

Statement of Case.

Land at West of Stapleford Lane, Stapleford Nottinghamshire.

Appeal against non-determination of an 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.

On behalf of Bloor Homes Limited

Date: March 2026 | Pegasus Ref: P23/2379

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Appendix A – Other Supporting Documents List

1. Introduction

- 1.1. Pegasus Group is instructed by Bloor Homes ("the Appellant") to act on its behalf in preparing this Statement of Case. This appeal is made pursuant to section 78 of the Town and Country Planning Act 1990 (as amended) ("TCPA 1990"), against the failure of Broxtowe Borough Council ("the Council") to determine an outline planning application within an agreed extended period for determination for the application.
- 1.2. This Statement of Case is submitted pursuant to the Town and Country Planning (Inquiry Procedure) (England) Rules 2000, as amended by the Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009 and the Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013.
- 1.3. This Statement should be read alongside all documents submitted in support of the planning application, and similarly, those submitted in support of this appeal.
- 1.4. Appendix A lists those documents relied upon within this Statement which have not otherwise been submitted with the appeal, to accord with the Planning Inspectorate's appeal guidelines.
- 1.5. The Appellant reserves the right to update this Statement of Case, the draft Statement of Common Ground, draft S106 Agreement and provide supplementary evidence, where necessary, to address issues raised by the Council, including, but not limited to, any putative reasons for refusal.
- 1.6. To assist the Inspector the following summary set out the context of this appeal being made:
 - This Appeal is made against the non – determination of this planning application by Broxtowe Borough Council.
 - The Appeal Site is allocated for housing in the adopted Development Plan and are development plan compliant and acceptable in principle
 - 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.
 - Nottinghamshire County Council Highways and Highways England 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.
 - It is anticipated that the appeal will focus on vehicular access and the impact of vehicular traffic generated by the proposals on the surrounding network only.
- 1.7. Alongside the submission of this Statement of Case, a comprehensive draft Statement of Common Ground has also been prepared with the benefit of early engagement with the Local Planning Authority. The Statement of Common Ground sets out agreed positions across a number of topic areas and limits the number of unresolved issues ahead of an Inquiry.

Appeal Site

- 1.8. The appeal site comprises and extends to approximately 19.62 hectares (ha). Situated within the administrative area of Broxtowe Borough Council, 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.
- 1.9. The majority of the northern extent of the Site is bound by hedgerow, beyond which are further field parcels which are 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.
- 1.10. The east of the Site is adjoined by the B6003 Stapleford Lane. The Toton Lane Tram Stop and Park and Ride is located c. 450m to the north east of the proposed site access, providing frequent tram connections into Nottingham City Centre, via Beeston and the University of Nottingham main campus. This tram stop meets the definition of a 'well-connected' station as defined in the draft of the National Planning Policy Framework published in December 2025.
- 1.11. The tram is "well connected" as it is located within one the top 60 Travel to Work Areas, by Gross Value Added and it has a service frequency (in the normal weekday timetable) of four trains or trams per hour overall, or two trains per hour in any one direction.
- 1.12. 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).
- 1.13. Finally, the west of the Site is bound by the Toton Sidings Local Wildlife Site (LWS), beyond which lies the DB Toton Cargo Railway Terminus.
- 1.14. The George Spencer Academy 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.
- 1.15. The Site is proposed to be accessed from Stapleford Lane.
- 1.16. For planning purposes, the site is allocated as part of a mixed-use development within Broxtowe Borough Council's Local Plan Part 2 under Policy 3.2 Land in the vicinity of the HS2 Station at Toton (Strategic Location for Growth).

Planning Application

- 1.17. The application which is the subject of this appeal was registered as valid on the 20th of May 2025 and assigned the reference 25/00371/OUT.
- 1.18. 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.."

- 1.19. The application was supported by a suite of documents and plans, including an Illustrative Masterplan (ref: P23_2379_DE_014_D_01 – Illustrative Masterplan (Outline)_LR) which depicts the potential general arrangement of the site. A Parameter Plan (P23_2379_DE_015E_02 – Parameter Plan (Outline)), setting out the key parameters for the development of the site in terms use and height. From the original submission the scheme has been updated to incorporate consultee comments and minor amendments including a safeguard route for an extension to Nottingham Express Transit (NET Tram) and the inclusion of a four arm signal controlled crossroads junction.
- 1.20. The site is to be accessed through the provision of a new four arm signal controlled crossroads junction on the B6003 Stapleford Lane, as shown on drawings refs: B076224-TTE-HGN-XX-DR-CH-010001 Preliminary General Arrangement Sheet 1 [PO3] and B076224-TTE-HGN-XX-DR-CH-010002 Preliminary General Arrangement Sheet 2 [PO4]. The Site access route will include a 3m wide shared foot/cycle route to the north of the carriageway and a 3m segregated cycle route and 2m footway to the south of the carriageway. The Site access junction will provide signal-controlled pedestrian and cycle crossings on all arms.
- 1.21. The proposed development will, incorporate a mix of house types and a policy compliant 30% affordable housing to be delivered on-site.
- 1.22. Further to the above, the appeal site proposes to also provide, amongst other things, a Local Equipped Area for Play ("LEAP"), on-site open space provision, pedestrian and cycle links to the wider area and the undergrounding of overhead electricity cables.
- 1.23. In December 2025, amendments and supplementary details have been provided in response to consultee comments and through the development of the scheme, in the form of an Addendum. Consultees have subsequently been reconsulted on the revised development proposals.
- 1.24. The final list of documents submitted in support of the application is set out within the draft Statement of Common Ground.
- 1.25. Following the re-consultation, a technical objection on Highways raised by the Nottinghamshire County Council (the Local Highways Authority) and National Highways remains outstanding. Both consultees have regrettably refused to comment, as part of their formal responses, on the standalone capacity assessments presented as part of the latest TA. From the outset both consultees have stated that they require a cumulative assessment of a number of proposals to be undertaken using the East Midlands Gateway Model (EMGM).
- 1.26. As referenced within the TA submitted as part of the application, cumulative assessments for Toton West, East and North are indeed being prepared, through use of the EMGM. The model is not, however, readily available in terms of its ability to assess the impact of the proposed development site. The reason for this work not being undertaken at submission was due to there not being an up-to-date version of the model that was capable of running a Do Something scenario (with development) testing in its existing state. The appellant's highway's consultant Mode have therefore had to commission SYSTRA to undertake a significant amount of work (namely completing a model validation assessment and preparing

a suitable up-to-date Do Minimum (Reference Case) scenario, prior to engaging in any Do Something (with development) testing; which is at the stage of completion.

- 1.27. Accordingly, the applicant has commissioned SYSTRA (who operate the EMGM) to undertake a significant amount of work to facilitate a cumulative assessment of the transport impacts of the development, alongside Toton North and Toton East. This has included an Area of Influence (AOI) and Model Validation assessment and development of suitable Reference Cases in order to identify a valid future base position, which is required prior to any Do Something (with development) testing being undertaken.
- 1.28. Nottinghamshire County Council Highways and National Highway have been consulted on the work completed using the EMGM to date, and will continue to be consulted during the process. Nonetheless, given the significant amount of work which is required in order to get to stage where an assessment of the proposed development can be undertaken using the EMGM, and the associated timescales for doing so, this requirement adds a significant delay and pressure on to the delivery of new housing within this allocation. The appellants have commenced and committed to utilising the model to understand the wider requirements of the allocation (of which they have an interest in other Toton applications).
- 1.29. Notwithstanding this, as part of the latest application update the appellants have submitted an updated Transport Assessment, which is considered to be fit for purpose to inform the acceptability of the appeal proposals and considers development at Toton West on its own merits, independently of the wider Toton development plans, using an industry standard approach of using trip rates (obtained from the EMGM) and trip distribution (based upon Census Journey to Work data) to understand the likely assignment of development traffic onto the local highway network.
- 1.30. The revised assessment has considered the Toton West site in isolation and confirms that the scheme does indeed have an impact upon the network, however, with mitigation, the scheme will not result in a severe residual cumulative impact, and therefore aligns with the NPPF. The updated Transport Assessment has been submitted in part as a means to encourage meaningful responses from Nottinghamshire County Council Highways and National Highways and for these consultees to properly engage and consider the applications in relation to Toton West on their own merits within existing Highways capacity.
- 1.31. The updated Transport Assessment provides a clear steer that this application can come forward without a reliance on the requested Cumulative Highways Assessment.
- 1.32. For the avoidance of doubt the information submitted to date is fit for purpose and takes account of commitments and allocations which are likely to come forward by the time of the assessment date. It is not considered to be appropriate to require assessments for schemes which are not allocated, nor consented, such as Toton North.

2. Scheme Benefits

2.1. The proposed development will deliver the following scheme benefits:

- 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

2.2. These have been agreed with the Local Planning Authority as part of the draft Statement of Common Ground (Para 8.138).

3. Local Planning Authority Engagement

- 3.1. Over the course of the application, the Appellant has developed a very positive working relationship with the Case Officer(s) at Broxtowe Borough Council, with a number of positive meetings held in respect of this site and the wider allocation.
- 3.2. The LPA have worked with the applicants to engage with both Nottinghamshire County Council and Highways England. The LPA have facilitated wider meetings with both consultees across the wider allocation. Both consultees have continued to provide the same responses requiring a cumulative assessment to be undertaken. Both Highways England and Nottinghamshire County Council- Highways have confirmed that they hadn't reviewed the whole of the Transport Assessment undertaken.
- 3.3. The LPA have confirmed that they would continue to work with the Appellant to reach a positive solution on this matter if further evidence could be provided. This triggered the appellant into undertaking the updated Transport Assessment which has been submitted to the Council as part of an update and addendum to the planning application.
- 3.4. Without a response from both highway consultees considering the allocated site on its own merits, the LPA consider that they are unable to determine the application, therefore an appeal against non-determination is the option of last resort.
- 3.5. During the course of the planning appeal, the appellant will continue to maintain their current relationship with the LPA and work positively with them. This will extend to when the Council identify their putative reasons for refusal, where possible the appellant will to work with LPA to formulate.
- 3.6. Notwithstanding the above, the Appellant reserves the right to broaden the scope of appeal if the putative reason for refusal provided by the Council go beyond the issue identified in this Statement of Case and associated draft Statement of Case.

4. Appeal Procedure

- 4.1. Pursuant to section 319A of the TCPA 1990, the Secretary of State has the power to determine the procedure for section 78 appeals. On the 21st of April 2022, the Planning Inspectorate published guidance¹ on the criteria for determining the procedure for planning appeals.
- 4.2. Under the Inspectorate's guidance, an inquiry is appropriate where:
- There is a clearly explained need for the evidence to be tested through formal questioning by an advocate; or
 - The issues are complex; or
 - The appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing.
- 4.3. The drafting of this guidance shows that these criteria are not dependent on one another; the satisfaction of just one would suffice. Indeed, these criteria broadly align with those at 6.47 of *Sweet and Maxwell's Planning Law: Practice and Precedents*. In the instant case, the first two criteria are particularly relevant (as demonstrated below), but there is also substantial local interest in the case:
- As this appeal concerns the Council's failure to give notice of its decision due to a lack of engagement from Highways Consultees, the Inspector will need to consider highways matters. This will require evidence to be tested through formal questioning and will involve large amounts of highly technical data.
 - The outstanding issue is complex and technical and are set against the context of the Council's requirement to deliver housing.
 - The principal parties cannot adequately present their respective cases over one sitting day (which is normal practice for a hearing)².
 - The Appellant may in the invidious position of having to seek a witness summons to oblige the attendance of representatives of the two highway authorities to provide their views to the inquiry. This can only be done in an inquiry context.
- 4.4. For the reasons set out above, the appellant considers that a public inquiry is both appropriate and reasonable, having regard to all the facts of the case. The extent of public interest is also relevant to the need for a public inquiry. This is substantial and includes intense interest from local ward councillors, and Chetwynd: The Toton & Chilwell Neighbourhood Forum, as well as significant numbers of members of the public.

¹ [Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/105444/Planning-appeals-guidance-2022.pdf)

² 6.31 of *Sweet and Maxwell's Planning Law: Practice and Precedents*.

5. Development Plan and Material Considerations

- 5.1. 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.
- 5.2. 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.

Development Plan

- 5.3. 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.
- 5.4. 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

ACS Policy 2 Spatial Strategy

- 5.5. Although identified as a relevant policy by the Appellant and the LPA within the draft Statement of Common Ground (Para 6.5, Table 1), it has also been agreed that both the Aligned Core Strategy (2014) and the Broxtowe Local Plan Part 2 are beyond 5 years in age, and housing policies have not been reviewed. 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).
- 5.6. It is agreed as per NPPF Paragraph 78, with the Development Plan being over 5 years old, the Council's housing requirement for the calculation of five years housing land supply is now to be based upon the Standard Method calculation. As of the May 2025 the Council's annual housing requirement is now 621 dwellings per annum.
- 5.7. It is agreed that the housing requirement set out in ACS Policy 2 Spatial Strategy is thus out of date.

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
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Material Considerations

The National Planning Policy Framework ("the Framework"), December 2024

- 5.8. The Framework does not purport to change the statutory framework or displace the primacy of the development plan; rather, it is a material consideration for the purposes of section 70(2) of the TCPA 1990 and section 38(6) of the PCPA 2004.
- 5.9. The National Planning Practice Guidance ("NPPG") (Para 006 Reference ID: 21b-006-20190315) makes clear that the Framework represents up-to-date government policy and is a material consideration that must be taken into account where it is relevant to a planning application. If decision takers choose not to follow the Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

Emerging Development Plan

- 5.10. 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.
- 5.11. On 22nd of December 2026 the Authorities submitted the Greater Nottingham Strategic Plan for Examination.
- 5.12. 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)

- 5.13. Paragraph 49 of the Framework sets out that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 5.14. The Council's Emerging Local Plan ("ELP") has not yet been the subject of Examination in Public and significant unresolved objections are yet to be considered by the Inspectors. It is at a stage which several Inspectors and Secretary of State decisions have elsewhere described as attracting limited weight.³
- 5.15. The emerging plan is at an early stage in the examination process and the Inspectors have yet to identify the key areas of issue and discussion for the examination (whilst initial queries of the Council's approach taken to Local Housing Need and its consistency with the NPPF), it is therefore considered that the emerging plan is at a relatively early stage of preparation and there is an initial issue with the Plan's consistency with the NPPF. These matters all underscore that, applying the approach in NPPF paragraph 49, very limited weight should be attached to the emerging plan.
- 5.16. Notwithstanding the above, the emerging Greater Nottingham Strategic Plan includes Policy 21: Strategic Allocation Toton and Chetwynd Barracks (Broxtowe) which sets out the future policy requirements for the whole allocation. The proposed development has been designed to deliver on the key requirements of this emerging policy. The continued allocation of the proposed development demonstrates the LPA's commitment to the delivery of housing on this site and the wider allocation. The allocation is a key component of LPA's housing strategy and delivery trajectory (at least 250 dwellings form part of the Council's 5 year housing land supply). There is clear LPA support and a reliance for development in this location.
- 5.17. The Council's Local Development Scheme anticipates the adoption of the Strategic Plan by December 2026.

Other Material Considerations

- 5.18. The following documents and guidance are also relevant to this appeal:
- Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (SPD)
 - Planning Practice Guidance
 - Nottinghamshire County Council Highway Design Guide
 - National Design Guide
 - The Manual for Streets

³ See [4] of APP/F2605/W/18/3194045; [3] of APP/H2265/W/18/3202040; and [5] of APP/Y3940/W/23/3329064.



- Building Sustainable Transport into New Developments
- Local Transport Note 1/20

6. Representations from Consultees and Interested Parties

Highway Consultee Engagement

- 6.1. Initially, as part of the original planning application submission ADC Infrastructure, on behalf of Bloor Homes, prepared a suite of documents to support the application, including:
- A Transport Assessment (including access drawing);
 - A Travel Plan;
- 6.2. As part of wider discussions, a meeting has been held with Nottinghamshire County Council Highways and National Highways, the focus on the discussion was focussed on the need for a cumulative assessment to be undertaken. Limited discussion or commitment was subsequently received on other highways matters.
- 6.3. Following the Appellant's commitment to undertaking the requested assessment, the Appellant have sought to bring forward an element of development which can be catered for within the existing highways network without having a severe impact, in order to boost housing delivery on a site the Local Planning Authority have included with their housing land supply and trajectory.
- 6.4. Mode Transport Planning have subsequently taken over the role of highways consultant, subsequently at the time of the Outline Addendum submission made in December 2025, the following updated documents were submitted:
- Transport Assessment;
 - Travel Plan; and
 - Environmental Statement (Chapter 9 – Transport and Access).
- 6.5. Consultation responses have subsequently been received by Nottinghamshire County Council Highways and National Highways who have both retained their position of requiring a cumulative assessment to be undertaken before commenting on its own merits.
- 6.6. The appellants will continue to garner a response on the updated assessment undertaken and agree common ground with both consultees, which to date has been limited and not forthcoming. As part of the appeal procedure the appellant will update both the Local Planning Authority and the Planning Inspectorate of any discussions or correspondence undertaken.

Other Consultees

- 6.7. No objections have been received from the consultees listed below (statutory or otherwise) and there are no insurmountable issues. All outstanding matters and/or mitigation measures can be addressed either by way of condition, or by planning obligations:
- 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

6.8. Areas of objection or where no response has been received are detailed below:

- Nottinghamshire County Council Highways – Highways
- National Highways – Highways
- Active Travel England – Highways
- DB Cargo – Noise
- Chetwynd: The Toton & Chilwell Neighbourhood Forum – Principle

Neighbourhood Forum

6.9. Comments have been received from the Chetwynd: The Toton and Chilwell Neighbourhood Forum (CTTCNF). They are the qualifying body that were responsible for the preparation of the Chetwynd: The Toton and Chilwell Neighbourhood Plan (CTTCNP). The CTTCNP was 'made' by Broxtowe Borough Council in May 2024, covering the period 2020 to 2040.

6.10. The Neighbourhood Forum have identified their objection to the appeal site on the following grounds:

1. Failure to consider cumulative and strategic impacts across the SLG and Chetwynd Barracks
2. Non-compliance with affordable housing policy
3. Failure to reflect local housing need
4. Insufficient design quality and local distinctiveness
5. Failure to address environmental and landscaping concerns, including flood risk
6. Inadequate transport modelling and unrealistic modal assumptions
7. Conflict with the statutory Development Plan, including the CTCNP as set-out within our representations and in the accompanying assessment against the CTCNP policies.

6.11. The points raised by the Neighbourhood Forum are not shared by Broxtowe Borough Council and do not form part of the key points to be addressed as has been agreed with Broxtowe Borough Council within the Draft Statement of Common Ground. The Neighbourhood Forum has also taken a similar position as the highway consultee in terms of requiring a full strategic assessment being undertaken, despite evidence demonstrating that some development is able to come forward in advance of the results of any such cumulative assessment being known. It should be noted that some of the points raised relate to detail design concerns that would be subject to reserve matters application once this Outline Planning Application has been determined.

6.12. There has been some engagement with the Neighbourhood Forum by the applicants, they will continue to engage and seek to address outstanding concerns. However, we reserve the right to advance evidence on these otherwise uncontested issues if the Neighbourhood Forum decide to take Rule 6 Party status at an Inquiry, and raise issues which are not taken by the Council.

Interested Parties

6.13. Over the periods of consultation, representations have been received from local residents. Broxtowe Borough Council do not publish these or make them available to the applicant.

6.14. Known issues raised are:

- Increased flooding and insufficient drainage.
- Lack of Wildlife Corridor along southern boundary
- Loss of open countryside.
- Suitable brownfield sites within the vicinity.

- Lack of services/infrastructure.
- Road surfaces have not been properly maintained.
- Increased congestion.
- Adverse impact(s) on existing residents.

6.15. It is important to note that the application the subject of this appeal was supported by a robust evidence base addressing each matter, including, a Transport Assessment, Travel Plan, Planning Statement, Design and Access Statement, Ecological Impact Assessment, Flood Risk Assessment, Air Quality Assessment, Noise Assessment, Lighting Strategy, Heritage Assessment and a Phase 1 Geo-Environmental Assessment. Evidence to the contrary hasn't been provided consultees.

6.16. Matters raised by residents fall within one of two categories. Either they are anecdotal and unsupported by substantive evidence, or they have been addressed satisfactorily by application documents as confirmed in consultee comments received to date.

7. Planning Merits – Principle

- 7.1. The Appellants and the LPA have agreed a detailed Statement of Common Ground that identifies an agreed position as to how the proposed development is considered to be in accordance with the Development Plan (subject to the resolution of highways issues). An overview of the site's compliance with the Development Plan has been undertaken.

Principle of Development

- 7.2. The proposed development consists of the construction of up to 420 residential dwellings and associated open space and infrastructure.
- 7.3. The development site sits within the Local Plan Allocation Policy 3.2 that covers a much wider area. The relevant policy sets out the following policy requirements for the development of the allocation, these are summarised to read:

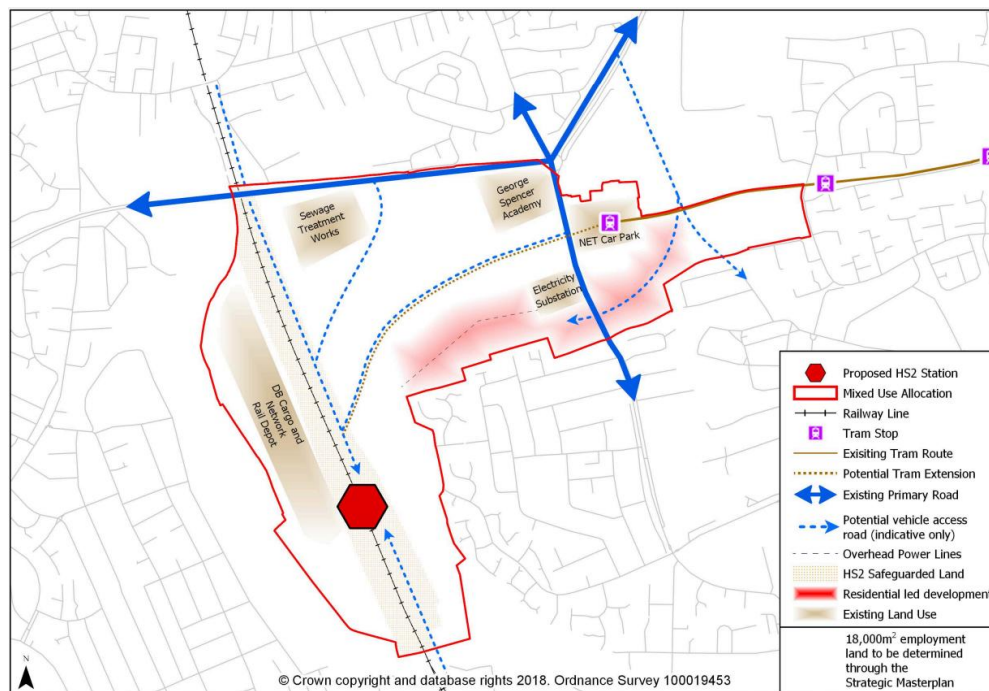
- In general accordance with Map 8: Toton Strategic Location for Growth Illustrative Concept Framework
- 500–800 dwellings within the Plan Period (3,000 dwelling in total)
- Min 18,000sq.m for mixed employment (B Uses)
- Limited retail and community facilities
- Undergrounding of the high voltage electricity 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.

- 7.4. The proposed development of up to 420 dwellings, open space and associated infrastructure is in accordance with the allocation requirements outlined in Policy 3.2.

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

- 7.5. 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)

- 7.6. 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.

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

- 7.7. Employment uses are not proposed for this site and are located elsewhere within the allocation. Their delivery is in no way prejudiced by consenting the appeal scheme.

Limited retail and community facilities

- 7.8. Retail and community facilities are not 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.

- 7.9. 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.

- 7.10. 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 and not carried forward in the emerging Greater Nottingham Strategic Plan). The proposed development is delivering a four arm signal controlled crossroads junction onto Stapleford

Lane to meet the needs of the wider allocation and development sites. The access 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.

- 7.11. 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.
- 7.12. The SoCG (Paragraph 8.18) confirms the Council's agreement that the application complies with the requirements of Local Plan Part 2 Policy 3.2.
- 7.13. The principle of development is clearly established.

8. Planning Merits – Technical

- 8.1. Section 7 of this Statement of Case identifies that the principle of development is clearly established, an assessment on detailed and technical matters which the Appellant and the LPA have determined to be agreed within the submitted Statement of Common Ground.

Socio-Economics and Health.

- 8.2. 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.
- 8.3. 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. The SoCG confirms the Council's agreement that the proposed development is in accordance with the NPPF and the Part 2 Local Plan Policies 24 and 32.
- 8.4. A Health Impact Assessment Checklist has been prepared. The Checklist submitted demonstrates that the proposed development is likely to have a neutral – positive impact on development in term of health. The SoCG confirms the Council's agreement that through the completion of the checklist the application complies with Local Plan Part 2 Policy 24.
- 8.5. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed, especially on an allocated site like this.
- 8.6. The Council are reliant on this site to demonstrate a five-year supply of deliverable housing land (accounting for 250 dwellings). Indeed, the Council's position is currently marginal with a stated position of 5.03 years. Delivery is a significant social benefit of the scheme.

- 8.7. As regards affordable housing, The Greater Nottingham and Ashfield Housing Needs Assessment Report (HNA – October 2020 updated in March 2024)⁴ prepared by Icení consultants and identifies a high level of affordable housing need for rented products across the Plan area, a need for 458 rented affordable homes per annum across Broxtowe. There is a negative need for –42 affordable home ownership products per annum across Broxtowe, resulting in a net need of 416 affordable homes per annum.
- 8.8. The Council in their Authority Monitoring Report for 2024/2025⁵ shows that between 2011 and 2025 that they have only delivered a total of 555 affordable housing completions across the 14 year period (annual delivery average of 40 affordable completions).
- 8.9. The delivery of policy compliant affordable housing (126 units) on-site is a significant benefit that would meet this explicit identified need.

Landscape and Visual Amenity.

- 8.10. The Landscape Visual Impact Assessment undertaken sets out that the Site is 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.
- 8.11. Given the settlement 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. At all events the allocation of the site confirms that this is a location where change is to be expected.
- 8.12. 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.
- 8.13. The LVIA identifies 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, 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.
- 8.14. The assessment considered potential impacts upon the Bramcote Conservation Area. 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.
- 8.15. 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.

⁴ <https://www.gnplan.org.uk/media/khaafn5d/gnsp-and-ashfield-housing-needs-update-march-2024.pdf>

⁵ <https://www.broxtowe.gov.uk/media/occbqsed/authority-monitoring-report-2024-2025.pdf>

- 8.16. 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.
- 8.17. There would be an inherent degree of landscape and visual impact for any largely undeveloped settlement edge site which has been identified as being appropriate 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.
- 8.18. 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.
- 8.19. The proposed development would give rise to some significant residual visual effects, principally to the site itself and land immediately adjacent to it however, these effects would be 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.
- 8.20. The SoCG confirms the Council's agreement that the proposed development complies with the NPPF, Part 1 Local Plan Policies 10 and 16 and Part 2 Local Plan Policies 28 and 30.

Biodiversity and Arboriculture.

- 8.21. The desk and field based baseline investigations have demonstrated that the habitats present within and around the Site do not pose any 'in principle' constraint to the proposed development.
- 8.22. 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.
- 8.23. 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.
- 8.24. 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.
- 8.25. 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.
- 8.26. 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.

- 8.27. The results of the BNG assessment demonstrate that the current proposals with the appropriate landscape detail are likely to be capable of meeting at least the required 10% gains for hedgerow and watercourse units onsite. 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 the exact percentage can be confirmed through the use of the standard BNG condition.
- 8.28. The construction of the four-arm signal controlled crossroads junction on Stapleford Lane 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. These groups of trees consist of those categorised at either Category B or C. As part of the subsequent reserved matters application, an adequate quantity of structured tree planting will be provided to mitigate for any tree removal necessary to implement the development
- 8.29. 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).
- 8.30. The 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. Hedgerow will be replanted behind visibility splays in order to minimise such effect
- 8.31. 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.
- 8.32. The proposed development is considered to enhance biodiversity and protect species, the SoCG confirms the Council's agreement that the development complies with the NPPF, Core Strategy Policy 16 and 17, Local Plan Part 2 Policy 31 and Neighbourhood Plan policies ENVO2 and ENVO3

Cultural Heritage

- 8.33. 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 field 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.
- 8.34. 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.

- 8.35. On the basis of available evidence, the potential for remains of Early Medieval date is considered to be low.
- 8.36. 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. There are no significant finds that have been identified in the Historic Environment Record (HER) from previous field working undertaken.
- 8.37. There are no designated heritage assets located within or adjacent to the Site. Eleven Grade II Listed Buildings and one Conservation Area are located within the 1km study area.
- 8.38. 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 from the proposed new development. 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 meaningful aspect of the setting of any of the assets which contributes towards their overall significance. It is considered and understood to be agreed that no harm would therefore be anticipated to result via a change in setting.
- 8.39. No designated heritage assets beyond the 1km study area are identified as potentially sensitive to the Proposed Development.
- 8.40. Further archaeological investigations will be required to establish the presence, extent, character, significance and level of development impact of the potentially buried archaeological resource within the Site and to formulate specific mitigation strategies, as appropriate.
- 8.41. As per the consultation response from the Nottinghamshire County Council Archaeologist, any further evaluation and any subsequent archaeological mitigation work would be satisfactorily secured as a condition of consent.
- 8.42. The SoCG confirms the Council's agreement that the proposed development complies 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.

Air Quality

- 8.43. The Site is not located within an AQMA, with the closest one is 'AQMA No.2' which is located approximately 3.1km southwest from the nearest AQMA, which is located in the neighbouring NCC administrative area.
- 8.44. Monitored concentrations in the vicinity of the Proposed Development show pollutant concentrations have been well below the AQOs in 2023, the most recently available year of monitoring data.

- 8.45. 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.
- 8.46. 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.
- 8.47. 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.
- 8.48. 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.
- 8.49. The overall construction and operational air quality effects of the Proposed Development are judged to be 'Not Significant'.
- 8.50. The construction phase emissions to air will be controlled by a CEMP and a Construction Traffic Management Plan (CTMP) secured via a condition.
- 8.51. The SoCG confirms the Council's agreement 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 compliance with the NPPF, Core Strategy Policies 1 and 10, Local Plan Part 2 Policy 20 and the Neighbourhood Plan.

Noise and Vibration

- 8.52. The prevalent noise source on the Site is, and will be road traffic on the nearby roads with localised noise along the western site boundary from train pass-bys, train's idling, and occasional train horns associated with the railway sidings to the west.
- 8.53. There is no audible noise on the site either from the park and ride, nor the electrical sub-station, nor the Water Treatment Works.
- 8.54. 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.
- 8.55. In order to reduce the level of noise and vibration upon 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.
- 8.56. 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.
- 8.57. The Council's Public Protection have reviewed the submission in terms of noise and have made no objections or further comments to make regarding the above proposed development.

- 8.58. The SoCG confirms the Council's agreement that the development complies with the NPPF Core Strategy Policies 1 and 10, Local Plan Part 2 Policy 19 and the Neighbourhood Plan.

Flood Risk and Drainage

- 8.59. 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.
- 8.60. 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.
- 8.61. Areas within the site, 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.
- 8.62. Flooding in these areas appear 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, such that run off will be restricted to greenfield run off rates only.
- 8.63. All proposed residential dwellings are located outside areas identified as being at risk of surface water flooding from off-site flows.
- 8.64. 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.
- 8.65. 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.
- 8.66. 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.
- 8.67. The Surface Water Drainage Strategy has been developed in accordance with the hierarchy for sustainable surface water disposal.
- 8.68. 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.
- 8.69. 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.
- 8.70. The proposed attenuation basin would offer sufficient storage for surface water runoff from site. It is agreed that permeable paving and swales will be considered at the detailed design stage, where practicable.
- 8.71. 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.

- 8.72. 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.
- 8.73. Severn Trent Water are obliged to accept foul water flows from a proposed development, subject to the site receiving planning consent.
- 8.74. There is no reason in terms of drainage or flood risk why the residential development should not be fully supported through the planning process.
- 8.75. The Environment Agency have confirmed that they 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
- 8.76. The LLFA raise no objection to the proposed development and have provided suggested wording for a condition, which is acceptable to the Council and the appellant.
- 8.77. The development proposals are therefore considered sustainable from a flood risk and drainage perspective. The SoCG confirms the Council's agreement that the proposed development in terms of flood risk complies with the NPPF, Core Strategy Policies 1 and 16, Local Plan Part Policy 1 and Neighbourhood Plan Policy ENVO2.

Contaminated Land / Ground Conditions

- 8.78. The Phase I Desk Top Assessment confirms that the bedrock geology across the site typically represents suitable bearing strata for conventional shallow foundations.
- 8.79. 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.
- 8.80. 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.
- 8.81. 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.
- 8.82. Radon protective measures are not necessary at the site, in accordance with the Envirocheck report dated 25th November 2024.
- 8.83. 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.

- 8.84. 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.
- 8.85. The appellant will accept a condition requiring the undertaking of further site investigations ahead of the commencement of development.
- 8.86. 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 to be suitable for the proposed end-use from a geotechnical and environmental perspective. The SoCG confirms the Council's agreement that the development complies with the NPPF, the Core Strategy, Local Plan Part 2 Policy 19 and the Neighbourhood Plan.

Soils and Agricultural Land

- 8.87. 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.
- 8.88. 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.
- 8.89. The soil resources on Site 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 on-site it is considered the effects to be minor adverse.
- 8.90. It is agreed that the proposed loss of Best Most Versatile land is allowable as per the Framework Paragraph 187 and 188. 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. Notwithstanding the agricultural land, the Council have chosen to allocate the site for development. The proposed development demonstrates that lower quality agricultural land is being utilised alongside the better quality land.

- 8.91. The Proposed Development will have a negligible effect to soil resources and a minor adverse effect to agricultural land quality. The SoCG confirms the Council's agreement that there are no significant effects of the Proposed Development.

Climate Change

- 8.92. 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, 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. 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.
- 8.93. 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.
- 8.94. 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. The Proposed Development's energy demand has also been reduced by a 'fabric first' approach.
- 8.95. 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.
- 8.96. 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.
- 8.97. The SoCG confirms the Council's agreement that the proposed approach represents a significant reduction in carbon and energy and complies with 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

- 8.98. The Lighting Strategy proposes good practice and outlines a suitable approach for the proposed lighting for the purpose of safety, security, wayfinding and amenity.

- 8.99. 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.
- 8.100. 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.
- 8.101. 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.
- 8.102. 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
- 8.103. The following area is not anticipated to require dedicated lighting.
- Play Space – daytime use only
- 8.104. Mitigation measures are proposed and will be embedded into the design of the final detailed scheme.
- 8.105. The SoCG confirms the Council's agreement that the proposed development is therefore designed accordingly and complies with the NPPF, the Core Strategy, Local Plan Part 2 and the Neighbourhood Plan.

Design

- 8.106. 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

- 8.107. 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.
- 8.108. 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.
- 8.109. The development proposals are the realisation of a clear vision for the site, focused around creating a residential development scheme.
- 8.110. The SoCG confirms the Council's agreement that the proposed development is of appropriate design that will create a new well-designed connected community complies with the NPPF, Aligned Core Strategy Policy 10, Local Plan Part 2 Policies 3.2 and 17 and the Neighbourhood Plan.
- 8.111. 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. The technical matter listed above are considered to have been agreed with LPA within the draft SoCG.
- 8.112. With the exception of a detailed highways response being received from NCC Highways and National Highways in relation to the impacts of the development, the Council have agreed a draft Statement of Ground confirming its position that it believes the site is in accordance with the Development Plan (subject to the resolution of highways issues).
- 8.113. The proposed development would see the first phase of development come forward on the Local Plan Part 2 Allocation made in Policy 3.2. The development of this site will see the first homes come forward within the next 5 years, deliver undergrounding of HV power lines, provide the starting point of the Link Road via the proposed four arm signal controlled crossroads junction on Stapleford Land at the access to the site, infrastructure improvements, promotion of sustainable transport and links within and beyond the development site.



9. Planning Merits – Transport and Access

- 9.1. As discussed at Para. 1.26–1.32 above Nottinghamshire County Council Highways and National Highways have refused to consider the application as whole without a cumulative assessment being undertaken, despite alternative, up to date evidence being provided by the Appellants Highways in the form of a Transport Assessment (ref: App 9.1 TA R004 Rev A (Outline Application)).
- 9.2. The purpose of the updated Transport Assessment was to assess the merits of the proposed development at Toton West independently to the wider Toton development parcels located on land to the east of the B6003 Stapleford Lane in order to demonstrate that the proposed application could come forward and provide early delivery on part of the allocation whilst the cumulative assessment is being undertaken.
- 9.3. The updated Transport Assessment considers development at Toton West on its own merits, using an industry standard approach of using trip rates (obtained from the EMGM) and trip distribution (based upon Census Journey to Work data) to understand the likely assignment of development traffic onto the local highway network.
- 9.4. To determine the existing level of traffic within the study area, a series of Manual Classified Counts (MCC) surveys have been undertaken covering the traditional highway peak periods of 07:00–10:00 and 16:00–19:00. MCC surveys were undertaken on 06/11/25, a neutral working weekday outside of school holiday periods. The survey data is therefore considered representative of typical traffic conditions on the local highway network and robust to use in subsequent junction capacity assessments.
- 9.5. Background traffic growth has then been established using TEMPro, to a 2028 opening year and 2041 future year (consistent with the wider modelling work being completed using the EMGM), to inform detailed capacity assessments undertaken at key junctions on the local highway network.
- 9.6. This approach is used regularly for other similar sites of this scale and nature. There is no legal compulsion for an Applicant to use the Council's preferred model, and in this case the EMGM is a model which is not readily available in terms of its ability to assess the impact of the proposed development.
- 9.7. Whilst the proposals submitted in the updated Transport Assessment do not prejudice the delivery of the other Toton application sites, the updated document provides an assessment of the appeal site at Toton West on its own merits, which demonstrates that residual effects are not severe.
- 9.8. The appellants can confirm that a separate Transport Assessment Addendum will be prepared by mode on behalf of Bloor, following receipt of the modelling outputs from the EMGM. This will consider the cumulative impact of the entire Toton area development (encapsulating development at Toton West, Toton North and Toton East) as per the Highways Consultee responses.
- 9.9. The Transport Assessment confirms that the site is in an accessible and sustainable location with existing walking, cycling and public transport access to and from local amenities and the wider sustainable transport network.

- 9.10. The proposals are located in close proximity to the Toton Park & Ride tram facility (c.720m from the centre of the proposed development site, which equates to a c.9-minute walk or c.3-minute cycle), along with bus stops (two bus stops within 400m) and routes on Stapleford Lane and as such there are great opportunities for future residents on site to access nearby destinations and employers (including Nottingham City Centre, Beeston Town Centre, Nottingham University, the Queens Medical Centre (QMC) Hospital) via methods of active travel or public transport.
- 9.11. The proposed development proposes improvements to better connect pedestrians between the site and the existing footway network and amenities nearby. As such, the site access will encompass signalised crossings on each approach arm to ensure safe permeability across the B6003. Furthermore, shared foot/cycleways will be implemented to the north and south of the access junction to enable better connections between the site and the Toton Lane Park and Ride tram stop.
- 9.12. The Appellant is of the view that the appeal proposals has been developed utilising a vision led approach with the applicant committed to ensuring that the proposed scheme integrates with the key pedestrian and cycle infrastructure in the site's vicinity along Stapleford Lane to ensure that future users of the site have infrastructure available to travel sustainably (via existing significant active travel hubs including the tram network) between the site, key nearby amenities and services, jobs and nearby town and city centres.
- 9.13. A review of the collision data for the highways network surrounding the development site has concluded that there are no inherent highway safety issues which would likely be exacerbated by the development.
- 9.14. Vehicular access to the site is confirmed to be through the provision of a new four arm signal controlled crossroads junction on the B6003 Stapleford Lane. The site access will form the western arm of the signalised crossroads with the eastern arm providing access to potential development at Toton East (currently in determination under planning reference 25/00255/FUL). Whilst this application and access is to be determined on its own merits, from a practical delivery perspective, the access has been designed as a crossroads to provide opportunity for future access into Toton East and ensure the allocated land isn't in any way prejudiced by the delivery of an access only into Toton West.
- 9.15. As part of the access junction, signalised Toucan and Puffin crossings will be implemented on both the B6003 Stapleford northbound approach arm and the Toton East approach arm, respectively. The site access and B6003 Stapleford southbound approach arm will benefit from signalised Toucan crossing facilities. This will enable suitable connections on foot and by bicycle between the site and the Toton Lane Park and Ride Tram Stop, which is considered to be a key opportunity for promoting sustainable travel to and from the site.
- 9.16. A trip generation exercise has demonstrated that the proposed development is forecast to generate an additional 230 and 203 two-way vehicular trips during the AM and PM peak hours. This equates to an additional vehicular trip at source every c.15 seconds in the AM peak period and c.17 seconds in the PM peak period.
- 9.17. Junction capacity assessments have been undertaken at the proposed site access junctions and at the following key off-site junctions on the local highway network:
 - Junction 1 – M1 Junction 25;

- Junction 2 – Bardills Roundabout;
- Junction 3 – Bramcote Island;
- Junction 4 – B6003 Toton Lane / Park & Ride; and,
- Junction 5 – B6003 Stapleford Lane / Swiney Way / Banks Road.

- 9.18. A 2028 opening year and 2041 future year scenario have been considered within the junction capacity assessments, inclusive of committed development and background growth thus a robust level of assessment has been completed. The junction capacity assessments have been based on 100% of the development generated traffic and do not take into account of any proposed measures to reduce private car use, which are promoted as part of the submitted Residential Travel Plan, therefore the actual realised impacts of the development at these junctions are likely to be materially lower.
- 9.19. The results of the junction capacity assessment indicate that subject to the implementation of mitigation schemes at the Bardills Roundabout and B6003 Stapleford Lane / Swiney Way / Banks Road signalised crossroads, the proposed development would not result in any severe impact on the operation of the highway network in the vicinity of the site. This conclusion is also drawn in a sensitivity test scenario in which an adjacent development and its likely mitigation have also been considered at Bardills Roundabout.
- 9.20. The fundamental issue and the reason for the submission of the non-determination appeal is the lack of a response received to the updated assessment that is based upon up to date data. The Appellants and the Local Planning Authority are without input from highways consultees on the robustness and appropriateness of the updated submission and the assessments undertaken. The appellants are still seeking this engagement and will continue to seek to work with the highways consultees to form an agreed position ahead of any inquiry.
- 9.21. Notwithstanding this suggestion and willingness, the focus of inquiry would be on highways issues, the key point though is to confirm the robustness and appropriateness of the updated transport assessment. For the avoidance of doubt the Appellant considers that the information submitted to date is sufficient in order to determine this appeal. These key points however can be broken down into the following strands:
- Would the proposals cause sufficient harm to highways safety and / or the operation of the network, when assessed using the information provided in support of the planning application, to justify the refusal of planning permission? and / or
 - Would / could the grant of planning permission for the Appeal scheme, in the absence of an overarching modelling exercise (which is not a policy requirement), compromise the delivery of the rest of the proposed allocation to the extent that planning permission should be refused?
- 9.22. On the first bullet point, the Appellant's Transport Assessment provide a clear and robust assessment (summarised at paragraph 9.9 and 9.13 above) demonstrating that the proposed development will not cause severe harm to highways safety and the operation of the network.
- 9.23. In relation to the second bullet point the Transport Assessment provides a clear methodology as to why a grant of planning permission can be made in advance of the result of the overarching modelling exercise. In its assessment of the appeal scheme, the transport

assessment is robust as in its assumptions it tests an scenario that includes for an extant planning permission for 282 dwelling (north of the current appeal proposal) in its assumptions.

- 9.24. The submitted Transport Assessment is comprehensive and seeks to establish an initial capacity of dwellings that can come forward initially whilst the wider cumulative assessment is undertaken to allow subsequent mitigation requirements for the wider network including the identification of a trigger point for the delivery of Link Road proposed as part of the Toton North application is identified. The submitted Transport Assessment identifies that an initial capacity of 420 dwellings can come forward within the existing network whilst proposing limited mitigation, without causing a severe impact, which will not compromise the delivery of the rest of the proposed allocation. It is considered that the outstanding highways points are not a reason to withhold planning permission.
- 9.25. On both strands of discussion, the submitted Transport Assessment provides clear justification that this appeal should be allowed. Neither highways consultee has provided evidence to date as to why a planning permission on this appeal site should not be allowed. Moreover the mere fact that a preferred modelling approach might be more to the liking of the LHA is not a reason not to determine whether sufficient information has been provided to demonstrate that the appeal proposals can be satisfactorily accommodated. Even if a further modelling exercise might be more up to date or provide more detail – that does not alter the central question as to whether the information provided to date is ‘fit for purpose’.
- 9.26. The development site is a long-term allocation that was originally allocated alongside the proposed delivery of a HS2 station, the principle of which was established and adopted as part of the 2015 Joint Core Strategy and the 2019 Local Plan Part 2 of which both Nottinghamshire County Council Highways and National Highways have been party to and part of subsequent examinations. Outline Planning permission has previously been granted for a total of 500 dwellings via planning permission ref: 12/00585/OUT, a subsequent reserved matters approval for 282 dwellings was granted via planning permission ref: 17/00499/REM north of the application site, which is extant (but no dwellings delivered). The outline permission has expired. The highways evidence for a standalone development, as per the current site, at the time was considered appropriate for development to be granted subject to relevant conditions and s106 obligations. These interventions have formed part of the development of the current application pending determination. The assessment undertaken has a specific scenario covering this.
- 9.27. If during the appeal process the highways consultees provide further evidence or responses, the Appellant reserves the right to provide further evidence, to update the Statement of Common Ground and/or S106 agreement in response to any points or requests made. The Appellant is of course committed to collaborate with the Local Planning Authority (and with the Highways Consultees if willing) to agree details and/or future triggers, this could be achieved via a specific Highways Statement of Common Ground.

10. Planning Obligations and Conditions

- 10.1. The Appellant has agreed to enter into a section 106 agreement which provides for a range of contributions, including, but not limited to, affordable housing, education, libraries, and public transport.
- 10.2. Most of the contributions are agreed, with the exception of four:
- £800,000 requested by Nottinghamshire County Council towards the provision of strategic cycling and walking route;
 - £126,000 requested by Nottinghamshire County Council towards Community Transport Provision.
 - £442,613 requested by Broxtowe Borough Council toward Public Open Space Capital
 - £338,986 requested by Broxtowe Borough Council toward Public Open Space
- 10.3. Further to the is NHS (ICB) have requested a contribution in relation to primary healthcare. At this time, they have still not identified what level of contribution is expected to be paid by the appellant and where it would be utilises. In principle the appellant is open to accepting a relevant contribution, provided that it meets the tests of policy and law, but will require further details to be provided.
- 10.4. In examining the appropriateness of all contributions, regard must be had to Regulation 122(2) of the Community Infrastructure Levy ("CIL") Regulations 2010 (as amended). Regulation 122(2) prescribes a tripartite test as to when a planning obligation comprises a reason for the grant of permission, ie:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 10.5. The Planning Inspectorate's 'Planning obligations: good practice advice'⁶ identifies at Section 2 that:
- "The following evidence is likely to be needed to enable the Inspector to assess whether any financial contribution provided through a planning obligation (or the local planning authority's requirement for one) meets the tests:
- the relevant development plan policy or policies, and the relevant sections of any supplementary planning document or supplementary planning guidance

⁶ <https://www.gov.uk/government/publications/planning-obligations-good-practice-advice/planning-obligations-good-practice-advice>

- quantified evidence of the additional demands on facilities or infrastructure which are likely to arise from the proposed development
- details of existing facilities or infrastructure, and up-to-date, quantified evidence of the extent to which they are able or unable to meet those additional demands
- the methodology for calculating any financial contribution necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands
- and details of the facilities or infrastructure on which any financial contribution will be spent.

Public Open Space Contribution

- 10.6. The Local Planning Authority have provided a requested for POS Contribution toward capital and maintenance funding totalling £442,612.80 and £338,986.20 respectively. To date the applicant has only received the following calculation and no feedback on where the monies are intended to be spent
- Capital: £1053.84 x 420 dwelling = £442,612.80
 - Maintenance: £807.11 x 420 dwellings = £338,986.20
- 10.7. The Parks and Open Space team have omitted any justification or policy requirement as to the basis of the request. It is also unclear as to the relevance of the on-site open space provision provided by the proposed development and whether the amount delivered on-site effects the request made.
- 10.8. The consultee request has been challenged for a justification which meets the test of policy, guidance and law, but without a response having been received to date.
- 10.9. In light of the above, it cannot presently and reasonably be concluded that the public open space contribution currently requested by the Council, to the sum of £781,599 (Capital and Maintenance), is compliant with Regulation 122(2) of the CIL Regulations 2010 (as amended).
- 10.10. It is anticipated that this matter will be resolved prior to the appeal and a revised version of the SoCG will be provided to confirm this

Cycle and Walking Contribution

- 10.11. The request for this contribution is derived from Nottinghamshire County Council's consultation response.
- 10.12. The comments from the County Council set out that a contribution is secured through a S106 Agreement for the provision of pedestrian and cycling improvements along the LCWIP routes in the vicinity of the proposed development.
- 10.13. It is stated that these routes would directly serve the proposal site and maximise its connectivity to Chilwell, Beeston and surrounding destinations including nearby shops, schools, further education colleges and GP surgeries/hospitals, thus ensuring that the development gives priority to pedestrian and cycle movements and promotes sustainable

transport modes of travel in accordance with the aspirations of the NPPF and local planning policies in the Broxtowe Local Plan.

- 10.14. The total estimated cost of providing a segregated cycle route on Stapleford Lane (from Toton Lane to Swiney Way) is approximately £1,870,000, with a further £200,000 required to install necessary pedestrian crossing facilities. It is suggested that a proportionate contribution would be provided by this proposal and other proposals surrounding Toton Lane Tram Station. The consultation response recommends that this development provides a contribution of £800,000.
- 10.15. The contribution request fails to acknowledge and give credit for, the Sustainable Transport measures proposed by the development including providing improvements to the existing network (including some of the routes identified in the response provided. A number other routes identified fall within the scope of other submitted Toton planning applications where improvements are also proposed. Clarification has been sought as to the appropriateness of the request as to why such additional measures need to be funded in order to meet the tests of policy and law.
- 10.16. In light of all the above, it cannot reasonably be concluded that the Cycle and Walking contribution requested by the County Council, to the sum of £800,000 is compliant with Regulation 122(2) of the CIL Regulations 2010 (as amended).
- 10.17. it is anticipated that this matter will be resolved prior to the appeal and a revised version of the SoCG will be provided to confirm this

Community Transport Provision

- 10.18. The request for this contribution is derived from Nottinghamshire County Council's consultation response.
- 10.19. The comments set out a request for a contribution towards funding for a local community Transport provider, 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.
- 10.20. An assumption is made as to the demand for the Helpful Bureau, which is declared to be expanding with this site and changing demographic profiles with an aging population increasing the demand on services and the number of clients. The current fleet of vehicles is not large enough to host demand for the surrounding community. The level of contribution requested per dwelling is £300 (up to £126,000).
- 10.21. The appellant is of the view that this contribution does not meet the obligation appropriateness test set out in the NPPF and the CIL Regulations. The contribution does not demonstrate how the contribution is both necessary to make the development acceptable in planning terms or is directly related to the development. A per dwelling tariff being applied to the development without any evidence of need generated doesn't demonstrate how the contribution is directly related to the development. It is also queried as to how a contribution towards Community Transport is necessary in planning terms, there is no specific policy requirement requiring the funding of community transport.

- 10.22. In light of all the above, it cannot reasonably be concluded that the Community Transport contribution requested by the County Council, to the sum of £126,000 is compliant with Regulation 122(2) of the CIL Regulations 2010 (as amended).
- 10.23. The Appellant will work and endeavour to work with the LPA and relevant bodies to ensure that a final version of S106 agreement will be agreed in advance of the Inquiry.

Planning Conditions

- 10.24. Section 9 of the draft Statement of Common Ground identifies a summary list of agreed planning conditions and reasons is presented without prejudice basis. During the appeal process the Appellant will work with the LPA and consultees to agree the wording of a final set of conditions.

11. Conclusion

- 11.1. This Statement has been prepared by Pegasus Group, instructed by Bloor Homes. This appeal is made pursuant to section 78 of the Town and Country Planning Act 1990 ("TCPA 1990") against Broxtowe Borough Council's failure to determine an outline planning application within the extended determination period.
- 11.2. By virtue of the Council's failure to give notice of its decision, the Inspector will need to consider a full range of issues (although the Appellant and the Council agree on many issues as detailed in the draft Statement of Common Ground).
- 11.3. The appeal site forms part of an allocation for a mixed-use development within Broxtowe Borough Council's Local Plan Part 2 under Policy 3.2 Land in the vicinity of the HS2 Station at Toton (Strategic Location for Growth).
- 11.4. The proposed development consists of the construction of up to 420 residential dwellings and associated open space and infrastructure. The appeal site sits within the Local Plan Allocation Policy 3.2 that covers a wider area. The development delivers key policy requirements prescribed by Local Plan Part 2 Policy 3.2. The SoCG (Paragraph 8.18) confirms the Council's agreement that the application complies with the requirements of Local Plan Part 2 Policy 3.2. The principle of development is clearly established.
- 11.5. A suite of technical assessments have been prepared to support the development of the site. The findings of which demonstrate that the development is considered to be acceptable by consultees either through the mitigation designed into the development or through the provision of suggested conditions. Section 8 above outlines the significant areas of agreement between the Council contained within the SoCG.
- 11.6. As detailed throughout this statement the main outstanding issue relates to highways and the lack response received from consultees. The key discussion points are:
 - Would the proposals cause sufficient harm to highways safety and / or the operation of the network, when assessed using the information provided in support of the planning application, to justify the refusal of planning permission? and / or
 - Would / could the grant of planning permission for the Appeal scheme, in the absence of an overarching modelling exercise (which is not a policy requirement), compromise the delivery of the rest of the proposed allocation to the extent that planning permission should be refused?
- 11.7. On both strands of discussion, the submitted Transport Assessment provides clear justification that this appeal should be allowed. Neither highways consultee has provided evidence to date as to why a planning permission on this appeal site should not be allowed.
- 11.8. The Appellant reserves the right to update this Statement of Case, the draft Statement of Common Ground, draft S106 Agreement and provide supplementary evidence, where necessary, to address subsequent issues raised by the Council, including, but not limited to, any putative reasons for refusal, or by (highways) consultees in the period ahead of the Inquiry
- 11.9. Procedure wise, it is felt that under the Inspectorate's guidance, an inquiry is appropriate as::

- There is a clearly explained need for the evidence to be tested through formal questioning by an advocate;
- The issues are complex; or
- The appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing.

- 11.10. For the reasons set out above, the appellant considers that a public inquiry is both appropriate and reasonable, having regard to all the facts of the case. The extent of public interest is also relevant to the need for a public inquiry. This is also reflected in the interest from local ward councillors, and Chetwynd: The Toton & Chilwell Neighbourhood Forum.
- 11.11. Notwithstanding, in the instant case, it is clear that this appeal on an allocated development site should be determined in accordance with the development plan. It is respectfully requested that the appeal be allowed on this allocated development site, and that planning permission be granted.

Appendix A – Other Supporting Documents List

Supporting documents not submitted with the appeal application in line with the Planning Inspectorate 'How to Complete your Planning Appeal Form' Guidance which support this Statement of Case

Development Plan Documents

- Broxtowe, Gedling and Nottingham Aligned Core Strategies Part 1 Local Plan (2014);
- Broxtowe Part 2 Local Plan (2019); and
- Toton and Chetwynd Neighbourhood Plan (2024)

National Policy and Guidance

- National Planning Policy Framework
- National Planning Practice Guidance
- National Design Guide
- Manual for Streets
- The Manual for Streets 2
- Building Sustainable Transport into New Developments
- Local Transport Note 1/20

Local Guidance

- Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (SPD)
- Nottinghamshire County Council Highway Design Guide

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

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