

Planning Ref: 25/00371/OUT
Appeal Ref: 6006412

FAO: Inspector J Gilbert
The Planning Inspectorate

Cc Rodwell St Clair

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Sent via email: caseofficers@planninginspectorate.gov.uk
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Dear Sir or Madam,

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.

**Land West of Stapleford Lane Stapleford Nottinghamshire
APPEAL REFERENCE: 6006412
APPELLANT'S NAME: Robert Gardner Bloor Homes Limited**

I am writing to you with reference to the above-mentioned appeal, which is of interest to National Highways.

For context, National Highways is a statutory consultee in the planning process and is the highway authority for the Strategic Road Network (SRN). Within the vicinity of the appeal site, the SRN consists of the M1 motorway and A52 trunk road.

Engagement with the appellant

National Highways would initially like to respond to the appellant's stated reason for the appeal being lack of engagement from highways consultees. As statutory consultee,

National Highways is required to respond to formal consultations within 21 days. We also endeavour to maintain this response window through informal consultations.

The below sets out the timeline of consultations relevant to the appeal as follows:

- On 27 February 2025, National Highways received an informal consultation on three sites in the Toton area ('Toton North', 'East' and 'West' parcels) from ADC Infrastructure, on behalf of the appellant. Although this submission was focussed primarily on the two sites which are not the subject of this appeal (ADC stated that the Transport Assessment for the West parcel was still being finalised), it did provide context on the strategy for the allocation as a whole, stating that three separate TAs were being produced – one for each site. Our 27 March response provided detailed advice on the submitted TAs to support the progress of the development. The content of this response included an explanation of why the impacts of the site as a whole should be assessed, as opposed to a piece-meal fashion with each site being assessed independently. It also sought clarification on the strategic modelling to ensure that this work was being carried out correctly and requested submission of the LinSig junction models (used for the capacity assessments in respect of SRN junctions).
- On 16 April 2025, National Highways received a formal consultation on the East parcel (application reference 25/00255/FUL). Our formal response was provided on 7 May 2025. Again, although this application is not the subject of this appeal, considering our advice that the combined site be assessed as a whole, and as no response was yet provided on the above, our advice aligned with that provided on 27 March.
- On 30 April 2025, National Highways received a formal consultation on the North parcel (application reference 25/003036/OUT). Our formal response was provided on 21 May 2025, and although tailored to this application it remained in line with the above.
- On 3 June 2025, National Highways received a formal consultation on the West parcel (application reference 25/00371/OUT). Our formal response was provided 18 June 2025, and although tailored to this application it remained in line with the above.
- On 20 November 2025, Mode / Systra on behalf of the applicant prepared and submitted *TN01 –Toton EMGM Strategic Modelling Validation* and *TN02 - Toton - Reference Case Assumptions* reports regarding the progress of the East Midland Gateway (EMGM) strategic modelling work. National Highways responded to Mode on 5 December 2025.

- On 13 January 2026 we received a formal re-consultation on the West parcel (25/00371/OUT). National Highways would expect to have received consultations responding directly to the requests and advice provided in previous consultations. However, the consultation received did not follow the advice previously provided, nor had the LinSig models we requested been submitted for review. We responded to the formal consultation on 28 January 2026.
- On 26 January 2026, we received formal consultation on the Hybrid application (25/00928/FUL) which is for the same 420 dwellings as the West parcel application 25/00371/OUT. We responded to this consultation on 11 February 2026 in line with our previous responses as above.
- On 28 April we received the latest formal re-consultation on the West parcel (25/00371/OUT). We responded to this on 15 May, acknowledging the statement from the applicant that the requested cumulative assessment for all parcels (Toton West, East and North) is now being prepared using the East Midlands Gateway Model (EMGM). Again, the LinSig model files were not provided and were again requested to enable our review. These were finally provided on 26 May 2026 and we are currently reviewing these.

The above demonstrates that National Highways has been proactive in engaging with the applicant in a timely manner, providing comprehensive advice to support the progress across all four applications as mentioned above.

The above timeline should be referred to in considering the following statement on page 3 of the Statement of Case, prepared by Pegasus Group: "Nottinghamshire County Council Highways and Highways England (National Highways) have refused to engage in the determination of the application, citing the absence of a wider modelling exercise for the wider allocation as the justification for their stance, the reasonableness of which will be the subject to debate at the appeal."

Outstanding Matters

Page 3 of the appellant's Statement of Case maintains that "with the exception of vehicular access and the impact of the proposals on the surrounding highway network, all technical matters are either resolved or expected to be resolved before an appeal is determined."

It is this "impact of the proposals on the surrounding highway network" which the applicant acknowledges is outstanding, that is precisely the reason National Highways has advised this application not be determined.

However, there are two distinct elements outstanding (i.e.: 1. the standalone assessment, and 2. the cumulative assessment) and so to provide further clarity, we will now set out our current position on both.

Standalone assessment

The standalone assessment considers the West parcel (i.e.: the appeal site) as an isolated site, and as per the above timeline, the LinSig modelling work was requested on multiple occasions so that we could verify the outputs presented in the TA. As mentioned, we first requested the LinSig modelling files on 27 March **2025**, yet only received these on 26 May 2026. Our review of these modelling files is now in progress.

Without prejudice to this review, our position is that this development will exacerbate existing congestion on the adjacent local road and nearby A52 potentially resulting in a severe impact and safety concern, in the absence of appropriate mitigation. Notwithstanding this, we support the applicant's right to demonstrate through suitable transport evidence if this is the case.

Cumulative assessment

Even if the standalone assessment can demonstrate that the development can be accommodated on the existing highway network, allowing part of a strategic allocation to come forward before the wider infrastructure needed to accommodate the full allocation is identified and a delivery mechanism set out, presents a significant risk to the growth aspirations for the wider allocation coming to fruition. This is because the off-site highway mitigation for the remainder of the site is likely to be required prior to first occupation, and without the cost and responsibility of delivering that mitigation being distributed proportionately, the remaining parcels would be left to bear the full cost, potentially rendering those developments commercially unviable. In addition, any infrastructure delivered solely for the purpose of this initial development could end up being abortive. It is for this reason that we have maintained the requirement for a cumulative assessment.

Indeed, this requirement for a cumulative assessment has been acknowledged by the appellant, as per an email dated 8 May 2026 from Pegasus (on behalf of the appellant) which stated that "the cumulative assessment has been instructed and is being undertaken by Systra. This is a clear commitment made and should provide both highways consultees with the confidence that an appropriate assessment will be undertaken where it is necessary."

We welcome that the need for this cumulative assessment has now been acknowledged by the appellant, and we are optimistic that this piece of work will represent a major milestone in addressing the outstanding matters we have continued to raise over the past fifteen months. Nonetheless, until this piece of work has concluded, including our review, we consider it would be premature for the appeal site to be determined, for the reasons set out.

Notwithstanding that a commitment to undertake a cumulative assessment has now been given, we recognise that disagreement on this matter has surfaced and may continue to be the subject of debate if this appeal progresses.

To help address this matter, we have provided a short summary of relevant policies, which in our view, support our position.

National Policy

The National Planning Policy Framework (NPPF, December 2024) stipulates that “development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe, taking into account all reasonable future scenarios” (paragraph 116).

Fundamentally, our position is that the absence of a cumulative assessment as part of the planning application for this site, means that the appeal site does not conform with the NPPF.

We acknowledge however that the NPPF does not define what is meant by ‘cumulative impacts’. We therefore would draw attention to Department for Transport (DfT) Circular: Strategic Road Network and the Delivery of Sustainable Development (01/2022) for assistance in this regard.

The Circular stipulates that “a transport assessment must consider existing and forecast levels of traffic on the SRN, alongside any additional trips from committed developments that would impact on the same sections (link or junction) as the proposed development”. It adds, “where development proposals are consistent with an up-to-date plan or strategy (or where there is no up-to-date plan or strategy), this should include all relevant development that is consented or allocated where there is a reasonable degree of certainty that it will proceed within the next three years and include the full amount of development to be built” (paragraph 49 and footnote 21).

As the appeal site is allocated in the Broxtowe Part 2 Local Plan (adopted 2019), which covers the period to 2028, we can conclude that the site is consistent with an up-to-date plan. We can also conclude that given that the remaining part of the Toton site (i.e.: Toton East and Toton North) is allocated in the emerging Greater Nottingham Strategic Plan (GNSP) and subject to two live planning applications (as mentioned earlier), it is

reasonable to assume that they could proceed within the next three years. As a minimum therefore, we would (and have) suggested that these parcels be included in the cumulative assessment.

Local Policy

The Broxtowe Part 2 Local Plan also emphasises the need for development proposals in Toton to be planned in “a joined-up collaborative, cohesive and proactive approach” rather than in isolation from the wider network and stipulates that “highway infrastructure must be considered in conjunction with requirements for the Chetwynd Barracks allocation.” It further sets out that “development proposals must contribute proportionately towards the delivery of those infrastructure items set out in this policy and in the Infrastructure Delivery Plan” (Policies 3.1 and 3.2).

The above policy identifies the need for a strategic masterplan as a means to facilitate this cohesive approach, which led to the preparation of The Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (adopted February 2023). However, whilst the SPD reinforces the requirement for infrastructure to be planned and delivered on a coordinated, site-wide basis; it does not itself meet this objective and is not underpinned by any traffic modelling.

In the absence of this site-specific evidence base, we have no clarity on how development proposals will “contribute proportionately to the delivery” of highways infrastructure. As such, to approve an isolated parcel within the allocation prior to any further insight on this matter, that particular development would presumably not ‘contribute’ at all. Certainly, we have received no information to the contrary. As such, we consider that, approval of the appeal application as it stands, would be in direct conflict with the Broxtowe Part 2 Local Plan.

Emerging Policy

Notwithstanding that the Broxtowe Part 2 Local Plan is the only adopted and up-to-date plan with respect of the appeal site, we acknowledge that the allocation for Toton has been carried forward to the emerging Greater Nottingham Strategic Plan (GNSP), the Examination in Public (EiP) for which is scheduled to begin in July.

Whilst we will give our full representation on the GNSP in due course, it is noted that there is nothing in the GNSP that fundamentally changes the Broxtowe Local Plan policies set out above. In fact, it restates the need for off-site highways infrastructure “to

which all development must contribute” (policy 21), which leads us back to our earlier point.

Summary and Conclusion

In summary, we have concerns that the appeal site in isolation may have a severe impact on our network, and at the very least, the appellant has not demonstrated that this is not the case.

In addition, we consider that irrespective of the standalone assessment, the cumulative impacts of this development alongside the remainder of the allocation need to be demonstrated, in accordance with national and local policy.

Considering the above, our position is that the appeal site does not conform with paragraph 116 of the NPPF and other planning policies, and therefore the appeal for non-determination should be dismissed.

It may be helpful to those concerned, for us to present our case in more detail and to answer questions as required during the appeal process. To facilitate this, we request to participate in the appeal inquiry as a Rule 6 party.

Yours sincerely,



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Midlands Operations Directorate
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