eastern link had been cancelled.

- 2.4. The background to the Toton SLG allocation can be traced back to the East Midlands Regional Plan: the Regional Spatial Strategy for the East Midlands (“the RSS”) and the HS2 rail project.

### **The RSS**

- 2.5. The RSS provided strategic policies as part of the Development Plan from 2009 when it was adopted until being abolished in 2013. The strategy identified the three cities of Nottingham, Leicester and Derby as a sub-area (“the Three Cities Sub-Area”), and a growth point for new development<sup>5</sup>. The approach was to focus development on land within and adjoining the main built-up areas of these cities. However, in order to achieve the objectives of growth it was acknowledged there would need to be a review of Green Belt boundaries<sup>6</sup>. Whilst the ACS is not based on the RSS, it acknowledges that much of the evidence base underpinning the RSS remained relevant and was adopted for the purposes of the ACS<sup>7</sup>. The identification of Toton as a strategic location for growth in the ACS is consistent with the RSS strategy for the Three Cities Sub-Area.
- 2.6. With regards to infrastructure, the RSS noted advice from the Highways Agency (now National Highways), that over the longer term, the strategic road network within the Three Cities Sub-Area would not cope with the planned growth and consequently one of the objectives for this Sub-Area was to reduce congestion and improve safety along the M1 corridor<sup>8</sup>. Investment in the road network was therefore identified as being necessary in order deliver growth.

### **HS2**

- 2.7. HS2 is also relevant to the policy context. As initially conceived in 2012 HS2 was to link London to Birmingham as Phase 1. Phase 2 was for a western branch to link with the West Coast Mainline at Crewe with a branch to Manchester and an eastern branch to the east to link with the East Coast Mainline south of York, with a branch

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<sup>5</sup> RSS paragraph 2.2.12 and Policy 12.

<sup>6</sup> *Ibid*, paragraph 4.2.17 and Policy Three Cities SRS2: Sub-Regional Priorities for Green Belt Areas.

<sup>7</sup> ACS paragraph 1.1.3. In addition, paragraph 4.2.31 refers to the Green Belt Review undertaken to inform the preparation of the RSS suggested areas to the south of Nottingham were more suitable for development than other broad locations around the conurbation.

<sup>8</sup> RSS paragraphs 2.2.11; 3.1.7; Policy 44 (Section 3.4).

to Leeds. Toton was identified as a site for a station hub on the eastern branch. To serve the East Midlands.

- 2.8. The ACS and LP Part 2 planned for the provision of a HS2 station at Toton. The ACS identifies national and local infrastructure schemes that would have a significant economic and sustainable transport benefits to the Plan if they were implemented. These included HS2 and the station at Toton and the potential to extend the Nottingham Express Transit (NET)<sup>9</sup> and relocate the terminus presently located off Stapleford Lane, to serve the new HS2 station.
- 2.9. However, the issue of the uncertainty of the delivery of HS2 was addressed at the Examination of the ACS. The Examination considered the principle of the identification of Toton as a location for strategic growth. The Examiner stated that Toton had good sustainability credentials for new development, whether or not HS2 went ahead<sup>10</sup>.
- 2.10. HS2 Phase 2 was abandoned in October 2023. However, Toton is identified as a location for a new passenger rail station based on the existing rail line.
- 2.11. Clearly, there have been significant changes in circumstances since the ACS and the Local Plan Part 2 were adopted. Whilst HS2 has been cancelled, uncertainties over delivery were addressed at the Examination into the ACS. The Toton SLG is a sustainable location for growth and is not dependent on HS2. The requirements for investment in the road network remain in order to accommodate growth. The availability of Chetwynd Barracks has materialised since the ACS was adopted. More growth can be accommodated within this part of Broxtowe. Given the acknowledged existing conditions on the highway network and the requirements arising from the pressure of significant additional housing, there is a need for coordination in the development of the Toton SLG and Chetwynd Barracks SA to ensure that adequate infrastructure improvements are provided and that a severe impact does not result on the road network.

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<sup>9</sup> The Nottingham tram system.

<sup>10</sup> ACS report on the examination, Paragraph 70.

### **The Emerging GNSP**

- 2.12. The LP Part 2 had separate allocations for the Toton SGL and the Chetwynd Barracks SA, removing land from the Green Belt in making the allocations<sup>11</sup>. The GNSP combines the two sites into one allocation which is extended by removing further land from the Green Belt to the east of Bardill's roundabout and the south of the A52. This reflects the proposals outlined in the Masterplan SPD and the requirement to provide a road link from the A52 to the east of Bardill's Roundabout to Stapleford Lane ("the Toton Link Road").
- 2.13. The Appellant has a significant interest in Toton SLG and Chetwynd Barracks SA. The strategic allocation comprising the combined sites was considered at the GNSP Examination<sup>12</sup>. The Hearing Statement of the Appellant is attached at Appendix 2 and a Statement of Common Ground between the Appellant and BBC for the purposes of the Examination is Appendix 3<sup>13</sup>. The position of the Appellant at the Examination was that it was not necessary to combine the Toton SLG allocation with the Chetwynd Barracks Strategic Site. The proposed extension to the strategic allocation northwards to include land to the east of Bardill's Roundabout and the south of the A52 to accommodate the route of the Toton Link Road and adjoining land, was supported but it is argued that the allocation should be modified to release further land from the Green Belt to the east of the Link Road (Toton North). The Hearing Statement identifies highway mitigation necessary to deliver the proposed allocation<sup>14</sup>, it asserts that strategic highway modelling confirms that the allocation can be accommodated in the highway network<sup>15</sup> and that the allocation can be delivered, without the need to combine the Toton SLG and the Chetwynd Barracks Strategic Site. The Statement of Common Ground includes a section on areas of uncommon ground. The disagreement between the Appellant and BBC is concerned with the additional land the Appellant says should be removed from the Green Belt and included within the allocation. It is argued that an extension to the

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<sup>11</sup> Bearing in mind that the RSS indicated a need to release land from the Green Belt to accommodate Growth and the ACS identified the Toton SLG and required the subsequent Part 2 Local Plan to define new Green Belt boundaries.

<sup>12</sup> Examination Matter 5 – Issue 2: Strategic Allocations at Toton and Chetwynd Barracks.

<sup>13</sup> This Statement of Common Ground describes the Appellant's interest in the strategic allocations at Toton and the planning applications that have been made.

<sup>14</sup> Examination, Matter 5, Hearing Statement for Bloor Homes Limited, Paragraph 3.9

<sup>15</sup> *Ibid*, paragraph 3.10

proposed allocation is necessary to provide additional housing to meet housing needs in full and to support the delivery of the Toton Link Road<sup>16</sup>.

### **Other Planning Matters**

- 2.14. My understanding is that there are no matters other than highways that would prevent the grant of planning permission for the proposed development.
- 2.15. Housing land supply is a matter included in the Statement of Common Ground between the Appellant and BBC for the purposes of this inquiry. It states that the BBC's housing land supply (at 5.03 years'), is very tight and relies upon allocations such as Toton West (the Appeal Site) coming forward in a timely manner. BBC can demonstrate a 5-year supply of deliverable land albeit finely balanced. The absence of a 5-year supply would create a 'tilted balance' in favour of the grant of permission unless, inter alia, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of allowing development when assessed against policies within the NPPF taken as a whole and having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The 'key policies' in this regard are identified in footnote 9 and include paragraphs 110 and 115 which are concerned with highway matters. Jan Witko's evidence explains why the highway assessment undertaken to support the Appeal Proposal is insufficient to address all reasonable future scenarios. The consequence is that the impacts of the Proposal are unknown, necessary mitigation is therefore unknown so mitigation as may be necessary, cannot be secured.

## **3. THE MOST IMPORTANT PLANNING POLICIES**

- 3.1. I have explained that the statutory Development Plan comprises the ACS (2014); the LP Part 2 (2019); and the Neighbourhood Plan (2024). The requirements of the Masterplan SPD are important and the GNSP has reached a stage at which some weight can be attached to it, particularly as it is evident from the Examination Statement of Common Ground there is no dispute about principle of development nor the principle that highway improvements are necessary to deliver the strategic allocations. My understanding of the issue in this appeal is that the extent of the modelling work required is disputed and as all reasonable future scenarios have not

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<sup>16</sup> Statement of Common Ground, paragraphs 5.3 and 5.4. It should be noted there is presently an undetermined outline planning application by the Appellant for residential development at Toton North, including land presently in the Green Belt (application reference 25/00306/OUT).

been addressed, there is no agreement of the necessary mitigation to render the Proposed Development acceptable.

- 3.2. The most important planning policies relevant to this appeal and relating to the highway issue are the following:

ACS Policy A: Presumption in Favour of Sustainable Development;

ACS Policy 2: Spatial Strategy, Part 3(a)(iii) which identifies land at Toton as a strategic location for growth;

ACS Policy 15: Transport Infrastructure Priorities;

ACS Appendix B: Requirements for the Toton Strategic Growth Area.

LP Part 2 Policy 3.2: Toton Strategic Growth Location;

LP Part 2 Policy 3.1: Chetwynd Barracks Strategic Allocation;

LP Part 2 Policy 32: Developer Contributions.

Neighbourhood Plan Policy INFO 1: Road Infrastructure; and

GNSP Policy 21: Strategic Allocation Toton and Chetwynd Barracks.

- 3.3. The Masterplan SPD is relevant because it sets out requirements for the development of the strategic allocations.

### **Policy Requirements: The ACS**

- 3.4. ACS Policy 2: Spatial Strategy, Part 3(a)(iii) refers to land east and west of Toton Lane, including Toton sidings and requires the provision of a minimum of 500 homes, plus other development that was to be determined in the LP Part 2. Part 6 of the policy refers to major new transport infrastructure and identifies schemes with funding committed (Part 6a); other schemes identified as important but then presently without funding (Part 6b); and other schemes that would have a significant economic and sustainable transport benefits (Part 6c). This latter category includes HS2 and the extension of the NET.
- 3.5. Paragraph 3.2.15, part of the justification for ACS Policy 2, states that for the Strategic Sites (which include the Toton SLG), more detail of transport and infrastructure measures are included in the Infrastructure Delivery Plan ("IDP") which accompanies the ACS and summarised in Appendix B.

- 3.6. ACS Appendix B: Requirements for the Toton SGL, sets out the requirements for the Toton SGL. With regard to transport infrastructure, it requires an integrated transport package. Reference is made to initial transport modelling for up to 1,000 homes which identified a series of mitigation works that may be required including improvements to the Bardill's Roundabout on the A52; works to Junction 25 of the M1 motorway and mitigation on three junctions on Stapleford Lane. It also identifies travel planning objectives and public transport support<sup>17</sup>.
- 3.7. ACS Policy 19: Developer Contributions, Section 1(b), states that all development is expected to contribute to the delivery of necessary infrastructure to enable the cumulative effects of development to be managed. Clearly, this requires potential cumulative effects to be identified in order for them to be managed and mitigated. Whilst the Appellant argues there is no requirement arising from the Development Plan to address the potential cumulative highways impacts, ACS Policy 19 expressly refers to consideration of the cumulative impacts of development. Whilst ACS Policy 2 and Appendix B might not be explicit in the same way, it is difficult to see how any phased development of the SLG could meet the requirements of ACS Policy 2 without a cumulative highway assessment given the issues identified in Appendix B.

### **Policy Requirements: The LP Part 2**

- 3.8. LP Part 2 Policy 3.2: Toton Strategic Growth Location, sets out Key Development Requirements. Paragraph 3.20 states that the requirements relate to development expected to come forward within the planned period (up to 2028), but also later, and are required to ensure that the site is treated as one entity, that a comprehensive and cohesive development is achieved and to ensure that future development opportunities are not compromised.
- 3.9. The Key Development Requirements within the plan period include the need for highway infrastructure to be considered in conjunction with the requirements for the Chetwynd Barracks allocation and wider area as progressed through the Gateway Study and transport modelling<sup>18</sup>.
- 3.10. The Key Development Requirements beyond the end of the planned period include the need for a Strategic Masterplan. For traffic/transport/connectivity, Part D(iv),

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<sup>17</sup> It also sought to safeguard an extension to NET to provide a new terminus and park and ride facility adjacent to the proposed HS2 station. That requirement has been abandoned in the GNSP.

<sup>18</sup> Policy 3.2 Land in the vicinity of the HS2 station at Toton (Strategic Location for Growth), Key Development Requirement Part A(viii).

requires a traffic system that flows well for all modes of transport and details of how the site will connect and complement development at Chetwynd Barracks, including the necessary highway improvements to provide acceptable access to both sites.

- 3.11. The context of highways, the Key Requirement is therefore to have regard to the whole site; for the development of the Chetwynd Barracks to be taken into consideration; and identify necessary highway improvements to enable acceptable access to both sites.
- 3.12. The requirements for Chetwynd Barracks Strategic Allocation in LP Part 2 Policy 3.1, reflect those for the Toton SLG. Paragraph 3.9 sets out the requirements for a Strategic Masterplan for this site and states that must include details of infrastructure requirements, including and requirements shared with the Toton SLG. The Examiner's report for the Local Plan Part 2, considered the requirement for the highway infrastructure for Chetwynd Barracks to be considered in conjunction with the requirements of the Toton SLG and the wider area. Paragraph 44 of the Report states this is justified so that the cumulative impacts of development on the strategic and local highway networks can be appropriately addressed<sup>19</sup>.
- 3.13. Whilst not a policy setting out requirements for development proposals, LP Part 2 Policy 32: Developer Contributions, states that contributions may be sought from developers (for developments over 10 dwellings) for, inter alia, highways.

### **Policy Requirements: The Neighbourhood Plan**

- 3.14. Neighbourhood Plan Policy INFO 1: Road Infrastructure, requires new road infrastructure to accord with the requirements of the Masterplan SPD. It supports new infrastructure for development at Chetwynd Barracks and the Toton SLG. It identifies "areas of concern":
- The Bank Road junction with Stapleford Lane and Swinney Way;
  - Swinney Way, including but not limited to the junction with the A53 Nottingham Road;
  - Stapleford Road/High Road; and
  - The A52/Bardill's Roundabout.

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<sup>19</sup> An extract from the Examiner's Report is at Appendix 4.

- 3.15. Policy INFO 1 therefore requires compliance with the Masterplan SPD in respect of highway considerations.

### **Policy Requirements: The GNSP**

- 3.16. GNSP Policy 21 combines Toton and Chetwynd Barracks into a single strategic allocation. Within Policy 21, Part 3 requires development to be in general conformity with the Neighbourhood Plan and the Masterplan SPD. With Part 3, under the heading transport<sup>20</sup>:

- Paragraph D10 requires improvements to road infrastructure necessary to mitigate adverse traffic impacts and serve the new development.
- Paragraph D11 requires a new junction off the A52 east of Bardill's Roundabout and a new road to Stapleford Lane / Toton Lane (B6003), including a spur to connect to the northern boundary of Chetwynd West (and to the spur referred to in D.12), which development at Toton East and Toton North East must provide;
- Paragraph D12, requires a new road from Swiney Way to the northern boundary of Chetwynd West (to connect to the road spur referred to in D.11) which development at Chetwynd Barracks must provide.
- Paragraph D13. Requires measures as necessary to access Toton North and South which development at Toton North and South must provide.
- Paragraph D14 requires the safeguarding of land to enable the extension of the tramway which development at Toton (North & South) must accommodate.

- 3.17. Part 5 of the policy states that planning applications may be prepared either separately for individual land ownerships or jointly to combine land in different ownerships. Although it is expected that each area of the site should be comprehensively master-planned to ensure that the different areas of the site are comprehensively integrated, it is expected that all development within all areas of

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<sup>20</sup> As proposed in the Main Modifications.

the site should be able to come forward independently. This is reiterated in paragraph 3.21.9a which is part of the justification for the policy.

- 3.18. As part of the policy justification, paragraph, 3.21.11, states Bardill's Roundabout and Toton Lane / Stapleford Lane have limited capacity, so a new junction with the A52 to the east of Bardill's Garden Centre is needed to access the site. The new junction must connect with a link road to serve Toton North East and Toton East and provide a spur to the northern boundary of Chetwynd Barracks in order to ensure that Toton Lane can continue effectively to serve local traffic needs only. Development at Chetwynd Barracks must provide a road from Swiney Way to the northern boundary of Chetwynd West, to connect to the road spur. Paragraph 3.21.12 states that the junctions and link road will require significant funding and so any development at Toton North East and Toton East will need to contribute to its provision. To enable delivery of these, additional land to the north-east of the SGL, including Bardill's Garden Centre, is proposed to be released from the Green Belt and allocated for development.

### **Requirements of the Masterplan SPD**

- 3.19. The Masterplan SDP was prepared as a requirement of LP Part 2 to provide a high level overarching framework to ensure development is coordinated across the two sites.
- 3.20. The overarching purpose of the Masterplan SPD is to ensure the coordinated planning and delivery of development and infrastructure across the Toton SGL and Chetwynd Barracks Strategic Allocation. Paragraph 1.14 states that the development of the Masterplan has been informed by inter alia, a local connectivity study which assessed how Toton and Chetwynd Barracks should be accessed by road and sustainable transport modes.
- 3.21. Paragraphs 2.19 to 2.24 describe existing movement access and connectivity. Whilst the area is well located to transport links, there are existing capacity issues on the network at Junction 25 of the M1; the Bardill's roundabout; and congestion on Stapleford Lane.
- 3.22. Paragraphs 3.52 to 3.76 fall under the heading movement. Paragraph 3.53 states the following:

*“The Part 2 Local Plan requires the Masterplan to take a joined-up, collaborative, cohesive and proactive approach to the planning and implementation of development and infrastructure. This includes the funding and delivery of the movement framework which needs to be considered jointly across Toton and Chetwynd Barracks.”*

- 3.23. With regard to the highways, paragraph 3.64 identifies the need to upgrade the local network in order to prevent severe impacts on the operation of the highway.
- 3.24. The requirement for a new link road from the A52, passing to the east and south of the existing tram terminus Stapleford Lane and then westwards through the Toton SLG to the railway is identified as being necessary to reduce congestion on the A52, Stapleford Lane and around the Bardill’s Roundabout.
- 3.25. With regard to infrastructure delivery, paragraph 5.6 again states the requirement for a comprehensive and cohesive development of the sites. It states that physical infrastructure and community facilities delivery therefore needs to be considered jointly. identifies infrastructure interventions necessary.

### **Summary**

- 3.26. The consistent requirement throughout the relevant policy is to ensure that the development across the Toton SLG and Chetwynd Barracks SA is coordinated and cohesive. Whilst policies do not seek to prevent a phased or incremental approach to development, they require individual proposals to have regard to the wider picture of the provision of highway infrastructure to serve both Toton SLG and Chetwynd Barracks SA and existing highway conditions. In order to meet these requirements a cumulative approach to addressing highway impacts and the mechanisms to deliver new infrastructure is necessary.
- 3.27. Where individual proposals do not demonstrate coordination and cohesion and address the implications for the development of the wider Strategic Allocation(s), the proposals will not accord with ACS Policies 2 and 19; LP Policy 3.2; Neighbourhood Plan Policy INFO 1, all of which are Development Plan policies. A proposal would also fail to accord with the requirements of the Masterplan SPD and GNSP Policy 21, which are material considerations.

#### **4. NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (DECEMBER 2024)**

- 4.1. The Government's objective is to secure a sustainable pattern of development. I have referred to paragraph 11, which sets out the presumption in favour of sustainable development earlier in my evidence. In relation to decision-taking, Paragraph 11c indicates that development should be approved without delay when it accords with an up-to-date Development Plan. In circumstances where there are no relevant policies or the policies which are most important for determining the application are out of date, it states that permission should be granted unless policies within the NPPF that protect areas or assets of particular importance, provide a strong reason for refusing development, or any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF taken as a whole. Paragraph 115 is a "key policy" to which particular regard should be given when assessing proposals against the NPPF as a whole<sup>21</sup>. It states it should be ensured that, inter alia, any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach. Jan Witko's evidence explains that the potential impacts of the Proposed Development have not been identified.
- 4.2. With regard to strategic policies, NPPF paragraph 22 indicates that policies should anticipate and respond to long-term requirements. Paragraph 23 states that local plans should set out a clear strategy for bringing land forward to meet strategic priorities.
- 4.3. With regard to housing, paragraph 61 sets out the Government's objective to significantly boost the supply of homes. The metric is whether a council can demonstrate a 5-year supply of deliverable homes. As I have noted earlier BBC can demonstrate a 5-year supply of land. Irrespective, this is not a case where there is an objection to the principle of development. The issue is whether an appropriate assessment of the highway implications of the scheme has been undertaken and adequate provision or mitigation provided to avoid a severe impact.
- 4.4. With regard to highway and transport, I have referred to paragraph 115 above. Paragraph 116 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or

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<sup>21</sup> Paragraph 115 is identified in footnote 9 of the NPPF.

the residual cumulative impacts on the road network, following mitigation would be severe, taking into account all reasonable scenarios. Paragraph 118 requires all developments that will generate significant amounts of movement should be required to be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored. The crux of the issue in this case is that the Appellant has not demonstrated that the impact of the Proposed Development, with other developments would not have a severe cumulative impact on the highway network and, if approved, whether the Proposed Development would place a disproportionate burden on the development of other land within the strategic allocations because mitigation or provision for improvements should have been put in place as part of the grant of permission.

4.5. Regarding the GNSP, NPPF paragraph 49 states that weight may be given to relevant policies in emerging plans dependent on the following:

- a. The stage the emerging plan has reached in preparation;
- b. The extent to which there are unresolved objections;
- c. The degree of consistency with relevant policies of the NPPF.

4.6. The Appellant contents that limited weight can be attached to the GNSP. I explain below that I take a different view. However, I do not consider this is of crucial importance because there is consistency between the current and emerging policy as to the requirements for development at the Toton SLG, the Chetwynd Barracks SA and on the Appeal Site.

## **5. COMMENTS ON THE APPELLANT'S STATEMENT OF CASE**

5.1. The Appellant's case is that the Appeal Proposal seeks to bring forward an element of development which can be accommodated on the existing highway network without having a severe impact<sup>22</sup>. It is argued that a cumulative exercise to model the potential effects of the Proposed Development on the highway network is not a policy requirement<sup>23</sup>. It is asserted that the highways impact of the Proposed Development can therefore be considered on a solus basis. Dealing with highways

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<sup>22</sup> Appellant's Statement of Case paragraph 6.3.

<sup>23</sup> *Ibid*, paragraph 11.6.

impact on a solus basis is not consistent with relevant policies to deliver a coherent and coordinated delivery of the allocations. I also refer to Jan Witko's evidence and I question the consistency between what is argued and the transport work undertaken.

- 5.2. Regarding other aspects of Development Plan policy, the proposed housing is in principle, consistent with the Toton SGL in LP Part 2 and the proposed Strategic Allocation in the emerging GNSP. There is nothing in Development Plan policies or the emerging GNSP to prevent a phased development with individual applications, so long as a coordinated approach is adopted. This is particularly so regarding highway matters.
- 5.3. Other than highway matters, it is acknowledged there are no unresolved technical issues. The benefits of the Proposed Development, summarised in paragraph 2.1 of the Appellant's Statement of Case, are agreed<sup>24</sup>.
- 5.4. Regarding Development Plan policies, whilst policies of the ACS and LP Part 2 are acknowledged to be relevant, it is asserted that the housing requirement set out in ACS Policy 2: Spatial Strategy is out of date<sup>25</sup>. This is not disputed. However, the Appeal Site forms part of a strategic allocation for housing growth which is carried forward into the GNSP. The prerogative is to ensure the delivery of housing on the allocations.
- 5.5. The GNSP is referred to in paragraphs 5.10 to 5.17. at the time of drafting the Statement of Case<sup>26</sup>, the GNSP was described in the early stages of the examination process and the Inspectors had not identified Matters Issues and Questions and accordingly, having regard to NPPF paragraph 49, it is said that very limited weight should be attached to the emerging plan. The Hearing sessions of the Examination have been completed. I have noted that there was a session to discuss the Toton and Chetwynd Barracks SA<sup>27</sup>. Notably, only one participant at the hearing session objected to the principle of the Allocation and none challenged the need for investment in highway infrastructure to deliver the Allocation.

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<sup>24</sup> These benefits have also been agreed by the Appellant and BCC in their Statement of Common Ground.

<sup>25</sup> Appellant's Statement of Case paragraphs 5.5 to 5.7.

<sup>26</sup> The Statement of Case is dated March 2026.

<sup>27</sup> Matter 5 – Issue 2: Strategic Allocation at Toton and Chetwynd Barracks (22 July 2026). The Hearing Statements of participants are attached at Appendix 5.

- 5.6. The Hearing Statement on behalf of the Defence Infrastructure Organisation ("DIO") focussed on the delivery of the Allocations and the necessary highway infrastructure, particularly the Toton Link (and Chetwynd Spur), to enable development at Chetwynd Barracks. The DOI Representations sought clarity about the delivery of the highway investments necessary.
- 5.7. There are two substantive representations critical of the proposed Allocation. One is on behalf of Wates Developments which argued that the Toton and Chetwynd Barracks sites were complex and that the allocation was overly ambitious with regard housing delivery because of the highway infrastructure necessary and multiple ownerships involved. There is no suggestion that the allocation should be removed from the GNSP, rather that it was unlikely to deliver housing as anticipated and planned for. The other representation is on behalf of Parker Strategic Land which argues that the cancellation of HS2 fundamentally undermines the justification for the allocation and the quantum of development proposed, particularly when account is taken of the delay in Chetwynd Barracks becoming available. However, these representations take no account of the longstanding recognition that the area is a sustainable location for development irrespective of HS2. In my opinion this argument is likely to be given very limited weight in addressing the soundness of the Development Plan.
- 5.8. I have noted that the Appellant participated in the Hearing Session relating to the Toton and Chetwynd Barracks. The Hearing Statement describes the ownership interests of the Appellant and that four applications (including this Appeal Proposal), have been made for housing development on land within and adjacent to the Toton SLG. Combined, these four applications would deliver 1,875 homes. As an aside, I note that the initial transport modelling to underpin the Toton SLG allocation in the ACS considered up to 1,000 homes<sup>28</sup>. The four applications by the Appellant would deliver significantly more development that was assessed by the transport model forming part of the evidence for the ACS. There is other land, outside the control of the Appellant, within the allocation which is planned to deliver further housing in addition to the 1,875 presently proposed by the Applicant..
- 5.9. In response to the Inspectors question as to whether there was a need for the proposed A52 junction and link road, the Hearing Statement asserts that there is

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<sup>28</sup> ACS Appendix B.

robust evidence to demonstrate the necessity of the junction and link road for the delivery of the allocation<sup>29</sup>. However, whilst the representations assert that the allocation is deliverable, and the Toton Link is necessary, it is argued that the allocation should be expanded by altering the Green Belt boundary to include additional land to the north, adjacent to the A52 (Toton North)<sup>30</sup> for additional housing development in order to support the delivery of the link road.

- 5.10. A Statement of Common Ground was produced by the Appellant and BBC for the purposes of the Examination. Section 5 sets out areas of uncommon ground. Paragraph 5.1 indicates an area of disagreement is the extent of the Strategic Allocation and Green Belt release. It notes that the Appellant has submitted representations throughout the local plan process seeking to extend the Strategic Allocation to provide additional housing land to meet needs and support the delivery of the link road between the A52 east of Bardill's Roundabout and Stapleford Lane including the spur into Chetwynd Barracks.
- 5.11. Paragraph 5.4 of the Statement of Common Ground refers to the cost of the link road, the unsuccessful funding bid and the fact that the land required to deliver the link road and spur is within the control of the Appellant. It states that the link could be delivered as part of the live planning applications but would require the release of additional land to support delivery. Consequently, the position of the Appellant at the GNSP Examination in relation to the Toton/Chetwynd Barracks allocation is that the Toton Link requires the allocation of additional land for housing to support its delivery.
- 5.12. The uncertainty about the outcome of the GNSP Examination is therefore whether it is necessary to expand the area of the allocation to accommodate Toton North as promoted by the Appellant, and the detailed requirements of the policy about the delivery of necessary highway investment to facilitate the delivery of development within the allocation as argued by the DOI.
- 5.13. Section 7 of the Appellant's Statement of Case addresses the planning merits of the Proposed Development. It is agreed that the Appeal Proposal would accord with the

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<sup>29</sup> Hearing Statement on Matter 5 – Issue 2 Strategic Allocations at Toton and Chetwynd Barracks behalf of Bloor Homes Limited (June 2026), paragraph 3.1.

<sup>30</sup> Toton North is the subject of application reference 25/00306/OUT for 880 dwellings, the link road, local centre, country park, forest school and associated infrastructure. The application is for outline permission, submitted in April 2025.

Development Plan if the highway issue were resolved<sup>31</sup>. Section 8 of the Statement of Case considered technical matters. It is agreed that there are no technical matters other than highways, which are unresolved and would prevent the grant of planning permission, subject to the imposition of conditions and a Section 106 obligation.

5.14. Section 9 considers highway matters on which I rely on the evidence of Jan Witko.

## **6. ASSESSMENT AND THE PLANNING BALANCE**

6.1. Before assessing the merits of the Proposed Development, I draw attention to three points:

- A. My understanding is that at the time of writing my evidence, there does not appear to be any highways mitigation proposed by this scheme;
- B. This is odds with the consistent recognition in policy and by the Appellant that mitigation is required to deal with the cumulative impacts;
- C. There has been no assessment of what the consequences are for the later phases of the allocation, if this Proposal makes no contribution to mitigation required to facilitate the delivery of the Strategic Allocations at Toton and Chetwynd Barracks.

6.2. I understand it has been suggested that the issue of an absence of mitigation for the Proposed Development could be overcome by the use of planning conditions or a Section 106 Obligation. Without a cumulative transport assessment which considers all reasonable scenarios, an informed view cannot be taken about what mitigation would be required as being necessary. Further, a contribution could not be secured if the mitigation necessary has not been identified. The suggestion that somehow the necessary cumulative assessment is undertaken following the grant of planning permission, there will have been consideration of whether the scheme is acceptable having considered all reasonable scenarios which is obviously necessary in order to grant planning permission.

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<sup>31</sup> Appellant's Statement of Case, paragraph 7.1

- 6.3. The position set out in the Statement of the Appellant to the GNSP Examination is relevant in this context. It is asserted that additional land should be allocated at Toton North to meet housing need but also support the delivery of the Toton Link Road. That argument does not sit comfortably with the approach to the Appeal Proposal and the acknowledgement of the interventions identified to mitigate the highway impact of the proposed GNSP allocation set out in paragraph 3.9 of the Appellant's Matter 5 Hearing Statement for the GNSP Examination<sup>32</sup>.
- 6.4. I have explained that the most important policies for the determination of this Appeal require a coordinated and cohesive approach to development within the Toton SLG and the Chetwynd Barracks Strategic Allocation. In the context of highways, there are two considerations: the need to ensure that highway infrastructure is provided to facilitate development; and a need to ensure that the combined effects of development would not lead to a severe impact on the network. The latter point is of special importance because the existing network is under pressure. There is nothing in policy to prevent or restrict a phased approach to development nor for the consideration of incremental planning applications within the Strategic Allocations. However, individual sites will cumulatively have an impact on a highway network. The potential cumulative impacts must be assessed at the outset to ensure the necessary mitigation is delivered to enable housing to come forward and avoid prejudicing later phases within the allocations.
- 6.5. I have also explained that the most important Development Plan policies require such an assessment, but even if they did not, having regard to National Policy and the desirability of creating conditions to enable the delivery of the strategic allocations, this is an appropriate approach given the obvious interconnected relationships between sites and their potential impacts on a highway network where there is acknowledged to be existing problems
- 6.6. I have noted that the Appellant asserts that there is no policy requirement to consider the potential impacts of the Proposed Development on a cumulative basis. I disagree for the reasons set out above. I have explained that the most important Development Plan policies require such an assessment. Even if they did not, having regard to NPPF paragraph 116 and the desirability of ensuring the Toton and Chetwynd Barracks strategic sites are delivered, this is an appropriate approach given the obvious interconnected relationships between sites and their potential

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<sup>32</sup> See Appendix 2.

impacts on a highway network where there is acknowledged to be existing problems.

- 6.7. In these circumstances, without an appropriate assessment to demonstrate the cumulative effects having regard to all reasonable scenarios, there is a fundamental objection to the Proposed Development arising from ACS Policies 2 and 19; LP Policy 3.2; Neighbourhood Plan Policy INFO 1, all of which are Development Plan policies. A proposal would also fail to accord with the requirements of the Masterplan SPD and GNSP Policy 3, which are material considerations. The harm arising from allowing development would be an absence of assessment of whether the Proposed Development would lead to a severe impact on the highway network when other parts of the Strategic Allocations come forward, or that the impacts of the Proposed Development would place a disproportionate burden on later phases of development to mitigate the highways impact.
- 6.8. Given the importance of the Strategic Allocation at Toton and Chetwynd Barracks to the strategy of the emerging GNSP, it is very important that it remains viable and can be delivered. If it fails or is compromised, it risks jeopardising the delivery of the plan as a whole. The information which was elicited during the Examination seems to cast doubt on whether the quantum of development proposed by the allocation can sustain the level of infrastructure required. This makes it all the more important that there is clarity and confidence about the Appeal's contribution and how this interacts with the remainder of the allocation. The evidence provided by the Appellant falls short of this.
- 6.9. The benefits of the Proposed Development, including the contribution to housing land supply, would not outweigh the conflict with the Development Plan and the delivery of the Strategic Allocations in a sustainable manner. Unless the reasonable highway requirements are addressed to ensure that development on the Appeal Site can be delivered in a coordinated way, this Appeal should be dismissed.