

Statement of Common/Uncommon Ground

Between Broxtowe Borough Council and Bloor Homes Ltd.

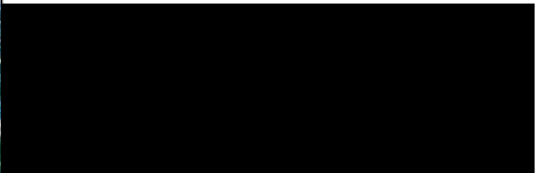
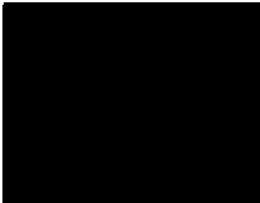
Outline Planning Application for the construction of a residential development of up to 420 residential dwellings and associated open space and infrastructure

Land West of Stapleford Lane, Stapleford, Nottinghamshire

Date: 4th August 2026 | Pegasus Ref: P23-2379

Application Ref: 25/00371/OUT

Author(s): James Hicks (MRTPI) and Alan Siviter (MRTPI)

Signed: 	Signed: 
Name: Ryan Dawson	Name: James Hicks
On behalf of: Broxtowe Borough Council	On behalf of: Pegasus Group (acting on behalf of the appellant, Bloor Homes Ltd)
Date: 04.08.2026	Date: 04.08.2026



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1. Introduction

- 1.1. It is agreed that the application the subject of this appeal was registered as valid on the 20th of May 2025 and assigned the reference 25/00371/OUT. The appeal site lies between Stapleford, Toton and Chilwell at Land West of Stapleford Lane and is referenced as "Toton West", shown on the Site Location Plan submitted with this appeal.
- 1.2. This Statement has been prepared in accordance with Annexe R of the Planning Inspectorate's Procedural Guide and Article 37, Paragraph (3)(b)(x) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 ("DMPO 2015").
- 1.3. Article 37(8) of the DMPO 2015 defines "draft statement of common ground" as a statement containing factual information about the proposal that the appellant reasonably considers will not be disputed by the local planning authority.
- 1.4. Accordingly, this Statement identifies areas of agreement, as well as areas where there is no consensus. As regards the former, the following are areas of common ground:
 - Background to the appeal
 - Description of the site
 - Description of the surrounding area
 - Planning history of the site
 - The proposed development
 - Relevant Development Plan policies
 - Relevant Material Considerations
 - Other matters upon which the parties agree
 - List of possible conditions and the reasons for them
 - Draft terms of Section 106 obligations
 - Matters upon which parties disagree

2. Background to the Appeal

- 2.1. This appeal is made pursuant to Section 78 of the Town and Country Planning Act 1990 ("TCPA 1990") against the failure of Broxtowe Borough Council ("the Council") to determine an outline planning application within the extended period.
- 2.2. It relates to a proposal within an allocated site within the current version of the development plan. The Appellant is a national housebuilder who seeks to develop the site for its allocated use. There is a local shortage of housing, and affordable housing and there is no technical basis which has been put forward by any internal or statutory consultee which presents a positive reason which would justify the dismissal of the appeal.
- 2.3. It is agreed that the description of development reads as follows:
- "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."*
- 2.4. It is agreed that the application was supported by a suite of documents and plans. A list of documents submitted with the application is appended, together with those documents submitted in response to consultee comments (Appendix A).
- 2.5. It is agreed that during the consideration of the application representations were received from the consultees listed below:
- Natural England
 - Environment Agency
 - Broxtowe Borough Council Public Protection
 - Broxtowe Borough Council Waste
 - Broxtowe Borough Council Ecology
 - Broxtowe Borough Council Planning Policy
 - The Coal Authority
 - Nottinghamshire County Council – Education
 - Nottinghamshire County Council – Public Transport
 - Nottinghamshire County Council – Walking and Cycling
 - Nottinghamshire County Council – Library
 - Nottinghamshire County Council – Rights of Way
 - Nottinghamshire County Council – Archaeology

- Network Rail
- Cadent Gas
- HS2
- NHS
- Nottinghamshire County Council Highways
- National Highways
- Active Travel England
- DB Cargo UK
- Chetwynd: The Toton & Chilwell Neighbourhood Forum

- 2.6. Save for Nottinghamshire County Council Highways and National Highways, none of the above have objected to the proposals
- 2.7. It is agreed that third party objections were received.
- 2.8. It is agreed that the applicants have properly sought to engaged with and have met with Nottinghamshire County Council Highways, National Highways and the Neighbourhood Plan Forum during the course of the application to date.

3. Decision Broxtowe Borough Council's Planning Committee Would Have Taken

- 3.1. It is agreed that the application was heard by Broxtowe Borough Council's Planning Committee on 1st July 2026 to provide what the Council's decision would have been. The Officer's recommendation read:

*"The Committee is asked to RESOLVE that, subject to the removal of objections from National Highways and Nottinghamshire County Council as the Highways Authority, planning permission **would have been granted** subject to:*

- (i) Prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of landscape contributions and affordable units; and*
- (ii) the following conditions (25 in total):"*

- 3.2. It is agreed that the Planning Committee voted and confirmed this recommendation.

4. Description of the Site and Surrounding Area

- 4.1. It is agreed that the appeal site comprises and extends to approximately 19.62 hectares (ha). Situated within the administrative area of BBC, the Site is located to the west of the B6003 Stapleford Lane, which leads northwards, and southwards, towards the suburbs of Stapleford, and Toton, respectively. The appeal site is referred to as "Toton West", shown on the Site Location Plan submitted with this appeal.
- 4.2. It is agreed that the majority of the northern extent of the Site is bound by hedgerow, beyond which are further field parcels in arable agricultural use. The north-eastern extent of the Site is bound by well-established trees and hedgerow, with an electricity transmission substation beyond. A series of electricity pylons and associated overhead lines traverse the Site in an approximate north-east to south-west direction, from the electricity transmission substation.
- 4.3. It is agreed that to the east of the Site is adjoined by the B6003 Stapleford Lane. Further to the north east is the Toton Lane Park and Ride and Tram Station operated by the Nottingham Express Transit (NET).
- 4.4. It is agreed that to the south, the Site is bound by sporadic hedgerow and tree line, beyond which are gardens and existing residential dwellings associated with the suburb of Toton. The south-western most extent of the Site is adjoined by Toton Fields Local Nature Reserve (LNR).
- 4.5. It is agreed that to the west of the Site it is bound by the Toton Sidings Local Wildlife Site (LWS), beyond which lies the DB Toton Cargo Railway Terminus.
- 4.6. It is agreed that the George Spencer Academy (school) is located 500m to the north-west of the Site, within the suburb of Stapleford. The Bispham Drive Junior School is located 525m to the south-west of the Site.
- 4.7. It is agreed that the Site is proposed to be accessed from Stapleford Lane.
- 4.8. It is agreed for planning purposes, the site and is allocated for mixed-use development within Broxtowe Borough Council's (BBC) Local Plan Part 2 under Policy 3.2 Land in the vicinity of the HS2 Station at Toton (Strategic Location for Growth).
- 4.9. The site has therefore already been determined to be a sustainable and appropriate location for the use proposed.

5. Planning History of the Site

- 5.1. In 2016 Broxtowe Borough Council approved an outline planning application (under planning application reference 12/00585/OUT) for the development of a Site (including part of the application) for a maximum of 500 dwellings, that included the provision of a convenience store and two retail outlets; a subsequent Reserved Matters application (under planning application reference 17/00499/REM) was approved in 2018 for the erection of 282 dwellings and supporting infrastructure (to the north of the application site). The Reserved Matters application under 17/00499/REM adjoins the north and east of the Site and was implemented through the construction/laying of a small area of hard surfacing representing part of the access into the site.
- 5.2. The site has subsequently been sold by the previous owners and is now under the control of Nottinghamshire County Council, no further development has since occurred.
- 5.3. At this time, there are 3 further planning applications covering the wider allocation on land (including additional land in the Green Belt) under the control of the applicant, local plan allocation on the sites known by the applicant as Toton North, Toton East and Toton West, all are currently pending determination by Broxtowe Borough Council. For information the references and development descriptions are detailed below:
- Toton North – Ref: 25/00306/OUT – Outline planning application for a residential development of up to 880 homes (with some matters reserved) link road (means of access only), local centre, country park, education provision (forest school) and associated infrastructure.
 - Toton East – Ref: 25/00255/FUL – Construct 155 dwellings and associated open space and infrastructure.
 - Toton West – Hybrid Planning Application: Ref: 25/00928/FUL: Full Planning permission – for 69 dwellings, vehicular access from Stapleford Lane, the provision of landscape buffer to allow undergrounding of high voltage cables, and associated infrastructure. Outline Planning Permission – for the Construction of up to 351 dwellings and relevant infrastructure. All matters reserved apart from the details of vehicular access from Stapleford Lane.
- 5.4. Statutory consultees have been consulted on the appeal site, and outstanding issue comments relate to the provision of the further highways information for consideration by National Highways and Nottinghamshire County Council. The applicant has commissioned additional assessment to address the holding comments currently in place. Further to these technical details there is no in-principal objection to the development proposed by Broxtowe Borough Council which reflects the site's currently allocation in the Broxtowe Borough Council Local Plan Part 2.

6. The Proposed Development

6.1. The description of development reads as follows:

"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."

6.2. The application reference number allocated by the LPA is 25/00371/OUT. The original determination date was the 19th of August 2025, there has subsequently been two further Extensions of Time agreements made until 31st of October 2025 and 30th of January 2026. The final one has now expired.

6.3. The application proposes the following:

- Up to 420 dwellings
- 30% on-site affordable housing provision
- 6.63ha of on-site public open space including drainage.
- Provision of Tram Safeguarding Route
- Delivery of 4 arm access – including first element of the Link Road proposed to the East of Stapleford Road
- Potential undergrounding of High Voltage Cables

6.4. The application was supported by a suite of documents and plans, including an Environmental Statement, an Illustrative Masterplan, which depicts the general arrangement of the site, a Parameter Plan setting upper limit-threshold in respect of height, a Site Location Plan showing the extent of the development site and the proposed detailed access drawings (vehicular and footpaths). It is agreed that sufficient information has been provided to enable a proper assessment of the proposed development.

6.5. A list of documents submitted with the application is appended, together with those documents submitted as part of the ES Addendum which responded to consultee comments and a necessity to update the scheme (Appendix A). It is agreed that the ES is sufficient and up to date having regard to the ES Addendum. There is no outstanding request for any additional information.

7. Relevant Development Plan Policies

- 7.1. Section 70(2) of the TCPA 1990 sets out that, in dealing with proposals for planning permission, regard must be had to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2. Furthermore, section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") states that, if regard is to be had to the development plan for the purpose of any determination, then that determination must be made in accordance with the plan unless material considerations indicate otherwise. Taking these sections together, a decision-maker must, therefore, consider the Development Plan, identify any provisions within it which are relevant, and then properly interpret them.
- 7.3. For the purposes of this appeal, the Development Plan comprises of the adopted Broxtowe, Gedling and Nottingham Aligned Core Strategies Part 1 Local Plan (2014), the adopted Broxtowe Part 2 Local Plan that was adopted in (2019) and the Toton and Chetwynd Neighbourhood Plan that was made in 2024.
- 7.4. It is agreed that the current development plan does not address local housing needs and to that extent it is out of date. The allocation which includes the appeal site, is however considered to be up to date and its delivery is essential to deliver the strategy of the local plan.
- 7.5. The parties agree that the following policies are relevant to this appeal. The most important policies for determining this appeal are denoted by an asterisk:

Table 1: Broxtowe, Gedling and Nottingham Aligned Core Strategies Part 1 Local Plan (2014)

Policy Ref:	Policy Title
ACS Policy A	Presumption in Favour of Sustainable Development
ACS Policy 1	Climate Change
ACS Policy 2	The Spatial Strategy*
ACS Policy 8	Housing Size, Mix and Choice
ACS Policy 10	Design and Enhancing Local Identity
ACS Policy 11	The Historic Environment
ACS Policy 12	Local Service and Healthy Lifestyles
ACS Policy 14	Managing Travel Demand*

ACS Policy 15	Transport Infrastructure Priorities*
ACS Policy 16	Green Infrastructure, Parks and Open Space
ACS Policy 17	Biodiversity
ACS Policy 18	Infrastructure*
ACS Policy 19	Developer Contributions

Table 2: Broxtowe Part 2 Local Plan (2019) Relevant Policies

Policy Ref:	Policy Title
Policy 1	Flood Risk
Policy 2	Site Allocations
Policy 3	Main Built Up Site Allocations (Policy 3.2: Land in the vicinity of the HS2 Station at Toton (Strategic Location for Growth)) *
Policy 15	Housing Size Mix and Choice
Policy 17	Place-Making, Design and Amenity
Policy 19	Pollution, Hazardous Substances and Ground Conditions
Policy 20	Air Quality
Policy 23	Proposals affecting Designated and Non-Designated Heritage Assets
Policy 24	The Health Impacts of Development
Policy 26	Travel Plans
Policy 28	Green Infrastructure Assets
Policy 30	Landscape

Policy 31	Biodiversity Assets
Policy 32	Developer Contributions

Table 3: Chetwynd: The Toton and Chilwell Neighbourhood Plan (2024) Relevant Policies

Policy Ref:	Policy Title
Policy ENVO2	Natural Environment
Policy ENVO3	Green and Blue Infrastructure Requirements
Policy INFO1	Road Infrastructure*
Policy INFO2	Active Travel
Policy INFO3	Public Transport
Policy INFO4	Parking & Reducing Travel Demand
Policy HASO1	Housing Mix
Policy HASO2	Green Design & Sustainability
Policy HASO3	Broadband Connectivity
Policy HASO4	On-Site Construction
Policy LHC02	Heritage Assets

8. Relevant Material Considerations

8.1. It is agreed that the following material considerations are relevant to this appeal:

Broxtowe Borough Council 2025 Five Year Housing Supply Position (April 2025)

8.2. The Council's last published housing land supply position covers the period from 1st April 2025 to 31st March 2041: <https://www.broxtowe.gov.uk/media/lodbaix1/shlaa-2025.pdf>. The document states that the 5 year supply of Broxtowe Borough Council is equivalent to 4.85years' requirement. Of this supply 100 homes within the Toton Strategic Location for Growth are included in the five year housing land supply, despite none having a planning permission in place.

8.3. The update establishes that Council's lack of housing supply is very tight and crucially reliant upon allocations such as Toton West being delivered in a timely manner in the context of paragraphs 78 and 232 of the Framework and the revised Planning Practice Guidance (12th December 2024).

National Planning Policy Framework

8.4. The following sections of the National Planning Policy Framework (set out in Table 4 below) are relevant to the consideration of the proposed development:

Table 4– Relevant National Planning Policy Framework Chapters

Section	Topic
2	Achieving sustainable development
4	Decision making
5	Delivering a sufficient supply of homes
6	Building a strong, competitive economy
8	Promoting healthy and safe communities
9	Promoting sustainable transport
11	Making effective use of land
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change

15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic environment
Annex 1	Implementation

Supplementary Planning Documents

- 8.5. It is agreed that the following Supplementary Planning Documents are relevant to the proposals:

Table 5: Relevant Supplementary Planning Documents

Supplementary Planning Document	Adoption Date
<i>Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (SPD)</i>	2023

Emerging Development Plan

- 8.6. Broxtowe Borough, Nottingham City and Rushcliffe Borough Councils are preparing the Greater Nottingham Strategic Plan, which will set out policies to secure sustainable growth up to 2041.
- 8.7. On 22nd of December 2026 the Authorities submitted the Greater Nottingham Strategic Plan for Examination. The content and policies of the plan are at an early stage of plan preparation and therefore can only be afforded limited weight. Notably however there is no suggestion that the allocation within which the appeal site is located is likely to be removed.
- 8.8. It is agreed that the most relevant draft policies are considered to be relevant to the appeal (including the continued allocation of the application site).

Table 6– Relevant Emerging Development Plan Policies (Greater Nottingham Strategic Plan)

Policy Ref:	Policy Title
Policy 1	Climate Change, Sustainable Design, Construction, Energy and Managing Flood Risk
Policy 2	The Spatial Strategy

Policy 3	Housing Target
Policy 21	Strategic Allocation Toton and Chetwynd Barracks (Broxtowe)

9. Other Matters Agreed

- 9.1. The following matters are agreed upon by the signatory parties.

Out of Date Policies

ACS Policy 2 Spatial Strategy

- 9.2. It is agreed that both the Aligned Core Strategy (2014) and the Broxtowe Local Plan Part 2 are beyond 5 years in age. The housing requirement set out in the Core Strategy is considered to be out of date and no longer reflects the national policy for housing delivery. Broxtowe's objectively assessed housing need set out in ACS Policy 2 over the CS plan period (2011-2028) was for 6,150 new dwelling (c.362dwellings pa).
- 9.3. It is agreed as per NPPF Paragraph 78, with the Development Plan being over 5 years old, the Council's housing requirement is now based upon the Standard Method calculation. As of the May 2025 the Council's annual housing requirement is now 621 dwellings per annum.
- 9.4. It is agreed that the housing requirement set out in ACS Policy 2 Spatial Strategy is thus out of date.
- 9.5. That said the allocation within which the appeal site sits, Local Plan Allocation Policy 3.2, is considered to be up to date and its delivery is considered essential.

Decision in Accordance with the Development Plan

- 9.6. It is agreed that development plan policies are material to an application for planning permission and the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise¹.

Principle of Development

- 9.7. It is agreed that the proposed development consists of the construction of up to 420 residential dwellings and associated open space and infrastructure.
- 9.8. It is agreed that the development site sits within the Local Plan Allocation Policy 3.2 that covers a much wider area. The policy sets out the following policy requirements the development of the allocation, these are summarised to read:
- In general accordance with Map 8: Toton Strategic Location for Growth Illustrative Concept Framework
 - 500-800 dwellings within the Plan Period (3,000 dwelling in total)

¹ [section 70\(2\) of the Town and Country Planning Act 1990](#) and [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)

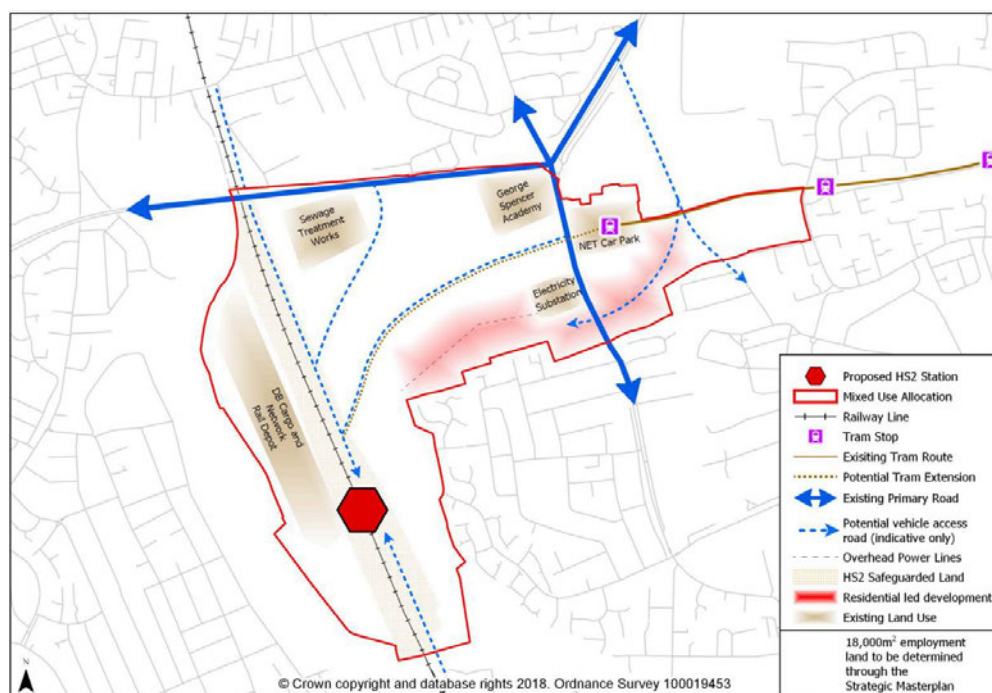
- Min 18,000sq.m for mixed employment (B Uses)
- Limited retail and community facilities
- Undergrounding of the high voltage electricity cables at the south of the site.
- Development should be located and designed to complement and not prejudice proposals for access to the HS2 Hub Station and further build-out of the Innovation Campus which is to be delivered beyond the plan period.
- Highway infrastructure must be considered in conjunction with requirements for the Chetwynd Barracks allocation (Policy 3.1) and wider area.

9.9. It is agreed how the proposed development of up to 420 dwellings, open space and associated infrastructure is proposed, is in accordance with the allocation requirements outlined in Policy 3.2. Were the appeal to be allowed the delivery of the appeal site will not prejudice and is likely to facilitate the delivery of adjacent parts of the allocation.

In general accordance with Map 8: Toton Strategic Location for Growth Illustrative Concept Framework

9.10. Map 8 is shown below, the Illustrative Concept Framework identifies the application site as being for residential led development. The proposed development is in accordance with Map 8 as it is proposing a residential led development for up to 420 dwellings. Further to this the proposed development provides a vehicular access for Stapleford Lane connecting to the proposed Toton Link Road. The proposed development also accounts for the overhead cable current spanning the site, the Masterplan has been prepared on the basis of these being undergrounded.

Image 1 (Map 8) Growth Illustrative Concept Framework



500–800 dwellings within the Plan Period (3,000 dwelling in total)

- 9.11. The site will deliver up to 420 dwellings and facilitate and stimulate the delivery of further dwellings across the allocation by contributing towards key infrastructure provision and improvements.
- 9.12. It is agreed that were the appeal to be allowed that most of the consented units are likely to be delivered within the next 5 years.

Min 18,000sq.m for mixed employment (B Uses)

- 9.13. Employment uses are not proposed for this site and are located elsewhere within the allocation.

Limited retail and community facilities

- 9.14. Retail and community facilities are no proposed on this part of the application site and are identified to come forward as part of the wider allocation. As a standalone development the development would not necessitate the provision of these additional facilities.

Undergrounding of the high voltage electricity cables at the south of the site.

- 9.15. The applicants are in discussions with utility providers regarding the undergrounding of pylons and cables across the site. The development of the site has been designed on the basis of this provision being underground.

Development should be located and designed to complement and not prejudice proposals for access to the HS2 Hub Station and further build-out of the Innovation Campus which is to be delivered beyond the plan period.

- 9.16. The proposed development of the application site will not affect any future proposals to access either the HS2 Hub Station, or the Innovation Campus (both uses are under review). The proposed development is future proofed to deliver a controlled access onto Stapleford Lane and it also provides a potential vehicular loop into the neighbouring land north of the site which forms part of the wider allocation. Further to this, a Safeguarded route for a potential tram extension has been provided, development has been kept away from the proposed route.

Highway infrastructure must be considered in conjunction with requirements for the Chetwynd Barracks allocation (Policy 3.1) and wider area.

- 9.17. Highways infrastructure has been clearly considered as part of the allocation in conjunction with the Chetwynd Barracks allocation. The primary route for the site from Stapleford Road has been designed at a standard to facilitate the delivery of the Toton Link Road between the A52 and the Chetwynd Barracks on land East of Stapleford Road. Facilitating the delivery of the Link Road and necessary highways improvements have been at the forefront of the development of the scheme.

- 9.18. It is agreed that the proposed development is considered to deliver the requirements of Local Plan Part 2 Policy 3.2.

- 9.19. The statement now confirms agreed positions on detailed and more technical matters

Socio-Economics and Health.

- 9.20. It is agreed that the development will result in the significant economic benefits identified below:
- An estimated 169 jobs could be supported on-site and in the wider economy per annum during the build phase.
 - Around £10.7million of gross value added per annum is estimated to be generated over the two-year build period, or £68million over the entire build phase (present value).
 - An estimated 438 economically active and employed residents are estimated to live in the Proposed Development.
 - The Proposed Development could generate an additional household expenditure of £6.7million per annum once it is complete and fully occupied, of which around £2.1million would be retained within Broxtowe.
 - The dwellings could generate additional £1million per annum in Council Tax payments.
 - The dwellings could generate an estimated £2.5million in first occupation expenditure.
- 9.21. It is agreed that there will be significant beneficial effects during the construction phase in relation to employment and economic contribution. Once operational, it is agreed that there will be significant beneficial effects expected in relation to wider economic effects. It is agreed that the proposed development is therefore considered to conform with the NPPF and the Part 2 Local Plan Policies 24 and 32.
- 9.22. It is agreed that a Health Impact Assessment Checklist has been prepared. It is agreed that the Checklist submitted demonstrates that the proposed development is likely to have a neutral – positive impact on development in term of health. It is agreed that the completion of the checklist has been undertaken in accordance with Local Plan Part 2 Policy 24.

Landscape and Visual Amenity.

- 9.23. It is agreed that the approach and methodology used in the Landscape and Visual Impact Assessment (LVIA) has been developed in accordance with industry guidance; the 'Guidelines for Landscape and Visual Impact Assessment', published by the Landscape Institute and Institute for Environmental Management and Assessment, 2013. There is no methodological dispute.
- 9.24. It is agreed that the assessment undertaken sets out that the Site is generally well contained and generally limits the extent of potential views towards the Site from beyond. It is agreed that principal receptors comprise PRow users within and approaching the Site at short distance, residents adjoining the southern Site boundaries, and road users along the B6003.
- 9.25. It is agreed that given the settled edge context of the Site and the degree of influence from urbanizing elements, together with distribution of green infrastructure and open space throughout the development, the Proposed Development is not considered to result in any significant direct or indirect residual effects upon the character of the landscape.

- 9.26. It is agreed that the majority of views assessed as subject to the highest magnitudes of impact and significance of effect are from locations within the Site itself, or directly adjacent to the Site.
- 9.27. It is agreed that there would be significant effects upon users of the PRoW along a section of the public footpath as it passes along and through the Site, and upon receptors along the B6003 where they briefly pass the Site access. However, it is agreed that such effects are therefore considered to be localized in nature, being limited in extent to receptors passing through and in immediate proximity to the Proposed Development.
- 9.28. It is agreed that the assessment considered potential impacts upon the Bramcote Conservation Area. It is agreed that the Site does not lie within or in close proximity to the CA, and no intervisibility was identified, including that consistent with the CA's special characteristics. The Site is screened from the CA by tree cover, both intervening and within the south of the CA itself.
- 9.29. It is agreed that the mitigation strategy for the Proposed Development focuses on integrating the Proposed Development into the surrounding landscape through a robust landscape and green infrastructure strategy.
- 9.30. It is agreed that the key mitigation measures include conserving the landscape character, retaining and enhancing existing vegetation, and incorporating substantial green infrastructure such as tree planting and enhancement proposals to strengthen tree belt, reinforce existing hedgerow and improve species diversity.
- 9.31. It is agreed that there would be an inherent degree of landscape and visual impact for any largely undeveloped settlement edge site seeking to deliver new residential development of this nature, although given the extent of influence from the settled edge and urbanising elements in the landscape, such impacts would be less than those relating to a site that has no existing urban influences.
- 9.32. It is agreed that the mitigation measures delivered as part of the design of the scheme have sought to address the likely effects in order to avoid, reduce or offset adverse impacts wherever possible.
- 9.33. It is agreed that the proposed development would give rise to some significant residual visual effects, however, these would be highly localized and principally focused within and adjoining the Site upon receptors of higher sensitivity. It is agreed that this is often the case with any proposed development on greenfield land.
- 9.34. It is agreed that the proposed development is considered appropriate and is in accordance with the NPPF, Part 1 Local Plan Policies 10 and 16 and Part 2 Local Plan Policies 28 and 30.

Biodiversity and Arboriculture.

- 9.35. It is agreed that the desk and field based baseline investigations have demonstrated that the habitats present within and around the Site do not pose an 'in principle' constraint to the proposed development.

- 9.36. It is agreed that the retention of a majority of the ecologically valuable habitats within the site design (hedgerows and treelines) and the creation of new habitats is proposed.
- 9.37. It is agreed that the supporting assessments have outlined precautionary and best practice measures to ensure avoidance of harm to individual animals including badger, hedgehog and grass snake that might be using the Site during construction.
- 9.38. It is agreed through the creation of semi-natural habitats such as grassland, scrub and hedgerows and additional wetlands (SuDS) that can be managed sympathetically for wildlife as well as provision of additional nesting and roosting boxes for birds and bats around the site, means that habitat connectivity and opportunities for a range of protected and notable species will be maintained and enhanced across the site.
- 9.39. It is agreed, by virtue of the relatively limited constraint posed by the limited habitats and protected species interest within the site and the scale and scope of the greenspace, the scheme is capable of compliance with relevant planning policy for the conservation of the natural environment.
- 9.40. It is agreed that a Biodiversity Net Gain assessment has been used to inform the habitat creation proposals for the scheme and to guide decisions around additional habitat provision. It is agreed that the approach to habitat management will aim to maximise and enhance the biodiversity value of the Site and adjacent wider land ownership through the provision of Habitat Management and Monitoring Plan.
- 9.41. It is agreed that the results of the BNG assessment demonstrate that the current proposals with the appropriate landscape detail are likely to be capable of meeting the required 10% gains for hedgerow and watercourse units onsite. It is agreed that the development could require offsite delivery of habitat units to ensure compliance with legislative and policy requirements, however this will not be confirmed until the development has been designed in detail and can be confirmed through the use of the standard BNG condition.
- 9.42. It is agreed that the construction of the Stapleford Lane access road junction necessitates the removal of specific trees to achieve the required junction and its associated visibility splays. This includes four trees from group G9, and the complete removal of groups G10 and G14.
- 9.43. It is agreed that the access road's alignment significantly impacts the root protection areas of these trees, rendering their retention unsustainable. The part removal of G9 for access was shown in the previously approved outline application (12/00585/OUT).
- 9.44. It is agreed that development of the proposed dwellings and internal road network will result in the removal of entire tree group G13, and sections of groups G15 and G16. Additionally, a break in hedgerow H2 is required to establish a pedestrian connection to the off-site path.
- 9.45. It is agreed that the proposals are considered to meet the aims and objectives national policy through careful consideration of the design and retention of a high proportion of the existing tree cover. The retention of, coupled with targeted future management and enhancement of the existing and future tree cover will meet many of the individual aspirations set out in the policy.
- 9.46. It is agreed that the proposed development is considered to enhance biodiversity and protect species. It is therefore confirmed that the development is in accordance with the

NPPF, Core Strategy Policy 16 and 17, Local Plan Part 2 Policy 31 and Neighbourhood Plan policies ENVO2 and ENVO3.

Cultural Heritage

- 9.47. It is agreed that whilst there are no records of Prehistoric to Romano-British date within the Site, the Geophysical Survey recorded a number of anomalies adjacent to the southern boundary that have been interpreted as forming a possible partially truncated Iron Age to Romano-British enclosure system. The potential for identification of remains of dating to the Prehistoric to Romano-British periods within this section of the Site is therefore considered to be moderate to high.
- 9.48. It is agreed that on the basis of spatial proximity, the theoretical potential for undiscovered remains dating to the Prehistoric to Romano-British periods within the wider Site is moderate to high. However, no further anomalies possibly dating to this period were recorded during the Geophysical Survey. Meanwhile, as is the case with the identified possible Prehistoric to Romano-British features, any additional features would to be anticipated to have been at least partially truncated by agricultural activities from the Medieval period onwards. Taken together, the residual archaeological potential for undiscovered Prehistoric to Romano-British remains within the wider Site is considered to be low to moderate.
- 9.49. It is agreed that on the basis of available evidence, the potential for remains of Early Medieval date is considered to be low.
- 9.50. It is agreed that the Site appears to have comprised part of the agricultural hinterland associated with the settlements of Toton and Stapleford from the Medieval period onwards and thus has some potential for artefacts and deposits associated with agricultural activities from the Medieval to Modern periods.
- 9.51. It is agreed that there are no designated heritage assets located within the Site, while eleven Grade II Listed Buildings and one Conservation Area are located within the 1km study area.
- 9.52. It is agreed that by virtue of spatial and visual separation, including large-scale infrastructure associated with the intervening railway, intervisibility between the Proposed Development and all assets within the 1km study area would be wholly screened. Taken alongside the lack of any known historic or functional relationship with the Site, beyond forming part of the wider agricultural landscape to the east, it is considered that the Proposed Development would not alter any aspect of the setting of any of the assets that contribute towards their overall significance. It is agreed that no harm would therefore be anticipated to result via a change in setting.
- 9.53. It is agreed that no designated heritage assets beyond the 1km study area were identified as potentially sensitive to the Proposed Development.
- 9.54. It is agreed that further archaeological investigations will be required to establish the presence, extent, character, significance and level of development impact of the potential buried archaeological resource within the Site and to formulate specific mitigation strategies, as appropriate.
- 9.55. It is agreed, as per the consultation response from the Nottinghamshire County Council Archaeologist, any further evaluation and any subsequent archaeological mitigation work could be secured as a condition of consent.

- 9.56. It is agreed that the proposed development accords with the NPPF, Core Strategy Policy 11 and 16; Local Plan Part 2 Policy 23 and the Neighbourhood Plan Policy LCHO2 in relation to the potential impact on the setting and significance of nearby heritage assets.

Transport and Access

- 9.57. It is agreed without receipt of confirmatory comments from any of the highways consultee the applicant and the LPA is unable to provide definitive confirmation that the highways proposals and assessment accord with the development plan.
- 9.58. It is agreed that the Appellants and its highways consultant Mode that that the proposed development, in terms of the impact of the surrounding area and the provision of a site access that will form part of a Toton Link Road and sustainable transport infrastructure.
- 9.59. It is agreed that in April 2026 that the appellant submitted a Highways Technical Note and updated access arrangements that directly responded to the technical consultation responses received on the Outline Planning application from the highway's authorities. The Local Planning Authority have reconsulted the highways consultees (National Highways, Nottinghamshire County Council and Active Travel England) on the technical note and revised access drawing (where only minor amendments were made, the location of the access remained unchanged).
- 9.60. It is agreed that Active Travel England do not raise objection (see below) to the development proposals and proposed conditions have been put forward.

"Following consideration of the revised submission and the applicant's response to ATE's concerns, ATE does not wish to raise an objection in principle and is submitting a conditional approval response."

Air Quality

- 9.61. It is agreed that the Site is not located within an AQMA, with the closest 'AQMA No.2' located approximately 3.1km southwest from the nearest AQMA, which is located in the neighbouring NCC administrative area.
- 9.62. It is agreed that monitored concentrations in the vicinity of the Proposed Development show pollutant concentrations have been below the AQOs in 2023, the most recently available year of monitoring data.
- 9.63. It is agreed that the predicted construction traffic flows will fall below the EPUK/IAQM screening criteria. It is agreed that the residual effect for construction traffic emissions can be considered Negligible and therefore, Not Significant.
- 9.64. It is agreed that with the implementation of suitable mitigation measures (to be included within a Construction Environmental Management Plan (CEMP) to be secured by condition, and good site practice, the impacts from construction dust can be controlled and the residual effect for construction activities can be considered Negligible and therefore, Not Significant.

- 9.65. It is agreed that for the operational phase, the assessment has also demonstrated that pollutant concentrations will be well below the objectives at all existing receptors in 2030, which serves as a worst-case assumption of the Proposed Development opening year in 2041.
- 9.66. It is agreed that the results from the detailed assessment of operational transport emissions show that the impact on all existing sensitive receptors is anticipated to be Negligible for all pollutants, and therefore Not Significant.
- 9.67. It is agreed that the overall construction and operational air quality effects of the Proposed Development are judged to be 'Not Significant'.
- 9.68. It is agreed that the construction phase emissions to air will be controlled by a CEMP and a Construction Traffic Management Plan (CTMP) secured via a condition.
- 9.69. It is agreed that the proposed package of mitigation will ensure that the Proposed Development is acceptable and that there will be no adverse significant effects to air quality and be in accordance with the NPPF, Core Strategy Policies 1 and 10, Local Plan Part 2 Policy 20 and the Neighbourhood Plan.

Noise and Vibration

- 9.70. It is agreed that the prevalent noise source on the Site is road traffic on the nearby roads with localised noise along the western site boundary from train pass-bys, trains idling, and occasional train horns associated with the railway sidings to the west.
- 9.71. It is agreed that there is no audible noise on the site either from the park and ride, nor the electrical sub-station, nor the Water Treatment Works.
- 9.72. It is agreed that a CEMP will be conditioned which will detail the implementation of measures therein to address construction effects relating to noise and vibration on the environment, existing surrounding communities, businesses, and residents of the area.
- 9.73. It is agreed that in order to reduce the level of noise and vibration on the nearest sensitive dwellings during the construction phase of the Proposed Development, a series of measures are to be implemented which will form part of a CEMP. The measures to be provided will reduce the adverse effects as far as practical.
- 9.74. It is agreed that the proposed effect of development from noise is considered to not be significant and a mitigation strategy has been proposed to achieve appropriate internal noise levels.
- 9.75. It is agreed, as per the consultation response from the Nottinghamshire County Council Archaeologist, any further evaluation and any subsequent archaeological mitigation work could be secured as a condition of consent.
- 9.76. It is agreed that the Council's Public Protection have reviewed the submission in terms of noise and have no objections or further comments to make regarding the above proposed development.
- 9.77. It is agreed that the development can come forward in accordance with the NPPF Core Strategy Policies 1 and 10, Local Plan Part 2 Policy 19 and the Neighbourhood Plan.

Flood Risk and Drainage

- 9.78. It is agreed that the application site is shown on the EA's Flood map for planning as lying within Flood Zone 1; therefore, having an annual probability of river and/ or sea flooding of less than 1 in 1,000.
- 9.79. It is agreed that the EA Surface Water Flood Map indicates that the majority of the development site is not considered to be at risk of surface water flooding.
- 9.80. It is agreed that areas within the site extents immediately adjacent to the existing ditch are shown to be at low to high risk of surface water flooding. In addition, small isolated areas of surface water flooding are also shown to the south of the existing ditch and near the proposed site access.
- 9.81. It is agreed that flooding in these areas appears to originate from surface water generated within the site rather than from off-site sources. It is also agreed that any associated surface water flood flows will be intercepted and managed by the proposed surface water drainage network.
- 9.82. It is agreed that all proposed residential dwellings are located outside areas identified as being at risk of surface water flooding from off-site flows.
- 9.83. It is agreed that development in these locations of localised flooding would be acceptable on the basis that the risk will be mitigated by the proposed drainage strategy, and a sequential test is therefore not required.
- 9.84. It is agreed that all other potential sources of flooding to the proposed development have been considered and it has been demonstrated that the site will not be at any significant risk of flooding.
- 9.85. It has been demonstrated that the proposed development will not exacerbate the risk of flooding to third parties either upstream or downstream from the site.
- 9.86. It is agreed that the Surface Water Drainage Strategy has been developed in accordance with the hierarchy for sustainable surface water disposal.
- 9.87. It is agreed that the proposed surface water drainage strategy is to discharge runoff from the site into the existing ditch which crosses the site via two separate outfalls in the western extent of the site. It is agreed that the total site runoff will be restricted to 21.7l/s which is equivalent to the Qbar greenfield runoff rate of 1.93l/s/ha.
- 9.88. It is agreed that surface water storage will be provided within the proposed attenuation basins situated in the western extent of the site. It is also agreed that the basins will be sized approximately to accommodate surface water runoff from the 100 year event plus allowances for 40% climate change and 10% urban creep.
- 9.89. It is agreed that the proposed attenuation basin would offer sufficient treatment for surface water runoff from site. It is agreed that permeable paving and swales will be considered at the detailed design stage, where practicable.

- 9.90. It is agreed that the proposed foul drainage strategy is to discharge foul flows from the development site into the existing STW combined sewer in Stapleford Lane via manhole 6502.
- 9.91. It is agreed that the eastern part of site will discharge directly into the STW sewer, via a gravity network. It is agreed that the remainder of the site, forming the outline planning application area, will convey foul flows to a proposed pumping station located in the western extent of the site. From the pumping station, foul flows will be pumped via a rising main to the gravity foul system within the eastern site area, before ultimately discharging into the STW network in Stapleford Lane.
- 9.92. It is agreed that Severn Trent Water are obliged to accept foul water flows from a proposed development, subject to the site receiving planning consent.
- 9.93. It is agreed that there is no reason in terms of drainage or flood risk why the residential development should not be fully supported through the planning process.
- 9.94. It is agreed that the development proposals are considered sustainable from a flood risk and drainage perspective.
- 9.95. It is agreed that Environment Agency will not provide comment as the development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site
- 9.96. It is agreed that the Local Lead Flood Authority raise no objection to the proposed development and have provided suggested wording for a condition, which is acceptable to the Council and the appellant. The proposed development in terms of flood risk is considered to accord with the NPPF, Core Strategy Policies 1 and 16, Local Plan Part Policy 1 and Neighbourhood Plan Policy ENVO2.

Contaminated Land / Ground Conditions

- 9.97. It is agreed that the Phase I Desk Top Assessment confirms that the bedrock geology across the site typically represents suitable bearing strata for traditional shallow foundations.
- 9.98. It is agreed that the Desk Study enquires revealed the presence of Made Ground and Infilled Land to the sites west / northwest. There is the potential for the off-site Made Ground to encroach locally onto the western area of the site. The Made Ground and Infilled Land are considered to represent potential sources of ground gases (i.e. methane and carbon dioxide), which have the potential to affect the proposed residential development.
- 9.99. It is agreed that a programme of ground gas monitoring be undertaken at the site as part the Phase II works to confirm the ground gas regime and determine the requirement for any ground gas precautions within the proposed dwellings prior to the commencement of development.
- 9.100. It is agreed that no specific investigation or mitigation in relation to historical coal mining issues are considered to be necessary at the site. It is agreed that Coal Authority agree with this and have no comments to offer.
- 9.101. It is agreed that radon protective measures are not necessary at the site, in accordance with the Envirocheck report.

- 9.102. It is agreed that the following contaminants represent an appropriate list of determinands for initial assessment with regards to potential contamination risks at the site.
- Metals and metalloids associated with any potential localised Made Ground beneath the site.
 - Polycyclic Aromatic Hydrocarbons (PAHs) from any ashy inclusions and / or carbonaceous inclusions in the near surface soils.
 - Pesticides and herbicides associated with the historical agricultural use of the site.
 - Asbestos containing materials associated with any localised Made Ground beneath the site and construction materials to the former on-site building and the railway sidings to the sites immediate west.
 - Polychlorinated Biphenyls (PCBs) associated with the substation to the northeast of the site.
- 9.103. It is agreed that a Proposed Phase II Exploratory Works should be sufficient to investigate the possible issues raised in the Phase I Desk Study and should be undertaken in general accordance with current industry good practice.
- 9.104. It is agreed that the applicant will accept a condition requiring the undertaking of further site investigations ahead of the commencement of development.
- 9.105. It is agreed that based on the evidence of the findings of the Phase I Desk Study enquiries and following the implementation of any necessary remedial measures, the site is considered likely to be suitable for the proposed end-use from a geotechnical and environmental perspective. The development therefore accords with the NPPF, the Core Strategy, Local Plan Part 2 Policy 19 and the Neighbourhood Plan.

Soils and Agricultural Land

- 9.106. It is agreed that the Site is made up of a mixture of permeable loams and slowly permeable soils. They give BMV land of Grade 2 (0.8 ha), Subgrade 3a (0.9 ha) and Subgrade 3b (16.8 ha) quality. The remainder of the Site comprises non-agricultural land.
- 9.107. It is agreed that the Proposed Development is estimated to result in the negligible magnitude loss of BMV Grade 2 (0.8 ha) and Subgrade 3a (0.9 ha) agricultural land – overall a permanent minor adverse impact that is not significant.
- 9.108. It is agreed that the soil resources can be protected through adherence to a Site-specific Soil Management Plan (SMP) that can form part of a wider CEMP (secured via planning condition). It is agreed that this will reduce the potential effect of the Proposed Development to negligible. It is agreed that there is no possible mitigation for the permanent loss of agricultural land, however given the limited amount that will be lost and there will be the provision of a significant amount of open space provided on-site it is considered the effects to be minor adverse.
- 9.109. It is agreed that the proposed loss of Best Most Versatile land is allowable as per the Framework Paragraph 188. It is agreed that Footnote 65 states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality

land should be preferred to those of a higher quality. It is agreed that notwithstanding the agricultural land the Council have chosen to allocate the site for development. It is agreed that the proposed development demonstrates that lower quality agricultural land is being utilised alongside the better quality land.

- 9.110. It is agreed that the Proposed Development will have a negligible effect to soil resources and a minor adverse effect to agricultural land quality. There are no significant effects of the Proposed Development.

Climate Change

- 9.111. It is agreed that an indicative quantitative assessment of embodied carbon was undertaken for the construction phase. It is also agreed that the total amount of GHG emissions anticipated to be emitted during the construction phase is 21.23 ktCO₂e, which is considered to be a permanent, moderate adverse effect. However, it is agreed that the implementation of mitigation measures such as selective material selection and a more stringent embodied carbon target are expected to reduce this to a permanent, minor adverse effect, which is not considered to be significant in EIA terms. It is agreed this would align with the LETI Design 2030 Target and would also not inhibit the UK Government's trajectory to reach net zero by 2050.
- 9.112. It is agreed that a quantitative assessment of vehicular emissions and energy production were undertaken for the operational phase. It is agreed that the total yearly amount of GHG emissions anticipated to be emitted during the operation phase is 1.29 ktCO₂e, which is considered to be a permanent, moderate adverse effect. However, it is agreed that the implementation of mitigation measures such as the provision of sustainable transport measures within the Travel Plan; and Solar Photovoltaic Collectors and ASHPs is expected to reduce this to a permanent, minor adverse effect, which is not considered to be significant in EIA terms and would not cause the UK Government to fail in reaching their net zero trajectory by 2050.
- 9.113. It is agreed that mitigation measures have been embedded into the Proposed Development, and additional measures have been proposed to increase resilience to climate change and reduce the influence on climate change. It is agreed that within the design, a large number of trees and hedgerows will be retained, helping with flood alleviation and the drainage basin has been designed to account for climate change. It is agreed that sustainable transport options such as walking and cycling have also been incorporated to reduce GHG emissions. It is agreed that the Proposed Development's energy demand has also been reduced by a 'fabric first' approach.
- 9.114. It is agreed that additional mitigations including a CEMP, CTMP, selective procurement of materials to reduce embodied carbon and use of the LETI Design 2030 Target for embodied carbon have been proposed for construction, with a SWMP, Travel Plan, Operational Waste Management Plan and the implementation of low carbon technologies proposed for operation.
- 9.115. It is agreed that the 'fabric first' approach to the design of dwellings will provide an 81.60% carbon saving under the Building Regulations, which represents a 74.18% energy demand reduction.

- 9.116. It is agreed that the proposed approach represents a significant reduction when considered against the Policy requirements set out in Core Strategy Policy 1 and the wider requirements of the NPPF and Local Plan Part 2 and the Neighbourhood Plan Policy HASO2.

Lighting

- 9.117. It is agreed that the Lighting Strategy proposes good practice and outlines a suitable approach for the proposed lighting for the purpose of safety, security, wayfinding and amenity.
- 9.118. It is agreed that the Lighting associated with The Proposed Development will comply with relevant British Standards and Institution of Lighting Professionals (ILP) guidance to ensure obtrusive light is minimised in accordance with best practice.
- 9.119. It is agreed that the strategy seeks to ensure that the lighting is not outside of the obtrusive light limits for the Environmental Zone in which the Proposed Development is located, is sensitive to the area, and provides a recognised standard level of lighting for all adoptable areas requiring illumination.
- 9.120. It is agreed that proposed luminaires will distribute light downwards only, to reduce the potential for light spill onto the boundaries surrounding the buildings and upwards towards the sky.
- 9.121. It is agreed that the following areas will require task lighting to facilitate the safe undertaking of operational tasks:
- Primary Street
 - Streets & Lanes
 - Public Right of Way
 - Pedestrian & Cycle Links
 - Pedestrian Routes
 - Pedestrian & Cycle Priority Crossings
 - Vehicular Site Access Points
- 9.122. It is agreed that the following area is not anticipated to require dedicated lighting.
- Play Space – daytime use only
- 9.123. It is agreed that mitigation measures are proposed and will be embedded into the design of the final detailed scheme.
- 9.124. It is agreed that the proposed development is therefore designed and considered to be in accordance with the NPPF, the Core Strategy, Local Plan Part 2 and the Neighbourhood Plan.

Design

- 9.125. It is agreed that the Design and Access Statement explains how design principles have been derived from the site assessment in conjunction with the delivery of a high quality development which achieves the criteria set out in NPPF Paragraph 135 namely:
- Function and Quality;
 - Visually Attractive;
 - Response to Context
 - Strong Sense of Place
 - Accessibility
 - Safe, Inclusive and Accessible Places
- 9.126. It is agreed that the Design and Access Statement has set out a clear explanation of the design process, community engagement and consultation process undertaken with the local community and other key stakeholders. The design process has also included a comprehensive and thorough assessment of the site and its immediate context, the development of a clear set of principles to guide the design of the site.
- 9.127. It is agreed that the plans and design approach, together with the supporting illustrative strategies, demonstrate how the vision for Toton West can be delivered to meet the three key NPPF objectives of sustainable design:
- A social objective;
 - An economic objective; and
 - An environmental objective.
- 9.128. It is agreed that the development proposals are the realisation of a clear vision for the site, focused around creating a residential development scheme.
- 9.129. It is agreed that the proposed development is of appropriate design that will create a new well-designed connected community:

Development Plan Conclusion

- 9.130. It is agreed that the proposed development is in accordance with the Council's Development Plan consisting of the adopted Broxtowe, Gedling and Nottingham Aligned Core Strategies Part 1 Local Plan (2014), the adopted Broxtowe Part 2 Local Plan that was adopted in (2019) and the Toton and Chetwynd Neighbourhood Plan that was made in 2024, subject to the receipt of National Highways and Nottinghamshire County Council comments.
- 9.131. It is agreed that the outstanding area of question relates to highways, although the objection specifically relates to the Highways Consultees requiring the submission of a cumulative

assessment across the whole allocation, ahead of any assessment related to the application is undertaken despite further evidence and data having been provided.

- 9.132. With respect of the Neighbourhood Plan,, the application broadly complies with most of the policies but not all of them (specifically on matters of detail). Planning Committee have resolved that there are not material planning considerations that outweigh non-compliance with the relevant policy.

Other Material Considerations

Environmental Impact Assessment

- 9.133. It is agreed that the submitted ES and ES Addendum has assessed the 'likely significant effects' of the Proposed Development in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations).
- 9.134. It is agreed that detailed assessments with respect to pertinent environmental topics have therefore been undertaken in accordance with definitive standards and legislation where available.
- 9.135. It is agreed that the design process has been informed by the detailed environmental assessments so to ensure that key design measures are integral to the Proposed Development (and its construction), so to limit any significant adverse effects.
- 9.136. It is agreed as a result of this process, there is a relatively small number of potential residual adverse significant effects, particularly when considering the scale of the Proposed Development and its location.
- 9.137. It is agreed that these are limited to visual effects from within or adjoining the Site, which is often the case with any development on greenfield land. It is agreed that these would be localised and principally focused within and adjoining the Site upon receptors of high sensitivity.
- 9.138. It is agreed that there are significant beneficial effects are identified for socio-economic effects in relation to increased housing provision, and economic benefits during both the construction and operation of the Proposed Development.
- 9.139. It is agreed that all other effects with the inclusion of relevant mitigation identified within the ES are considered not significant as a result of the Proposed Development.
- 9.140. It is agreed that the ES demonstrates that the design of the Proposed Development and its construction has taken into account the potential environmental effects and where necessary mitigation measures form an integral part of the Proposed Development so to ensure that the environment is suitably protected and any impacts from the Proposed Development are minimised

Scheme Benefits

- 9.141. It is agreed that the following scheme benefits are identified as:
- Delivery of up to 420 dwellings on an allocated site that contributes towards the Council's Housing Land Supply in proceeding 5 year period.

- 30% on-site affordable housing provision (up to 126 dwellings, this is to be split between affordable rent and shared ownership)
- 6.63ha of on-site public open space including drainage.
- Pedestrian and Cycling Routes
- Provision of Tram Safeguarding Route
- Delivery of 4 arm access – including first element of the Link Road proposed to the East of Stapleford Road
- Potential undergrounding of High Voltage Cables

Locational Sustainability

- 9.142. It is agreed that the is a sustainable location for development, in terms of existing sustainable transport provision (particularly NET (Tram Station)) and nearby local services and facilities Both parties agree that the site is sustainable, including the potential impact upon local services.
- 9.143. It is agreed that subject to the necessary conditions and obligations to be secured through a Section 106 Agreement, the proposed development can be appropriately catered for by services and provisions within the allocation and nearby communities of Toton, Stapleford and Chilwell.

10. Planning Conditions

Planning conditions have drafted by the Local Planning Authority as part of the 1st July Planning Committee Report and decision, these will provide the basis for final drafting and negotiation.

11. Draft Planning Obligations

- a. The Appellant has agreed to enter into a section 106 agreement which provides for a range of contributions. The agreed planning obligations are provided below:

S106 Off-Site Contributions

Infrastructure	Contribution	Item
Primary Education	£1,755,180	£ £4,179 per dwellings towards provision of a primary school (2 FE primary school with 39 nursery places) on allocation (calculated per dwelling across the strategic allocation - 2,700 dwelling)
Secondary Education	£2,028,090	Based on 67 place requirement charged x £30,270 per place to be used to create capacity at Alderman White School. Bramcote College, Chilwell School and/or the George Spencer Academy
SEND Provision	£209,112	(2 places x £104,556) – current shortage of specialist places for pupils with SEND. Monies to be used towards expanding special school facilities or to fund the provision of specialist provision attached to a mainstream school
Bus Service Contribution	£578,000	Charged at £1,376 per dwelling – Service 510 terminates at the Toton NET Park & Ride terminus and provides a basic daytime Monday to Saturday service which focuses on local connectivity from the Toton NET stop. The stop exceeds the 400 metre walk distance guidance for all of the site. Enhancements to the local bus network will be required to provide access to key destinations to access services including employment, education, health, shopping and leisure and to support access to the NET Tram interchange and Local Centre.
Bus Stop Infrastructure	£56,800	Provide improvements to the two bus stops, BRO118 & BRO117 Katherine Drive.
Libraries	£18,750	966 (population) x 1.532 (items) x £12.67 (cost per item) – identified shortfall in stock at Stapleford Library

Primary Care	-	No formal response received
Cycling and Walking Routes	£800,000	The proposal site is located within close proximity of the strategic cycle network, with a route along B6003 Stapleford Lane and connections to Toton Lane tram stop/park and identified within the D2N2 LCWIP as priorities within as long-term priorities. As such, the County Council is planning to construct these routes within the next few years, subject to securing sufficient government and developer funding
Community Transport	£126,000	£300 per dwelling - Contribution towards the Helpful Bureau who operates a Community Transport social car scheme, minibuses and Wheelchair Accessible Vehicle access scheme providing registered users who do not have access to, or use of a private vehicle, access to key services including shopping and health.
Public Open Space Maintenance	£338,986	Only applicable if the Council adopt the proposed Open Space.
Total	£5,910,918	

S106 On-Site Provision

Infrastructure	Provision
Affordable Housing	30%
Open Space Provision	(on-site)

- b. The obligations above are proportionate and are necessary to make the development acceptable in planning terms.
- c. A Section 106 Agreement will secure the above.

11.1. It is agreed that the S106 package (including contributions not agreed – see Section 11) will need to be tested to ensure that it meets the CIL Tests set out in Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended). The submitted draft S106 Agreement includes a 'blue pencil' clause where the application of the obligations will be contingent upon the Inspector's appeal decision, if allowed.



- 11.2. During the preparation of the latest version of the Section 106 agreement, it is agreed that the above contributions are considered appropriate. During the course of the negotiations, it is agreed that the previously suggested Open Space Capital Contribution and Primary Healthcare contribution are no longer required and has been removed from the S106 agreement.

12. Matters Not Agreed

Highways – Cumulative Assessment

- 12.1. The LPA consider that they are unable to determine the planning application submission due to the requirements of both the Highways Authority and National Highways requiring a cumulative assessment to be taken for the whole allocation ahead of determination of the single application. Both consultees have subsequently refused to review the submitted Transport Assessment justifying that the proposed development can be brought forward for development based on current conditions subject to limited mitigation.
- 12.2. Discussion are ongoing and as of the afternoon of 1st June 2026 a meeting has been held with National Highways, the Highways Authority (NCC) and Broxtowe Borough Council. Parties have agreed where possible to work collaborative over the coming week to narrow highway issues ahead of the Inquiry. This will inevitably lead to further update of the Statement of Common Ground over the upcoming months.
- 12.3. The applicant is of the view that a decision can be taken on the transport assessment submitted as part of the planning application.

Appendix A – List of documents submitted with the planning application and in response to consultee comments

A list of all plans, drawings and documents submitted with the application to the LPA

- Site Location Plan (ref: P23_2379_DE_009_B_01 – Site Location Plan)
- Illustrative Masterplan (P23_2379_DE_014_B_01 – Illustrative Masterplan_R)
- Parameter Plan (P23_2379_DE_015B_01 – Parameter Plan)
- Illustrative Landscape Masterplan (P23_2379_EN_0007_B_S1 ILMP_R)
- Planning Statement (RO01 v4 Planning Statement)
- Statement of Community Involvement (RO01v5 Statement of Community Involvement – 2025 04 07)
- Design and Access Statement (P23_2379_DE_G002A – DAS_R)
- Covering Letter (LO01v1 EM ASI – Application Covering Letter)
- Sustainability/Energy Statement (Energy Statement – Toton West v3)
- Environmental Statement (ref: P23-2379_Toton_West_ES) Covering matters of:
 - Contents Page
 - Chapter 1 Introduction
 - Chapter 2 Assessment Scope and Methodology
 - Chapter 3 The Site
 - Chapter 4 Proposed Development and Alternatives
 - Chapter 5 Socioeconomics and Health
 - Health Impact Assessment
 - Chapter 6 Landscape and Visual Amenity (including LVIA)
 - Chapter 7 Biodiversity
 - Ecological Appraisal
 - Biodiversity Net Gain Statement
 - Arboricultural Impact Assessment
 - Chapter 8 Cultural Heritage
 - Chapter 9 Transport and Access
 - Transport Assessment (including access drawings)
 - Framework Travel Plan
 - Chapter 10 Air Quality
 - Chapter 11 Noise and Vibration
 - Chapter 12 Flood Risk and Drainage
 - Flood Risk Assessment
 - Drainage Strategy

- Chapter 13 Contaminated land/ Ground Conditions
 - Phase 1 Ground Assessment
- Chapter 14 Soils and Agricultural Land
 - Soils and Agricultural Land Report
- Chapter 15 Climate Change
- Chapter 16 Lighting
 - Lighting Strategy
- Chapter 17 Summary
- Chapter 18 Glossary
- Chapter 19 References
- Environmental Statement Appendices and Figures:
 - Appendix 1.1 EIA Statement of Expertise
 - Appendix 2.1a Summary of Toton North Scoping
 - Appendix 2.1b BBC EIA Scoping Opinion Toton North
 - Appendix 5.1 Health Impact Assessment
 - Appendix 6.1 Methodology
 - Appendix 6.2 Sensitivity
 - Appendix 7.1_EcoApp
 - Appendix 7.2 BNG Report_Rev A May 25
 - Appendix 7.3 Bird Report
 - Appendix 7.4 Arb Assessment
 - Appendix 8.1 Technical Heritage Baseline
 - Appendix 9.1 Transport Assessment
 - Appendix 9.2 Travel Plan
 - Appendix 10.1 – 10.5 Air Quality Appendices
 - Appendix 11.1 Summary of Background Survey
 - Appendix 11.2 Planning Noise Assessment Report
 - Appendix 11.3 Road Traffic Data
 - Appendix 12.1 FRA and SWD Strategy p1
 - Appendix 12.1 FRA and SWD Strategy p2
 - Appendix 13.1 Appendix 13.1 D44116 Phase I Report
 - Appendix 15.1 Steps Involved in a CCR Assessment in EIA
 - Appendix 15.2 Climatic Variables Considered for Each Sensitive Receptor
 - Appendix 15.3 Legislation Policies and Agendas Context
 - Appendix 15.4 Local Regional and National GHG Emissions

- Appendix 15.5 Assessment of Resilience of the Proposed Development to Climate Change
- Appendix 16.1 Lighting Strategy
- Appendix 16.2 Lighting Baseline Assessment
- Appendix 16.3 Lighting Receptor Locations
- Figure 1.1 – Site Location Plan
- Figure 4.1 – Parameter Plan
- Figure 4.2 – Illustrative Masterplan
- Figure 6.1 P23_2379_EN_0001_S1_REV – Site Location Plan
- Figure 6.2 P23_2379_EN_0002_S1_REV – Planning Designations
- Figure 6.3 P23_2379_EN_0003_S1_REV – Topography
- Figure 6.4 P23_2379_EN_0004_S1_REV – Landscape Character
- Figure 6.5 P23_2379_EN_0005_S1_REV – ZTV Viewpoint Locations and PRoW
- Figure 6.6 P23_2379 EN_0006_v2 Figure 6 VPs_compressed
- Figure 6.7 P23_2379_EN_0008_S1_REV – Combined ZTV
- Figure 7.1_Consultation Plan Designated Sites
- Figure 7.2_Consultation Plan Species Results
- Figure 7.3_Baseline Habitats
- Figure 10.1 – Existing Sensitive Human Receptors
- Figure 14.1 Agricultural Land Classification
- Figure 15.1 – IEMA Best Practice
- Figure 15.2 – Local Temps
- Figure 15.3 Wind Rose
- BNG Metric (10889 – Statutory Metric – 08 05 2025)
- Completed Notice Form

A list of all plans, drawings and documents which did not form part of the original application

December 2025

- Site Location Plan (P23_2379_DE_009_C_01 – Site Location Plan (Outline))
- Site Location Plan – Aerial (P23_2379_DE_009_C_03 – Site Location Plan – Aerial (Outline)_LR)
- Illustrative Masterplan (P23_2379_DE_014_D_01 – Illustrative Masterplan (Outline)_LR)
- Parameter Plan (P23_2379_DE_015E_02 – Parameter Plan (Outline))
- Preliminary General Arrangement Sheet 1 (B076224-TTE-HGN-XX-DR-CH-010001 Preliminary General Arrangement Sheet 1 [PO3])
- Preliminary General Arrangement Sheet 2 (B076224-TTE-HGN-XX-DR-CH-010002 Preliminary General Arrangement Sheet 2 [PO4])
- Planning Statement Addendum (P23-2379 – Planning Statement Addendum – FINAL)
- Design and Access Statement (P23_2379_DE_G002B – DAS_R)
- Environmental Statement Addendum (P23-2379_ES Addendum Dec 25_231225_final(text&figs))
- Environmental Statement Addendum Figures
 - Figure 1.1a Site Location Plan
 - Figure 4.1a – Parameter Plan (Outline)
 - Figure 4.2a Illustrative Masterplan – Outline
 - Figure 6.1 P23_2379_EN_1000_S1_REV – Site Location Plan
 - Figure 6.2 P23_2379_EN_1001_S1_REV – Planning Designations
 - Figure 6.3 P23_2379_EN_1002_S1_REV – Topography
 - Figure 6.4 P23_2379_EN_1003_S1_REV – Landscape Character
 - Figure 6.5 P23_2379_EN_1004_S1_REV – ZTV, Viewpoint Locations and PRoW
 - Figure 6.6 P23_2379 EN_1005_v2 Figure 6 VPs
 - Figure 6.7 P23_2379_EN_1006_S1_REV – Combined ZTV
 - Figure 7.4 Baseline Habitats
- Environmental Statement Appendices
 - App 7.4 10889 AA_D – (Outline)
 - App 7.5_Spring Bat Data Report
 - App 7.6_Supplemental BBS Report

- App 7.7_BNG Report
- App.9.1 Transport Assessment Report (**SUPERSEDED**)
- App.9.1 251222_328827_TA (Outline Application) – 2 of 4 (Appendices A – D)
- App.9.1 251222-328827_TA (Outline Application) – 3 of 4 (Appendices E – G)
- App.9.1 251222_328827_TA (Outline Application) – 4 of 4 (Appendices H I)
- App 9.2_RTP_(Outline Application)_LR
- App 9.3 Study Area
- App 9.4 2025 Baseline Scenario Traffic Data
- App 9.5 Assessment of Construction Traffic
- App 9.6 Future Year Scenario Traffic Data and Assessment of Operational Traffic Impacts
- App 12.2 19678 – Toton West – FRA & DS Addendum
- Environmental Statement Non-Technical Summary (P23_2379__NTS_ADDENDUM)

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- App 9.1 TA RO04 Rev A (Outline Application)

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- 260417_328827_TN003_Main Response.pdf
- 260417_328827_TN003_Appendices.pdf
- B076224 TTE HGN XX DR CH 010001 PO3 Four Arm Singalised Junction GA S1.pdf
- B076224 TTE HGN XX DR CH 010002 PO5 Four Arm Singalised Junction GA S2.pdf
- B076224 TTE HGN XX DR CH 010021 PO3 Four Arm Singalised Tracking S1.pdf
- B076224 TTE HML XX DR CH 010012 PO2 Four Arm Singalised Geometry S2.pdf
- B076224 TTE HGN XX DR CH 010023 PO2 Four Arm Singalised Tracking S3.pdf
- B076224 TTE HML XX DR CH 010011 PO2 Four Arm Singalised Geometry S1.pdf



BO76224 TTE HGN XX DR CH 010022 PO3 Four Arm Singalised Tracking S2.pdf

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

East Midlands

4 The Courtyard, Church Street, Lockington,
Derbyshire, DE74 2SL
T 01509 670806
E EastMidlands@pegasusgroup.co.uk
Offices throughout the UK.

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